



KENYA INSTITUTE OF MASS COMMUNICATION

DRAFT AMMENDED CONSTITUTION

KENYA INSTITUTE OF MASS COMMUNICATION STUDENTS ASSOCIATION (KIMCSA)

Kenya Institute of Mass Communication,

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PREAMBLE

We the students of the Kenya Institute of Mass Communication;

PROUD of our culture and heritage;

HUMBLY submitting to God and recognizing our responsibility before Him, humanity and to ourselves;

HONOURING the selfless efforts and successes of founding and succeeding members;

PROUD of the diversity of members and united by a common purpose and aspirations;

GUIDED by the national values and principles of governance, principles of leadership and integrity and general principles of elections as spelt out in Articles 10, 8, Chapters 4 and 6 of the Constitution of Kenya 2010;

RECOGNIZING the supreme authority of the KIMC Council as provided for under the KIMC Legal Notice No.197 of 2011 (amended 2012), all the Statutes, Rules and Regulations governing the Institute and KIMCSA, the Institute's Service Charter and all the relevant laws of the land;

NOTING that our pursuit for peace, prosperity, academic and social welfare is achievable through the creation of KIMCSA;

APPRECIATING that mentorship is best achieved when as many students as possible are given a chance to learn and take up leadership roles;

EXERCISING our right to choose the form of leadership desirable for KIMCSA;

DO HEREBY DEDICATE OURSELVES to the Institute by approving and proclaiming this Students' Constitution:

- a) As a legal instrument binding the students of the Institute across all Campuses and branches;
- b) As a guideline to obligations, freedoms and the rights of the members of the Association; and
- c) To safeguard student's rights regardless of creed, denomination, nationality, race, gender, culture, academic standing or economic status.
- d) That any provision of this Constitution that is inconsistent with the Constitution of Kenya 2010, the relevant laws of the land, KIMC Legal Notice, Rules and Regulations shall be null and void to the extent of the inconsistency.

CHAPTER 1

1.0 NAME, DEFINITIONS AND OBJECTS OF THE ASSOCIATION

1.1. NAME OF THE ASSOCIATION

The name of the Association shall be **KENYA INSTITUTE OF MASS COMMUNICATION STUDENTS ASSOCIATION** (herein after referred as "KIMCSA" or 'The Association') and replaces KENYA INSTITUTE OF MASS COMMUNICATION STUDENTS ORGANIZATION (KIMCSO) of 2015.

1.2 DEFINITIONS AND ACRONYMS

In this Constitution, unless the context otherwise requires:

- a) "Amend" includes alter, repeal, revoke, rescind, cancel, replace, add to or vary in whole or in part;
- b) "Annual accounts" means the balance sheet, the statement income and application of funds;
- c) "Association" refers to students' Association of the Institute (KIMCSA)
- d) "Bona fide member" means a duly registered student of the Institute.
- e) "Campus" refers to a campus of the Institute;
- f) "CTT" refers to the Caretaker Transition Team;
- g) "Dean of students" has the meaning ascribed to it in the Legal Notice and includes Students Affairs Manager unless excluded expressly or by necessary implication;
- h) "Discontinuation" shall be as prescribed by the KIMC Academic Policy (KAP);
- i) "Disability" includes any physical, sensory, mental, psychological or other impairment, condition or illness that has or is perceived by significant sectors of the community to have a substantial or long-term effect on an individual's ability to carry out ordinary day to day activities.
- j) "Document" means publication or any matter written, expressed by means of figures, that is intended to be used or may be used for the purpose of recording that matter.
- k) "ECI" refers to the Electoral Commission of the Institute;
- l) "Funding" means the various sources of revenue as provided for in Chapter 6 of this Constitution.
- m) "KAP" refers to the KIMC Academic Policy;
- n) "KIMCSA" refers to the Kenya Institute of Mass Communication Students' Association;
- o) "KIMCSA Assets" refers to all property that has been legally acquired by KIMCSA through its own funds and under Clause 6.0.1 of this Constitution.
- p) "KIMCSA Council", also simply referred to as the Council refers to students' central leadership constituted pursuant to Clause 3.1 of this Constitution.

- q) "Student" refers to a person enrolled and paid up at the Institute for the purpose of obtaining academic or professional qualification as approved by the Academic Board of the Institute.
- r) "Transition period" refers to the period starting from the date of expiry of the term of the office bearers before this Constitution takes effect to the date of the first elections under this Constitution.
- s) "Academic Term" refers to the period of study as set by the KIMC Academic Policy.
- t) "Institute" refers to Kenya Institute of Mass Communication.

1.3 OBJECTIVES

1.3.1. The aims and objectives of KIMCSA shall be:

- a. To use all lawful, proper and prudent means to ensure members' aspirations and interests are realized;
- b. To promote students' welfare and safeguard students' rights and freedoms;
- c. To work in close solidarity with student's clubs and societies within the Institute;
- d. To establish relations and understanding with other relevant and non-political associations outside the Institute whose objectives are similar to those of KIMCSA;
- e. To encourage students development of their artistic, professional talents and innovations;
- f. To promote the spirit of representation by ensuring gender equity and facilitating as many students as possible to develop leadership skills;
- g. To improve the student-lecturer professional relationship by developing and enhancing mutual confidence among the students and lecturers;
- h. To work hand in hand with the KIMC Administration and other relevant bodies towards enhancement of students' conditions of living and improvement of facilities at the Institute;
- i. To be a means through which students can nurture responsibility, mentorship and leadership qualities and skills;
- j. To develop positive attitude towards the community through participation in community service and/or giving back to the community;
- k. To work with other bodies both local and international with similar interests in liaison with the Institute;
- l. To raise funds through legal and Institute-approved means in order to sustain its activities;
- m. To be the voice of its members for purposes of advocating for the needs and interests of KIMC students through the principles of democratic representation; and
- n. To foster a sense of community by promoting the cultural, religious, social and sporting welfare of students through clubs, societies, campus Associations and other activities such as community service.

1.3.2 These aims and objects shall be practiced without discrimination on the grounds of age, gender, race, religion, tribe or disability, except that action may be taken to promote equality of opportunity.

1.3.3 No part of the activities of KIMSCA shall be the carrying on of propaganda or political campaign on behalf of or in opposition to any candidate for public office. KIMCSA shall not engage in any political activity that may compromise or be seen to compromise its political neutrality.

CHAPTER 2

2.0 MEMBERSHIP

KIMCSA shall have two classes of members:

1. Ordinary Members
2. Associate Members

2.1.1 Ordinary Membership

1. Ordinary membership to KIMCSA shall be open to all *bona fide* students admitted to KIMC and registered for a course leading to qualification for the award of a certificate, diploma or any other qualification of the Institute.
2. A *bona fide* student is one who has paid fees and registered during the current Academic year.

2.1.2 Associate Membership

All those students of other institutions who at a particular time shall be at the Institute by virtue of collaborations between KIMC and their institutions, or for student exchange program, shall be associate members.

2.2 RIGHTS AND PRIVILEGES OF MEMBERS

- a) Subject to the provisions of this Constitution, only ordinary members are eligible to seek election to any office or position established in this Constitution and to vote at KIMCSA elections.
- b) Any ordinary member may petition the Secretary-General to call a Special General Meeting in accordance with the relevant procedures developed by the Office of the Dean of Students, in liaison with the KIMCSA Council.
- c) A member has right to access all relevant information relating to affairs of the Association including books and records of accounts, audit reports and minutes of meetings subject to the provisions of Clause 8.0.
- d) Any member shall have the right to take part in legal, valid and legitimate meetings and activities organized and run by the Association for its members.

2.3 DUTIES OF MEMBERS

- a) Every member shall solemnly abide by the letter and spirit of this Constitution and shall respect, protect and uphold this Constitution.
- b) Every member is obligated to defend this Constitution, the Legal Notice, Rules and Regulations of the Institute.
- c) All members are under obligation to respect the authority conferred upon the KIMCSA Council by this Constitution and obey the laws, rules and regulations of the Institute, breach of which shall be tantamount to violation of this Constitution.

2.4 CONDUCT OF MEMBERS WITH THE PUBLIC

1. All correspondence to the press or other mass media by Council of KIMCSA or members in their private capacities shall bear their names and addresses.
2. All public statements affecting the Institute which are intended to be issued on behalf of KIMCSA must receive prior written approval of the Director of the Institute.
3. Publishing, writing or distributing anonymous literature of a malicious nature, including placards, and/ or making slanderous and/or irresponsible statements about matters affecting the Institute or Association and shall be subject to disciplinary action by the administration of the Institute.
4. Advertising notices must be in approved designated notice boards and shall be subject to approval by the office of the Dean of Students. However, those responsible shall remove such notice within one (1) week after the advertised event takes place.
5. Correspondence through letters by KIMSCA Council and/or individual members (including students' clubs, movements and religious groups) to Government officers, Foreign governments, Cabinet Secretaries, Members of Parliament, Sponsoring bodies and other such dignitaries or bodies in matters pertaining to the Institute shall be sent through the Dean of Students who will forward as may be appropriate.
6. Invitations to Government officials, politicians, representatives of foreign governments or any other important persons to visit the Institute in their official capacities shall be notified in writing within adequate time to the Director through the Dean of Students.

2.5 ACCESS TO INFORMATION

Access to information in the custody of the Institute shall be in accordance with the Access to Information Act, 2016 as read with the procedures established by the Institute.

2.6 CESSATION OF MEMBERSHIP

Membership to KIMCSA shall cease:-

1. Upon completion of academic or professional program at the Institute;
2. When a student fails to register for any course (and/or subjects on offer) during the academic term;
3. Ceases to be a student on account of transfer to another Institute, death, expulsion or discontinuation by the Institute or separation from the Institute for any other reason certified by the KIMC Director in accordance with the Academic Policy;
4. In the case of Associate Members, upon return to their parent Institution.

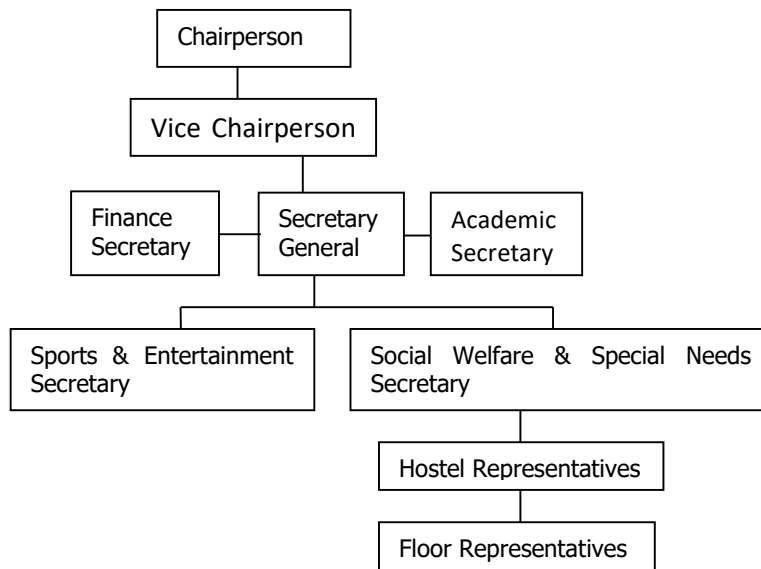
CHAPTER 3

3.0 LEADERSHIP OF THE ASSOCIATION

The Association shall be administered by the KIMCSA Council whose address shall be **Kenya Institute of Mass Communication, P.O BOX 42422-00100, NAIROBI.**

3.1 THE KIMCSA ORGANIZATIONAL STRUCTURE AND THE COUNCIL

1. KIMCSA organizational structure shall comprise:
 - i) a Chairperson;
 - ii) a Vice Chairperson who shall be of opposite gender with the Chairperson;
 - iii) a Treasurer;
 - iv) a Secretary-General who shall be the secretary to the Council; and
 - v) three other members to represent special interests of students namely:-
 - a) Academics;
 - b) Sports and Entertainment;
 - c) Social welfare and special needs.
2. The KIMCSA Council shall co-opt two (2) persons, a male and a female, to represent the male and female hostels respectively, provided that any such co-opted appointments shall be endorsed by the Dean of Students. The co-option shall be in accordance with procedures to be developed by the KIMCSA Council in liaison with the Dean of Students.
3. The KIMCSA organogram structure follows:



4. The KIMCSA Council shall comprise the Chairperson, the Vice – Chairperson, the Treasurer and the Secretary General. The Council shall allow the person in charge of

the office for Academics, Sports and Entertainment or Social Welfare and Special Needs to be in attendance depending on the agenda. Each member of the Council has a single vote. The Chair Person shall have a cast vote in case of a tie.

5. The KIMCSA Council members shall, upon election, take the prescribed oath of office administered by the Legal Advisor of the Institute.

3.2 AUTHORITY AND RESPONSIBILITY OF THE KIMCSA COUNCIL.

1. The collective responsibility of the KIMCSA council shall be exercised by the members in accordance with this Constitution, the KIMC Legal Notice and statutes and regulations and all other relevant laws and such authority shall be exercised:-
 - a) To ensure that all members uphold the Constitution;
 - b) To formulate policies for the proper running and operation of KIMCSA and its organs as shall be determined from time to time;
 - c) To be responsible for the general co-ordination of KIMCSA activities;
 - d) To co-ordinate KIMCSA operations and activities that are common to all campuses and to ensure accurate and up to date records of KIMCSA activities and assets are kept and available for inspection without undue delay at the request of any person who is entitled to have access of such information including but not limited to members of the Association and the administration of the Institute.
 - e) To be a direct link between the Administration of the Institute and the student body.
2. The KIMCSA Council shall be responsible for furtherance and achieving the objectives of the Association as provided for in this Constitution.

3.2.1 CHAIRPERSON

There is established the office of the Chairperson of KIMCSA who shall perform the following duties:

1. Be the overall leader of KIMCSA and the KIMCSA Council;
2. Chair KIMCSA and KIMCSA Council meetings;
3. Represent the interests of the Association to the Administration of the Institute as a whole and at such official functions as may from time be required;
4. Have custody of the KIMCSA Constitution and ensure that the Constitution is free from willful and malicious interference;
5. Ensure maintenance of cordial relationship between various organs of KIMCSA and KIMC Administration;
6. Mobilize approved resources to supplement revenue from internal sources aimed at enhancing students' activities;
7. Subject to this Constitution, perform any other role as may be assigned by the KIMCSA Council.

3.2.2 VICE CHAIRPERSON

There is established the office of Vice Chairperson of KIMCSA who shall perform the following duties:

1. Deputize the role of the Chairperson;
2. Assume the office of the Chairperson in his/her absence in accordance with the provisions of this Constitution;
3. Chair student's dispute resolution sessions;
4. Oversee the activities of registered clubs at the Institute in liaison with the Deanery;
5. Oversee co-curricular activities in collaboration with the Sports and Entertainment Secretary and the Sports Officer;
6. Coordinate mentorship and leadership training programmes in consultation with the Chairperson and the KIMC administration;
7. Ensure maintenance of a cordial relationship between various organs of KIMCSA and KIMC Administration.
8. Subject to this Constitution, perform any other role as may be assigned by the KIMCSA Council.

3.2.3 SECRETARY-GENERAL

There is established the office of Secretary-General of KIMCSA who shall be elected to perform the following duties:

1. Issue notices of meetings of the Association provided that the Secretary-General shall notify the Dean of Students of the intention to hold a meeting at least forty-eight (48) hours prior to the intended meeting.
2. Take minutes of all meetings of the KIMCSA Council and the General Meetings;
3. Keep accurate records of all proceedings and documents of the Association including files and registers;
4. Maintain and have custody of all correspondences of KIMCSA;
5. Keep the register of all members;
6. Ensure accurate and timely dissemination of relevant information to the KIMCSA Council and members;
7. Shall be the spokesperson of the KIMCSA Council and the Association;
8. Subject to this Constitution, perform any other role as may be assigned by the KIMCSA Council.

3.2.4 TREASURER

There is created the office of Treasurer who shall be elected with the authority and responsibility to:-

1. Keep accurate and up to date records of every KIMCSA financial transaction;

2. Prepare the KIMCSA annual budget based on resource ceilings provided by the KIMC Finance Manager and submit it to the KIMCSA Council for consideration and thereafter to the KIMC administration for approval;
3. Ensure safe custody of all KIMCSA books of accounts;
4. Ensure that every payment and expenditure is duly authorized;
5. Be a mandatory signatory to the KIMCSA bank accounts;
6. Present audited reports to the KIMCSA Council and to any other person entitled to such reports upon giving at least seven (7) days' notice;
7. Subject to this Constitution, perform any other role as may be assigned by the KIMCSA Council.

3.2.5 THE ACADEMIC SECRETARY

There is created the office of Academic Secretary who shall be elected by *bona fide* members of KIMSCA to perform the following functions:-

1. Promptly raise any academic issues to the KIMCSA Council;
2. Liaise with the administration for high quality academic standards, facilities and resources for effective and better academic programs at the Institute;
3. Initiate activities aimed at promoting academic excellence and fair competition within the respective departments, faculties/schools;
4. Liaise with the Registrar, Academic Affairs and the Dean of Students in matters relating to student placement.
5. Receive and verify academic related grievances within the Institute and make appropriate recommendations to the relevant authorities;
6. Subject to this Constitution, perform any other role as may be assigned by the KIMCSA Council.

3.2.6. SPORTS AND ENTERTAINMENT SECRETARY

There is created the office of Sports and Entertainment Secretary that shall;

1. Be in charge of sports and entertainment activities and where possible draw up schedules of internal and external activities and timely requisition of transport in liaison with the Sports Officer and the Deanery;
2. Liaise with relevant Institute officers on sports and clubs to ensure proper provision of sports, clubs and entertainment services;
3. Ensure that all activities scheduled and approved by the KIMCSA Council jointly with the Institute administration are implemented;
4. Coordinate sporting activities both within and outside the Institute and liaise with sports captains in handling and solving grievances related to sports;
5. Work with sports captains to consolidate the sports budget in consultation with the Institute administration and advice on acquisition of sports equipment, care and maintenance;

6. Prepare proposals to sources of supplementary funds aimed at sponsoring activities and sports awards for those who display exemplary performance;
7. Supervise games and sports and arrange for election of various captains;
8. Ensure that subscription for outsourced services such as satellite television is paid for in time, take charge of radio, television and amplifying system.
9. Subject to this Constitution, perform any other role as may be assigned by the KIMCSA Council.

3.2.7 SOCIAL WELFARE AND SPECIAL NEEDS SECRETARY

There is created the office of Social welfare and Special Needs Secretary that shall:

1. Cooperate with the appropriate catering office in ensuring the planned menu is followed as far as possible or adjusted according to prevailing circumstances;
2. Ensure that sick or indisposed students in the hostels receive medical attention.
3. Coordinate the activities of the hostel representatives.
4. In the event of loss of a member, coordinate benevolence assistance to the bereaved family;
5. Identify and maintain records of students with disabilities in liaison with the administration and represent the interests of such students in the KIMCSA Council and relevant organizations dealing with persons living with disabilities;
6. Represent the KIMCSA Council in housekeeping and hostel meetings;
7. Subject to this Constitution, perform any other role as may be assigned by the KIMCSA Council.

3.2.7.1 HOSTEL REPRESENTATIVES

There shall be Hostel Representatives co-opted in accordance with Clause 3.1.2 who shall perform the following roles:

1. Ensure that a high standard of cleanliness is attained and maintained in the hostels.
2. Keep records of all members of their halls/ blocks, maintain regularity and promote healthy and peaceful communal living as per the rules and regulations governing accommodation in the Institute and the Rules and Regulations of the Institute.
3. Nominate floor representatives and submit their names to the KIMCSA Council for vetting and approval.
4. Advise the Social Welfare and Special Needs Secretary of any issues arising at the hostels that require action.
5. Subject to this Constitution, perform any other role as may be assigned by the KIMCSA Council.

3.3 LIABILITIES OF THE KIMCSA COUNCIL

The members of KIMCSA Council may be held jointly and severally liable for negligence and for mismanagement of the affairs of the KIMCSA, but in any event shall not be liable for the mistakes of individual members of the Council in their private capacities.

3.4 VACATION OF OFFICE

1. A member of the KIMCSA Council shall vacate office in any of the following circumstances:
 - a) When the office is declared vacant pursuant to provisions of this Constitution for purposes of conducting new elections.
 - b) If a vote of no confidence is cast against a member, in accordance with the provisions of this Constitution.
 - c) If the office bearer ceases to be a member of the Institute.
 - d) If such an office bearer is convicted by a competent court of law of a criminal offence.
 - e) If the said person by reason of infirmity of mind or body is unable to execute the functions of his/her office.
 - f) Through resignation by the office holder.
 - g) If a member is successfully recalled by two-thirds of ordinary members in session that coincide with the period of recalling.
2. In case of vacancy in an office in the KIMCSA Council, the Council shall appoint one person from among eligible members of the Council to act and serve in the vacant office until such position is properly filled.

3.5 CLUBS, MOVEMENTS AND RELIGIOUS GROUPS

All clubs, movements and religious groups shall:

1. Be registered, deregistered and managed by the Dean of Students' office;
2. Be facilitated by the KIMCSA Council as appropriate;
3. Operate in accordance to the law, statutes and policies of the Institute;
4. Work closely with the Sports and Entertainment Secretary and will be supported by KIMCSA Council.
5. Have at least one (1) scheduled activity every academic year.

3.6 STUDENT REPRESENTATION IN THE ACADEMIC BOARD

Representation in the Academic Board shall be restricted to two elected students who may not necessarily be the Chairperson of KIMCSA and elections to these posts will be annually on a rotational basis between campuses and such representatives shall be elected as per the Regulations. Attendance shall be subject to the provisions of the Legal Notice and any other relevant regulatory instrument.

CHAPTER 4

4.0 MEETINGS

There shall be three classes of meetings of the Association which shall be held in respective campus (es) as follows;

1. The annual General Meeting hereinafter referred to as AGM;
2. The Special General Meeting, hereinafter referred to as SGM; and
3. Extra-ordinary General Meeting, also referred to as *Kamukunji*.

4.1.1 ANNUAL GENERAL MEETING (AGM)

- a) The Annual General Meeting shall be held not later than (12) twelve months following the date of the last AGM.
- b) Notice in writing of such AGM, accompanied by the Annual Report and Accounts and the Agenda for the meeting shall be sent to all members not less than twenty one (21) days before the date of the meeting.
- c) The Annual Report and Accounts shall be tabled at the AGM and shall be open for inspection by members.

4.1.2 AGENDA OF ANNUAL GENERAL MEETING

The Agenda of any AGM shall include the following:

1. Confirmation of minutes of the previous AGM;
2. Tabling of Annual Reports and Account;
3. Presentation of the auditor's report;
4. Such other matters as the KIMCSA Council may decide or as to which notice shall have been given in writing by a member or members to the Secretary General at least four (4) weeks before the date of the meeting;
5. Handing over by the outgoing office bearers;
6. Any other business.

4.2 SPECIAL GENERAL MEETING (SGM)

- a) Any general meeting which is not the AGM shall be referred to as Special General Meeting.
- b) A special General Meeting may be called for any specific purpose by the KIMCSA Council by the Secretary General. Notice in writing such meeting and agenda shall be sent to all members not less than (7) seven days before the date of such meeting.
- c) An SGM may also be requisitioned by order in writing to the secretary General by not less than two hundred (200) ordinary members of the Association and such meeting shall be held within 21 (twenty one) days of the date of the requisition.

4.3 EXTRA-ORDINARY MEETING

- a. An Extra-ordinary Meeting shall be called by the Secretary General or in their absence, any other member or members of the Council for any purpose which is an emergency in nature.
- b. The quorum of the extra-ordinary meeting shall be those members present at the meeting, provided that its decisions shall, except where otherwise stated in this Constitution, be subject to the approval of KIMCSA Council.

4.4 QUORUM FOR GENERAL MEETING

Quorum for a general meeting other than an extra-ordinary meeting shall be one-third of ordinary members of KIMCSA.

4.5 SUPREME AUTHORITY

1. The Annual General Meeting of the Association shall be the supreme decision-making body of KIMCSA in the Institute.
2. Any motion proposed for discussion in a meeting of KIMCSA General Meeting shall be determined by a majority of votes of the members present by voting.
3. Any decision made at a general Meeting shall be binding.

4.6 PERMISSION TO HOLD MEETINGS

In addition to any other permits required by law, all meetings and other activities of the KIMCSA to be held within the Institute precincts shall not take place until permission is first obtained from the administration of the Institute.

CHAPTER 5

5.0 ELECTIONS

1. KIMCSA shall hold elections of the KIMCSA Council members every year.
2. Elections shall be held in conformity with the financial year of KIMCSA shall take place on the first Friday of March of every year unless otherwise agreed with the Administration of the Institute.

5.1 GENERAL PRINCIPLES OF ELECTIONS

1. The election process shall be subject to the provisions of this Constitution.
2. Elections shall be free and fair so as to ensure fair representation of KIMCSA members.
3. Elections shall be conducted through secret ballot.
4. Elections shall be conducted through electronic system which shall be secure and free from any form of interference. Manual voting may be recommended under special circumstances.
5. Any ordinary KIMCSA member may contest for any position in the Council subject to the provisions of this Constitution.
6. Those seeking the position of the Chairperson shall nominate a running mate of opposite gender who shall occupy the position of the Deputy Chairperson upon being declared winners by the Electoral Commission as envisaged by this Constitution.

5.2 GENERAL QUALIFICATIONS FOR CANDIDATURE

1. To qualify to be elected in any office in KIMCSA:
 - a) One must be a student of the Institute duly registered and paid for the term during which elections are due to be held.
 - b) One must be a paid up ordinary member of KIMCSA.
 - c) No candidate shall stand for elections in more than one position in an election.
 - d) No candidate shall stand for election in any position unless he or she has been a member of KIMCSA for at least six (6) months and remains with not less than six (6) months to complete studies at the Institute.
 - e) The tenure of service in the KIMCSA Council shall be restricted to one term of one academic year only and no such students shall be eligible to serve in any other capacity.
 - f) One must submit a certificate of good conduct clearance from the Criminal Investigation Department (CID) (Kenya), a certificate of good academic progress and continuity from the Registrar, Academic Affairs of the Institute.
 - g) No student shall be allowed to contest for any elective post in the KIMCSA Council if by so doing it will compromise their academic performance.

- h) To contest, a prospective candidate should demonstrate that class work would not suffer by obtaining an average mean mark of B grade (60%) in the cumulative examinations of the Institute.
 - i) A first year student intending to contest should have obtained an average mean of B grade (60%) of cumulative C.A.T. marks. The fulfillment of the above requirements shall be confirmed by the Registrar (Academics).
 - j) One must be cleared by Electoral Commission as satisfying the requirements for elections in accordance with the provisions of this Constitution.
2. A candidate may be disqualified for contesting any position in KIMCSA elections if :
- a) A member of the Electoral Commission;
 - b) A member of the Caretaker Transition Committee;
 - c) Has had disciplinary issues at the Institute at any given time.
 - d) Has suffered from mental sickness/temporary insanity or any other infirmity that may hinder academic performance and leadership.
 - e) Uses external influence, including members of staff, in the campaign;
 - f) Starts campaigning before the positions are declared vacant by the Electoral Commission.
 - g) Does not meet any other valid requirement as may be declared by the Electoral Commission.

5.3 ELECTORAL COMMISSION OF THE INSTITUTE

1. There is hereby established the Electoral Commission of Institute (ECI), hereinafter simply known as 'Electoral Commission' to conduct and supervise KIMCSA elections in each campus of the Institute.
2. The electoral Commission shall be appointed by a panel comprising of KIMCSA Council members chaired by the outgoing Chairperson from among all training departments of the Institute. Training departments are expected to nominate two representatives to be ratified by the panel (Outgoing Council). The Panel shall approve only one representative from each training department. The Dean of Students shall be an *ex-officio* member of the panel.
3. The Commission shall be appointed to serve for a period of one (1) calendar year. However, the Commission will only be functional by virtue of necessity created by this Constitution.
4. The ECI members shall, upon appointment, take the prescribed oath of office administered by the Institute's Legal Advisor.
5. The Electoral Commission shall carry out its mandate within the Constitution with impartiality and independence and shall not be influenced by any person.

5.4 MEMBERSHIP OF ECI

1. The Electoral Commission shall consist of not less than five (5) and not more than seven (7) Commissioners duly appointed under Article 5.3 and composed of:
 - a. Nominated members pursuant to Article 5.3 of this Constitution; and
 - b. *Ex-officio* member who shall be the Dean of Students or his/her representative and the Institute's Chief Security Officer or his/her representative.
2. The quorum for ECI meetings shall be 50% plus one of all members.

5.5 QUALIFICATION FOR MEMBERSHIP TO THE ELECTORAL COMMISSION

1. One must be a student of the Institute duly registered and paid for the term during which elections are due to be held.
2. One must be an ordinary member of KIMCSA.
3. One must submit a certificate of good conduct clearance from the Criminal Investigation Department (CID) (Kenya), a certificate of good academic progress and continuity from the office of the Registrar, Academic Affairs.
4. One should demonstrate that class work would not suffer by obtaining an average mean mark of B grade (60%) in the cumulative examinations of the Institute.

5.6 DISQUALIFICATION FROM MEMBERSHIP TO THE ELECTORAL COMMISSION

A person shall not be eligible to be appointed to the Electoral Commission if he or she:

1. Is a member of the KIMCSA Council;
2. Is a member of the Caretaker Transition Committee;
3. Is seeking to contest or vie for a position in the elections;
4. Lacks integrity and/or impartiality;
5. Is non-compliant with any other requirement stipulated under this Constitution or elections code set by the ECI.

5.7 FUNCTIONS OF ELECTORAL COMMISSION

1. The Electoral Commission shall:
 - a) Preside over the general elections, by-elections and any other elections as stipulated by this Constitution.
 - b) Declare seats vacant as per the provisions of this Constitution.
 - c) Oversee the campaign process and set election rules and procedures that do not contravene the provisions of this Constitution.
 - d) Publish the names of successfully nominated candidates and the disqualified candidates, and shall post such notice of disqualification together with reasons at a suitable notice board within the Campus where the affected candidates are based.

- e) Ensure that the voting procedure is simple and that the results are announced in a timely manner.
- f) Carry out civic education on the importance and procedures of elections.
- g) Advise the administration of the Institute to adjourn classes at the time they deem necessary in consultation with the Dean of Students on the day of elections.
- h) Disqualify candidates in accordance with this Constitution.

5.8 DISSOLUTION OF KIMCSA COUNCIL

The KIMCSA Council shall be dissolved by the Chairperson through a motion tabled one month before the election date. If the Chairperson fails to table a motion to dissolve the Council, the KIMCSA Council shall stand dissolved within two (2) days after the date on which it should have passed a motion of dissolution.

5.9 GENERAL ELECTION REGULATIONS

1. Handing over shall be done within seven (7) days after swearing in.
2. Each candidate shall be allowed to appoint an agent who shall help him or her in overseeing of the election activities.
3. Results will be announced by the Chairperson of the Electoral Commission after closure of counting/tallying of votes.
4. An agent appointed by a candidate shall have full mandate to witness counting or tallying of votes on behalf of the candidate.
5. For purposes of conducting the election of the members of the Students' Association shall constitute itself into Electoral Colleges based on either academic departments or campuses as appropriate.
6. The students of each Electoral College constituted under sub-clause 5 shall elect thirteen (13) representatives - from amongst persons who are not candidates; and of whom not more than two-thirds shall be of the same gender.
7. The representatives of each Electoral College shall elect the members of the KIMCSA Council within thirty (30) days of the election.

5.10 SPOILT VOTES

Pursuant to provisions of this Constitution on elections:

- a) A spoilt vote is a manual ballot that is obliterated or damaged or ambiguous or illegible so that it cannot identify the candidate for whom it was cast.
- b) A spoilt vote shall not be tallied or considered in favour of any of the candidates.

5.11 ELECTION OFFENCES

1. An election offence may occur if provisions of this Constitution are contravened by a contestant or candidate during the election period in which case the Electoral

Commission shall be entitled to summon the candidate and any other person and after inquiring into the matter, may disqualify, suspend or make any other valid decision regarding the candidature of the person affected.

2. Election offences include rigging, vote buying, use of physical force, intimidation, giving false information to the Electoral Commission, campaigning on the polling day, and /or omission which defeats realization of free and fair elections with respect to a specific position or generally.
3. Any undue influence from members of staff is prohibited. If allegations are proved, the Director will take action against the said individuals and the Candidate involved shall be disqualified.

5.12 NOMINATION PROCEDURE

1. Nomination papers shall be obtained from the Electoral Commission fourteen (14) days prior to the election date identified under Clause 5.1.2.
2. Nomination papers for the positions in the KIMCSA Council shall be signed by the candidate, the candidate's proposer and supported by fifty (50) ordinary KIMCSA members or one quarter of the members whichever is higher.
3. Candidates shall submit duly signed nomination papers to the Electoral Commission ten (10) days prior to the election date between 8:00 am and 5:00 pm.
4. The nomination paper shall be returned in designated places in the contestants' respective departments/ campuses and the Electoral Commission shall present only candidates who have been cleared in accordance with this Constitution.
5. The Electoral Commission shall announce within two (2) days and cause to be prominently published immediately thereafter successfully nominated candidates.
6. Official campaigns shall begin immediately after publication of the list of nominees by the Electoral Commission and shall last for five (5) days and end a day before the elections.
7. Any regulations governing the conduct of campaigns by candidates and their supporters shall be published by the Electoral Commission and once published, any such regulations may not be amended during the election period. The rules shall be signed by all validly nominated candidates before clearance by the Electoral Commission.
8. The Electoral Commission shall be the sole interpreter of any such regulations, subject to the complaints procedure outlined in this Constitution.
9. The Dean of Students may organize campaign debates in the respective campuses for contestants for all positions.
10. A candidate validly nominated may withdraw his/her candidature at least five (5) days prior to the election date by a written notice in the prescribed form.
11. Without prejudice to the generality of the foregoing, the Electoral Commission shall only clear contestants who have fully complied under the provisions of this constitution.

5.13. VOTING

1. KIMCSA elections shall be by secret ballot, simple majority system and on the principle of one member one vote.
2. The voting shall be done manually and/or electronically.
3. For purposes of identification, students shall be required to produce a valid student card and national identity card or passport and or the students' voters' card where applicable.
4. The Electoral roll/ register shall be prepared by the Registrar, Academic Affairs and shall be open for verification by students at least one (1) week prior to the elections.
5. Immediately after voting, the votes shall be electronically beamed or counted at the respective tallying centres as the case may be.
6. The counting shall be presided over by a Returning Officer who will also be the chairperson of ECI in each campus.
7. Agents appointed by the candidates shall be entitled to witness the counting and tallying.
8. The candidate who garners the highest number of votes shall be declared by the Returning Officer as the winner of the elective position contested for.

5.14. INDEPENDENT ELECTION PETITION PANEL

- 1) There shall be an independent Election petition panel, herein after referred to as "The panel" which shall consist of:
 - a) Three (3) students appointed following a procedure similar to that of the ECI.
 - b) Two members of staff nominated by the administration of the Institute.
- 2) The chairperson shall be a person agreed upon by KIMC administration and KIMCSA.
- 3) The panel shall be constituted one (1) month before the election date.

5.15 ELECTION PETITIONS

1. A petition may be lodged with the panel by a candidate or voter on any of the following grounds:
 - a) Whenever such a candidate or member has reason to believe or has evidence that there has been a contravention of any election procedure or rule during the election period.
 - b) Whenever there are substantiated allegations of bribing of voters, intimidation and /or harassment of voters and /or candidates.
 - c) If disqualified by the ECI under Clause 5.6 (h).
2. A petitioner may bring a petition regarding nominations, campaigns and /or elections.
3. A petition must be lodged not later than three (3) days after the disqualification or election as the case may be and must be signed by at least 200 eligible voters under this Constitution.
4. The chairperson of the panel shall notify the parties concerned and constituency members of a petition within forty eight (48) hours of such lodging.

5. The panel shall sit at such place and time as it may determine from time to time.
6. The panel shall determine petitions expeditiously, but within not more than 14 days from the date of the election.
7. The panel shall have power to reinstate a candidate disqualified by the ECI, uphold the disqualification by the ECI, uphold or nullify the elections as the case may be.
8. The hearing of the petition shall be *inter parties* (all parties present) save where a party fails to attend without any reasonable excuse, in which case an *ex parte* (one party present) hearing may be held.
9. The decision of the panel shall be binding and shall be submitted to the Electoral Commission for execution.

5.16 BY ELECTIONS

1. A by-election shall be held whenever an office or seat falls vacant by reason of:-
 - i. Successful petition;
 - ii. Cessation of student membership through discontinuation by the Institute or any other reason as per the provisions of this Constitution;
 - iii. Imprisonment due to conviction on any crime by a court of law;
 - iv. Death or mental infirmity;
 - v. Resignation or suspension from the Institute for a period longer than three months.
2. The by-election shall take place within fourteen (14) days of the office or seat falling vacant and shall follow the same procedure as provided for in this constitution;

PROVIDED that no by-election shall be held within three months to the next General Election;

PROVIDED further that where the seat of a member of KIMCSA Council falls vacant, the remaining members of Council shall appoint another member in an acting capacity for the vacant seat.

5.17 ASSUMPTION OF OFFICE

The newly elected members shall be sworn in and fully commissioned within a period not exceeding thirty (30) days after the date of the elections. The ceremony shall be conducted in the presence of the students and in accordance with procedures established by the Dean of Students in consultation with the KIMCSA Council.

5.18 OATH OF OFFICE

The members of the Electoral Commission of the Institute and the duly elected KIMCSA Council shall take and subscribe to the following Oath of Office:

"I , having been elected/appointed..... do solemnly swear/ affirm that I will faithfully and diligently execute the role of..... in accordance with the KIMCSA Constitution, and that I will fulfill all duties and responsibilities required of the I will, to the best of my ability, uphold, promote and support the ideas,

activities, Constitution and the rules and regulations of the KIMC Students' Association. [So help me God]."

CHAPTER 6

6.0 FINANCE

6.0.1 REVENUE

1. KIMCSA shall secure its revenue from lawful sources including:
 - a) Subscription fees from membership
 - b) Allocations from the Institute
 - c) Donations
 - d) Grants
 - e) Income from business premises assigned to students by the administration of the Institute from time to time.
2. KIMCSA should not receive funds from political parties or politicians.
3. Any request for external donation must be sanctioned by the administration of the Institute.

6.0.2 EXPENDITURE

1. The expenditures of KIMCSA shall be approved in the first instance by the KIMCSA Council in consultation with the administration of the Institute and expended on a day to-day basis by the Treasurer under supervision of the Council and overall guidance of the Dean of students.
2. All expenses incurred out of KIMCSA funds shall be solely for the benefit of the students.

6.1 FINANCIAL YEAR

The financial year of KIMCSA shall run from July to June of the following year.

6.2 ANNUAL ACCOUNTS

- 1) Under the guidance of the Finance Manager of the Institute and the Dean of Students in compliance with the Institute's Financial Regulations, the Treasurer shall prepare Annual Accounts for the Association and present them to the KIMCSA Council which shall table them at the AGM after they have been audited.
- 2) Such accounts shall be signed by the Chairperson, Treasurer and the Dean of students.

6.3 AUDIT AND AUDIT REPORT

- 1) The Auditor of the Institute shall at all times have access to books and records of KIMCSA and shall be entitled to receive all relevant information necessary to complete the audit of KIMCSA accounts.
- 2) The auditor shall table the report at the AGM and shall state whether or not KIMCSA has kept proper books of accounts.

6.4 BUDGET

1. The KIMCSA budget shall be prepared by the KIMCSA Council at the beginning of each financial year. The budget shall include, among other things, the following Association's activities:
 - a) Sports day and fun day at least twice a year;
 - b) Cultural festival at least once a year ;
 - c) Symposia to be held as deemed appropriate per year.
2. The activities of KIMCSA shall be planned and carried out in consultation and in conformity with the administration of the Institute subject to availability of resources.

6.5 REMUNERATION

- 6.5.1 All KIMCSA Council members shall be entitled to monthly allowances as per the remuneration schedule agreed upon from time to time by the administration of the Institute and KIMCSA Council.
- 6.5.2 The remuneration determination shall not be to the disadvantage of the incoming office bearers, and such determination shall be based on evidence of the income of KIMCSA.
- 6.5.3 In addition to the monthly allowances, the KIMCSA officials shall be entitled to sitting allowances for all official meetings sanctioned by the administration.
- 6.5.4 Without prejudice to any of the aforementioned provisions, at reaching the amount payable to the officials, such amounts as may be payable shall be befitting of the office of the KIMCSA Council member.
- 6.5.5 At all material times the allowances payable to the KIMCSA Council members shall not exceed 30% of the total KIMCSA income projected for the year with close attention to the previous financial year.

6.6 KIMCSA BANK ACCOUNT

- 6.6.1 The Association shall have a bank account opened and maintained at such a banking institution as the KIMCSA Council and the administration of the Institute shall jointly determine.
- 6.6.2 An account shall be maintained for each Campus. All the monies required for the day to day running of KIMCSA activities including remuneration and payment of allowances shall be drawn from the KIMCSA account.
- 6.6.3 Any withdrawals from KIMCSA account must be sanctioned by the KIMCSA Council and shall be made only upon proof of valid signatures of the authorized signatories
- 6.6.4 The KIMCSA Council officials authorized to sign for withdrawals from the KIMCSA account shall include:
 1. The Chairperson

2. The Treasurer

- 6.6.5 At all material times the Dean of students or any other person appointed by the Institute Administration shall be a mandatory signatory to all KIMCSA bank Accounts.
- 6.6.6 The Treasurer shall maintain a miscellaneous account for the day to day running of the activities of the KIMCSA Council and shall account for any withdrawals from such kitty.

CHAPTER 7

6 VOTE OF NO CONFIDENCE AND DISSOLUTION

7.1 Vote of no Confidence or Impeachment

A vote of no confidence in any office bearer shall be carried out as provided hereunder in a General Meeting convened under this Constitution.

- 1) A vote of no confidence in a member of the KIMCSA Council save for the Chairperson shall require a petition supported by at least one quarter of members of the campus or two-thirds (2/3) of members of the KIMCSA Council and may only be successful if a quorum of fifty percent (50%) of members and a vote of two-thirds of the members present is realized.
- 2) The vote of no confidence against the whole of KIMCSA Council shall be successful only if a quorum of two thirds of all the members and a vote of two thirds of members present is reached.
- 3) In the event of the vote of no confidence being carried as provided for herein, such member(s) against whom a successful vote has been made shall forth vacate office.
- 4) In the event of a vote of no confidence against the whole of the KIMCSA Council as provided for herein; a general election in respect thereof shall be held within twenty one (21) days thereafter.
- 5) The maker of the no confidence motion in both cases shall collect the required signatures to meet the threshold set by this constitution.

PROVIDED That in the event of a vote of no confidence against the whole KIMCSA Council, the Administration of the Institute shall appoint a caretaker committee to undertake the function of the KIMCSA Council.

7.2 Dissolution

1. The Association shall not dissolve except by a resolution passed by AGM by a vote of at least two thirds (2/3) of all KIMCSA members.
2. Where such a motion to dissolve is duly passed, KIMSCA shall cease to exist whereafter the office of the Dean of Students shall settle any debts or lien owing; the assets or profits thereof shall be bequeathed the Institute.

CHAPTER 8

8.0 MISCELLENEOUS

8.1 Inspection of Books

1. The KIMCSA Council shall make its books of accounts, minutes of general meetings and all documents relating thereto, available at the KIMCSA offices for inspection by any member of the Association upon giving not less than ten (10) days' notice in writing to the Secretary-General.
2. Such member shall take responsibility for confidentiality of the information and ensure proper handling of any document made available to them for inspection.

8.2. Rules, Regulations and Procedures

1. The office of the Dean of Students, in consultation with KIMCSA Council, shall have the power to enact other rules and regulations only for the purposes of effectuating elections, Special general meetings, votes of no confidence, amendment of the Constitution, appointment of floor representatives, Academic Board representation, conduct at meetings, assumption of office and any other procedure that they may deem necessary from time to time.
2. Subject to this Constitution, the KIMCSA Council shall prepare by-laws and policies governing the functions of KIMSCA provided that such rules and regulations shall be enacted within the confines of this Constitution and subject to the approval of the Dean of Students.
3. By-laws and policies approved in accordance with this Constitution shall be binding on all members of KIMCSA and violators of these by-laws and policies shall be subject to the disciplinary measures provided for in this Constitution.

CHAPTER 9

9.0 AMENDMENT OF THE CONSTITUTION

1. Any ordinary member of KIMCSA may propose an amendment of the Constitution by proposing to the KIMCSA Council such amendment and requisitioning for a motion to amend. Such proposal shall be accompanied by signatures of at least two hundred (200) ordinary members for vetting by the KIMSCA Council.
2. The members shall then vote on the amendment. Any amendment to this Constitution shall be effected when approved, first, by at least two-thirds (2/3) of bona fide members of KIMCSA in all campuses and subsequently by the Council of the Institute.
3. The administration of the Institute may propose an amendment to this Constitution on any of the following grounds: -
 - a) to comply with any change in statutory or regulatory provisions;
 - b) for any other reasonable and/or justifiable cause.
4. Any amendment proposed in accordance with this Chapter with approval of the Council of the Institute, purely for correction or rectification of an error apparent on the constitution or for purposes of ensuring clarity only, is permitted as long as the proposed amendment is addressed in writing to the KIMCSA Council is circulated by notice of at least thirty days to all members.

CHAPTER 10

10.0 TRANSITION

10.1 Effective Date

1. This Constitution shall come into effect upon adoption and approval by the Council of the Institute.
2. Upon approval of this Constitution, the KIMSCO Students' Constitution, 2015 shall cease to apply save where provided under this Constitution.

10.2 Existing Rights and Obligations

1. Except to the extent that this Constitution expressly provides to the contrary, rights, duties, obligations, assets, revenue however arising of KIMSCO and subsisting immediately before the effective date shall continue as rights and obligations of KIMSCA under this Constitution.
2. Where under this Constitution the KIMSCA Council is required to make rules and/or regulations, the existing rules and/or regulations shall apply until such time as the KIMSCA Council shall make other rules and/or regulations.
3. All acts which have been constitutionally undertaken by the KIMSCO Council shall be regarded to be valid under this Constitution.

10.3 Elections

The first elections under this Constitution shall be held on the first Friday of March 2019. Thereafter, the election dates shall be as provided in Clause 5.1.2.

10.4 Caretaker Transition Team (CTT)

Prior to the election of the KIMSCA Council under this Constitution, a Caretaker Transition Team (CTT), whose selection shall be coordinated by the Dean of Students, shall manage the affairs of KIMSCA.

10.4.1 Composition of CTT

The CTT shall comprise:

1. 4 members of the current KIMSCO Council.
2. 2 representatives of opposite gender from the Engineering Training Department

3. 2 representatives of opposite gender from the Film Training Department
4. 1 representative from the Production Training Department
5. 1 representative from the Information Training Department production

10.4.2 Roles of CTT

1. Coordinate student affairs prior to the elections scheduled for March 2019.
2. Conduct civic education on the amended Constitution.
3. Coordinate the selection of the Electoral Commission of the Institute.
4. Declare vacancies for the March 2019 elections.

10.4.3 The CTT shall, during its first sitting, appoint a team leader.

10.4.4 The term of office of the CTT shall expire on the last Friday of January 2019 or upon appointment of the Electoral Commission of the Institute, whichever is earlier.

10.4.5 The members of the CTT shall not be eligible to vie for any elective post in the student elections scheduled for March 2019.

Approved by the Council of the Kenya Institute of Mass Communication on thisday of2018 at KIMC in Nairobi South B.

Signed by:

IN THE PRESENCE OF: