LEGAL NOTICE NO. 45

THE UNIVERSITIES ACT

(Cap. 210B)

CHARTER FOR PAN AF RICA CHRISTIAN UNIVERSITY

IN EXERCISE of the powers conferred by section 14 of the Universities Act, the Minister for education certifies that the Charter set out in the Schedule has been granted to Pan Africa Christian University under the provisions of the Act.

SCHEDULE

THE UNIVERSITIES ACT

(Cap. 210B)

THE PAN AFRICA CHRISTIAN UNIVERSITY CHARTER

WHEREAS Pentecostal Assemblies of Canada, Nairobi, the proprietors of the Pan Africa Christian University, situated in the Republic of Kenya, wishes to establish an institution in the name of Pan Africa Christian University;

AND WHEREAS the said Pan Africa Christian University has applied to the Commission for Higher Education, for the grant of a Charter to provide for the establishment, control, governance, and administration of the University and for connected purposes, in the manner prescribed by the Universities Act;

AND WHEREAS the Commission for Higher Education has visited and inspected the said institution, and is satisfied that the objects of the Pan Africa Christian University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for Higher Education is also satisfied that the Pan Africa Christian University has complied with the provisions of the Act, and the Universities Rules, 1989;

AND WHEREAS the Commission for Higher Education has submitted a draft Charter, the text whereof is annexed hereto, to the Minister for Education on the said institution, and the Minister is satisfied that Pan Africa Christian University be granted the Charter;

AND WHEREAS the Minister for Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS I am satisfied that the granting of the Charter will be of benefit to the advancement of university education in Kenya;
NOW WHEREFORE, by these presents, be it known that in exercise of the power conferred upon me by section 12 of the Universities Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, grant the Charter annexed hereto to Pan Africa Christian University University.

CHARTER FOR PAN AFRICA CHRISTIAN UNIVERSITY

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PART I—PRELIMINARY

1. This Charter may be cited as the Pan Africa Christian University Charter, 2008.

2. In this Charter—

“alumni” means the Association of graduates of the University established under section 28;

“auditor” means a representative of the auditing firm appointed by the Council to audit the accounts under section 31;

“board” means Executive Board established under section 14;

“chancellor” means the Chancellor of the University appointed under section 11;

“commission” means the Commission for Higher Education established under the Universities Act;

“council” means the Council of Governors of the University established under section 12;

“dean” means the person appointed to head a faculty, school or an institute of the University;

“faculty” means an academic sub-division of the University established under the Charter;

“registrar” means a person appointed under section 24;

“senate” means the Senate of the University established under section 16;

“staff” means the staff of the University as set out in the Charter;

“statutes” means statutes made by the University Council under section 34;

“student” means a person who is registered by the University for the purposes of obtaining a qualification of the University or any other person regarded as a student by the Senate;

“trustees” means the Board of Trustees of Pentecostal Assemblies of Canada established under the Trustee (Perpetual Succession) Act, Cap. 164.

“university” means Pan Africa Christian University;

“vice Chancellor” means the person appointed by the Council to be the Vice Chancellor of the University under section 18;

PART II—ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. (1) There is established Pan Africa Christian University.

(2) The University is a body corporate which—

(a) is to have a Seal;

(b) may sue and be used;
(c) has the functions and powers set out in this Charter.

(3) The University is the successor to Pan Africa Christian College and subject to this Charter, all rights, duties, obligations, assets and liabilities of the Pan Africa Christian College existing at the commencement of this Charter are transferred to and vest in the University.

4. (1) The mission of Pan Africa Christian University is to develop Godly Christian leaders, growing disciples of Jesus Christ who are thoroughly equipped to serve God, the church, and their communities as they strengthen, and actively multiply believers in Africa and around the world.

(2) Pan Africa Christian University's philosophy is predicated upon the fact that it is an expression of the evangelical Christian church, with specific ties to Pentecostalism. It is theologically and thus ideologically rooted in historic Christian orthodoxy. It seeks to foster beliefs and practices in its students consistent with this background as it endeavours to produce leaders for the church who follow specifically the Christian pattern of servant-hood.

5. (1) The objectives of the establishment of the University are—

(a) to prepare mature, committed, and conscientious Christian leaders to serve with competence in society and in the ministries of the Church;

(b) to further preserve, develop, produce and process, transmit and disseminate knowledge and thereby stimulate the spiritual, religious and intellectual life and cultural development of Kenya and Africa at large;

(c) to play an effective role in the development and expansion of the African Church and its leadership;

(d) to provide university level instruction in higher education for Christian faith and practice;

(e) to equip students for Christian service in positions of leadership and activity in various Christian ministries; and

(f) to develop and transmit knowledge and skills through research and training;

(2) The functions of the University are—

(a) to promote and maintain an institution of higher learning offering high quality education through courses of instruction, studies, research and services to individuals, groups and the community;

(b) to participate in discovery, collection, processing and dissemination of knowledge for the betterment of humankind and to provide an opportunity for development of intellectual activities, academic freedom and scholarly acumen;
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Powers of the University

(c) to determine what may be taught, how it may be taught and who may teach at the University;

(d) to provide adequate facilities and equipments necessary for carrying out academic and research programmes;

(e) to conduct examinations and award degrees, diplomas, certificates and other awards of the University;

(f) to establish linkages, affiliations or collaborative ventures with individuals, groups or institutions, private or public, in support of research, teaching or service activities of the University;

(g) to foster development of good neighbourliness and promote intellectual and social interaction between the University, other institutions and members of the public; and

(h) to strive to acquire knowledge and skills that enhances the global understanding and co-operation among people, improve the human environment and conserve nature for the benefit of human beings and all creation.

6. The University may do all things necessary or convenient to be done in connection with the performances of its function, and in particular may—

(a) establish divisions, colleges, constituent colleges, schools, campuses, institutes, faculties, departments, sections or any other administrative units;

(b) confer honorary degrees or academic distinction awards upon person or persons who have rendered—

(i) distinguished services in the advancement of knowledge; or

(ii) themselves worthy of such awards;

(c) revoke or withdraw a certificate, diploma, degree or an award already conferred, granted or awarded to a person;

(d) enter into contracts;

(e) acquire, hold and dispose of real or personal property;

(f) erect buildings and structures and carry out works;

(g) appoint agents; and

(h) engage persons to perform services for the University.

7. (1) The Seal of the University is—

(a) to be kept in a custody as the University Council may direct and is to be used upon the order and direction of the University Council, or the Vice-Chancellor;

(b) authenticated by the signature of the Vice-Chancellor and countersigned by one other University officer as authorised by the Council.

(2) When affixed to any document and duly authenticated, the
Seal is to be judicially and officially noticed and, any necessary order or authorization of the University Council or the Vice-Chancellor under this section is presumed to be duly given, unless the contrary is proved.

PART III—MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

8. The members of the University are—

(a) Trustees;
(b) the Chancellor;
(c) the Members of the University Council;
(d) the Vice-Chancellor;
(e) the Deputy Vice-Chancellors;
(f) the University Secretary;
(g) the Principals of Colleges;
(h) the Deans of Faculties/Schools/Institutes;
(i) the Students;
(j) the Staff of the University;
(k) the Dean of students;
(l) the University Librarian;
(m) the University Chaplain;
(n) the Registrars; and
(o) any other members of staff of the University, the Alumni, or other person or body formally admitted into association by the University.

9. The governance of the University is vested in the following bodies mandated to perform the functions and exercise powers conferred under this Charter—

(a) the Board of Trustees;
(b) the Chancellor;
(c) the Council of Governors;
(d) the Executive Board; and
(e) the Senate.

(f) Board of Trustees.

10. The Board of Trustees is vested with—

(a) the function of promoting the university interests, and in furtherance of this function—

(i) raise funds; and
(ii) promote its objectives;

(b) the powers to appoint members of the University Governing Council and approve their allowances and 

11. (1) The chairman of the Board of Trustees is the Chancellor, unless the Trustees decide otherwise.

(2) The Chancellor is—

(a) the titular head of the University and is to, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;

(b) from time to time, to direct an inspection of the University or an inquiry into the teaching, research or any other work of the University, if necessary;

(c) to arrange for visitation into the general administration and organization of the University as provided for under the Statutes;

(d) to enjoy such powers and privileges and perform such other functions as may be provided for in the Statutes; and

(e) to give advice to the Council which he considers necessary for the betterment of the University.

12. (1) There is established a University Council of Governors to consist of—

(a) the Chairman appointed by the Board of Trustees after consultation with the Council;

(b) the Vice Chancellor, who shall be the Secretary;

(c) the Deputy Vice Chancellor for the time being in charge of Academics;

(d) the Deputy Vice Chancellor for the time being in charge of Finance and Administration;

(e) a person nominated by faculties as a representative;

(f) a prominent academician appointed by the Trustees;

(g) a person nominated by the staff as a representative;

(h) two members appointed by the Board of Trustees;

(i) two members appointed by the Pentecostal Assemblies of God of Kenya;

(j) two members appointed by the Christ is the Answer ministries;

(k) two members appointed by the Pentecostal Assemblies of God of Africa; and

(l) not more than three persons with expertise in church leadership co-opted by the Council.

(2) In absence of the Chairman, the Council is to appoint any other
person from among members to serve as the Chairman in acting capacity.

(3) The term of office of a member of the Council, other than ex officio, is two years.

(4) A member of the Council is eligible for re-appointment upon expiry of his term for three consecutive terms.

(5) The office of a member of the Council is to fall vacant—

(a) if, not being an ex officio member, he resigns in writing addressed to the Chairman;

(b) if the Council is satisfied that a member is, by reason of physical or mental infirmity or otherwise, unable to discharge his duties as required;

(c) if he absents himself for three consecutive Council meetings without good reason;

(d) if appointed to represent a particular body, is dismissed by his appointing body; and

(e) upon death.

(6) Where the office of a member of the Council becomes vacant under sub-section (5), the chairman or the secretary to the Council is to notify the vacancy to the appointing body or person.

(7) The procedure, conduct and regulation of the affairs of the Council is vested in the Council.

(8) The Council may appoint committees to carry out specific functions as it may direct.

(9) For all meetings of the Council, the number and the quorum is to be determined in the Statutes.

13. The functions of the Council are—

(a) to promote the objectives of the university;

(b) to administer, through the Executive Board, the property, funds, and budget of the University in a manner and for purposes that promotes the best interests of the University;

(c) to receive, on behalf of the University, donations, endorsements, gifts, grants or other monies and authorize disbursements;

(d) to provide for the welfare of the faculty, staff and students of the University through the functioning of the appropriate committees;

(e) to provide direction and approval for the expansion and capital development of the University;

(f) to approve affiliations, collaborations and cooperation with other universities, or other institutions of learning;
(g) to determine fees and other charges payable at the university;
(h) to approve academic policies and procedures of the university;
(i) to receive reports from the senate and the Executive Boards;
(j) to approve regulations governing the academic affairs and
discipline of the students of the University on consultation with
the senate;
(k) to ensure prudent management of the university;
(l) to higher university staff upon recommendation of the
Executive Board;
(m) to make policy guidelines relating to terms and conditions of
service of the staff;
(n) to make necessary appointments to the Executive Board under
this Charter; and
(o) to determine a person to be a member of the University;

The Executive Board.

14. (1) There is an Executive Board of the University to consist
of—

(a) the Vice Chancellor, as the Chairperson;
(b) the Deputy Vice Chancellor for the time being in charge of
Academics, as the Secretary;
(c) the Chairperson of the Council;
(d) the Deputy Vice Chancellor for the time being in charge of
Finance and Administration;
(e) the Dean of Students; and
(f) not more than three members of the University, outside the
administration, co-opted by the Board upon consultation
with the Council.

(2) The term of office of a member of the Board, other than ex
officio, is two years.

(3) A member of the Board is eligible for re-appointment upon
expiry of is term for three consecutive terms.

(4) The procedure, conduct and regulation of the affairs of the
Board is vested in the Board.

(5) For all meetings of the Board, the number and the quorum is
determined in the Statutes.

15. (1) The functions of the Board are—

(a) to be responsible for administration of University finances and
in furtherance of that function—

(i) to prepare, review, and recommend annual budgets and
monthly financial statements;
(ii) to collect fees;
(iii) to invest; and
(iv) to facilitate annual audit of the University Accounts.

(b) to establish and maintain efficient and adequate policies and procedures in all areas of financial management;

(c) to make recommendations to the Council concerning capital development;

(d) to be responsible for the hiring, promotion, and release of staff and employees;

(e) to oversee the preparation of all University publications;

(f) to advise the Council on the matters pertaining to government and legal requirement; and

(g) to take care of all matters necessary for the successful functioning of the University when the Council is not in session.

16. (1) There is a Senate of the University to consist of—

(a) the Vice-Chancellor, as the Chairperson;

(b) the Deputy Vice-Chancellor for the time being in charge of Academics;

(c) the Principals of the Constituent Colleges;

(d) the Dean of Students;

(e) the Financial Controller;

(f) the University Librarian;

(g) the University Chaplain;

(h) the Registrar, for the time being in charge of academic as the Secretary;

(i) two representatives of the Student organisation;

(j) one representative of faculty;

(k) one representative of staff; and

(2) The office of a member of the Senate is vacant—

(a) if he ceases to be a member of the University;

(b) if his membership contravenes any of the membership requirements;

(c) if, by majority vote of the members of the Council present and voting, his membership in

(3) The functions of the Senate are—

(a) to develop, approve and implement academic programmes in consultation with the Council;
(b) to satisfy itself regarding the content and academic standard of any course of study in respect of a degree, certificate or other award by the University, and to report its findings to the Council;

(c) to propose regulations to be approved by the Council regarding the eligibility of persons for admission to a course of study;

(d) to propose regulations to be approved by the Council regarding the standard of proficiency to be gained in each examination for a degree, certificate, or other award of the University;

(e) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, certificate or other award of the University;

(f) to recommend to the Council, policies or actions that it regards beneficial to the academic programs of the University;

(g) to make regulations governing academic matters for approval by the Council;

(h) to appoint committees to serve the Senate as regarded appropriate;

(i) to recommend to the Council appointments and promotion criteria of a faculty;

(j) to approve the academic calendar;

(k) to formulate and recommend to the Council regulations governing the conduct and discipline of faculty and students of the university;

(l) to recommend to the Council changes in the statutes;

(m) to recommend to the Council with regard to affiliations, collaborations and co-operations with other universities and institutions of higher learning;

(n) to administer scholarships, fellowships and other academic awards;

(o) to recommend to Council the establishment of schools, campuses, colleges, constituent colleges or other divisions as regarded necessary; and

(p) to recommend for approval by Council persons to be members of the university.

(4) Despite any other provision of this Act, the Council shall not initiate any action in respect of the matters mentioned in paragraphs (a), (b), (c), (d) and (e) of this section except upon receipt of a report or proposal and the Council shall not reject any such report or reject or amend any regulations as proposed without further reference to the Senate.
PART IV—ADMINISTRATION OF THE UNIVERSITY

17. (1) The University is to have the principal and senior officers with authority, in the name of the University, to perform the functions conferred on the University under this Charter.

(2) The principal officers are—
   (a) the Vice-Chancellor;
   (b) the Deputy Vice-Chancellors; and
   (c) principals of Constituent Colleges.

(3) The senior officers are—
   (a) deans of faculties, schools and institutes;
   (b) the University librarian;
   (c) the dean of students;
   (d) registrars;
   (e) financial controller; and
   (f) officers of equivalent grade.

18. (1) There is a Vice-Chancellor appointed by the University Council.

(2) The Vice-Chancellor is—
   (a) to have the overall responsibility for the direction, organisation, development, administration and programmes of the University;
   (b) the chairperson of the Executive Board and the Senate;
   (c) responsible to the University Council for the general conduct and discipline of the students and staff of the University; and
   (d) the secretary to the Council.

(3) The Vice-Chancellor is appointed upon the terms and conditions of service prescribed by the Statutes.

19. (1) The University Council, in consultation with the Senate, is to appoint a Deputy Vice-Chancellor or Deputy Vice-Chancellors to assist the Vice-Chancellor in matters pertaining to the academic and administrative functions of the University.

(2) The Deputy Vice-Chancellor or Deputy Vice-Chancellors is or are appointed upon the terms and conditions of service prescribed by the Statutes.

20. (1) There are Principals of Colleges appointed by the University Council, as may be required.

(2) The duties, responsibilities and terms of office of the Principals of Colleges are prescribed by the Statutes.
(3) Principals of Colleges are answerable to the Vice-Chancellor.

21. (1) There are deans appointed by the University Council in consultation with the Executive Board.

(2) The duties, responsibilities and terms of office of the Deans are prescribed by the Statutes.

University Librarian.

22. (1) There is a University librarian appointed by the University Council in consultation with the Senate.

(2) The duties and responsibilities of the University librarian are prescribed by the Statutes.

Dean of Students.

23. (1) There is a Dean of Students appointed by the University Council in consultation with the Executive Board.

(2) The duties and responsibilities of the Dean are prescribed by the statute.

Registrars.

24. (1) There are Registrars appointed by the University Council in consultation with the Executive Board.

(2) The duties and responsibilities of the Registrars are prescribed by the Statute.

Financial controller.

25. There is a financial controller, who reports to the Vice-Chancellor, appointed by the Council.

(2) The terms and conditions of service of the financial controller are provided for in the Statutes.

Staff of the University.

26. (1) The University is to have academic and administrative staff.

(2) The academic staff is to consist of—

(a) the Deputy Vice Chancellor or Deputy Vice-Chancellors responsible for academic affairs and research;

(b) the University librarian; and

(c) members of staff engaged in teaching or research work.

(3) The Administrative staff is to consist of—

(a) the Deputy vice-Chancellor or Deputy Vice-Chancellors;

(b) the Registrars;

(c) the Dean of students; and

(d) members of staff, not engaged in teaching or research work, determined by the University Council.

(4) Members of University staff are subject to the authority of the University Council through the Executive Board and the Vice-Chancellor.

27. There is a Students' Council to represent the student community and act as the main forum through which students may express their views.
(2) The Council is to operate under the general direction of the Academic Council, as may be prescribed by the Statutes.

28. There is an Alumni Association of the University,

(2) The Alumni is to consist of graduates of—

(a) Pan Africa Christian University,

(b) former Pan Africa Christian College; or

(c) other institutions, as the statutes may prescribe.

(3) The functions of the Alumni are—

(a) to bring together graduates who qualify to be members to provide services that contribute to the university’s development;

(b) to engage in fundraising activities for the University;

(c) to promote the University’s welfare and image; and

(d) to provide suggestions to the University leadership with regard to development.

29. (1) In the event of the incapacity or absence of the Vice-Chancellor, the functions of the Vice-Chancellor are to be performed by—

(a) a Deputy Vice-Chancellor; or

(b) a University senior officer.

(2) In the event of the incapacity or absence of the Vice-Chancellor and Deputy Vice-Chancellor the Council may appoint a senior officer to perform the duties of the incapacitated or absent principal officer.

(3) In the event of incapacity of any other member of staff, the Vice-Chancellor may appoint a suitably qualified person to perform the duties of the incapacitated or absent member.

(4) For the purposes of this section—

(i) “absence” means absence from Kenya; and

(ii) “incapacity” means the inability for any reason to perform the functions of the office held.

PART V — FINANCIAL PROVISIONS

30. (1) The Financial Year of the University is the period of twelve (12) months commencing 1 September of each year.

(2) In the event of any change in the Financial Year, and for the purposes of the transition from the old Financial Year to the new Financial Year because of this change, the transitional period, whether more or less than twelve (12) months, is regarded as a Financial Year for the purposes of this Charter.
(3) The Executive Board is to propose and submit annual estimates to the Council two months before the start of the financial year.

(4) The annual estimates are made provision for all the estimated expenditure of the University for the financial year, and in particular provide—

(a) for the payment of salaries, allowances, and other charges in respect of the University;

(b) for the payment of any pensions, gratuities and other charges in respect of retirement benefits which may be payable out of the funds of the University;

(c) for the proper maintenance and development of the buildings and grounds of the University;

(d) for the proper maintenance, repair and replacement of the equipment and other moveable property of the University;

(e) for the funding of the cost of teaching and research activities of and in the University;

(f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment or in respect of such other matters as the Council may think fit;

(g) for the funding of student scholarships; and

(h) for the operating costs of the university.

31. (1) The Council is to cause all proper books and records of account of the income, expenditure and assets of the University to be kept.

(2) A firm of External Auditors appointed by the University Council is to audit the accounts of the University.

(3) The Council is to submit the accounts of the University to the Auditors within a period of one month from the end of every Financial Year.

(4) Within a period specified by the Statutes the External Auditors are to report on the examination and audit of the accounts of the University to the University Council.

32. (1) Funds and Resources of the University may be derived from—

(a) tuition and other fees;

(b) donations and grants;

(c) endowments;

(d) gifts, bequests and trusts;
(e) income from auxiliary activities such as consultancy; and
(f) other sources as the University may from time to time identify

(2) The University shall not accept funds which may limit or compromise its freedom or theological position.

33. The Executive Board, with approval of the Council, may—
(a) invest; or
(b) deposit with a bank;
(c) the University funds as it may determine.

PART VI—MISCELLANEOUS PROVISIONS

34. (1) The affairs of the University are to be managed and regulated under Statutes and Regulations made.

(2) Statutes may from time to time be enacted, amended or revoked by a resolution passed by two-thirds majority of all the members present and entitled to vote at a University Council meeting specifically convened for that purpose, unless the enactment, amendment or revocation is ultra vires the provisions of the Charter.

35. (1) Despite the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names is to accept for the registration any name that includes the word “Pan Africa Christain” together with the word “University” or “College”.

(2) A person shall not use the name of the University as established by this Charter for the purposes of—
(a) advertisement;
(b) publication;
(c) business;
(d) trade; or
(e) profession,
(f) without the consent of the University Council.
36. Subject to the provisions of this Charter, if on the winding up or the dissolution of the University, there remains, after the satisfaction of all its debts and liabilities, any funds, assets and property, are to be transferred to the Board of Trustees of Pentecostal Assemblies of Canada.

Given under my hand and the Public Seal of Kenya on the 15th day of February, 2008.

MWAI KIBAKI,
President.

Dated the 15th February, 2008.

S. K. ONGERI,
Minister for Education.