



NYAKACH UNIVERSITY STUDENTS ASSOCIATION
P.O BOX 2 PAP ONDITI.(K)
Website:www.nusa.co.ke
Email:nusa.forum2015@gmail.com

NYAKACH UNIVERSITY STUDENTS ASSOCIATION (NUSA)

THE CONSTITUTION

*THIS DOCUMENT BELONGS TO NYAKACH UNIVERSITY STUDENTS ASSOCIATION AND
SHOULD NOT BE MISUSED OR MISINTERPRETATED IN A MANNER NOT SPECIFIED IN*



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IT

PREAMBLE

WE the youth members of Nyakach constituency students desiring to constitute Ourselves as an association to secure for ourselves and our posterity, excellence, liberty and our welfare,

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

HONOURING the selfless efforts, drawbacks and successes of the founding and succeeding members,

PROUD of the diversity of backgrounds and cultures of members, united by a common purpose and aspirations,

GUIDED by the principles, reason, courtesy, and genuine search of all virtues to live in partnership, peace and to develop salubrious concord with other youth associations, person(s), institutions and all who believe in the ideals of justice, equality and truth for the youth.

RECOGNISING the supreme law of the country, The Constitution of Kenya.

ADOPT, ENACT and give this Constitution to ourselves and our future generations as our supreme governing law.

WE also identify the leadership of Nyakach constituency and the Member of Parliament.



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1. ESTABLISHMENT OF THE ASSOCIATION



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1. NyakachUniversity Students Association (NUSA) (**herein referred** to as “the Association”) is hereby established and shall operate and begoverned according to the provisions of this constitution.
2. The association shall operate under the name NUSA
3. Members of the association shall be represented by their chapter representatives in the meetings hereby called special meetings, which shall comprise the members of the executive and chapter representatives.

2. OBJECTIVES AND FUNCTIONS

- I. The main objectives of the Association shall be to foster contact and regular flow of information and communication between Institutions of learning in education matters and to assist in the socio-economic development of the society under Nyakach Constituency.
- II. The Association shall serve as an instrument for the promotion of education,research and talent-search within Nyakach.
- III. For the purposes set out in points I and II of this Article the Association shall:
 - a) Provide for meetings of the Association and its organs;
 - b) Assist chaptersto establishededucation promotion forums;
 - c) Assist chapters in the strengthening of their existing education promotion forums;
 - d) promote the exchange of ideas and experience in education promotion generally and inter-Nyakach schools education in particular;
 - e) Advise chapters in the formulation of motivational policies conducive to



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- educationexchange programs in the various institutions of mentorship
- f) Arrange contacts and organize meetings for Nyakach Professionals concerned with intra-Nyakacheducation and its various aspects; and
- g) To all such other things as would enable the Association to achieve its objectives.

3.MEMBERSHIP

1. A Person Is Eligible To Be A Member Of The Association If:

- a) the person is a natural person, and
- b) Is 18 years and above.
- c) The person is a member of an institution of higher learning called UNIVERSITY, and is registered with the association's chapter of that particular university.
- d) If the person is from Nyakach constituency,
- e) The person has been nominated and approved for membership of the association in accordance with clause (c).

2. A Person Is Taken To Be A Member Of The Association If:

- A. The person is a natural person, and
- B. The person was:
 - I. In the case of an unincorporated body that is registered as the association - a member of that unincorporated body immediately before the registration of the association, or
 - II. In the case of an association that is amalgamated to form the relevant association - a member of that other association immediately before the amalgamation, or



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III. In the case of a registrable corporation that is registered as an association - a member of the registrable corporation immediately before the association is registered as an association.

C. A person is taken to be a member of the association if the person was one of the individuals on whose behalf an application for registration of the association under section 6 (1) (a) of the Act was made.

3. Nomination for Membership

I. For nomination of a person for membership of the association:

- a) Must be made by the **interested party** in writing in the form set out in this constitution
- b) Must be lodged with the Secretary General of the association.

II. As soon as practicable, after receiving nomination for membership, the Secretary General must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.

III. As soon as practicable after the committee makes that determination, the Secretary General will:

- a. Notify the **person** in writing, that the committee approved or rejected the nomination (whichever is applicable), and
- b. If the committee approve the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription fee.
- c. **If rejected, the person shall be notified within 48 hours and be required to meet the conditions pending his/her nomination by availing the requisite information as shall be directed by the committee within the first 7 days after being issued with the notice .**



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- IV. The Secretary General must, on payment by the nominee of the amounts referred to in Subclause (III) (b) within the period referred to in that provision, enter or cause to be entered the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the association.
- V. The nominee shall then be presented with an identification card bearing the name of the association.

4. Cessation of Membership

A person ceases to be a member of the association if the person:

- 1.1. Dies, or
- 1.2. Resigns membership, or
- 1.3. Is expelled from the association, or
- 1.4. Fails to pay the annual membership fee under clause 8 (2) within 6months after the fee is due without prior written notice to the relevant office clearly indicating the reason for failure.

5. Membership Entitlements Not Transferable

Rights, privileges or obligations which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) Terminates on cessation of the person's membership.

6. Resignation of Membership

- I. A member of the association may resign by first giving to the Secretary General written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiry of the period of notice, he/she ceases to be a member.
- II. If a member of the association ceases to be a member under sub clause (I), and in every other case where a member ceases to hold membership, the Secretary General must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.
- III. Any member may be expelled from the association if the executive committee so recommends and if a general meeting shall resolve by two-thirds majority of the members present that such a member should be expelled on the grounds that his/her conduct has adversely affected the reputation of the association or/and that he/she has contravened any provisions of this constitution.
- IV. The executive committee shall have power to suspend a member from his/her membership until the next general meeting of the society following such suspension but notwithstanding such suspension a member whose expulsion is proposed shall have to address the general meeting at which his expulsion is to be considered.
- V. Any person who resigns or is removed from membership shall not be entitled to a refund of any of his/her subscriptions or any money, asset given in good will to the association during his time of membership.

7. Register of members

1. The registrar of the association must establish and maintain a register of members of the association specifying the name and postal or residential address of each person who is a member of the association together with the date on which the person became a member.
2. The register of members must be kept in Nyakach Constituency:



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- (a) at the main premises of the association, or
 - (b) If the association has no premises, at the association's official address.
3. The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
 4. A member of the association may obtain a copy of any part of the constitution from the register on payment of a fee of not more than Ksh. 100 for each page copied.
 5. If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection.
 6. A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - b) Any other purpose necessary to comply with the requirement of the Act or the regulation.

8. Fees and Subscriptions

- I. A member of the association must, who is not in any chapter, on admission to membership, pay to the association a fee of Ksh. 200 or any other amount as shall be determined by the committee.
- II. A new member must register to the association with an amount not less than Ksh. 100 once for their study period in the university and then maintain a



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subsequent annual subscription fee as stipulated in section 8 sub clause (III)

- III.** In addition to any amount payable by the member under sub clause (I) and (II) as registration fees, a member of the association must pay to the association an annual membership/ subscription fee of Ksh. 300 or any other amount as shall determined by the committee.

9. Members' Liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect to membership of the association as required by clause 8.

10.Resolution of Disputes

- I. A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, will be resolved with the executive, and the member or members affected, in which if dissatisfied, shall sort for a higher body of justice as shall be defined by this constitution.
- II. If a dispute is not resolved by mediation within 3 months as in 10 (1) above, the dispute is to be referred to arbitration.

11.Disciplining Of Members

- 1) A complaint may be made to the committee by any person that a member of the association:



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- i. has refused or neglected to comply with a provision or provisions of this constitution, or
 - ii. Has willfully acted in a manner prejudicial to the interests of the association.
 - 2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
 - 3) If the committee decides to deal with the complaint, the committee:
 - i. must cause notice of the complaint to be served on the member concerned, and
 - ii. must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - iii. Must take into consideration any submissions made by the member in connection with the complaint.
 - 4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
 - 5) If the committee expels or suspends a member, the Secretary General must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 12.
 - 6) The expulsion or suspension does not take effect:
 - a. until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or



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- b. if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 12, whichever is the later.

12. Right of Appeal of Disciplined Member

- A. A member may appeal to the association in a general meeting against a resolution of the committee under clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the Secretary General a notice to that effect.
- B. The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- C. On receipt of a notice from a member under sub clause (A), the Secretary General must notify the committee which is to convene a special meeting to be held within 28 days after the date on which the Secretary General received the notice.
- D. At a special meeting of the association convened under sub clause (C):
 - a. no business other than the question of the appeal is to be transacted, and
 - b. the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - c. The members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- E. The appeal is to be determined by a simple majority of votes casted by members of that committee.



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13.Rights of Member

1. Members shall have rights as laid out in the constitution of Kenya
2. Each member shall be entitled to the right of expression
3. Each member shall be allowed to access the information that concern the association unless constrained by the executive committee for whatever reason they deem protects the association
4. Each member shall have the right to participate in the activities of the association without any segregation based on any grounds.
5. Each member shall have the right to participate in the election of the association either as an aspirant or as a voter
6. Each member shall have the right to be a member of any committee as long as he/she fits the position and gets the membership through the appropriate manner as stipulated under this constitution.

14.Duties and Responsibility of Members

1. A member shall be expected to register only once and shall be subscribing to the association annually as stipulated under this constitution
2. A member shall be able to participate in the association's activities.
3. A member is expected to have a copy of the association's calendar of activities of the year.
4. A member shall be expected to respect and abide by the rules and regulations of this constitution.
5. A member is expected to respect and protect the rights of other members.



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6. A member shall be expected to attend all the general meetings.

4. LEADERSHIP STRUCTURE AND INTEGRITY

(a) The Office Bearers of the Association Shall Be;

1. The chairperson
2. The vice chairperson
3. The secretary general
4. The treasurer
5. The project coordinator
6. Organizing secretary
7. External affairs
8. Members' representative
9. Chapter representatives
10. Legal director
11. Gender affairs

(b) Duties of the executive

Chairperson

- Ensures maximum implementation of this constitution



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- Ensures unity among the members at all cost
- Comes up with agendas and policies to be discussed in a legislative sitting
- Calls for meetings at least twice per semester or can call ad hoc meetings
- Assents to a bill before it becomes a law upon approval by members
- He/she the most powerful leader and chairs executive meetings
- Appoints Ward representative one per Ward for the smooth running of the association and the chief legal advisor of the association
- Give guidelines and directives in matters of political decision is concerned

Deputy Chairperson

He will be fully in charge of the welfare of members

Acts as the chairperson in case;

- The chairperson is out of session
- The chairperson is sick
- The chairperson resigns (before by-election)



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Secretary General

- Links executive with members
- Communicates any information to members
- Takes minutes during meetings
- Organizes meeting dates

Treasurer

- Ensures finance safety
- Chief book keeping officer
- Tables group budget to members for approval

Organizing secretary

- Ensures effective communication among executives
- Organizes meeting venues
- May act in place of the secretary general

Project coordinator

- Comes up with viable projects for the association which shall be expanded and implemented in each ward if not division for inclusivity
- Checks the viability of projects proposed by



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members and table to the executive awaiting general meeting for consultation to increase project acceptance through members (public) participation.

- Keep a follow up to ensure implementation of the projects

External affairs

- Links the association with the outside World
- Looks for partners and NGOs to work with the association
- Sells the association beyond the borders.
- Links members with the alumni
- Control the association Facebook book account and any other networking system
- Sponsor bill for any form of membership e.g Shareholders to be part of the association

Members' representative

- Is in close association with members
- Presents the members' complaints to the executives
- Oversee operations of the executives in place of members
- Reports to members any misdealing of the

executives

Chapter representative

- He/she is the chairperson of the chapter
- Calls and chairs meetings at chapter level
- Reports to the executives of the association about the students' academic progress after every semester and/or academic year (*on matters deferment and discontinuation or expulsion by the institution*)

(c) Integrity of leaders

- 1) Authority assigned to an executive of the association
 - a) is that the association trust to be exercised in a manner that—
 - I. is consistent with the purposes and objects of this constitution
 - II. demonstrates respect for the members of the association and the public;
 - III. brings honor to the association and dignity to the office; and
 - IV. promotes the association confidence in the integrity of the office; and
 - b) vests in the office the responsibility to serve the members of the association, rather than the power to rule them.
- 2) The guiding principles of leadership and integrity include—
 - a) selection on the basis of personal integrity, competence and suitability, or election in free and fair grounds;
 - b) objectivity and impartiality in decision making
 - c) selfless service based solely on the association interest, demonstrated by



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- honesty in carrying out the association's duties; and
 - d) accountability to the association for decisions and actions; and
 - e) Discipline and commitment in service to the members.
- 3) An office holder shall behave, whether in the association and official life, in private life, or in association with other persons, in a manner that avoids—
- a) any conflict between personal interests and the association nor official duties;
 - b) compromising any association or official interest in favor of a personal interest; or
 - c) Demeaning the office the officeholder holds.
- 4) Any office holder who shall be found going contrary to the above shall be subject to the applicable disciplinary procedure for the relevant office.

(d) Terms of office

All NUSA elected leaders hold office for a maximum of one year before another general election is done. During the general elections which are done during December holidays every year, the former leadership hands over every tool of operation to the new elected leaders including changing the account signatories of the association's bank account this should take place at the same day with the election or else no election and approval of meeting within 3 days after election for the executive re-union

Chair ship should not exceed 2 term of one year each.

Leaders who wish to protect their position will declare their stand 2 months before the general election period

They may be re-elected by choice of the electorates



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Every chapter will have to elect their chapter representative and provide his/her name to the electoral board.

I propose rule of no winner take it all the second in the race becomes the speaker of the association with the approval by the chair .

The chapter representatives will act in full capacity as the chairperson at chapter level

The executives will not carry the blames, weaknesses or misconduct of a chapter representative

5. THE SPECIAL MEETING

- 1) The Special Meeting shall consist of the representatives of all Chapters; provided however that each chapter shall have only one vote at the meetings of the special meeting.
- 2) The special meeting shall be held once in a year in regular session and emergency sessions may be convened in accordance with rules made by the special meeting committee.
- 3) The Special Meeting shall:
 - a. determine the general policies of the Association;
 - b. determine the contributions of chapters in respect of the expenditure involved in the running of the affairs of the Association and its subsidiary bodies;
 - c. consider and approve the annual reports on the activities of the Association and the accounts of the Association;
 - d. consider and approve the draft program of work and the draft budget of the Association;



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- e. determine the conditions of admission of associate members and alumni of the Association; and
 - f. Consider and adopt rules and general directions governing the activities of the Association and its subsidiary bodies.
- 4) The Special Meeting may establish such subsidiary organs that it deems necessary and may delegate any of its functions to an organ of the Association.
- 5) Subject to the provisions of this constitution, the special meeting shall prescribe its own rules of procedure including those for convening its meetings, the conduct of such meetings, and the quorum and voting thereafter and for the dissemination of the report of its meetings.

6.ELECTION

a) Background

The association shall hold election of new leaders during the last week of every December holiday.

The chairman shall dissolve the office and declare it vacant during the last week of November

Members willing to contest shall then be given the platform to launch their campaigns and sell their policies

An electoral committee comprising of a few members, an alumni and an outsider will be formed ahead of the association's election

All the aspirants will be vetted on a set day by the electoral board and to confirm if they



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meet the requirements of the election as required by the constitution

Just before the election is done, all contestants will be given time to clarify their profile

b) Principles of the electoral system

- 1) freedom of members to exercise their political rights;
 - i. by secret ballot;
 - ii. free from violence, intimidation, improper influence or corruption;
 - iii. conducted by a special committee stipulated under this constitution
 - iv. transparent; and
 - v. Administered in an impartial, neutral, efficient, accurate and accountable manner.

c) Registration of voters

- i. A person qualifies for registration as a voter at elections or any other decision made through voting if he or she;
 - a. is an adult citizen;
 - b. is not declared to be of unsound mind; and
 - c. is a registered member of the association and having a valid identification.

d) Roles of the Contestants in the Electoral Process



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1. That they shall in no otherwise be found participating in unruly acts that may compromisetheassociation's reputation.
2. Theyshall be required under this constitution to present themselves to the committee whichshall be appointed as stipulated under this constitution to undertake an interview for their fitness to the office to whichthey apply for.
3. Thatthey will be required to pay an amount of money as shall be decided by the committee in charge of the election for registration purposes
4. That theyshall accept the results as shallhave been released by theelectoral body, and if any case dispute arises, that theyshallhandlethe same as stipulated under this constitution.

e) Requirements/ qualities of the office aspirants

- i. Must be convincing
- ii. Should be proactive and goal oriented
- iii. Must show objectivity in line with the goals of the association
- iv. Must provide how he/she wishes to change the image of the association
- v. Must be brave to face the electorates
- vi. Must not be in their last semester of their studies
- vii. As a leader to be, they must be presentable before the electorates
- viii. Must be a registered member of the association and must provide identification to confirm this
- ix. **Must have sat for at least 2 semesters in their respective institutions of learning.**



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f) By-elections

This may occur when;

- Any elected leader resigns
- Any elected leader defers academic year
- Any elected leader is impeached
- Incase of death of a leader
- When a leader becomes insane thus can't executive his/her roles normally.

g) Impeachment of leaders

The executive may be impeached in a sitting following a vote of no confidence presented to the floor by any member. The impeachment only proceeds if the censure motion is passed.

A vote of no confidence must be based on failure to act in accordance to this constitution by the leader in question.

Any leader on an impeachment question will have the floor to defend him/herself



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Duly

h) Eligibility for a candidate

- (a)** One must be a registered member of NUSA
- (b)** One must not be in his/her final semester of his/her studies
- (c)** One must possess qualities of a leader
- (d)** One must have the desire to lead and his/her intentions to lead must be known to all. No coercing a member to vie

**Note that all any member will be allowed to vie for any elective post of his/her interest except for the following two elective posts that will be left for ladies to obey the 2/3^d gender rule*

Vice chairperson

Treasurer

7. FINANCE

(i) Income

Some of the sources of **NUSA** finance are;

- Membership registration fee (a compulsory amount) as per section **3**, clause **8(III)**
- Fundraising by members over a particular financial need ,this

will be orchestrated by a financial demand affecting the association

- Every member will contribute at least **100/=** in an endeavor to suppress the stress
- Semester subscription fee as per section **3** clause 8 (II)
- Donations and grants from individuals, well wishers, organizations, NGOs and any other

(ii) Expenditure

Nusa funds will be used in the following areas

- ✓ To implement NUSA projects as will be directed by the project coordinator through the treasurer (giving priority to entrepreneurs among the bonafide members of the Association for promotion of youth enterprises)
- ✓ Print Nusa branded t-shirts
- ✓ Prepare certificates to the executives and to the chapter representatives
- ✓ Help a member on application/ request for assistance either for business, urgency or any other need in which case the purpose for request shall be scrutinized by finance committee and the help be granted after collateral has been provided or considered.
- ✓ Organize for a get together party at every December of every

year

- ✓ The contendants (youth entrepreneurs) shall be required to apply for supply of a given product or service through a written document to the office of the project coordinator which shall then table it before the executive. Upon receipt of such document a committee shall be formed to discuss and award the tender on fair grounds. A contender can only be awarded once in an academic year unless monopolised.
- ✓ A communication shall be made by the relevant office on the tender proceedings and transactions to the public (members).

(iii) Bank account

The association has an account with the KENYA COMMERCIAL BANK, ac number

The association's account signatories shall comprise 3 executive members as follows:

- I. Treasurer
- II. Chairperson/ vice chairperson
- III. Secretary general

N/B The account signatories will be subject to change annually after the general election of the association

Most of the association's transactions shall involve bank transactions

In case of cash transactions, there shall be provision of receipts for the purposes of proof and reference



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8. WELFARE

A registered member will be allowed to seek for financial support from the association when he/she has presented the concern and the executives have approved the request. The concern may be fee problems, hardships in surviving in the college or loss of a parent or a sibling.

Help granted for fee problems and other socio-economic issues will be refundable. However those granted for death calamities will be non-refundable; such help will only be extended to loss of a parent or a sibling only.

The executives, on receiving the notice of help or a request of concern, will sit down and decide on how much a member should be helped. The same will be communicated to members.

9. AMMENDMENT OF THIS CONSTITUTION

1. this constitution shall be amended by a two-third majority of registered members and atleast two-third of the chapters registered with the association, and those chapters which shall not be represented during voting shall be required to submit their consent of agreement through writing
2. The application for amendment shall be proposed by a member, a group of members or a chapter and be a valid application.
3. This constitution shall not be amended unless the application of the

amendment and a letter confirming the same is sent to all the chapters registered under the Association.

10.DISSOLUTION OF THE ASSOCIATION

- I. Failure to comply with section 102 of the association/society act, the registrar may decide to dissolve the association
- II. Voluntary dissolution as provided in section 103 of the association/society act

