



**JARAMOGI OGINGA ODINGA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**

DOCUMENT: PROCEDURE FOR LEGAL MATTERS

DOCUMENT NO: JOOUST/VC/LO/OP 28

AUTHORIZED BY: VICE-CHANCELLOR

SIGNATURE:

ISSUED BY: LEGAL OFFICER

SIGNATURE:

0.1 DISTRIBUTION/CIRCULATION

S/NO.	TYPE	OFFICE
i.	Master Copy	QMR
ii.	Copy	VC
iii.	Copy	LO
iv.	Copy	FHs
v.	Soft Copy	JOOUST Website By Password

0.2 DOCUMENT CHANGES

DATE	CHANGES	AUTHORIZED BY
27/4/2012	Addition of time lines to make the Procedure methods more efficient, effective and measurable	
29/4/2013	Procedure reviewed to reflect change of status from BUC to JOOUST	
30/4/2015	Added 6.2.7, Removed 6.5 Deleted 6.7.5 to 6.7.11 and reviewed Procedure for adequacy	

ISSUE NO: 001	REVISION NO: 03	DATE OF ISSUE: 15 TH OCTOBER, 2011
-------------------------	---------------------------	---

- 1.0 Purpose :** To ensure legal matters within the University are conducted efficiently and effectively
- 2.0 Scope :** The procedure covers all statutory matters concerning the University.
- 3.0 References :**
- 3.1 ISO 9001-2008 Standard
 - 3.2 JOOUST Quality Manual
 - 3.3 Kenya Constitution 2010
 - 3.4 Universities Act 2012
 - 3.5 The Contract Act
 - 3.7 Republic of Kenya Labour Laws
 - 3.8 JOOUST Statutes
 - 3.9 JOOUST Charter
 - 3.10 JOOUST Strategic Plan
 - 3.11 JOOUST Service Charter

4.0 Terms and Definitions

- 4.2 **BUC:** Bondo University College
- 4.3 **JOOUST:** Jaramogi Oginga Odinga University of Science & Technology
- 4.3 **Council:** The supreme decision making organ in the Management of the University.
- 4.4 **Legal Order:** Legal Notice No 56 of 2009.
- 4.5 **UMB:** University Management Board
- 4.6 **L.O:** Legal Officer
- 4.7 **FHs:** Functional Heads (DVC, Deans, Directors, Registrars, Heads of Sections/Units, Chairpersons of Departments)

ISSUE NO: 001	REVISION NO: 03	DATE OF ISSUE: 15 TH OCTOBER, 2011
-------------------------	---------------------------	---

5.0 Responsibility

The Legal Officer shall be responsible for the implementation and effective supervision of this procedure.

6.0 Method.

6.1 Litigation by the University

6.1.1 The LO shall receive any legal request/complaints from the various departments within the University.

6.1.2 The LO shall act on the request within seven days upon receiving the request.

6.1.3 The LO shall ensure categorization of the legal issue on whether it requires the following action *inter alia*:

- a) Drafting a contract.
- b) Filing/defending a legal suit.
- c) Advising the department vide a memo.
- d) Assisting the department to obtain the relevant documents e.g. title deed, certificate of incorporation.

6.1.4 The LO shall then consult and discuss the issue with the VC (where necessary) within seven days upon receiving the request.

6.1.5 The LO shall commence an arbitration procedure as appropriate

6.1.6. The LO shall collect all the relevant data/evidence in the matter and thereafter refer the matter to the external lawyers to file a suit as is appropriate within fourteen days if the arbitration fails.

6.1.7 The LO shall update the VC on the progress of the pending court suit as appropriate.

6.1.8 The LO shall follow up the case to its comprehensive conclusion.

ISSUE NO: 001	REVISION NO: 03	DATE OF ISSUE: 15 TH OCTOBER, 2011
-------------------------	---------------------------	---

6.2 Litigation against the University

- 6.2.1 The LO shall receive demand letters and/or complaint by any person against the University.
- 6.2.2 The LO shall investigate the complaints/demand letter depending on its nature.
- 6.2.3 The LO shall hold arbitration where necessary within seven days upon completion of investigations.
- 6.2.4 The LO shall receive court summons and pleadings on behalf of the University and thereafter he shall forward the documents together with a legal brief to the external lawyers within five days.
- 6.2.5 The LO shall help with the witness preparation for the case as necessary.
- 6.2.6 The LO shall consult with the external counsel on the judgment/ruling of the court.
- 6.2.7 The LO shall advise the External Counsel to file an appeal if the outcome is deemed unjust or inequitable.

6.3 Preparation of contract, agreement and leases from outsiders.

- 6.3.1 The LO shall receive contracts prepared outside the University.
- 6.3.2 The LO shall within five days study the contract to ensure the interest of the University is protected.
- 6.3.3 The LO shall approve or amend the contract within five days of receipt and send it back to the drawers to amend it.
- 6.3.4 LO shall receive the final contract from the drawers for immediate execution and safe custody.

6.4 Preparation of contract, agreement and leases from within the University.

- 6.4.1 The LO shall receive requests and the relevant documents from FHs on the need to have a contract drawn.
- 6.4.3 The LO shall within ten days study the draft and incorporate other necessary details.
- 6.4.4 The LO shall within fourteen days send the draft copy to the FHs with the necessary amendments.

ISSUE NO: 001	REVISION NO: 03	DATE OF ISSUE: 15 TH OCTOBER, 2011
-------------------------	---------------------------	---

- 6.4.5 The LO shall receive the amended copy from the FHs and forward the final copy to the external partners
- 6.4.6 The LO shall receive the final copy from the external partners with amendments if any.
- 6.4.7 The LO shall study final submission within seven days to ensure its in the interest of the University.
- 6.4.8 The LO shall inform the relevant FH within seven days to move forward with the agreement/contract process.

6.6 Processing of disciplinary cases

- 6.6.1 The LO shall receive files of disciplinary inquiry on the staff/students from the Security Officer / Dean of Students /Registrar Academic Affairs/R, PA or any other FH.
- 6.6.2 The LO shall prepare charges within five days and return the files to the respective FHs.
- 6.6.3 The LO shall guide the disciplinary committee meeting.

6.7 Breach of legal instruments

- 6.7.1 The LO shall notify a FH that is in breach of any legal requirement within three days of occurrence.
- 6.7.2. The FH shall respond within 21 days and report on the actions to be taken to remedy the breach.
- 6.7.3. LO shall receive a report on the implementation from the FH
- 6.7.4. The LO shall make appropriate recommendations to the VC if the breach is not corrected appropriately.

ISSUE NO: 001	REVISION NO: 03	DATE OF ISSUE: 15 TH OCTOBER, 2011
-------------------------	---------------------------	---