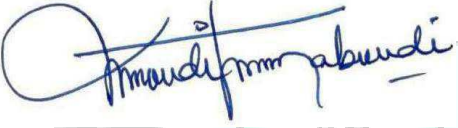





**MASENO UNIVERSITY**

<b>DOCUMENT</b>	PROCEDURE FOR LEGAL SERVICES		
<b>DOC. NO:</b>	MSU/VC/LO/OP/01	<b>ISSUE NO:</b>	3
<b>DATE OF ISSUE</b>	10 <sup>TH</sup> MARCH, 2023	<b>REV. NO:</b>	2
<b>AUTHOR</b>	SENIOR LEGAL OFFICER		
<b>AUTHORIZED BY:</b>	VICE-CHANCELLOR	<b>ISSUED BY:</b>	MR
<b>SIGNATURE</b>		<b>SIGNATURE</b>	

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### 0.1 DOCUMENT CHANGES

#	Date (dd-mm-yy)	Details of Change		Authorization
		Page	Clause/sub clause	Title
1	06/3/2023		Additional list of references.	VC
2				
3				
4				
5				
6				

### 0.2 DOCUMENT DISTRIBUTION

Documents shall be available on the Maseno University website for authorized users.

### 1.0. PURPOSE

To ensure provision of professional and efficient legal services to the University.

### 2.0 SCOPE

This procedure covers all legal matters concerning the University.

### 3.0 REFERENCE

- 3.1 The Constitution of Kenya
- 3.2 Acts of Parliament.
- 3.3 Subsidiary/Delegate/Subordinate (Circulars).
- 3.4 County Assembly Legislations.
- 3.5 Foreign legislations.
- 3.6 Treaties and Conventions.
- 3.7 General rules of International Law.

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- 3.8 Maseno University Quality Manual
- 3.9 Maseno University Charter 2013
- 3.10 Maseno University Terms of Service
- 3.11 Maseno University Student's Handbook
- 3.12 Maseno University Students Rules & Regulations

#### **NON STATUTORY SOURCES**

- 3.13 English Common Law
- 3.14 Doctrines of Equity.
- 3.15 International Customary Law.
- 3.16 African Customary Law.
- 3.17 Islamic Law.
- 3.18 Judicial Precedent

#### **4.0 DEFINITION OF TERMS/ABBREVIATIONS**

The following terms shall apply in addition to those already defined in MSU Quality Manual.

- 4.1 RACS (Registrar Administration and Central Services) Chief Administrative officer in the Administration Department.
- 4.2 LO (Legal Officer) - Officer handling legal matters on behalf of the university.

#### **5.0 RESPONSIBILITIES**

The Senior Legal Officer shall be responsible for effective implementation of this procedure.

#### **6.0 METHOD**

##### **6.1 Litigation by the university**

- 6.1.1 LO shall receive complaints from departments.
- 6.1.2 LO shall identify issues within the complaints.
- 6.1.3 LO shall collect all the relevant documents regarding the issues identified.

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6.1.4 LO shall mount an arbitration to solve the problem.

6.1.5 LO shall do a brief to external lawyer in the event of arbitration failure.

6.1.6 LO shall send the relevant documents to the external lawyer with instruction to sue.

6.1.7 LO shall follow up on all the mentions and hearings.

6.1.8 LO shall prepare witnesses for the case.

6.1.9 LO shall advice external lawyers as need arises.

6.1.10 If the judgement is not in favour of the University, an appeal shall be lodged or judgement executed.

## 6.2 Litigation against the University

6.2.1 LO shall receive the demand letter and shall do a background check of the issue.

6.2.2. LO shall respond to the letter depending on the findings.

6.2.3 LO shall hold arbitration where necessary.

6.2.4 LO shall receive court documents.

6.2.5 LO shall prepare the documents for Defence

6.2.6 LO shall do a brief to the external lawyer

6.2.7 LO shall prepare the witnesses

6.2.8 LO shall oversee the proceeding in court

6.2.9 LO shall determine when to appeal upon issuance of judgment against the University or process the judgment debt.

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### 6.3 Preparation of the contract, agreement and leases

- 6.3.1 LO shall receive contract prepared outside the University or request for relevant documents for contract emanating from within
- 6.3.2 If from outside LO shall go through the contract to ensure that interests of the University are protected.
- 6.3.3 LO shall approve or amend the contract if necessary and send back to the drawers.
- 6.3.4 LO shall receive the final from the contract drawers for execution.
- 6.3.5 If from within the University the LO shall receive the request from user department on the need to have a contract drawn.
- 6.3.6 LO shall receive the relevant documents from the department.
- 6.3.7 LO shall carry out research on the details necessary for drafting the contract
- 6.3.8 LO shall draw the contract
- 6.3.9 LO shall send draft copy for the department to go through
- 6.3.10 LO shall receive the copy with the department' amendments if any and forward final copy to the party to go through.
- 6.3.11 LO shall receive the copy from the other party with amendments if any.
- 6.3.12 LO shall call a meeting for the signing and execution of the contract if approved.

### 6.4 Processing of Motor –vehicle insurance claim

- 6.4.1 LO shall receive a report of a motor vehicle accident from the transport officer
- 6.4.2 LO shall report the accident to the insurance company within 48 hours.
- 6.4.3 LO shall send a properly filed police abstract together with details of the incidence to the insurance company.
- 6.4.4 LO on receipt of the claim form, the LO shall fill the form and return it within one week.

### 6.5 Processing of Group Life insurance chain

- 6.5.1 LO shall receive notice of death of staff from Human Resource Department.
- 6.5.2 LO shall communicate to the insurance broker on the notification of death.
- 6.5.3 LO shall forward a copy of the burial permit and any other documents required to the insurance company.

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**6.6 Processing of disciplinary cases**

6.6.1 LO shall receive files of disciplinary inquiry on the staff /students from the Security Officer.

6.6.2 LO shall prepare charges and give advice during Disciplinary Committee meeting.

