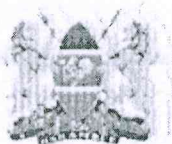


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REPUBLIC OF KENYA

MINISTRY OF EDUCATION

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When Replying please quote

MOEST/ADM/2/32 VOL.XI

28th August, 2020

All Vice Chancellors
All Principals of Constituent Colleges
All Chairpersons of University Councils

LEGAL OPINION ON CONTRACT RENEWAL FOR TOP UNIVERSITY MANAGERS

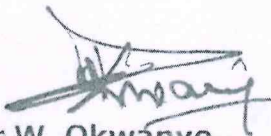
The Ministry requested for a legal opinion from the Attorney General on whether the Public Service Commission (PSC) should be involved in the renewal of contracts of top university managers for a second and final term of five (5) years and on the role of the Cabinet Secretary and the university councils in this respect.

Through a letter Ref AG/CONF/21/58. VOL.IV dated 19th August, 2020, the Attorney General advised that the role of the PSC lies in the competitive recruitment of the respective top university managers. Once the competitive recruitment has been done, the University Council, in consultation with the Cabinet Secretary, appoints the successful candidates. It was further advised that the aspect of competitive recruitment does not arise in the context of reappointments. When it comes to reappointment for a further term, the body responsible for reappointment assesses the person and makes a decision whether to reappoint the incumbent or open up the position for competition.

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As regards the role of the Cabinet Secretary in the reappointment or renewal of contracts of top university managers, the Attorney General advised that the power to make such appointments in public universities is vested in the university councils but the councils must consult the Cabinet Secretary prior to the reappointment of top university managers.

The purpose of this letter is to bring the Advisory from the Attorney General to your attention and to request you to ensure compliance.


Peter W. Okwanyo
FOR: PRINCIPAL SECRETARY

cc. Cabinet Secretary