

CHAPTER 93

THE MZUMBE UNIVERSITY ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 93

THE MZUMBE UNIVERSITY ACT

An Act to establish the Mzumbe University and to provide for matters connected with and incidental to the establishment and functioning of the University.

[1st March, 2002]

[G.N. No. 90 of 2002]

Act No. 21 of 2001

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh93s1]1. Short title

This Act may be cited as the Mzumbe University Act.

[PCh93s2]2. Omitted

[Omitted under R.E. 1994.]

[PCh93s3]3. Interpretation

In this Act, unless the context otherwise requires—

"academic staff" means members of the staff of the University described in section 23;

"academic staff association" means the association of academic staff established by section 33;

"administrative staff" means the members of the staff of the University described in section 27;

"annual estimates" means the estimates, other than supplementary estimates, prepared under section 58 in respect of any financial year;

"appointing authority" in relation to a person holding any office created by or under this Act, means the person or body of persons vested with the power to appoint or elect that person to the office concerned;

"appointment" in relation to the staff of the University, means an appointment of a person to the academic or administrative staff of the University and includes an appointment on promotion, recruitment or transfer, and also includes an acting appointment;

"appointments committee" means, in relation to an appointment to the academic staff or any matter relating to a member of the academic staff the committee established by

section 25, and in relation to an appointment to the administrative staff or any matter relating to a member of the administrative staff, the Committee established by section 28;

"auditor" means an external auditor appointed by the Council under section 59;

"Board" means a Board Committee established under and in accordance with section 21, and includes an Appointments Committee, a Faculty Board and the Disciplinary Appeals Committee established by section 43;

"bursar" means a professionally qualified accountant of the University appointed in accordance with section 54(2);

"by-laws" means any by-laws made by the Council in the exercise of the power conferred by or under this Act for the proper governance of the affairs and business of the University;

"the Chairman" means the Chairman of the Council;

"the Chancellor" means the Chancellor of the University referred to in section 10;

"Centre" means any centre established under this Act to undertake or administer specific functions;

"constituent College" means an independent institution of the University having its own members of academic staff, students and building as may be established under the provisions of subsection (2) of section 15;

"continuing education" includes such short courses, seminars, workshops, and other related activities designed for and carried out for any members of any professional body or bodies, discipline, vocation or the like, desirous of improving or enhancing their knowledge;

"the Convocation" means the Convocation of the University established by section 49;

"co-ordinator" means an officer of the University entrusted with the task of co-ordinating specific activity as may be directed by any relevant authority or organ of governance;

"the Council" means the Council of the University established by section 14;

"Dean" means the Dean of a faculty appointed under section 24;

"Dean of Students" means the Dean appointed under section 36;

"department" means any department in the University established under this Act;

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor of the University appointed under section 12;

"Director" means a member of staff of the University who is in charge of the administration of a directorate, institute, college, department or other appropriate unit in the University;

"distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;

"faculty" means a faculty of the University established under section 20;

"faculty board" means a board established under section 21;

"financial year" means the financial year of the University as determined under section 57;

"Gazette" means the official Gazette of the Government of the United Republic;

"institute" means an institute of the University established under section 20;

"member" in relation to—

(a) the Council, means a member of the Council, and includes the Chairman;

(b) a Board, means a member of the board, and includes the Chairman of the Board;

(c) the Senate, means a member of the Senate, and includes the Chairman of the Senate;

(d) the Convocation, means a member of the Convocation and includes its President;

"Minister" means the Minister for the time being responsible for matters relating to higher education;

"Officer" means any person in the employment of the University but does not include the Vice-Chancellor, a Deputy Vice-Chancellor or the Registrar;

"organs of governance" means the Council, the Senate, a Committee, a Board or other organ or authority responsible for the management of any aspect to the business or affairs of the University;

"Professor Emeritus" means a professor of the University who having retired keeps his title as an honour;

"Registrar" means the Registrar of the University appointed under section 13;

"regulations" means the regulations made under section 62;

"salary" includes any overseas pay addition but does not include allowances or other monetary benefit;

"school" means a department or other institution of the University established under section 20;

"search committee" means a committee set up in accordance with section 11 or 12 and whose functions are specified in the First Schedule to this Act;

"Secretary" means the Secretary to the Council appointed under section 16;

"Senate" means the Senate of the University established by section 18;

"student" means any person admitted to the University as a candidate for any award of the University and studying under any of its programmes;

"the University" means the Mzumbe University established by section 4;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 11.

PART II

THE MZUMBE UNIVERSITY (ss 4-7)

[PCh93s4]4. Establishment of the University

(1) There is hereby established, and located at Mzumbe in Morogoro Region, a university to be known as the Mzumbe University.

(2) The University shall be a body corporate and shall—

- (a) have perpetual succession and a common seal;
- (b) in its corporate name, be capable of suing or being sued;

(c) be capable of purchasing and acquiring in any other way, and of alienating any movable or immovable property;

(d) have power from time to time to borrow such sums as it may require for its purposes.

[PCh93s5]5. Official seal and signification of documents

(1) The common seal of the University shall be kept in such custody as the Council directs and shall not be used except in accordance with an order or direction of the Council.

(2) The common seal of the University shall be authenticated by the signature of the Vice-Chancellor, or of one other member of the Council authorised in that behalf by the Council, and that of the Registrar.

(3) The common seal of the University shall, when affixed to any document and duly authenticated under this section, be judicial and official notice and, unless the contrary is proved, any necessary order or authorisation of the Council under this section shall be presumed to have been duly given.

[PCh93s6]6. Mission and emblem of University

(1) The mission of the University shall be to provide opportunities for acquisition, development and preservation of knowledge and skills through training, research and technological services in the areas of management, public administration, economics, accountancy, local government administration, finance, administration of justice and any other area as determined by the University in accordance with this Act.

(2) The University shall have an emblem, bearing the words "Mzumbe University" reflecting its mission, of such design, form, attributes, characters or content as the Council may, upon advice of the Senate, prescribe.

[PCh93s7]7. Objects and functions of the University

Notwithstanding the generality of the provisions of section 6, the objects and functions of the University shall be—

(a) to provide facilities and opportunities for university education, research, training and consultancy services for the development of human race generally, and of the people of Tanzania in particular;

(b) to assist in the preservation, transmission, dissemination and enhancement of knowledge generally and in particular in the fields of administration of justice, management, public administration, business administration, local government administration, accountancy and finance, economics and allied or complementary fields of learning;

(c) to encourage academic staff and students to learn and seek knowledge and truth;

(d) to produce highly educated and adequately trained experts well prepared and equipped with requisite skills for self employment and manning of key positions in both the public and private sectors;

(e) to preserve, transmit and advance professional knowledge, skills and attitudes;

(f) to promote, facilitate and sponsor research into technological, social, economic, political and cultural spheres for the welfare and development of mankind within or outside the United Republic;

(g) to seek or institute and award fellowships, scholarships, bursaries, medals, prizes and other forms of awards, assistance or sponsorship for the advancement and dissemination of knowledge and the pursuit of truth;

(h) to arrange for the publication and dissemination of material produced in connection with the work and activities of the University;

(i) to conduct and administer examinations and confer, degrees, diplomas, certificates and other awards of the University;

(j) to develop, promote and undertake the provision of adult, continuing and distance education for the enhancement of good governance and efficacious solution to socio-economic and political problems;

(k) to develop and maintain a reference library and provide library services in the fields of study undertaken by the University;

(l) to co-operate with the Government of the United Republic and other stakeholders and people of Tanzania in the planned and orderly development of quality education, science and technology in the United Republic;

(m) to establish links and to co-operate with other national and international institutions in the initiation and conduct of co-operative research and training programmes for the mutual benefit of the co-operating institutions and the United Republic and generally for the pursuit of the mission of the University;

(n) to do any other thing in accordance with the provisions of this Act or any other written law in force in the United Republic in pursuance of the mission of the University.

PART III

AWARD OF DEGREES, DIPLOMAS ETC. (ss 8-9)

[PCh93s8]8. Degrees, diplomas, certificates, etc.

(1) Subject to the provisions of this Act, the University may confer the degrees of Bachelor, Master, Doctor of Philosophy and such other degrees of specialization as may be prescribed from time to time by the Council.

(2) The University may grant such diploma, certificates or other awards as may be prescribed by the Senate and approved by the Council for conferment—

(a) upon persons pursuing studies in respect of courses of study provided by the University and approved by the Council;

(b) upon persons who, in the opinion of the Senate, are entitled to receive such diplomas, certificates or other awards.

(3) The degrees, diplomas, certificates and other awards to be prescribed under the provisions of this section shall be published in the Gazette.

[PCh93s9]9. Degrees honoris causa

Section 8 shall apply to the degree of Doctor of Philosophy or other degrees honoris causa which the Senate may, with the approval of the Chancellor, wish to confer upon any person who, in the opinion of the Senate, has rendered distinguished services in

the advancement of any branch of learning or has otherwise rendered himself worthy of such a degree.

PART IV

THE ADMINISTRATION AND STRUCTURE OF THE UNIVERSITY (ss 10-34)

(a) The Leadership of the University (ss 10-13)

[PCh93s10]10. The Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the President of the United Republic upon such terms and conditions of service as, subject to this Act, may be specified in the instrument of his appointment.

(2) The Chancellor shall, unless he sooner dies, resigns or otherwise vacates office, hold office for a term of five years and may be re-appointed for a further term of not more than five years.

(3) The Chancellor shall—

- (a) be the titular head of the University;
- (b) in the name of the University, confer all degrees, diplomas, certificates and other awards of the University;
- (c) have the right, from time to time, to direct an inspection of the University or an inquiry into the teaching, research or other work of the University;
- (d) have power to arrange for visitation to the University in such manner as may be appropriate or prescribed;

(e) endeavour to use his position to promote and enhance good and harmonious governance and overall development of the University;

(f) provide such advice and guidance to the Council as he may consider necessary or desirable for the betterment of the University;

(g) have and discharge such other functions as are conferred upon him by or under this Act.

(4) Whenever the Chancellor is absent from the United Republic or is for any other reason unable to perform the functions of his office, and—

(a) if the absence or inability is not expected to last more than three months, the Council shall appoint a person to exercise the office of Chancellor in an acting capacity for that period; or

(b) if the absence or inability is expected to or continues for more than three months, the Minister shall, upon advice by the Council, appoint a person to exercise the office of Chancellor in an acting capacity for the period exceeding three months; and

(c) if the Chancellor fails to resume office after the expiration of twelve months from the occurrence of any of the events referred to paragraph (a) or (b), or if he dies or suffers from permanent inability to discharge his office, the office shall be deemed to be vacant, and upon advice by the Council, the President shall appoint another person to hold the office of Chancellor.

[PCh93s11]11. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the President upon recommendation by the Minister, after consultation with the Council, from a list of not more than three names of persons submitted by a search committee appointed in accordance with the Provisions of the First Schedule to this Act.

(2) The First Vice-Chancellor shall be appointed by the President upon recommendation by the Minister, immediately after the coming into operation of this Act without reference to the search committee, but appointment of subsequent Vice-Chancellor or the reappointment of the first Vice-Chancellor shall invoke all the provisions of subsection (1).

(3) A person shall not be qualified for appointment as Vice-Chancellor unless he is—

- (a) a person of unquestionable integrity;
- (b) of outstanding academic experience;
- (c) a person who has attained the status of at least associate professor; or
- (d) in possession of proven or provable administrative capability and experience.

(4) The Vice-Chancellor shall, except if he sooner dies, resigns or otherwise ceases to hold office, hold office for a term of five years, upon such terms and conditions as shall be specified in the instrument of his appointment, and may be reappointed for a further term of five years.

(5) The Vice-Chancellor shall—

(a) be the chief executive officer of the University, and shall be responsible to the Council for the implementation of the decisions of the Council;

(b) be responsible for the general security and welfare of the University;

(c) have and exercise such other functions and powers as are conferred upon him by or under this Act.

(6) The Vice-Chancellor may whenever he deems fit so to do, delegate any of his functions or powers under this Act to the Deputy Vice-Chancellor or other officer of the University and may impose any limitations or conditions upon such delegation.

[PCh93s12]12. The Deputy Vice-Chancellor

(1) There shall be a Deputy Vice-Chancellor, who shall be appointed by the Council, from amongst names of associate professors and professors of the University submitted by a search committee.

(2) The Deputy Vice-Chancellor shall, unless he sooner resigns, dies or otherwise vacates the office, hold office for a period of five years, upon such terms and conditions as shall be specified in the instrument of his appointment and may be reappointed for one further term of five years.

(3) The Deputy Vice-Chancellor shall be the immediate principal assistant and responsible to the Vice-Chancellor in relation to such matters pertaining to the academic activities and life of the University as are assigned to him by the Council or the Vice-Chancellor or otherwise conferred upon him by or under this Act and shall deputise for the Vice-Chancellor on all appropriate occasions.

(4) The Council shall, in assigning duties to the Deputy Vice-Chancellor, prescribe the manner in which he may deputise for the Vice-Chancellor in his absence or inability to perform.

[PCh93s13]13. The Registrar

(1) There shall be a Registrar of the University who shall be appointed by the Council upon recommendation of the Vice-Chancellor, and shall be a person who, in the opinion of the Council, has proven or provable administrative experience and is otherwise able to act effectively in the office.

(2) The Registrar shall hold office for such period and upon such terms and conditions as the Council may, upon advice by the Vice-Chancellor, determine, and as may be specified in the instrument of his appointment.

(3) The Registrar shall be the principal assistant and chief adviser to the Vice-Chancellor in all matters pertaining to the administration of the University, including the administration of the funds and other assets of the University.

(4) The Registrar shall have and perform such other functions as are conferred upon him by or under this Act.

(b) The Council (ss 14-17)

[PCh93s14]14. The University Council

(1) There shall be a Council of the University which shall consist of—

(a) a Chairman who shall be appointed by the President;

(b) the Vice-Chancellor who shall be an ex-officio member;

- (c) one Vice-Chancellor representing public or private Universities;
- (d) one member representing the Ministry responsible for higher education;
- (e) one member representing the Civil Service Department;
- (f) one member representing the Ministry responsible for finance;
- (g) one member representing Professional bodies;
- (h) one member representing the Academic Staff Association;
- (i) one member representing a trade union at the University;
- (j) one member of Parliament representing the National Assembly;
- (k) one member representing the Zanzibar House of Representatives;
- (l) one member representing the Convocation;
- (m) one member elected by the student's organization from amongst its members.

(2) Save for the Chairman, all members of the Council shall be appointed by the Minister following upon their nomination or election by the persons or institutions whom they each are to represent in the Council.

(3) The provisions of the Second Schedule to this Act shall have effect as to the tenure of office of the members of the Council, termination of their appointment, the proceedings of the Council and other matters in relation to the Council and its members.

(4) Whether members of the Council are appointed, elected or nominated, it shall be the duty of the persons, bodies or institutions recommending them to the appointing authority to ensure that they appoint, elect or nominate persons who are qualified or who

have prerequisite experience enabling them to fully and usefully contribute to the discharge of the function of the Council.

[PCh93s15]15. Functions and powers of the Council

(1) Subject to this Act, the governance, control and administration of the University is hereby vested in the Council.

(2) In particular and without prejudice to the generality of subsection (1), the Council shall have power to—

(a) administer the property of the University, both movable and immovable, in such manner and for such purposes as, in the opinion of the Council, may be necessary or desirable for the promotion of the best interests of the University, subject to subsection (3);

(b) signify the acts of the University by use of the common seal;

(c) administer the funds and other assets of the University;

(d) prescribe the fee structure for the various programmes or courses and, where appropriate, for services offered or provided by the University;

(e) receive reports and recommendations from lower organs of governance and act upon them, subject to the law;

(f) note and, where appropriate, act upon recommendations by the Senate regarding conferment, withdrawal or restoration of degrees, diplomas, certificates and other awards of the University;

(g) receive, on behalf of the University, gifts, donations, grants, bequests or other moneys and property, and to make disbursements from them to the faculties,

institutes, schools, constituent colleges or to other persons or bodies of persons in the University;

(h) provide for the welfare of the students and the staff of the University;

(i) appoint, subject to this Act such officers of the University as it may deem necessary;

(j) make by-laws, subject to this Act, in relation to the governance, conduct and discipline of the students and the staff of the University;

(k) formulate and oversee the implementation of general policies, strategies, plans and other affairs and business of the University;

(l) subject to this Act, create, establish or disestablish colleges, faculties, institutes, schools, directorates, departments, centres, units or committees as it may deem appropriate or necessary for the purposes of the effective discharge of the objects and functions of the University;

(m) do all such other acts and things as are provided for by or under this Act or as may be prescribed.

(3) The Council may, subject to such conditions and limitations as it may impose, delegate to any person or body of persons, the power of appointment of any members of the academic or administrative staff of the University.

[PCh93s16]16. Secretary of the Council

(1) The Council shall, upon recommendation by the Vice-Chancellor, appoint a suitably qualified and experienced person, from amongst several names, to be the Secretary of the Council.

(2) The Council may appoint such number of other officers as it may determine to assist the Secretary in the efficient discharge of the functions of his office.

(3) The Secretary shall have and exercise such functions as are specified by or under this Act or as may be conferred upon him by the Council.

[PCh93s17]17. Irregularity not to affect validity of proceedings

No act or proceedings of the Council shall be invalid by reason only of the number of the members not being complete at the time of that act or proceeding or of any defect in the appointment of any member of the Council or of the fact that any member of the Council was at the time in questions disqualified or disentitled to act as such.

(c) The Senate (ss 18-19)

[PCh93s18]18. The University Senate

- (1) There is hereby established a Senate of the University which shall consist of—
- (a) the Vice-Chancellor, who shall be the Chairman;
 - (b) the Deputy Vice-Chancellor, who shall be the Vice-Chairman;
 - (c) the Director of Higher Education in the Ministry responsible for higher education;
 - (d) the Deans of faculties and schools of the University;
 - (e) one member of the Council appointed by the Chairman of the Council;
 - (f) the Directors of Institutes;
 - (g) principals of constituent colleges;
 - (h) one member representing professional bodies;

- (i) one woman member representing a public or private university;
- (j) one member representing the Academic Association;
- (k) one member representing the students' organization.

(2) All members of the Senate shall be appointed by the Council following upon their respective nomination, election or recommendation by the persons or institutions whom they each are to represent in the Senate.

(3) The provisions of the Second Schedule to this Act shall have effect, mutatis mutandis, in relation to the tenure of office of members of the Senate, termination of their appointment, the proceedings of the Senate and other matters in relation to the Senate as they have in relation to the Council.

(4) Whether members of the Senate are appointed, elected or nominated, it shall be the duty of the persons, bodies or institutions recommending them for appointment by the Council to ensure that they appoint, elect or nominate persons who are qualified or who have prerequisite experience enabling them to fully and usefully contribute to the discharge of the functions of the Senate.

[PCh93s19]19. Functions and powers of the Senate

(1) The Senate shall be responsible to the Council for the control and general regulation of the instruction, education, research and all other academic activities within the University, and shall, in addition, have the following functions—

- (a) to approve the syllabi for any programme leading to the conferment of any award of the University;
- (b) to set, safeguard and maintain academic standards of the University;

(c) to formulate and recommend to the Council by-law–

(i) regarding the eligibility of persons for admission to, as well as their retention and promotion in any course for a degree, diploma, certificate or other award of the University, and for the conferment of any degree, and the granting of any diploma, certificate or other award of the University;

(ii) regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University;

(iii) regarding the conduct of examinations, and the approval and declaration of examination results;

(d) to decide whether any candidate for a degree, diploma, certificate or other award of the University has attained the standard of proficiency prescribed by by-laws made in pursuance of recommendations made under paragraph (c) and is otherwise a fit and proper person for the grant of the degree, diploma, certificate or other award of the University;

(e) to withdraw any award fraudulently obtained by any person from the University;

(f) to consider recommendations made to it by any academic committee of a College, or a board of a faculty, school, institute or directorate, as the case may be, and to take such action on it as it may consider appropriate;

(g) to make proposals to the Council on the academic affairs of the University;

(h) to recommend to the Council the establishment or disestablishment of colleges, faculties, schools, institutes, centres or units or other academic bodies of the University which may appear necessary for the growth and development of the University;

(i) to recommend to the Council the fee structure for the various programmes or courses and services offered or provide by the University;

(j) to make rules governing such other matters as are within its powers under this Act;

(k) to discharge such other functions as may be conferred upon it by or under this Act or as may be assigned by the Council.

(2) Notwithstanding any other provision of this Act, in respect of any matter in relation to which the Senate is required to report or make recommendations to the Council, the Council shall deliberate on the same and make a decision.

(d) Faculties, Departments, Institutes, Schools etc. (s 20)

[PCh93s20]20. Faculties, Institutes, etc.

(1) There are hereby established the following faculties of the University, namely–

- (a) the faculty of social sciences;
- (b) the faculty of commerce;
- (c) the faculty of law;
- (d) the faculty of science and technology.

(2) There are hereby established the following institutes of the University, namely–

- (a) the institute of development studies;

- (b) the institute of public administration;
- (c) the institute of continuing education;

(3) The Council may, from time to time, after consultation with the Senate and with the approval of the Chancellor, by order published in the Gazette, establish faculties, institutes, schools or colleges, providing their functions and content, either in addition to or in substitution for, the faculties, institutes, schools or colleges established by or under this section, and may disestablish any of them.

(4) Every order made under subsection (3) shall be subject to approval by resolution of the National Assembly at its next meeting next following the making of that order.

(e) Boards, Committees, etc. (ss 21-22)

[PCh93s21]21. Faculty boards, etc.

(1) There is hereby established in respect of each faculty a faculty board.

(2) Every faculty board shall consist of—

(a) the Dean of the faculty, who shall be the Chairman;

(b) not more than fifteen members appointed by the Deputy Vice-Chancellor from amongst the academic staff assigned to the faculty;

(c) not more than three members appointed by the Senate;

(d) five members elected to the Board by the students in the faculty from amongst themselves;

(e) three members elected by the academic staff of the faculty from amongst themselves.

(3) Subject to any general or specific directions of the Senate, every faculty board may, from time to time—

(a) review and make recommendations to the Senate in respect of the control and regulation of the instruction, education and research within the faculty;

(b) make recommendations to the Senate on any matter pertaining to the faculty;

(c) do any other act or thing as it may be empowered to do by the Senate or by or under this Act.

(4) A faculty board—

(a) may, subject to any directions of the Senate, meet at such intervals as it considers necessary;

(b) shall act in accordance with the directions of the Senate and shall report on the discharge of its functions and actions to the Senate in such manner and at such intervals as the Senate may direct;

(c) subject to the directions of the Senate, may regulate its own proceedings and fix a quorum for its meetings.

(5) There shall be established in respect of—

(a) every college, a college board;

(b) every school, a school board;

- (c) every institute, a board of the institute;
- (d) the Mzumbe University library, a board of the library;
- (e) every directorate, a board of the directorate;
- (f) every centre, a board of the centre.

(6) The provisions of this section in relation to faculty boards shall, *mutatis mutandis*, apply in respect of the boards and committees established under subsection (5), subject to any directions of, or regulations made by, the Senate.

[PCh93s22]22. University Management Committee

(1) There is hereby established a management committee of the University whose members shall be—

- (a) the Vice-Chancellor, who shall be the Chairman;
- (b) the Deputy Vice-Chancellor;
- (c) the Registrar;
- (d) the Secretary to the Council;
- (e) the Chief internal auditor;
- (f) the public relations officer;
- (g) all the officers reporting directly to the Deputy Vice-Chancellor;
- (h) all officers reporting directly to the Registrar.

(2) The University Management Committee shall be responsible for overseeing the execution of all the decisions of the Council, except for those specifically entrusted by or under this Act to different specific organs.

(f) Staff of the University (ss 23-32)

[PCh93s23]23. Academic staff of the University

(1) The staff of the University shall comprise of academic staff and administrative staff.

(2) The Academic Staff of the University shall consist of–

- (a) Professors and Associate Professors;
- (b) Research Professors and Associate Research Professors;
- (c) Senior Lecturers, Lecturers and Assistant Lecturers;
- (d) Senior Research Fellows and Assistant Research Fellows;
- (e) Library Professors, Associate Library Professors, Senior Librarians,

Librarians and Assistant Librarians; and

(f) all other members of the academic ranks of the University who are engaged wholly in teaching or research in any faculty, institute, or other units of the University.

[PCh93s24]24. Appointments of Deans, Directors, etc.

(1) The Dean of a faculty or the Director of an institute shall each be appointed by the Council.

(2) Where a vacancy occurs in the office of a Dean of a faculty or a Director of an institute, the Deputy Vice-Chancellor shall, after consultation with the Senate and taking into account the recommendation, if any, made by the faculty board, submit to the Council the names of not more than three nor less than two persons who, in his opinion, are

qualified and suitable for consideration for appointment as the Dean of that faculty or, as the case may be, as the Director of that institute.

(3) Where names are submitted to the Council in accordance with the provisions of subsection (2), the Council shall proceed to elect a Dean or, as the case may be, a Director from amongst the persons whose names are submitted to it.

(4) A Dean or Director appointed in accordance with the provisions of this section shall, subject to this Act, and unless he sooner dies, resigns or otherwise vacates the office, hold for a period of three years from the date of his appointment and shall be eligible for re-appointment, save that no Dean or Director shall be reappointed as such for more than one further successive term.

[PCh93s25]25. Appointments Committee for academic staff

(1) There is hereby established an Appointments Committee for academic staff which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairman;
- (b) the Deputy Vice-Chancellor;
- (c) the Registrar;
- (d) one member appointed by the Minister;
- (e) one member appointed by the Vice-Chancellor;
- (f) the Deans of all the faculties and the Directors of all institutes of the University;

(g) two members appointed by the Chairman of the Council from amongst the members of the Council;

(h) two members elected by the Senate from amongst its members.

(2) Where the Appointments Committee meets to make or approve any appointment, in addition to its members, the following persons shall be entitled to sit on the Committee as temporary members—

(a) where the appointment is to be made to a department of a faculty, the head of that department;

(b) two members appointed by the Vice-Chancellor who, in his opinion, are adequately qualified or experienced in academic matters so as to assist in making a suitable appointment.

(3) The Appointments Committee shall have and exercise such functions as may be conferred upon it by or under this Act or as may be delegated to it by the Council.

(4) The provisions of the Second Schedule to this Act shall apply mutatis mutandis in relation to the tenure of office of the members, their retirement, the termination of their appointment, the proceedings of the Appointments Committee and other matters in relation to it as they apply in relation to the Council.

[PCh93s26]26. Vacancy in senior academic position

(1) Where a vacancy occurs in any senior post in the academic staff establishment or where the holder of the post is on leave or is absent from the United Republic or is temporarily unable to perform the functions of his office by reason of illness or other cause, the Vice-Chancellor, may, if in his opinion it is necessary or desirable so to do, and

after consultation with the Deputy Vice-Chancellor, appoint an officer to act in such post until such time as the vacancy is filled in accordance with the provisions of this Act or, as the case may be, the substantive holder of the post resumes duty.

(2) While on an acting appointment made under subsection (1), the officer so appointed may be paid an acting allowance at such rate as the Vice-Chancellor may direct.

[PCh93s27]27. Administrative staff of the University

The administrative staff of the University shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) the Registrar;
- (d) Deans of faculties;
- (e) Directors of Institutes;
- (f) the Secretary to the Council;
- (g) the Dean of Students;
- (h) the Bursar; and
- (i) all other officers of the University who are not members of the Academic

Staff.

[PCh93s28]28. Appointments Committee for administrative staff

(1) There is hereby established an Appointments Committee for administrative staff which shall consist of—

- (a) the Vice-Chancellor who shall be the Chairman;

- (b) the Deputy Vice-Chancellor;
- (c) the Registrar;
- (d) two members appointed by the Vice-Chancellor;
- (e) two members appointed by the Chairman of the Council from amongst the members of the Council.

(2) The Appointments Committee shall have and exercise such functions as may be conferred upon it by or under this Act or as may be delegated to it by the Council.

(3) The provisions of the Second Schedule to this Act shall apply mutatis mutandis in relation to the tenure of office of the members, their retirement, the termination of their appointment, the proceedings of the Appointments Committee and other matters in relation to it as they apply in relation to the Council.

[PCh93s29]29. Termination of appointments and disciplinary action

The powers of dismissing or terminating the appointment of any officer by way of disciplinary action or of punishing any member of staff otherwise than by dismissal or termination of his appointment for any disciplinary offence are hereby vested in the Council.

[PCh93s30]30. No dismissal without inquiry

Notwithstanding section 29, the power to dismiss an officer by way of a disciplinary action shall not be exercised unless—

- (a) a disciplinary charge is made against the officer; and
- (b) the officer is afforded a fair opportunity to answer the charge; and

(c) an inquiry is held into the charge in accordance with regulations made by the Council in that behalf.

[PCh93s31]31. Performance of functions in absence of leading officer

(1) In the event of the incapacity of the Vice-Chancellor, the functions of the office of Vice-Chancellor shall be discharged by the Deputy Vice-Chancellor.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellor, the functions of the office of Vice-Chancellor shall be discharged by the Registrar.

(3) In the event of the incapacity of the Deputy Vice-Chancellor, the Registrar, a Dean or a Director, the Vice-Chancellor may, if in his opinion it is necessary or desirable to do so, appoint an officer to act in that office whose holder is incapacitated until such time as the incapacity ceases.

(4) In the event of the incapacity of the holder of any other senior office on the administrative staff, the Registrar may, if in his opinion it is necessary or desirable to do so, appoint an officer to act in the office whose holder is incapacitated until such time as the incapacity ceases.

(5) A person who acts in the office whose holder is incapacitated may while he so acts, be paid an acting allowance at such rate as may be prescribed.

(6) In this section "incapacity" means absence on leave or from the United Republic or inability to discharge the functions of the office concerned by reason of illness or other cause of any nature, and the term "incapacitated" shall be construed accordingly.

[PCh93s32]32. Delegation of powers of the Council

(1) The Council may, by regulations made under this Act, delegate all or any of the powers vested in it by sections 15, 25, 28, 29 and 56 to the Appointments Committee, the Vice-Chancellor, the relevant Deputy Vice-Chancellor, the Registrar or any other officer of the University, subject to such limitations as the Council may specify.

(2) Until such time as regulations are made by the Council delegating its functions of making appointments to officers in the service of the University, the provisions of the Third Schedule to this Act shall have effect.

(g) The Academic Staff Association (ss 33-34)

[PCh93s33]33. Establishment of association

There shall be established an association of the academic staff of the University which shall be known by such name as agreed upon by the founder members and approved by the Council.

[PCh93s34]34. Functions of the association

The functions of the association of academic staff shall be in accordance with its constitution as approved by the Council.

PART V

ADMINISTRATION AND WELFARE OF STUDENTS (ss 35-48)

(a) General Administration and Welfare of Students (ss 35-46)

[PCh93s35]35. Interpretation

In this Part, unless the context requires otherwise—

"disciplinary authority" means the Registrar exercising the powers conferred upon him by section 38, and includes any person to whom such powers have been delegated in accordance with section 39;

"disciplinary offence" means the contravention of any by-laws made under section 37 where the contravention constitutes a disciplinary offence.

[PCh93s36]36. The Dean of Students

(1) There shall be a Dean of Students for the University, who shall be appointed and hold office in accordance with this Act.

(2) The Dean of Students shall be responsible to the Registrar, for the proper, efficient and effective administration of the affairs and the general welfare of the students of the University.

(3) Without prejudice to the generality of the preceding provisions of this section, the administration of the affairs of the student of the University shall be conducted pursuant to the provisions of this Act and any regulations or by-laws made under it.

[PCh93s37]37. Council may make by-laws

(1) The Council may make by-laws designed to secure the maintenance of discipline amongst the students.

(2) By-laws made under subsection (1) may provide that the contravention of any of the by-laws shall constitute a disciplinary offence, and may further provide the punishment that may be imposed for such a disciplinary offence.

(3) It shall not be necessary for the by-laws made under this section to be published in the Gazette, but every such by-law shall be brought to the notice of the students in such manner as the Council may determine.

[PCh93s38]38. Registrar to be the disciplinary authority

Every charge of a disciplinary offence against a student shall be investigated by the Registrar who shall impose such punishment as he may consider appropriate after inquiring into the offence in accordance with the procedure prescribed by section 42 and upon being satisfied that the charge against the student has been proved.

[PCh93s39]39. Registrar may delegate powers of disciplinary authority

The Registrar may, by writing under his hand, delegate, subject to such limitations as he may prescribe, all or any of the powers vested in him by section 40 to the Dean of Students, a Dean or a Director.

[PCh93s40]40. Procedure in disciplinary proceedings

(1) Disciplinary proceedings under this Act shall be either formal or summary and the procedure for instituting such proceedings shall be as may be prescribed.

(2) Formal proceedings shall be instituted where, in the opinion of the disciplinary authority, the disciplinary offence which the student is alleged to have committed is of such gravity that should he be found guilty of it, it may warrant his dismissal or rustication from the University.

(3) Summary proceedings shall be instituted where, in the opinion of the disciplinary authority, the disciplinary offence which the student is alleged to have

committed is of such gravity that should he be found guilty of it, may not warrant his dismissal or rustication from the University.

(4) Notwithstanding the nature of the procedure intended to be adopted by the disciplinary authority, no disciplinary proceedings shall be instituted against any student after the expiration of thirty days from the date of the commission of a neglect, offence or, in the case of a continuance of injury or damage, within fifteen days next after its cessation.

[PCh93s41]41. Cases of formal proceedings

(1) No formal proceedings for a disciplinary offence shall be instituted against a student unless he is previously served with a copy of the charge, setting out the nature of the offence which he is alleged to have committed; and the charge shall be prepared by the disciplinary authority after carrying out such preliminary investigations as he may consider necessary. The charge shall state briefly the nature of the offence which the accused is alleged to have committed, and shall set out in concise form the allegations made against the accused student.

(2) The charge as drawn up shall then be served upon the accused student, together with a notice addressed to him, inviting him to state in writing, and within such period as may be specified in the notice, the grounds upon which he relies to exculpate himself.

(3) Where the accused student fails or refuses to make representations in writing giving grounds upon which he relies to exculpate himself within the period prescribed in the notice, or makes representations which in the opinion of the disciplinary authority do

not amount to complete defence of the offence charged, the disciplinary authority shall appoint an inquiry officer or officers, to hold an inquiry into the charge.

(4) The inquiry officer shall notify the accused student of the day, date, time and place upon and at which the inquiry shall be held. The inquiry shall not be open to the public.

(5) The accused student shall have a right to appear before the inquiry officer, examine witnesses and be heard in his own defence; save that failure by the accused student to appear at the inquiry shall not vitiate the proceedings.

(6) The accused student shall have a right—

(a) to cross-examine any witness examined by the inquiry officer or by the disciplinary authority or his representative;

(b) to examine and make copies of any document produced as evidence against him;

(c) to call witnesses on his own behalf and produce any document relevant to the inquiry.

(7) The inquiry officer may take into consideration any evidence which he considers relevant to the subject of the inquiry before him, notwithstanding that such evidence would not be admissible under the law relating to evidence; and shall record the gist of the evidence adduced before him.

(8) Upon the conclusion of the inquiry, the inquiry officer shall forward the record of proceedings before him, together with his report on the proceedings to the disciplinary authority.

(9) A report under subsection (8) shall—

- (a) state whether in the opinion of the inquiry officer the charge against the accused student has been proved;
- (b) state the reasons for holding that opinion;
- (c) state any fact which, in the opinion of the inquiry officer, aggravates or mitigates the gravity of the act or omission which was the subject matter of the charge;
- (d) state any other fact which, in the opinion of the inquiry officer, is relevant, but shall not contain any recommendation as to the form or nature of the punishment to be awarded.

(10) Upon receipt of the record of proceedings and the report, the disciplinary authority shall, after considering the evidence and the report of the inquiry officer, make and record a finding whether or not, in his opinion, the accused student is guilty of the offence with which he was charged.

(11) Where the disciplinary authority's finding as to the guilty or innocence of the accused is contrary to the opinion of the inquiry officer as expressed in his report, the disciplinary authority shall record his reasons for the finding.

(12) Where the disciplinary authority finds the accused student guilty, he shall proceed to award the punishment prescribed by the by-laws in respect of the disciplinary offence or such lesser punishment as he deems appropriate.

[PCh93s42]42. Cases of summary proceedings

(1) Where the Students Disciplinary Authority decides to institute summary proceedings against a student he shall follow a procedure to be prescribed under this Act.

(2) The disciplinary authority shall appoint the day, date, time and place for the investigation of the charge or charges and shall give the accused student notice of it.

(3) The investigation of the charge or charges shall be carried out in such manner as the disciplinary authority may determine. The accused student shall have a right to appear at the investigation and make his defence; the investigation shall not vitiate proceedings.

(4) Where at any stage of the proceedings before a finding is made, it appears to the disciplinary authority from the nature of the facts and circumstances disclosed that it is necessary or desirable that the matter be dealt with by way of formal proceedings, the disciplinary authority may terminate the summary proceedings and institute formal proceedings in accordance with section 41.

(5) Upon the conclusion of the investigation, the disciplinary authority shall make a finding whether or not, in his opinion, the accused student is guilty of the disciplinary offence or offences with which he is charged, and if he finds the accused student guilty, the disciplinary authority shall proceed to award such punishment as he may consider appropriate; save that under no circumstance shall, on investigation under this section, the accused student be punished by dismissal or rustication from the University.

[PCh93s43]43. Disciplinary Appeals Committee

(1) There is hereby established a students disciplinary Appeals Committee of the University whose composition, procedure and tenure of office of members shall be as may be prescribed.

(2) The Disciplinary Appeals Committee shall be composed of–

- (a) a Chairman, who shall be appointed by the Council;
- (b) four members elected by the Council from amongst its members, one of whom shall be a member elected to the Council by the student's organization;
- (c) a legally qualified person holding office in the Attorney-General's Chambers nominated in that behalf by the Attorney-General.

(3) The Chairman appointed under paragraph (a) of subsection (2) of this section shall neither be a member of the Council nor a member of University Staff.

(4) The quorum for the meetings of the Disciplinary Appeals Committee shall be the Chairman and four other members, one of whom shall be a member referred to in paragraph (c) of subsection (2).

(5) The provisions of the Second Schedule to this Act shall apply mutatis mutandis in relation to the tenure of office of the members of the Disciplinary Appeals Committee, their retirement, the right to terminate the appointment, and appointment of a new member to fill any vacancy, and also in relation to the proceedings and meetings of the Committee, as they apply to the Council.

[PCh93s44]44. Appeals

(1) Where a student has been punished for any disciplinary offence and he wishes to appeal, he may, while carrying out the punishment, appeal to the Disciplinary Appeals Committee within thirty days of the decision of the disciplinary authority.

(2) Where a student wishes to appeal pursuant to subsection (1), he shall, within not more than three days of the decision of the disciplinary authority, give a written notice

of his intention to so appeal to the disciplinary authority who shall forthwith submit it to the Chairman of the Disciplinary Appeals Committee.

(3) On every appeal under this section the student appealing and the disciplinary authority shall both have a right to appear before and be heard by the Disciplinary Appeals Committee.

(4) On appeal under this section the Disciplinary Appeals Committee may—

(a) set aside the finding made against the student and the punishment imposed on him; or

(b) uphold the finding and the punishment imposed; or

(c) uphold the finding and reduce or enhance the punishment imposed upon the student.

(5) Notwithstanding subsection (4) (c), where the investigations of the offence by the disciplinary authority was conducted in accordance with the summary procedure prescribed by section 42, the Disciplinary Appeals Committee shall not enhance the punishment to dismissal or rustication from the University.

[PCh93s45]45. Disciplinary offences not criminal offences

For the purpose of section 48 of the Interpretation of Laws and General Clauses Act, 1972, disciplinary offences under this Act shall be deemed not to be offences created by or under any written law.

[PCh93s46]46. Decisions not subject to review

Subject to the provisions of section 44 relating to appeals to the Disciplinary Appeals Committee, no decision of an inquiry officer, the disciplinary authority or Disciplinary Appeals Committee shall be subject to review by any court.

(b) Students' Organization (ss 47-48)

[PCh93s47]47. Establishment of students' organisation

(1) There shall be established a student's organization of the University which shall be known by such name as may be agreed upon by its members and approved by the Council.

(2) Every student of the University shall be a member and shall be deemed to have become a member of the students' organization upon his registration as a student, and his membership shall cease upon the cessation of his registration as a student.

[PCh93s48]48. Functions of students' organization

(1) The functions of students' organization shall be conducted subject to this Act and in accordance with its constitution as approved by the Council.

(2) Notwithstanding the generality of the provisions of subsection (1), the students organisation shall not engage in any political activity on any campus of the University.

PART VI

THE CONVOCATION (ss 49-53)

[PCh93s49]49. The Convocation of the University

(1) There is hereby established a Convocation of the University which shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) all members of the academic staff;
- (d) all persons who are graduates of the former institute;
- (e) all persons who become graduates of the University;
- (f) such persons as the Chancellor may, upon recommendation by the Council,

appoint to be members of the Convocation.

(2) The Deputy Vice-Chancellor shall cause to be compiled and maintained a roll of the Convocation in which he shall enter the names of all persons who are for the time being members of the Convocation.

[PCh93s50]50. Functions of the Convocation

The Convocation may meet and discuss any matter within the sphere of competence of the University and transmit any resolution arising from such discussion to the Chancellor, the Minister, the Council or the Senate, as the Convocation may consider appropriate.

[PCh93s51]51. President of the Convocation

(1) The Convocation shall at its first meeting elect from amongst its members a President of the Convocation.

(2) The President of the Convocation shall, subject to his continuing to be qualified to be a member of the Convocation, and unless he sooner dies, resigns or otherwise ceases to hold office, hold office for a period of three years and shall be eligible for re-election.

[PCh93s52]52. Procedure of the Convocation

- (1) The Deputy Vice-Chancellor shall be the Secretary to Convocation.
- (2) The Convocation shall meet at such times as may be necessary or expedient for the transaction of its business.
- (3) The Secretary shall give to every member of the Convocation at least twenty-one days' notice of the date, time and place of meeting.
- (4) The President of the Convocation shall preside over the meetings of the Convocation.
- (5) Where at any meeting of the Convocation the President is absent, the members present may elect from amongst their number a temporary Chairman who shall preside over the meeting.
- (6) Fifteen members shall constitute a quorum for any meeting of the Convocation.
- (7) A decision of the majority of the members present and voting at a meeting of the Convocation shall be deemed to be a decision of the Convocation.
- (8) In the event of an equality of votes, the President or the temporary Chairman, as the case may be, presiding over the meeting shall have a casting vote in addition to his deliberative vote.
- (9) No proceeding of the Convocation shall be invalid by reason only of the fact that a person who is entitled to be a member of the Convocation has not been registered in the roll of the Convocation.

[PCh93s53]53. Vice-Chancellor to report on business of Convocation

(1) The Vice-Chancellor shall report to the Council the activities of the Convocation and shall transmit to the Chancellor, the Council or the Senate, as the case may be, any resolution passed by the Convocation.

(2) The Vice-Chancellor shall send a copy of the minutes of every meeting of the Convocation to the Chancellor and the Minister.

PART VII

FINANCIAL PROVISIONS (ss 54-61)

[PCh93s54]54. Management of assets, etc.

(1) The management of all the assets and properties of the University, movable and immovable, is hereby vested in the Council and, for that purpose, the Council shall manage them in such manner and for such purpose as, in the opinion of the Council, would promote the best interests of the University.

(2) There shall be appointed a professionally qualified accountant to be the Bursar of the University in accordance with the provisions of this Act.

(3) The Bursar shall be responsible to the Registrar for all the conduct of the financial business and affairs of the University, and for all other matters as may be prescribed.

[PCh93s55]55. Sources of funds and resources of the University

The funds and other resources of the University shall consist of—

(a) such sums as may be provided by Parliament, by way of grant, loan or otherwise for the purposes of the University;

(b) such sums as the Council may, from time to time, borrow for the purposes of the University;

(c) such sums as may accrue to the University from investments, leases, licences, consultancies and other services of the University;

(d) such sums as may accrue to the University from or by way of fees payable to the University in pursuance of the provisions of this Act;

(e) such sums as may be provided as donations, grants, charities or bequests by benefactors;

(f) such sums as may in any manner become payable to or vested in the University either under the provisions of this Act or incidental to the carrying out of its functions.

[PCh93s56]56. Power to invest

The Council may invest the funds of the University in such investment and subject to such conditions as are prescribed by the Trustees Investments Act, 1967, in relation to the investment of funds by a trustee.

[PCh93s57]57. Financial year

(1) The financial year of the University shall be a period of twelve consecutive months commencing on such date as shall be approved by the Council, subject to subsection (2).

(2) In the event of any change in the financial year and for the purposes of the transition from one financial year to another, the transitional period, whether of more or less than twelve months, shall be regarded as if it were a financial year.

[PCh93s58]58. Annual budget and estimates

(1) Before the commencement of any financial year, the Bursar shall prepare or cause to be prepared for approval by the Council, annual estimates of revenue and expenditure of the University for the ensuing financial year.

(2) The Council shall, before the commencement of a financial year, consider and approve, subject to such modifications and amendments as it may consider appropriate, the estimates prepared in accordance with subsection (1).

(3) The annual estimates shall contain provisions for all the estimated expenditure during the ensuing financial year and in particular—

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

(b) for the payment of allowances, fees and expenses in respect of the Chancellor, the members of the Council, the Senate, the Convocation, the Board, the Committee and other organs of governance;

(c) for the payment of costs of materials, equipment and other charges in respect of teaching, training, research and consultancy;

(d) for the payment of all pensions, gratuities and other charges in respect of retiring benefits which are payable out of the funds of the University;

(e) for the construction, improvement, maintenance and replacement of any building or other immovable property of the University;

(f) for the proper maintenance and replacement of the furniture and equipment of the University;

(g) for the creation of such reserve funds to meet future contingent liabilities as the Council may think fit;

(h) for any other activity intended to promote the growth and development of the University.

(4) No expenditure shall be incurred for the purposes of the University except in accordance with the provisions of the annual estimates or in accordance with the provisions of any supplementary estimates approved by the Council.

(5) A copy of the annual estimates and of every supplementary estimates, if any, shall immediately upon the approval of such annual estimates or, as the case may be, the supplementary estimates, by the Council, be forwarded to the Chancellor for information and to the Minister for consideration and submission to the National Assembly.

[PCh93s59]59. Accounts and audit

(1) The Council shall cause to be kept proper accounts and shall, as soon as is practicable after the end of each financial year, cause such accounts relating to such financial year together with—

- (a) a statement of income and expenditure during such financial year; and
 - (b) a statement of the assets and liabilities of the University on the last day of such financial year;
 - (c) a statement of cash flow during such financial year;
 - (d) any other such statements as may be required by any other written law,
- to be submitted to an auditor appointed by the Council.

(2) Copies of the statements referred to in subsection (1) and a copy of the auditor's report, shall be forwarded to the Chancellor and to the Minister.

[PCh93s60]60. Vice-Chancellor's report

(1) The Vice-Chancellor shall, at the end of each financial year, prepare an annual report on the activities of the University during that financial year and submit it to the Chancellor and to the Minister.

(2) The format, content and other aspects of the report referred to in subsection (1) shall be as the Council may, from time to time, prescribe.

[PCh93s61]61. Annual statement of accounts and Vice-Chancellor's annual report to be laid before National Assembly

The Minister shall lay before the National Assembly, as soon as may be practicable after he has received them—

- (a) copies of the statement referred to in section 59(1);
- (b) a copy of the auditor's reports;
- (c) a copy of the Vice-Chancellor's annual report.

PART VIII

MISCELLANEOUS PROVISIONS (ss 62-68)

[PCh93s62]62. Regulations

(1) The Council may, with the consent of the Chancellor, make regulations for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations—

(a) prescribing the degrees, diplomas, certificates and other awards which may be conferred or granted by the University;

(b) prescribing the conditions which must be satisfied before the conferment of any degree, diploma, certificate or other award;

(c) prescribing the manner in which a degree may be conferred or a diploma, certificate or other award may be granted;

(d) providing for the functions and the exercise of the powers conferred on the Chancellor, and providing for the terms and conditions of the holder of the office of Chancellor;

(e) prescribing the terms for the appointment of and terms and conditions for, the position of principal of a college, dean of a faculty, director of a school, institute and other units of the University;

(f) regulating the administration of any campus or constituent college, faculty or institute established by or under this Act;

(g) regulating the conduct of examinations in the University;

(h) prescribing fees for admission to the University, a constituent or campus college, faculty or institute established by or under this Act;

(i) prescribing fees payable by candidates for any examination held or conducted by the University;

(j) providing for rules for conducting disciplinary proceedings against officers, staff and employees of the University;

(k) providing the establishment, composition, terms of reference or functions and quorum of meetings of committees of the Council and the Senate, as well as the rights, duties and privileges of the members of such committees;

(l) subject to any written law in force, prescribing the terms and conditions of service, including the appointment, dismissal, termination, remuneration and retirement benefits of the officers and employees of the University;

(m) providing for any aspect of the general welfare of the students of the University;

(n) prescribing the appointment and duration of the rights, duties and privileges of the holder of the office of Professor Emeritus;

(o) governing any matter in respect of which regulations may be made under this Act;

(p) providing for any matter or thing which, in the opinion of the Council, is necessary to provide for the furtherance of the functions and objects of the University.

(2) Any regulations made under this section shall be published in the Gazette.

[PCh93s63]63. Fees and allowances

The Council may with the approval of the Minister, issue directions prescribing fees and allowances payable to the members of the Council, the Senate, the Convocation or a Board.

[PCh93s64]64. Chancellor may give directions

The Chancellor may give to the Council directions of a general or specific character concerning any aspect of the affairs and business of the University, and the Council shall give effect to every such direction.

[PCh93s65]65. Indemnity for bona fide acts

No matter or thing done by any member or officer of the Council, the Senate, the Convocation or a Board shall, if done bona fide in the execution or purported execution of the functions of the Council, Senate, Convocation or Board, as the case may be, render such member or officer personally liable for such matter or thing.

[PCh93s66]66. Validity of acts of Senate, Board, etc.

No act or proceeding of the Senate or a Board shall be invalid by reason only of any vacancy in its membership, or any defect in the appointment of any member or of the fact that any member was at the time in question disqualified or disentitled to act as such.

[PCh93s67]67. Transitional and consequential provisions

(1) The transitional and consequential provisions set out in the Third Schedule to this Act shall apply and have effect from the date on which this Act comes into operation.

(2) The President may at any time before the thirtieth day of June, 2002, by order published in the Gazette, amend the provisions of the Third Schedule to this Act, if, in his opinion, such amendment is necessary.

[PCh93s68]68. Repeal of Act No. 15 of 1972

[Repeals the Institute of Development Management Act.]

FIRST SCHEDULE

PROVISIONS RELATING TO SEARCH COMMITTEES

(Sections 11 and 12)

1. There shall be constituted a search committee whenever recommendations are required for the appointment of the Vice-Chancellor or a Deputy Vice-Chancellor.

2. A search committee shall be appointed by the Minister and shall consist of—

- (a) a Chairman appointed by the Minister;
- (b) a member nominated by an association of local authorities employees;
- (c) a representative from one of the existing public or private Universities;
- (d) a representative of a civil society or private sector;
- (e) a member nominated by the Minister for the time being responsible for the civil service.

3. No person who is an employee of the University or any authority of the University shall be appointed to be a member of a search committee.

4. The search committee shall commence its business as soon as it is appointed and shall cease to exist immediately after it submits its recommendations to the Chancellor or other proper authority.

5. The search Committee shall propose at least three names to the Council for consideration.

SECOND SCHEDULE

PROVISIONS RELATING TO THE COUNCIL

(Section 14(3))

1. Tenure of office of Chairman

The Chairman of the Council shall hold office for a period of four years from the date of his appointment.

2. Tenure of office of members

Subject to the provisions of this Schedule, the term of all members of the Council, other than the Chairman and members ex-officio, shall be three years and all such members shall retire on the last day of the third year, and their places shall be filled by the newly appointed, or as the case may be, elected members who shall come into office immediately upon such retirement, save that—

(a) nothing in this Schedule shall be construed as preventing any person otherwise eligible to be appointed or elected as a member from being reappointed or, as the case may be, re-elected for other terms of office;

(b) in the case of a member elected by the National Assembly or House of Representatives, he shall cease to hold office if at any time prior to the date of his retirement he ceases to be a member of the National Assembly or House of Representatives;

(c) in the case of a member elected by the students' organization, he shall cease to hold office if at any time prior to the date of his retirement under this paragraph, he ceases to be a student.

3. Appointing authority may terminate appointment

Nothing in paragraph 2 shall be construed as preventing any appointing, nominating or electing authority from terminating the appointment of any member

appointed or elected by it prior to the date when such member is required to retire from office under paragraph 2.

4. Absence from three consecutive meetings

Where any member absents himself from three consecutive meetings of the Council without reasonable excuse, the Council shall advise the appointing authority of the fact and the appointing authority may if it deems it so to do terminate the appointment of the member and appoint or, as the case may be elect another member in his place.

5. Where member ceases to be member

(1) Where any member of the Council ceases to be such member by resignation or death or by virtue of the operation of the exception to paragraph 2 or is unable to perform his functions as such member by reason of his absence from the United Republic or by reason of any infirmity of body or mind or where the appointing authority terminates his appointment under paragraph 3 or 4, the appointing authority may appoint or, as the case may be, elect another member in his place and the member so appointed or elected shall, subject to the provisions of this Schedule, hold office for the remainder of the term of his predecessor.

(2) Where in the opinion of the appointing authority the absence or infirmity of any member is of a temporary nature only, it may appoint or, as the case may be, elect a temporary member to take his place and such temporary member shall, so long as he remains a temporary member, have and exercise all the powers and functions of a member of the Council; save that on the resumption of office by the substantive member the temporary member shall cease to hold office.

6. Deputy Vice-Chancellor entitled to attend meetings

The Deputy Vice-Chancellor shall have a right to be present at every meeting of the Council and to participate in its deliberations but shall have no right to vote.

7. Vice-Chairman

The Council shall elect one of its members to be the Vice-Chairman and any member elected as Vice-Chairman shall subject to his continuing to be a member, hold office of Vice-Chairman for a term of one year from the date of his election and shall be eligible to be elected.

8. Power of Chairman and Vice-Chairman

(1) The Chairman shall preside at all meetings of the Council.

(2) Where at any meeting of the Council, the Chairman is absent, the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or temporary Chairman presiding at any meeting of the Council shall have a vote and in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

9. Meetings and procedure of Council

(1) Subject to any general or specific direction given by the Chancellor, the Council shall meet not less than four times during every financial year and at such additional times as may be fixed by the Chairman or, if he is absent from the United

Republic or unable for any reason to act, the Vice-Chairman, save that the Chairman shall, at the request of at least ten members, summon a meeting of the Council within thirty days of such request being made to him in writing.

(2) The Secretary of the Council shall give to each member not less than fourteen days' notice of the time and place of the meeting.

10. Quorum

(1) At any meeting of the Council not less than half of the members in office for the time being shall constitute a quorum.

(2) If a quorum is not present within half-an-hour of the time appointed for the meeting, the members present, or the majority of them, or any one member if only one is present, or the Secretary if no member is present, may adjourn the meeting to any time not later than fourteen days from the date of adjournment.

11. Decisions of the Council

Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be decided by a majority of the votes of the members present at the meeting, and if any member fails or refuses to vote on any questions, his vote shall be counted in the negative.

12. Decision by circulation of papers

Notwithstanding the preceding provisions of this Schedule, decisions may be made by the Council without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority of them in writing; save that any

member shall be entitled to require that any such decision be deferred and the subject matter be considered at a meeting of the Council.

13. Seal

(1) The common seal of the University shall be of such shape, size and form as the Council may determine.

(2) The Common Seal of the University shall be affixed in accordance with section 5, and the person present shall sign over or underneath the seal in witness thereof.

14. Execution of contracts, etc.

Subject to paragraph 13, all conveyances, transfers, contracts, guarantees, agreements, bonds, authorities, mortgages, charges bills of exchange, promissory notes, bank drafts letters of credit, securities and other instruments whatsoever to which the University is a party shall be executed on behalf of the University by—

- (a) the Vice-Chancellor; or
- (b) the Deputy Vice-Chancellor; or
- (c) the Registrar; or
- (d) such other officer of the University as the Vice-Chancellor may appoint in that behalf.

15. Council may regulate its proceedings

Subject to the provisions of this Schedule the Council may regulate its own proceedings.

THIRD SCHEDULE

CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

(Section 67)

1. Interpretation

In this Schedule, unless the context requires otherwise—

"effective date" means the 1st January, 2002;

"former institute" means the Institute of Development Management, Mzumbe;

"governing body" means the governing body of the former institute;

"former officer" means any person employed on the academic staff or administrative staff of the former institute immediately preceding the effective date and includes the persons so employed as the Principal;

"transitional period" means the period from the effective date to the date twelve months thereafter when all obligations of the former institute on the effective date shall have been discharged by the University.

2. Vesting of assets and liabilities

All assets and liabilities of the former institute subsisting on the effective date shall, by virtue of this Act and without further assurance, vest in the University, and the governing body shall, as from the effective date, be discharged from its obligations in respect of every such liability.

3. Dissolution of former institute

(1) With effect from the effective date the former institute shall be deemed to have been dissolved and shall cease to exist, and its functions shall be continued by the University in accordance with this Act.

(2) All the students who immediately before the effective date were the students of the former institute shall, as from the effective date, become students of the University.

4. Staff

(1) Every former officer shall, as from the effective date, be deemed to be an employee of the University.

(2) Where a former officer becomes employed by the University by virtue of subparagraph (1), the terms and conditions of services of his employment in the service of the University shall be in accordance with the provisions of this Act and any regulations made under it; save that this subparagraph shall not apply so as to permit any reduction in the salary to which the former officer was entitled immediately before the effective date.

(3) Every former officer who, by virtue of this paragraph, becomes an employee of the University shall be deemed to have been appointed to the service of the University on the effective date in accordance with the provisions of this Act; save that—

(a) for the purposes of determining any right to a gratuity or other superannuation benefit, his service with the University shall be regarded as continuous with his service immediately preceding effective date;

(b) his employment immediately prior to the effective date, and his employment by the University shall be deemed to be continuous employment by one employer within the meaning of section 9 of the Severance Allowance Act, 1962, and that

Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 9.

5. Disciplinary regulations of former institute

Rules or regulations made by or under the authority of the governing body for the purposes of regulating discipline amongst the students of the former Institute shall, until such time as by-laws are made under section 36, continue in force and have effect as if such rules or regulations were by-laws made under section 36, and where any such rule or regulations does not prescribe the penalty which may be imposed for its contravention, the disciplinary authority as defined in section 36, may impose such penalty as it may consider appropriate.

6. Operation of contract, etc.

(1) The instruments to which this paragraph applies are instruments (including contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters of credit and securities)–

- (a) to which the governing body or the former institute is a party;
- (b) under which any money is or may become payable or any other property is or may become liable to be transferred, conveyed or assigned to the governing body; or
- (c) under which any money is or may become payable or any other property is to be or may become liable to be transferred, conveyed or assigned by the governing body, which are subsisting at the effective date, other than any contract or agreement between the governing body and any former officer.

(2) An instrument to which this paragraph applies shall, by virtue of this paragraph, continue in full force and effect, and the University shall, by this Act—

- (a) be substituted for the former institute as a party thereto;
- (b) be entitled to receive and enforce payment of any money payable thereunder;
- (c) be liable to transfer, convey or assign any property which is to be transferred, as the case may be.

7. Students of former Institute

(1) All students registered and on studies under any programme of study or research under the former Institute shall, with effect from the effective date, become students of the University and be entitled on completion of the programmes to be conferred such awards of the University as they deserve, subject to such conditions and limitations as may be determined by the Senate and approved by the Council.

(2) Without prejudice to the generality of subparagraph (1), the Senate may—

- (a) set conditions requiring students registered under the former institute to repeat one year;
- (b) prescribe the subjects to be studied by a student of the former institute who repeats a year regardless of the subjects pursued under the former institute;
- (c) set academic standards required to be attained by any student of the former Institute for the purposes of meeting the academic standards of the University.

(3) The decision of the Senate in respect of the matters referred to in subparagraph (2) shall be final and shall not be reviewed by any authority, court or tribunal.

(4) Notwithstanding the provisions of subparagraphs (1) and (2) of paragraph 7, the University shall have the power to confer to any student of the former Institute any appropriate award that the former Institute used to confer, prior to the commencement of this Act, subject to the conditions set by the said institute for the conferment of such awards.