

## CHAPTER 25:20

# ZIMBABWE OPEN UNIVERSITY ACT

*Act 12/1998, 22/2001 (s. 4), 14/2002 (s. 37)*

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**AN ACT to establish the Zimbabwe Open University and to provide for matters connected therewith or incidental thereto.**

[Date of commencement : 1st March, 1999.]

#### **1 Short title and date of commencement**

This Act may be cited as the Zimbabwe Open University Act [*Chapter 25:20*].

#### **2 Interpretation**

In this Act—

“academic staff” means all persons employed by the University, whether full-time or part-time, as professors, lecturers of any class, course co-ordinators, course developers, tutors or persons engaged in research;

[Definition substituted by section 37 of Act 14 of 2002]

“administrative staff” means all persons employed by the University who are categorized in terms of the Statutes as members of the administrative staff;

“Bursar” means the person holding office as Bursar of the University in terms of section *eighteen*;

“Chairman of Department” means a person appointed in terms of the Statutes to be chairman of a Teaching Department or head of an Institute or Centre controlled by the University;

“Chairman of the Council” means the person elected to be chairman of the Council in terms of section *twelve*;

“Chancellor” means the President in his capacity as chancellor of the University in terms of section *seven*;

“Council” means the University Council established in terms of section *ten*;

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

“Faculty” means a Faculty of the University established in terms of the Statutes;

“Faculty Board” means a faculty board established in terms of the Statutes;

“Information Technologist” means the person holding office as Information Technologist of the University in terms of section *twenty*;

“Institute” means an Institute established in terms of the Statutes;

“Librarian” means the person holding office as Librarian of the University in terms of section *nineteen*;

“library staff” ...

[Definition repealed by section 37 of Act 14 of 2002]

“Minister” means the Minister of Higher Education or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“non-academic staff” means all persons employed by the University who are not members of the academic staff;

“Pro-Vice-Chancellor” means a person holding office as Pro-Vice-Chancellor in terms of section *nine*;

“Professor” means a Professor of the University;

“registrar” means the person holding office as Registrar of the University in terms of section *seventeen*;

“Regulations” means regulations made by the Senate under section *twenty-nine*;

“Senate” means the Senate established in terms of section *fourteen*;

“senior administrative staff” ....

[Definition repealed by section 37 of Act 14 of 2002]

“senior”, in relation to the staff of the University, means the Registrar, the Bursar and such other members of staff as the Council may from time to time determine;

[Definition inserted by section 37 of Act 14 of 2002]

“Statutes” means the Statutes of the University set out in the Schedule as amended from time to time or replaced in terms of section *twenty-eight*;

“Students’ Union” means any association of students recognized by the Council as the Students’ Union;

“study centre” means—

(a) a study centre of the University appointed in terms of the Statutes; or

(b) an organization or institution recognised by the Council, after consultation with the Senate, as a study centre;

“technical staff” means all persons employed by the University who are categorized in terms of the Statutes as members of the technical staff;

“University” means the Zimbabwe Open University constituted in terms of this Act;

“Vice-Chancellor” means the person holding the office of Vice-Chancellor in terms of section *eight*;

“employees” means all persons employed by the University who are categorized in terms of the Statutes as employees.

### **3 Establishment of University**

(1) There is hereby constituted a university to be known as the Zimbabwe Open University.

(2) The University shall be a body corporate with perpetual succession and shall be capable of suing and being sued in its corporate name and, subject to this Act, of performing all acts that bodies corporate may by law perform.

### **4 Objects and powers of the University**

(1) The Objects of the University are the preservation, advancement and transmission of knowledge through a distance education system and, so far as is consistent with these objects, the nurturing of the intellectual, aesthetic, social and moral growth of the students of the University.

(2) For the achievement of its objects, the University shall, subject to this Act, have the following powers—

(a) to provide for research and courses of instruction, suitable to the needs of learners through a distance education system, and to take such other steps as may appear necessary and desirable for the advancement and dissemination of knowledge;

(b) to hold examinations and to confer degrees including honorary degrees, diplomas, certificates and other awards, upon persons who have followed a course or courses of study approved by the Senate and

additionally, or alternatively, have satisfied such other requirements as may be determined by the Senate;

- (c) to provide courses not leading to degrees, diplomas or certificates, including training for persons wishing to enter the University;
- (d) to provide opportunities for staff and students and such other persons as the University may approve to engage in productive activity in their normal working environment and any other fields in which the University may from time to time be engaged;
- (e) to institute professorships, lectureships, research fellowships, staff development fellowships and other posts and offices and to make appointments thereto;
- (f) to institute and award fellowships, scholarships, bursaries, prize medals, exhibitions, and other distinctions, awards and forms of assistance consistent with its objects;
- (g) to erect, equip and maintain laboratories, offices, printing factories, storage and despatch buildings, libraries, museums and other buildings and structures required for the promotion of its objects;
- (h) to demand and receive such fees as may from time to time be prescribed by or in terms of the Statutes;
- (i) to enter into such contracts and to establish such trusts and to appoint such staff as the University may require;
- (j) to establish pension, superannuation or provident or other credit fund schemes for the benefit of its staff or any section thereof and to enter into arrangements with the Government or any organization or person for the operation of such schemes;
- (k) to acquire any property, movable or immovable, and to take, accept and hold any property which may become vested in it by way of purchase, exchange, grant, donation, lease, testamentary disposition or otherwise;
- (l) to sell, mortgage, let on hire, exchange, donate or otherwise dispose of any property held by it;
- (m) to invest in land or securities such funds as may be vested in it for the purpose of endowment, whether for general or specific purposes, or such other funds as may not be immediately required for current expenditure;
- (n) to borrow money for any purpose which the Council thinks fit;
- (o) to lend money in the form of short-term loans to its staff on terms and conditions approved by the Council;
- (p) to do all such acts and things, whether or not incidental to the powers specified in this subsection and whether inside or outside Zimbabwe as may be requisite in order to further its objects or any of them
- (q) to promote research into economic, political, social, cultural, scientific and other matters generally and with particular reference to the interests of Zimbabwe.

[Paragraph inserted by section 37 of Act 14 of 2002]

## **5 Membership of University**

The University shall consist of—

- (a) a Chancellor; and
- (b) a Vice-Chancellor; and
- (c) one or more Pro-Vice-Chancellors; and
- (d) members of the Council; and
- (e) members of the Senate; and
- (f) members of staff; and
- (g) registered students; and
- (h) the Convocation.

## **6 Prohibition against discrimination in membership of University**

(1) No test of religious or political belief, race, ethnic origin, nationality or gender shall be imposed upon or required of any person in order to entitle him to be admitted as a member of staff or student of the University or to hold any office therein or privilege thereof.

(2) Nothing in subsection (1) shall be construed as preventing the University from giving preference to citizens or residents of Zimbabwe when making appointments or promotions or when admitting students.

[Subsection amended by section 37 of Act 14 of 2002]

## **7 Chancellor**

(1) The President of Zimbabwe shall be Chancellor of the University.

(2) The Chancellor shall be the head of the University.

(3) The Chancellor shall have the right—

- (a) to preside over any assembly or meeting held by or under the authority of the University; and
- (b) upon the recommendation of the Council and the Senate, to confer degrees, diplomas, certificates and other awards and distinctions of the University and to withdraw or restore such awards.

## 8 Vice-Chancellor

(1) The Vice-Chancellor shall be appointed by the Chancellor after consultation with the Minister and the Council and shall hold office for such period as is provided in his contract of employment.

(2) Subject to the general control of the Council, the Vice-Chancellor shall be the chief academic, administrative and disciplinary officer of the University, with general responsibility for maintaining and promoting the efficiency, effectiveness and good order of the University.

(3) Subject to subsections (4) and (5), the Vice-Chancellor may—

- (a) suspend from duty any member of staff of the University;
- (a1) subject to section *six*, prohibit the admission of a student or any person to the University;
- (b) prohibit any student or group of students or person or group of persons from entering or remaining on such part or parts of the University as he may specify;
- (c) expel or suspend, indefinitely or for such period as he may specify, any student or group of students;
- (d) dissolve or suspend, indefinitely or for such a period as he may specify, the Students' Union or any of its committees or organs, or prohibit or suspend, indefinitely or for such period as he may specify, any activity or function of the Students' Union or any of its committees or organs.
- (e) impose any other penalty or give any other order in respect of—
  - (i) a member of staff, which is recommended by the Staff Disciplinary Committee in terms of subsection (6) of section *twenty-five*;
  - (ii) a student, which is recommended by the Student Disciplinary Committee in terms of subsection (6) of section *twenty-six*.

(4) The Vice-Chancellor shall not expel a student for misconduct unless the student has been found guilty of that misconduct by the Student Disciplinary Committee in terms of section *twenty-six*.

(5) Any action taken by the Vice-Chancellor in terms of subsection (3) shall be subject to ratification by the Council.

[Subsection amended by section 37 of Act 14 of 2002]

## 9 Pro-Vice-Chancellors

(1) One or more Pro-Vice-Chancellors may be appointed by the Council with the approval of the Minister and in accordance with the Statutes.

(2) A Pro-Vice-Chancellor shall assist the Vice-Chancellor in the performance of his functions and, in addition, shall have such functions as may be specified in the Statutes.

(3) The Vice-Chancellor may delegate to a Pro-Vice-Chancellor, either absolutely or subject to conditions, any of his functions in terms of this Act and may at any time amend or withdraw any such delegation:

Provided that the delegation of a function in terms of this subsection shall not prevent the Vice-Chancellor from himself exercising that function.

## 10 Council

(1) Subject to this Act and general directions as to policy given by the Minister, the government and executive authority of the University shall be vested in the Council, which shall consist of—

- (a) the Chancellor, the Vice-Chancellor and the Pro-Vice-Chancellors, who shall be *ex officio* members; and
- (b) eight persons appointed by the Minister; and
- (c) five persons who are members of the academic and technical staff and who are appointed by the Senate from amongst their number; and
- (d) one person elected by the heads of study centres; and
- (e) the President of the Students' Union who shall be an *ex officio* member; and
- (f) one person who is experienced and distinguished in distance education, appointed by the Council on the recommendation of the Senate; and
- (g) one person who is approved by the Vice-Chancellor and elected by the members of the academic staff, other than those who are members of the Senate, from among themselves; and
- (h) one person approved by the Vice-Chancellor and elected by the administrative staff from among themselves; and
- (i) one person approved by the Vice-Chancellor and elected by the workers' committee of the University; and
- (j) one person appointed by the Minister to represent the interests of workers after consultation with the Minister to whom the administration of the Labour Relations Act [*Chapter 28:01*] has been assigned; and
- (k) two persons appointed by the Minister from a list of names submitted by such organisations representing banking, mining, commerce or industry as the Minister recognises for the purposes of this paragraph; and

- (l) one person appointed by the Minister from a list of names submitted by such professional organisations as the Minister recognises for the purposes of this paragraph; and
  - (m) one person appointed by the Minister to represent the interests of private voluntary organizations; and
  - (n) one person elected by the Convocation; and
  - (o) one person appointed by the Minister to represent institutes and institutions conducting distance education programmes at any level; and
  - (p) the Secretary of the Ministry for which the Minister is responsible; and
  - (q) the chairman of the National Council for Higher Education established in terms of the National Council for Higher Education Act [*Chapter 25:08*], who shall be an *ex officio* member
  - (r) one person appointed by the Minister from a list submitted by women's organisations to represent the interests of women; and
 

[Paragraph inserted by section 37 of Act 14 of 2002]
  - (s) one person appointed by the Minister from a list of names submitted by such organisation representing teachers and additionally, or alternatively, lecturers, as the Minister recognises for the purposes of this paragraph; and
 

[Paragraph inserted by section 37 of Act 14 of 2002]
  - (t) one person appointed by the Minister from a list of names submitted by such organisation representing churches or organised religion as the Minister recognises for the purposes of this paragraph.
 

[Paragraph inserted by section 37 of Act 14 of 2002]
- (2) If any person, organization or authority fails or declines—
- (a) to appoint or elect any person in terms of paragraph (c), (d), (f), (g), (h), (i) or (n) of subsection (1) within a reasonable time after being called upon to do so, the Council, after consultation with the Minister, may appoint any person to fill the vacancy; or
  - (b) to submit a list of names in terms of paragraph (j), (k), or (l), of subsection (1) within a reasonable time after being called upon to do so, the Minister may appoint any person to fill the vacancy.

## 11 Functions of Council

- (1) Subject to this Act and the Statutes, the Council shall have the following duties—
- (a) with the approval of the Minister, to appoint every Pro-Vice-Chancellor and the Registrar;
  - (b) to appoint the Bursar, the Librarian, the Information Technologist, the academic and administrative staff and the other employees of the University:
 

Provided that the Council may delegate its duties under this paragraph to such committee as may be prescribed in the Statutes;
  - (c) on the recommendation of the Senate, to institute professorships, associate professorships and other academic offices, and to abolish any such offices or to hold them in abeyance;
  - (d) to receive and, if the Council considers it proper to do so, to give effect to reports or recommendations from the Senate on those matters upon which the Senate is authorised or required by this Act or the Statutes to make reports or recommendations;
  - (e) in each year, to cause to be prepared a statement of the University's income and expenditure during the previous financial year, and of the assets and liabilities of the University on the last day of that previous financial year;
  - (f) to submit the statements of income and expenditure referred to in paragraph (e) to audit by an auditor appointed by the Council, and to publish such statements and the auditor's report on them;
  - (g) in each year, to cause to be prepared estimates of income and expenditure for the following financial year;
  - (h) to cause to be prepared and made available to the public a report on the activities of the University during each year.

[Subsection substituted by section 37 of Act 14 of 2002]

- (2) Without limitation on any other powers conferred on Council by this Act, the Council shall have the following powers—
- (a) to receive recommendations from the Senate for conferment, withdrawal or restoration of degrees, including honorary degrees, and diplomas, certificates and other awards and distinctions of the University and, if approved, to submit them to the Chancellor;
  - (a1) to amend, repeal or replace the Statutes in terms of subsection (2) of section *twenty-nine*;
 

[Paragraph inserted by section 37 of Act 14 of 2002]
  - (b) to administer the property of the University and to control its affairs and functions;
  - (c) to exercise on behalf of the University such of the powers set out in subsection (2) of section *four* as are not exercisable in terms of the Act by any other authority;
  - (d) to delegate its functions to the Executive Committee or to any other committee or officer of the University;

Provided that the delegation of any such function shall not prevent the Council from itself exercising that function;

- (e) to do such other acts as it considers to be necessary for the proper administration of the University and the achievement of its objects.

### **11A Disqualification for appointment as Council member**

The Minister shall not appoint a person as a member of the Council and no person shall be qualified to hold office as a member of Council who—

- (a) is not a citizen of Zimbabwe or permanently resident in Zimbabwe; or  
(b) has in terms of any law in force in any country—  
(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or  
(ii) made an assignment to, or arrangement or composition with, his creditors which has not been rescinded or set aside;  
or  
(c) has, within the period of five years immediately preceding the date of his proposed appointment, been sentenced in any country to a term of imprisonment of or exceeding six months, whether or not any portion has been suspended, imposed without the option of a fine and has not received a free pardon.

[Section inserted by section 37 of Act 14 of 2002]

### **11B Vacation of office by Council member**

A member shall vacate office and his office shall become vacant—

- (a) after giving the Minister such period of notice of his intention to resign as may be fixed in his conditions of appointment or, if no such period has been fixed, after the expiry of one month or such other period of notice as he and the Minister may agree; or  
(b) on the date he begins to serve a sentence of imprisonment, the term of which is not less than six months, whether or not any portion has been suspended, imposed without the option of a fine in any country; or  
(c) if he becomes disqualified in terms of paragraph (a) or (b) of section *eleven A* to hold office as member;  
or  
(d) if he is absent without the permission of the Council from three consecutive meetings of the Council.

[Section inserted by section 37 of Act 14 of 2002]

### **12 Chairman and vice-chairman of Council**

(1) The Council shall elect a chairman and a vice-chairman from amongst its members to hold office for such period and subject to such terms and conditions as are prescribed in the Statutes.

(2) At all meetings of Council at which the Chancellor is not present the chairman of the Council or, in his absence the vice-chairman shall preside.

(3) If at any meeting of the Council the Chancellor and the chairman and vice-chairman of the Council are all absent, the members of the Council who are present shall elect a person from amongst their number to preside at the meeting.

### **13 Executive Committee of Council**

(1) There shall be a principal committee of the Council to be known as the Executive Committee.

(2) The Executive Committee shall consist of—

- (a) the chairman and vice-chairman of the Council; and  
(b) the Vice-Chancellor and every Pro-Vice-Chancellor; and  
(c) ten members of the Council, of whom—  
(i) four shall be appointed by the Minister; and  
(ii) three shall be appointed by the Senate; and  
(iii) three shall be appointed by the Council.

(3) The chairman and vice-chairman of the Council shall be the chairman and vice-chairman, respectively, of the Executive Committee.

(4) The Executive Committee shall exercise such of the functions of the Council as the Council may delegate to it.

(5) Any delegation of functions by the Council in terms of subsection (4) may be made absolutely or subject to conditions and may be amended or withdrawn at any time.

(6) A delegation of any function by the Council in terms of subsection (4) shall not prevent the Council from itself exercising that function.

### **14 Senate**

(1) Subject to this Act, the academic authority of the University shall be vested in the Senate, which shall consist of—

- (a) the Vice-Chancellor who shall be the chairman, the Pro-Vice-Chancellors, deans, professors, the chairmen of Departments and the Librarian, who shall be *ex officio* members; and

[Paragraph amended by section 37 of Act 14 of 2002]

(b) one member of the permanent academic staff from each Faculty elected annually by such staff; and

[Paragraph amended by section 37 of Act 14 of 2002]

(c) heads of regional centres; and

(d) six students elected annually by the Students' Union:

Provided that such students shall not be entitled to attend deliberations of the Senate on matters which are considered by the chairman of the Senate to be confidential.

(2) If the full-time academic staff or the Students' Union fails or declines to elect a person in terms of paragraph (b) or (d) of subsection (1), the Council may appoint a suitably qualified person to fill the vacancy.

[Subsection amended by section 37 of Act 14 of 2002]

## 15 Functions of Senate

The Senate shall have the following functions—

(a) to promote the advancement of knowledge through research;

(b) to formulate and carry out the academic policy of the University;

(c) to satisfy itself regarding the content and academic standard of any course of study offered by any Faculty or Institute in respect of a degree, diploma, certificate or award of the University;

(d) to regulate the programmes, subjects and courses of study and the examinations held by the University;

(e) to regulate the admission of students to the University and to the courses of instruction held by the University;

[Paragraph amended by section 37 of Act 14 of 2002]

(f) to recommend to the Chancellor, through the Council, the conferment of degrees, including honorary degrees, diplomas, certificates and other awards and distinctions of the University and the withdrawal and restoration of such awards;

(g) to fix, subject to consultation with any sponsors and subject to the approval of the Council, the times, modes and conditions of competitions for fellowships, scholarships and prizes;

(h) to appoint examiners for examinations conducted by the University;

(i) to cause to be prepared estimates of expenditure required to carry out the academic work of the University and to submit them to the Council;

(j) subject to the approval and direction of the Council, to formulate, modify and revise the organization of Faculties, Departments, Institutions, Centres and units;

(k) to recommend to the Council the institution, abolition or holding in abeyance of professorial chairs and other academic offices;

(l) without derogation from the powers of the Council, to propose changes to the Statutes;

(m) to make any regulations it is authorized to make by or in terms of this Act;

(n) to appoint committees, which may include persons who are not members of the Senate, to exercise any of the functions of the Senate, other than the power to make regulations;

(o) to make periodic reports on its activities to the Council and to report on any matter referred to it by the Council;

(p) to do such other acts as the Council may authorize or direct it to do.

## 16 Senate Executive Committee

(1) There shall be a principal committee of the Senate to be known as the Senate Executive Committee.

(2) The Senate Executive Committee shall consist of—

(a) the Vice-Chancellor, who shall be chairman; and

(b) every Pro-Vice-Chancellor; and

(c) four full Professors of the University, elected annually by the Senate; and

(d) all the Deans of Faculties; and

(e) the Librarian; and

(f) two members of the Senate, elected annually by the persons referred to in paragraph (a) and (b) of subsection (1) of section *fourteen*.

(3) The Senate Executive Committee shall exercise such of the functions of the Senate as the Senate, with the approval of the Council, may delegate to it.

(4) Any delegation of functions by the Senate in terms of subsection (3) may be made absolutely or subject to conditions and may be amended or withdrawn at any time.

(5) A delegation of any function by the Senate in terms of subsection (3) shall not prevent the Senate from itself exercising the function.

## 17 Registrar

(1) There shall be a Registrar of the University who shall be appointed by the Council with the approval of the Minister in the manner provided in the Statutes.

[Subsection amended by section 37 of Act 14 of 2002]

(2) Subject to the directions of the Council, the Registrar shall be responsible for the general administration of the University, and shall perform such other functions as may be specified in the Statutes.

(3) The Registrar, or a member of his staff whom he may authorize to act for him, shall be secretary of the Council and the Senate and their principal committees.

### **18 Bursar**

(1) There shall be a Bursar of the University who shall be appointed by the Council in the manner provided in the Statutes.

(2) Subject to the directions of the Council, the Bursar shall act as the accountant of the University and shall be responsible for the safeguarding of its funds and, in accordance with the general directions of the Vice-Chancellor, for authorizing its investments and expenditure.

(3) The Bursar shall perform such additional functions as may be specified in the Statutes.

### **19 Librarian**

(1) There shall be a Librarian of the University who shall be appointed by the Council in the manner provided in the Statutes.

(2) Subject to the directions of the Senate and the Vice-Chancellor, the Librarian shall be responsible for the administration and safeguarding of the libraries of the University.

### **20 Information Technologist**

(1) There shall be an Information Technologist of the University who shall be appointed by the Council in the manner provided in the Statutes.

(2) Subject to the directions of the Senate and the Vice-Chancellor, the Information Technologist shall be responsible for—

(a) acquiring, developing and maintaining all educational systems and equipment for the University, including—

- (i) printing equipment; and
- (ii) audio-visual equipment; and
- (iii) computer systems; and
- (iv) telecommunication systems; and
- (v) teleconferencing equipment;

and

(b) co-ordinating the production, storage and dispatch of all course materials.

### **21 Convocation**

(1) The Convocation of the University shall consist of all persons whose names appear on the Convocation Roll maintained by the Registrar.

(2) The Vice-Chancellor and all Pro-Vice-Chancellors, deans, professors, lecturers, Heads of Departments, the Registrar, the Information Technologist, the Librarian and the Bursar shall be *ex officio* members of the Convocation.

[Subsection amended by section 37 of Act 14 of 2002]

(3) All graduates of the University who signify in writing addressed to the Registrar that they desire to be members of the Convocation and who inform the Registrar of their address shall be entitled to have their names entered on the Convocation Roll.

(4) Subject to section *seven*, the Vice-Chancellor or such other person as he may appoint shall be chairman of meetings of the Convocation.

(5) Meetings of the Convocation shall be held at such times and places as the Council shall direct.

(6) The Convocation may deal with any matter relating to the University which the Council, in accordance with the Statutes, may refer to the Convocation.

### **22 Terms and conditions of service of staff**

The terms and conditions of service for each category of staff employed by the University, including the Vice-Chancellor and every Pro-Vice-Chancellor, shall be determined by the Council in terms of this Act, and subject to the Labour Act [*Chapter 28:01*], and such terms and conditions shall provide that—

- (a) any person so employed shall be entitled to resign from his employment on giving such notice in writing to the Registrar as may be fixed in such terms and conditions;
- (b) any person so employed shall, subject to any exception that may be provided for in special cases, retire from his office at such time or in such circumstances as may be fixed in such terms and conditions;
- (c) no summary termination of the employment of any person so employed shall take place except for good cause and, in the event of any such termination, the person concerned shall have a right of appeal to the Council, whose decision shall be final.

[Section amended by section 37 of Act 14 of 2002]

## **23 Appointment and grading of staff**

(1) Every appointment to the academic staff shall be made by a Technical and Academic Appointments Board consisting of—

- (a) the Vice-Chancellor or his nominee, who shall be chairman; and
- (b) two members appointed by the Council from amongst those of its members who are not members of staff of the University; and
- (c) the Chairman of the Department to which the appointment is made; and
- (d) one other member, approved by the Vice-Chancellor, of the Department to which the appointment is made; and
- (e) the Dean of the Faculty to which the appointment is made; and
- (f) the Chairman of a Department approved by the Council as being related to the Department referred to in paragraph (c).

(2) Subject to this Act and the Statutes, the Council shall appoint Boards of Selection for the purpose of appointing members of staff other than the Vice-Chancellor, Pro-Vice-Chancellors, the Registrar, the Bursar, the Librarian and academic staff.

[Subsection amended by section 37 of Act 14 of 2002]

(3) The Council shall appoint a Grading Committee for the purpose of determining all matters relating to the grades and points of entry upon salary scales by members of staff of the University.

## **24 Promotion of staff**

(1) Every promotion of a person to a post or grade within the academic or technical staff shall be effected by a Technical and Academic Staff Promotions Committee consisting of—

- (a) the Vice-Chancellor or his nominee, who shall be chairman; and
- (b) every Pro-Vice-Chancellor; and
- (c) four members of the Council who are not members of staff of the University, appointed by the Council; and
- (d) all Deans of Faculties; and
- (e) at least three full Professors of the University appointed by Senate once every three years.

(2) Every promotion of a person to a post or grade which does not fall within the academic or technical staff shall be effected by a Non-Academic Staff Promotions Committee appointed by the Council and consisting of—

- (a) a Pro-Vice-Chancellor, who shall be chairman; and
- (b) the Registrar; and
- (c) the Bursar; and
- (d) the Librarian; and
- (e) two members of the Council who are not members of staff of the University; and
- (f) one representative of each category of non-academic staff prescribed in the Statutes; and

[Paragraph amended by section 37 of Act 14 of 2002]

- (g) one representative of the Faculty where the person to be promoted works.

## **25 Staff Disciplinary Committee**

(1) There shall be a Staff Disciplinary Committee which shall consist of the following members appointed by the Vice-Chancellor—

- (a) a retired judge, who shall be chairman; and
- (b) a senior member of the academic or administrative staff; and
- (c) a member of the academic, technical or administrative staff of similar status to the person charged; and
- (d) a registered legal practitioner of at least ten years' standing who does not hold any post at the University and who is nominated annually by the Council; and

[Paragraph amended by section 37 of Act 14 of 2002]

- (e) one member appointed by the Council from among its members who are not members of the University staff.

[Paragraph inserted by section 37 of Act 14 of 2002]

(2) Three members of the Staff Disciplinary Committee shall form a quorum.

(3) All matters to be decided at any meeting of the Staff Disciplinary Committee shall be decided by a simple majority and, in the event of an equality of votes, the chairman or person presiding shall have a casting vote in addition to his deliberative vote.

(4) The functions of the Staff Disciplinary Committee shall be to investigate any breach of a Statute, regulation or ordinance or other misconduct on the part of any member of the staff of the University and, subject to subsection (6), to recommend to the Vice-Chancellor the punishment to be imposed on or order to be made in respect of the member if it finds him guilty of such misconduct.

(5) A person charged with misconduct referred to in subsection (4) shall have a right of audience and to be legally represented before the Staff Disciplinary Committee.

- (6) Where the Staff Disciplinary Committee has found a person guilty of misconduct referred to in subsection (4), the Committee shall recommend to the Vice-Chancellor any one or more of the following—
- (a) that the person's employment be terminated;
  - (b) that the person pay to the University a fine not exceeding level five;
  - (c) that the person be demoted;
  - (d) that the person be censured or reprimanded;
  - (e) such other penalty or order as may be provided for by or in terms of the Statutes.

[Subsection amended by section 4 of At 22 of 2001]

## **26 Student Disciplinary Committee**

(1) There shall be a Student Disciplinary Committee which shall consist of the following members appointed by the Vice-Chancellor—

- (a) a Senior Proctor, who shall be chairman; and
- (b) four members of the academic staff one of whom shall belong to the same department or faculty to which the student charged belongs; and
- (c) two students nominated by the Students' Union, one of whom shall belong to the same department or faculty to which the student charged belongs; and
- (d) a registered legal practitioner of at least ten years' standing who does not hold any post at the University, and who is nominated annually by the Council.

[Subsection substituted by section 37 of Act 14 of 2002]

(2) Five members of the Student Disciplinary Committee shall form a quorum.

(3) All matters to be decided at any meeting of the Student Disciplinary Committee shall be decided by a simple majority and, in the event of an equality of votes, the chairman or person presiding shall have a casting vote in addition to his deliberative vote.

(4) The functions of the Student Disciplinary Committee shall be to investigate any breach of a Statute, regulation or ordinance or other misconduct on the part of any student and, subject to subsection (6), to recommend to the Vice-Chancellor the punishment to be imposed on the student if it finds him guilty of such misconduct.

(5) A student charged with misconduct referred to in subsection (4) shall have a right of audience and to be legally represented before the Student Disciplinary Committee.

(6) Where the Student Disciplinary Committee has found a student guilty of misconduct referred to in subsection (4), the Committee shall recommend to the Vice-Chancellor the imposition upon the student of any one or more of the following punishments—

- (a) the withdrawal of any academic or University privilege, benefit, right or facility other than to follow courses of instruction and present himself for examination;
- (b) the imposition of a fine not exceeding level four, which shall be paid to the University;
- (c) a censure or reprimand;
- (d) such other penalty as may be provided for by or in terms of the Statutes.

[Subsection amended by section 4 of At 22 of 2001]

## **27 Finance Committee**

(1) Subject to this Act, there shall be a Finance Committee of the Council consisting of—

- (a) the chairman of Council, who shall be chairman; and
- (b) the Vice-Chancellor; and
- (c) every Pro-Vice-Chancellor; and
- (d) three persons appointed by the Council from among its members who are not members of the University staff; and
- (e) two persons appointed by the Senate from among its members; and
- (f) the Bursar, who shall be the secretary of the Finance Committee; and
- (g) the Registrar; and
- (h) a representative of the Deans of Faculties appointed by the Council.

(2) The functions of the Finance Committee shall be as provided in the Statutes.

## **28 Accounts of University**

(1) The Council shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the University's activities, funds and property, including such particular accounts and records as the Minister may direct.

(2) As soon as possible after the end of each financial year the Council shall prepare and submit to the Minister a statement of accounts in respect of that financial year or in respect of such other period as the Minister may direct.

## 28A Service of process

Any writ or other process, notice or document may be served on the University, Council or Senate by serving the same on the Registrar.

[Section inserted by section 37 of Act 14 of 2002]

## 29 Statutes

(1) Subject to this Act, the University shall be administered in accordance with the Statutes.

(2) With the approval of the Minister the Council may, by statutory instrument, amend, repeal or replace the Statutes set out in the Schedule in order to prescribe all matters which, in terms of this Act, are required or permitted to be prescribed in Statutes or which, in the opinion of the Council, are necessary or convenient to be so prescribed for carrying out or giving effect to this Act or for the proper administration of the University.

(3) Subject to the Act, Statutes made in terms of subsection (2) may provide for—

(a) the appointment, conditions of service and functions of the Vice-Chancellor, the Pro-Vice-Chancellors, the Registrar, the Bursar, the Librarian, the Information Technologist and all members of staff and the categorization of such members of staff;

(b) the election or appointment of persons to the Council and the Senate and to committees of the Council and the Senate;

[Paragraph amended by section 37 of Act 14 of 2002]

(c) the terms of office of members of the Council and its committees, other than *ex officio* members thereof;

(d) the terms of office and conditions of service of the chairman and vice-chairman of the Council;

(e) the convening of meetings of the Council, the Senate and the Convocation and of committees of the Council and the Senate, the quorum at such meetings and the procedure to be adopted thereat;

(f) the terms of office of members of the Academic Appointments Board and the Academic Staff Promotions Committee, boards of selection, the Grading Committee, the Non-Academic Staff Promotions Committee and the Finance Committee, the quorum at such meetings and procedure to be adopted thereat;

[Paragraph substituted by section 37 of Act 14 of 2002]

(g) the functions of the Technical and Academic Appointments Board, Boards of Selection, the Grading Committee, the Academic and Technical Staff Promotions Committee, the Non-Academic Staff Promotions Committee, the Finance Committee, and the Convocation;

(h) the persons who may enter into contracts and sign documents on behalf of the University, and the procedure to be followed in relation to transactions entered into by or on behalf of the University;

(i) the establishment and organization of Faculties, Departments, regional centres, district centres, study centres and Institutes;

(j) the functions of Deans of Faculties, Chairmen of Departments, Heads of Centres and Institutes;

(k) the appointment and functions of course co-ordinators and course developers;

(l) the holding of congregations of the University for the purpose of conferring degrees, diplomas, certificates and other honours and awards;

(m) the seal of the University and its use and custody;

(n) the academic year of the University;

(o) the discipline of members of staff and students and the procedures to be adopted in respect thereof;

(p) fees and charges to be paid for anything done by any person in terms of this Act;

(q) empowering any person specified in the Statutes to make ordinances or rules in respect of any matter referred to in paragraphs (a) to (p).

## 30 Regulations

(1) Subject to this Act and the Statutes and with the approval of the Council, the Senate may make regulations prescribing any matter which, in the opinion of the Senate, is appropriate to be prescribed for the better carrying out of the Senate's functions.

(2) Regulations may provide for—

(a) teaching registered students of the University, whether generally or in relation to specific subjects;

(b) progress reports to be submitted by members of the academic staff;

(c) schemes of study and research and the conditions subject to which such schemes may be embarked upon or continued;

(d) the use of libraries of the University;

(e) the development, production, storage and dispatch of course materials;

(f) the conduct and supervision of examinations;

(g) the award of degrees, diplomas, certificates and other academic honours and awards, other than honorary degrees, honours or awards.

(3) The Senate may at any time amend or repeal any regulations.

(4) Regulations need not be published in the *Gazette*, but the Senate shall publish them in such manner as the Senate considers will best make them known to the persons to whom they apply.

### **31 Validity of decisions of Council, Senate, Convocation and boards and committees**

No decision or act of the Council, Senate, Convocation or any board or committee established by or in terms of this Act shall be invalid solely on the ground that—

- (a) the Council, Senate, Convocation, board or committee, as the case may be, consisted of fewer than the number of members for which provision is made by or in terms of this Act; or
- (b) a disqualified person acted as a member of the Council, Senate, Convocation, board or committee, as the case may be;

if the duly qualified members who took the decision or did or authorized the act constituted a quorum of the membership of the Council, Senate, Convocation, board or committee, as the case may be.

## **SCHEDULE (Sections 2 and 29)**

### STATUTES OF THE UNIVERSITY

#### ARRANGEMENT OF STATUTES

##### *Statutes*

1. Appointment of Pro-Vice-Chancellors.
2. Length of appointment of members of Council.
3. Vacancies in Council.
4. Meetings and quorum of Council.
5. Resolutions by circulation among members of Council.
- 5A. Chairman and Vice-Chairman of Council.
6. Meetings and quorum of Senate.
7. Convocation.
8. Faculties.
9. Deans.
- 9A. Functions of dean.
- 9B. Evaluation of performance of dean.
- 9C. Termination of appointment of dean.
10. Composition of Faculty Boards.
11. Functions of Faculty Boards.
12. Meetings of Faculty Boards.
13. Teaching Departments.
14. Institutes and Centres.
15. Appointment of Registrar, Bursar and Librarian.
16. Procedure generally.
17. Financial procedures.
18. Auditors.
19. University seal.
20. Ordinances.
21. Arrangements with other Universities, affiliated bodies, etc.

##### *1. Appointment of Pro-Vice-Chancellors*

(1) For the purpose of considering appointments to the office of Pro-Vice-Chancellor, there shall be a joint committee of the Council and the Senate consisting of—

- (a) the chairman of the Council, who shall be chairman of the joint committee; and
- (b) the vice-chairman of the Council; and
- (c) the Vice-Chancellor; and
- (d) two persons appointed by the Council from among its members who are not members of the Senate; and
- (e) three persons appointed by the Senate from among its members.

(2) The joint committee constituted by this Statute shall consider each applicant for appointment to a vacancy in the office of Pro-Vice-Chancellor and shall make recommendations thereon to the Council, and the Council, after considering the joint committee's recommendation, shall make the appointment concerned with the approval of the Minister.

(3) A Pro-Vice-Chancellor shall hold office for three years from the date of his appointment and, subject to subsection (2) and the approval of the Minister, shall be eligible for re-appointment.

##### *2. Length of appointment of members of Council*

(1) Members of the Council, other than *ex officio* members, shall hold office for three years, and shall be eligible for re-appointment or re-election, as the case may be:

Provided that—

- (i) of the first eight members appointed by the Minister, three shall be appointed for a period ending one year after the date of commencement of the Act and a further three shall be appointed for a period ending two years after the date of commencement of the Act;
  - (ii) of the first five members appointed by the Senate, two shall be appointed for a period ending one year after the date of commencement of the Act and a further two shall be appointed for a period ending two years after the date of commencement of the Act.
- (2) Any member of Council, other than an *ex officio* member, may resign his membership at any time by notice in writing addressed to the Registrar.

### *3. Vacancies in Council*

Any vacancy occurring among the appointed or elected members of the Council shall be filled within three months by the person or body which appointed or elected the member whose place has become vacant, and the person so appointed or elected shall hold office for the remainder of the period for which the person whose place he fills was appointed or elected.

[Section amended by section 37 of Act 14 of 2002]

### *4. Meeting and quorum of Council*

- (1) The Council shall meet at least three times a year.
- (2) The quorum of the Council shall be one-half of the members holding office at the time of the meeting.

### *5. Resolutions by circulation among members of Council*

A resolution proposed by the Executive Committee of the Council, other than for the purpose of making a Statute, which is on its authority circulated or communicated by the Registrar to all members of the Council and which receives the written agreement of not less than two-thirds of such members shall have the same effect as a resolution passed at a meeting of the Council.

### *5A. Chairman and Vice-Chairman of Council*

- (1) The Council shall elect from among its members a Chairman and a Vice-Chairman, each to hold office for a period not exceeding three years, and each of whom shall be eligible for re-election.
- (2) If both the Chairman and the Vice-Chairman are absent from a meeting of the Council the members present shall appoint from among themselves a chairman for the purpose of that meeting.
- (3) If both the Chairman and the Vice-Chairman are at the same time unable to carry out their duties the Council may elect one of its members to perform such duties during such time.

[Section inserted by section 37 of Act 14 of 2002]

### *6. Meetings and quorum of Senate*

- (1) The Senate shall meet at least four times a year.
- (2) The quorum of the Senate shall be one-half of the members holding office at the time of the meeting.
- (3) The Vice-Chancellor or, in his absence, a Pro-Vice-Chancellor, shall chair the Senate meeting.

### *7. Convocation*

There shall be no quorum for meetings of the Convocation, the proceedings of which shall be regulated by the chairman subject to any general or special direction of the Council.

### *8. Faculties*

The University shall include such Faculties as may from time to time be established by the Council.

### *9. Deans*

- (1) There shall be a Dean for each Faculty, who shall be appointed by a selection board appointed by the Council and chaired by the Vice-Chancellor, or in his absence, by a Pro-Vice-Chancellor.
- (2) A Dean shall hold office for four years and, on the expiry of his term of office, shall be eligible for re-appointment.

[Section substituted by section 37 of Act 14 of 2002]

### *9A. Functions of Deans*

- (1) A Dean shall be responsible to the Vice-Chancellor and Pro-Vice-Chancellors for—
  - (a) the character and quality of his Faculty's academic programmes and teaching; and
  - (b) the proper direction, control and management of the staff, students, property, equipment and finances of his Faculty; and
  - (c) contributing to the evolution and maintenance of an environment conducive to learning at the University.
- (2) Without limiting subsection (1), a Dean's functions include—
  - (a) the planning and control of his Faculty's budget; and
  - (b) implementing the policies and objectives of the University and his Faculty; and

- (c) developing and maintaining relations with alumni of his Faculty and with other organisations and persons, with a view to enriching the academic programmes offered by his Faculty; and
- (d) soliciting funds and other assistance to support programmes and projects of his Faculty; and
- (e) co-operating with other Faculties, agencies and entities to further the programmes and projects of his Faculty; and
- (f) performing such other functions as may be prescribed by Ordinance.

[Section inserted by section 37 of Act 14 of 2002]

#### *9B. Evaluation of performance of Dean*

The performance of every Dean shall be evaluated annually by a committee appointed by the Vice-Chancellor and consisting of senior academic staff and administrators.

[Section inserted by section 37 of Act 14 of 2002]

#### *9C. Termination of appointment of Dean*

(1) A Dean may resign his office as such by giving the Vice-Chancellor three months' written notice or such longer or shorter notice as he and the Vice-Chancellor may agree upon.

(2) Subject to the approval of the Council, the Vice-Chancellor may terminate the appointment of a person as Dean—

- (a) on the recommendation of a committee referred to in section *nine B*; or
- (b) for other good cause.

(3) A Dean whose appointment as such has been terminated in terms of subsection (2) may appeal to the Council within fourteen days of being notified of the termination, and on any such appeal the Council may confirm, vary or rescind the termination, as the case may be, or give such other direction in the matter as it thinks appropriate.

[Section inserted by section 37 of Act 14 of 2002]

#### *10. Composition of Faculty Boards*

For each Faculty there shall be a Faculty Board which shall consist of—

- (a) all the full-time academic staff of the Faculty; and
- (b) such persons as may be assigned to the Faculty Board by the Senate; and
- (c) two students elected annually by the students in the Faculty.

#### *11. Functions of Faculty Boards*

A Faculty Board shall have the following functions—

- (a) to regulate and design, subject to the approval of the Senate and the Dean of the Faculty, the teaching and study of the subjects assigned to the Faculty;

[Paragraph amended by section 37 of Act 14 of 2002]

- (b) through the Dean of the Faculty, to report to the Senate on any matter specifically relating to the work of the Faculty;

[Paragraph amended by section 37 of Act 14 of 2002]

- (c) to deal with any matter referred or delegated to it by the Senate;
- (d) to appoint committees, which may include a minority of persons who are members of the Faculty Board, to carry out any of the duties or exercise any of the powers of the Board.

#### *12. Meetings of Faculty Boards*

(1) The Dean of each Faculty shall call regular meetings of the Faculty Board at which matters relating to the policy of the Faculty and appointments shall be discussed and recommendations adopted for submission to the appropriate authorities on appointments.

(2) The Vice-Chancellor and every Pro-Vice-Chancellor shall be entitled to attend any meeting of a Faculty Board or any committee thereof.

#### *13. Distance and Open Teaching Departments*

(1) The Teaching Departments and their allocation to Faculties shall be prescribed by ordinances.

(2) A Chairman of Department shall be appointed by the Vice-Chancellor, on behalf of the Council, from among the full-time members of the academic staff of the Department, after consultation with each member of the academic staff in the Department and the Dean of the Faculty to which the Department is allocated.

(3) A Chairman of Department shall hold office for a period of three years, or such other period as may be determined by ordinance, and shall be eligible for re-appointment once only for a further period of three years.

(4) A Department may be allocated to two or more Faculties.

#### *14. Institutes and Centres*

(1) The Council, after consultation with the Senate, may establish Institutes, Regional and District centres and study centres of the University and shall appoint the head of any such Institute or centre and give directions as to its functions, studies, research and administration.

[Subsection amended by section 37 of Act 14 of 2002]

(2) There shall be a board appointed by the Council to manage the affairs of each Institute and centre referred to in subsection (1).

[Subsection amended by section 37 of Act 14 of 2002]

(3) The procedure of any board referred to in subsection (2) shall be as prescribed by ordinance.

[Subsection amended by section 37 of Act 14 of 2002]

#### *15. Appointment of Registrar, Bursar, Librarian and Information Technologist*

(1) For the purpose of considering appointments to the offices of Registrar, Bursar, Librarian and Information Technologist there shall be a joint committee of the Council and the Senate consisting of—

- (a) the chairman of the Council, who shall be the chairman of the joint committee; and
- (b) the vice-chairman of the Council; and
- (c) the Vice-Chancellor; and
- (d) every Pro-Vice-Chancellor; and
- (e) two persons appointed by the Council from among its members who are not members of the Senate; and
- (f) three persons appointed by the Senate from among its members.

(2) The joint committee constituted by this Statute shall consider each applicant to a vacancy in the office of Registrar, Bursar, Librarian or Information Technologist and shall make recommendations thereon to the Council.

#### *16. Procedure generally*

(1) Except as otherwise specifically provided by the Act or these Statutes, in the absence of the chairman or vice-chairman at a meeting of a board or committee the members present shall elect from those present a chairman to preside over that meeting.

(2) Except as otherwise specifically provided by the Act or these Statutes, the quorum at any meeting of a board or committee shall be as fixed by the person or authority that appointed the board or committee.

(3) Except as otherwise specifically provided by the Act or these Statutes, each board or committee shall determine and may make rules for the time, place and procedure of its meetings.

(4) The minutes of a meeting of a board or committee shall be laid on the table at the next following meeting of the body that appointed it.

(5) At a meeting of a board or committee, in the event of an equality of votes on any matter, the person presiding shall have a casting vote in addition to his original vote.

(6) Subsections (3), (4) and (5) shall apply, *mutatis mutandis*, to the Council and Senate, save that minutes of the Council meetings shall be sent to the Chancellor and the Minister and a report of each meeting of the Senate shall be laid on the table at the next meeting of the Council.

#### *17. Financial procedures*

(1) The Council shall fix the financial year of the University.

(2) The Finance Committee shall submit to the Council, before the beginning of the financial year, draft estimates of income and expenditure, and such estimates, amended as the Council thinks fit, shall be approved by the Council before the beginning of the financial year.

(3) The Council may revise the estimates during the course of the financial year and give directions for the manner in which amendments of expenditure estimates may be made, which directions may make provision for delegating the powers of revision so long as such delegation does not extend to altering the total estimated expenditure.

(4) As soon as practicable after the end of the financial year, a balance sheet and income and expenditure account with supporting schedules shall be submitted to the auditors.

(5) The audited accounts, with any comments thereon made by the auditors, shall be submitted to the Council.

#### *18. Auditors*

(1) Subject to subsection (2) and (3), the Council shall, before the beginning of each financial year, appoint auditors who are registered as public auditors in terms of the Public Accountants and Auditors Act [*Chapter 27:12*].

(2) No person shall be appointed as an auditor in terms of subsection (1) if he, or any of his partners or employees, hold any other office in the University.

(3) If no appointment of new auditors is made before the beginning of any financial year, the auditors in office shall continue in office.

(4) An auditor appointed in terms of subsection (1) shall be entitled at all reasonable times to require any officer, employee or agent of the University—

- (a) to produce all accounts and other records relating to the financial affairs of the University as may be in the custody of such officer, employee or agent; and

- (b) to provide such information or explanation as, in the opinion of the auditor, is necessary for the purposes of the audit.

#### *19. University seal*

- (1) There shall be a seal of the University, of such design as may be approved by the Council.
- (2) The seal of the University shall be kept in the custody of the Registrar and, subject to the directions of the Council, shall be affixed to—
- (a) certificates, degrees and diplomas conferred by the University; and
  - (b) any document attested by the signature of the Vice-Chancellor and the Registrar.

#### *20. Ordinances*

(1) The Council may, with the approval of the Minister, make ordinances providing for any matter referred to in paragraphs (a) to (p) of subsection (3) of section 29 of the Act.

[Subsection amended by section 37 of Act 14 of 2002]

(2) The Registrar shall publish any ordinance made in terms of subsection (1) in such manner which the Council considers will best make the ordinance known to the persons to whom it applies.

#### *21. Arrangements with other universities, affiliated bodies, etc.*

(1) The Council may make arrangements for membership or affiliation with other organisations with similar objectives and interests.

(2) The Council may make arrangements with any other university whereby students of the University may be registered as students of such other university and so enabled to study for, enter the examinations of and be afforded the degrees of such other university.

(3) The Council may affiliate to the University any other institution or any branch or department of any other institution, and may—

- (a) recognise selected members of the staff of any affiliated institution, branch or department as teachers of the University; and
- (b) admit the members of any affiliated institution, branch or department to any of the privileges of the University; and
- (c) accept attendance at courses of study in any affiliated institution, branch or department in place of attendance at courses of study at the University;

on such terms and conditions and subject to such rules as the Council may determine from time to time.

[Subsection substituted by section 37 of Act 14 of 2002]

(4) The Council may make arrangements with any other university or institutions in regard to development of course materials and use of other facilities.