

# THE OPEN UNIVERSITY OF MAURITIUS ACT 2005

Act No. 17 of 2005

assent

**SIR ANEROOD JUGNAUTH**

President of the Republic

4<sup>th</sup> May 2005

**Date in Force: not proclaimed**

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## **AN ACT**

**To establish the Open University of Mauritius and to provide for related matters**

ENACTED by the Parliament of Mauritius, as follows -

### **PART I – PRELIMINARY**

#### **1. Short title**

This Act may be cited as the **Open University of Mauritius Act 2005**.

#### **2. Interpretation**

In this Act –

“Academic Board” means the Academic Board referred to in section 14;

“Chairperson” means the Chairperson of the Council, appointed under section 8;

“Convocation” means the Convocation of the University, referred to in section 16;

“Council” means the Council of the University, referred to in section 8;

“learner” means a student of the University and includes any person who has enrolled for any course of study at the University;

“Minister” means the Minister to whom responsibility for the subject of education is assigned;

“open and distance learning” means learning by –

- (a) using a combination of methods and media, including broadcasting, telecasting, narrowcasting, web, computer-based learning, print, seminars and direct interaction; and
- (b) providing flexibility to learners to exercise choice in terms of pace, place and mode of study;

“School” means a School of the University referred to in section 15;

“Statutes” means the Statutes of the University set out in the Schedule;

“Tertiary Education Commission” means the Tertiary Education Commission established under the Tertiary Education Commission Act;

“University” means the Open University of Mauritius established under section 3.

## **PART II – ESTABLISHMENT AND CONSTITUTION**

### **3. Establishment of the Open University of Mauritius**

- (1) There is established, for the purposes of this Act, the Open University of Mauritius which shall -
  - (a) be a body corporate;
  - (b) have a common seal;
  - (c) operate in accordance with this Act and the Statutes.
- (2) The common seal referred to in subsection (1) (b) shall –
  - (a) be kept in such custody as the Council may direct and be used only with the approval of the Council;

- (b) be judicially noticed by every Court and, unless the contrary is proved, be presumed to have been duly affixed to any document of the University.

#### **4. Objects of the University**

The objects of the University shall be -

- (a) to advance and disseminate learning and knowledge by a diversity of means, including particularly the use of communication technologies;
- (b) to provide wider opportunities for higher education to the population and to promote lifelong learning;
- (c) to encourage the use of open and distance learning at all levels of education and training through collaboration, optimal use of existing resources and a set of good practices;
- (d) to encourage and promote scholarship and conduct research and development in educational technology and related matters.

#### **5. Functions and powers of the University**

- (1) The functions of the University shall be to -
  - (a) act as the national focal point for open and distance learning;
  - (b) set standards for the provision of open and distance learning;
  - (c) provide education and training by a diversity of means in such branches of knowledge, technology, vocations and professions as the University may determine from time to time;

- (d) plan and prescribe courses of study for degrees, diplomas or certificates;
- (e) hold examinations and confer degrees, diplomas, certificates or other academic distinctions or recognitions on persons who have successfully pursued a course of study or conducted research in accordance with the Statutes;
- (f) institute professorships, lectureships, tutorships and other academic positions necessary for imparting instruction, for preparing educational material or for conducting other academic activities, including supervision, designing and delivery of courses and evaluation of the work done by learners and to appoint persons to such positions;
- (g) institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;
- (h) establish and maintain Regional Centres within this region of the world for the purpose of co-ordinating and supervising the work of regional study centres in the region and for performing such other functions as may be conferred on them by the Academic Board;
- (i) establish, maintain or recognise regional study centres for the purpose of advising, counseling, or rendering any other assistance required by, learners;
- (j) provide for the preparation, reception and distribution of instructional materials through differentiated media, including terrestrial, satellite, video, radio, print, web or compact disc media;

- (k) make provision for research and development in educational technology and related matters;
  - (l) appoint, either on contract or otherwise, visiting professors, consultants, fellows, scholars, artists, course writers and other persons who may contribute to the advancement of the objects of the University;
  - (m) provide, control and maintain discipline among the learners and all categories of employees and to lay down the conditions of service of such employees, including their codes of conduct;
  - (n) determine standards and to specify conditions for the admission of learners to courses of study at the University, which may include examination, evaluation and any other method of testing.
- (2) For the purposes of subsection (1), the University may -
- (a) receive donations and gifts, contract loans and acquire, hold, maintain and dispose of any property, movable or immovable, including trust and Government property, for the purposes of the University;
  - (b) demand and receive such fees and charges as may be prescribed in regulations;
  - (c) co-operate with other universities and institutions of higher learning, and professional bodies and organisations for such purposes as the University considers necessary, including the award of joint degrees;
  - (d) enter into such contract or other arrangement as may be necessary;

- (e) subject to any other enactment, establish such broadcasting facility as may be required to enable the University to perform its functions;
- (f) do all such acts as may be necessary for, or incidental to, the attainment of all or any of the objects of the University and the performance of its functions.

## **6. Admission of learners**

- (1) Subject to subsection (2), the University shall be open to all persons.
- (2) Nothing in subsection (1) shall require the University to -
  - (a) admit to any course of study or research any person who does not possess the prescribed academic qualifications or standard, or prior experiential learning;
  - (b) retain on its roll a learner whose academic record is below the minimum standard required for the award of a degree, or other academic qualification; or
  - (c) admit or retain any learner whose conduct is prejudicial to its interests, or the rights and privileges of other learners or of the staff.

## **7. Inquiries**

- (1) Subject to subsection (2), the Prime Minister may, in respect of any matter connected with the University, institute an inquiry to be made by such person as he may appoint, in such manner as he may determine.
- (2) Where the Prime Minister decides to institute an inquiry under subsection (1), he shall, in every case, give notice to the Chairperson of the Council



of his intention to institute an inquiry and the Council shall be entitled to be represented at such inquiry.

- (3) The Prime Minister -
  - (a) shall communicate to the Council his views with reference to the result of any such inquiry; and
  - (b) may, after ascertaining the opinion of the Council thereon, advise the University regarding the action to be taken and fix a time-limit for taking such action.
- (4) The Council shall, within the time-limit so fixed, report to the Prime Minister the action taken or proposed to be taken on any advice tendered under subsection (3)(b).
- (5) Where the Council does not take action within the time fixed or the action taken by the Council is, in the opinion of the Prime Minister, not satisfactory, the Prime Minister may, after considering any explanation or representation made by the Council, issue such directions as he may deem fit and the Council shall comply with any such directions.

### **PART III – ADMINISTRATION**

#### **8. Council**

There shall be a Council of the University, which shall consist of –

- (a) the Chairperson, to be appointed by the Prime Minister;
- (b) eight persons to be appointed by the Minister, out of whom -

- (i) two persons shall have extensive experience in open and distance learning;
  - (ii) one person shall have extensive experience in information and communication technologies;
  - (iii) one person shall have extensive managerial experience;
  - (iv) one person shall be from the private sector;
  - (v) one person shall be from the public sector;
  - (vi) there shall be 2 representatives of civil society;
- (c) the Director-General of the University.

## **9. Functions and powers of the Council**

- (1) The Council shall be the governing body having the direction and superintendence of the University and its principal responsibilities shall include –
- (a) devising or approving strategic plans and policies for the University;
  - (b) overseeing its management and development;
  - (c) monitoring and reviewing its operations; and
  - (d) providing rigorous accountability standards in its various operations.
- (2) The Council may –

- (a) on behalf of the University –
  - (i) confer honorary degrees;
  - (ii) appoint the academic and general staff;
  - (iii) manage and control its affairs, property and finance;
  - (iv) enter into any contract or other arrangement;
  - (v) institute or discontinue courses of study; and
  - (vi) take any decision on a question of policy;
- (b) do all such things as may be necessary for, or incidental or conducive to, the performance of its functions under subsection (1).

#### **10. Chairperson of the Council**

The Chairperson shall -

- (a) preside every meeting of the Council and any Convocation, and confer degrees, diplomas and other academic distinctions, awards or prizes upon persons entitled to receive them;
- (b) perform such other duties and exercise such other powers as may be assigned to him by this Act or the Statutes.

#### **11. Term of office of members of the Council**

- (1) The term of office of every appointed member of the Council shall be 3 years and the member shall be eligible for re-appointment for another term of 3 years.

- (2) (a) The Chairperson may resign his office by writing to the Prime Minister.
  - (b) Any other appointed member of the Council may resign his office by writing to the Minister.
  - (c) Any vacancy caused by the resignation of a member of the Council shall, subject to subsection (4), be filled by a fresh appointment.
- (3) The term of office of a member appointed to fill a vacancy shall continue for the remainder of the term of the member in whose place he has been appointed.
  - (4) Where a vacancy occurs less than 3 months before the expiry of a member's term of office, the Council may determine that the office shall be left vacant for the remainder of the term.

## **12. Meetings of Council**

The procedure to be observed for the convening and holding of meetings of the Council shall be as specified in the Statutes.

## **13. Committees**

- (1) The Council shall set up a Planning and Finance Committee, a Human Resource Committee and such other committees as it thinks necessary to assist the Council in the performance of its functions.
- (2) The composition and functions, and the procedure for the convening and holding of meetings, of every committee set up under subsection (1) shall be as specified in the Statutes.

## **PART IV – ACADEMIC AND MANAGEMENT STRUCTURES**

### **14. Academic Board**

- (1) There shall be an Academic Board which shall –
  - (a) be the principal academic body of the University;
  - (b) have control and general regulation of teaching, examination, and research;
  - (c) be responsible for the maintenance of appropriate standards and discipline among the learners of the University;
  - (d) grant transfer of credits to learners in respect of learning acquired in another institution.
- (2) The constitution of the Academic Board, the term of office of its members, its powers and functions and the procedure to be observed for the convening and holding of its meetings shall be as specified in the Statutes.

### **15. Schools, Centres and Academic Units**

- (1) The University shall comprise -
  - (a) the following Schools -
    - (i) a School of Applied Sciences;
    - (ii) a School of Business Studies and Management;
    - (iii) a School of Education, Social Sciences and Humanities;

- (iv) such other Schools as may be specified in the Statutes;
  - (b) a Centre for Adult and Continuing Education and such other Centres as may be specified in the Statutes;
  - (c) such Academic Units as may be specified in the Statutes.
- (2) There shall be a School Board for each School, the constitution and functions of which shall be as specified in the Statutes.

**16. Convocation**

There shall be a Convocation of the University, the procedure for which shall be as specified in the Statutes.

**PART V – OFFICERS OF THE UNIVERSITY**

**17. Director-General**

There shall be a Director-General of the University who shall –

- (a) be the principal executive and academic officer of the University;  
and
- (b) be appointed, and hold office, on such terms and conditions as may be specified in the Statutes.

**18. Heads of Schools, Centres and Academic Units**

There shall be, for each School, Centre and Academic Unit, a Head who shall be appointed, and shall hold office, on such terms and conditions as may be specified in the Statutes.

**19. Registrar**

There shall be a Registrar who shall –

- (a) be the principal administrative officer of the University; and
- (b) be appointed, and hold office, on such terms and conditions as may be specified in the Statutes.

**20. Head of Finance**

There shall be a Head of Finance who shall be appointed, and shall hold office, on such terms and conditions as may be specified in the Statutes.

**PART VI – FINANCE**

**21. General Fund**

- (1) The University shall set up and operate a General Fund to which shall be credited –
  - (a) its income from fees, grants, donations, loans and gifts;
  - (b) endowments and other receipts.
- (2) The amounts credited to the General Fund pursuant to subsection (1) shall be applied towards meeting the expenses incurred by or on behalf of the University in the exercise of its powers and the discharge of its duties.

**22. Accounts and audit**

- (1) The Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance sheet,

in such form and manner as may be required by the Tertiary Education Commission.

- (2) The Tertiary Education Commission may, at any time, demand the production of books, accounts, connected vouchers and other documents and papers and inspect the offices of the University.
- (3) The Council shall, not later than 3 months after the end of every financial year, submit the accounts referred to in subsection (1) to the Director of Audit.
- (4) The accounts referred to in subsection (3) shall be audited annually by the Director of Audit who shall forward a report thereon to the Council within 3 months of the receipt of the accounts by the Director of Audit.
- (5) The Council shall prepare an annual report on the activities of the University every year and shall forward the annual report and the report of the Director of Audit on the accounts of the University to the Minister not later than one month from the date of receiving the report of the Director of Audit on the accounts of the University.
- (6) The Minister shall cause a copy of the annual report, together with the report of the Director on the accounts referred to in subsection (5), to be laid on the table of the Assembly.
- (7) For the purposes of this section, "financial year" means the period extending from 1 July in any year to 30 June of the following year.
- (8) The period extending from the date of coming into operation of this Act to 30 June next following shall be deemed to be the first financial year of the University.

## **23. Exemptions**



Notwithstanding any other enactment –

- (a) the University shall be exempt from payment of any –
  - (i) licence duty;
  - (ii) rate or charge leviable on immovable property;
  - (iii) tax leviable on income;
- (b) no registration duty shall be payable in respect of any document signed or executed by or on behalf of the University, under which it is a beneficiary; and
- (c) article 910 of the Code Napoléon shall not apply to the University.

## **PART VII – STATUTES AND REGULATIONS**

### **24. University Statutes**

The Statutes may provide for all or any of the following matters –

- (a) the holding of a Convocation to confer degrees;
- (b) the conferment of honorary degrees;
- (c) the establishment of Schools, Centres, Academic Units, Departments and Supporting Units;
- (d) the establishment of regional and study centres;
- (e) the institution of fellowships, scholarships, medals and awards;

- (f) the manner of appointment and the terms and conditions of office of staff;
- (g) the constitution, powers and duties, and the procedure at meetings, of the Council, the Academic Board, the Planning and Finance Committee, the Human Resource Committee and other committees, the quorum at such meetings and the procedure to be followed in the conduct of their business;
- (h) affiliation with other institutions, local and overseas, that would assist in attaining any of the objects of the University;
- (i) the operation of associations of learners;
- (j) the manner in which the Statutes may be amended; and
- (k) any other matter which, by this Act, is to be or may be provided for in the Statutes.

## **25. Regulations**

- (1) The Council may, with the approval of the Minister, make regulations for the purpose of amending the Statutes.
- (2) Subject to subsections (1) and (3), the Academic Board may, with the approval of the Council, make regulations for the purposes of this Act.
- (3) The Council may, by resolution passed by a majority of not less than two-thirds of the members present at that meeting, modify or cancel any regulation submitted by the Academic Board to it for approval.
- (4) Regulations made under this section may provide for -
  - (a) the admission of learners;

- (b) the courses of study leading to degrees, diplomas and other academic, vocational and professional qualifications;
- (c) the conditions on which learners shall be admitted to courses of study leading to degrees, diplomas and other academic qualifications;
- (d) the conduct of examinations and the conditions under which examinations may take place;
- (e) the manner in which exemption resulting in the admission of students to examinations may be given;
- (f) the conditions and mode of appointment and duties of examining bodies and examiners;
- (g) the equivalence of examinations and qualifications of any other institution or examination board for the purposes of admitting a learner;
- (h) the assessment, evaluation and grading of students' performance;
- (i) the award of degrees, diplomas and other qualifications;
- (j) the maintenance of discipline among the staff and the learners;
- (k) the fees to be charged for courses of study, research and practical training and for admission to the examinations for degrees, diplomas and other academic qualifications;
- (l) the use of and access to any place of learning or research or resource within the University;

- (m) the University academic dress; and
- (n) any other matter which, for the purposes of this Act or of the Statutes, may be provided for the regulations.

## **PART VIII – MISCELLANEOUS**

### **26. Intellectual property**

- (1) Without prejudice to any other enactment, all intellectual property arising out of any teaching material produced by or on behalf of the University shall vest in the University.
- (2) Any intellectual property vested in the University may be made available for use on such terms as the University may agree.

### **27. Legal proceedings and execution of documents**

- (1) The University shall act, sue and be sued, implead or be impleaded under its corporate name and service of any judicial process shall be effected by or on the Registrar.
- (2) Every deed, act or document relating to the University shall be signed by the Chairperson and one other person authorised in that behalf by the Council.

### **28. Repeal**

The Mauritius College of the Air Act is repealed.

### **29. Consequential amendment**

- (1) The Schedule to the Statutory Bodies (Accounts and Audit) Act is amended in Part II, by deleting the following item –

Mauritius College of the Air

- (2) The Schedule to the Tertiary Education Commission Act is amended by -

- (a) deleting the following item –

Mauritius College of the Air

- (b) inserting in the appropriate alphabetical order, the following item –

Open University of Mauritius.

### **30. Transitional provisions**

- (1) Every person who, on the coming into operation of this Act, is registered for training purposes at the Mauritius College of the Air shall, notwithstanding section 6(2), be enrolled as a learner.
- (2) Every employee of the Mauritius College of Air shall be deemed to have been transferred to the University without losing his period of service and under the same conditions of employment, and any service with the Mauritius College of the Air shall be deemed to be service with the University.
- (3) All the assets, records, rights and liabilities of the Mauritius College of the Air shall, on the coming into operation of this Act, vest in the University.
- (4) Any process, judicial or otherwise, started by or against the Mauritius College of the Air immediately before the coming into operation of this Act, shall be deemed to have been started by or against the University.

- (5) In this section, “Mauritius College of the Air” means the body established under that name under the repealed Mauritius College of the Air Act.

**31. Commencement**

- (1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.
- (2) Different dates may be fixed for the coming into operation of different sections of this Act.

Passed by the National Assembly on the nineteenth day of April two thousand and five.

Ram Ranjit Dowlutta  
Clerk of the National Assembly

**SCHEDULE**

(section 2)

**THE STATUTES OF THE OPEN UNIVERSITY OF MAURITIUS**

**1. Amendment of the Statutes**

- (1) Subject to this paragraph, the Council may amend the Statutes.
- (2) Any amendment to the Statutes shall require the prior approval of the Minister who may give or withhold his approval or remit the matter to the Council for further consideration.
- (3) Where an amendment to the Statutes has been approved by the Minister, the Council shall cause it to be published in the Gazette and it shall come

into operation on the day of its publication or on such later day as may be specified in the amendment.

## **2. Meetings of the Council**

- (1) Subject to this paragraph, the Council may regulate its proceedings in such manner as it thinks fit.
- (2) In the absence of the Chairperson at a meeting of the Council, a member of the Council elected by the members present shall preside.
- (3) Where a member of the Council has an interest in a matter being considered or about to be considered by the Council, he shall –
  - (a) as soon as practicable after the relevant facts have come to his knowledge, declare the nature of his interest; and
  - (b) not be present during any deliberation, nor vote with respect to that matter.
- (4) A quorum shall be constituted by 5 members of the Council and no business may be transacted at a meeting of the Council unless there is a quorum.
- (5) Each member present at a meeting of the Council shall be entitled to one vote on a matter arising for decision at the meeting, and the person presiding the meeting shall, in the event of an equality of votes, have a casting vote.
- (6) The Council shall meet at least 6 times in one calendar year.
- (7) A decision carried by a majority of the votes cast by the members present and voting at a meeting shall be a decision of the Council.

### **3. The Academic Board**

- (1) The Academic Board shall consist of –
  - (a) the Director General, who shall be the Chairperson;
  - (b) the Executive Director of the Tertiary Education Commission or his representative;
  - (c) a representative of the University of Mauritius;
  - (d) a representative of the University of Technology, Mauritius;
  - (e) a representative of the Mahatma Gandhi Institute;
  - (f) a representative of the Mauritius Institute of Education;
  - (g) a representative of the Technical School Management Trust Fund established under the Technical School Management Trust Fund Act;
  - (h) the Heads of Schools, Centres and Academic and Supporting Units of the University ;
  - (i) one student representative elected by the students;
  - (j) a representative of the academic staff of the University;
  - (k) such other members, not exceeding 3 persons, as may be co-opted by the Council, including one person with experience and interest in research
- (2) The Registrar shall be Secretary to the Academic Board.



- (3) The term of office of the members of the Academic Board referred to in subparagraph (1)(j) and (k) shall be 2 years and every such member shall be eligible for a fresh appointment for one more term of 2 years.
- (4) A person shall cease to be member of the Academic Board upon –
  - (a) the completion of his term of office;
  - (b) his resignation; or
  - (c) his ceasing to be a member of the academic staff of the University,as the case may be.
- (5) Where a vacancy occurs in the membership of the Academic Board not later than 3 months before the end of the member's term of office, the vacancy shall be filled by a person who shall hold office for the remainder of the term of the office of the member in whose place he has been appointed or elected.
- (6) Half of the members of the Academic Board shall form a quorum.
- (7) The Academic Board may otherwise regulate its proceedings as it thinks fit.
- (8) The powers and duties of the Academic Board shall, in addition to those set out in the Act, be to –
  - (a) advise the Council on –
    - (i) all academic matters including the control, general direction and management of any research or resource centre or other teaching and research facility;

- (ii) the institution, alteration, suspension or suppression of teaching posts and the qualifications and experience of the academic staff;
- (b) formulate, modify or revise schemes for the constitution or reconstitution of Schools, Centres, Departments and Academic and Support Units;
- (c) make recommendations to the Council regarding -
  - (i) postgraduate teaching and research;
  - (ii) the qualifications to be presented for teaching;
  - (iii) the conferment of honorary degrees or other distinctions;
  - (iv) the institution and award of fellowships, scholarships, prizes and medals;
  - (v) the promotion of collaboration between the economic and public sectors and the University;
- (d) review and act upon the proposals of a School Board in formulating rules, regulations, syllabi and methods of evaluation, introducing new courses and modifying existing ones;
- (e) assess and make recommendations relating to standards of facilities, equipment, apparatus and maintenance required for each School, Centre, Departments, Academic Unit and Support Unit;
- (f) appoint external examiners;

- (g) issue instructions to examiners;
- (h) approve the results of examinations and the award of degrees, diplomas and other academic qualifications in accordance with the Statutes and the regulations;
- (i) report to the Council on any matter referred to it by the Council.

#### **4. Planning and Finance Committee**

- (1) The Planning and Finance Committee set up under section 13 of the Act shall consist of –
  - (a) a Chairman and 3 other members, other than the Chairperson, chosen by the Council from among its members;
  - (b) the Director-General;
  - (c) the Head of Finance, who shall be the Secretary.
- (2) The Planning and Finance Committee shall make recommendations to the Council on –
  - (a) the financial position of the University from time to time;
  - (b) immediate, medium and long-term plans of the University, taking into account the present and future needs of the country;
  - (c) all other matters relating to planning and finance; and
  - (d) such other matters on which it may be requested by the Council to report.
- (3) The Planning and Finance Committee shall meet at least 3 times a year.

## **5. Human Resource Committee**

- (1) The Human Resource Committee set up under section 13 of the Act shall consist of–
  - (a) a Chairman and 3 other members, other than the Chairperson, chosen by the Council from among its members;
  - (b) the Director-General;
  - (c) such other persons as may, in the opinion of the Staff Committee, be co-opted to assist in the deliberations of the Committee;
  - (d) the Registrar, who shall be the Secretary to the Committee.
- (2) The Human Resource Committee shall –
  - (a) make recommendations to the Council for appointments to any office in the University, other than that of Director-General;
  - (b) be responsible for staff matters, including conditions of service, criteria for the appointment, promotion, transfer of staff, discipline, welfare, staff development and training programs; and
  - (c) appoint such disciplinary Committee as may have to be set up.

## **6. Convocation Procedure**

- (1) The Chairperson shall confer degrees, diplomas and other academic qualifications upon persons entitled to receive them at Convocation.
- (2) A Convocation may be held on such date and time as the Council may determine.

- (3) The Chairperson or, in his absence, the Director-General shall declare each Convocation open and closed.
- (4) The proceedings of any Convocation shall otherwise be determined by the Council on the recommendation of the Academic Board.

**7. Schools, Centres, Departments and Academic Units**

- (1) The Council may, on the recommendation of the Academic Board, set up such School, Centre, Department or other Academic Unit as it thinks fit, in addition to those provided for in this Act.
- (2) Every School referred to in subsection (1) shall comprise such Departments as the School Board may determine and to which such courses of study as may be deemed appropriate shall be allocated.
- (3) Every School Board shall consist of –
  - (a) the Head of School;
  - (b) the Head of Information Services, Resource Centre and Library or a person nominated by him;
  - (c) the Head of Departments or Units of the School;
  - (d) such other members of the academic staff as may be co-opted for such period as the School Board may in each case determine;
  - (e) one person elected by and from the learners of the School; and
  - (f) 3 persons appointed by the Board from outside the University, with experience in the areas of operation of the School.

- (4) The functions of a School Board shall be to –
- (a) coordinate schemes of instruction, study, examination, assessment and research allocated to the School;
  - (b) recommend to the Academic Board-
    - (i) regulations for schemes of instruction, study, examination, assessment and research allocated to the School;
    - (ii) names of external examiners;
    - (iii) learners for the award of degrees, diplomas and other academic qualifications in the subjects of the School;
    - (iv) the establishment of an Examination Board.
- (5) Half the members of the School Board shall form a quorum
- (6) (a) Meetings of a School Board shall be Ordinary or Special.
- (b) Ordinary meetings shall be held at least once monthly.
- (c) Special meetings may be called by the Head of School or shall be called at the suggestion of the Director-General or on a written request from at least one-fifth of the members of the School Board.
- (7) The minutes of proceedings of each School Board shall be circulated to the members of the Academic Board for information.

## **8. The Director-General**

- (1) The Director-General shall-

- (a) be the Chief academic and executive officer of the University;
  - (b) hold office for a period of 5 years renewable for a further period of 3 years and on such terms and conditions as the Council may determine;
  - (c) in the absence of the Chairperson, preside a Convocation and confer degrees, diplomas or other academic qualifications upon persons entitled to receive them;
  - (d) exercise control over the affairs of the University;
  - (e) ensure the faithful observance of the provisions of this Act, the Statutes, and the regulations.
- (2)
- (a) The Director-General may delegate any of his powers and duties, other than this power of delegation, to any person or body of persons.
  - (b) In the absence of the Director-General, the Council may appoint a person, whether or not a member of the Council, to act as Director-General.
  - (c) The Acting Director General shall have all the powers and duties of the Director-General.

## **9. Heads of School**

The Head of the School shall -

- (a) be the Chairman of the School Board;

- (b) coordinate and generally supervise the teaching and research work in the School through Heads of the Departments;
- (c) maintain discipline through the Heads of Departments;
- (d) arrange for examinations for the learners of the School in accordance with such directions as may be given by the Academic Board;
- (e) have the right to be present and to speak at any meeting of any committee of the School, but shall not have the right to vote unless he is a member of the Committee; and
- (f) perform such other academic or administrative duties as may be assigned to him by the Board, the Academic Board or the Director-General.

**10. Registrar**

- (1) The Council shall, on the recommendation of the Human Resource Committee, appoint a Registrar on such terms and conditions as it thinks fit.
- (2) The duties of the Registrar shall be to -
  - (a) act as Secretary to the Council and the Academic Board, and to keep minutes;
  - (b) be the custodian of the records, the common seal, and such other property of the University as the Council shall commit to his charge;
  - (c) arrange for the conduct of examinations;



- (d) issue any advice convening meetings of the Council, the Human Resource Committee, the Academic Board, the School Boards, Boards of Examiners and of any committees appointed by the authorities of the University;
  - (e) conduct the official correspondence of the Council and the Academic Council; and
  - (f) perform such other duties as may be specified in the Statutes or the Regulations or may be required from time to time by the Council or the Director-General.
- (3) The Registrar may delegate any of the duties of the Registrar, other than this power of delegation, to any member of the staff.

#### **11. The Head of Finance**

- (1) The Council shall, on the recommendation of the Human Resource Committee, appoint a Head of Finance on such terms and conditions as it thinks fit.
- (2) The duties of the Head of Finance shall be to-
  - (a) prepare for the consideration of the Council the estimates of income and expenditure of the University, for each financial year;
  - (b) collect all fees, and other monies due to the University, give receipts for the same and account for all sums so received in such form as the Council may from time to time direct;
  - (c) exercise general supervision over the funds and advise the Council as regards its financial policy;
  - (d) arrange for the annual, and any special, auditing of the accounts;

- (e) call for explanations for any unauthorised expenditure or other financial irregularity and suggest disciplinary action against persons at fault;
- (f) call from any office or unit any information or return that he may consider necessary for the performance of his duties; and
- (g) perform such other financial functions as may be assigned to him by the Council, the Director-General or as may be provided for in the Statutes.

## **12. Heads of Schools, Centres, Departments and Units**

- (1) The Council shall, on the recommendation of the Human Resource Committee, appoint Heads of Schools, Centres, Departments and Academic Units
- (2) The duties of the Heads of Schools, Centres, Departments and Academic Units shall be determined by the Council on the recommendation of the Academic Board.

## **13. Conduct of ballots**

- (1) Any election to membership of the bodies referred to in this Act or the Statutes shall be carried out at an appropriate time fixed by the Registrar during semester time.
- (2) For each election, a returning officer shall be designated by the Registrar.
- (3) Any person entitled to be nominated and to vote in any election referred to in subparagraph (1) shall be an eligible person.

- (4) (a) Not less than 4 weeks before the date of an election, the Registrar shall invite persons entitled to vote in that election to submit nominations of persons eligible to stand for election in writing.
- (b) Nominations shall be in the hands of the Registrar not less than 3 weeks before the date of the election.
- (5) If the number of valid nominations exceeds the number of vacancies, there shall be an election. Voting shall be by secret ballot and shall be organised by the Registrar.
- (6) Electors shall vote by placing the same number of crosses on the ballot paper as there are vacancies. Ballot papers with more or fewer crosses shall be invalid. Counting shall be done by the returning officer who shall also announce the result.
- (7) In the event of a tie, the returning officer shall decide by lot between the candidates tying, without disclosing that there has been a tie. The returning officer shall not disclose the number of votes cast, either in whole or for any candidate.

**14. Association of learners**

- (1) Any group of learners wishing to form an association which is to be recognised by the Council as representative of their interests shall forward to the Council a copy of the proposed rules of the association for approval.
- (2) The association shall forward any proposed amendment to the approved rules to the Council for approval.