

ACT 79

UNIVERSITY OF GHANA ACT, 1961

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*The University*

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*University Council*

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ACT 79

UNIVERSITY OF GHANA ACT, 1961<sup>1</sup>

**AN ACT to establish the University of Ghana in place of the University College of Ghana.**

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1. The Act was assented to on 22nd August, 1961 and came into force on 1st October, 1961.

*The University***1. Establishment of the University**

(1) There is hereby established a University under the name of the University of Ghana.

(2) The University is a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(3) Without prejudice to its other powers, the University may award its own degrees.

**2. Aims**

The aims of the University are to provide higher education, to undertake research, to disseminate knowledge and to foster relationships with outside persons and bodies in accordance with the following principles:

- (a) that in determining the subjects to be taught, emphasis should be placed on those which are of special relevance to the needs and aspirations of Ghanaians, including the furtherance of African unity;
- (b) that higher education should be available to Ghanaians who are capable of benefiting from it;
- (c) that so far as practicable, students should be given an understanding of world affairs, and in particular of the histories, institutions and cultures of African civilisations;
- (d) the students should be taught methods of critical and independent thought, while being made aware that they have a responsibility to use their education for the general benefit of the people of Ghana;
- (e) that research should be undertaken in the subjects which are taught in the University, but with special attention to subjects which relate to the social, cultural, economic, scientific, technical and any other problems which exist in the Republic or elsewhere in Africa;
- (f) that opportunities for higher education and research should be provided for students from other countries, particularly countries in Africa;
- (g) that the fruits of research, and knowledge generally should be spread abroad by the publication of books and papers and by any other suitable means;
- (h) that the University should develop close relationships with the people of the Republic and with any other cultural institutions, whether within the Republic or outside.

**3. Principal officers**

The principal officers of the University are the Chancellor, the chairman of the University Council and the Vice-Chancellor.

**4. The Chancellor**

The Chancellor as head of the University shall be appointed by the President acting in accordance with the advice of the University Council.<sup>2</sup>

**5. The chairman of the University Council**

The chairman of the University Council shall be appointed by the Chancellor and shall act for the Chancellor in the absence of the Chancellor.

**6. The Vice-Chancellor**

(1) The Vice-Chancellor shall be appointed by the University Council and, under the Council, is the academic and administrative head and chief disciplinary officer of the University.

(2) A person shall not be appointed as Vice-Chancellor unless the appointment has been approved by the Chancellor.

(3) A Pro-Vice-Chancellor shall be appointed by the University Council in accordance with the Statutes of the University.

(4) A Pro-Vice-Chancellor shall act as Vice-Chancellor when the post of Vice-Chancellor is vacant or the Vice-Chancellor is absent or is unable to act.

*Administration***7. The University Council**

(1) The governing body of the University is the University Council consisting of:

- (a) the principal officers of the University,
- (b) four persons appointed by the Chancellor,
- (c) the secretary of the National Council for Higher Education and Research,
- (d) one person elected by a body appearing to the Chancellor to be a representative of heads of secondary schools,
- (e) one person elected by the University Council who is a member of the senior staff of another university or similar institution in an African country other than Ghana,
- (f) one person elected by the University Council who is a member of the senior staff of another university or similar institution outside Africa,
- (g) four persons elected by members of the staff of the University in accordance with the Statutes of the University.

(2) The Schedule shall apply with respect to the members and meetings of the University Council.

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2. Article 68 of the Constitution debars the President as Head of State from holding the office of Chancellor of a University.

**8. The Academic Board**

(1) There shall be an Academic Board, which is responsible under the University Council, for

- (a) formulating and carrying out the academic policy of the University,
- (b) devising and regulating courses of instruction and study, and supervising research,
- (c) regulating the conduct of examinations and the award of degrees, diplomas and certificates,
- (d) advising the University Council on the admission of students and the award of scholarships,
- (e) reporting on the matters that are referred to it by the University Council.

(2) The Academic Board may make representations to the University Council on a matter connected with the University, and shall perform any other functions conferred on it by the Statutes of the University.

(3) The Academic Board consists of the Vice-Chancellor and at least nine other persons drawn from the academic staff in accordance with the Statutes of the University.

**9. The Registrar**

There shall be a Registrar to the University, who shall be appointed by, and act as secretary to, the University Council.

**10. General powers of the University Council**

The University Council may do or provide for an act or a thing in relation to the University which it considers necessary or expedient in its capacity as the governing body, and the conferring of particular functions on the Council by any other provision of this Act does not limit the generality of this section.

**11. Internal organisation of the University**

(1) The University Council may make arrangements for the internal organisation of the University, including the establishment, variation and supervision of

- (a) the halls of residence, faculties, institutes, schools, departments and any other bodies, whether in Accra or elsewhere;
- (b) professorships, lectureships and any other posts, whether academic, administrative or otherwise;
- (c) fellowships, bursaries, exhibitions, scholarships, prizes, honorary degrees and any other awards.

(2) In so far as they relate to matters which in the opinion of the Council are academic matters, the Council shall exercise the powers referred to in subsection (1) only after consultation with the Academic Board.

**12. Property and contracts**

(1) The University may, for the purposes of performance of the functions of the University, acquire and hold moveable or immovable property, sell, lease, mortgage or otherwise alienate or dispose of that property, and to enter into any other transaction.

(2) Where the University Council resolves that it is necessary or expedient to acquire property under subsection (1), the property may be treated as property required for the Public Services, and the State Property and Contracts Act, 1960 (C.A. 6) shall apply with the modifications that are necessary to provide for the vesting of the property acquired in the University and for the cost of acquisition to be defrayed by the University.

*Financial and Miscellaneous***13. Accounts**

The University Council shall draw up the accounts of the University, which shall be audited in accordance with article 187 of the Constitution, and published annually at the times and in the manner directed by the Minister responsible for Finance.

**14. Annual report**

Within six months after the end of each academic year the University Council shall draw up a report of the activities of the University during that year and shall make the report available to the public.

**15. The University Statutes**

(1) The University Council may enact Statutes for carrying this Act into effect, and in particular for

- (a) regulating the appointment, conditions of service, termination of appointment and retirement benefits of the staff of the University, and for determining the persons who form the academic staff for the purposes of this Act;
- (b) determining the persons who are authorised to sign contracts, cheques and any other documents on behalf of the University, and otherwise regulating procedure in relation to transactions entered into by the University;
- (c) fixing the academic year of the University; and
- (d) ensuring that the seal of the University is kept in proper custody and is used only on the authority of the University Council.

(2) A Statute of the University is enacted if,

- (a) a draft of the Statute has been circulated to the members of the University Council at least fourteen days before the meeting, at which it is to be considered, and after consideration by the meeting the draft has been provisionally approved without amendment or only with amendments of which notice in writing was circulated to the members at least three days before the meeting; and
- (b) the Statute as provisionally approved has been circulated to the members of the University Council, and, where in the opinion of the Council it affects academic matters, to the members of the Academic Board at least seven days before the meeting at which it is proposed to confirm the Statute; and

- (c) the provisional Statute is confirmed without amendment at a meeting of the University Council held not less than one month nor more than six months after the meeting at which it was provisionally approved.

#### **16. Abolition of the University College of Ghana**

(1) The University College of Ghana is hereby abolished and the body corporate styled as the Council of the University College of Ghana is hereby dissolved.

(2) The property which at the commencement of this Act was vested in the Council of the University College of Ghana or was in any other manner held on behalf of, or for the purposes of, the University College of Ghana, shall by virtue of this Act vest in or be held on behalf of, or for the purposes of the University.

(3) A contract entered into by the Council of the University College of Ghana has effect as if entered into by the University, and the obligations subsisting against the Council shall continue to subsist against the University.

(4) Subsection (3) does not apply to a contract of employment, but in respect of a contract which was subsisting at the commencement of this Act and was not then terminable at the instance of the Council by reason that the employed person had committed misconduct, or by reason of any other event that had occurred, the following provisions shall have effect:

- (a) unless the employed person has been offered equivalent employment in the Republic, the employed person is entitled to compensation of an amount equal to the amount to which the employed person would have been entitled by way of damages if the employed person had been dismissed by the Council and this Act had not passed;
- (b) the amount of compensation shall, subject to paragraph (c), be assessed by the Minister responsible for Finance, and shall be paid by the Accountant-General out of moneys provided by Parliament;
- (c) if a dispute arises as to whether the employed person has been offered equivalent employment in the Republic, or as to the amount of compensation assessed by the Minister, the dispute shall be determined by arbitration;
- (d) where a dispute is to be determined by arbitration, the University Council shall appoint an arbitrator; and where the dispute is as to whether the employed person has been offered equivalent employment in the Republic the arbitrator, and if the arbitrator finds that an offer was not made, the award shall include a finding of the amount of compensation payable.

(5) For the purposes of subsection (4), an employed person has been offered equivalent employment in the Republic if the employed person has been offered employment in the University of Ghana or in the Kwame Nkrumah University of Science and Technology, Kumasi on terms and conditions which in their totality are not less favourable to the employed person than the terms and conditions of employment with the University College of Ghana.

(6) Except where otherwise provided by this Act, and until otherwise provided in the performance of functions conferred by this Act, any other matters and things relating to the University College of Ghana shall continue as nearly as may be in relation to the University.

**17. Transitional provisions***Spent.*<sup>3</sup>**18. Commencement***Spent.*<sup>4</sup>

## SCHEDULE

*University Council*

## MEMBERS

1. The term of office of a person who is a member of the Council by appointment or election is two years.

2. Where an appointed or elected member, other than a member elected by the Council, is absent from the Republic for a continuous period of twelve months, the office of that member becomes vacant at the end of that period.

3. Where the office of an appointed or elected member becomes vacant on death or resignation, or by virtue of paragraph 2, a successor shall be appointed or elected in the same manner to serve for the remainder of the term of office.

4. Where an appointed or elected member is temporarily absent from the Republic, a substitute may be appointed or elected in the same manner to act during that member's absence.

5. An appointment or election may be made in anticipation of the vacation of office or temporary absence of a member.

3. The section provided that,

"(1) Until the date of the first meeting of the University Council, the body appointed by the President and known as the Interim Council of the University of Accra shall have and exercise all the functions conferred by this Act on the University Council, and any act done by the said Interim Council before that date (whether before or after the commencement of this Act) shall have the similar effect as if done by the University Council.

(2) For the purpose of determining the composition of the University Council in the first instance, paragraph (g) of section 7 of this Act shall not apply and the four members therein referred to shall be elected before the first meeting of the University Council in accordance with arrangements made by the Interim Council and, notwithstanding anything in the Schedule to this Act, shall hold office for one year only, but shall be eligible for re-election.

(3) Notwithstanding anything in the Schedule to this Act, the term of office of the first members of the University Council to be appointed or elected under section 7 of this Act shall be one year only in the case of the following, who shall nevertheless be eligible for re-appointment or re-election:

(i) two persons nominated by the chancellor out of the four appointed by him,

(ii) the person elected by a body representative of heads of secondary schools, and

(iii) the two persons with the lowest number of votes out of the four elected by members of the staff of the University, the choice being by lot in the case of equal votes.

(4) The University Council—

(a) shall enact the Statute referred to in section 7 (1) (g) of this Act within one year after the commencement thereof;

(b) shall enact the Statutes referred to in sections 6 (3) and 8 (3) of this Act within three months after the commencement thereof."

4. The section provided for the issue of a legislative instrument by the President to appoint a date for the commencement. The University of Ghana Act, 1961 (Commencement) Instrument, 1961 (L.I. 146) appointed the 1st day of October, 1961 as the date on which this Act shall come into operation.

SCHEDULE—*continued*

6. A member whose office has or will become vacant is eligible for reappointment or re-election.

7. A member shall not hold office under more than one provision of section 7 of this Act and if a person is appointed or elected under more than one provision, that person shall choose one of those provisions under which to hold office and shall so notify the Council and another person shall be appointed or elected under the other provision.

8. An act of the Council shall not be invalidated by a vacancy in its membership or a defect in the appointment or election of any of its members.

9. A member of the Council is not entitled to remuneration in respect of membership, but a member is entitled to the travelling and subsistence allowances determined by the Council.

## MEETINGS

10. The Council shall meet at least three times in every academic year.

11. A meeting may be convened by any of the principal officers of the University and shall be convened if eight members of the Council sign a requisition to that effect.

12. The Chancellor shall preside at meetings of the Council and in the absence of the Chancellor, the chairman of the Council shall act as chairman unless the chairman also is absent, in which case the members present shall elect a chairman.

13. The quorum at meetings of the Council is eight.

14. Questions shall be decided by a simple majority of the votes cast.

15. The chairman shall have an original vote and a casting vote.

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