

P.N.D.C.L. 279

UNIVERSITY FOR DEVELOPMENT STUDIES ACT, 1992

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The University

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SCHEDULE

Terms of Members and Meetings of the University Council

P.N.D.C.L. 279**UNIVERSITY FOR DEVELOPMENT STUDIES ACT, 1992¹**

AN ACT to establish a university for development studies and to provide for related matters.

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

(1) There is hereby established a university to be known as the University for Development Studies.

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

(3) The University may award its own degrees including honorary degrees, diplomas, certificates and other academic distinctions.

2. Aims of the University

The aims of the University are,

- (a) to provide higher education to persons suitably qualified and capable of benefiting from such education;
- (b) to undertake research and promote the advancement and dissemination of knowledge and its application to the needs and aspirations of the people of Ghana;
- (c) to blend the academic world with that of the community in order to provide constructive interaction between the two for the total development of northern Ghana in particular and the country as a whole.

3. Functions of the University

(1) The University shall in pursuit of its aims under section 2 particularly emphasise studies in

- (a) agricultural science,
- (b) medical and health sciences, and
- (c) integrated development studies.

(2) The University shall train students in methods of critical and independent thought and shall make the students aware of their responsibility to use their education for the general good of the Ghanaian society.

(3) The University shall undertake research and provide practical training in the subjects taught, particularly subjects which relate to agriculture, social sciences, economics, health, environment and culture and shall in the training, use and rely on material available in the north of Ghana in particular and the country in general.

1. This Act was issued as the University of Development Studies Law, 1992 (P.N.D.C.L. 279) made on the 2nd day of March, 1992 and notified in the *Gazette* on 15th May, 1992.

(4) The results of research and knowledge acquired through the teaching and work of the University shall be disseminated through extension services, publications and any other methods that are considered suitable by the University.

(5) The University shall develop and maintain a close relationship with the various peoples of northern Ghana in particular and the rest of the people in Ghana in general in the promotion and pursuit of its aims.

(6) The University shall develop and maintain links with other academic institutions within Ghana and with institutions outside Ghana which are considered necessary for the furtherance of its aims.

(7) The University may enter into an agreement or relationship with another institution whether

(a) academic or non-academic, and

(b) inside or outside Ghana,

and may incorporate within the University another institution or body taking over the property, rights, privileges and liabilities of that other institution or body.

4. No discrimination of staff and students

The University shall not discriminate against a suitably qualified person on account of religion, political opinion, ethnic origin or gender to determine whether that person

(a) is to be appointed as an academic staff or other staff member,

(b) is to be registered as a student of the University,

(c) is to be permitted to graduate from the University, or

(d) is to have any advantage or privilege.

5. The Chancellor

(1) The Chancellor as the head of the University shall be appointed by the President acting in accordance with the advice of the University Council.²

(2) *Omitted.*³

(3) The Chancellor shall confer degrees awarded by the University and shall when present preside at the meetings and ceremonies of the University.

(4) *Omitted.*⁴

2. The subsection contravened paragraph (b) of clause (1) of article 68 of the Constitution. The original provision reads as follows:

“There shall be a Chancellor of the University who shall be the Head of State.”

3. As it contravenes paragraph (b) of clause (1) of article 68 of the Constitution. The original provision reads as follows:

“In the absence of the Head of State the person acting as the Head of State shall be the Chancellor.”

4. See section 9. The original section provided as follows:

“(1) There shall be a chairman of the Council established under this Act who shall be appointed by the Provisional National Defence Council.

(2) The chairman shall hold office for a term of two years and shall be eligible for re-appointment.”

6. Chairman of the University Council

(1) There shall be a chairman of the University Council established under this Act who shall be appointed by the Chancellor.

(2) The chairman shall hold office for a term of two years but is eligible for re-appointment.

7. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the University Council.

(2) The Vice-Chancellor shall hold office on the terms and conditions that are specified in the instrument of appointment.

(3) The Vice Chancellor is, under the direction of the Council, the academic and administrative head and the chief disciplinary officer of the University.

(4) The Vice-Chancellor is responsible to the Council for maintaining and promoting the good order and efficiency of the University.

(5) The Vice-Chancellor shall have any other functions that are prescribed by the Statutes.

8. The Pro-Vice-Chancellor

(1) A member of the academic staff shall be appointed by the Council as Pro-Vice-Chancellor in accordance with the Statutes.

(2) The Pro-Vice-Chancellor shall be assigned the duties that the Council or the Vice-Chancellor shall determine.

(3) In the absence of the Vice-Chancellor the Pro-Vice-Chancellor shall perform the functions of the Vice-Chancellor.

*Administration***9. Composition of the Council**

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

- (a) the Chairman,
- (b) the Vice-Chancellor,
- (c) two representatives of the Convocation (one of professional status and one of non-professional status),
- (d) one representative of the Education Commission or a body of equivalent status,
- (e) one representative of the University Teachers Association,
- (f) *omitted*,⁵
- (g) one representative of the Alumni Association of the University,

5. The reference to the Committee for the Defence of the Revolution is omitted as that body does not now exist.

- (h) one representative of the undergraduate students of the University,
- (i) one representative of the postgraduate students of the University,
- (j) one representative of the Teachers and Education Workers Union of the University,
- (k) one representative of the Conference of the Heads of Assisted Secondary Schools, and
- (l) three other persons including at least one woman.

(2) The chairman, shall hold office for two years and is eligible for re-appointment.

(3) A member of the Council other than the Vice-Chancellor, shall hold office for a period of two years and is eligible for re-appointment or re-election.

(4) Subject to this Act the Schedule shall apply to the members and meetings of the Council.

10. Functions of the Council

The Council is responsible for the management and administration of the finances and properties of the University and has the general control over the affairs and public relations of the University including the use of the common seal of the University.

11. The Academic Board

(1) There shall be an Academic Board of the University which, subject to the powers of the Council,

- (a) shall formulate and carry out the academic policy of the University;
- (b) shall initiate and regulate courses of instruction and study;
- (c) shall authorise research work;
- (d) shall approve extension services in accordance with the prescribed aims of the University;
- (e) shall regulate the conduct of examinations and the award of degrees, other than honorary degrees, diplomas and certificates;
- (f) shall advise the Council on the appointment of academic staff, the admission of students and the award of bursaries and scholarships;
- (g) shall report to the Council on matters referred to it by the Council;
- (h) shall perform any other functions specified in the Statutes.

(2) The Academic Board shall consist of

- (a) the Vice-Chancellor,
- (b) the Pro-Vice-Chancellor,
- (c) the Deans of Faculties and Schools,
- (d) the Librarian,
- (e) the Heads of Departments and academic units,
- (f) the Dean of Student Affairs,
- (g) the Dean of Graduate Studies,

- (h) the professor and persons of professorial status,
- (i) one full time elected senior staff member not below the rank of a lecturer of a Faculty or School, and
- (j) three lecturers or research fellows elected by Convocation.

(3) The Vice-Chancellor shall be the chairman of the Board.

(4) The Board may make representations to the Council on a matter connected with the University and shall have additional functions as may be assigned to it by the Statutes.

(5) Subject to this section, the Council may by the Statutes provide for the terms of the members of the Board and for the addition of any other members to members of the Board as the Council considers necessary.

(6) The Board may appoint standing committees or other committees it considers necessary and shall determine the composition and functions of the committee.

12. Interim advisory committee

*Spent.*⁶

13. Other committees and boards of the University

Without prejudice to the committees established under this Act, the Council may establish any other committees and boards which it considers necessary for the effective discharge of the aims of the University and shall determine the composition, terms and functions of the committees.

6. The section provided as follows:

"(1) Without prejudice to subsection (6) of section 11 there is hereby established a University Council Interim Advisory Committee hereafter referred to as 'the Interim Advisory Committee'.

"(2) The Interim Advisory Committee shall be composed of the following persons appointed by the P.N.D.C. on the recommendation of the University Council:

- (a) a chairman who shall be a person of knowledge in the administration of a University;
 - (b) the Vice-Chancellor;
 - (c) two agriculturalists (one academic and one practitioner);
 - (d) two health professionals (one academic and one practitioner);
 - (e) two social scientists (one academic and one practitioner);
 - (f) four representatives of user agencies one each from the Northern Upper West, Upper East and Brong-Ahafo Advisory Councils established under section 26 of this Act;
 - (g) one representative each from the Ministries of Health Mobilisation and Social Welfare, Finance and Economic Planning and Agriculture; and
 - (h) two other persons at least one of whom is a woman.
- (3) The Pro-Vice-Chancellor, Principals of substations and sub-campuses, Deans of Faculties and a representative of the Ministry of Education shall attend meetings of the Interim Advisory Committee but shall not vote on any matter before the Committee.
- (4) The Interim Advisory Committee shall be responsible for bringing to the attention of the University Council the concerns of the people of Ghana to enable appropriate policies to be formulated for carrying out the aims and functions of the University; it shall in particular but without prejudice to the foregoing, be responsible for advising and assisting the Council in the performance of its functions.
- (5) The term of office of members of the Interim Advisory Committee shall be three years in the first instance but a member may be re-appointed for a further term not exceeding three years as the University Council may recommend.
- (6) The Interim Advisory Committee shall exist for a period of seven years only from the coming into force of this Act and shall thereafter become dissolved and cease to exist."

14. Staff of the University

The Council may in accordance with procedure prescribed by the Statutes, engage the services of the persons, as officers or as members of the academic, administrative and other staff of the University Council considers necessary for the attainment of its aims.

15. The registrar

(1) There shall be a registrar of the University appointed by the Council who shall be secretary to the Council and the Board.

(2) The registrar is responsible to the Vice-Chancellor for the general administrative functions of the University and for providing secretarial services to the bodies and committees that are set up under the Statutes, and shall perform any other functions as prescribed in the Statutes.

16. Internal organisation

(1) Subject to this Act, the Council may make the arrangements which it considers fit, regarding the internal organisation of the University, including the establishment, variation and termination of

- (a) colleges, faculties, institutes, schools, departments, centres, units, campuses, hostels and other associated bodies;
- (b) professorships, lectureships and other posts, whether academic, administrative or otherwise; and
- (c) fellowships, bursaries, exhibitions, scholarships, prizes, honorary degrees and other awards.

(2) The Council shall in the exercise of its power under subsection (1) in relation to matters which in the opinion of the Council are academic, act on the advice of the Board.

(3) Without prejudice to the special powers conferred on the Council under this Act, the 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 of the University.

17. Statutes

The Council may by Statutes provide for

- (a) a matter which is required by this Act to be prescribed by the Statutes;
- (b) the functions, constitution and terms of membership of bodies and committees set up by the Council or the Academic Board;
- (c) the functions, and terms of office of any other officers as the Council may think appropriate to engage; and
- (d) the procedures and other matters in furtherance of the aims of the University.

18. Procedure for enacting Statutes

(1) For the purpose of enacting the Statutes under this Act, a draft of the Statutes shall be circulated to the members of the Council at least fourteen days before the date of the meeting at which the Statutes are to be considered.

(2) The Council shall, on the appointed date or any other date, consider the draft Statutes and may approve the draft provisionally with or without amendment of which written notice has been circulated to the members at least three days before the date of the meeting.

(3) The Statutes as provisionally approved shall be circulated to the members of the Council, and where in the opinion of the Council it affects academic matters of the Board as well, at least seven days before the meeting at which it is intended to confirm the Statute.

(4) Within a period of not less than one month and not more than six months from the date of the meeting at which the Statutes were provisionally approved, the Council shall hold a meeting and confirm the Statutes without amendment.

(5) A Statute shall not be enacted which is inconsistent with this Act.

19. Convocation

There shall be a Convocation of the University with a membership prescribed by the Statutes which subject to this Act, shall receive an annual report from the Vice-Chancellor; and perform any other functions that are prescribed by the Statutes.

20. Congregation

For the purpose of conferring degrees of the University and awarding diplomas and certificates, the University may hold Congregation composed of the persons prescribed by the Statutes.

21. Property and contracts

(1) The University may

- (a) acquire property by purchases,
- (b) hold and manage movable and immovable property,
- (c) sell, lease and mortgage property, and
- (d) enter into any other transaction which is necessary or expedient for the furtherance of its aims.

(2) The University may borrow money from the security of its property or assets for the purpose of carrying out its functions as defined in this Act and the Statutes of the University.

(3) Where the Council resolves that it is necessary or expedient to acquire a property under subsection (1) the property may be treated as property required for the public interest and subject to article 20 of the Constitution, the State Lands Act, 1962 (Act 125) 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.

(4) The halls and hostels for students, lecture halls, libraries, hospitals, staff quarters, bungalows, guest houses, recreation grounds, farms and any other tenements of the University shall be exempted from the assessments and rates made and levied by a local authority.

(5) Subject to article 174 of the Constitution, the University shall be exempted from the payment of any other taxes and duties that the Minister responsible for Finance may decide with the prior approval of the President.

Financial and Miscellaneous

22. Funds of the University

(1) The funds of the University consist of subvention received from the Government, tuition and boarding fees, gifts, endowments, grants, investments and moneys from any other source approved by the Council.

(2) The Council shall control the finances of the University and finally determine a question of finance arising out of the administration of the University or the execution of its policy or in the execution of a trust by the University.

(3) Before determining a question of finance which directly affects the educational policy of the University, the Council shall invite the opinion of the Board and shall take into consideration a recommendation or report by it.

(4) The Council is responsible for the measures necessary or desirable for the conservation and augmentation of the resources of the University, and for this purpose, may specify a matter affecting the income or expenditure of the University in respect of which the consent of the Council shall be obtained before action is taken or liability is incurred.

(5) The Council shall determine the allocation of the funds at the disposal of the University.

(6) Block grants shall be made by the Council for

- (a) expenditure by the Board on those central activities of the University for which the University wholly responsible and classified under the heads and sub-heads in the Council, after consultation with the Board may consider convenient;
- (b) expenditure by the departments, schools, faculties, centres, and institutes as part of their general income; and
- (c) expenditure necessary for the maintenance of an adequate staff for transacting the financial and administrative business of the University.

23. Accounts and audit

(1) The Council shall ensure that the University keeps books of account and proper records related to them and in the form approved by the Auditor-General.

(2) The annual accounts shall be audited by the Auditor-General and published annually under the signature of the Vice-Chancellor and the finance officer.

(3) The financial year of the University shall be the same as the financial year of the Government.

24. Annual report

Within six months after the end of an academic year, the Council shall draw up a report of the activities of the University during that academic year and submit the report to the Government through the Minister responsible for Education.

25. Transitional provisions*Spent.*⁷**26. Regional advisory council**

(1) There shall be established in the Northern, Upper West, Upper East and Brong-Ahafo regions, regional advisory councils composed of persons appointed by the President on the recommendation of the Minister.

(2) A regional advisory council shall advise the Minister on matters related to the formation of the University.

(3) The regional advisory councils may be dissolved by the President when the President considers appropriate.

27. Interpretation

In this Act, unless the context otherwise requires,

“**Board**” means the Academic Board established by section 11;

“**Council**” means the University Council established under this Act;

“**functions**” includes powers and duties;

“**Minister**” means the Minister responsible for Education;

“**Statutes**” means the Statutes of the University enacted by the Council;

“**University**” means the University for Development Studies established by section 1.

7. The section reads,

- “(1) Until the date of the first meeting of the University Council and until such time as the bodies specified in this Act are established, there shall be appointed by the Ministry of Education
- (a) an Interim Council of the University; and
 - (b) an Interim University Council Advisory Committee composed of such persons as the P.N.D.C. shall, on the recommendations of the Secretary determine.
- (2) The Interim University Council and the Interim University Council Advisory Committee shall have and exercise all the powers and functions conferred by this Act on the University Council and the Interim Advisory Committee established under section 12 of this Act respectively.
- (3) Any action taken by the Interim University Council before the first meeting of the Council of the University (whether before or after the commencement of this Act) shall have the same effect as if done by the Council.
- (4) The person appointed as Vice-Chancellor shall on the date of the coming into force of this Act become the first Vice-Chancellor of the University and shall hold office from that date for a term of five years which may be renewed for a further period of two years only.
- (5) The person appointed Registrar of the University shall be deemed to have been appointed by the Interim University Council as Registrar of the University and in accordance with the Statutes.
- (6) All designated staff appointments, academic or otherwise effected on the Interim Council of the University shall on the institution of the Council be deemed to have been appointed by the Council in accordance with the Statutes and shall continue to subsist until the appointments terminate or are terminated.”

SCHEDULE

Terms of Members and Meeting of University Council

1. The term of office of a person who is a member of the Council of the University by appointment or election is two years.
2. If a member of the Council is absent from Ghana for a minimum period of twelve months, the office of the member shall become vacant at the end of that period except that this provision does not apply to an ex officio member.
3. Where the office of a member becomes vacant on resignation or death or by virtue of paragraph 2, a successor shall be appointed, nominated or elected in the same manner to serve for the remainder of the term of office.
4. Subject to paragraph 2, where a member of the Council is incapacitated by temporary absence from Ghana or by illness or a sufficient cause from performing the functions of office, a substitute may be appointed in the manner referred to, to act for the member until the incapacity of that member has terminated or until the term of the member expires, whichever first occurs.
5. An appointment, election or nomination may be made in anticipation of the vacation of office or temporary absence of a member.
6. A member shall not hold office under more than one provision of section 9; and if a person is appointed under more than one provision, that person shall notify the Council under which provision that person chooses to hold office and another person shall be appointed under the other provision.
7. An act of the Council shall not be invalidated by a vacancy in its membership or a defect in the appointment of any of its members.
8. A member of the Council is not entitled to remuneration in respect of the membership but members shall receive the travelling and subsistence allowance that the Council may determine.
9. The Council shall meet at least three times in every academic year at the times and places that the chairman may determine.
10. A special meeting of the Council may be called at any time by the chairman of the Council, or in the absence or incapacity of the chairman by the Vice-Chancellor.
11. A special meeting of the Council shall be called where five members of the Council sign a request to that effect.
12. Unless the Chancellor is present and presides, the chairman shall preside at the meetings of the Council and in the absence of the Chancellor or the chairman a non-University member of the Council appointed by the members present shall preside.
13. The quorum for a meeting of the Council is eight including at least three members who are not members of the academic staff of the University.
14. The Pro-Vice-Chancellor, the registrar and a representative of the Ministry of Education shall attend meetings of the Council but shall not vote on a matter before the Council.
15. The Council may co-opt a person to attend and participate in any of its meetings but a person co-opted is not entitled to vote on an issue for decision by the Council.
16. At a meeting of the Council matters for decision shall be determined by a simple majority of members present and voting.

Subject to this Act, the Council shall regulate its own procedure.

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