

**THE REPORT OF THE SELECT COMMITTEE ON
EDUCATION**

ON THE

**UNIVERSITY OF HEALTH AND ALLIED SCEINCES BILL,
2011**

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REPORT OF THE SELECT COMMITTEE ON EDUCATION ON THE
UNIVERSITY OF HEALTH AND ALLIED SCIENCES BILL, 2011

1.0 INTRODUCTION

Pursuant to Articles 103 and 106 (4) of the 1992 Constitution and Order 125 and 186 of the Standing Orders of Parliament, the *University of Health and Allied Sciences Bill, 2011* was referred to the Select Committee on Education on 23rd August, 2011, for consideration and report in accordance with Order 126 of the Standing Orders of Parliament.

2.0 DELIBERATIONS

In considering the Bill the Committee held a Stakeholders Forum on the 14th September, 2011 to seek views on the proposed Act. The Committee also benefited from written memoranda and oral submissions presented by interested groups and individuals.

The Committee is grateful to the Minister and the Deputy Minister for Education, the National Council for Tertiary Education, National Accreditation Board, personnel from the Ministry of Justice and Attorney-General as well as the other Stakeholders for providing the necessary inputs and clarifications during the examination of the Bill.

3.0 REFERENCES

The Committee made reference to the following documents:

- a. The 1992 Constitution of Ghana
- b. The Standing Orders of Parliament
- c. The Education Act, 2008
- d. The Tertiary Institutions (Establishment and Accreditation) Regulations, 2010 (L.I. 1984)
- e. National Accreditation Board Act, 2007 (Act 744)
- f. National Council for Tertiary Education Act,
- g. The University of Ghana Act, 2010 (Act 806)

- h. The Kwame Nkrumah University of Science and Technology Act, 1961
- i. The University of Cape Coast Law, 1992 (PNDCL278)
- j. The Polytechnics Act,
- k. The University for Development Studies Act, 1992
- l. The accompanying Memorandum
- m. Reports and Recommendations by the Implementation Taskforce
- n. Memoranda and written presentations by the Stakeholders

4.0 BACKGROUND INFORMATION

In order to enhance access to tertiary education across the country and to develop the requisite human resource base of the country especially in the sciences, His Excellency, the President, John Evans Atta Mills set up a Task Force Planning Committee on January 8, 2010 for the establishment of two new universities.

The Terms of Reference for the Committee were among others to make recommendations for the development, organization and supervision of the implementation of a programme for the establishment of a University of Health and Allied Health Sciences in the Volta Region and a University of Energy and Natural Resources in the Brong Ahafo Region with particular attention to instituting: high quality, state of the art, modern infrastructure and facilities; curricula and pedagogy relevant to national needs; and producing graduates, versatile and innovative enough to overcome challenges in the fields of energy, natural resources and health sciences.

It is against this background that this proposed Act has been submitted for the consideration and approval of the House to enable government fully establishes the universities.

5.0 THE PURPOSE OF THE BILL

The Bill therefore seeks to establish the University of Health and Allied Sciences in the Volta Region as a pre-eminent research and practically oriented health educational institution dedicated to community service.

6.0 DIVISIONS OF THE BILL

The Bill is divided into four main sections under the following subtitles:

- *The University*
- *Administration*
- *Financial matters*
- *Miscellaneous matters*

7.0 HIGHLIGHTS OF THE CLAUSES OF THE BILL

Clause 1 establishes the University of Health and Allied Sciences as a body corporate with perpetual succession. The aims of the University as specified in *Clause 2* include provision of higher education to persons suitably qualified and capable of benefiting from such education and disseminate knowledge related to health education, provide services through extension and consultancy activities and undertake research in courses within the mandate of the University. *Clause 3* allows the University to establish other campuses in Hohoe and elsewhere within the country. *Clause 4* empowers the University to award its own degrees and other certificates.

Clause 5 to 28 deals with administrative matters. *Clause 5* establishes the governing body of the University which is a Council consisting of thirteen persons. However, the chairperson and other members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

The functions of the Council are provided in *Clause 6*. The Council is to ensure the implementation of the aims of the University and the proper

allocation and use of resources, among others. Additional functions of the Council are the determination of the strategic direction of the University and the monitoring, evaluation and implementation of the resultant policies. The Council is also to ensure the conservation and augmentation of the resources of the University especially in relation to matters affecting income or expenditure.

Clause 7 provides for the establishment of committees by the Council. These may comprise members or non-members of the Council or both.

Clause 8 provides for the tenure of members of the Council. A member of the Council other than the Vice-Chancellor and Pro Vice-Chancellor is appointed for a four year term, renewable for another term. A member of the Council who is absent from meetings of the Council for twelve consecutive months ceases to be a member. The provisions on the meetings of the Council are in *Clause 9*. *Clause 10* requires members to disclose any interest in a matter under consideration and *Clause 11* spells out the general powers of the Council.

The principal officers of the University are the Chancellor, the Vice-Chancellor and the chairperson of the governing body, *Clause 12*. The appointment and functions of the Chancellor and Vice-Chancellor are provided for in *Clauses 13 and 15* respectively. *Clause 14* provides for vacancy in the office of the Chancellor and *Clause 16* is on the appointment of the Pro Vice-Chancellor.

Clauses 17, 18 and 19 establishes an Academic Board whose responsibilities include the formulation and implementation of the academic policies of the University and the promotion and supervision of research. Others are the regulation of the conduct of examinations and the award of degrees, diplomas and certificates on the advice of the Council and the composition of the Academic Board respectively.

Clause 20 provides for the appointment of a Registrar of the University by the Council, who is responsible for the general administrative functions of the University and *Clause 21* specifies the appointment of the Director of Finance and other staff of the University.

Clause 22 authorises the Council to make arrangements for the internal organization of the University. These include the establishment of schools, faculties, hostel and the institution of fellowships.

Clause 23 deals with student governance and provides for the Students' Representative Council of the University.

Clause 24 and 25 provides for the statutes of the University to carry into effect the provisions of this Act and the procedures for enacting the Statutes. The Statutes regulate the appointments, conditions of service, procedure for meetings and the academic calendar of the University among other things.

The Convocation of the University is established under *Clause 26*. The Vice-Chancellor is required to submit an annual report on the performance of the University to the Convocation. The Congregation of the University is provided for under *Clause 27*. The University may by virtue of this clause confer degrees, award diplomas and certificates at a Congregation composed of persons prescribed by the Statutes. *Clause 28* provides for property and contracts.

The financial provisions are in *Clause 29 to 33*. The sources of funds for the University include subvention from Parliament, tuition and hostel fees, grants, rents, royalties, interest from investments, proceeds from the sale of publications of University and other moneys approved by the Minister responsible for Finance, *Clause 29*. *Clause 30* establishes the Internal Audit Unit of the University in accordance with the Internal Audit Agency Act, 2003 (Act 658). *Clause 31 to 33* respectively provide for accounts and audits, annual and other reports and exemption from taxes, duties and other charges.

The miscellaneous matters are in *Clause 34 to 38*. These deal with anti-discrimination, matriculation and dispute settlement. Finally, the interpretation clause is *Clause 37* and the transitional provisions are in *Clause 38*. There is to be an Interim Council for three years to be responsible for the establishment of the University.

8.0 OBSERVATIONS

8.1 *Transitional Provisions*

The Committee observed under *Clause 38* that interim measures have been put in place to start the management and administration of the University before eventual take over by a permanent management team. The Committee was also informed that an agreement has been reached with a premier University to guide the interim council. Notwithstanding the professional integrity and competencies of the interim council and staff yet to be appointed, the Committee believes that such arrangement would ensure that the professional quality of the initial products of the University is guaranteed.

8.2 *Duration of the Interim Council*

Again, it was observed that a three year terminal period has been given to the interim council to hand-over to the council which will be established under this Act. In the opinion of the Committee, this provision in *Clause 38(2)* is laudable since it would compel the interim council to get the necessary structures in place for final take-over by a permanent management team.

8.3 *Justification for the proposed University*

The Committee was informed that the decision to set up the University of Health and Allied Sciences was informed by the growing demand for human resources in science and technology as a result of population growth, globalization of higher education and research as well as rapid ageing of the workforce in the public health sector. The proposed university is therefore intended to provide quality educational opportunities to students and healthcare professionals, advance knowledge through scholarship and research and provide patient care and services that improve health and quality of life.

8.4 Financial Resources

While the Committee welcomes the government preparedness to inject enough resources to ensure the running of a viable academic institution, it recommends that such initiative should not be at the disadvantage of the existing public institutions that are already providing essential health services.

9.0 PROPOSED AMENDMENTS

In view of the above observations, the Committee proposes the following amendments for the consideration of the House.

1. Page 1: ARRANGEMENT OF SECTIONS

Amendment proposed -

Paragraph 18, delete and insert “**Composition of the Academic Board**” and paragraph 19, delete and insert “**Functions of the Academic Board**”

2. Page 2: The long title

Amendment proposed - line (2), delete and insert the following:

“AN ACT to provide for the establishment of the University of Health and Allied Sciences to be a pre-eminent research and practically oriented health educational institution dedicated to community service and to provide for health related matters.”

3. Page 4: Clause 2 - Aims of the University

Amendment proposed -

Sub-clause (1), delete and insert the following:

“(1) The aims of the University are to provide higher education, disseminate knowledge related to health education,

undertake research and foster close relationships outside the country in accordance with the following principles:

- (a) higher education shall be made accessible to all persons suitably qualified and capable of benefiting from that education;
- (b) in determining the subjects to be taught, consideration shall be given to courses of special relevance to the needs and aspirations of the citizens;
- (c) use critical tools including information communication technology for teaching, research and administration;
- (d) institute curricula and pedagogy that is practical and relevant to national needs and aspirations;
- (e) adopt teaching methods of critical and independent thinking for the benefit of humanity;
- (f) disseminate the results of research through the publication of books, papers and other suitable means;
- (g) undertake research in courses which are within the mandate of the University but with special attention to
 - (i) any problems which exist in this country or elsewhere in Africa;
 - (ii) subjects that relate to the social, cultural, economic, scientific, technological aspects of health within and outside the country;
- (h) provide service through extension and consultancy activities to foster relationship with persons and bodies; and
- (i) develop distance learning modules for courses to higher education for a large number of people.”

4. **Pages 4&5: Clause 2 - Sub-clause (2) - *Amendment proposed*** - delete and insert the following:

(i) “(2) The University for the purpose of achieving its aims shall have the following Schools, Institutes and Centres

(ii) delete items *(h)* and *(i)* and insert the following:

(h) School of Sports and Exercise Medicine;

(l) any other health related Schools, Institutes and Centres as the Council shall determine

5. **Page 5: Clause 3 - Campuses of the University**
Amendment proposed - delete and insert the following:

“3. The University shall be established in Ho with campuses in Hohoe and any other places as the Council may determine.”

6. **Pages 5&6: Clause 5 - The University Council**
Amendment proposed - delete and insert the following:

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

- (a) a chairperson nominated by the President,
- (b) the Vice-Chancellor appointed under section 15,
- (c) four persons appointed by the President;
- (d) one representative of the National Council for Tertiary Education;
- (e) two elected members of Convocation representing the professorial and non-professorial staff;
- (f) one elected representative of the University Teachers Association;
- (g) one representative of the Teachers and Education Workers Union;

- (h) one elected representative of the Conference of Heads of Assisted Secondary Schools,
 - (i) one representative of undergraduate students of the University elected by the Students' Representative Council,
 - (j) one representative of post-graduate students of the University elected by the University branch of the Graduate Students Association; and
 - (k) one representative of the alumni of the University.
- (2) The chairperson and other members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.
 - (3) The President, in making the appointments under paragraph (a) and (c) of subsection (1), shall have regard to the academic qualifications, leadership qualities, gender, expertise in finance, management, knowledge and relevant experience.
 - (4) The chairperson of the University Council shall preside at the Congregation and other meetings and ceremonies of the University in the absence of the Chancellor."

7. Page 6: Clause 6 - Functions of the Council

Amendments proposed - delete items (b) and (g) and insert the following and add a new item (h):

“(b) determine the strategic direction of the University, monitor and evaluate policy implementation;

(g) make professorial level appointment on the recommendation of the Appointments Committee of the Academic Board as may be determined in the Statutes of the University.”

8. Page 7: Clause 8 - Tenure of office of members of the Council

Amendment proposed -

- (i) delete **Sub-clauses (1) and (3)** and insert the following:

“(1) A member of the Council other than the Vice - Chancellor shall hold office for a period of three years and is eligible for re-appointment for another term.”

- (ii) “(3) A member of the Council other than the Vice-Chancellor may resign from office in writing addressed to the President through the Minister.”

9. Pages 7&8: Clause 9 - Meetings of the Council
Amendment proposed -

- (i) **Sub-clause (2)** - delete and insert the following:

“(2) The quorum at a meeting of the Council is nine.

- (ii) **Sub-clause 3, line (2)**, *delete “nominees”* and insert *“appointees”* before *“present”*

- (iii) **Sub-clause (6)**, delete and insert the following:

“(6) The Pro Vice-Chancellor, the Registrar and the Director of Finance shall attend meetings of the Council but are not entitled to vote.”

10. Page 8: Insert a new Clause 11 on Allowances for Council Members as follows:

“Allowances

11. Members of the Council and members of a committee of the Council shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.”

12. Page 8: Clause 12 - General powers of the Council

Amendment proposed - Sub-clause (1) - delete and insert the following:

“(1) The Council shall have power to do or provide an act or thing which it considers necessary or expedient in relation to the University.”

13. Page 8: Clause 13 - Principal Officers of the University

Amendment proposed - delete and insert the following:

(i) “(1) The Principal Officers of the University are

(a) the Chancellor

(b) the chairperson of the Council, and

(c) the Vice-Chancellor”

(ii)“(2) Prior to the assumption of office, the Principal Officers of the University shall swear the oath of office as prescribed in the Constitution and as modified in the Schedule.”

14. Page 9: Clause 14 - The Chancellor of the University

Amendment proposed – Sub-clause (2), line (2), insert “the” before “Statutes”

15. Page 9: Clause 15 - Vacancy in office of the Chancellor

Amendment proposed –Sub-clause (2), line (2), insert “the” before “Statutes”

16. Page 9: Clause 16 - Vice-Chancellor of the University

Amendment proposed - Sub-clause (5), line (2), delete “good” before ‘order’

17. Page 10: Clause 17 - Pro Vice-Chancellor

Amendment proposed - add the following new subclause as follows:

“(6) Prior to the assumption of office, the Pro Vice-Chancellor shall swear the oath of office as prescribed in the Constitution and as modified in the Schedule, which shall be administered by the Chancellor.”

17. Pages 10&11: Clause 19 - Composition of the Academic Board

Amendment proposed - delete and insert the following:

“Composition of the Academic Board

19.(1) The Academic Board consists of

- (a) the Vice-Chancellor of the University who shall be the chairperson;
- (b) Pro Vice-Chancellor;
- (c) Deans;
- (d) Vice-Deans;
- (e) Directors of Schools, Institutes and Centres;
- (h) a representative each from
 - (i) an Academic department,
 - (ii) a School,
 - (iii) an Institute; and
 - (iv) a Centre;
- (i) the Librarian of the University;
- (l) the Registrar of the University who is the Secretary;
- (k) nine members, five of whom are non-teaching staff elected by Convocation in accordance with the Statutes of the University.

(2) The Academic Board may establish standing and ad hoc committees for the purpose of carrying out its functions under this Act and that may be determined by the Statutes

enacted by the Council except that a committee comprised entirely of non-members shall be advisory only.

(3) A person who is an ex-officio member of the Board may be represented at a meeting by a person designated by that member.”

18. Pages 10&11: Clause 20 - *Amendment proposed* - delete and insert the following:

“Functions of the Academic Board

20. The Academic Board shall

- (a) formulate and implement the academic policies of the University;
- (b) devise and regulate courses of instruction and study subject to accreditation by the National Accreditation Board;
- (c) promote and supervise research;
- (d) regulate the conduct of examinations, the award of degrees, diplomas and certificates and authorise research work;
- (e) advise the Council on the appointment of academic staff, admission of students and the award of scholarships and bursaries;
- (f) report on matters that are referred to the Academic Board by the Council; and
- (g) perform other functions specified in the Statutes of the University

subject to the powers of the Council.

19. Page 12: Clause 21 - The Registrar

Amendment proposed -

- (i) Sub-clauses (5) and (6) - delete and insert the following:

“(5) The Registrar is the chief administrative officer of the University under the Vice-Chancellor.”

- (ii) (6) line (2), insert “the” before “Statutes”

20. Page 12: Clause 22 - Headnote - *Amendment proposed* - delete and insert the following:

“Director of Finance

21. (1) The Council shall appoint a Director of Finance for the University.

(2) The Director of Finance shall perform functions as prescribed in the Statutes.

(3) The Director of Finance is responsible to the Vice-Chancellor in the performance of the duties of Director of Finance.

21. Page 12: Insert the following new Clause 23 as follows:

“Appointment of other staff

23. The Council shall appoint other staff that are necessary for the effective performance of the functions of the University.”

22. Pages 12&13: Clause 24 – Internal organization of the University

Amendment proposed - delete sub-clause (1) and insert the following:

(i) “(1) Subject to the provisions of this Act, the Council may make arrangements as it considers appropriate for the internal organization of the University including:

(a) the establishment , variation and supervision of academic divisions, faculties, schools, centres, departments, institutes, hostels and other bodies in the campuses in Ho, Hohoe or elsewhere;

(b) award professorships, promote lectures; and

(c) award fellowships, bursaries, exhibitions, scholarships, prizes, honorary degrees and other awards.

(iii) delete **Sub-clause (2)** and insert Sub-clause (3) as the new sub-clause (2)

(iii) **Sub-clause (2)**, paragraph (a), line (2), delete “**inside**” and insert “**within**” after “**and**”

23. Page 14: Clause 26 – Statutes of the University

Amendments proposed - delete and insert the following:

“26. The Council shall provide for carrying into effect the provisions of this Act by Statutes and particular

(a) Regulate the

(i) appointment,

(ii) conditions of service,

(iii) termination of appointment, and

(v) retirement benefits of the staff of the University;

(b) determine the persons who form the academic staff of the University;

(c) determine the persons who are authorized to sign contracts, cheques and other documents on behalf of the University and to regulate the procedure in

- relation to transactions entered into by the University;
- (d) fix the academic calendar of the University;
 - (e) determine the procedures to discipline students and staff of the University;
 - (f) ensure that the seal of the University is kept under proper custody and is used only by authority of the Council;
 - (g) provide for any matter which required by this Act to be prescribed by the Statute.”

24. Page 15: Clause 30 - Property and Contracts

Amendment proposed -

- (i) **Sub-clause (1)** - delete and insert the following:

“(1) The University may for

- (a) the purpose of the performance of the functions of the University, or
- (b) any purpose which the University considers necessary or expedient,

- (ii) **Add a new Sub-clause (5) as follows:**

“(5) The Council shall in enacting the statutes under subsection (4) determine the incentives for persons who undertake any work, research or other intellectual enterprise funded or otherwise undertaken with resources of the University to enable those persons benefit from their work, research or intellectual enterprise.”

31. Page 16: Clause 31 - Funds of the University

Amendment proposed - Sub-clause (1), paragraph (c), delete and insert the following:

“(c) returns on investments;”

32. Page 17: Clause 32- Accounts and audit

Amendment proposed – Sub-clause (3) - delete and insert as follows:

“(3) The accounts shall be under the signature of the Vice - Chancellor and the Director of Finance.”

33. Page 18: Clause 36 - Anti - Discrimination

Amendment proposed - Sub-clause (1), delete items (a) - (e) and insert as follows:

“(a) admitted as a student of the university,
(b) registered as a student of the university,
(c) permitted to graduate from the university,
(d) appointed as an academic staff or other staff member,
(e) promoted as an academic staff or other member, or
(f) granted any advantage, privilege or other benefits accorded all other persons.”

34. Page 20: Clause 39 - Interpretations

Amendment proposed -

“Convocation” means the Chancellor, the Principal Officers of the University and all other members of the University appointed by the Council or Academic Board and who are also registered as senior members of Convocation by the Registrar;”

“Institute” means a multi-disciplinary courses and research or services establishment which focuses primarily on multi-disciplinary courses and research on the provision of extension services;”

“Statutes” means administrative guidelines enacted by the Council in accordance with this Act to govern the internal operations of the University;”

35. Page 40: Clause 40 – Transitional provisions

Amendment proposed - delete and insert the following:

- “40. (1) There shall be an Interim Council of the University.
- (2) The composition of the Interim Council shall be determined by the President on the recommendation of the Minister.
- (3) The members of the Interim Council shall be appointed by the President.
- (4) President shall determine the functions of the Interim Council.
- (5) The Interim Council shall operate for a period not exceeding three years after the commencement of this Act.
- (6) The Interim Council shall determine the procedure for its meetings.
- (7) The members of the Interim Council and members of a committee of the Interim Council shall be paid the allowance approved by the Minister for Finance.
- (8) The Council established under section 5 of this Act shall be appointed within three years after the commencement of this Act.
- (9) The Minister may by legislative instrument make further transitional provisions not inconsistent with this section which the Minister considers necessary.”

36. Page 21: OATH OF OFFICE
Delete and insert ‘ Section 13(2), 21’

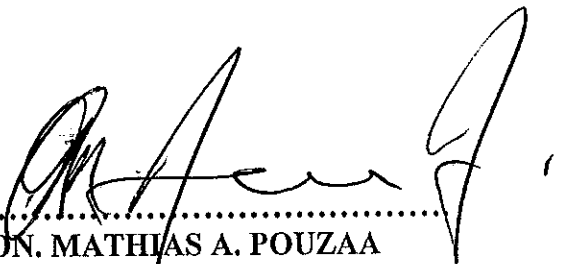
9.0 RECOMMENDATIONS AND CONCLUSION


The significance of the University of Health and Allied Sciences Bill, 2011 cannot be overemphasized. It seeks not only to create and enhance access to tertiary education but to also train the needed specialists in the area of science and health sciences in general, which is critical in nation building.

The Committee having thoroughly examined the intent and the purposes of the bill would like to congratulate the government for this initiative. However, members of the Committee would also like to send a strong appeal to the government and the Council yet to be set up for the University to be mindful and be guided at all times, by the purposes for which this bill is being passed. The purpose for the University should never be compromised over time as it is happening in almost all the existing government universities in the country.

The Committee therefore unanimously recommends to the House to pass the University of Health and Allied Sciences Bill, 2011 into an Act subject to the additional amendments proposed above.

Respectfully submitted


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HON. MATHIAS A. POUZAA
CHAIRMAN, EDUCATION COMMITTEE


.....
JOANA A.S. ADJEI (MRS)
CLERK, EDUCATION COMMITTEE

DATE: 15TH October, 2011

