

**REPORT OF THE SELECT COMMITTEE ON EDUCATION**

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**ON THE**

**UNIVERSITY OF PROFESSIONAL STUDIES BILL, 2011**

**2<sup>ND</sup> MARCH, 2012**





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**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 Professional Studies Bill, 2011* was referred to the Select Committee on Education on 15<sup>th</sup> November, 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 13<sup>th</sup> February, 2012 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 Deputy Minister for Education, Hon. Mahama Ayariga, Prof. J. S. Djangmah, the Chairman National Council for Tertiary Education, the Executive Secretary National Accreditation Board, personnel from the Ministry of Justice and Attorney-General and the other Stakeholders for their inputs. Gratitude also goes to Prof. Joshua Alarbi, the Rector at Institute of Professional Studies and his team for providing clarifications on some areas 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 (Act 778)
- 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, 1993 (Act 454)
- g. The University of Ghana Act, 2010 (Act 806)
- h. The Kwame Nkrumah University of Science and Technology Act, 1961 (Act 80)
- i. The University of Cape Coast Law, 1992 (P.N.D.C.L.278)
- j. The Polytechnics Act, 2007 (Act 745)
- k. The University for Development Studies Act, 1992 (P.N.D.C.L.279)
- l. The draft University of Professional Studies Bill, 2011
- m. The Institute of Professional Studies Act, 1999 (Act 566)
- n. Memoranda and written presentations by Stakeholders

#### **4.0 BACKGROUND INFORMATION**

The Institute of Professional Studies received a tertiary status in 1999 by an Act of Parliament (Act 566). Following successful teaching and learning outcomes for the various courses and programmes being run by the Institute, His Excellency, President John Agyekum Kuffour, the then President of the Republic of Ghana, issued a presidential Charter that empowered the Institute to award its own degrees, diplomas and certificates.

In line with its elevation to the tertiary status, the Institute subsequently modified its courses and programmes to be able to produce professionals who are well equipped with requisite knowledge and life skills for the competitive business environment.

The Committee was however informed that, the seemingly narrow definition for “*institute*” in terms of scope of professional and academic programmes an “*Institute*” should run was derailing efforts at expanding the current programmes to reflect its new status as a tertiary Institution mandated to provide quality higher education. Also, the new mandate of the Institute has necessitated the empowering of the governing body and principal officers legally to be able to discharge their duties in accordance with international best practices.

It is in the light of the above justification that this proposed Act has been submitted for consideration and passage by the House.

## **5.0 THE PURPOSE OF THE BILL**

The purpose of the Bill is to establish the University of Professional Studies to ensure the integration and optimization of academic and professional programmes that are taught at the Institute of Professional Studies. It also seeks to empower the governing body and the principal officers in the pursuit of their duties and functions to ensure international best practices.

## **6.0 DIVISIONS OF THE BILL**

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

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

## **7.0 HIGHLIGHTS OF THE BILL AS PRESENTED IN THE ACCOMPANYING MEMORANDUM**

*Clause 1* establishes the University of Professional Studies as a body corporate with perpetual succession. *Clause 2* allows the University to establish other campuses outside the current campus elsewhere within the country and *Clause 3*

empowers the University to award its own degrees and other certificates. The aims of the University as specified which include the provision of higher education through teaching and research and to provide extension and consultancy services.

*Clause 5 to 28* deals with administrative matters. *Clause 5* establishes the governing body of the University which is a Council consisting of a Chairperson and ten other persons appointed by the President in accordance with Article 70 of the Constitution.

*Clause 6* specifies the functions of the Council which is to ensure the implementation of the aims of the University, proper allocation and efficient use of the resources, among others.

*Clause 7* 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 only. Council member who is absent from meetings of the Council for twelve consecutive months ceases to be a member.

*Clause 8 and 9* requires members to disclose any interest in a matter under consideration by the Council. Allowances for members of the Council have been provided in *Clause 10*. *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 14* respectively. *Clause 15* provides for appointment of the Pro Vice-Chancellor.

*Clauses 16, 17 and 18* establishes and the functions of an Academic Board of the University and a Professorial Advisory Committee to be set up to advise the Academic Board in the discharge of its functions.

*Clause 19* is on the appointment of a Registrar of the University by the Council, who will be responsible for the general administration of the University and *Clause 20* enjoins the Council to appoint a Director of Finance and other staff of the University.

*Clause 21* authorises the Council to make arrangements for the internal organization of the University to include the establishment of schools, faculties, hostels and the institution of fellowships.

*Clauses 22 to 32* deals with financial and miscellaneous provisions, the sources of fund for the University which shall include subventions from the government, hostel fees, grants is provided for in *Clause 22*. *Clause 23* establishes the Internal Audit Unit of the University in accordance with the Internal Audit Agency Act, 2003 (Act 658). *Clause 24* establishes Students' Representative Council of the University, the Statutes. *Clauses 25 and 26* provide for the enactment of a Statute for the University to carry into effect the provisions of this Act including the appointments, conditions of service, procedure for meetings and the calendar of the University.

*Clause 27* establishes the Convocation of the University and *Clauses 28 and 29* provide for the accounts and audit as well as the annual reporting on the performance of the University. *Clause 30* is on the interpretation and *31* repeals the Institute of Professional Studies Act, 1999, (Act 566) and transfer the rights, assets and liabilities to be held by the Institute of Professional Studies to the University of Professional Studies to be established by this Act.

However, the bill saves rules, Regulations, notices issued and actions taken under the repealed law as provided in *Clause 32*.

## 8.0 OBSERVATIONS

### 8.1 Justification for the proposed transformation

The Committee was informed that the decision to upgrade the Institute into a fully-fledged public University is to place the Institute on a higher level of professional and academic excellence in line with the global demand for quality education which would also reflect its current status and mandate as a tertiary institution with the power to award its own degrees, diplomas and certificates.

The new status also calls for restructuring and strengthening of the current governing body and the principal officers to be able to discharge their functions in accordance with international best practices.

Again, the narrow definition for "*institute*" in terms of scope of professional and academic programmes an "*Institute*" should run is hampering effort by the authorities to expand the current programmes to reflect its new status as a tertiary institution mandated to provide quality higher education.

### 8.2 Ultimate aim of the University

The committee noted in the accompanying memorandum (paragraph 3, line 4) that the ultimate motive for the transformation of the institute into a fully-fledged university is to be able to produce **qualified professionals** equipped with knowledge and life skills for the competitive business environment.

It was however observed under clause 4 (aims of the university) that this core aim of the proposed transformation is not explicitly stated. Members of the Committee were of the view that the transformation should not bring much deviation from the current focus of the institute. It was therefore recommended that clause 4(1), paragraph (a) be accordingly amended



The Committee was of the opinion that placement of emphasis on “**professional education**” would ensure that the Institute when transformed into a university, would still be committed to producing professionals to serve the various sectors of the country.

### **8.3 Oath of Office by Principal Officers of the University**

It was noted that provision was not made in the Bill to allow the Principal Officers of the proposed University of Professional Studies swear an Oath of Office as consistent with other university laws passed by this House.

The Committee was of the opinion that actions and inactions of these principal officers could greatly enhance or undermine the integrity of the university. It is therefore proposed that prior to the assumption of office, these principal officers consisting of the Chancellor, the Chairperson, members of the university council, the Vice-Chancellor and the Registrar be made to swear an Oath of Office.

## **9.0 PROPOSED AMENDMENTS**

1. **Long Title - *Amendment proposed*** - delete and insert a new Long Title as follows:  
“An Act to consolidate and transform the Institute of Professional Studies into public University and to provide for related matters.”
  
2. **Re-arrange Clause 2 to 4 as follows:**  
“Clause 2 - Aims of the University  
Clause 3 – Campuses of the University  
Clauses 4 – Awards of degrees”

3. **Clause 3 - *Amendment proposed*** - sub-clause 3 (1) - delete and insert “The University shall award its own degrees, diplomas and other certificates including honorary degrees.”
4. **Clause 4 - *Amendment proposed*** - sub-clause 1(a) – insert “higher professional” before “education”,
5. **Clause 4 - *Amendment proposed*** - 2 (a) - line 1, delete - “Despite subsection (1)”
6. **Clause 4 - *Amendment proposed*** - sub-clause line 2 (a), delete “citizens” and insert “the country”
7. **Clause 5 - *Amendment proposed*** - sub-clause (1), delete and insert the following:

“The governing body of the University is a Council consisting of

  - (a) a chairperson nominated by the President,
  - (b) the Vice-Chancellor,
  - (c) three persons nominated by the President,
  - (d) one elected representative of the University Teachers Association of the University,
  - (e) one elected representative of the Convocation,
  - (f) one elected representative of the Professional Bodies of Accounts and Marketers,
  - (g) one elected representative of the Ghana National Chamber of Commerce,
  - (h) one elected representative of the University of Professional Studies Alumni,
  - (i) one elected representative of the Teachers and Education Workers Union,

- (j) one elected representative of the Conference of Heads of Assisted Senior High Schools,
- (k) one representative of the National Council for Tertiary Education,
- (l) one representative of the undergraduate students of the University elected by the Students' Representative Council, and
- (m) one representative of the post-graduate students of the University elected by the Graduate Students Association."

8. **Clause 5 - Amendment proposed** - Add a new sub-clause (3) and (4) to read as follows:

"(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 ceremonies of the University in the absence of the Chancellor."

9. **Clause 6 - Amendment proposed** - sub-clause (1), add the following new paragraphs after paragraph (a):

(i) "determine the strategic direction of the University, and monitor and evaluate policy implementation;"

(ii) "ensure the creation of an environment of equal opportunity for members of the University without regard to ethnicity, sex, race, religious belief or political affiliation; "

10. **Clause 6 - *Amendment proposed*** - Sub-clause (3), delete

11. **Insert a new clause after Clause 6 as follows:**

**“Establishment of committees**

(1) For the purpose of achieving the aims of the University, the Council may establish standing or ad - hoc committees made up of members or non-members of the Council and assign them functions that the Council considers appropriate.

(2) A Committee comprised entirely of non-members shall be advisory.”

12. **Clause 7 - *Amendment proposed*** - Sub-clause (1), line 2 - delete “four” and insert “three.”

13. **Clause 8 - *Amendment proposed*** - Sub-clause (2), delete “fifty percent of the membership of the Council” and insert “eight”

Sub-clause (6), delete “and a representative of the National Council for Tertiary Education” and insert “and” after “Registrar”

14. **Clause 11 - *Amendment proposed*** – Insert the following new sub-clause before sub-clause (1):

“Subject to the provisions of this Act, the Council shall have power to do or provide for any act or thing which it considers necessary or expedient in relation to the University.”

15. **Clause 12 - *Amendment proposed* -**

**“Principal Officers of the University**

- (1) The Principal Officers of the University are
  - (a) the Chancellor,
  - (b) the Vice Chancellor, and
  - (c) the Chairperson of the Council

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- (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 modified in the Schedule.”

16. **Clause 13 - *Amendment proposed* - delete and insert the following:**

**“Chancellor of the University**

- (1) There shall be a Chancellor of the University who shall be appointed by the Council and takes precedence over the other officers of the University.
- (2) The criteria and modalities for the nomination and election of the Chancellor shall be prescribed by the Statutes of the University.
- (3) The Chancellor is the head of the University and takes precedence over the other officers of the University.
- (4) The Chancellor shall hold office for a term of five years and is eligible for re-appointment but shall not be appointed for more than two terms.

(5) The Chancellor shall preside at Congregation, meetings and ceremonies of the University at which the Chancellor is present.

(6) The Chancellor may attend the meetings of the Council.

(7) The Chancellor shall confer on qualified persons, degrees, diplomas and certificates awarded by the University in accordance with this Act and procedures prescribed by the Statutes.

(8) The Chancellor may delegate functions under subsection (7) by directions in writing to the University Council.”

17. **Insert a new Clause after Clause 13 to read as follows:**

**“Vacancy in the Office of the Chancellor**

(1) The Office of the Chancellor shall become vacant upon

- (a) death,
- (b) resignation, or
- (c) removal from office

(2) The grounds and procedures for the removal from office of the Chancellor shall be contained in the Statutes of the University.

(3) Without limiting the functions of the Chancellor, where the integrity and welfare of the University are threatened by any matter, the Chancellor may in consultation with the Council intervene.”

18. **Clause 14 - *Amendment proposed*** - Sub-clause (2), line 2, delete  
“appointment instrument” and insert “letter of  
appointment”
19. **Clause 14 - *Amendment proposed*** - Sub-clause (4), delete and insert the  
following:  
“The Vice-Chancellor is responsible to the Council for  
maintaining order and ensuring efficient administration of the  
University.”
20. **Clause 14 - *Amendment proposed*** - Sub-clause (5), line 1, after “perform” insert  
“such” and before “prescribed” insert “as may be”
21. **Clause 15 - *Amendment proposed*** - delete Sub-clause (2) and insert the  
following:  
“(2) The Pro Vice-Chancellor shall attend a Council meeting  
but shall not vote at the meeting.”
22. **Clause 15 - *Amendment proposed*** - Sub-clause (3), line 1, after “assigned” insert  
“such” and in line 2, delete “University”
23. **Clause 15 - *Amendment proposed*** - add the following new sub-clauses and  
renumber the entire clause:
- “(i) The Pro Vice-Chancellor shall hold office for a period of three  
years and is eligible for re-appointment for another term only
- (ii) The Pro Vice-Chancellor shall, before assuming office, take the  
Oath of Office as specified in the Schedule.”

24. **Clause 16 - *Amendment proposed*** - delete Clause 16 and insert the following:

**“Academic Board**

16. There is established by this Act an Academic Board of the University which is answerable to the Council.”

25. **Insert a new clause on the Composition of the Academic Board after Clause 16 as follows:**

**“Composition of the Academic Board**

- (1) The Academic Board consists of
  - (a) the Vice-Chancellor of the University who is the chairperson,
  - (b) the Pro Vice-Chancellor,
  - (c) Provosts and Deans,
  - (d) Directors of Schools and Institutes,
  - (e) Heads of Academic Departments,
  - (f) Heads of Departments of the University,
  - (g) Director of the Business Development Centre,
  - (h) Director of Quality Assurance,
  - (i) the Librarian of the University, and
  - (j) the Registrar 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 as determined by the Statutes.”



26. **Clause 17 - *Amendment proposed*** - paragraph (f), delete “presentation” and insert “representations” after “make”
27. **Clause 19 - *Amendment proposed*** - delete the clause and insert the following:
- “(1) The Council shall appoint a Registrar for the University.
  - (2) The Registrar shall hold office on the terms and conditions certified in the letter of appointment in accordance with the Statutes of the University.
  - (3) The Registrar is the Secretary to the
    - (a) Office of the Chancellor,
    - (b) Council, and
    - (c) Academic Board.
  - (4) The Registrar is responsible to the Vice- Chancellor for the day-to-day administration of the affairs of the University.
  - (5) The Registrar is the chief operating officer of the University under the Vice-Chancellor.
  - (6) The Registrar may perform any other functions provided in the Statutes of the University.
  - (7) The Registrar shall before assuming office take and subscribe the oath of office set out in the Schedule.”
28. **Clause 20 - *Amendment proposed*** - Sub-clause (3), delete “Director of Finance” and insert “of the Director of Finance” after “Duties.”

29. **Clause 20 - *Amendment proposed*** – Sub-clause (4), delete and insert a new clause on Appointment of other staff after Clause 20 as follows:

**“Appointment of other staff**

The Council may appoint other staff as may be necessary for the effective performance of the functions of the University.”

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30. **Clause 21 - *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 Accra or elsewhere;
  - (b) award professorships, promote lectures; and
  - (c) award fellowships, bursaries, exhibitions, scholarships, prizes, honorary degrees and other awards.

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31. **Clause 21 - *Amendment proposed*** - Sub-clause (2), delete

32. **Clause 21 - *Amendment proposed*** - delete Sub-clause (3) and insert the following:

- (3) The University may
  - (a) enter into an agreement or relationship with another institution whether academic or non-academic and within or outside the country, and
  - (b) incorporate within the University another institution or body, taking over the property rights, privileges and liabilities of that institution or body.

33. **Clause 21 - *Amendment proposed*** - insert a new Sub-clause (4) as follows:

“The Council shall exercise the powers referred to it in subsection (1), only after consultation with the Academic Board matters which in the opinion of the Council are academic matters.”

34. **Clause 22 - *Amendment proposed*** - Add new Sub-clauses as follows:

“(2) Any sum of money received by or on behalf of the University shall be paid into a bank account of the University opened by or on the authority of the Council.

(3) For the avoidance of doubt, moneys received by or standing to the credit of an establishment of the University shall form part of the Funds of the University as defined under this Act.”

35. **Clause 24 - *Amendment proposed*** - Delete the clause and insert as follows:

**“Student governance**

- (1) The University shall have a Students’ Representative Council.
- (2) The Students’ Representative Council is responsible for representing students duly admitted and registered to study at the University.
- (3) The constitution and other governing instruments of the Students’ Representative Council shall
  - (a) be drawn up by the students subject to the approval of the Academic Board, and
  - (b) conform to this Act, the Statutes of the University and any other rules, regulations, directives and edicts duly issued by the University and are void otherwise.
- (4) The Statutes of the University may grant the Student’s Representative Council representation on appropriate bodies and organs of the University.

35. **Insert a new clause on Matriculation after Clause 24 as follows:**

**“Matriculation**

- (1) A student admitted to the University shall take the Matriculation Oath and sign the Matriculation Register.
- (2) A student who fails to sign the Matriculation Register may be prevented from graduating by the University.”

36. **Insert a new clause on dispute settlement after the Matriculation clause as follows:**

**“Dispute settlement**

(1) There is established by this Act a body to be known as the University of Professional Studies Appeals Board.

(2) The Appeals Board shall hear and determine on appeal the following matters on

- (a) acts or omissions in contravention of this Act or the Statutes enacted by the Council;
- (b) breach of employment contracts by the University;
- (c) the promotion of persons duly employed by the University;
- (d) grievances by students against the University related to welfare and discipline; or
- (e) any other matter or dispute referred to the Appeals Board by the Council.

(3) The Appeals Board consists of

- (a) a President who is a retired justice of the Superior Courts of Judicature or a lawyer qualified to be so appointed,

- (b) two lawyers of at least ten years standing at the Bar who are persons of high moral integrity one of whom is a woman,
- (c) two persons who are not legal practitioners or employees of the University who are persons of high moral integrity one of whom is a woman.

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(4) The President of the Appeals Board or the President's alternate and two other members constitute a panel for the hearing and determination of a case or matter before the Appeals Board.

(5) The President's alternate shall be appointed by Council from outside the membership of the Appeals Board after the appointment of the President of the Appeals Board and the President's alternate shall have the same qualification as the President.

- (6) The Council shall establish the rules and procedure which govern
- (a) the operations of the Appeals Board,
  - (b) the appointment and remuneration of its members,
  - (c) the functions of the President's alternate,
  - (d) the establishment of the Secretariat of the Appeals Board, and
  - (e) any other relevant matter.

37. **Insert a new clause on Anti-discrimination after Clause 27 as follows:**

**“Anti-discrimination**

(1) Without limiting the power of the University to adopt affirmative action policies from time to time, the University, an organ or a body of the University, a principal officer, staff, agent or servant of the University shall not discriminate against a person on the basis of that person’s religion, political affiliation, gender, ethnic origin, disability, race, colour or social or economic status to determine whether that person is to be

- (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.

(3) For the purposes of this section “discrimination” means to treat persons similarly situated, differently, solely on the basis of the grounds stated in subsection (1).”

38. **Insert a new Schedule as follows:**

*SCHEDULE*

**OATH OF OFFICE**

Section 12 (2)

I, ..... do (in the name of the Almighty God (swear) (solemnly affirm) that I will at all times well and truly serve the University of Professional Studies and the Republic of Ghana in the office of .....and that I will uphold, preserve, protect and defend the University as by law established (So help me God).

**(To be sworn before the President or such other person as the President may designate).**

**9.0 RECOMMENDATIONS AND CONCLUSION**

The significance of the University of Professional Studies Bill, 2011 cannot be overemphasized. It seeks not only to create and enhance access to higher education but to also train the needed professionals in the area of management, accountancy and banking in general, and in particular, life skills for the competitive business environment.

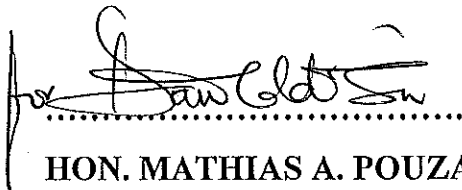
Members of the Committee however expressed concern about the departure from the core functions of the various public universities in the country. The Committee therefore appeals to government and the Council to be mindful of the core purpose for which Parliament is being requested to consider this



transformation. The intent of the university as explicitly stated in clause 4 (1) paragraph (a) of the bill should not be compromised over time.

The Committee having thoroughly examined the content of the bill unanimously recommends to the House to pass the University of Professional Studies Bill, 2011 into an Act subject to the additional amendments proposed above.

Respectfully submitted



HON. MATHIAS A. POUZAA  
CHAIRMAN, EDUCATION COMMITTEE



JOANA A.S. ADJEI (MRS)  
COMMITTEE CLERK

*DATE: 15<sup>TH</sup> January, 2012*



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