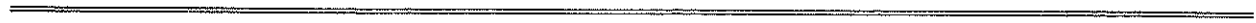


**THE REPORT OF THE SELECT COMMITTEE ON
EDUCATION**

ON THE

**UNIVERSITY OF ENERGY AND NATURAL RESOURCES
BILL, 2011**

15TH OCTOBER, 2011





REPORT OF THE SELECT COMMITTEE ON EDUCATION

UNIVERSITY OF ENERGY AND NATURAL RESOURCES 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 Energy and Natural Resources 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 solicit views from the general public and also benefited from written memoranda and oral submissions presented by interested groups and individuals.

The Committee is grateful to the Hon. Betty Mould- Iddrisu, Minister for Education and her deputy, Hon. Mahama Ayariga, Dr. Christina Amoako - Nuamah, Chairman of the Technical Implementation Committee for the new Universities, 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 their inputs and clarifications to enrich the report.

3.0 REFERENCES

The Committee made reference to the following documents:

- a. The 1992 Constitution
- 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, (Act 744)
- f. National Council for Tertiary Education Act,
- g. The University of Ghana Act, 2010 (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. Written memoranda and oral presentations by the Stakeholders

4.0 BACKGROUND INFORMATION

In order to enhance access to tertiary education across the country and develop the requisite human resource base of the country especially in the field of sciences, His Excellency, the President, John Evans Atta Mills, set

up a Task Force Planning Committee on January 8, 2010 for the establishment of the two new universities.

The Terms of Reference for the Committee include; recommendations for the development, organization and supervision of the implementation of a programme for the establishment of a of University of Energy and Natural Resources in the Brong Ahafo Region and a University of Health and Allied Health Sciences in the Volta Region with particular attention to: instituting high quality, state of the art, modern infrastructure and facilities; instituting curricula 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 this honourable House to enable the government establishes the universities.

5.0 THE PURPOSE OF THE BILL

The purpose of the Bill is to establish the University of Energy and Natural Resources in the Brong-Ahafo Region to generate, advance and apply knowledge in energy and research sciences.

6.0 DIVISIONS OF THE BILL

The Bill is divided into four main sections namely:

- *Establishment, aims and functions*
- *Administrative Provisions*
- *Financial Provisions*
- *Miscellaneous*

7.0 HIGHLIGHTS OF THE CLAUSES OF THE BILL

Clause 1 establishes the University of Energy and Natural Resources as a body corporate with perpetual succession and *Clause 2* specifies aims of the University.

Clause 3 allows the University to establish campuses in the Brong-Ahafo Region and elsewhere while *Clause 4* empowers the University to award its own degrees and other certificates.

The provisions from *Clause 5 to 28* deal with administration. *Clause 5* establishes the governing body of the University which is a Council consisting of eight persons who will be appointed by the President in accordance with Article 70 of the Constitution.

The functions of the Council are provided in *Clause 6* which among others is to ensure the implementation of the aims of the University and the proper allocation and use of resources as well as the determination of the strategic direction of the University and monitor and evaluate policies of the University.

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

Clause 8 provides for the tenure of members of the Council, *Clause 9* provides details on the meetings of the Council and *Clause 10* requires members to disclose any interest in a matter under consideration. Allowances for members of the Council have been provided for in clause 11. *Clause 12* stipulates the general powers of the Council.

Clause 13 states the principal officers of the University who are the Chancellor, the Vice-Chancellor and the chairperson of the governing body. The appointment and functions of the Chancellor and Vice-Chancellor are provided for in *Clause 14 and 16* respectively. *Clause 15* provides for vacancy in the office of the Chancellor and *clause 17* is on the appointment of the Pro Vice-Chancellor.

Clause 18 establishes the Academic Board. The functions of the Academic Board are provided in *Clause 19*. The functions of the Academic Board are to formulate and implement the academic policies of the University, to promote and supervise and award of scholarships among others. *Clause 20* deals with the composition of the Academic Board.

Clause 21 is on the appointment of a Registrar of the University. The Registrar is appointed by the Council and its responsible for the general administrative functions of the University. The Director of Finance and other staff are appointed under *Clause 22*.

Clause 23 authorises the Council to make arrangements for the internal organisation of the University. These include the establishment of schools, faculties, hostels and the institution of fellowships.

Clause 24 deals with student governance and provides for the Students' Representative Council of the University.

Clause 25 and 26 provides for the Statutes of the University to carry into effect the provisions of this Act. 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 27*. The Vice-Chancellor is required to present an annual report on the performance

of the University to the Convocation. Clause 28 deals with property and contracts.

The financial provisions are in *Clause 20 to 33*. Sources of funds for the University include subvention from Parliament, tuition and hostel fees, grants, investment, 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 27* 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

i. Purpose of the University

The Committee observed that the purpose of the Bill is to establish the University of Energy and Natural Resources in the Brong-Ahafo Region to generate advance and apply knowledge in energy and research sciences.

It however noted under Clause 2, Sub-clause (2) (c) of the Bill that School of Social Sciences is among the schools to be established. Not underestimating the importance of social sciences to the total mental development of the graduates from the school, the Committee was of the opinion that such

provision is inconsistent with the spirit or intent of the bill. The Committee therefore recommends for deletion of that provision to enable the university, when established, focused on its core mandate.

ii. Transitional Provisions

The Committee further observed under Clause 38 that interim measures have been put in place to prepare the grounds for eventual take-over by a permanent management team. The Committee was also informed that a memorandum of understanding has been reached with a premier University to provide technical and administrative guidance to the Interim Council. Notwithstanding the professional integrity and competencies of the interim Council and Staff to be appointed, the Committee believes such an arrangement would ensure that the professional quality of the initial products from the university is guaranteed.

iii. Duration of the Interim Council

The Committee again observed that 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 as provided for in Section 38(2) is laudable since it would compel the interim council to get the necessary structures in place for a final take-over by a permanent management team

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 - delete and insert the following:

- (i) Paragraph 19, "Composition of the Academic Board"
- (ii) Paragraph 20, "Functions of the Academic Board"

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

Amendment proposed - delete and insert the following:

(i) Sub-clause (1)

"2. (1) The aims of the University are to provide higher education, undertake research, disseminate the results of the research and foster closer collaboration with the people of this country and institutions outside in accordance with the following principles:

- (a) in determining the subjects to be taught, consideration shall be given to courses of special relevance to harness the energy and natural resources in the best interest of the country;
- (a) the University shall inculcate critical and independent thinking in the student body;
- (b) lead through teaching, research and extension to promote the design and construction of energy efficient buildings and create eco-friendly environments;

- (c) undertake research into subject taught at the University with special to subjects that relate to the social, cultural, economic, scientific, technological aspect of energy, natural resources and other problems that exist in this country and elsewhere in Africa;
- (d) provide higher education and research to students including those from other countries particularly in Africa;
- (e) disseminate the results of research through the publication of books and other means.”

(ii) **Sub-clause (2)**

“(2). The University for the purposes of achieving its aims, shall have the following Schools;

- (a) School of Natural Resources;
- (b) School of Engineering;
- (c) School of Sciences;
- (d) School of Agriculture and Technology;
- (e) School of Geosciences
- (f) School of Sustainable Development; and
- (g) any other Schools, Institutes and Centres as the Council may determine.”

3. Page 4: Clause 5 – The University Council

Amendment proposed - delete and insert the following:

(i) **Sub-clause (1)**

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

- (a) a chairperson nominated by the President,

- (b) the Vice-Chancellor appointed under section 16,
- (c) four persons appointed by the President taking into account
- (d) one representative of the National Council for Tertiary Education;
- (e) two representatives of Convocation, one of whom is from the non-teaching staff;
- (f) one 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 elected 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.

(ii) Sub-clause (2)

“(2) The chairperson and other members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

(iii) Sub-clause (3)

“(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 balance, expertise in finance, management, knowledge and relevant experience.

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

Amendment proposed - paragraph (b), line 2, delete “resultant” before “policies”

5. Page 6: Clause 8 - Tenure of office of members of the Council

Amendment proposed - delete and insert the following:

(i) **Sub-clause (1)**

“(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 only.”

(ii) **Sub-clause (3)**

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

6. Page 7: Clause 9 - Meetings of the Council

Amendment proposed - delete and insert the following:

(i) **Sub-clause (2)**

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

(ii) **Sub-clause (3)**

“(3) The chairperson shall preside at a meeting of the Council and in the absence of the chairperson,

members of the Council shall elect one of the government appointees present to preside.”

(iii) **Sub-clause (6)**

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

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

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

“12. (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.”

8. 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 modified in the Schedule.”

9. Page 8: Clause 14 – The Chancellor of the University

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

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

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

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

Amendment proposed - Sub-clause (5) - line (2), delete
“good” before “order and efficiency of the University.”

12. Page 10: 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;
- (f) Heads of Academic Departments;
- (g) Professors and Associate Professors;
- (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;
- (j) the Registrar of the who is the Secretary; and
- (k) nine members five of whom are non-teaching staff elected by Convocation in accordance with the Statutes of the University.”

12. Page 10: Clause 20 - Functions of the Academic Board

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 authorize 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;
- (g) make presentations to the Council on any matter connected with the University; and
- (h) perform other functions specified in the Statutes of the University

subject to the powers of the Council.”

14. Page 11: Clause 21 - The Registrar

Amendment proposed - **Sub-clauses (4), (5) and (6)**

delete and insert the following:

- (i) “(4) The Registrar is responsible to the Vice Chancellor for the day-to-day administration of affairs of the University.”
- (ii) “(5) The Registrar is the chief administrative officer of the University under the Vice-Chancellor.”

- (iii) “(6) The Registrar may perform any other functions provided for in the Statutes of the University.”

15. Page 11: Clause 22 - Appointment of Director of Finance

Amendment proposed - delete and insert the following:

“Director of Finance

22. (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 the Director of Finance.”

16. Page 11: Insert a new Clause 23 on the “Appointment of other staff of the University” as follows:

“Appointment of Other staff

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

17. Page 12: Clause 24 - Internal organization of the University

Amendment proposed - delete and insert the following:

Sub-clause (1)

- (i) “(1) Subject to 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 divisions, faculties, Schools, Centres, Departments, Institutes, Hostels and other bodies in the campuses in Sunyani or elsewhere.
 - (b) award professorships, promote lectures; and
 - (c) award fellowships, bursaries, exhibitions, scholarships, prizes, honorary degrees and other awards.”
- (ii) “(2) (a) enter into an arrangement or relationship with another institution whether academic or non-academic within or outside the country, and”

19. Page13: 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 in particular

- (a) Regulate the
 - (i) appointment,
 - (ii) conditions of service,
 - (iii) termination of appointment, and
 - (iv) 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 procedure 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 the authority of the Council; and
- (g) provide for any matter which require by this Act to be prescribed by Statute.”

20. Page13: Clause 27 – Procedures for enacting Statutes

Amendment proposed - Sub-clause (4)

- (i) “27. (4) lines (1) and (5), delete “statute” and insert “statutes”
- (ii) “27. (5) line (3), delete “SAcademic tatute” and insert “Academic Statute”

21. Page 14: Insert a new Clause 29 on Congregation after Clause 28 as follows:

“Congregation

~~29. For the purposes of conferring degrees of the University and awarding diplomas and certificates, the University may hold Congregation composed of the persons prescribed by the Statutes.”~~

22. Page 14: Clause 30 - Property and contracts

Amendment proposed - add a new sub-clause (5) as follows:

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

23. Page 15: Clause 31 - Funds of the University

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

“31. (1) (c) returns on investment;”

24. Page17: Clause 35 - Anti-discrimination

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

“35. (1) (a) admitted as a student of the university,
(b) registered as a student of the university,
(c) permitted to graduate from the university,
(d) appointment 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.

25. Page 18: Clause 38 - Dispute settlement

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

- (i) “(2) The Appeals Board consists of
 - (a) a President who is a retired justice of the Superior Courts of Judicature or 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 and,
 - (c) two persons who are not lawyers or employees of the University who are persons of high moral integrity one of whom is a woman.

(ii) Sub-clause (3), delete and insert the following:

“(3) The Appeals Board shall hear and determine on appeal 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 on matters related to welfare and discipline; and
- (e) any other matter or dispute referred to the Appeals Board by the Council

(iii) Sub-clause (4), delete and insert as follows:

“(4) the Chairperson of the Appeals Board or the Chairperson’s alternative and two other members constitute a panel for the hearing and determination of a case or matter before the Appeals Board.”

(iv) **Sub-clause (5)**, delete and insert as follows:

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

(v) **Sub-clause (6) (c)**, delete and insert as follows:

“(6) (c) the functions of the Chairperson’s alternate,”

**26. Page 19: Clause 39 - Interpretations
Amendment proposed**

- (i) “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;”
- (ii) “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;”

28. Page 19: 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 Interim Council shall be appointed by the President.

(4) The 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 responsible for Finance.

(8) The Council establish 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.”

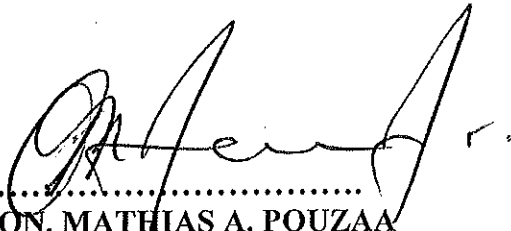
10. Recommendations and Conclusion

The significance of the University of Energy and Natural Resources Bill, 2011 cannot be overemphasized. It seeks not only to create and enhance access to tertiary education but to also train specialists in the area of energy and natural resources in particular, which is critical for national development

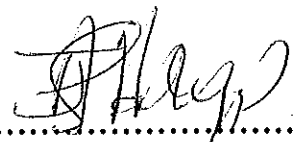
The Committee would like to congratulate the government for this initiative. However, members of the Committee would like to send a strong appeal to the government and the Council of the University to be mindful and be guided at all times, by the purposes for the establishment of this university and for which reason the Committee is seeking the cooperation and support of this honourable House to pass the bill.

Therefore, the Committee having thoroughly examined the intent and the purposes of the bill unanimously recommends to the House to pass the University of Energy and Natural Resources Bill, 2011 into an Act subject to the additional amendments proposed above.

Respectfully submitted



.....
HON. MATHIAS A. POUZAA
CHAIRMAN, EDUCATION COMMITTEE



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

DATE: 15TH October, 2011

