

Zimbabwe

## Harare Institute of Technology Act Chapter 25:26

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# Harare Institute of Technology Act

## Contents

1. Short title .....	1
2. Interpretation .....	1
3. Establishment of Institute .....	2
4. Objects and powers of Institute .....	2
5. Membership of Institute .....	4
6. Prohibition against discrimination in membership of Institute .....	4
7. Chancellor .....	4
8. Vice-Chancellor .....	4
9. Pro-Vice-Chancellors .....	5
10. Institute Board .....	5
11. Functions of Institute Board .....	7
12. Disqualification for appointment as Institute Board member .....	7
13. Vacation of office by Institute Board members .....	8
14. Chairperson and Vice-Chairperson of Institute .....	8
15. Executive Committee of Institute Board .....	8
16. Senate .....	9
17. Functions of Senate .....	9
18. Academic Board .....	10
19. Registrar .....	10
20. Financial Director .....	10
21. Librarian .....	10
22. Convocation .....	11
23. Terms and conditions of service of staff .....	11
24. Appointment and grading of staff .....	11
25. Promotion of staff .....	12
26. Staff Disciplinary Committee .....	12
27. Student Disciplinary Committee .....	13
28. Finance Committee .....	14
29. Accounts of Institute .....	14
30. Service of process .....	14
31. Statutes .....	14
32. Regulations .....	15
33. Validity of decisions of Institute Board, Senate and boards and committees .....	16
Schedule (Sections 2 and 31) .....	16

# Zimbabwe

## Harare Institute of Technology Act Chapter 25:26

Commenced on 4 November 2005

*[This is the version of this document at 31 December 2016 and  
includes any amendments published up to 31 December 2017.]*

*[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]*

**AN ACT to establish the Harare Institute of Technology as a degree-granting institution; and to provide for matters connected therewith or incidental thereto.**

### 1. Short title

This Act may be cited as the Harare Institute of Technology Act *[Chapter 25:26]*.

### 2. Interpretation

In this Act—

“**Academic Appointments Board**” means the Board established in terms of subsection 24(1);

“**academic staff**” means all persons employed, whether full-time or part-time, by the Institute as—

- (a) professors, lecturers of any class or persons engaged in research; or
- (b) holders of posts declared by the Senate to be academic posts;

“**administrative staff**” means all persons employed by the Institute who are categorised in terms of the Statutes as members of the administrative staff;

“**chairperson of a department**” means a person appointed in terms of the Statutes to be chairperson of a teaching department or head of a centre controlled by the Institute;

“**Chairperson of the Institute Board**” means the person elected in terms of the Statutes to be the Chairperson of the Institute Board;

“**Chancellor**” means the President in his or her capacity as Chancellor of the Institute in terms of [section 7](#);

“**dean of a school or faculty**” means a person elected by the school or faculty board in terms of the Statutes;

“**Financial Director**” means the person holding office as Financial Director of the Institute in terms of [section 20](#);

“**Institute**” means the Harare Institute of Technology incorporated in terms of [section 3](#);

“**Institute Board**” means the Institute Board established in terms of [section 10](#);

“**Librarian**” means the person holding office as Librarian of the Institute in terms of [section 21](#);

“**Library Staff**” means all persons employed by the Institute who are categorised in terms of the Statutes as members of the Library Staff;

“**Minister**” means the Minister of Higher Education and Technology or any other Minister to whom the President may from time to time assign the administration of this Act;

“**non-academic staff**” means all persons employed by the Institute who are not members of the academic staff;

“**ordinance**” means an ordinance made by the Institute Board under Statute 22;

“**Pro-Vice-Chancellor**” means a person holding office as Pro-Vice-Chancellor in terms of [section 9](#);

“**Registrar**” means the person holding office as Registrar of the Institute in terms of [section 19](#);

“**regulations**” means regulations made by the Senate under [section 32](#);

“**school or faculty**” means a school or faculty of the Institute established in terms of the Statutes;

“**school board**” means a school board established in terms of the Statutes;

“**Senate**” means the Senate established in terms of [section 16](#);

“**senior administrative staff**” means the Registrar, the Financial Director and such other members of staff as the Institute Board may from time to time determine;

“**staff**” means academic staff, administrative staff, technical staff and workers;

“**Statutes**” means the Statutes of the Institute set out in the Schedule as amended from time to time or replaced in terms of [section 31](#);

“**Students’ Union**” means any association of students recognised by the Institute Board as the Students’ Union;

“**technical staff**” means all persons employed by the Institute who are categorised in terms of the Statutes as members of the technical staff;

“**Vice-Chancellor**” means the person holding the office of Vice-Chancellor in terms of [section 8](#);

“**workers**” means all persons employed by the Institute who are categorised in terms of the Statutes as workers;

“**workers committee**” has the meaning given to it by the Labour Act [*Chapter 28:01*].

### 3. Establishment of Institute

The Harare Institute of Technology which existed before the date of commencement of this Act as an entity within the Ministry of Higher and Tertiary Education shall, with effect from that date, become a body corporate with perpetual succession capable of suing and being sued in its corporate name and, subject to this Act, performing all acts that bodies corporate may by law perform.

### 4. Objects and powers of Institute

(1) The objects of the Institute are—

- (a) the advancement of knowledge; and
- (b) the development, incubation, transfer, and commercialisation of technology; and
- (c) the development of technical expertise to the highest degree possible; and
- (d) the development of a science park; and
- (e) the establishment of productive centres, facilities or enterprises linked to or associated with specific schools within the Institute; and
- (f) the training of lecturers in technology; and
- (g) the provision of education programmes focussing on design, production and maintenance technology relevant to industry and other sectors of economy; and

- (h) the delivery of useful, innovative, timely and cost-effective technological research outcomes characterised by excellence; and
  - (i) the nurturing of the spirit of patriotism and of the intellectual, aesthetic, social and moral growth of, and gender sensitivity among, the students and staff of the Institute.
- (2) For the achievement of its object of the Institute shall, subject to this Act, have the following powers—
- (a) to provide for research and courses of instruction whether on a full-time or part-time basis, by distance or extra-murally, and to take such other steps as may appear necessary and desirable for the advancement and dissemination of knowledge;
  - (b) to hold examinations and to confer degrees, including honorary degrees, diplomas, certificates and other awards, upon persons who have followed courses of study approved by the Senate and additionally, or alternatively, have satisfied such other requirements as may be determined by the Senate;
  - (c) to provide courses not leading to degrees, diplomas or certificates, including training for persons wishing to enter the Institute;
  - (d) to provide opportunities for staff and students, and such other persons as the Institute may approve, to engage in productive activity in the fields of science and technology and any other fields in which the Institute may from time to time be engaged;
  - (e) to promote research with emphasis on scientific, technological, industrial and developmental projects, with particular reference to the developmental needs of Zimbabwe;
  - (f) to institute professorships, lectureships, research fellowships, staff development fellowships and other posts and offices and to make appointments thereto;
  - (g) to institute and award fellowships, scholarships, bursaries, prize medals, exhibitions, and other distinctions, awards and forms of assistance consistent with its objects;
  - (h) to erect, equip and maintain laboratories, workshops, offices, halls of residence, lecture halls, libraries, museums and other buildings and structures required for the promotion of its projects;
  - (i) to provide and maintain sports fields and other recreational facilities for its students and members of staff;
  - (j) to demand and receive such fees as may from time to time be prescribed by or in terms of the Statutes;
  - (k) to enter into such contracts and to establish such trusts and to appoint such staff as the Institute may require;
  - (l) to establish pension, superannuation or provident or other credit fund schemes for the benefit of its staff or any section thereof, and to enter into arrangements with the Government or any organisation or person for the operation of such schemes;
  - (m) to acquire any property, movable or immovable, and to take, accept and hold any property which may become vested in it by way of purchase, exchange, grant, donation, lease, testamentary disposition or otherwise;
  - (n) to sell, mortgage, let on hire, exchange, donate or otherwise dispose of any property held by it;
  - (o) to invest in land or securities such funds as may be vested in it for the purpose of endowment, whether for general or specific purposes, or such other funds as may not be immediately required for current expenditure;
  - (p) to borrow money for any purpose which the Institute Board deems fit;

- (q) to lend money in the form of short-term loans to its staff on terms and conditions approved by the Institute Board;
- (r) to do all such acts and things, whether or not incidental to the powers specified in this subsection, and whether inside, or outside Zimbabwe, as may be requisite in order to further its overall objects or any of them.

## **5. Membership of Institute**

The Institute shall consist of—

- (a) a Chancellor; and
- (b) Vice-Chancellor; and
- (c) one or more Pro-Vice-Chancellors; and
- (d) members of the Institute Board; and
- (e) members of the Senate; and
- (f) members of staff; and
- (g) registered students, both full-time and part-time; and
- (h) the Convocation.

## **6. Prohibition against discrimination in membership of Institute**

- (1) No test of religious or political belief, race, ethnic origin, nationality or gender shall be imposed upon or required of any person in order to entitle him or her to be admitted as a member of staff or student of the Institute or to hold any office therein or privilege thereof.
- (2) Nothing in subsection (1) shall be construed as preventing the Institute from giving preference to citizens or residents of Zimbabwe when making appointments or promotions or when admitting students.

## **7. Chancellor**

- (1) The President of the Republic of Zimbabwe or his or her nominee shall be Chancellor of the Institute.
- (2) The Chancellor shall be the head of the Institute.
- (3) The Chancellor shall have the right—
  - (a) to preside over any assembly or meeting held by or under the authority of the Institute; and
  - (b) upon the recommendation of the Institute Board and the Senate, to confer degrees, diplomas, certificates and other awards and distinctions of the Institute and to withdraw or restore such awards.

## **8. Vice-Chancellor**

- (1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Minister made in consultation with the Institute Board, and shall hold office for such period as is provided in his or her contract of employment.
- (2) Subject to the general control of the Institute Board, the Vice-Chancellor shall be the chief academic, administrative and disciplinary officer of the Institute, with general responsibility for maintaining and promoting the efficiency, effectiveness and good order of the Institute.

- (3) Subject to subsections (4) and (5), the Vice-Chancellor may—
- (a) suspend from duty any member of staff of the Institute;
  - (b) subject to [section 6](#), prohibit the admission of a student or any person to the Institute;
  - (c) prohibit, indefinitely or for such period as he or she may specify, any student or group of students from attending any class or classes;
  - (d) prohibit, indefinitely or for such period as he or she may specify; any student or group of students or person or group of persons from entering or remaining on such parts of the Institute campus as he or she may specify;
  - (e) expel or suspend, indefinitely or for such period as he or she may specify, any student or group of students;
  - (f) dissolve or suspend, indefinitely or for such period as he or she may specify, the Students' Union or any of its committees or organs;
  - (g) prohibit or suspend, indefinitely or for such period as he or she may specify, any activity or function of the Students' Union or any of its committees or organs;
  - (h) impose any other penalty or give any other order in respect of—
    - (i) a member of staff, which is recommended by the Disciplinary Committee in terms of [section 26\(6\)](#);
    - (ii) a student, which is recommended by the Student Disciplinary Committee in terms of [section 27\(6\)](#).
- (4) The Vice-Chancellor shall not expel a student for misconduct unless the Student Disciplinary Committee has found the student guilty of misconduct in terms of [section 27](#).
- (5) Any action taken by the Vice-Chancellor in terms of subsection (3) shall be subject to ratification by the Institute Board.

## 9. Pro-Vice-Chancellors

- (1) One or more Pro-Vice-Chancellors may be appointed by the Institute Board with the approval of the Minister and in accordance with the Statutes.
- (2) A Pro-Vice-Chancellor shall assist the Vice-Chancellor in the performance of his or her functions and, in addition, shall have such functions as may be specified in the Statutes.
- (3) The Vice-Chancellor may delegate to a Pro-Vice Chancellor, either absolutely or subject to conditions, any of his or her functions in terms of this Act, and may at any time amend or withdraw any such delegation:

Provided that the delegation of a function in terms of this subsection shall not prevent the Vice-Chancellor from exercising that function himself or herself.

## 10. Institute Board

Subject to this Act and any general directions as to policy given by the Minister, the government and executive authority of the Institute shall be vested in the Institute Board which shall consist of—

- (a) the Chancellor, the Vice-Chancellor and the Pro-Vice Chancellors, who shall be ex-officio members; and
- (b) nine persons appointed by the Minister; and
- (c) three persons who are members of the academic staff appointed by the Senate, other than the Vice-Chancellor and any Pro-Vice-Chancellor; and

- (d) the President of the Students' Union, who shall be an ex-officio member; and
- (e) one person who is a distinguished academic appointed by the Institute Board on the recommendation of the Senate; and
- (f) one person elected by the non-Senate members of the academic staff from among themselves; and
- (g) one person elected by the administrative staff from among themselves; and
- (h) one person elected by the workers' committee of the Institute; and
- (i) one woman appointed by the Minister to represent women's interests; and
- (j) one person appointed by the Minister from a list of names submitted by any trade union or federation of trade unions registered under the Labour Act [Chapter 28:01] which is invited by the Minister to make nominations for the purpose of this paragraph; and
- (k) one person who shall be a college or university lecturer appointed by the Minister from a list of names submitted by such organisations representing teachers and, additionally, or alternatively lecturers, as the Minister recognises for the purposes of this paragraph; and
- (l) one person appointed by the Minister from a list of names submitted by one or more organisations representing commerce and industry which are invited by the Minister to make nominations for the purpose of this paragraph; and
- (m) two persons appointed by the Minister from a list of names submitted by the Council of the Zimbabwe Institution of Engineers established in terms of the Zimbabwe Institution of Engineers (Private) Act [Chapter 27:16] or if that organisation ceases to exist, by such other organisation as the Minister, after consultation with the Minister responsible for public construction, recognises as its successor for the purposes of this paragraph; and
- (n) one person appointed by the Minister from a list of names submitted by such farmers' unions as the Minister, after consultation with the Minister responsible for agriculture, recognises for the purposes of this paragraph; and
- (o) one person appointed by the Minister from a list of names submitted by such scientific or technological research and development organisations as the Minister recognises for the purposes of this paragraph; and
- (p) one person appointed by the Minister from a list of names submitted by such organisation representing small-to-medium enterprises as the Minister recognises for the purposes of this paragraph; and
- (q) one person appointed by the Minister who is engaged in the information and communication technology industry.
- (2) If any person, organisation or authority fails or declines—
  - (a) to appoint or elect any person in terms of subsection (1)(c), (e), (g) or (h) within a reasonable time after being called upon to do so, the Institute Board, with the approval of the Minister may appoint any person to fill the vacancy;
  - (b) to submit a list of names in terms of subsection (1)(j), (k), (l), (m), (n), (o) or (p) within a reasonable time after being called upon to do so, the Minister may appoint any person to fill the vacancy.

*[Please note: numbering as in original.]*



## 11. Functions of Institute Board

- (1) Subject to this Act and the Statutes, the Institute Board shall—
- (a) with the approval of the Minister, appoint the Registrar, the Financial Director and the Librarian;
  - (b) appoint the directors of the units or centres of the Institute, the academic staff, the administrative staff and other employees of the Institute:  
  
Provided that the Institute Board may delegate its duties under this paragraph to such committee as may be prescribed in the Statutes;
  - (c) on the recommendation of the Senate, institute professorships and other academic offices, and abolish or hold in abeyance any such offices;
  - (d) receive and, if the Institute Board considers it proper to do so, give effect to reports and recommendations from the Senate on those matters upon which the Senate is authorised or required by this Act or the Statutes to make reports and recommendations;
  - (e) cause to be prepared annually a statement of the income and expenditure of the Institute during the previous financial year, and of the assets and liabilities of the Institute on the last day of such year;
  - (f) submit statements of income and expenditure referred to in paragraph (d) to audit by an auditor appointed by the Institute Board, and shall publish such statements and the auditor's reports thereon;
  - (g) cause to be prepared annually estimates of income and expenditure for the following financial year;
  - (h) cause to be prepared and made available to the public a report on the activities of the Institute during each year.
- (2) Without limitation on any other powers conferred on the Institute Board by this Act, the Institute Board shall have the following powers—
- (a) to receive recommendations from the Senate for the conferment, withdrawal or restoration of degrees, including honorary degrees, and diplomas, certificates and other awards and distinctions of the Institute and, if approved, to submit them to the Chancellor;
  - (b) to administer the property of the Institute and control its affairs and functions;
  - (c) to exercise on behalf of the Institute such of the powers set out in [section 4\(2\)](#) as are not exercisable in terms of this Act by any other authority;
  - (d) to do such other acts as it considers to be necessary for the proper administration of the Institute and the achievement of its objects.

## 12. Disqualification for appointment as Institute Board member

The Minister shall not appoint a person as a member of the Institute Board and no person shall be qualified to hold office as a member of the Institute Board who—

- (a) has, in terms of any law in force in any country—
    - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
    - (ii) made an assignment to, or arrangement or composition with, his or her creditors which has not been rescinded or set aside;
- or

- (b) has, within the period of five years immediately preceding the date of his or her proposed appointment, been sentenced to a term of imprisonment of or exceeding six months, whether or not any portion has been suspended, imposed without the option of a fine in any country, and has not received a free pardon;  
or
- (c) is a Member of Parliament of Zimbabwe; or
- (d) who is mentally disordered as defined in section 2 of the Mental Health Act [Chapter 15:12] (Act [No. 15 of 1996](#)).

### 13. Vacation of office by Institute Board members

A member of the Institute Board shall vacate office and his or her office shall become vacant—

- (a) after giving the Minister such period of notice of his or her intention to resign as may be fixed in his or her conditions of appointment or, if no such period has been fixed, after the expiry of one month or after the expiry of such other period of notice as he or she and the Minister may agree; or
- (b) on the date he or she begins to serve a sentence of imprisonment, the term of which is not less than six months, whether or not any portion has been suspended, imposed without the option of a fine in any country; or
- (c) if he or she becomes disqualified in terms of [section 12\(b\)](#), (d) or (e) to hold office as member or
- (d) if he or she is absent without the permission of the Institute Board from three consecutive meetings of the Institute Board.

### 14. Chairperson and Vice-Chairperson of Institute

- (1) The Institute Board shall elect a Chairperson and a Vice-Chairperson from among its members to hold office for such period and subject to such terms and conditions as are prescribed in the Statutes.
- (2) At all meetings of the Institute Board at which the Chancellor is not present, the Chairperson of the Institute Board or, in his or her absence the Vice-Chairperson shall preside.
- (3) If at any meeting of the Institute Board the Chancellor and the Chairperson and the Vice-Chairperson of the Institute Board are all absent, the members of the Institute Board who are present shall elect a person from among their number to preside at the meeting.

### 15. Executive Committee of Institute Board

- (1) There shall be a principal committee of the Institute Board to be known as the Executive Committee.
- (2) The Executive Committee shall consist of—
  - (a) the Chairperson and Vice-Chairperson of the Institute Board; and
  - (b) the Vice-Chancellor and every Pro-Vice-Chancellor; and
  - (c) ten members of the Institute Board, of whom—
    - (i) five shall be elected by the nine persons referred in sec 10(1)(b) from among themselves; and
    - (ii) three shall be elected by the Senate from among themselves; and
    - (iii) two shall be elected by the Institute Board from among the members referred to in [section 10\(1\)\(c\)](#) to (q).

- (3) The Chairperson and Vice-Chairperson of the Institute Board shall be the Chairperson and Vice-Chairperson respectively of the Executive Committee.
- (4) The Executive Committee shall exercise such of the functions of the Institute Board as the Institute Board may delegate to it.
- (5) Any delegation of functions by the Institute Board in terms of subsection (4) may be made absolutely or subject to conditions and may be amended or withdrawn at any time.
- (6) A delegation of any function by the Institute Board in terms of subsection (4) shall not prevent the Institute Board from itself exercising that function.

## 16. Senate

Subject to this Act, the academic authority of the Institute shall be vested in the Senate, which shall consist of—

- (a) the Vice-Chancellor, who shall be chairperson, and the Pro-Vice Chancellors, the deans, the chairpersons of departments and the Librarian who shall be *ex officio* members; and
- (b) one member of the permanent academic staff from each school elected annually by such staff; and
- (c) four shall be elected annually by the Student's union:

Provided that such students shall not be entitled to attend deliberations of the Senate on matters related to examinations and academic staff promotions.

## 17. Functions of Senate

The Senate shall have the following functions—

- (a) to promote the advancement of knowledge through research;
- (b) to formulate and carry out the academic policy of the Institute;
- (c) to regulate the programmes, subjects and courses of study and the examinations held by the Institute;
- (d) to regulate the admission of students to the Institute;
- (e) to recommend to the Chancellor, through the Institute Board, the conferment of degrees, including honorary degrees, diplomas, certificates and other awards and distinctions of the Institute and the withdrawal and restoration of such awards;
- (f) to fix, subject to consultation with any sponsors and subject to the approval of the Institute Board, the times, modes and conditions of competitions for fellowships, scholarships and prizes;
- (g) to appoint examiners for examinations conducted by the Institute;
- (h) to cause to be prepared estimates of expenditure required to carry out the academic work of the Institute and to submit them to the Institute Board;
- (i) subject to the approval and direction of the Institute Board, to formulate, modify and revise the organisation of schools, faculties, departments, centres and units;
- (j) to recommend to the Institute Board the institution, abolition or holding in abeyance of professional chairs and other academic offices;
- (k) without derogation from the powers of the Institute Board, to propose changes to the Statutes;
- (l) to make any regulations it is authorised to make by or in terms of this Act;
- (m) to appoint committees, which may include persons who are not members of the Senate, to exercise any of the functions of the Senate, other than the power to make regulations;

- (n) to make periodic reports on its activities to the Institute Board and to report on any matter referred to it by the Institute Board;
- (o) to do such other acts as the Institute Board may authorise or direct it to do.

## **18. Academic Board**

- (1) There shall be a principal committee of Senate to be known as the Academic Board.
- (2) The Academic Board shall consist of—
  - (a) the Vice-Chancellor, who shall be chairperson; and
  - (b) every Pro-Vice-Chancellor; and
  - (c) four full professors of the Institute, elected annually by the Senate; and
  - (d) all the deans of schools; and
  - (e) the Librarian; and
  - (f) two members of the Senate, elected annually by the persons referred to in [section 16\(1\)\(a\)](#) and (b).
- (3) The Academic Board shall exercise such of the functions of the Senate as the Senate, with the approval of the Institute Board, may delegate to it.
- (4) Any delegation of functions by the Senate in terms of subsection (3) may be made absolutely or subject to conditions and may be amended or withdrawn at any time.
- (5) A delegation of any function by the Senate in terms of sub-section (3) shall not prevent the Senate from itself exercising that function.

## **19. Registrar**

- (1) There shall be a Registrar of the Institute who shall be appointed by the Institute Board, with the approval of the Minister, in the manner provided in the Statutes.
- (2) Subject to the directions of the Institute Board, the Registrar shall be responsible for the general administration of the Institute, and shall perform such other functions as may be specified in the Statutes.
- (3) The Registrar, or a member of his or her staff whom the Registrar may authorise to act for him or her, shall be secretary of the Institute Board, the Senate and their principal committees.

## **20. Financial Director**

- (1) There shall be a Financial Director of the Institute who shall be appointed by the Institute Board in the manner provided in the Statutes.
- (2) Subject to the directions of the Institute Board, the Financial Director shall act as the accountant of the Institute and shall be responsible for the safe-guarding of its funds and, in accordance with the general directions of the Vice-Chancellor, for authorising its investment and expenditure.
- (3) The Financial Director shall perform such additional functions as may be specified in the Statutes.

## **21. Librarian**

- (1) There shall be a Librarian of the Institute who shall be appointed by the Institute Board in the manner provided in the Statutes.
- (2) Subject to the directions of the Senate and the Vice-Chancellor, the Librarian shall be responsible for administration and safe-guarding of the libraries of the Institute.

## 22. Convocation

- (1) The Convocation of the Institute shall consist of all persons whose names appear on the Convocation Roll maintained by the Registrar.
- (2) The Chancellor, Vice-Chancellor and all Pro-Vice-Chancellors, deans, lecturers, chairpersons of departments, the Registrar, the Librarian and the Financial Director shall be *ex officio* members of the Convocation.
- (3) All graduates of the Institute who signify in writing addressed to the Registrar that they desire to be members of the Convocation and who inform the Registrar of their address shall be entitled to have their names entered on the Convocation Roll.
- (4) Subject to [section 7\(3\)\(a\)](#), the Vice-Chancellor or such other person as he or she may appoint shall be chairperson of meetings of the Convocation.
- (5) Meetings of the Convocation shall be held at such times and places as the Institute Board may direct.
- (6) The Convocation may deal with any matter relating to the Institute that the Institute Board, in accordance with the Statutes, may refer to the Convocation.

## 23. Terms and conditions of service of staff

The terms and conditions of service for each category of staff employed by the Institute, including the Vice-Chancellor and every Pro-Vice-Chancellor shall be determined by the Institute Board in terms of this Act, and, subject to the Labour Act [Chapter 28:01], such terms and conditions shall provide that—

- (a) any person so employed shall be entitled to resign from his or her employment on giving such notice in writing to the Registrar as may be fixed in such terms and conditions;
- (b) any person so employed shall, subject to any exception that may be provided for in special cases, retire from his or her office at such time or in such circumstances as may be fixed in such terms and conditions;
- (c) no summary termination of the employment of any person so employed shall take place except for good cause and, in the event of any such termination, the person concerned shall have a right of appeal to the Institute Board, whose decisions shall be final.

## 24. Appointment and grading of staff

- (1) Every appointment to the academic staff shall be made by an Academic Appointments Board consisting of—
  - (a) the Vice-Chancellor or his or her nominee, who shall be chairperson; and
  - (b) two members appointed by the Institute Board from among those of its members who are not members of staff of the Institute; and
  - (c) the chairperson of the department to which the appointment is made; and
  - (d) one other member, approved by the Vice-Chancellor, of the department to which the appointment is made; and
  - (e) the dean of the faculty or school to which the appointment is made; and
  - (f) the chairperson of a department approved by the Institute Board as being related to the department referred to in paragraph (c).
- (2) Subject to this Act and the Statutes, the Institute Board shall appoint boards of selection for the purpose of appointing members of staff other than the Vice-Chancellor, Pro-Vice-Chancellors, the Registrar, the Financial Director, the Librarian and academic staff.

- (3) The Institute Board shall appoint a grading committee for the purpose of determining all matters relating to the grades of and points of entry upon salary scales, by members of staff of the Institute.

## **25. Promotion of staff**

- (1) Every promotion of a person to a post or grade within the academic staff shall be effected by an Academic Staff Promotions Committee consisting of—
- (a) the Vice-Chancellor or his or her nominee, who shall be chairperson; and
  - (b) every Pro-Vice-Chancellor; and
  - (c) four members of the Institute Board who are not members of staff of the Institute, appointed by the Institute Board; and
  - (d) all deans of schools or faculties; and
  - (e) at least three full professors of the Institute appointed by the Senate once every three years.
- (2) Every promotion of a person to a post or grade within the non-academic staff shall be effected by a Non-Academic Staff Promotions Committee appointed by the Institute Board consisting of—
- (a) a Pro-Vice-Chancellor, who shall be chairperson; and
  - (b) the Registrar; and
  - (c) the Financial Director; and
  - (d) the Librarian; and
  - (e) two members of the Institute Board who are not members of staff of the Institute; and
  - (f) one representative of each category of the non-academic staff prescribed in the Statutes; and
  - (g) one representative of each school or faculty.

## **26. Staff Disciplinary Committee**

- (1) There shall be a Staff Disciplinary Committee which shall consist of the following members appointed by the Vice-Chancellor—
- (a) a Pro-Vice-Chancellor, who shall be chairperson; and
  - (b) a senior member of the academic or administrative staff; and
  - (c) a member of the academic, technical or administrative staff of similar status to the person charged; and
  - (d) the chairperson or head or department or dean of the school or faculty in which the person charged works; and
  - (e) one member appointed by the Institute Board to be the secretary and non voting member of the Committee.
- (2) Three members of the Staff Disciplinary Committee shall form a quorum.
- (3) All matters to be decided at any meeting of Staff Disciplinary Committee shall be decided by a simple majority and, in the event of an equality of votes, the chairperson or person presiding shall have a casting vote in addition to his or her deliberative vote.
- (4) The functions of the Staff Disciplinary Committee shall be to investigate any breach of a Statute, regulation or ordinance or other misconduct on the part of any member of staff of the Institute and, subject to subsection (5), to recommend to the Vice-Chancellor the punishment to be imposed on, or order to be made in respect of, the member if it finds him or her guilty of such misconduct.

- (5) A person charged with misconduct referred to in subsection (4) shall have a right of audience before the Staff Disciplinary Committee.
- (6) Where the Staff Disciplinary Committee has found a person guilty of misconduct referred to in subsection (4), the Committee shall recommend to the Vice-Chancellor any one or more of the following—
  - (a) that the person's employment be terminated;
  - (b) that the person pay a fine to the Institute not exceeding fifty *per centum* of his or her gross monthly salary;
  - (c) that the person be demoted;
  - (d) that the person be censured or reprimanded;
  - (e) such other penalty or order as may be provided for by or in terms of the Statutes.

## 27. Student Disciplinary Committee

- (1) There shall be a Student Disciplinary Committee which shall consist of the following members appointed by the Vice-Chancellor—
  - (a) a Pro-Vice-Chancellor, who shall be chairperson; and
  - (b) the Senior Proctor, who shall be vice-chairperson; and
  - (c) four members of the academic staff, one of whom shall be from the department, school or faculty in which the student being charged is registered:  

Provided that the student being charged shall be given a reasonable opportunity by the Vice-Chancellor to nominate one of the members referred to in this paragraph and if such nominee accepts the nomination, he or she shall be a member of the Committee;
  - (d) one student nominated by the Students' Union..
- (2) Five members of the Student Disciplinary Committee shall form a quorum.
- (3) All matters to be decided at any meeting of the Student Disciplinary Committee shall be decided by a simple majority and, in the event of an equality of votes, the chairperson or person presiding shall have a casting vote in addition to his or her deliberative vote.
- (4) The functions of the Student Disciplinary Committee shall be to investigate any breach of a Statute, regulation or ordinance or other misconduct on the part of any student and, subject to subsection (6), to recommend to the Vice-Chancellor the punishment to be imposed on the student if it finds him or her guilty of such misconduct.
- (5) A student charged with misconduct referred to in subsection (4) shall have a right of audience before the Student Disciplinary Committee and be at liberty to engage a legal practitioner at his or her own expense.
- (6) Where the Student Disciplinary Committee has found a student guilty of misconduct referred to in subsection (4), the Committee shall recommend to the Vice-Chancellor the imposition upon the student of any one or more of the following punishments—
  - (a) expulsion or suspension from the Institute;
  - (b) the withdrawal of any academic or Institute privilege, benefit, right or facility other than to follow courses of instruction and present himself or herself for examination;
  - (c) the imposition of a fine not exceeding such maximum amount as the Institute Board may fix in relation to disciplinary proceedings generally, after consultation with the Senate, which fine may be deducted from any allowances payable to the student and shall be paid to the Institute;

- (d) a censure or reprimand;
- (e) such other penalty as may be provided for by or in terms of Statutes.

## **28. Finance Committee**

- (1) Subject to this Act, there shall be a Finance Committee of the Institute Board consisting of—
  - (a) the chairperson of Institute Board, who shall be chairperson, and
  - (b) the Vice-Chancellor; and
  - (c) every Pro-Vice-Chancellor; and
  - (d) the Financial Director, who shall be the secretary of the Finance Committee; and
  - (e) the Registrar; and
  - (f) three persons appointed by the Institute Board from among its members who are not members of the Institute staff; and
  - (g) two persons appointed by the Senate from among its members; and
  - (h) a representative of the deans of schools or faculties appointed by the Institute Board.
- (2) The functions of the Finance Committee shall be as provided in the Statutes.

## **29. Accounts of Institute**

- (1) The Institute Board shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the Institute's activities, funds and property, including such particular accounts and records as the Minister may direct.
- (2) As soon as possible after the end of each financial year, the Institute Board shall prepare and submit to the Minister a statement of accounts in respect of that financial year or in respect of such other period as the Minister may direct.

## **30. Service of process**

Any writ or other process, notice or document may be served on the Institute, Institute Board or Senate by serving the same on the Registrar.

## **31. Statutes**

- (1) Subject to this Act, the Institute shall be administered in accordance with the Statutes.
- (2) Subject to subsection (4) the Institute Board may make Statutes amending, repealing or replacing the Statutes set out in the Schedule in order to prescribe all matters which, in terms of this Act, are required or permitted to be prescribed in Statutes or which, in the opinion of the Institute Board, are necessary or convenient to be so prescribed for carrying out or giving effect to this Act or for the proper administration of the Institute.
- (3) Subject to this Act, Statutes made in terms of subsection (2) may provide for—
  - (a) the appointment, conditions of service and functions of the Vice-Chancellor, the Pro-Vice-Chancellors, the Registrar, the Financial Director, the Librarian, and all members of staff and the categorisation of such members of staff;
  - (b) the functions of the Pro-Vice-Chancellors;
  - (c) the election or appointment of persons to the Institute Board and the Senate and to committees of the Institute Board and the Senate;



- (d) the terms of office of members of the Institute Board and its committees, other than *ex officio* members thereof;
  - (e) the terms of office and conditions of service of the chairperson and vice-chairperson of the Institute Board;
  - (f) the convening of meetings of the Institute Board, the Senate and the Convocation and of committees of the Institute Board and the Senate, the quorum at such meetings and the procedure to be adopted thereat;
  - (g) the terms of office of members of the Academic Appointments Board and the Academic Staff Promotions Committee, Boards of Selection, the Grading Committee, and the Non-Academic Staff Promotions Committee, the quorum at such meetings and the procedure to be adopted thereat;
  - (h) the functions of the Academic Appointments Board, Boards of Selection, the Grading Committee, the Academic Staff Promotions Committee, the Non-Academic Staff Promotions Committee and the Finance Committee;
  - (i) the persons who may enter into contracts and sign documents on behalf of the Institute, and the procedure to be followed in relation to transactions entered into by or on behalf of the Institute;
  - (j) the establishment and organisation of schools, faculties, departments, centres and units;
  - (k) the functions of deans of schools or faculties, chairpersons of departments and heads of centres and units;
  - (l) the holding of congregations of the Institute for the purpose of conferring degrees, diplomas, certificates and other honours and awards;
  - (m) the seal of the Institute and its use and custody;
  - (n) the academic year of the Institute;
  - (o) the discipline of members of staff and students and the procedures to be adopted in respect thereof;
  - (p) fees and charges to be paid for anything done by any person in terms of this Act;
  - (q) empowering any person specified in the Statutes to make ordinances or rules in respect of any matter referred to in paragraphs (a) to (p).
- (4) Statutes made in terms of subsection (2) shall not have effect until they have been approved by the Minister and published in a statutory instrument.

## 32. Regulations

- (1) Subject to this Act and the Statutes and with the approval of the Institute Board, the Senate may make regulations prescribing any matter which, in the opinion of the Senate, is appropriate to be prescribed for the better carrying out of the Senate's functions.
- (2) Regulations may provide for—
  - (a) teaching within the Institute, whether generally or in relation to specific subjects;
  - (b) progress reports to be submitted by members of the academic staff;
  - (c) schemes of study and research and the conditions subject to which such schemes may be embarked upon or continued;
  - (d) the use of libraries of the Institute;
  - (e) the conduct and supervision of examinations;

- (f) the award of degrees, diplomas, certificates and other academic honours and awards, other than honorary degrees, honours or awards.
- (3) The Senate may at any time amend or repeal any regulations.
- (4) Regulations need not be published in the *Gazette*, but the Senate shall publish them in such manner as the Senate considers will best make them known to the persons to whom they apply.

### **33. Validity of decisions of Institute Board, Senate and boards and committees**

No decision or act of the Institute Board, Senate or any board or committee established by or in terms of this Act shall be invalid solely on the ground that—

- (a) the Institute Board, Senate, board, or committee, as the case may be, consisted of fewer than the number of members for which provision is made by or in terms of this Act; or
- (b) a disqualified person acted as a member of the Institute Board, Senate, board or committee, as the case may be;

if the duly qualified members who took the decision or authorised the act constituted a quorum of the membership of the Institute Board, Senate, board or committee, as the case may be.

## **Schedule (Sections 2 and 31)**

### **Statutes of the Institute**

#### **1. Appointment of Vice-Chancellor**

- (1) For the purpose of considering appointments to the office of the Vice Chancellor, there shall be a joint committee of the Institute Board and the Senate consisting of—
  - (a) the chairperson of the Institute Board, who shall be chairperson of the joint committee; and
  - (b) the Vice-Chairperson of the Institute Board; and
  - (c) two persons appointed by the Institute Board from among its members who are not members of the Senate; and
  - (d) three persons appointed by the Senate from among its members.
- (2) The joint committee constituted by this Statute shall consider each application for appointment to a vacancy in the office of Vice-Chancellor and shall make recommendations thereon to the Institute Board, which in turn shall make recommendations to the Chancellor in accordance with section 8 (1) of the Act.

#### **2. Appointment of Pro-Vice Chancellors**

- (1) For the purpose of considering appointments to the office of Pro-Vice Chancellor, there shall be a joint committee of the Institute Board and the Senate consisting of—
  - (a) the chairperson of the Institute Board, who shall be chairperson of the joint committee; and
  - (b) the Vice-Chairperson of the Institute Board; and
  - (c) the Vice-Chancellor; and
  - (d) two persons appointed by the Institute Board from among its members who are not members of the Senate; and
  - (e) three persons appointed by the Senate from among its members.

- (2) The joint committee constituted by this Statute shall consider each applicant for appointment to a vacancy in the office of Pro-Vice-Chancellor and shall make recommendations thereon to the Institute Board, and the Institute Board, after considering the joint committee's recommendation, shall make the appointment concerned with the approval of the Minister.
- (3) A Pro-Vice-Chancellor shall hold office for three years from the date of his or her appointment and, subject to subsection (2) and the approval of the Minister, shall be eligible for re-appointment.

### **3. Length of appointment of members of Institute Board**

- (1) Members of the Institute Board, other than *ex officio* members, shall hold office for three years, and shall be eligible for re-appointment or re-election, as the case maybe:

Provided that—

- (a) of the first nine members appointed by the Minister, three shall be appointed for a period ending one year after the date of commencement of the Act and a further three shall be appointed for a period ending two years after the date of commencement of the Act;
  - (b) of the first three members appointed by the Senate, one shall be appointed for a period ending one year after the date of commencement of the Act and a further one shall be appointed for a period ending two years after the d of commencement of the Act.
- (2) Any member of Institute Board, other than an *ex officio* member, may resign his or her membership at any time by notice in writing addressed to the Registrar.

### **4. Casual vacancies in Institute Board**

Any casual vacancy occurring among the appointed or elected members of the Institute Board shall be filled as soon as possible by the person or body which appointed or elected the member whose place has become vacant, and the person so appointed or elected shall hold office for the remainder of the period for which the person whose place he or she fills was appointed or elected.

### **5. Meetings and quorum of Institute Board**

- (1) The Institute Board shall meet at least four times a year.
- (2) The quorum of the Institute Board shall be one-half of the members holding office at the time of the meeting.

### **6. Resolutions by circulation among members of Institute Board**

A resolution proposed by the Executive Committee of the Institute Board, other than for the purpose of making a Statute, which is on its authority circulated by the Registrar to all members of the Institute Board and which receives the written agreement of not less than two-thirds of such members shall, upon receipt of such agreement by the Registrar, have the same force and effect as a resolution passed at a meeting of the Institute Board.

### **7. Meetings and quorum of Senate**

- (1) The Senate shall meet at least four times a year.
- (2) The quorum of the Senate shall be one-half of the members holding office at the time of the meeting.
- (3) The Vice-Chancellor or, in his or her absence, a Pro-Vice-Chancellor, shall be chairperson of the Senate.

## **8. Convocation**

There shall be no quorum for meetings of the Convocation, the proceedings of which shall be regulated by the chairperson, subject to any general or special directions of the Institute Board.

## **9. Schools or faculties**

The Institute shall include such schools or faculties as may from time to time be established by the Institute Board.

## **10. Deans**

- (1) There shall be a dean of each school or faculty, who shall be appointed by the Institute in such manner as may be prescribed by ordinance.
- (2) A dean shall hold office for five years or such other period as may be prescribed by ordinance and shall be eligible for re-appointment.
- (3) There shall be a deputy dean of each school or faculty, who will act in the absence of the dean and be appointed by the Institute in such manner as may be prescribed by ordinance.
- (4) A dean shall preside at meetings of the board of the school or faculty of which he or she is the dean, and shall have such other functions as may be prescribed by ordinance.

## **11. Composition of school or faculty boards**

For each school or faculty there shall be a school or faculty board which shall consist of—

- (a) all the full-time members of the academic staff of the school or faculty; and
- (b) such persons as may be assigned to the school or faculty board by the Senate; and
- (c) two students elected annually by the students in the school or faculty.

## **12. Functions of school or faculty boards**

A school or faculty board shall have the following functions—

- (a) to regulate, subject to the approval of the Senate, the teaching and study of the subjects assigned to the school or faculty;
- (b) to report to the Senate on any matter specifically relating to the work of the school or faculty;
- (c) to deal with any matter referred or delegated to it by the Senate;
- (d) to appoint committees, which may include a minority of persons who are not members of the school or faculty board, to carry out any of the duties or exercise any of the powers of the board.

## **13. Meetings of school or faculty boards**

- (1) The dean of each school or faculty shall call regular meetings of the school or faculty board at which matters relating to the policy of the school or faculty and appointments shall be discussed and recommendations adopted for submission to the appropriate authorities on appointments.
- (2) The Vice-Chancellor and every Pro-Vice-Chancellor shall be entitled to attend any meeting of a school or faculty board or any committee thereof.

#### 14. Research Board

- (1) There shall be a Research Board of the Institute which shall consist of such members of the academic staff and other persons who are actively engaged in research as are prescribed by ordinance.
- (2) The function of the Research Board shall be to—
  - (a) formulate and review the strategic research policy of the Institute;
  - (b) identify appropriate areas of research;
  - (c) co-ordinate the research portfolio of the Institute;
  - (d) undertake such other research-related functions as may be prescribed by ordinance.
- (3) The meetings and procedure of the Research Board shall be prescribed by ordinance.

#### 15. Teaching departments

- (1) The teaching departments and their allocation to schools or faculties shall be prescribed by ordinance.
- (2) A chairperson of department shall be appointed by the Vice-Chancellor, on behalf of the Institute Board, from among the full-time members of the academic staff of the department, after consultation with each member of the academic staff in the department and the dean of the school or faculty to which the department is allocated.
- (3) A chairperson of department shall hold office for a period of three years, or such other period as may be determined by ordinance, and shall be eligible for re-appointment.
- (4) A department may be allocated to two or more schools or faculties.

#### 16. Laboratories, centres and units

The Institute Board, after consultation with the Senate, may establish laboratories and centres and units of learning within or outside the Institute and shall appoint the head of any such laboratory, centre or unit and give directions as to its studies and research and administration.

#### 17. Appointments of Registrar, Financial Director and Librarian

- (1) For the purpose of considering appointments to the offices of Registrar, Financial Director and Librarian there shall be a joint committee of the Institute Board and Senate consisting of—
  - (a) the chairperson of the Institute Board, who shall be the chairperson of the joint committee; and
  - (b) the vice-chairperson of the Institute Board; and
  - (c) the Vice-Chancellor; and
  - (d) every Pro-Vice-Chancellor; and
  - (e) two persons appointed by the Institute Board from among its members who are not members of the Senate; and
  - (f) three persons appointed by the Senate from among its members.
- (2) The joint committee constituted by this Statute shall consider each applicant to a vacancy in the office of Registrar, Financial Director, or Librarian and shall make recommendation thereon to the Institute Board.

## 18. Procedure generally

- (1) Except as otherwise specifically provided by the Act or these Statutes, in the absence of the chairperson or vice-chairperson at a meeting of a board or committee, the members present shall elect from those present a chairperson to preside over that meeting.
- (2) Except as otherwise specifically provided by the Act or these Statutes, the quorum at any meeting of a board or committee shall be as fixed by the person or authority that appointed the board or committee.
- (3) Except as otherwise specifically provided by the Act or these Statutes, each board or committee shall determine and may make rules for the time, place and procedure of its meetings.
- (4) The minutes of a meeting of a board or committee shall be laid on the table at the next following meeting of the body that appointed it.
- (5) At a meeting of board or committee, in the event of an equality of votes on any matter, the person presiding shall have a casting vote in addition to his or her deliberative vote.
- (6) Subsections (3), (4) and (5) shall apply, with such changes as may be necessary, to the Institute Board and Senate, save that minutes of the Institute Board shall be sent to the Chancellor and the Minister and a report of each meeting of the Senate shall be laid on the table at a meeting of the Institute Board.

## 19. Financial procedures

- (1) The Institute Board shall fix the financial year of the Institute.
- (2) The Finance Committee shall submit to the Institute Board, before the beginning of the financial year, draft estimates of income and expenditure, and such estimates, amended as the Institute Board thinks fit, shall be approved by the Institute Board before the beginning of the financial year.
- (3) The Institute Board may revise the estimates during the course of the financial year and give directions for the manner in which amendments of expenditure estimates may be made, which directions may make provision for delegating the powers of revision so long as such delegation does not extend to altering the total estimated expenditure.
- (4) As soon as practicable after the end of the financial year, a balance sheet and income and expenditure account, with supporting schedules, shall be submitted to the auditors.
- (5) The audited accounts, with any comments thereon made by the auditors, shall be submitted to the Institute Board.

## 20. Auditors

- (1) Subject to subsections (2) and (3), the Institute Board shall, before the beginning of each financial year, appoint auditors who are registered as Public Auditors in terms of the Public Accountants Act and Auditors Act [Chapter 27:12]
- (2) No person shall be appointed as an auditor in terms of subsection (1) if he or she, or any of his or her partners or employees holds any other office in the Institute.
- (3) If no appointment of new auditors is made before the beginning of any financial year, the auditors in office shall continue in office.
- (4) An auditor appointed in terms of subsection (1) shall be entitled at all reasonable times to require any officer, employee or agent of the Institute—
  - (a) to produce all accounts and other records relating to the financial affairs of the Institute as may be in the custody of such officer, employee or agent; and

- (b) to provide such information or explanation as, in the opinion of the auditor, is necessary for the purpose of the audit.

## **21. Institute seal**

- (1) There shall be a seal of the Institute, of such design as may be approved by the Institute Board.
- (2) The seal of the Institute shall be kept in the custody of the Registrar and, subject to the directions of the Institute Board, shall be affixed to—
  - (a) certificates, degrees and diplomas conferred by the Institute; and
  - (b) any documents attested by the signature of the Vice-Chancellor and the Registrar.

## **22. Ordinances**

- (1) The Institute Board may, with the approval of the Minister, make ordinances providing for any matter referred to in paragraphs (a) to (r) (3) of section 31 of the Act.
- (2) The Registrar shall publish any ordinance made in terms of subsection (1) in such manner which the Institute Board considers will best make the ordinance known to the persons to whom it applies.

## **23. Arrangements with other universities, affiliated bodies, etc.**

- (1) The Institute Board may make arrangements for membership or affiliation with other organisations with similar objectives and interests.
- (2) The Board may make arrangements with any other university whereby students of the Institute may be registered as students of such other university and so enabled to study for, enter the examinations of and be afforded the degrees of such other university.
- (3) The Institute Board may affiliate to the Institute other institutions or branches or departments thereof and recognise selected members of the staff thereof as teachers of the Institute and admit the members thereof to any of the privileges of the Institute and accept attendances at courses of study in such institutions or branches or departments thereof in place of such part of the attendance at courses of study in the Institute and upon such terms and conditions and subject to such rules as may from time to time be determined by the Institute Board.