

Zambia

## University Act, 1992

### Chapter 136

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1992/26/eng@1996-12-31

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# University Act, 1992

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# Zambia

## University Act, 1992

### Chapter 136

Published

Commenced on 31 July 1992

*[This is the version of this document at 31 December 1996.]*

*[Act No. 26 of 1992]*

**An Act to provide for the establishment, regulation, control and functions of public universities; to provide for the registration and regulation of private universities; to repeal the University of Zambia Act, 1987, and the Copperbelt University Act, 1987; and to provide for matters connected with or incidental to the foregoing.**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the University Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**Bursar**" means the Bursar of a public university, appointed under section twelve;

"**Chancellor**" means the Chancellor of a public university appointed under section seven;

"**Council**" means the council of a public university established under section thirteen;

"**department**" means a teaching or research unit of a public university recognised as a component of a school;

"**Deputy Vice-Chancellor**" means the Deputy Vice-Chancellor of a public university appointed under section nine;

"**Librarian**" means a Librarian of a public university appointed under section eleven;

"**private university**" means any university not maintained or financed by the Government, or a local government authority, out of public funds;

"**proprietor**" means the person or body responsible for the management of a private university;

"**public university**" means any university which is wholly or partly maintained or financed by the Government, or a local government authority, out of public funds;

"**University**" means the University of Zambia or the Copperbelt University; and the word universities shall be construed accordingly;

"**registered university**" means a private university registered in the register of private universities under section forty-one;

"**Registrar**" means the Registrar of a public university appointed under section ten;

"**school**" means an academic unit of a public university in which teaching, study, research and learning are pursued;

"**Senate**" means the Senate of a public university constituted under section twenty-six;

"**Statutes**" means the Statutes of a private university made under section forty-five;

"**Vice-Chancellor**" means the Vice-Chancellor of a public university appointed under section eight.

## **Part II – Public universities**

### **Establishment, functions and principal officers**

#### **3. Public universities**

- (1) Notwithstanding the repeal of the Acts setting up the University of Zambia and the Copperbelt University, and subject to the provisions of section fifty-three the two universities shall continue to exist as separate institutions as if established under this Act and shall be public universities in accordance with this Part.
- (2) The Minister may, by statutory instrument, establish other public universities in accordance with the structure and requirements specified under this Part.

*[Acts No. 19 and 20 of 1987]*

#### **4. Constituent colleges of public university**

- (1) The Minister may, by statutory instrument on the recommendation of the Senate—
  - (a) establish any college as a constituent college of any public university; or
  - (b) declare any existing college or institution of learning as a constituent college or institution of any public university.
- (2) Where the Minister establishes a constituent college or declares any institution to be a constituent college or institution of any public university—
  - (a) the Chancellor shall appoint a principal; and
  - (b) the Council shall appoint the members of the academic and administrative staff and other employees;of such constituent college or institution.
- (3) Where the Minister makes an order under subsection (1), he shall, by the same or a subsequent order, make provision—
  - (a) for the administration of the constituent college or institution including any provision for the representation of such college or institution on the Council or Senate of the public university;
  - (b) for the vesting of any property of the college or institution in the public university;
  - (c) for the transfer of the academic or administrative staff or other employees of the college or institution to the service of the public university; and
  - (d) for the payment of retiring benefits to the academic or administrative staff or employees of the college or institution whose services are not transferred to the public university.
- (4) Where provision is made in an order under this section for the vesting of any property of the college or institution in a public university, the property to which that order relates shall, by virtue of that order and without further assurance, vest in the public university.

## **5. Financial assistance to public university**

- (1) The Government may award grants to any public university out of monies appropriated by Parliament for that purpose.
- (2) A local government authority may provide financial assistance to any public university for the purpose of improving the facilities for the further education in its area.

## **6. Functions of public university**

- (1) The general functions of a public university are—
  - (a) to provide higher education, promote research and advancement of learning; and
  - (b) to disseminate knowledge and to hold out to all persons, without discrimination, the opportunity of acquiring higher education.
- (2) for the purpose of carrying out the functions referred to in subsection (1), it shall be the duty of a public university, so far as its resources permit—
  - (a) to provide facilities appropriate to a university of the highest standing for the pursuit of learning and research and for the acquisition of both liberal and professional education responsive to the needs of Zambia; and
  - (b) to make those facilities available on proper terms to such persons as are equipped to benefit from the use of the facilities.

## **7. Chancellor**

- (1) There shall be a Chancellor for each public university who shall be the titular head of the university.
- (2) The Chancellor shall be appointed by the President on the recommendation of the Minister from among three persons who have distinguished themselves.
- (3) For the purposes of subsection (2) a person shall have distinguished himself if he—
  - (a) has held high academic or constitutional office; or
  - (b) has attained recognition in his profession or office.
- (4) Any person appointed to the office of Chancellor shall hold office for a period of five years.
- (5) The Chancellor shall preside at all ceremonial assemblies of the university and shall, in the name of the university, confer all degrees and other academic titles and distinctions of the university.
- (6) The Chairman of the Council and the Vice-Chancellor shall keep the Chancellor fully informed concerning the general conduct of the affairs of the university and shall furnish the Chancellor with such information as he may request on any particular matter relating to the affairs of the university.
- (7) The Chancellor may, at any time, direct that a visitation of the university be conducted by such persons and for such purposes as may be specified in that direction.
- (8) A report of a visitation shall be submitted to the Chancellor, who shall decide what action, if any, may be taken on the report.

## **8. Vice-Chancellor**

- (1) There shall be a Vice-Chancellor for each public university appointed by the Chancellor, on the advice of the Council, who shall be the academic, financial and administrative head of the university and who shall, when the Chancellor is unable to do so, preside at the ceremonial assemblies of the university and shall in the name of the university, confer all degrees and other academic titles and distinctions of the university.

- (2) Any person appointed to the office of Vice-Chancellor shall hold office for a period of five years but shall be eligible for reappointment:

Provided that a person shall not hold office as Vice-Chancellor for a period of more than ten years.

## **9. Deputy Vice-Chancellor**

- (1) There shall be a Deputy Vice-Chancellor for each public university appointed by the Chancellor, on the advice of the Council, from among the senior members of the academic staff of the university, who shall assist the Vice-Chancellor in his duties and shall act in the place of the Vice-Chancellor when the office of Vice-Chancellor is vacant or the Vice-Chancellor is for any reason absent or otherwise unable to perform his functions.
- (2) A person appointed to hold the office of Deputy Vice Chancellor shall hold office for a period of three years but shall be eligible for reappointment:

Provided that a person shall not hold office as Deputy Vice-Chancellor for a period of more than six years.

## **10. Registrar**

- (1) There shall be a Registrar for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall under the direction of the Vice-Chancellor, be responsible for the general administration of the university, including the administration of its assets.
- (2) The Registrar shall be responsible for the custody of the Seal of the Council and records of the property of the university.

## **11. Librarian**

There shall be a Librarian for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the direction of the Vice-Chancellor, be responsible for the development, control, management and co-ordination of all library services in a university.

## **12. Bursar**

There shall be a Bursar for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall under the direction of the Vice-Chancellor, be responsible for the financial planning and general administration of the finances of the university and shall maintain the accounts in such form and manner as may be determined by the Council.

# **The Council**

## **13. Establishment of Councils of public universities**

- (1) There is hereby established a Council of the University of Zambia and a Council of the Copperbelt University, respectively, which shall be body corporates with perpetual succession and common seals capable of suing and being sued in their corporate names, and with powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may do by law, and as are necessary for, or incidental to, the carrying out of their functions under this Act.
- (2) Any Council established for any other public university under this Act shall be a body corporate with perpetual succession and a common seal capable of suing and of being sued in its corporate name, and with powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may do by law, and as are necessary for, or incidental to, the carrying out of its functions under this Act.



## 14. Functions of Council

- (1) Subject to the other provisions of this Act, a Council shall be responsible for the formulation of the policy of its university and in all cases, not otherwise provided for by this Act, may act in such manner as appears to the Council to be in the best interests of the university.
- (2) Without prejudice to the generality of the foregoing, a Council may—
  - (a) charge fees;
  - (b) engage such academic, administrative and other staff as appears to the Council to be necessary, on such terms and conditions of service (which expression shall include salaries, allowances, other remuneration and disciplinary control) as the Council may determine; and
  - (c) carry on any business or undertaking for the purposes of the university.

## 15. Composition of Council

- (1) A Council shall consist of the following members:
  - (a) the Vice-Chancellor;
  - (b) the Deputy Vice-Chancellor;
  - (c) one member from the local government authority in whose area the public university is located and who shall be nominated by the local government authority and appointed by the Chancellor;
  - (d) two members of the academic staff of the university who shall be members of the Senate and who shall be nominated by the Senate and appointed by the Chancellor;
  - (e) not more than two members who shall be associated with universities or institutions for higher education outside the Republic and who shall be appointed by the Chancellor on the advice of the Vice-Chancellor;
  - (f) two members who shall be associated with other universities or institutions for higher education within the Republic who shall be appointed by the Chancellor on the advice of the Vice-Chancellor;
  - (g) one member who shall be a graduate of the university and who shall be nominated by the graduates of the university, in accordance with such election procedure as the graduates may determine, and appointed by the Chancellor;
  - (h) two persons who shall be students of the university and who shall be nominated by the students of the university, in accordance with such election procedure as the students' union may determine, and appointed by the Chancellor;
  - (i) two persons who shall be members of the non-academic staff of the university and who shall be nominated by the non-academic staff of the university, in accordance with such election procedure as the non-academic staff may determine, and appointed by the Chancellor;
  - (j) three members of the academic staff of the university who shall be elected by the academic staff of the university, in accordance with such procedure as the academic staff may determine, and appointed by the Chancellor;
  - (k) one member nominated by the Confederation of the Chambers of Commerce and Industry and appointed by the Chancellor;
  - (l) Permanent Secretaries in the ministries responsible for finance and education;
  - (m) two members of the National Assembly nominated by the Speaker and appointed by the Chancellor; and

- (n) five members representing trade, industry, commerce and the professions not being employees or students of the university, public servants or Members of Parliament, appointed by the Chancellor after consultation with the Council of the University.
- (2) A Council may exercise its powers notwithstanding any vacancy in its membership.
- (3) There shall be a Chairman and a Vice-Chairman of a Council who shall be elected by the Council from amongst the members of the Council.
- (4) The Chairman and the Vice-Chairman shall hold office for a period of five years but shall be eligible for re-election:  
  
Provided that a person shall not hold office as Chairman or Vice-Chairman for a period of more than ten years.
- (5) Whenever the office of Chairman is vacant or the Chairman is absent for any cause the Vice-Chairman shall discharge the functions of the Chairman; or if both the Chairman and the Vice-Chairman are absent such other member as the Council may elect shall discharge the functions of the Chairman.
- (6) There may be paid by a Council to members of the Council such allowances as the Council may determine.
- (7) The Registrar of the university shall be the Secretary of the Council.

## 16. Tenure of office of member of Council

- (1) Subject to the other provisions of this section, appointed members of a Council, other than the Chairman and the Vice-Chairman, shall hold office for a period of three years but shall be eligible for reappointment.
- (2) The office of a member of a Council shall become vacant—
  - (a) upon his death; or
  - (b) on ceasing to be a representative of the particular office or body by virtue of which he became a member of the Council.
- (3) A member of a Council may at any time resign his office by notice in writing addressed to the Chancellor.

## 17. Procedure

- (1) Subject to the other provisions of this Act, a Council may regulate its own procedure.
- (2) A Council shall meet at such times and at such places as it may determine, for the transaction of its business but not less than three times in each calendar year.  
  
Provided that the Chairman may at any time call a meeting of the Council and shall do so when requested in writing by any seven members of the Council.
- (3) Nine members shall constitute a quorum at any meeting of the Council.
- (4) If the Chairman and Vice-Chairman are for any reason both absent from any meeting of the Council, the members of the Council present may elect one of their number to preside at such meeting.
- (5) Any matter for decision by a Council shall be determined by a majority of the members of the Council present and voting and where there is an equality of votes the person presiding shall have a casting vote in addition to his deliberative vote.

## **18. Management of property**

- (1) All the funds, assets and property, moveable and immoveable, of a public university shall be managed and utilised by the Council in accordance with this Act in such manner and for such purposes as shall promote the best interests of the university.
- (2) A Council may, after prior-approval of the Minister and subject to such conditions, if any, as the Minister may impose charge or dispose of the immoveable property of a university.

## **19. Grants, donations to, and borrowing powers of, Council**

- (1) A Council may receive sums of money by way of grant or donation or in any other way from any source and expend and invest such sums as it may consider expedient.  
  
Provided that the Council shall not be obliged to accept a grant or donation for a particular purpose unless it approves of the purpose and the conditions, if any, attaching thereto.
- (2) A Council may borrow by way of loan or otherwise such sums as it may require for meeting its obligations and discharging its functions under this Act:  
  
Provided that when such borrowing is to be made from sources outside the Republic the consent of the Minister responsible for finance, in consultation with the Minister, shall be obtained.
- (3) A Council may receive any other form of grant or donation from any source.

## **20. Investment of funds**

A Council may, after prior approval of the Minister, invest any of the funds of the university in securities or may place such funds on a deposit at such bank as it may determine.

## **21. Estimates**

- (1) A Council shall, in respect of every financial year, prepare or cause to be prepared estimates of the income and expenditure of the Council and shall furnish to the Government and to such other bodies as the Council may determine, copies of the estimates.
- (2) Estimates shall be approved by the Council before the commencement of the financial year.
- (3) The financial year of Council shall be a period of twelve months ending on the 31st December each year.

## **22. Audit and reports**

- (1) A Council shall keep or cause to be kept books of account of all income and expenditure and proper records in relation to its accounts.
- (2) A Council shall cause to be prepared not later than three months after the end of each financial year-
  - (a) a statement of income and expenditure during the financial year;
  - (b) a statement of assets and liabilities of the university on the last day of financial year;
  - (c) a report on the progress of the university during the financial year;and shall submit such statements and reports to the Government and to such other bodies as the Council may determine.
- (3) The statement referred to in paragraphs (a) and (b) of subsection (2) of this section shall be submitted by the Bursar to, and be audited by, the Auditor-General or an auditor appointed by him, within six months after the end of each financial year, who shall be entitled to have access

to all books of account, vouchers and other financial records of the university and to request such information and explanation thereon as he considers necessary.

- (4) Copies of the report of the Auditor-General shall be furnished to the Minister and such other persons as the Council may determine, and the Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of such reports, lay before the National Assembly, the reports together with the Council's report for that financial year.

## 23. Special committees

- (1) A Council may delegate any of its administrative functions to such special committees or officers as it may appoint.
- (2) Persons who are not members of a Council may be appointed to special committees.
- (3) There may be paid by a Council to members of the special committees such fees and allowances as the Council may determine.

## 24. Miscellaneous administrative provisions

- (1) The seal of a Council shall be such device as may be determined by the Council, and the affixing of the seal shall be authenticated by the signatures of any two members of the Council and the Secretary.
- (2) Any document purporting to be a document executed or issued under seal of the Council, authenticated as aforesaid, shall be received in evidence and shall, unless the contrary is proved, be deemed to be duly executed.
- (3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of a Council by any person generally or specially authorised, in writing, by the Council to do so.
- (4) Notwithstanding anything contained in any other law, no stamp duty, transfer duty or other duty or registration fees shall be payable in respect of any transfer of property to the Council under this Act.
- (5) The validity of any proceedings, act or decision of a Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member by reason that any person not entitled to do so took part in the proceedings.

## 25. Transfer of property to University Council

- (1) For purposes of this section and the Schedule, "the old Council" means the Council of the University established by section fourteen of the University of Zambia Act, 1987, or the Council of the University established by section fourteen of the Copperbelt University Act, 1987, as the case may be.
- (2) All property held by the old Council with respect to the University of Zambia shall vest in the Council established under this Act for that University and shall be held by it for the discharge of its functions.
- (3) All property held by the old Council with respect to the Copperbelt University shall vest in the Council established under this Act for that University and shall be held by it for the discharge of its functions.
- (4) The Schedule shall have effect with respect to, and to all matters arising from, the transfer by this section of the property of the old Councils as designated by subsections (2) and (3) and with respect to the matters mentioned in the First Schedule.

[Act [No. 20 of 1987](#); Act [No. 19 of 1987](#)]

## The Senate

### 26. Constitution of Senate

- (1) There shall be a Senate for each public university which shall consist of the following members:
  - (a) the Vice-Chancellor;
  - (b) the Deputy Vice-Chancellor;
  - (c) the Dean of such schools as may be established within the university;
  - (d) not more than fourteen professors and associate professors of the university who are not members of the Senate by virtue of other provisions of this section and which number shall include at least one professor or associate professor from a school, nominated by the academic staff in accordance with such election procedure as the academic staff may determine;
  - (e) the Librarian;
  - (f) the Directors of the Centres, Institutes, Bureaux or other similar body of the university;
  - (g) the Dean of Students;
  - (h) not more than fourteen members of the non-professorial academic staff of the university, and which number shall include one person from each academic unit, nominated by the academic staff in accordance with such election procedure as they may determine;
  - (i) two students of the university who shall be nominated by the students of the university in accordance with such election procedure as the student union may determine; and
  - (j) four persons appointed by the Vice-Chancellor who shall be persons resident in the Republic and not employed on the academic, administrative or other staff of the university and who are capable of contributing to the academic development and life of the university.
- (2) Subject to the other provisions of this section, appointed and nominated members of the Senate shall hold office for a period of three years but shall be eligible for re-appointment or further nomination.
- (3) The Vice-Chancellor shall be the Chairman of the Senate and shall preside at all meetings of the Senate at which he is present and, in his absence, the Deputy Vice-Chancellor shall preside.
- (4) In the absence of both the Vice-Chancellor and the Deputy Vice-Chancellor from any meeting of the Senate, the members present may elect one of their number to preside.
- (5) The Registrar of the university shall be the Secretary of the Senate.

### 27. Powers and functions of Senate

- (1) Subject to the other provisions of this Act the Senate shall be the supreme academic authority of a public university and shall organise, control and direct the academic work of the university, both in teaching and research, and shall have control and general direction of the standards of education, assessment and research within the university.
- (2) Without prejudice to the generality of subsection (1) the senate shall have and may exercise all or any of the following powers and functions:
  - (a) determine the academic policy of the university and advising the Council on the provision of facilities to carry out that policy;
  - (b) directing and regulating the programmes of instruction and structure of degree, diploma and certificate courses within the university;

- (c) regulating and determining the requirements for the admission of persons to the university and to courses of study in the university and their continuance or discontinuance in such courses;
  - (d) making regulations with regard to all university examinations and standard of proficiency to be attained in such examinations, and appointing examiners;
  - (e) awarding degrees, diplomas, certificates and making other awards of the university;
  - (f) promoting, co-ordinating, and controlling the general direction of research within the university;
  - (g) awarding scholarships and prizes administered by the university;
  - (h) making recommendations to the Council with respect to—
    - (i) the establishment of new Schools, Institutes, Bureaux or similar bodies within the university;
    - (ii) the amalgamation of the existing Schools, Institutes, Bureaux or similar bodies within the university;
    - (iii) the division of any School, Institute, Bureau or similar body within the university into two or more Schools, Institutes, Bureaux or similar bodies; and
    - (iv) the abolishing or alteration of any School, Institute, Bureau or similar body within the university;
  - (i) approving, reviewing, amending, referring back, controlling or disallowing any act of any School, Institute, Bureau or similar body within the university and giving directions to any such School, institute, Bureau or similar body;
  - (j) considering and reporting to the Council on any matter relating to, or connected with, the academic work of the university; and
  - (k) regulating its own procedure and the conduct of its meetings.
- (3) The Senate may deprive any person of any degree, diploma, certificate or other award of the university which has been conferred upon him if, after due inquiry, he is shown to have been guilty of fraudulent or dishonourable conduct in obtaining that award.
  - (4) Any person deprived of any degree, diploma, certificate or other award of a university under subsection (3) may appeal from the decision of the Senate to the Council, and from the decision of the Council to the Chancellor.
  - (5) The Senate may delegate to any School, Board of Studies, or Committee, as the Senate may appoint, such of its powers and functions as shall seem to it appropriate or expedient, and may revoke such delegation.

## 28. Meetings of Senate

- (1) The Senate shall meet for the conduct of business at such times and at such places as it may decide or, as the Vice-Chancellor may require, but not less than three times during an academic year.
- (2) The Quorum at a meeting of the Senate shall be one-half of the total number of members of the Senate.

## 29. Boards of Studies

- (1) The Senate shall establish Boards of Studies for the purpose of organising the structure and content of courses of instruction and study in the respective disciplines and the co-ordination of

studies within such Schools, Institutes or Bureaux or similar body as may be established within the university.

- (2) A Board of Studies established under subsection (1) shall be composed of such members and such numbers of the academic staff and students of each School, Institute, Bureau or similar body and other qualified persons as the Senate may decide.
- (3) The Dean of a School or the Director of an Institute or Bureau or similar body, as the case may be, of a university shall be the Chairman of the Body of Studies for that School, Institute, Bureau or similar body.

### 30. Deans of Schools and Directors

- (1) Deans of Schools and Directors of Institutes, Bureaux or similar bodies shall be elected, from among senior members of the academic staff of the Schools, Institutes, Bureaux or similar bodies concerned, by their academic staff in accordance with such election procedure as they may determine:

Provided that in the case of a School, Institute or Bureau or similar body in the process of being established the Vice-Chancellor shall appoint the Dean or Director to hold office for a period of one year but at the expiration of that period the academic staff shall hold elections as provided under this section.

- (2) Subject to subsections (1) and (3) the tenure of office of a Dean of a School or Director of an Institute, Bureau or similar body shall be for the period of four years but not more than six years, but he shall be eligible for re-election.
- (3) The appropriate Board of Studies may, by a two-thirds majority vote of all the members of the Board of Studies, remove from the office a Dean of School or a Director of an Institute, Bureau or a similar body.
- (4) A Dean of School or Director of an Institute, Bureau or similar body shall exercise general superintendence over the academic and administrative affairs of a School, Institute, Bureau or similar bodies and, in particular, shall be responsible for the promotion and maintenance of efficient teaching and research.

### 31. Heads of Departments

The Vice-Chancellor shall, in consultation with the Dean of the School or Director of an Institute, Bureau or similar bodies concerned, appoint Heads of Departments from among the senior academic members within each Department.

## Staff and students

### 32. Staff of public university

There shall be three main categories of staff of a public university designated as "academic staff", "administrative staff", and "other staff".

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

- (2) The "academic staff" shall consist of—
  - (a) the Vice-Chancellor;
  - (b) the Deputy Vice-Chancellor;
  - (c) the Deans of Schools;
  - (d) the Directors of Institutes, Bureaux or similar bodies;

- (e) all the members of staff appointed on full-time basis for teaching and research;
  - (f) the Librarian and other library staff designated, by the Council, as academic members of staff; and
  - (g) such other persons as the Council may designate.
- (3) The "administrative staff" shall consist of those persons employed by a university, other than the academic staff, who hold administrative, professional or technical posts designated by the Council as senior posts.
- (4) The "other staff" shall consist of those persons employed by a university who are neither members of the academic staff nor of the administrative staff.

### **33. Discipline and removal of staff from office**

- (1) If a Council is satisfied that the Vice-Chancellor or the Deputy Vice-Chancellor should be removed from office on grounds of misconduct or of inability to perform the functions of his office, the Council may remove the Vice-Chancellor or the Deputy Vice-Chancellor after obtaining confirmation from the Chancellor.
- (2) If the Vice-Chancellor, Dean of Schools, Directors of Institutes, Bureaux or similar body or the Registrar has reasonable grounds for believing that a member of the academic staff, other than the Vice-Chancellor or the Deputy Vice-Chancellor, should be removed from his office or employment on grounds of misconduct or for failure to perform the functions of his office or employment he shall—
- (a) give notice of those grounds to the member in question;
  - (b) suspend the member in question from office or employment pending investigations;
  - (c) refer the matter to the University Staff Tribunal; and
  - (d) make arrangements for the member in question to be afforded an opportunity of appearing before, and being heard by, the University Staff Tribunal with respect to the matter.

### **34. University Staff Tribunal**

- (1) There shall be established in each public university a University Staff Tribunal to investigate, consider and decide on, disciplinary cases referred to it under section thirty-three.
- (2) The University Staff Tribunal shall consist of the following members:
- (a) a person who is, or is qualified to be, a High Court Judge, as a Chairman, appointed by the Chancellor on the advice of the Council;
  - (b) two persons appointed by the Chairman of the Council from the senior members of the academic staff of the university, on the recommendation of the Senate;
  - (c) one person appointed by the Chairman of the Council on the recommendation of the Vice-Chancellor; and
  - (d) one person nominated by the academic staff of the university.
- (3) The University Staff Tribunal may request any senior member of staff of a department to assist it in the assessment of any particular case.
- (4) A decision of the University Staff Tribunal shall be binding on the Council.



### **35. Rules by the Minister**

The Minister shall, by statutory instrument, prescribe the procedure to be followed by the University Staff Tribunal in the determination of disciplinary cases.

### **36. Discipline of other staff**

The application of disciplinary measures to members of the administrative and other university staff shall be in accordance with their conditions and terms of service as laid down.

### **37. Dean of Students**

- (1) Subject to the procedure stipulated in subsection (2), there shall be a Dean of Students in each public university who shall be appointed by the Vice-Chancellor, on the recommendation of the Senate, from among the academic staff of the university.
- (2) For the purposes of appointing a Dean of Students—
  - (a) the academic members of staff of a university shall nominate for election by the Senate five persons from among the academic staff of the university in accordance with such procedure as they may determine; and
  - (b) the Senate shall, in accordance with such procedure as it may determine, elect one person, from the five nominees submitted to it under paragraph (a), for recommendation to the Vice-Chancellor for appointment as Dean of Students.

- (3) The Dean of Students shall hold office for a period of three years but shall be eligible for re-appointment:

Provided that a person shall not hold office as Dean of Students for a period of more than six years.

### **38. Discipline of students**

- (1) The Vice-Chancellor shall have power to exercise disciplinary control over students of a public university and impose such penalties as he may consider necessary and may consult any committee appointed from among the members of the university.
- (2) The powers of the Vice-Chancellor under section (1) in regard to misconduct committed in Schools, Institutes, Bureau or similar body, Departments, the Library, and Halls of Residence and the imposition of any penalty shall be exercised on his behalf by the Deans of Schools, Directors, Heads of Departments, the Librarian and the Dean of Students respectively:

Provided that in the case of exclusion from study or use of facilities, rustication, or expulsion of a student, a student may appeal to the Vice-Chancellor.

- (3) Subject to any disciplinary procedures prescribed in any regulations to be made under this Act, any appeal against penalty under subsection (2) shall be lodged in writing with the Vice-Chancellor within fourteen days of the imposition of the penalty but the penalty shall remain effective while the appeal is pending.

### **39. Students Union**

There shall be a Students Union in each public university:

Provided that where a university has more than one campus not located in the same area, there shall be Students Union in each campus.

#### 40. Salaries and Conditions of Service Committee

- (1) There shall be a Salaries and Conditions of Service Committee which shall consist of—
  - (a) one representative from the Ministry responsible for finance appointed by the Minister responsible for finance;
  - (b) one representative from the Ministry responsible for education, appointed by the Minister;
  - (c) one member of the Council, elected by the Council;
  - (d) one person elected by the academic staff;
  - (e) one person elected by the administrative staff;
  - (f) one person elected by the other staff; and
  - (g) one Member of Parliament appointed by the Speaker of the National Assembly.
- (2) The Salaries and Conditions of Service Committee shall review the salaries and Conditions of service for all public university staff annually.
- (3) The Salaries and Conditions of Service Committee shall, on completion of the review referred to in subsection (2), refer its recommendations to Council for adoption.
- (4) The Salaries and Conditions of Service Committee shall regulate its own procedure and the conduct of its meetings.
- (5) An agreement on salaries and conditions of service shall be concluded by a Council with the appropriate union or association.

### Part III – Private universities

#### 41. Application and registration

- (1) Any person or body of persons desirous of establishing a private university shall make an application for the registration of a university to the Minister in accordance with this Part.
- (2) An application for the registration of a private university shall state the schools and courses to be provided by the university and such other particulars as may be prescribed, by statutory instrument.
- (3) If, the Minister is satisfied that—
  - (a) the university is necessary to meet the educational requirements of the country;
  - (b) the premises of the university, including any hostel or other buildings used or to be used in connection with the instruction or accommodation of persons attending the university, are or will be suitable for the purpose;
  - (c) adequate financial provision has been or will be made for the maintenance of the university;
  - (d) the proprietor of the university is a fit and proper person or body of persons;
  - (e) suitable instruction will be provided at the university in accordance with a course of study approved by the Minister;
  - (f) the teaching staff employed or to be employed at the university will be sufficiently qualified for the purpose; and

- (g) proper compliance will be made with the provisions of this Act applicable to a private university;

the Minister shall cause such private university to be registered in the register of private universities and shall issue the proprietor with a certificate of registration.

- (4) If the Minister is not satisfied as to any of the matters referred to in subsection (3), the Minister shall notify the proprietor of the university in writing that—
  - (a) the application is rejected and giving reasons for such rejection; or
  - (b) the Minister proposes to grant the application after the proprietor has, within such period as the Minister may specify, complied, to the satisfaction of the Minister, with any matter referred to in subsection (3) as the Minister may specify.
- (5) If the proprietor of a private university, who is notified under paragraph (b) of subsection (4) that the Minister proposes to grant his application for registration subject to compliance with any matter specified in the notice, fails to comply within the period specified by the Minister, the Minister shall reject the application and shall notify the proprietor in writing accordingly.

#### **42. Register**

- (1) The Minister shall cause to be kept and maintained the register of private universities which shall contain such particulars as may be prescribed.
- (2) The register shall be open to public inspection at all reasonable times.

#### **43. Cancellation of registration of private university**

- (1) Where a registered university—
  - (a) ceases to comply with any of the provisions specified under section forty-one;
  - (b) is being managed in a manner detrimental to the interests of peace, order or good government or to the physical, mental or moral welfare of the persons receiving instruction at the university; or
  - (c) has remained closed for a consecutive period of six months or more;the Minister shall notify the proprietor in writing—
  - (i) that the registration of the university shall be cancelled from such date as the Minister may specify; or
  - (ii) that the Minister proposes to cancel the registration of the university unless, within a period fixed by the Minister, the proprietor complies, to the satisfaction of the Minister, with such requirement regarding any matter referred to in this subsection as the Minister may specify.
- (2) If the proprietor of a registered university on whom a notice under subsection (1) has been served fails within the period fixed by the Minister, to comply to the satisfaction of the Minister with the requirement specified by the Minister, the Minister shall cancel the registration of the private university and notify the proprietor in writing accordingly.

#### **44. No refusal on grounds of discrimination**

A person shall not be refused admission to any private university on the grounds of discrimination.

#### **45. Statutes**

- (1) Each private university shall issue statutes to govern its administration.
- (2) A private university may amend or vary its statutes.

- (3) Copies of statutes issued under this section shall be lodged with the Minister within sixty days of issue.

#### **46. Power to confer degrees, etc.**

A private university shall have power to—

- (a) confer such degrees as may be specified in its statutes;
- (b) award diplomas and certificates and such other academic distinctions as may be specified in its statutes; and
- (c) provide such lectures and instructions for persons not students of the university as the university may determine, and to grant certificates to such persons.

#### **47. Power to confer Honorary Degrees**

A private university may grant Honorary Degrees in accordance with its statutes.

#### **48. Examiners**

All examinations held by a private university shall be conducted in such manner as the statutes and any rules made thereunder may prescribe:

Provided that for degree examinations for the final year and such other examinations for any other degree, as the Minister may from time to time recommend, at least one external examiner shall be appointed for each subject or group of subjects forming part of a course of studies required.

#### **49. Appointment of statutory manager**

- (1) Notwithstanding any other provisions of this Act, where a private university is closed by an order by the Minister, the Minister may, in the national interest after giving the proprietor an opportunity of being heard, direct that the university be reopened under the management and control of a fit person (in this section referred to as the "statutory manager").
- (2) A statutory manager shall be appointed by the Minister for such period and upon such terms and conditions as the Minister thinks fit.
- (3) The statutory manager shall, during his term of appointment, keep the Minister informed on all matters relating to the private university under his management and control.
- (4) Any expenses connected with the appointment of a statutory manager and the management of a private university by the statutory manager shall be a charge on the revenues of the university to which the statutory manager is appointed.

#### **50. Fees**

The proprietor of a private university may charge such fees as may be prescribed in its statutes.

### **Part IV – General provisions**

#### **51. Powers of the Minister**

- (1) The Minister shall convey to a Council of a private university or a proprietor of a private university general or particular Government policies relating to education in Zambia.
- (2) The Council or proprietor shall keep the Minister fully informed on matters of public interest concerning the university and shall furnish the Minister with such information as he may request on any particular matter concerning the university.

## 52. Regulations

The Minister may, on the advise of, or after consultation with, a Council of a private university or a proprietor of a public university, make regulations for the better carrying out of the provisions of this Act.

## 53. Savings

- (1) Nothing in this Act shall affect any right, privilege, obligation or liability acquired, accrued or incurred by the Councils of the University of Zambia and the Copperbelt University, established by the University of Zambia Act, 1987, and the Copperbelt University Act, 1987, with respect to the University of Zambia and Copperbelt University, respectively, prior to the commencement of this Act or render defective any legal proceedings then instituted by or against the Council, with respect to the University of Zambia or the Copperbelt University, and any such legal proceedings may be continued by or against the appropriate Council established under this Act after the commencement of this Act.

*[Act No. 20 of 1987; Act No. 19 of 1987]*

- (2) Nothing in this Act shall affect any resolution, instrument, notice, appointment, act or deed effected or approved by the Senate of the University of Zambia established by the University of Zambia Act, 1987, with respect to the University of Zambia or by the Senate of the Copperbelt University established by the Copperbelt University Act, 1987, with respect to the Copperbelt University.

*[Act No. 19 of 1987; Act No. 19 of 1987]*

- (3) Nothing in this Act shall affect any decision of, or instrument, notice, appointment, act or deed effected by, the Vice-Chancellor or approved by him whether or not on behalf of the Council, Senate or a committee with respect to the University of Zambia established by the University of Zambia Act, 1987, or the Copperbelt University established by the Copperbelt University Act, 1987, prior to the commencement of this Act.

*[Act No. 20 of 1987; Act No. 19 of 1987]*

## Schedule (Section 25)

### Transfer of property

- (1) Every agreement to which the old Council was a party immediately before the commencement of this Act, whether in writing or not and whether or not of such nature that the rights, liabilities and obligations thereunder would be assigned by the old Council, shall, unless its term or subject-matter make it impossible that it should have effect as modified in the manner provided by this paragraph have effect from the commencement, so far as it relates to property transferred by this Act to the appropriate Council, as if—
- (a) the Council has been a part to the agreement; and
  - (b) for any reference, however worded and whether express or implied, to the old Council there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to the appropriate Council.
- (2) Other documents which refer, whether generally or specifically, to the old Council shall be construed in accordance with paragraph (1) so far as applicable.
- (3) Any contract entered into before the date of establishment of the appropriate Council on behalf of the old Council by any person duly authorised in that behalf shall have effect as if the Council had been in existence at the date of the contract and had at all times been a party thereto in the place of such person and on any question whether such person was a duly authorised person the certificate of the Minister shall be conclusive.

- (4) Any deed executed before the date of establishment of the appropriate Council conferring any benefit upon the old Council shall, subject to thi Act, have effect as if the Council had been entitled thereunder to receive such benefits and a reference in any such deed to the old Council shall be deemed to be reference to the Council.
- (5) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by operation of law or this Act, any right, liability or obligation vests in the Council, the Council, and all other persons shall as from the commencement of this Act, have the same rights, powers and remedies and, in particular, the same rights as the taking or resisting of legal proceedings or the making or resisting of legal applications to any authority, for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all time been a right, liability or obligation of the Council.
- (6) Any legal proceedings or applications to any authority pending before the commencement of this Act by or against the old Council and relating to property transferred by this Act to the Council, may be continued on or after that day by or against the appropriate Council.
- (7) Where property transferred hereunder is situated beyond the jurisdiction of this Act, then subject to such formalities as the lex situ shall require and the Council shall comply with, these provisions shall, without further assurance, be proof of such transfer to the Council by the old Council or other owners, as the case may be.