

HARARE INSTITUTE OF TECHNOLOGY ACT

ARRANGEMENT OF SECTIONS

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SCHEDULE: Statutes of the Institute

To establish the Harare Institute of Technology and to provide for matters connected therewith or incidental thereto.

ENACTED by the President and the Parliament of Zimbabwe

Short Title and Date

1. (1) This Act may be cited as the Harare Institute of Technology Act
- (2) Sections two to twenty-nine shall come into operation on a date to be fixed by the President by statutory instrument.
- (3) This section and section thirty shall come into effect on the date of publication of this Act

Interpretation

2. In this Act: -
 - “Academic staff” means all persons employed, whether full-time, permanently or on short-term contracts, by the Institute as professors, lecturers of any class or persons engaged in research;
 - “Administrative staff” means all persons employed by the Institute who are categorized in terms of the Statutes as members of the administrative staff;
 - “Financial Director” means the person holding office as Financial Director of the Institute in terms of Section eighteen;
 - “Chairman of Department” means a person appointed in terms of the Statutes to be Chairman of a Teaching Department or head of a Centre controlled by the Institute;
 - “Chairman of the Institute Board” means the person elected to be Chairman of the Institute Board in terms of section twelve;
 - “Chancellor” means the President of Zimbabwe in his capacity as Chancellor of the Institute in terms of section seven;
 - “Institute Board” means the Institute Board established in terms of section ten;
 - “Vice Chancellor” means the person holding the office of Vice Chancellor in terms of this Act;
 - “Pro-Vice Chancellor ” means a person holding office as Deputy Vice Chancellor in terms of section nine;
 - “Faculty” means a Faculty of the Institute established in terms of the Statutes;
 - “School” means a School established in terms of the Statutes;
 - “Librarian” means the person holding office of Librarian of the Institute in terms of section nineteen;
 - “Library Staff” means all persons employed by the Institute who are categorized in terms of Statutes as members of the Library Staff;
 - “Minister” means the Minister of Higher and Tertiary Education 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 in terms of sub section (2) of Section 31.
 - “Professor” means a professor of the Institute;
 - “Registrar” means the person holding office as Registrar of the Institute in terms of Section seventeen;
 - “Regulations” means regulations made by the Senate under

- section twenty-eight;
- “Senate” means the Senate established in terms of section fourteen;
- “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;
- “Statutes” means the Statutes of the Institute set out in the Schedule as amended from time to time or replaced in terms of section twenty-seven;
- “Students’ Union” means any association of students recognized by the Institute Board as the Students Union;
- “Technical staff” means all persons employed by the Institute who are categorized in terms of the Statutes as members of the technical staff;
- “Institute” means the Harare Institute of Technology constituted in terms of this Act;
- “Workers Committee” means the Committee that represents the interests of the workers as defined in the statutes.

Establishment of the Institute

3. (1) There is hereby constituted an Institute known as the Harare Institute of Technology.
- (2) The Institute shall be a body corporate with perpetual succession and shall be capable of suing and being sued in its corporate name and, subject to this Act, of performing all acts that bodies corporate may by law perform.

Objects and powers of the Institute

4. (1) The objects of the Institute are: -
- a) the advancement of knowledge;
 - b) the development, incubation, transfer and commercialisation of technology;
 - c) development of high level technical manpower;
 - d) the establishment of production centres linked to departments and development of a Science Park;
 - e) the production of technical lecturers;
 - f) to offer education programmes focussing on design, production and maintenance technology with an entrepreneurial and innovative thrust for continued relevance to industry and all other sectors of Zimbabwe’s economy;
 - g) deliver useful, innovative, timely and cost effective research outcomes characterised by excellence;
 - h) the nurturing of intellectual, aesthetic, social, gender sensitivity and moral growth of the students and staff of the Institute,
 - i) the nurturing of the spirit of patriotism.
- (2) For the achievement of its objects, the Institute shall, subject to this Act, have the following powers:-

- a) to provide for research and course of instruction, whether on a full-time or part-time basis, by correspondence or extra-mural 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, moveable 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 thinks 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 sub-section and whether inside or outside Zimbabwe, as may be requisite in order to further its overall objects or any of them.

Membership of the Institute

- 5. The Institute shall consist of: -
 - a) a Chancellor;
 - b) a Vice Chancellor;
 - c) one or more Pro-Vice Chancellors;
 - d) members of the Institute Board;
 - e) members of the Senate;
 - f) academic staff, administrative staff and employees;
 - g) registered students, both full-time and part-time; and
 - h) the Convocation.

Prohibition against discrimination in membership of Institute

- 6. (1) No test of religious or political belief, race, ethnic origin, nationality or gender shall be imposed upon or required of any persons in order to entitle him 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;

Chancellor

- 7. (1) The President of the Republic of Zimbabwe 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.

Vice Chancellor

- 8. (1) The Vice Chancellor shall be appointed by the Chancellor on the recommendations of the Institute Board in consultation with the Minister and shall hold office for such period as is provided in the 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 sub-sections (4) and (5), the Vice Chancellor may: -
- a) suspend from duty any member of staff of the Institute;
 - b) subject to section six, prohibit the admission of a student or person to the Institute;
 - c) prohibit, indefinitely or for such period as he may specify, any student or groups of students from attending any class or classes;
 - d) prohibit any student or group of students or person or group of persons from entering or remaining on such part or parts of the Institute campus as he may specify; indefinitely or for such a period as he may specify;
 - e) expel or suspend, indefinitely or for such a period as he may specify, any student or group of students;
 - f) dissolve or suspend, indefinitely or for such period as he may specify, the Students Union or any of its committees or organs, or prohibit or suspend, indefinitely or for such period as he may specify, any activity or function of the Students' Union or any of its committees or organs;
 - g) 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 subsection (6) of section twenty-seven.
 - (ii) a student, which is recommended by the Student Disciplinary Committee in terms of subsection (6) of section twenty-eight.
- (4) The Vice Chancellor shall not expel a student for misconduct unless the student has been found guilty of that misconduct by the Student Disciplinary Committee in terms of section twenty-eight.
- (5) Any action taken by the Vice Chancellor in terms of sub-section (3) shall be subject to ratification by the Institute Board.

Pro-Vice Chancellor

9. (1) One or more Pro-Vice Chancellors may be appointed by the Institute Board in consultation with the Minister in accordance with the Statutes.
- (2) A Pro-Vice Chancellor shall assist the Vice Chancellor in the performance of his 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 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 himself exercising that function.

Institute Board

10. (1) 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, Vice Chancellor and Pro-Vice Chancellor (s), who shall be ex-officio members;
 - b) nine persons appointed by the Minister;
 - c) three persons who are of the academic staff appointed by the Senate, other than the Vice Chancellor and Pro-Vice Chancellor ;
 - d) the President of the Students' Union, who shall be an ex-officio member;
 - e) one person who is a distinguished academic appointed by the Institute Board on the recommendations of the Senate;
 - f) one person elected by the non-Senate members of academic staff from among themselves;
 - g) one person elected by the administrative staff from among themselves;
 - h) one person elected by the workers' committee of the Institute;
 - i) one woman appointed by the Minister to represent women's interest;
 - j) one person appointed by the Minister from a list of names submitted by a recognized labour organisation or, if that organisation ceases to exist, by such other organisation as the Minister to whom the administration of the Labour Relations Act, 1985 (No 16 of 1985) has been assigned, recognizes as its successor for the purpose of this paragraph;
 - k) one person appointed by the Minister from a list of names submitted by such organisation representing teachers and additionally, or alternatively, lecturers, as the Minister recognizes for the purpose of this paragraph;
 - l) four persons appointed by the Minister from a list of names submitted by recognised commerce/industry organizations representing Commerce and Industry or, if those organisations cease to exist, by such organisation after consultation with the Minister responsible for industry and commerce recognizes as its successor for the purpose of this paragraph;
 - m) Two persons appointed by the Minister from a list of names submitted by the Institute Board of the Zimbabwe Institution of Engineers established in terms of the Zimbabwe Institution of Engineers (Private) Act [Chapter 226] or, if that organisation ceases to exist, by such other organisation as the Minister after consultation with the

Minister responsible for public construction recognizes as its successor for the purpose 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 Minister responsible for agriculture, recognizes for the purposes of this paragraph;
 - o) one person appointed by the Minister from a list of names submitted by such organization representing Science and Technology Research organisations;
 - p) one person appointed by the Minister from a list of names submitted by a recognised body representing Small and Medium Enterprise organisations; and
 - q) one person appointed by the Minister from the Information and Communication Technology industry.
- (2) If any person, organisation or authority fails or declines to appoint or elect any person in terms of paragraph (c) to (q) of sub-section (1) within a reasonable time after being called upon to do so, the Institute Board may appoint any person to fill the vacancy.

Functions of Institute Board 11. (1) Subject to this Act and the Statutes, the Institute Board shall: -

- a) Appoint:
With the approval of the Minister, the Pro-Vice Chancellor (s), the Registrar, the Financial Director, the Librarian, Directors of Units/Centres, 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 committees as may be prescribed in the Statutes;
- b) on the recommendation of the Senate, institute professorships and other academic offices and abolish or hold in abeyance any such offices;
- c) receive and if the Institute Board considers it proper to do so, give effect to reports and recommendations from the Senate as authorised or required by this Act or the Statutes to make reports and recommendations;
- d) cause to be prepared annually a statement of expenditure of the Institute during the previous academic year and of the assets and liabilities of the Institute on the last day of such year;
- e) 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;
- f) cause to be prepared annually estimates of income and expenditure for the following financial year;
- g) 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 Institute Board by this Act, the Institute Board shall have the following powers: -
- a) to receive recommendations from the Senate for conferment, withdrawal or restoration of degrees, including honorary degrees, 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 to control its affairs and functions;
 - c) to exercise on behalf of the Institute such of the powers set out in subsection (2) of section four as are not exercisable in terms of the 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.

**Disqualification for
Appointments as
Institute Board Member**

- 12 (1) The Minister shall not appoint a person as a member of the Institute Board and no person shall be qualified as a member of Institute Board who: -
- a) is not a citizen of Zimbabwe or permanently resident in Zimbabwe; or
 - b) 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 creditors which has not been rescinded or set aside; or
 - c) has, within the period of five years immediately preceding the date of his 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
 - d) is a member of Parliament of Zimbabwe; or
 - e) is adjudged by a competent medical authority to be demented.

**Vacation of Office
By Institute Board Members**

- 13 (1) A Member shall vacate office and his office shall become vacant: -
- a) after giving the Minister such period of notice of his intention to resign as may be fixed in his 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 and the Minister may agree; or
 - b) on the date he 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 becomes disqualified in terms of paragraph (a) of section *twelve* to hold office as member; or
- d) if he is absent without the permission of the Institute Board from three consecutive meetings of the Institute Board.

Chairman and Vice-Chairman of Institute Board

14. (1) The Institute Board shall elect a Chairman and a vice-Chairman from amongst 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 Chairman of the Institute Board or, in his absence, the Vice-Chairman shall preside.
- (3) If at any meeting of the Institute Board the Chancellor and the Chairman and Vice-Chairman of the Institute Board are all absent, the members of the Institute Board who are present shall elect a person from amongst their number to preside.

Executive Committee of the Institute Board

15. (1) There shall be a principal committee of the Institute Board to be known as Executive Committee.
The Executive Committee shall consist of: -
- a) the Chairman and Vice-Chairman 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 appointed by the Minister;
 - ii) three shall be appointed by the Senate;
 - iii) two shall be appointed by the Institute Board.
- (3) The Chairman and Vice-Chairman of the Institute Board shall be the Chairman and Vice-Chairman 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;

Senate

16. (1) Subject to this Act, the Academic Authority of the Institute shall be vested in the Senate, which shall consist of: -

- a) the Vice Chancellor, the Pro-Vice Chancellor (s), the Deans, the Full Professors, the Chairmen of Departments and the Librarian, who shall be ex-officio members;
 - b) one member of the permanent teaching staff from each Faculty elected annually by such staff; and
 - c) three students elected annually by the Students' Union:
Provided that such students shall not be entitled to attend deliberations of the Senate on matters which are considered by the Chairman of the Senate to be confidential.
- (2) If the full-time teaching staff or the Students' Union fails or declines to elect a person in terms of paragraph (f) or (d) of Section 10 subsection (1), the Institute Board may appoint a suitably-qualified person to fill the vacancy.

Functions of Senate

17. (1) The Senate shall have the following functions: -
- a) to promote the advancement of knowledge through teaching and research;
 - b) to formulate and carry out the academic policy of the Institute;
 - c) to regulate the programmes, subject 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 withdrawal and restoration of such awards;
 - f) to fix subject to the consultation with any sponsor and subject to the approval of the Institute Board, the terms 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, Departments, Centres or units;
 - j) to recommend to the Institute Board the institution, abolition or holding in abeyance of professorial 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 authorized 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;
 - n) to report on any matter referred to it by the Institute Board;

- o) to do such other acts as the Institute Board may authorize or direct it to do.

Senate Executive Committee

18. (1) There shall be a principal committee of the Senate to be known as the Senate Executive Committee.
- (2) The Senate Executive Committee shall consist of: -
- a) the Vice Chancellor, who shall be the Chairman; and
 - b) every Pro-Vice Chancellor ; and
 - c) four full professors of the Institute, elected annually by the Senate; all the deans of faculties or directors of school and centres;
 - d) the Librarian; and
 - e) two members of the Senate elected annually by the persons referred to in paragraph (a) and (b) of subsection (1) of section *sixteen*.
- (3) The Senate Executive Committee 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 subsection (3) shall not prevent the Senate from itself exercising that function.

Academic Board

19. (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 Chairman;
 - b) every Pro-Vice Chancellor ;
 - c) four full professors of the Institute, elected annually by the Senate;
 - d) all Deans of Schools and Faculties;
 - e) the Librarian; and
 - f) two members of the senate, elected annually by the persons referred in paragraphs (a) and (b) of subsection (1) of section fourteen.
- (3) The Academic Board shall exercise such functions of the senate as the senate, with the approval of 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 subsection (3) shall not prevent the senate from its exercising that function.
- Registrar** 20. (1) There shall be a Registrar 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, in 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 staff whom he/she may authorize to act for him/herself, shall be secretary of the Institute Board and the Senate.
- Financial Director** 21. (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 direction 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 authorizing its investments and expenditure.
- (3) The Financial Director shall perform such additional functions as may be specified in the Statutes.
- Librarian** 22. (1) There shall be a Librarian of the Institute who shall be appointed by the Institute Board in the manner provided by the Statutes.
- (2) Subject to the direction of the Senate and the Vice Chancellor, the Librarian shall be responsible for the administration and safeguarding of the libraries of the Institute.
- Convocation** 23. (1) The Convocation of the Institute shall consist of all Persons whose names appear on the Convocation roll maintained by the Registrar.
- (2) The Vice Chancellor and Pro-Vice Chancellor (s), Lecturers, Deans, Chairmen of Departments, the Registrar, the Librarian and the Financial Director shall be ex officio members of the Convocation.
- (3) All graduates of the Institute and former academic staff 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 seven, the Vice Chancellor or such other person as he may appoint shall be Chairman of meetings of the Convocation.
- (5) Meetings of the Convocation shall be held at such time and places as the Institute Board shall direct.
- (6) The Convocation may deal with any matter relating to the Institute which may be referred to it by the Institute Board.

Terms and Conditions of Service of Staff

24. The terms and conditions of service for each category of staff of employed by the Institute, including the Vice Chancellor and every Pro-Vice Chancellor(s) shall be determined by the Institute Board in terms of this Act, and such terms and conditions shall provide that: -
- a) any person so employed shall be entitled to resign from employment on giving such notice in writing to the Registrar as may be fixed in such terms and conditions;
 - b) any person employed shall, subject to any exception that may be provided retire from 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.

Appointment and Grading of Staff

25. (1) Every appointment to the academic staff shall be made by an Academic Appointment Board consisting of: -
- a) the Vice Chancellor or his/her nominee, who shall be Chairman;
 - b) two members appointed by the Institute Board from amongst those of its members who are not members of staff of the Institute;
 - c) the Chairman of the Department to which the appointments are made;
 - d) one other member, approved by the Vice Chancellor, of the Department to which the appointment is made;
 - e) the Dean of the Faculty/School to which the appointment is made; and
 - f) the Chairman 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, a Pro-Vice Chancellor, 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 and points of entry upon salary scales by members of staff of the Institute.

Promotion of Staff

26. (1) Every promotion of a person to a post or grade within the academic staff shall be effected by an Academic Staff Promotion Committee consisting of: -
- a) the Vice Chancellor or his/her nominee, who shall be Chairman;
 - b) every Pro-Vice Chancellor ;
 - c) four members of the Institute Board who are not members of staff of the Institute, appointed by the Institute Board;
 - d) all Deans of Schools/ Faculties; and
 - e) at least three full professors of the Institute appointed by 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 Promotion Committee appointed by the Institute Board and consisting of: -
- a) a Pro-Vice Chancellor , who shall be Chairman;
 - b) the Registrar;
 - c) the Financial Director;
 - d) the Librarian;
 - e) two members of the Institute Board who are not members of the Institute;
 - f) one representative of each category of the non-academic staff prescribed in the Statutes; and
 - g) one representative of each Faculty.

Staff Disciplinary Committee

27. (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 Chairman;
 - b) a senior member of the academic or administrative staff;
 - c) two members of the academic or administrative staff of similar status to the person charged;
 - d) the Chairman or head of the Department of the person charged; and
 - e) secretary 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 Chairman or person presiding shall have a casting vote in addition to his deliberative vote.

- (4) The functions of the Staff Disciplinary Committee shall be to investigate any breach of a Statutes, regulation or ordinance or other misconduct on the part of any member of the academic or administrative and general staff, and subject to subsection (6), 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 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 and a right to legal representation.
- (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 percent of the 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.

**Student Disciplinary
Committee**

28.

- (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 Chairman;
 - b) the Senior Proctor, who shall be Vice-Chairman;
 - c) four members of the academic staff, one of whom shall be the Chairman of the student's Department; and
 - 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 chairman or person presiding shall have a casting vote in addition to his 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 section (6); to recommend to the Vice Chancellor the

punishment to be imposed on the student if it finds him 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 shall be free to engage at his/her own expense legal services.
- (6) Where the student Disciplinary 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, right or facility other than to follow courses of instruction and present himself for examination.
 - c) The imposition of a fine not exceeding (ten thousand dollars), which fine may be deducted from any allowance 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.

**Finance
Committee**

- 29 (1) Subject to this Act, there shall be a Finance Committee of the Institute Board consisting of: -
 - a) the Chairman of Institute Board, who shall be Chairman;
 - b) the Vice Chancellor;
 - c) every Pro-Vice Chancellor ;
 - d) three persons appointed by the Institute Board from among its members who are not members of the Institute staff;
 - e) two persons appointed by the Senate, from among its members;
 - f) the Financial Director; who shall be secretary of the Finance Committee;
 - g) the Registrar; and
 - h) a representative of the Deans of Schools/Faculties appointed by the Institute Board.

(2) The functions of the Finance Committee shall be as provided in the Statutes.

- (3) Subject to this Act, the Institute shall be administered in accordance with the Statutes.

Service of Process

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

Subject to this Act, the Institute shall be administered in accordance with the Statutes.

Statutes

31. (1) The Institute Board in consultation with the Minister may, by statutory instrument, or ordinances, amend, repeal or replace 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 to be so prescribed for carrying out or giving effect to the provisions of the Act or for the proper administration of the Institute.
- (2) Subject to the 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 categorization of such members of staff;
 - b) the functions of the Pro-Vice Chancellor ;
 - 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 office and conditions of service of the chairman and vice-chairman of the Institute Board;
 - f) the convening of meetings of the Institute Board, the Senate and 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, the convening of meetings of that Board and Committee, the quorum at such meetings and the procedure to be adopted thereat;
 - h) the functions of the Academic Appointments Board, Boards 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 Faculties/Schools, Departments, Centres and Schools;
 - k) the functions of Deans of Faculties/Schools, Chairman of Departments and Heads and Directors 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 ordinance or rules in respect of any matter referred to in paragraph (a) or (p);
- r) fees, charges, levies and deposits payable by students and clients.

Regulations

32. (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 or awards.
- (3) The senate may at any time amend or repeal any regulation.
- (4) Regulations need not be published in the gazette, but the Senate shall publish them in such a manner as the Senate considers will make them known to the persons to whom they apply.

Validity of Boards and Committees' Decisions

33. (1) No decision or act of the Institute Board, Senate, Convocation, 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, Convocation, 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, Convocation, board or committee, as the case may be; if the duly qualified members who took the decision or did or authorized the act constituted a quorum of the membership of the Institute Board, Senate, Convocation, board or committee, as the case may be

SCHEDULE (Section 2 and 27)

STATUTES OF THE INSTITUTE

ARRANGEMENT OF STATUTES

1. Appointment of Vice Chancellor
2. Appointment of Pro-Vice Chancellor (s)
3. Length of appointment of members of Institute Board
4. Casual vacancies in Institute Board
5. Meetings and quorum of Institute Board
6. Resolutions by circulation among members of Institute Board
7. Meetings and quorum of Senate
8. Convocation
9. Faculties/Schools
10. Deans
11. Composition of Faculty/School Board
12. Functions of Faculty/School Boards
13. Meetings of Faculty/School Boards
14. Research Board
15. Teaching Departments
16. Laboratories, Centres and Units
17. Appointment of Registrar, Financial Director and Librarian
18. Procedure generally
19. Financial procedures
20. Auditors
21. Institute seal
22. Ordinances
23. Arrangements with other Institutions of Higher Learning

1. Appointment of Vice Chancellor

- 1.1 For the purpose of considering the appointment to the office of the Vice Chancellor, there shall be a joint committee of the Institute Board and the Senate consisting of: -
- a) the Chairman of the Institute Board, who shall be the Chairman of the joint committee;
 - b) the Vice-Chairman of the Institute Board;
 - c) two persons appointed by the Institute Board from among its members not members of the Senate; and
 - d) three persons appointed by the Senate from among its members.
- 1.2 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, who shall in turn make recommendations for appointment according to section 8 (1).

2. Appointment of the Pro-Vice Chancellor(s)

- 2.1 For the purpose of considering the appointment to the office of the Pro-Vice Chancellor, there shall be a joint committee of the Institute Board and the Senate consisting of; -
- a) the Chairman of the Institute Board, who shall be the Chairman of the joint committee;
 - b) the Vice-Chairman of the Institute Board;
 - c) the Vice Chancellor;
 - d) two persons appointed by the Institute Board from among its members not members of the Senate; and
 - e) three persons appointed by the Senate from among its members.
- 2.2 The joint committee constituted by this Statute shall consider each application for appointment to a vacancy in the office of Pro-Vice Chancellor and shall make recommendations thereon to the Institute Board and Institute Board, after considering the joint committee's recommendations, shall make the appointment in consultation with the Minister.
- 2.3 The Pro-Vice Chancellor shall hold office for five years from the date of appointment and, subject to subsection (2) shall be eligible for re-appointment. The Pro-Vice Chancellor shall hold office for a maximum of two consecutive terms.

3. Length of appointment of members of Institute Board

- 3.1 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 may be, provided that: -
- i) 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;

- ii) 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 date of commencement of the Act.

3.2 Any member of the Institute Board, other than an ex-officio member, may resign his 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 fills was appointed or elected.

5. Meetings and quorum of Institute Board

5.1. The Institute Board shall meet at least four times a year.

5.2. The quorum of the Institute Board shall be one-half of the members holding office at the time of the meeting.

6. Resolution 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. Meeting and quorum of Senate

7.1. The Senate shall meet at least four times a year.

7.2. The quorum of the Senate shall be one-half of the members holding office at the time of the meeting.

7.3. The Vice Chancellor, in his absence, a Pro-Vice Chancellor, shall be Chairman of the Senate.

8. Convocation

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

9. Faculties/Schools

The Institute shall include such Faculties/Schools as may from time to time be established by the Institute Board.

10. Deans

- 10.1 There shall be a Deputy Dean who will act in the absence of the Dean. The Deputy Dean shall be appointed in accordance with the statutes.
- 10.2 There shall be a Dean of each Faculty/School who shall be appointed by the Institute, in such manner as may be prescribed by Ordinance.
- 10.3 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.
- 10.4 A Dean shall preside at meetings of the Faculty/School Board of his/her faculty/school and at meetings called by him/her in terms of these statutes, and shall have such functions as prescribed by Ordinance.

11. Composition of Faculty/School Boards

For each Faculty/School there shall be a Faculty/School Board which shall consist of:

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

12. Functions of Faculty/School Boards

A Faculty/School 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 Faculty/School;
- b) to report to the Senate on any matter specifically relating to the work of the faculty/school;
- 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 members of the Faculty/School Board; and
- e) to carry out any of the duties or exercise any of the powers of the Board.

13. Meeting of Faculty/School Boards

- 13.1 The Dean of each Faculty/School shall call regular meetings of the Faculty/School Board at which matters relating to the policy of the faculty/school and appointments shall be discussed and recommendations adopted for submission to the appropriate authorities on appointments.
- 13.2 The Vice Chancellor and every Pro-Vice Chancellor shall be entitled to attend any meeting of a Faculty/School board or any committee thereof.

14. Research Board

A Research Board will be established composed of active researchers. It shall be tasked with the formulation and ongoing review of the institute's strategic research policy, identification of appropriate research area of activity, identification of impediments to progress and the drawing together of the research portfolio within the institute to provide for leadership. The Board shall elect its own chairman.

15. Teaching Departments

- 15.1 The Teaching Departments and their allocation to Faculties/Schools shall be prescribed by ordinance.
- 15.2 A Chairman 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 faculty/school to which the department is allocated.
- 15.3 A Chairman 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.
- 15.4 A department may serve more than one faculties/schools.

16. Laboratories, Centres and Units

The Institute Board, after consultation with the Senate, may establish Laboratories, Centres and Units of learning within or outside the Institute and shall appoint the head of any such Laboratories, Centres and Units and give directions as to its studies, research and administration.

17. Appointment of Registrar, Financial Director and Librarian

- 17.1 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 the Senate consisting of: -
- a) the Chairman of the Institute Board and the Senate ;
 - b) the Vice-Chairman of the Institute Board;
 - c) the Vice Chancellor;

- d) every Pro-Vice Chancellor;
 - 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.
- 17.2 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 recommendations thereon to the Institute Board.

18. Procedure generally

- 18.1 Except as otherwise specifically provided by the Act or these Statutes, in the absence of the Chairman or Vice-Chairman at a meeting of a board or committee the members present shall elect from those present, a Chairman to preside over that meeting.
- 18.2 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.
- 18.3 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.
- 18.4 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.
- 18.5 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 original vote.
- 18.6 Subsection (3), (4) and (5) shall apply, *mutatis mutandis*, to the Institute Board and the 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

- 19.1 The Institute Board shall fix the financial year of the Institute.
- 19.2 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.
- 19.3 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.
- 19.4 As soon as practicable after the end of financial year, a balance sheet and income and expenditure account with supporting schedules shall be submitted to the Institute Board.

19.5 The audited accounts, with any comments thereon made by auditors, shall be submitted to the Institute Board.

20. Auditors

20.1 Subject to subsections (2) and (3), the Institute Board shall, before the beginning of each financial year, appoint auditors who are registered in terms of the Accounts Act (Chap 215).

20.2. No person shall be appointed as an auditor in terms of subsection (1) if he, or any of his partners or employees, holds any other office in the Institute.

20.3 If no appointment of new auditors is made before the beginning of any financial year, the auditors in office shall continue in office.

20.4 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, it is necessary for the purpose of the audit.

21. Institute seal

21.1 There shall be a seal of the Institute, of such design as may be approved by the Institute Board.

21.2 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 document attested by the signature of the Vice Chancellor and the Registrar.

22. Ordinances

22.1 The Institute Board may, with the approval of the Minister, make ordinances providing for any matter referred to in paragraphs (a) to (r) of subsection (2) of section 31 of the Act.

22.2 The Registrar shall publish any ordinance made in terms of subsection (1) in such manner as the Institute Board may direct, being a manner which the Institute Board considers will best make the ordinance known to the persons whom it applies.

23. Arrangements with other Institutions of Higher Learning

23.1 The Institute Board may make arrangements with any other Institution of Higher Learning whereby students of the Institute may be registered as students of such other

institution and so enable to study for, enter the examination of and be afforded the degrees of such other institution.

- 23.2 The Institute Board may affiliate to the Institute other institutions or branches or departments thereof and recognize 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 attendance 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.

