



MULUNGUSHI UNIVERSITY

STATUTES, 2016

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PREFACE

For better appreciation, the Mulungushi University Statutes are presented in their historical, national policy and legal contexts.

1. *History*

Mulungushi University's main campus is located in Kapiri Mposhi about 26 kilometres north of Kabwe town, on the Great North Road in the Central Province of the Republic of Zambia. The University campus sits on the banks of the Mulungushi River, at a historic site known as The Mulungushi Rock of Authority. The site was named in recognition of its being the place where the United National Independence Party (UNIP), the political party that led the country to independence, held its first conference in 1960. Following Zambia's independence in 1964, the site continued to be a venue for conferences held by UNIP and subsequently other political parties that came into power.¹

For administrative convenience, the University is closer to Kabwe town, which is the provincial capital of the Central Province and lies mid-way between the country's capital city, Lusaka, and the provincial capital of the Copperbelt, Ndola. Kabwe town has an estimated population of 203,000 people², made up of a mix of civil servants, private sector employees, micro/small/ medium entrepreneurs and farmers.

Lead and zinc mining were the mainstay of the town's economy but the industry declined, and was followed in the 1990s by a nation-wide down-turn of the mining industry and the Zambian economy as a whole. The economy has been slowly recovering and the province has great potential for agricultural development. Moreover, Kabwe town is the home of educational, military and civic training institutions, making it a potential host town for education and skills development activities.

The forerunner to Mulungushi University was President's Citizenship College, established in 1972. The college provided leadership training to civil servants, employees of parastatal bodies, and the labour movement. The College was transformed into the National College for Management and Development Studies with an expanded portfolio of regular academic programmes including human resource management, business studies and social work at certificate and diploma

¹Source: "Setting the record straight: Mulungushi Rock of Authority is in Kapiri", by Chambo Ng'uni, Daily Mail, 16th March 2015

² Most of the historical and background content is sourced from the Mulungushi University Research Policy, 2014; CSO 2010 on statistical data.

levels. The college was legally dissolved by statutory effect on 31st December 2007³ and its assets were transferred to the Mulungushi University. Mulungushi University currently has two campuses, the Great North Road campus at the Mulungushi Rock of Authority site, being the main campus, and the Kabwe Town campus.

Mulungushi University was the third public University to be established in the country, after the University of Zambia and the Copperbelt University. The institution was founded as a multi-level curriculum university to meet the high and increasing demand for tertiary education and skills development in Zambia. This was an important step towards the realization of Zambia's goals as reflected in its Vision 2030, which aims to make Zambia a medium income country by the year 2030. Government's vision for Mulungushi University is that it is a public university that charges economic fees and aims at being a financially self-sustaining centre of excellence in academic and research programmes. Therefore, the University is modeled to be a public university with a private sector business character.

2. Legal status

The University was chartered (established) by Statutory Instrument No. 105 of 2007 - The Mulungushi University (Establishment) Regulations, 2007 - under the now repealed University Act No. 11 of 1999. It legally came into operation on 1st January 2008. Statutory Instrument No. 105 of 2007 also established the Mulungushi University Council as "a body corporate with power, subject to other provisions of the Act, to do all such things as a body corporate may by law do or perform and are necessary for, or incidental to, the carrying out of its functions under the Act" (Regulation 6).

Like the other two public Universities, Mulungushi University was, by operation of law, continued under the Higher Education Act No. 4 of 2013⁴, which repealed the University Act of 1999 and designated universities and certain colleges as "higher education institutions". According to section 14 (2) of the 2013 Act, public universities are in themselves bodies corporate, as opposed to their Councils as was

³The National College for Management and Development Studies (Repeal) Act, No. 18 of 2005; The National College for Management and Development Studies (Repeal) Act (Commencement) Order, S.I. 80 of 2007; and The National College for Management and Development Studies (Dissolution of Council) Order, S.I. No. 104 of 2007.

⁴Section 15 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Zambia states in part that, "Where any Act ... is repealed, any statutory instrument issued under or made in virtue thereof shall remain in force, so far as it is not inconsistent with the repealing written law, until it has been repealed by a statutory instrument issued or made under the provisions of such repealing written law, and shall be deemed for all purposes to have been made thereunder." This means that the Mulungushi University (Establishment) Regulations (S.I. 105 of 2007) continued in force upon commencement of the Higher Education Act, No. 4 of 2013 to the extent consistent with the Act.

previously the case under the 1999 Act. Section 14 (2) of the Higher Education Act states that, “A public higher education institution established or declared under subsection (1) shall be a body corporate with perpetual succession capable of suing and being sued in its corporate name and, subject to its statutes and this Act, of performing all acts and things that a body corporate may, by law do or perform.”

Whereas the University Act of 1999 only required private universities to adopt statutes⁵, section 29 of the Higher Education Act requires every higher education institution to adopt statutes to govern its administration. Section 2 of the Act defines “statutes” as the “rules governing a higher education institution”. Section 24 of the Act requires every higher education institution to establish a council to be responsible, in general, for the governance, control and administration of the higher education institution. Further, section 53 of the Higher Education Act (which is transitional provision) required a Council of a higher education institution existing under the repealed Act, which was the case with Mulungushi University Council, to comply with the provisions of the Act within a period of one year from the commencement date of the Act. The commencement date of the Act, in line with the Higher Education Act (Commencement) Order 2013, S.I. No. 72 of 2013, was 9th August, 2013.

The statutory requirement for all higher education institutions to adopt statutes is a reflection of the country’s national policy aimed at enforcing quality education and corporate governance standards in higher education institutions. The Act requires the Higher Education Authority, which is the regulator, to among other things design and recommend an institutional quality assurance system for higher education institutions, and recommend to the Minister institutional quality assurance standards for the preparation and amendment of statutes⁶.

For Mulungushi University, the statutes are not only a statutory requirement; but the realisation of the University’s vision of excellence in academic, research and related pursuits called for the codification of relevant statutory provisions, national and institutional policies, and regulations (which were previously fragmented) into a form that is comprehensible and more easily accessible.

3. *Vision and Mission of the University*

The vision and mission of Mulungushi University are guided by national policies on higher education and the University’s policies. The thrust of higher education national policies is reflected in the Higher Education Act, No. 4 of 2013. The Act stipulates the functions of a higher education institution and these include: providing higher education; creating conditions for learners to acquire qualifications

⁵See section 42.

⁶ See section 6 (1) (i) (ii).

and pursue excellence and promote the full realization of the potential of learners; creating conditions for lifelong learning; strengthening the effect of academic learning and scientific research so as to enhance social and economic development; conducting research necessary and responsive to national needs; providing facilities appropriate for the pursuit of learning and research and for the acquisition of higher education that is responsive to the country's needs; and contributing to the advancement of all forms of knowledge and scholarship in keeping with international standards of academic quality.

4. *Structure of Statutes and Appendices*

Although interrelated, the statutes are organized in such a way that each statute stands on its own, as opposed to chapters of one statute, and in some instances schedules have been incorporated and form part of the statutes. Key policies and regulations have been appended to the statutes purely for comprehensiveness and easy accessibility; but they are not part of the statutes.

5. *The Process of developing the Statutes and commencement date*

The Mulungushi University Statutes were developed by the University in the year 2015 through a process that was facilitated by a law firm, Mesdames C.C. Mwansa and Associates, under a consultancy. The consultancy team, comprising two lawyers, namely; Mrs Eness Chishala Chiyenge and Ms Chilufya Mbalashi, drafted the statutes.

The process of developing the statutes entailed extensive consultations among the University's stakeholders and with the consultants. Key resource materials were reviewed. These included national policies such as the Revised Sixth National Development Plan 2013 - 2016, Vision 2030, and The Quality Assurance System for Higher Education in Zambia; national legislation, notably the Higher Education Act No. 4 of 2013, Statutory Instrument No. 105 of 2007 (The Mulungushi University (Establishment) Regulations, 2007) and Statutory Instrument No 5 of 2011 (The Mulungushi University (Staff Tribunal) Rules, 2011). The Higher Education Act, Mulungushi University policies and the existing regulations largely guided the content of the statutes.

Comparable legislation of other jurisdictions and statutes of other universities played a role in the conceptualisation of the Mulungushi University Statutes. These included the (United Kingdom) Education Act of 1994, which was especially resourceful on students' union organisation and activities. Statutes of other universities that were reviewed were, notably: The Statute of the Copperbelt University 2015 (Zambia); Kisii University Statutes, 2013 (Kenya); Maseno University Statutes, 2013 (Kenya); Statutes of the University of Oxford, 2012-13 (UK); and University of Georgia Statutes (USA).

The Mulungushi University Statutes will come into effect on 1st April, 2016, following their adoption by Council and lodgment with the Higher Education Authority in line with section 29 of the Higher Education Act.



Mr Costain Chiala (Chairperson)

STATUTE I
PRELIMINARY

Short title and commencement

1. These statutes shall be cited as the Mulungushi University Statutes, 2016 and shall come into operation on the 2016.

Name, location, legal status and powers of Mulungushi University

2. The name of the university is Mulungushi University.
3. Mulungushi University has its main office at its Great North Road Campus in Kapiri Mposhi District of Central Province of the Republic of Zambia.
4. Mulungushi University was established as a public university by Regulation 3 (1) of Statutory Instrument 105 of 2007, The Mulungushi University (Establishment) Regulations, 2007 made under the now repealed University Act No 11 of 1999, while Regulation 6 (1) established the Mulungushi University Council as a body corporate.
5. (1) Mulungushi University was, by operation of law, continued under the Higher Education Act No. 4 of 2013⁷, which repealed the University Act of 1999 and designated universities and certain colleges as higher education institutions.

(2) Pursuant to section 14 (2) of the Higher Education Act, the University is a body corporate with perpetual succession capable of suing and being sued in its corporate name and, subject to its statutes and the Act, of performing all acts and things that a body corporate may, by law do or perform.

Seal of Mulungushi University

6. (1) As provided by Regulation 6 (1) of the Mulungushi University (Establishment) Regulations, Statutory Instrument 105 of 2007, the University has a common seal.

⁷The Mulungushi University (establishment) Regulations, S.I. No. 105 of 2007 was continued to the extent consistent with the Higher Education Act. This is by virtue of section 15 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Zambia states in part, "Where any Act ... is repealed, any statutory instrument issued under or made in virtue thereof shall remain in force, so far as it is not inconsistent with the repealing written law, until it has been repealed by a statutory instrument issued or made under the provisions of such repealing written law, and shall be deemed for all purposes to have been made thereunder."

(2) The seal of the University shall be such devise as may be determined by the Council and shall be kept by the Vice-Chancellor.

(3) The seal of the University shall be affixed to an instrument only on the authority of a resolution of the Council and in the presence of at least two Council members, designated for such a purpose, who shall sign every instrument to which the seal is affixed in their presence.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the University by the Vice-Chancellor or any other member of the Council generally or specifically authorised by the Council.

(5) Any document purporting to be a document under the seal of the University or issued on behalf of the University shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Interpretation

7. (1) In the Mulungushi University statutes and regulations, unless the context otherwise requires, definitions provided in the interpretation provisions (section 2) of the Higher Education Act No. 4 of 2013 have been followed or shall apply, where appropriate; accordingly the following words and expressions shall have the meanings attributed thereto:

“academic staff” means the staff specified as academic staff in section 2 (3) (a) of Statute II;

“academics union” means The Copperbelt University Academics Union – Mulungushi University Branch (CBUAU);

“accreditation” means the evaluation and recognition of academic programmes to ensure that they meet the necessary quality requirements;

“aided higher education institution” means a college, other than a public college, established or maintained by any person, organisation or community with assistance from the Ministry;

“affiliated institution” means a college or higher education institution affiliated to Mulungushi University under section *thirty-seven* of the Act;

“Authority” means the Higher Education Authority established under section *four* of the Act;

“bargaining unit” means the representatives of management of the University and the trade union, representing unionized employees in the University, engaged in collective bargaining;

“Bursar” means a person appointed Bursar under paragraph 11 of the Third Schedule to the Act;

“Chancellor” means the person appointed Chancellor under paragraph 3 of the Third Schedule to the Act;

“Centre” means a body of Mulungushi University as provided for in section 1 and specified in, or established pursuant to, section 2 of Statute VI, concerned with providing teaching, research and outreach programmes directly and/or by way of support services;

“collective agreement” means an agreement negotiated by a bargaining unit in which the terms and conditions affecting the employment and remuneration of unionised employees are laid down;

“constituent college” means a college or institution established or declared, by statutory order, as a constituent college or institution of Mulungushi University under section *thirty-eight* of the Act;

“Council” means the Council of Mulungushi University;

“course of study” means the structure for academic qualification and the subjects of study in the course;

“Dean of a school” means the person appointed Dean of a school under paragraph 24 of the Third Schedule to the Act;

“Dean of Students” means the person appointed Dean of Students under paragraph 12 of the Third Schedule to the Act;

“department” means a teaching or research unit of Mulungushi University recognized as a component of a school, directorate, institute, centre, or similar body;

“Deputy Vice-Chancellor” means the person appointed Deputy Vice-Chancellor under paragraph 6 of the Third Schedule to the Act;

“Director” means the person appointed Director of a directorate, an institute, centre, or similar body of Mulungushi University under paragraph 24 of the Third Schedule to the Act;

“Directorate” means an academic and/or administrative body of Mulungushi University as provided for in section 1 and specified in, or established pursuant to, section 2 of Statute VI, which coordinates specific

activities such as research, postgraduate studies, quality assurance, performance management and innovations;

“education institution” has the meaning assigned to it in the Education Act, 2011;

“Framework” means the National Qualifications Framework provided for under the Zambia Qualifications Authority Act, 2011;

“higher education” means tertiary education leading to the qualification of a diploma, Bachelor’s Degree, Master’s Degree or Doctorate Degree;

“higher education institution” means an institution that provides higher education on a full-time, part-time or distance learning basis;

“institute” means an academic body equivalent to a school, as provided for in section 1 and specified in, or established pursuant to, section 2 of Statute VI, pursuing a specialised area or areas of study;

“institutional audit” means a quality assurance tool which involves evaluation of institutions, policies, systems, strategies and resources for quality management of the core functions of teaching, learning, research and public service using set audit criteria;

“learner” means a person who is enrolled and receiving knowledge, skill or competence at Mulungushi University or other higher education institution, as appropriate;

“learning programme” means a process by which learners acquire knowledge, skill and competence, or a course of study or instruction, apprenticeship, training and employment;

“Librarian” means the person appointed Librarian under paragraph 10 of the Third Schedule to the Act;

“lifelong learning” means lifelong activities undertaken by learners to continue their education, improve the acquired qualification or requalify;

“Ministry” means the Ministry responsible for higher education;

“principal officer” means the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Bursar, Librarian or Dean of Students and “principal officers” shall be accordingly construed;

“public funds” has the meaning assigned to it in the Public Finance Act, 2004;

“public higher education institution” means a higher education institution which is owned by the Government or a local authority and is financed out of public funds;

“qualification” means the formal recognition of a learner’s achievement of the required number and range of credits or other requirements at a specified level of the Framework;

“quality assurance” means providing tangible evidence to demonstrate compliance with standards of relevant education which are accepted and recognized by employers and other educational institutions nationally and internationally;

“quality promotion” means encouragement of the development and maintenance of quality standards in Mulungushi University;

“Recognition Agreement” means an agreement entered into between the University as employer and a trade union, in terms of provisions of sections 64 and 65 of the Industrial and Labour relations Act, Chapter. 269 of the Laws of Zambia:

(a) whereby the University recognises the trade union as representative of, and bargaining agent for, eligible employees represented by the union so recognised for the purpose of regulating relations between the University as employer and the trade union;

(b) providing for rules relating to grievances and bargaining procedures;

(c) providing for the methods, procedures and rules under which the agreement may be reviewed, amended, replaced or terminated;

“Registrar” means the person appointed Registrar under paragraph 9 of the Third Schedule to the Act;

“regulations” refer to the University regulations, rules, codes of conduct or practice or similar instruments currently in force or made under Mulungushi University statutes by a person or body authorised to do so; and the said regulations shall be appended to the statutes as Appendix II, but are not part of the statutes;

“relative” in relation to a person means-

(a) a parent, son, daughter, brother, sister, niece, uncle, aunt, grandparent or cousin of that person; and

(b) spouse of that person;

“repealed Act’ means the University Act, 1999;

“School” means an academic body of Mulungushi University provided for in section 1 and specified in, or established pursuant to, section 2 of Statute VI, headed by a Dean in which teaching, learning, study and research in interrelated disciplines are pursued;

“search committee” means a search committee constituted under paragraph 16 of the Third Schedule to the Act;

“Senate” means the Senate of Mulungushi University constituted under section *thirty-five*;

“senior academic staff” means the staff specified as senior academic staff in section 1 (b) of Statute V;

“senior administrative staff” means the staff specified as senior administrative staff in section 1 (c) of Statute V;

“senior management staff” means the staff specified as senior management staff in section 1 (d) of Statute V;

“statutes” refer to these statutes or statutes of Mulungushi University in force at any point in time and includes schedules thereto;

“students’ affairs unit” means a students’ affairs unit established under paragraph 26 of the Third Schedule to the Act;

“students’ union” means an association of students established under paragraph 27 of the Third Schedule to the Act;

“the University” means Mulungushi University;

“trade union”

(a) means any group or organisation of employees registered as a trade union under the Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia whose principal objectives are the representation and promotion of interests of the employees and regulation of relations between employees and employers; and

(b) includes a federation of trade unions;

“Tribunal” means the Staff Tribunal of the University established under paragraph 22 of the Third Schedule to the Act;

“University management” or “management staff” has the meaning assigned thereto in section 1 (a) of Statute V;

“University policies” or “policies of the University” means policies adopted by the Councilor, in the case of academic policies, the Senate, as policies of the University;

“Vice-Chancellor” means the person appointed Vice-Chancellor under paragraph 5 of the Third Schedule to the Act.

- (2) In the interpretation of the statutes and regulations, the following rules shall apply:
 - (a) words in the singular include the plural and words in the plural include the singular; and
 - (b) reference to an Act of Parliament refers also to any statutory amendment, re-enactment or replacement thereof.
- (3) The statutes and regulations shall be interpreted in conformity and not in conflict with the Higher Education Act, other written laws, national policies, and policies and functions of the University.
- (4) Any dispute over the interpretation or application of any provision of the statutes or any regulation made thereunder shall be settled in accordance with provisions of Statute XII.

Functions of the University (section 12 (1) of Higher Education Act)

8. The functions of the University, as prescribed by section 12 (1) of the Higher Education Act, include:
 - (a) providing higher education;
 - (b) creating conditions for learners to acquire qualifications and pursue excellence and promote the full realisation of the potential of learners;
 - (c) creating conditions for lifelong learning; strengthening the effect of academic learning and scientific research so as to enhance social and economic development;
 - (d) conducting research necessary and responsive to national needs;
 - (e) providing facilities appropriate for the pursuit of learning and research and for the acquisition of higher education that is responsive to the country's needs;

- (f) providing optimal opportunities for learning and the creation of knowledge; and
- (g) contributing to the advancement of all forms of knowledge and scholarship in keeping with international standards of academic quality

*Motto, Vision, Mission and Core Values*⁸

9. (1) The motto of the University is “*Pursuing the frontiers of knowledge*”.
- (2) The vision of the University is “*To be the leading innovative, relevant and reputable university of excellence in Africa and globally*”.
- (3) The Mission of the University is “*To Provide High Quality Academic Programmes, Research and Consultancy Services Through Stakeholder Engagement*”.
- (4) The core values of the University are “**RARE**”, which stands for:
 - (a) **Responsible** behaviour as managers, employees and students towards one another and all stakeholders, not at the expense of others but in mind of the future state of the institution, nation and the continent at large;
 - (b) **Accountable** and **transparent** to each other and other stakeholders, taking ownership of decisions and avoiding the blame game and scape-goating and making excuses for toxic behavior; instead we will own up to the consequences of choices and decisions we have made;
 - (c) **Relevant and Uphold Academic Freedom** engagement in a value-adding way towards one another and all stakeholders, being of service to the community, and promote freedom of thought and expression;
 - (d) **Ethical** behaviour that advocates integrity, tolerance, honesty, openness, trust and mutual respect.

Approval of Statutes and Regulations

10. The statutes and regulations of the University are subject to approval by Council of the University, except as may be otherwise provided in the Higher Education Act or in the statutes in respect of regulations made by a body or person authorised to do so.

⁸ Source: Mulungushi University Strategic Plan, 2014 - 2018

STATUTE II
ORGANISATION STRUCTURE

Institutional structures, administration and management (section 12 (3) (d) of Higher Education Act)

1. The institutional structures for the administration and management of the University are:
 - (a) the Council;
 - (b) the Senate;
 - (c) the University Management;
 - (d) school boards (including boards for directorates, institutes, centres or similar bodies);
 - (e) departments and/or service units of schools, directorates, institutes, centres or similar bodies; and
 - (f) such other bodies as the Council may designate.

Office bearers and staff

2. (1) Mulungushi University has the following office bearers:
 - (a) the Chancellor;
 - (b) the Vice Chancellor;
 - (c) the Deputy Vice Chancellor;
 - (d) the Registrar;
 - (e) the Librarian;
 - (f) the Bursar;
 - (g) Chief Internal Auditor;
 - (h) the Dean of Students;
 - (i) the Deans of Schools;

- (j) the Directors of directorates, institutes, centres, or similar bodies;
 - (k) the heads of departments; and
 - (l) such other officers as Council may designate.
- (2) Principal Officers of the University comprise the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Bursar, Librarian and Dean of Students.
- (3) There are three categories of staff, as specified by paragraph 1 of the Third Schedule to the Higher Education Act, namely:
- (a) Academic staff consisting of:
 - (i) the Vice Chancellor;
 - (ii) the Deputy Vice Chancellor;
 - (iii) the Deans of Schools;
 - (iv) the Directors of directorates, institutes, centres and similar bodies;
 - (v) All members of staff engaged in teaching and research;
 - (vi) the Librarian; and
 - (vii) such other staff as the Council may designate.
 - (b) Administrative staff, consisting of non-academic staff who hold administrative, professional or technical posts designated by the Council as senior posts.
 - (c) Other staff consisting of staff who are not members of the academic or the administrative staff.

Management organisation structure

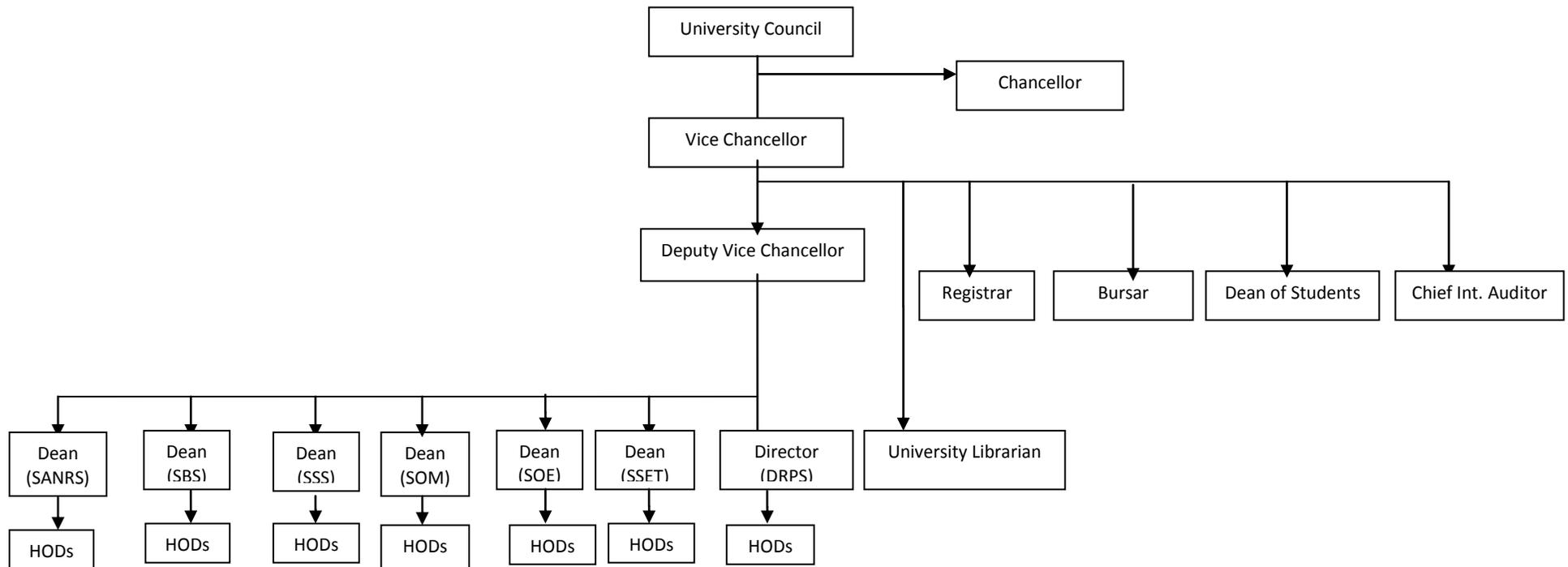
3. (1) The management organisation structure of the University is reflected in the chart in the Schedule to this Statute, and is subject to change from time to time.
- (2) The University management is provided for in detail in Statute V. *Students of the University*

4. Students of the University fall into the following categories:
 - (a) full time students;
 - (b) part-time students;
 - (c) distance learning students; and
 - (d) any such other category as the Senate may designate.

SCHEDULE TO STATUTE II

(Section 3)

**MULUNGUSHI UNIVERSITY MANAGEMENT
ORGANISATION CHART**



STATUTE III

THE COUNCIL

Powers, functions and composition (Sections 24 (2), 25 of the Higher Education Act, and paragraphs 1 – 7 of Second Schedule to the Act)

1. (1) The University Council shall be responsible for the governance, control and administration of Mulungushi University, and shall, at all times, act in the best interest of the University.

(2) Without prejudice to the generality of subsection (1), the Council may-

(a) receive, on behalf of the University or a constituent college or affiliated institution of the University, gifts, donations, bequests, grants or other money and make disbursements therefrom to the University, constituent college or affiliated institution:

Provided that the Council shall:

(i) for the purpose of this paragraph, make regulations relating to receipt and disbursement of gifts, donations, bequests, grants or other money received on its behalf and on behalf the other specified institutions and disbursements thereof;

(ii) prior to any such receipt, take reasonable measures to ascertain that these are not proceeds of crime; and

(iii) cause to be accessible to the public information on such receipts and disbursements, their details and audited financial statements thereof, and such information and financial statements should contain, in particular, a list of the sources of the University's receipts and recipients of disbursements therefrom in the period to which the report relates;

(b) provide for the welfare of staff and students, in accordance with provisions of the Higher Education Act, the statutes and regulations of the University;

(c) determine the salaries and other conditions of service of the staff, in accordance with provisions of the Higher Education Act, other written laws, the statutes and regulations of the University;

- (d) appoint and suspend, dismiss or otherwise discipline staff in accordance with provisions of the Higher Education Act, other written laws, the statutes and regulations of the University;
- (e) regulate and determine all matters concerning the University in accordance with the statutes or regulations adopted in that behalf by the Council or other authorised body or officer of the University;
- (f) administer funds placed at the disposal of the University for specific purposes, in accordance with provisions of the Higher Education Act, the Public Finance Act No. 15 of 2004, Public Audit Act, other written laws, the statutes and regulations of the University, prevailing international accounting standards, and any agreements as may relate to grants or donations;
- (g) determine the form of coat of arms for the University;
- (h) take into account and if the Council considers it proper to do so, give effect to or approve reports or recommendations from the Senate which the Senate is authorised or required by the Higher Education Act or the statutes or the University regulations to make;
- (i) implement the decisions of the Senate on those matters upon which Senate has authority under the Higher Education Act or the statutes or the University regulations to make;
- (j) upon recommendation by the Senate, determine the terms and conditions on which examiners shall be appointed by the Senate and the remuneration to be paid to the examiners;
- (k) determine, after consultation with the Senate, the academic dress and insignia of the Chancellor, officers and graduates of the University;
- (l) call for, receive and consider reports from the Vice-Chancellor on the operations of the University;
- (m) enter into, vary, carry out or rescind contracts on behalf of the University, in accordance with provisions of the Public Procurement Act No. 12 of 2008 and regulations made thereunder, Citizens Economic Empowerment Act No. 9 of 2006, Public-Private Partnerships Act No. 14 of 2009, any other written law, the statutes and regulations of the University;

- (n) establish administrative or service sections or units of the University as it considers necessary;
 - (o) make regulations not inconsistent with the statutes, or University policies and may authorize any other body or person to make regulations not inconsistent with the statutes, or University policies, or with regulations made by the Council, dealing with such matters as the Council shall think fit to delegate;
 - (p) cause an institutional audit of the University to be conducted at least every five years to comprehensively evaluate the performance of the University;
 - (q) cause an independent performance evaluation of the Council to be conducted yearly; and
 - (r) do any other things which are necessary or conducive to the performance of its functions under the Higher Education Act.
- (3) Regulations made under subsection (2) (o) may:
- (a) be designed to give detailed effect to the statutes; or
 - (b) provide for any matter not provided for in the statutes.
- (4) The Council shall adopt a Council Charter reflecting Council functions and principles of good corporate governance to which the Council shall adhere.

Composition (Paragraph 1 of the Second Schedule to the Higher Education Act)

2. (1) The Council shall consist of the following part-time members, appointed by the Minister-
- (a) the Vice-Chancellor, who shall be an ex-officio member;
 - (b) the Deputy Vice-Chancellor who shall be an ex-officio member;
 - (c) one member of staff of a local authority in whose area the University is located, who shall be nominated by the local authority;
 - (d) two members of the academic staff of the University who are members of Senate, who shall be nominated by the Senate;

- (e) one member who is associated with higher education institutions outside the Republic;
- (f) one member who is associated with other higher education institutions within the Republic;
- (g) one member who is a student of the University, who shall be nominated by the students of the University in accordance with such election procedure as the students' union may determine
- (h) one person who is a member of the non-academic staff of the University, 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;
- (i) one member of the academic staff of the University, elected by the academic staff of the University in accordance with such election procedure as the academic staff may determine;
- (j) one member who is a graduate of the University and who is not a member of staff of the University;
- (k) three members representing trade, commerce and the professions, not being employees or students of the university, public officers or members of Parliament, who shall be nominated by a recognized business or professional association or organization in accordance with such procedure as the business or professional association may determine;
- (l) one member of the National Assembly nominated by the Speaker; and
- (m) one representative each from the ministries responsible for higher education and finance.

(2) In the event that the Minister requests the University Council to nominate a person to be appointed a member under paragraphs (e) or (j) of subsection (1), the Council shall:

- (a) in the case of subparagraph (e), nominate a person associated with higher education institutions outside the Republic who the Council shall deem fit to be a member; and
- (b) in the case of subparagraph (j), nominate a person elected for the purpose by the Alumni Association of the University.

- (3) The Council may exercise its powers notwithstanding any vacancy in its membership.
- (4) The members of the Council shall elect the Chairperson and Vice-Chairperson of the Council from among themselves.
- (5) The Chairperson and the Vice-Chairperson shall hold office for a period of three years and shall be eligible for re-election for a further period of three years.
- (6) The Registrar of the University shall be the Secretary of the Council.

Tenure of office and vacancy

3. (1) A member of a Council shall hold office for a period of three years but shall be eligible for re-appointment for a further period of three years.
 - (2) Notwithstanding subsection (1), the office of a member of the Council becomes vacant-
 - (a) upon the member's death;
 - (b) upon the member ceasing to be a representative of the office or body by virtue of which the person became a member;
 - (c) if the member is absent, without reasonable excuse, from three consecutive meetings of the Council of which the member had notice, without the prior approval of the Council;
 - (d) if the member has a mental disability which makes the member incapable of performing the functions of a member;
 - (e) if the member is adjudged bankrupt;
 - (f) if the member is removed by the Minister;
 - (g) if the member is convicted of an offence and sentenced to imprisonment for a period exceeding six months without the option of a fine; or
 - (h) at the expiry of the period for which the member was appointed or re-appointed.
 - (3) A member of the Council may, at any time, resign from office by giving one month's notice, in writing, to the Minister.

(4) Where the office of a member of the Council becomes vacant before the expiry of the term of office, the Minister may appoint another person as a member and that person shall hold office only for the unexpired period.

(5) Where the Chairperson or Vice-Chairperson resigns from office under subsection (3), the members of the Council shall elect a Chairperson or Vice-Chairperson under subsection (4) of section 2.

Proceedings of Council (Paragraphs 3, 11 (2) and (3), and 12 (1) and (2) of the Second Schedule to the Higher Education Act)

4. (1) The Council may regulate its own procedures.

(2) The Council shall meet for the transaction of its business at least once in every three months (quarterly) at such places and times as the Chairperson may determine, and the quarterly meetings shall consider among main agenda items the Vice Chancellor's report on the performance of the University, and quarterly management accounts.

(3) Upon giving notice of not less than twenty-one days, a meeting of the Council may be called by the Chairperson and shall be called if not less than one third of the members so request in writing, except that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Without prejudice to provisions of subsections (2) and (3), the Council shall meet-

(a) within sixty days of the close of the financial year, to consider a report concerning the activities of the University during the financial year, including financial statements in terms of paragraphs 11 (2) and (3) of the Second Schedule to the Act, prior to their submission to the Minister; and

(b) within five months of the expiry of the financial year to consider the annual report, which report shall include:

(i) annual report on activities and performance of the University during the financial year the annual report relates to;

(ii) audited financial statements; and

(iii) such other information as the Minister may require.

(5) The quorum at any meeting of the Council shall be eleven members, four members of whom shall be members appointed from outside the University.

(6) There shall preside at a meeting of the Council-

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson; or

(c) in the absence of the Chairperson and Vice-Chairperson, such member as the members present may elect from amongst themselves for the purpose of the meeting.

(7) A decision of the Council on any question shall be by a simple majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.

(8) Except for the Council members representing ministries, a member shall not nominate another person to attend a Council meeting in that member's stead.

(9) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(10) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(11) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

Committees of Council (Paragraph 4 of the Second Schedule to the Higher Education Act)

5. (1) The Council may, for the purpose of performing its functions under the Higher Education Act and the statutes, constitute a committee and may delegate to the committee such of its functions as it thinks fit and shall, whenever it constitutes such a committee, lay down its composition and principal terms of reference, powers, and duties.

(2) Without prejudice to the generality of the Council's power to constitute any committee, the Council shall have the following main standing committees and shall lay down their composition and principal terms of reference, powers, and duties:

(a) Executive and Finance Committee;

(b) Infrastructure Development Committee;

(c) Appointments/Promotions Committee;

(d) Audit and Risk Committee; and

(e) Procurement Committee.

- (3) The Council may appoint as members of a committee constituted under subsections (1) and (2), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine, except that at least half of the members of a committee shall be members of the Council.
- (4) A committee shall be chaired by a member of the Council.
- (5) The quorum at any meeting of a committee shall be one-half of the members.

Disclosure of interest

6. (1) If a person is present at a meeting of the Council or any committee of the Council at which any matter in which that person or that person's relative is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable after the commencement of the meeting, disclose such interest, and shall not take part in any consideration or discussion of or any vote on any question relating to that matter.
- (2) Disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.
- (3) A person who contravenes subsection (1) (which is a restatement of paragraph 5 (1) of the Second Schedule to the Higher Education Act) commits an offence and shall be liable to disciplinary action and, upon conviction, to the penalty prescribed by section *fifty* of the Act (liability, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding two years or to both)

Prohibition of publication or disclosure of information to unauthorised persons

7. (1) A person shall not, without the consent in writing given by, or on behalf of, the Council, publish or disclose to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties under the Higher Education Act or the statutes or regulations.
- (2) A person who contravenes subsection (1) (which is a restatement of paragraph 6 (1) Second Schedule to the Higher Education Act) commits an offence and shall be liable to disciplinary action and, upon conviction, to the penalty prescribed by paragraph 6 (2) of the Second Schedule to the Education Act (liability, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding two years or to both).

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other person, commits an offence and shall be liable to disciplinary action and, upon conviction, to the penalty prescribed by paragraph 6 (3) of the Second Schedule to the Act (liability, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding two years or to both).

Oath of Secrecy

8. (1) Every person appointed a member of the Council shall take and subscribe, before a Commissioner for Oaths, an oath of secrecy as prescribed by Council regulation.

(2) A person to whom this section applies who, having complied with the provisions of subsection (1), does or omits to do any act in contravention of the oath commits an offence and shall be liable to disciplinary action and to such penalty as shall be prescribed by Council.

STATUTE IV

THE SENATE

Powers, functions and composition (Sections 6 (1) (i) (i), 35, 36 and 37 (c) of Higher Education Act)

1. The Senate shall be the supreme academic authority of the University.

2. (1) The Senate shall organize, 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-

(a) determine the academic policy of the university and advise the Council on the provision of facilities to carry out the policy;

(b) develop, institute and implement a quality assurance system for the University compliant with the quality assurance regulatory standards designed by the Higher Education Authority and approved by the Minister in line with section 6 (1) (i) of the Higher Education Act;

(c) be responsible for quality promotion;

(d) direct and determine the programme of instruction and structure of degree courses within the University;

(e) regulate and determine the requirements for the admission of persons to the University and to courses of study in the University and their continuance in such courses;

(f) regulate all the University's examinations and the standard of proficiency to be attained in such examinations;

(g) appoint examiners, on such terms, conditions and remuneration as the Council shall determine, upon the Senate's recommendations;

(h) award degrees and make other awards and distinctions of the University, except that honorary degrees shall be awarded on the recommendation of an honorary degree committee established by the Senate;

(i) award scholarships and prizes administered by the University;

- (j) constitute professorial chairs, readerships and other academic offices and abolish or suspend any such office;
- (k) make recommendations to the Council with respect to-
 - (i) the establishment of new schools, directorates, institutes, centres, or similar bodies within the University;
 - (ii) the amalgamation of any of the existing schools, institutes, or similar bodies within the University;
 - (iii) the division of any school, institute, centre or similar body within the University into two or more schools, institutes, or similar bodies;
 - (iv) the abolition or alteration of any school, institute, or similar body; and
 - (v) the establishment and administration of scholarships, trust funds or foundations or similar bodies;
- (l) approve, review, amend, refer back, control or disallow any act relating to, the academic affairs of any school, directorate, institute, centre, or similar body within the University or give direction to any school, directorate, institute, centre, or similar body;
- (m) make academic budgets which shall be approved by the Council;
- (n) upon recommendation of the relevant school, directorate, institute, centre, or other similar body, approve the entrance requirements, the syllabi and academic regulations of affiliated institutions in those areas of study for which the University provides certification;
- (o) moderate examination papers and examination scripts of affiliated institutions in the areas of study for which the University provides certification; and
- (p) regulate its own procedure and the conduct of its meetings.

3. The Senate may, for the purpose of performing its functions under the Higher Education Act and the statutes, constitute a committee and may delegate to the committee such of its functions as it thinks fit and shall, whenever it

constitutes such a committee, lay down its composition and principal terms of reference, powers, and duties.

4. (1) The Senate may deprive a person of any degree or other award of the University which has been conferred upon such person if, after due inquiry, the person is shown to have engaged in fraudulent or dishonourable conduct in obtaining that award.

(2) A person aggrieved with a decision of the Senate under subsection (3) of section 36 of the Higher Education Act (or subsection (1) of this section) may, within thirty days of the service of the decision of Senate, appeal to the Council.

(3) A person aggrieved with the decision of the Council under subsection (4) of section 36 of the Higher Education Act (or subsection (2) of this section) may, within thirty days of the service of the decision, appeal to the High Court.
5. The Senate may make rules or regulations relating to various aspects of its functions prescribed by the Higher Education Act, the statutes and University regulations and, without prejudice to the generality of powers of the Senate, the Senate shall make rules or regulations, with respect to the following matters:
 - (a) academic, teaching and research standards;
 - (b) programmes of instruction;
 - (c) structure of degree courses;
 - (d) admission to and continuance in courses;
 - (e) conduct of examinations;
 - (f) honorary degrees;
 - (g) scholarships and trust funds or foundations or similar bodies;
 - (h) professorial chairs, readerships and other academic offices and abolition/ suspension of any such office;
 - (i) criteria for and process of:
 - (i) establishing new schools, directorates, institutes, centres, or similar bodies;

- (ii) amalgamation of any of the existing schools, directorates, institutes, centres, or similar bodies;
 - (iii) the division of any school, directorate, institute, centre, or similar body within the University into two or more schools, directorate, institutes, centre, or similar bodies, as the case may be; and
 - (iv) the abolition or alteration of any school, institute, or similar body;
- (j) procedures for conduct of its meetings;
 - (k) delegation of Senate powers to schools, Boards of Studies or committees;
 - (l) establishment of Boards of Studies, their composition, functions and powers, etc.;
 - (m) eligibility criteria, terms and conditions for affiliation of institutions to the University and termination of such affiliation;
 - (n) entrance requirements, syllabi, academic requirements and qualifications of teaching staff in the relevant areas of study of the affiliated institutions;
 - (o) moderation of examination papers and scripts of the affiliated institutions in the relevant areas of study;
 - (p) joint qualifications and certification;
 - (q) levels of admission of students of affiliated institutions in the University;
 - (r) areas of special relationships between the University and its affiliates.
6. The Senate shall make regular reports to the Council regarding the performance of its functions.

Composition (Paragraph 17 of Third Schedule to the Higher Education Act)

7. (1) The Senate shall consist of –

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) the Deans of Schools;
- (d) not more than fourteen professors and associate professors who are not members of the Senate by virtue of other provisions of this section and which number shall include at least one professor and associate professor from each school elected by academic staff in accordance with such election procedure as the Senate may decide;
- (e) the Librarian;
- (f) the Directors of the centres, institutes, directorates, or other similar bodies of the University;
- (g) the Dean of Students;
- (h) not more than fourteen members of the non-professorial academic staff of the University from each academic unit, elected by the academic staff in accordance with such election procedures as the academic staff may determine.
- (i) two students who shall be elected by the students in accordance with such election procedure as the students' union may determine; and
- (j) not more than four persons appointed by the Vice-Chancellor who are resident in the Republic, are not employed as academic, administrative or other staff of the University and are capable of contributing to the academic development and life of the University.

(2) The Vice-Chancellor shall be the Chairperson of the Senate.

(3) There shall preside at any meeting of the Senate-

- (a) the Vice-Chancellor;
- (b) in the absence of the Vice-Chancellor, the Deputy Vice-Chancellor; or

(c) in the absence of both the Vice-Chancellor and Deputy Vice-Chancellor, such member as the members present may elect from amongst themselves for the purposes of the meeting.

(4) The Registrar of the University shall be the Secretary to the Senate.

Tenure of office (Paragraph 18 of the Third Schedule to the Higher Education Act)

8. (1) Appointed and elected members of the Senate shall hold office for a period of three years from the date of appointment or election but shall be eligible for re-appointment or re-election for a further period of three years.

(2) A member of the Senate shall cease to be a member:

(a) if the member no longer holds the office or no longer represents the body by virtue of which the person became a member; or

(b) if the member is absent, without reasonable excuse, from three consecutive meetings of the Senate of which the member had notice, without the prior approval of the Senate;

Meetings of Senate (Paragraph 19 of the Third Schedule to the Higher Education Act)

9. (1) The Senate shall meet for the conduct of its business at such times and places as the Senate may determine or as the Vice-Chancellor may require, but at least three times during an academic year.

(2) The quorum at any meeting of the Senate shall be one half of the members.

(3) The quorum at any meeting of a committee of the Senate shall be one half of the members of that committee.

Disclosure of interest

10. (1) If a person is present at a meeting of the Senate at which any matter in which that person or that person's relative is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable after the commencement of the meeting, disclose such interest, and shall not take part in any consideration or discussion of or any vote on any question relating to that matter.

(2) Disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.

(3) A person who contravenes subsection (1) commits an offence and shall be liable to disciplinary action and to such penalty as shall be prescribed by Senate regulation

Delegation of powers and functions (Paragraph 20 of the Third Schedule to the Higher Education Act)

11. The Senate may delegate to any board of a school, directorate, institute, centre or similar body such of its powers and functions as it may consider appropriate.

Prohibition of publication or disclosure of information to unauthorized persons

12. (1) A person shall not, without the consent in writing given by, or on behalf of, the Senate publish or disclose to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties prescribed in or under the statutes.

(2) A person who contravenes subsection (1) commits an offence and shall be liable to disciplinary action and to such penalty as shall be prescribed by Senate regulation.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other person, commits an offence and shall be liable to the same disciplinary action and penalty as stipulated in subsection (2).

Oath of Secrecy

13. (1) Every person appointed a member of the Senate shall take and subscribe, before a Commissioner for Oaths, an oath of secrecy as prescribed by Council regulation.

(2) A person to whom this section applies who, having complied with the provisions of subsection (1), does or omits to do any act in contravention of the oath commits an offence and shall be liable to disciplinary action and to such penalty as shall be prescribed by Council.

STATUTE V
UNIVERSITY MANAGEMENT

1. The following terms shall have the meanings assigned thereto:
 - (a) "University management" or "management staff" means senior academic staff specified in paragraph (b), senior administrative staff specified in paragraph (c) and senior management staff specified in paragraph (d) which includes principal officers as specified in paragraph (e);
 - (b) "senior academic staff" means Dean of school, Director of institute, centre, or similar body, and head of department falling thereunder;
 - (c) "senior administrative staff" means all senior administrative, technical and professional staff in Salary Scale ADS/PTS 1 - 6 and such other staff as may be designated by Council;
 - (d) "senior management staff" means the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Librarian, Bursar, Chief Internal Auditor, Dean of Students, Deans of schools, Directors of directorates, institutes, centres, and such other staff as may be designated by the Council; and
 - (e) "Principal officers" means the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Bursar, Librarian and Dean of Students.
2. Collectively, management staff shall be responsible for the day-to-day operations and management of the University and superintend over the development and implementation of the University's strategic and corporate plans.
3. Without prejudice to the generality of section 2, management staff shall specifically be responsible for:
 - (a) formulating, developing and implementing strategic plans and policies on academic, financial and administrative activities of the University;
 - (b) providing effective leadership in management of resources and provision of the facilities appropriate to a university of the highest standing for pursuits of learning, research and for acquisition of

both liberal and professional education which is responsive to the needs of Zambia;

- (c) ensuring that the University recruits and retains sufficient numbers and high caliber of academic, administrative, professional, technical and general staff on such competitive terms and conditions of service as the Council shall determine;
- (d) admitting and retaining sufficient numbers and production of quality graduates that meet industry needs;
- (e) controlling and coordinating operations of functional heads involving academic, administrative, finance, internal audit and external relations;
- (f) ensuring that Senate and Council meetings are held as planned and receive appropriate reports;
- (g) rendering necessary facilitation to the work of the Staff Tribunal;
- (h) instituting and implementing a robust systems for the proper keeping of University books of accounts, other records and information;
- (i) formulating and implementing an effective investment policy for the University assets;
- (j) ensuring timely audit of the University's books of accounts;
- (k) formulating and implementing risk management policy; and
- (l) implementing decisions of the Senate and the Council.

STATUTE VI

SCHOOLS, DIRECTORATES, INSTITUTES AND CENTRES

Establishment and constitution of schools, directorates, institutes and centres (section 12 (3) (d) of Higher Education Act)

1. (1) There shall be schools, directorates, institutes, centres, or other similar bodies of the University as the Council may designate on recommendation of the Senate, and every such body shall consist of departments.
 - (2) Each Department shall be regarded for administrative purposes as being a constituent part of a school, directorate, institute, centre or other similar body.
 - (3) Upon its establishment, a school, directorate, institute, centre, or other similar body, as the case may be, shall make recommendations to the Senate with respect to constitution of its departments.
2. (1) The following are the schools, directorates, institutes and centres of the University:
 - (a) School of Agriculture and Natural Resources;
 - (b) School of Business Studies;
 - (c) School of Education;
 - (d) School of Science, Engineering and Technology;
 - (e) School of Medicine;
 - (f) School of Social Sciences and
 - (g) Directorate of Research and Postgraduate Studies.

(2) The Senate may recommend to the Council the establishment of any other School, Directorate, Institute, Centre, or other similar body as it deems fit.

Establishment, powers, and functions of boards of studies, advisory committees, etc.(paragraph 21 of Third Schedule to Higher Education Act)

3. (1) Each School, Directorate, Institute, Centre, or other similar body shall be governed by a Board of Study.
 - (2) The Senate shall establish boards of studies for the purpose of organizing the structure and content of courses of instruction and study in the respective disciplines and the coordination of studies within such schools, directorates, institutes, centres, or similar bodies as may be established within the University.

- (3) Without prejudice to the generality of subsection (2), functions and powers of boards of studies shall include making recommendations to the Senate pertaining to academic matters concerning the School, Directorate, Institute, Centre, or other similar body, as the case may be, and in particular:
- (a) making recommendations to the Senate concerning:
 - (i) curriculum development and syllabi;
 - (ii) regulations dealing with courses of study; and
 - (ii) academic quality assurance;
 - (b) regulating the conduct of examinations in the relevant disciplines and to making recommendations thereon to the Senate;
 - (c) recommending to the Senate external examiners for appointment and terms and conditions thereof;
 - (d) formulating development plans for the School, Directorate, Institute, Centre, or other similar body, as the case may be; and
 - (e) dealing with any matters referred to it by the Senate.

Composition of boards of studies (paragraph 21 (2) and (3) of Third Schedule to Higher Education Act)

4. (1) A Board of Studies shall be composed of such members of the academic staff and students of each school, directorate, institute, centre, or similar body and other qualified persons as the Senate may decide.
- (2) The Dean of a school or the Director of a directorate, institute, centre, or similar body of the University shall be the Chairperson of the Board of Studies for that body.

Meetings of boards of studies

5. (1) The Board shall meet at least once every semester or term, as applicable.
- (2) The quorum of a Board shall be two thirds of the membership of the Board.
- (3) The Board shall determine its own procedure of meetings:

Provided that the Senate may prescribe standard procedures for Board meetings.

- (4) The Board of Studies of a School, Directorate, Institute, Centre, or other similar body may invite any other person to attend its meetings in an advisory capacity, provided the persons so invited shall not acquire membership of the Board or have voting rights.
- (5) A decision of the Board on any question shall be by a simple majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.

Board of Examiners

6. (1) There shall be a Board of Examiners for each School, Directorate, Institutes, Centre or similar body which shall consist of all Internal and External Examiners appointed by the Senate in accordance with the statutes or regulations.
- (2) The functions of such Board shall be to receive examination results and deliberate thereon, and approve them for forwarding to the University Senate.
- (3) Attendance in meetings of boards of Examiners shall be mandatory for all Internal Examiners.

Disclosure of interest

7. (1) If a person is present at a meeting of a Board of Study or Board of Examiners at which any matter in which that person or that person's relative is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable after the commencement of the meeting, disclose such interest, and shall not take part in any consideration or discussion of or any vote on any question relating to that matter.
- (2) Disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.
- (3) A person who contravenes subsection (1) commits an offence and is liable to disciplinary action and to such penalty as shall be prescribed by Senate regulation.

Prohibition of publication or disclosure of information to unauthorized persons

8. (1) A person shall not, without the consent in writing given by, or on behalf of, the Board of Study or Board of Examiners, as the case may be, publish or disclose

to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties prescribed in or under the statutes.

(2) A person who contravenes subsection (1) commits an offence and is liable to disciplinary action and to such penalty as shall be prescribed by Senate regulation.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable to the same disciplinary action and penalty as stipulated in subsection (2).

Oath of Secrecy

9. (1) Every person appointed a member of Board of Study or Board of Examiners shall take and subscribe, before a Commissioner for Oaths, an oath of secrecy as prescribed by Council regulation.

(2) A person to whom this section applies who, having complied with the provisions of subsection (1), does or omits to do any act in contravention of the oath commits an offence and shall be liable to disciplinary action and to such penalty as shall be prescribed by Council.

STATUTE VII

CHANCELLOR AND STAFF

Chancellor – Appointment, powers and duties (section 28 and paragraphs 2 and 3 (1) of Third Schedule to Higher Education Act)

1. (1) There shall be a Chancellor of the University appointed by the Republican President, on recommendation of the Minister, from among eminent Zambian citizens.

(2) The Chancellor shall be the titular head of the institution.

(3) The Chancellor shall preside at all ceremonial assemblies of the University and shall, in its name, confer all degrees and other academic titles and distinctions of the University.

(4) The Chairperson 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 the Chancellor may request on any particular matter relating to the affairs of the University.

Chancellor – Tenure of office (paragraph 3 (2), (3) and (4) of Third Schedule to Higher Education Act)

2. (1) A person appointed as Chancellor of the University shall hold office for a period of five years and may be re-appointed for a further like period.

(2) A Chancellor of the University may resign upon giving one month's notice, in writing, to the President.

(3) A Chancellor of the University may be removed from office by the President for inability to perform the functions of the office, whether arising from infirmity of body or mind, or for behavior which is incompatible with the office of Chancellor.

Vice-Chancellor – Appointment, powers and duties (paragraphs 5 (1) and (2) (a) of Third Schedule to Higher Education Act)

3. (1) There shall be a Vice-Chancellor of the University appointed by the Minister, on recommendation of the University Council, pursuant to a competitive recruitment process as provided by paragraphs 5 and 6 of the Third Schedule to the Higher Education Act and section 8 of this Statute.

(2) The Vice-Chancellor shall be the academic, financial and administrative head of the University and who shall, where the Chancellor is unable to do

so, preside at the ceremonial assemblies of the University and confer all degrees and other academic titles and distinctions of the University.

- (3) Without prejudice to the generality of subsection (2), the Vice-Chancellor shall exercise such powers and discharge such duties as may be prescribed by or under the statutes.
- (4) Subject to the provisions of the statutes and regulations, the Vice-Chancellor may delegate any of the functions and powers of the office to the Deputy Vice-Chancellor, Registrar, Dean of a School, Director of a directorate, institute, centre, or similar body or to a professor; however, any delegation is subject to withdrawal, and the Vice Chancellor remains responsible for any delegated matters.⁹
- (5) The Council shall conduct an annual performance assessment of the Vice-Chancellor, which shall form part of criterial for recommending performance based salary increment, re-appointment, non-renewal of contract or termination of contract.

Vice-Chancellor – Tenure of office (Paragraph 5 (3) of Third Schedule to Higher Education Act)

4. (1) A person appointed to the office of Vice-Chancellor of the University shall hold office for a period of five years but may be eligible for reappointment for a final term of five years.
 - (2) The terms and conditions of appointment to the office of Vice-Chancellor shall be specified in the letter of appointment.

Deputy Vice-Chancellor – Appointment, powers and duties (paragraph 6 (1), (2) (a), and (3) of Third Schedule to Higher Education Act)

5. (1) There shall be a Deputy Vice-Chancellor of the University appointed by the Minister on recommendation of the University Council, pursuant to a competitive recruitment process as provided by paragraphs 5 and 6 of the Third Schedule to the Higher Education Act and section 8 of this Statute.
 - (2) The Deputy Vice-Chancellor 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 the Vice-Chancellor's functions.

⁹ The provision is for administrative convenience but will not relieve the Vice-Chancellor of the powers and duties of the office.

Deputy Vice-Chancellor – Tenure of office (Paragraph 6 (4) of Third Schedule to Higher Education Act)

6. (1) A person appointed to hold the office of Deputy Vice-Chancellor of the University shall hold office for a period of four years but shall be eligible for reappointment for a final term of four years.
- (2) The terms and conditions of appointment to the office of Deputy Vice-Chancellor shall be specified in the letter of appointment.
- (3) The Council shall conduct an annual performance assessment of the Deputy Vice-Chancellor, which shall form part of criteria for recommending performance based salary increment, re-appointment, non-renewal of contract or termination of contract.

Performance of duties where Vice-Chancellor and Deputy Vice-Chancellor absent from office (paragraph 15 of Third Schedule to Higher Education Act)

7. Where the Vice-Chancellor and the Deputy Vice-Chancellor are absent from office at the same time or are unable for any reason to perform the functions of the Vice-Chancellor or Deputy Vice-Chancellor, the Council may appoint, on such terms and conditions as it may determine, a senior member of the academic staff of the University who is a Dean of a School, Director of an institute or a professor, to perform the functions of Vice-Chancellor or Deputy Vice-Chancellor.

Search committee for the appointment of Vice-Chancellor and Deputy Vice-Chancellor (paragraph 16 of Third Schedule to Higher Education Act)

8. (1) The Council shall, in consultation with the Minister, for the purposes of paragraphs 5 and 6 of the Third Schedule to the Higher Education Act reflected in sections 1 (1) and 3 (1) of this Statute, constitute an *ad hoc* search committee consisting of seven members with experience in the administration, management and academic life of higher education institutions.
- (2) The Council shall appoint a Chairperson and secretary of a search committee.
- (3) The Council shall appoint the members of a search committee on such terms and conditions as it may determine.
- (4) A search committee shall-
 - (a) advertise, locally and internationally, the posts of Vice-Chancellor and Deputy Vice-Chancellor whenever posts fall vacant; and

- (b) select, from among the applicants, the candidate for the post of Vice-Chancellor or Deputy Vice-Chancellor, as the case may be, and submit a recommendation to the Council.
- (5) A search committee shall determine its own procedure.
- (6) There shall be paid to the members of a search committee such allowances as the Council may, in consultation with the Minister, determine.
- (7) The Council shall pay the expenses incurred by a search committee in the performance of its functions.

Discipline and removal of Vice-Chancellor and Deputy Vice-Chancellor (paragraphs 7 and 8 of Third Schedule to Higher Education Act)

- 9. (1) Where the Council has reasonable grounds to believe that the Vice-Chancellor or Deputy Vice-Chancellor should be removed from office on grounds of misconduct or inability to perform the functions of the office, the Council shall, on the advice of an *ad hoc* joint committee constituted under paragraph 8 of the Third Schedule to the Higher Education Act and as reflected in subsection (2) of this section, recommend to the Minister the removal of the Vice-Chancellor or Deputy Vice-Chancellor, as the case may be.
- (2) For the purpose of paragraph 7 (1) of the Third Schedule to the Higher Education Act reflected in subsection (1) of this section, “reasonable grounds” refers to-
 - (a) conviction for a felony or misdemeanor, which the Council shall deem to be such as to render the Vice-Chancellor or Deputy Vice-Chancellor unfit to continue holding the office; or
 - (b) conduct which the Council, in accordance with the terms and conditions of employment and/or the Staff Code of Conduct or Staff Disciplinary Code applicable to the Vice-Chancellor/Deputy Vice-Chancellor, determines as constituting failure or inability of the Vice-Chancellor or Deputy Vice-Chancellor to discharge the duties of the office or to comply with terms and/or conditions of appointment; or
 - (c) conduct of a scandalous or disgraceful nature which, in the opinion of the Council, may bring the University into disrepute.¹⁰

¹⁰The definition of “reasonable grounds” is an adaptation from provisions of the Mulungushi University Contract Terms and Conditions of Service for Senior Administrative, Technical and Professional Staff (1st January, 2014); the Mulungushi University Staff Code of Conduct; and the Mulungushi University Staff Disciplinary Code appearing in the Schedule to this statute, which are applicable to all staff of the University.

(3) The Council shall, where for purposes of paragraph 7 of the Third Schedule to the Higher Education Act reflected in subsection (1) of this section, it becomes necessary to do so, constitute an *ad hoc* joint committee which shall conduct an inquiry into the removal of the Vice-Chancellor or Deputy Vice-Chancellor.

(4) The Chairperson of the Staff Tribunal shall preside over the meetings of the *ad hoc* joint committee.

Registrar (paragraph 9 of Third Schedule to Higher Education Act)

10. (1) There shall be a Registrar for the University appointed by the Council, on such terms and conditions as the Council may determine.

(2) Appointment of a Registrar shall be through a competitive process.

(3) The Registrar's terms and conditions of employment shall be determined in accordance with provisions in or made under the statutes and shall be communicated in writing.

(4) The Registrar shall, under the direction of the Vice-Chancellor, be responsible for the general administration of the University's assets.

(5) The Registrar shall be the Secretary of the Council and the Senate.

(6) Without prejudice to the generality of subsection (4), the Registrar shall:

(a) be the chief advisor to the Vice-Chancellor on strategic direction of the University and shall, under the direction of the Vice-Chancellor, ensure that the University administration is effectively coordinated;

(b) carry out other functions as may be assigned in or under the statutes, or by the Vice-Chancellor.

(7) Duties and functions of the Registrar shall be specified and communicated in writing.

(8) The Vice-Chancellor shall conduct an annual performance assessment of the Registrar, which shall form part of criteria for promotion, performance based salary increment, re-appointment, non-renewal of contract, or termination of employment.

Librarian (paragraph 10 of Third Schedule to Higher Education Act)

11. (1) There shall be a Librarian for the University appointed by the Council, on such terms and conditions as the Council may determine.
- (2) Appointment of a Librarian shall be through a competitive process.
- (3) The Librarian's terms and conditions of employment shall be determined in accordance with provisions in or made under the statutes and shall be communicated in writing.
- (4) The Librarian shall, under the direction of the Vice-Chancellor, be responsible for the development, control, management and coordination of library services in the University.
- (5) Without prejudice to the generality of subsection (4), the Librarian shall:
 - (a) formulate policies and strategic plans for the Library Unit and present them to the relevant authority for consideration;
 - (b) recommend performance based salary increment, appointment/reappointment, promotion, nonrenewal of contract, and take disciplinary action, for staff who belong to the Unit;
 - (c) prepare budgetary estimates and undertakings of the Unit;
 - (d) certify, in consultation with the Registrar's Office, a student's compliance with the graduation requirements pertaining to Library services;
 - (e) be the channel for all official business communication of the Unit;
 - (f) promote and maintain a harmonious working environment in the Unit;
 - (g) undertake, or cause to be undertaken by respective supervisors of staff, annual staff performance assessments in the Unit, as may be prescribed in or under the statutes;
 - (h) submit to the Vice-Chancellor at the end of each academic year an annual report on the activities and performance of the Unit; and

- (i) carry out other duties as may be assigned by the Vice-Chancellor or Deputy Vice-Chancellor.
- (6) Duties and functions of the Librarian shall be specified and communicated in writing.
- (7) The Vice-Chancellor shall conduct an annual performance assessment of the Librarian, which shall form part of criteria for promotion, performance based salary increment, re-appointment, non-renewal of contract, or termination of employment.

Bursar (paragraph 11 of Third Schedule to Higher Education Act)

- 12. (1) There shall be a Bursar for the University appointed by the Council, on such terms and conditions as the Council may determine.
- (2) Appointment of a Bursar shall be through a competitive process.
- (3) The Bursar's terms and conditions of employment shall be determined in accordance with provisions in or made under the statutes and shall be communicated in writing.
- (4) The Bursar 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 accounts of the University in such form and manner as reflect statutory requirements and international accounting standards.
- (5) Without prejudice to the generality of subsection (5), the Bursar shall be the chief financial officer of the University responsible for:
 - (a) ensuring that proper books of accounts and other records relating to the University's accounts are kept;
 - (b) preparing monthly, quarterly and annual management accounts of the institution;
 - (c) securing that the accounts of the University are audited annually and whenever required by the Auditor-General;
 - (d) ensuring compliance with:

- (i) statutory requirements in or made under the Higher Education Act, the Public Finance Act, Public Audit Act, any other written law and the statutes of the University; and
 - (ii) international accounting standards;
- (e) formulating policies and strategic plans for the Accounts Unit and present them to the relevant authority for consideration;
- (f) recommending performance based salary increment, appointment/reappointment, promotion, nonrenewal of contract, and take disciplinary action, for staff who belong to the Unit;
- (g) preparing budgetary estimates and undertakings of the Unit;
- (h) certifying, in consultation with the Registrar's Office, a student's compliance with the graduation requirements pertaining to payments of fees, as may be prescribed;
- (i) all official business communication of the Unit;
- (j) promoting and maintain a harmonious working environment in the Unit;
- (k) undertaking, or causing to be undertaken by respective supervisors of staff, annual staff performance assessments in the Unit, as may be prescribed in or under the statutes;
- (l) submitting to the Vice-Chancellor at the end of each academic year an annual report on the activities and performance of the Unit; and
- (m) carrying out other duties as may be assigned by the Vice-Chancellor or Deputy Vice-Chancellor; and
- (6) Duties and functions of the Bursar shall be specified and communicated in writing.
- (7) The Vice-Chancellor shall conduct an annual performance assessment of the Bursar, which shall form part of criteria for promotion, performance based salary increment, re-appointment, non-renewal of contract, or termination of employment.

Dean of Students (paragraph 12 of Third Schedule to Higher Education Act)

13. (1) There shall be a Dean of Students for the University appointed by the Council on such terms and conditions as the Council may determine.
- (2) Appointment of a Dean of Students shall be through a competitive process.
- (3) The Dean of Students' terms and conditions of employment shall be determined in accordance with provisions in or made under the statutes and shall be communicated in writing.
- (4) The Dean of Students shall, under the direction of the Vice-Chancellor, be responsible for the management of students' affairs and shall exercise superintendence over the Students' Affairs Unit.
- (5) Without prejudice to the generality of subsection (4), the Dean of Students shall:
- (a) direct and superintend over the students' affairs;
 - (b) formulate policies and strategic plans for the Students' Affairs Unit and present them to the relevant authority for consideration;
 - (c) recommend performance based salary increment, appointment/reappointment, promotion, nonrenewal of contract, and take disciplinary action, for staff who belong to the Students' Affairs Unit;
 - (d) prepare budgetary estimates and undertakings of the Unit;
 - (e) certify, in consultation with the Registrar's Office, a student's compliance with the graduation requirements;
 - (f) be the channel for all official business communication of the Unit;
 - (g) promote and maintain a harmonious working environment in the Unit;
 - (h) undertake, or cause to be undertaken by respective supervisors of staff, annual staff performance assessments in the Unit, as may be prescribed in or under the statutes;

- (i) submit to the Vice-Chancellor at the end of each academic year an annual report on the activities and performance of the Unit; and
 - (j) carry out other duties as may be assigned by the Vice-Chancellor or Deputy Vice-Chancellor.
- (6) Duties and functions of the Dean of Students shall be specified and communicated in writing.
- (7) The Vice-Chancellor shall conduct an annual performance assessment of the Dean of Students, which shall form part of criteria for promotion, performance based salary increment, re-appointment, non-renewal of contract, or termination of employment.

Deans of schools and Directors – Appointment, powers and duties (paragraph 24 of Third Schedule to Higher Education Act; Procedures on Appointment of Deans/Directors, adopted by Council on 21/06/2013)

14. (1) There shall be a Dean of a school and a Director of a directorate, institute, centre or similar body who shall be appointed by the Council from among senior members of the academic staff of the school, institute, or similar body concerned.
- (2) Appointment of a Dean or Director shall be conducted in accordance with provisions in or made under the statutes.
- (3) Appointment of a Dean or Director shall be through a competitive internal process prescribed by the Council.
- (4) In order to be appointed, the candidate must fulfill the requisite qualifications or criteria as prescribed by the Council from time to time.
- (5) A Dean of a school or Director of an institute, directorate, centre, or similar body shall exercise general superintendence over the academic, administrative and financial affairs of a school, institute, or similar body, as the case may be, and in particular, shall be responsible for the promotion and maintenance of effective teaching, research, consultancies and services.
- (6) Without prejudice to the generality of subsection (5), the Dean or Director shall have the following powers and duties:¹¹

¹¹ Schools, directorates, institutes, centres, or similar bodies are the core of the academic life of the University; hence the need to specify essential duties of the Deans and Directors. The University of Georgia Statutes reflect a similar approach.

- (a) direct and superintend over the academic and research programs and activities of the school, directorate, institute, centre, or similar body;
- (b) formulate policies and strategic plans for the school, directorate, institute, centre, or similar body, as the case may be, and present them to the relevant authority for consideration;
- (c) present to the University Senate or Council those actions of the school, institute, or similar body, as the case may be, that require to be presented for information, confirmation or approval.
- (d) recommend performance based salary increment, appointment/reappointment, promotion, nonrenewal of contract, and take disciplinary action, for heads of department, academic and administrative staff below senior staff who belong to the school, directorate, institute, centre, or similar body.
- (e) prepare budgetary estimates and undertakings of the school, directorate, institute, centre, or similar body, as the case may be;
- (f) superintend the students' academic activities of the school, directorate, institute, centre, or similar body, as the case may be, and, without limiting this duty, the Dean or Director or their delegated staff shall:
 - (i) provide course or career advisory services to students;
 - (ii) implement regulations dealing with scholarships and similar academic awards in the school, directorate, institute, centre, or similar body; and
 - (iii) be required to execute such duties as may be prescribed in the statutes or regulations pertaining to student academic matters;
- (g) certify, in consultation with the Registrar's Office, a student's compliance with the graduation requirements;
- (h) be the channel for all official business communication of the school, directorate, institute, centre, or other similar body, as the case may be;

- (i) promote and maintain a harmonious working environment in the school, directorate, institute, centre, or similar body, as the case may be;
- (j) cause to be undertaken by heads of departments and respective supervisors of staff annual staff performance assessments in the school, directorate, institute, centre, or similar body, as the case may be, as may be prescribed in or under the statutes;
- (k) submit to the Senate at the end of each academic year an annual report on the activities and performance of the school, directorate, institute, centre, or similar body, as the case may be; and
- (l) carry out other duties as may be assigned by the Vice-Chancellor or Deputy Vice-Chancellor.

(7) Duties and functions of a Dean or Director shall be specified and communicated in writing.

(8) The Deputy Vice-Chancellor shall conduct an annual performance assessment of the Dean or Director, which shall form part of criteria for promotion, performance based salary increment, re-appointment, non-renewal of contract or termination of appointment.

Tenure of office (Procedures on Appointment of Deans/Directors, adopted by Council on 21/06/2013)¹²

15. (1) An officer appointed to the office of Dean or Director of a school, directorate, institute, centre, or similar body, as the case may be, shall maintain the salary, terms and conditions of employment of the substantive appointment but shall in addition be paid such allowance as Council shall determine from time to time.
 - (2) Information on the allowance determined by Council for the purpose of subsection (1) shall be made accessible to the public and included in the University's annual report.
 - (3) A Dean or Director of school, institute, or similar body, as the case may be, shall hold office for a period of three years but shall be eligible for reappointment for a further term of three years.

¹²The same approach as in the case of Deans and Directors is taken concerning powers and duties of heads of departments. See preceding note.

Heads of Departments– Appointment, powers and duties (paragraph 25 of Third Schedule to Higher Education Act)

16. (1) The Vice-Chancellor shall, in consultation with the Dean of a school or Director of an institute, or similar body concerned, appoint heads of department from among the senior academic members within each department in accordance with the provisions in or under the statutes.
- (2) Appointment of a head of department shall be through a competitive internal process prescribed by the Council.
- (3) In order to be appointed, the candidate must fulfill the requisite qualifications or criteria as prescribed by the Council from time to time.
- (4) A head of department shall coordinate the academic and administrative affairs of the department and shall be responsible for the promotion and maintenance of efficient teaching, research and consultancy services under the direction of the Dean or Director, as the case may be.
- (5) Without prejudice to the generality of subsection (4), the Head of Department shall have the following powers and duties:
- (a) administer the University statutes and regulations affecting the department.
 - (b) undertake on behalf of the department all official communications with other departments and students in the school, directorate, institute, centre, or similar body concerned;
 - (c) secure quality academic, research, and services standards in the department;
 - (d) recommend staff appointments, re-appointments, promotion, performance based salary increment, or non-renewal of contracts, and take disciplinary action, in the department:
 - (e) prepare, in consultation with other staff of the department, the budgetary estimates and activities of the department, and submit the same to the Dean or Director;
 - (f) maintenance and care for property of the department and ensure proper implementation of the budget of the department in an efficient and cost-effective manner;

(g) at the end of the academic year, prepare an annual report to the Dean or Director on the academic, research and services of the department and on the annual staff performance appraisals;

(6) Duties and functions of a head of department shall be specified and communicated in writing.

(7) An annual performance assessment of a head of department shall be conducted by the Dean or Director and shall form part of criteria for promotion, performance based salary increment, re-appointment, or termination of appointment.

*Tenure of office (Procedures on Appointment of Deans/Directors, adopted by Council on 21/06/2013)*¹³

17. (1) A head of department shall maintain the salary, terms and conditions of employment of the substantive appointment but shall in addition be paid such allowance as Council shall determine from time to time.

(2) Information on the allowance determined by Council for the purpose of subsection (1) shall be made accessible to the public and included in the University's annual report.

(3) A head of department shall hold office for a period of three years and shall be eligible for reappointment for a further term of three years.

Chief Internal Auditor

18. (1) There shall be a Chief Internal Auditor for the University appointed by the Council, on such terms and conditions as the Council may determine.

(2) Appointment of a Chief Internal Auditor shall be through a competitive process.

(3) The Chief Internal Auditor's terms and conditions of employment shall be determined in accordance with provisions in or made under the statutes and shall be communicated in writing.

(4) The Chief Internal Auditor shall, under the direction of the Vice-Chancellor, be responsible for reviewing the effectiveness of the University's financial system of internal control and risk management.

¹³ Same as preceding note on powers and duties of heads of departments.

(5) Without prejudice to the generality of subsection (4), the Chief Internal Auditor shall be responsible for:

(a) conducting audits, including compliance audits as directed by the Audit and Risk Committee, which audits shall be in accordance with:

(i) any statutory requirements prescribed by laws of Zambia;

(ii) The International Audit Standards and Practices on Accountability and Audit, which Code of Practice confers responsibilities on the Audit and Risk Committee of Council, and the University's internal and external auditors;

(b) Perform any such duties as may be assigned by the Audit and Risk Committee of the Council.

(6) The Chief Internal Auditor shall have unrestricted right of access to all vouchers, documents, books of account and computer data, and to any other information which he or she considers relevant to their enquiries;

(7) Duties and functions of the Chief Internal Auditor shall be specified and communicated in writing.

(8) The Vice-Chancellor shall conduct an annual performance assessment of the Chief Internal Auditor, which shall form part of criteria for promotion, performance based salary increment, re-appointment, non-renewal of contract, or termination of employment.

Employment policies/procedures and remuneration policies.

19. The following principles shall guide staff recruitment and remuneration:

(a) discrimination on the basis of race, color, religion, nationality, sex, age, marital status, social status, or disability is prohibited; however, in an effort to correct historical gender imbalances in the institution, measures shall be taken to encourage the employment of women;

(b) staff recruitment shall be conducted through a transparent and competitive process;

(c) the staff establishment structure and remuneration determination shall be based on job evaluations and grading conducted by independent consultants;

- (d) staff remuneration shall be performance based; and
- (e) the “all-inclusive salary” (i.e. without additional allowances) principle shall apply, with few justified exceptions only;

Determination of terms and conditions of employment¹⁴

20. (1) Terms and conditions of employment of Vice-Chancellor and Deputy Vice-Chancellor shall be specified in their letters of appointment.

(2) Terms and conditions of employment in respect of:

(a) other senior management staff;

(b) senior academic staff; and

(c) senior administrative staff;

shall be determined from time to time by the Council upon recommendation of the Executive and Finance Committee of the Council following submissions received from management staff through the Vice-Chancellor.

(3) The terms and conditions referred to in subsection (2) shall be set out in comprehensible form in writing, except that allowances in respect of additional responsibilities may be determined and set out separately.

(4) The terms and conditions of employment of non-management staff shall be:

(a) determined by Council following negotiations by respective joint bargaining units between the University management and trade unions with which the University has entered into recognition agreements; and

(b) contained in collective agreements signed between the University management and the respective trade union representatives.

(5) The following terms shall have the meanings assigned thereto:

¹⁴ For reference, see paragraphs 5, 6, 9, 10, 11, 12, 24 and 25 of Third Schedule of Higher Education Act; Contract Terms and Conditions of Service for Senior Administrative, Technical and Professional Staff; Collective Agreement Between the Council of Mulungushi University and the Copperbelt University Academics Union – Mulungushi University Branch (CBUAU – MU); Collective Agreement Between the Mulungushi University Council and the Allied Workers Union (CBUAWU); Recognition Agreements with CBUAU and CBUAWU.

- (a) “University management” is used interchangeably with “management staff” and means senior academic staff specified in paragraph (c), senior administrative staff specified in paragraph (d) and senior management staff specified in paragraph (e) which includes principal officers as specified in paragraph (f); and “non-management staff” shall be construed accordingly;
- (b) “other senior management staff” means officers in the category specified in paragraph (e) with the exception of the Vice-Chancellor and Deputy Vice-Chancellor;
- (c) “senior academic staff” means Dean of school, Director of institute, or similar body, and head of department falling thereunder;
- (d) “senior administrative staff” means all senior administrative, technical and professional staff in Salary Scale ADS/PTS 1 – 6 and such other staff as may be designated by Council;
- (e) “senior management staff” means the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Librarian, Bursar, Chief Internal Auditor, Dean of Students, Deans of schools, Directors of directorates, institutes, centres, or other similar bodies and such other staff as may be designated by the Council; and
- (f) “Principal officers” means the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Bursar, Librarian and Dean of Students.
- (6) Management staff shall not be eligible for trade union membership.¹⁵
- (7) Terms and conditions of employment shall be communicated to and acknowledged by staff in writing.
- (8) A summary of the terms and conditions of service relating to remuneration applicable to posts for management staff and unionized staff categories shall be made accessible to the public and published in the University’s annual report.

¹⁵ According to section 3 of the Industrial and Labour Relations Act, Cap. 269, “eligible employee” means a unionisable employee other than a member of the management. In terms of section 4 of the Act, a member of staff belongs to management if (a) the staff is empowered to make management decisions; (b) is entrusted with personnel management and industrial relations functions; or (c) reports directly to the chief executive. A dispute as to when an employee becomes a member of management shall be referred to the Minister for a decision and such a decision is appealable to the Industrial Relations Court.

(9) In determining terms and conditions of employment pertaining to staff remuneration, the Council shall:

(a) take into account the financial capacity of the University; and

(b) consult the Minister.

Annual staff performance appraisals

21. (1) Annual staff performance appraisals shall be conducted using such suitable system as Council shall approve.

(2) The annual staff appraisal shall form part of criteria for promotion, performance based salary increment, re-appointment, non-renewal of contract, or termination of employment, as appropriate.

Discipline and removal of Registrar, Librarian, Bursar, Dean of Students, (paragraph 13 of Third Schedule to Higher Education Act)

22. The Vice-Chancellor shall, where the Vice-Chancellor has reasonable grounds to believe that the Registrar, the Bursar, the Dean of Students, the Chief Internal Auditor, the Librarian, a Dean or a Director should be removed from office on grounds of incompetence or misconduct-

(a) give notice, in writing, of the grounds to the officer in question;

(b) in writing, suspend the officer in question from office pending investigations;

(c) refer the matter to the Tribunal; and

(d) make arrangements for the officer in question to be afforded an opportunity to appear before, and be heard by, the Tribunal with respect to the matter.

Discipline and removal of member of academic, administrative and other staff (paragraph 14 of Third Schedule to Higher Education Act)

23. (1) A Dean, Director or principal officer shall, where the Dean, Director or principal officer has reasonable grounds to believe that a member of the academic or administrative staff for whom the Dean, Director or principal officer has direct responsibility should be removed from office or employment on grounds of misconduct or failure to perform the functions of office or employment-

- (a) give notice, in writing, of the grounds to the member in question;
 - (b) in writing, suspend the member in question from office or employment pending investigations;
 - (c) make arrangements for the member in question to be afforded an opportunity to appear before, and be heard by, the Tribunal with respect to the matter.
- (2) The application of disciplinary measures and the procedures to be followed in respect of other staff members shall be in accordance with their terms and conditions of service.
- (3) For the purpose of this section, the following terms have the meanings assigned thereto by section 2 (3) of Statute II:
- (a) “academic staff”;
 - (b) “administrative staff”; and
 - (c) “other staff”.

Application of the Mulungushi University Staff Code of Conduct and the Mulungushi University Staff Disciplinary Code to all staff

24. The Mulungushi University Staff Code of Conduct and the Mulungushi University Staff Disciplinary Code appearing in the First Schedule to this statute shall apply to all staff of the University.

Staff Tribunal and Rules (paragraphs 22 and 23 of Third Schedule to Higher Education Act)

25. (1) The Mulungushi University Staff Tribunal shall investigate and consider disciplinary cases referred to it in accordance with the Higher Education Act and the Staff Tribunal Rules issued in that respect and make recommendations to the Council.

- (2) The Tribunal shall consist of the following members:
- (a) a legal practitioner with not less than ten years legal experience, who shall be the Chairperson;
 - (b) two persons from the non-academic members of the Council appointed by the Chairperson of the Council; and

(c) two persons nominated by the academic staff of the University and appointed by the Chairperson of the Council.

(3) The Tribunal may request any senior member of department to assist it in the assessment of any particular case.

(4) The Council shall appoint the secretary to the Tribunal.

(5) The members of a Tribunal shall hold office for a period of three years and shall be eligible for reappointment for a further like period.

(6) A Tribunal shall complete its work within a period of six months from the date from which the suspension of a member of staff takes effect.

(7) The Council shall implement the decisions of the Tribunal.

26. (1) The procedure governing the disciplinary process of the Tribunal shall be in accordance with the Rules prescribed by the Chief Justice as provided by paragraph 23 of the Third Schedule to the Higher Education Act.

(2) The current Mulungushi University (Staff Tribunal) Rules, Statutory Instrument No. 5 of 2011 appears as the Second Schedule to this statute.

FIRST SCHEDULE

(Section 24 of Statute VII of Mulungushi University Statutes)

The Mulungushi University Staff Code of Conduct

STAFF CODE OF CONDUCT

A. INTRODUCTION

The Staff Code of Conduct is intended to serve as an illustrative guide for staff to make ethical decisions in their professional lives and at times, in their private lives.

It is a moral code designed to assist staff to better understand the obligation placed upon their conduct by the terms of their association with Mulungushi University.

I have read the Mulungushi University Staff Code of Conduct and I understand that it is part of my Contract and Terms of Conditions of Service and I am expected to live up to the standards of conduct described therein.

Name:

Functional Title:

Current Duty Station:

Date:

Signature: _____

B. COMMITMENT TO MULUNGUSHI UNIVERSITY CODE OF CONDUCT

- 1. Treat Staff and students and other persons fairly and with respect and dignity.**

I will always endeavour to exercise fairness in the execution of my responsibilities and give all those I come into contact with, due respect and honour and preserve their dignity.

- 2. Uphold the integrity of Mulungushi University by ensuring that my personal and professional conduct are, and are seen to be, of highest standard.**

I will demonstrate integrity, truthfulness, dedication and honesty in my actions. I will be patient, respectful, courteous to staff and students and all other persons with whom I deal in an official capacity. I will conduct my personal life in a manner which does not bring Mulungushi University into disrepute.

- 3. Perform my duties and conduct my private affairs in a manner that avoids conflict of interest, thereby preserving and enhancing public confidence in Mulungushi University**

My actions shall not be driven by considerations of personal gain, and I will resist any undue pressure in decision making. I will not engage in any outside occupation or employment without prior authorization of my supervisors.

I will declare interest in activities related to procurement of goods and services, or in human resource activities, where conflict of interest may arise.

- 4. Contribution to building a harmonious workplace based on team spirit, mutual respect and understanding**

I will show respect to all colleagues, regardless of status or position, and will allow all colleagues the opportunity to have their views heard, and to contribute from their knowledge and experience to team efforts. I will communicate openly and share relevant information with colleagues, and shall endeavour to respond to queries in a timely manner.

I will respect my colleagues' privacy and avoid misinformation. I will seek to resolve difference and solve problems amicably when they arise. I will contribute to building constructive dialogue,

guided by mutual respect and an open, positive approach, between management and staff representatives.

As a Manager/Supervisor, I will be open to views and ideas of all team members and exercise tolerance to those which are at variance with my own. I will provide timely feedback on the performance of each team member through guidance, motivation and full recognition of their merits.

5. **Promote the safety, health and welfare of all Mulungushi University Staff and Students as necessary conditions for effective and consistent performance**

I will remain aware of and comply with all instructions designed to protect my health, welfare and safety. I will always consider the safety of staff and students in operational decisions. If I have doubts regarding an instruction that I consider threatening to my safety or the safety of other persons, I will immediately bring this to the attention of my supervisor.

As a Manager/Supervisor, I will endeavour to ensure that the health and well being of staff and their families, and students are not subjected to undue risk. I will promote a healthy work life balance for staff and students, and will respect staff entitlements.

6. **Safeguard and make responsible use of information and resources to which I have access by reason of my employment with Mulungushi University**

I will exercise due care in all matters of official business and not divulge any confidential information about students, colleagues and other work related matters.

I will protect, manage and utilize Mulungushi University human, financial and material resources efficiently and effectively, bearing in mind that these resources have been placed at the disposal of the University for the exclusive discharge of its core functions of teaching and research.

7. **Prevent, oppose and combat all exploitation and abuse of staff, students and other persons**

I undertake not to abuse the power and influence that I have by virtue of my position over the lives and wellbeing of staff, students and other persons I come into contact with in the course of executing my duties.

I undertake not to seek favours from staff, students and other persons in return for my assistance. I will never engage in any

exploitative relationship-sexual, emotional, financial or employment with staff, students and other persons.

Should I find myself in such a relationship with a colleague or student which I consider non exploitative and consensual, I will report this to my supervisor for appropriate guidance in the knowledge that this matter will be treated with due discretion. I understand that both my supervisor and I have available to us normal consultative and recourse mechanisms on these issues.

8. **Refrain from any involvement in illegal, criminal or unethical activities that compromise the image and interests of Mulungushi University.**

I will neither support nor take part in any form of illegal, exploitative or abusive activities and processions.

9. **Refrain from any form of harassment, discrimination, physical or verbal abuse, intimidation or favouritism in the work-place.**

I will not engage in or tolerate any form of harassment in the work-place, including sexual harassment and abuse of power.

As a Manager/Supervisor, I will not solicit favours or gifts from staff, students and any other persons nor will I accept unsolicited ones.

10. **Abide by Professional ethics and standards**

I undertake to abide by the ethics and standards of my profession and encourage others to do the same.

(Section 24 of Statute VII of Mulungushi University Statutes)

The Mulungushi University Staff Disciplinary Code

MULUNGUSHI UNIVERSITY DISCIPLINARY CODE FOR MEMBERS OF STAFF

	N O	OFFENCES	1ST BREACH	2ND BREACH	3RD BREACH	AUTHORITY
1.0	1.1	ABSENTEEISM Absence from work without reasonable excuse or prior permission during a working day or 1-3 days	Written Warning	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management
	1.2	Absenteeism of more than 3 consecutive days but less than ten (10) days	Severe Warning	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management
	1.3	Absence from work without permission and justification for ten or more consecutive days	Shall Be deemed desertion Summary dismissal			University Tribunal/ Management
	1.4	Absence from work for a period of 12 days within any one calendar year without reasonable causes	Discharge			University Tribunal/ Management
2.0		SUB-STANDARD PERFORMANCE				

	2.1	Lateness or poor time keeping, leaving work before time	Recorded Warning	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management
	2.2	Extended or unauthorized breaks during working hours without reasonable justification or permission including abandoning one's place of work during working hours and before the arrival of another shift	Recorded Warning	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management
	2.3	Unsatisfactory work performance such as carelessness	Recorded Warning	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management
	2.4	Reporting back late after leave without permission	1-3 days Recorded Warning	4-9 days Final Warning	10 days and above Discharge	Supervisor Head of Department University Tribunal/ Management
	2.5	Incompetence in the performance of duties	Written Warning	Demotion	Discharge	Supervisor

						Head of Department University Tribunal/ Management
3.0		SLEEPING ON DUTY (Applicable only to Guards)	Severe Warning with 5 days suspension without pay	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management
4.0		Damage to or loss of University property or resources without acceptable reason	Recorded Warning plus surcharge	Discharge		Supervisor Head of Department University Tribunal/ Management
5.0		Using University time and transport for personal monetary gain (trading during University working hours)	Final Warning	Discharge		Supervisor Head of Department University Tribunal/ Management
6.0		Insubordination or refusal to obey lawful instructions shown by action or words	Recorded Warning with 5 days suspension	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management

7.0		Using abusive Language on duty	Severe Warning	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management
	7.1	Failure or refusal to wear protective clothing or uniform	Recorded Warning	Final Warning	Discharge	Supervisor Head of Department University Tribunal/ Management
8.0		Loss/Damage misuse of University Property	Final Warning	Summary Dismissal		Supervisor Head of Department University Tribunal/ Management
9.0		Malicious damage to University property and/or sabotage	Summary Dismissal and repayment			University Tribunal/ Management

10.0		Issuing unauthorized press statement or leaking University documents. Supplying of information to outsiders without permission	Summary Dismissal			University Tribunal/ Management
11.0		Reporting for work under the influence of alcohol or intoxicating liquor/drugs or taking alcoholic drinks during working hours except at officially authorized function	Dismissal			University Tribunal/ Management
12.0		Gross negligence resulting in loss or damage to University property	Summary Dismissal			University Tribunal/ Management
13.0		Being found with University property without authority	Summary Dismissal			University Tribunal/ Management
14.0		Conduct likely to bring the University into disrepute	Final Warning	Discharge		Head of Department University Tribunal/ Management
15.0		Misappropriation of funds, Theft fraud, forgery of falsifying University documents	Summary Dismissal			University Tribunal/ Management
16.0		Conspiracy to defraud or remove University property without	Summary Dismissal			University Tribunal/ Management

		authority				
17.0		Dishonest conduct, corruption bribery (as evidenced)	Summary Dismissal			University Tribunal/ Management
18.0		Abuse of Office	Discharge			University Tribunal/ Management
19.0		Assault, starting a fight physical combat at place of work for whatever reason	Final Warning 14 days suspension without pay	Summary Dismissal		Head of Department University Tribunal/ Management
20.0		Inciting riotous behavior or unconstitutional strike	Summary Dismissal			University Tribunal/ Management
21.0		Disorderly behavior or fighting in retaliation	Recorded Warning	Final Warning	Summary Dismissal	Supervisor Head of Department University Tribunal/ Management
22.0		Giving false information or spreading rumours with intent to deceive or mislead calculated to cause injury to the University or its officer	Final Warning	Dismissal		Head of Department University Tribunal/ Management

N.B If an employee commits a criminal offence the University shall be obliged to report such a case to the Police. This shall however, not in any way preclude the employer from taking own disciplinary action first if the organization rules and conditions of employment have been clearly contravened.

SECOND SCHEDULE

(Paragraph 23 of Third Schedule to Higher Education Act; section 26 of Statute VII of Mulungushi University Statutes)

Mulungushi University (Staff Tribunal) Rules, Statutory Instrument No. 5 of 2011

STATUTORY INSTRUMENT No. 5 OF 2011

The Mulungushi University (Staff Tribunal) Rules, 2011

The University Act, 1999

(Act No. 11 of 1999)

IN EXERCISE of the powers contained in section thirty of the University Act, 1999, the following Rules are hereby made:

PART I

PRELIMINARY

Marginal note	Rule
Title	1. These Rules may be cited as the Mulungushi University (Staff Tribunal) Rules, 2011.
Interpretation	2. In these Rules, unless the context otherwise requires- “Chairperson” means the person appointed as Chairperson of the Tribunal under section twenty-nine of the Act; “complainant” means the Vice-Chancellor, Dean of School, a principal officer, the Director of an institute, bureau or other body of the University, being the person or body who refers a complaint to the Tribunal. “complaint” means a statement regarding misconduct or failure by an academic or administrative member of staff to perform the functions of office; “Council” means the Council of the University; “Legal Practitioner” has the meaning assigned to it in the Legal Practitioners’ Act; “party” means a party to the proceedings; “Registrar” has the meaning assigned to it in the Act; “Respondent” means the academic or administrative member of staff referred to in section twenty-four of the Act against whom a complaint is made to the Tribunal.

	<p>“Secretary” means the Secretary to the Tribunal;</p> <p>“Tribunal” means the Mulungushi University Staff Tribunal; and</p> <p>“University” means the Mulungushi University</p>
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PART II

MAKING OF COMPLAINT

Marginal note	Rule
Initiation of proceedings-	<p>3. (1) The Secretary shall, where the Tribunal receives a complaint under section twenty-seven and twenty-eight of the Act, within seven days of receipt of the complaint, notify the respondent.</p> <p>(2) The notification required to be made under sub-rule (1) shall be served personally upon the respondent or by registered post or by leaving it at the last known address of the respondent.</p> <p>(3) The respondent shall, within seven days of receipt of a complaint, file a reply with the Secretary, and the Secretary shall send a copy of the reply to the complainant.</p>
Power to require further particulars	<p>4. (1) The Secretary may, subject to any direction by the Chairperson, at any time after receiving a complaint, require the complainant to furnish a statement setting out further and better particulars of the grounds on which the complainant intends to rely and any relevant facts and contentions.</p> <p>(2) The complainant shall send the statement referred to in sub-rule (1) in duplicate to the Secretary within such time as the Chairperson may direct, not being more than fourteen days from the date of the requirement under sub-rule (1), together with copies of the statement to such other persons who are parties to the complaint as the Secretary may determine.</p> <p>(3) The Secretary shall, upon receiving the statement referred to in sub-rule (2), send the duplicate statement to the respondent.</p>
Notice of hearing	<p>5. (1) The Secretary shall cause the notice of the date, time and place of the Tribunal to be served upon the complainant and the respondent.</p> <p>(2) A party to whom notice is sent under sub-rule (1) may apply to the Secretary for an alteration of the place or date of hearing.</p>

PART III

PROCEEDINGS OF TRIBUNAL

Marginal note	Rule
Sittings of Tribunal	<p>6. (1) The Tribunal shall sit at such place and times as the Chairperson may determine.</p> <p>(2) Subject to the other provisions of these Rules and to any direction given by the Chairperson, the Tribunal may regulate its own procedure.</p>
Proceedings of Tribunal	<p>7. The Tribunal shall hold its proceedings in camera.</p>
Quorum	<p>8. Three members of the Tribunal shall constitute a quorum:</p> <p>Provided that a meeting shall not commence without the Chairperson.</p>
Appearance before Tribunal	<p>9. (1) The Complainant shall appear in person before the Tribunal.</p> <p>(2) The respondent shall be afforded an opportunity to appear in person and be heard by the Tribunal or be represented by a legal practitioner or union representative of the respondent's choice.</p>
Default of appearance	<p>10. (1) If the complainant, respondent or any other party to the proceedings does not appear at the time and place appointed for the hearing, the Tribunal may-</p> <p>(a) dismiss the complaint;</p> <p>(b) adjourn the hearing on such terms as the Tribunal considers appropriate; or</p> <p>(c) hear and determine the complaint in the absence of the party or parties and may make such order as to costs as it thinks fit.</p> <p>(2) Where proceedings are dismissed or determined under this rule in the absence of a party, that party may, on an application made by that party within fourteen days of the dismissal or determination, apply to the Tribunal to set aside the dismissal or determination, and give the reasons for their absence from the hearing.</p> <p>(3) Where the Tribunal is satisfied that the reasons given by a party under sub-rule (2) are sufficient to set aside the dismissal or determination made under sub-rule (1), the Tribunal may set aside that dismissal or determination.</p>
Tribunal hearing	<p>11. At the hearing-</p> <p>(a) the complainant shall present the facts on which the complaint is based;</p>

	<p>(b) the respondent shall adduce evidence to rebut the evidence of the complainant;</p> <p>(c) the complainant may address the Tribunal by way of reply to the respondent's evidence;</p> <p>(d) the complainant and the respondent may call a witness to adduce evidence; and</p> <p>(e) both parties may, at the conclusion of the hearing, present oral or written submission to the Tribunal.</p>
Evidence	<p>12. (1) The Tribunal may receive, as evidence, any statement, document, information or other matter that may assist it to deal effectively with a complaint, whether or not the evidence would be admissible in a court of law.</p> <p>(2) The Tribunal may take judicial notice of any fact.</p> <p>(3) Evidence before the Tribunal may be given orally or, if the parties to the proceedings consent or the Chairperson of the Tribunal so orders, by Affidavit.</p> <p>(4) The Tribunal may, at any stage of the proceedings, make an order requiring the personal attendance of any deponent for examination and cross-examination.</p>
Production of documents or information	<p>13. (1) A party may, at any time during the hearing, give to the other party notice to produce any document to which the complaint relates alleged to be in possession of that party.</p> <p>(2) A party to the proceedings shall, on request, produce to the Secretary, any document or other information which the Tribunal may require and which is in the power of that party to produce, and shall afford to every party to the proceedings an opportunity to inspect those documents or copies of the documents and to take copies of the documents.</p>
Additional information	<p>14. The Tribunal may, during the hearing receive such additional information relating to the complaint as it may consider necessary to enable it dispose of a matter.</p>
Interlocutory applications	<p>15. (1) Except where these Rules otherwise provide, an application for directions of an interlocutory nature in connection with any proceedings shall, unless otherwise ordered by the Chairperson, be made to the Secretary.</p>

	<p>(2) An interlocutory application shall be made in writing and shall state the title of the proceedings and the grounds upon which the application is made.</p> <p>(3) Where an interlocutory application is made with the consent of all the parties it shall be accompanied by consents signed by, or on behalf of, the parties.</p> <p>(4) Where an interlocutory application is not made with the consent of every party, a copy shall, before it is made, be served on every other party and the interlocutory application shall state that this has been done.</p> <p>(5) A party who objects to an interlocutory application may, within fourteen days after the service of a copy on the party, send written notice of objection to the Secretary and a copy to the applicant.</p> <p>(6) The Secretary shall, before making an order on an interlocutory application, consider all the objections received in relation to the interlocutory application and, if any party wishes to be heard, the Secretary shall give the party and every other party an opportunity to be heard.</p> <p>(7) The Secretary may, and shall, if required by the applicant or by a party objecting to an interlocutory application under this rule, refer an interlocutory application to the Chairperson for decision.</p> <p>(8) A party aggrieved with a decision of the Secretary on an interlocutory application under this rule may appeal to the Chairperson by giving notice, in writing, to the Secretary and to every other party, within fourteen days after service on the party of the notice of the decision or within such further time as may be allowed by the Secretary.</p> <p>(9) An appeal from a decision of the Secretary shall not act as a stay of proceedings unless so ordered by the Chairperson.</p> <p>(10) The powers of the Chairperson under this rule may be exercised and discharged in relation to the application by any member of the Tribunal authorized by the Chairperson.</p>
Tribunal to observe principles of natural justice	16. The Tribunal shall observe the principles of natural justice and shall hear all the evidence tendered and representations made by, or on behalf of, the parties.
Powers of Tribunal	17. (1) The Tribunal may summon any member of staff of the University or request any other person to appear before it to-

	<p>(a) testify to all matters within that person's knowledge;</p> <p>(b) produce any document, book or record in that person's possession or control; or</p> <p>(c) be examined or cross-examined in relation to the complaint.</p> <p>(2) The Tribunal may administer oaths or affirmations for the purpose of proceedings.</p>
Consent Order	18. Where the parties agree upon the terms of an order to be made by the Tribunal, particulars of the terms, signed by all the parties or by their legal representatives or agents, shall be sent to the Secretary, and an order may be made by the Tribunal in accordance with those terms in the absence of the parties.
Correction of errors	19. The Tribunal may, at any time before a decision is made, by certificate signed by the Chairperson, correct any error or omission in the record of proceedings. Sittings of Tribunal

PART IV

DECISION OF TRIBUNAL

Marginal note	Rule
Decision of Tribunal	<p>20. A decision of the Tribunal shall be in writing and shall contain the following:</p> <p>(a) the finding of the Tribunal on each issue of fact or law raised in the proceedings; and</p> <p>(b) the reason for the Tribunal's findings.</p>
Transmission of decision	<p>21. (1) The Secretary shall, within seven days of the date of the decision of the Tribunal, send the decision of the Tribunal to the parties and to the Registrar.</p> <p>(2) The Secretary shall send a copy of the decision of the Tribunal to the Council for implementation.</p>

PART V

GENERAL PROVISIONS

Marginal note	Rule
Change of address	22. Where a party changes their address they shall, by notice, in writing, to the Secretary and to every other party inform the Secretary and the parties of the change.

<p>Service of notices, documents, etc.</p>	<p>23. (1) A document required by these Rules to be served shall be served by delivering it personally to the person to be served, or by sending it by registered post to that person's last known address.</p> <p>(2) An application or communication to be made to the Tribunal in respect of any matter before the Tribunal shall be addressed to the Secretary.</p> <p>(3) Where a person to whom any notice or other document is required to be sent for the purpose of these Rules cannot be found, is dead, has no personal representative or is out of Zambia, or if for any other reason service upon the party cannot be readily effected in accordance with these Rules, the Chairperson may make an order for substituted service upon such other person or in such other form as the Chairperson may think fit.</p>
<p>Appeal</p>	<p>24. A person aggrieved with the decision of the Tribunal may, within thirty days of receiving the decision, appeal to the Industrial Relations Court.</p>

STATUTE VIII

STUDENTS

Definition of "student"

1. In the Mulungushi University statutes and regulations, "student" means a person validly registered in the University for a programme of study for the purpose of obtaining a qualification offered by the University and remains so registered, or has been suspended from registration but not expelled from the University.

Student Affairs Unit (paragraph 26 of Third Schedule to Higher Education Act)

2. (1) There shall be a Students' Affairs Unit in the University under the supervision of the Dean of Students which shall organise, coordinate and administer students' affairs.

(2) Without prejudice to the generality of subsection (1), the Students' Affairs Unit shall promote:

(a) good governance, transparency, accountability and student discipline; and

(b) student welfare;

in its conduct of student affairs.

Entrance Requirements for Admission

3. (1) Mulungushi University is an equal higher education opportunity provider and shall not discriminate on grounds of gender, colour, race, citizenship, creed, political opinion or religion.

(2) The Senate shall make regulations prescribing entrance requirements for admission to:

(a) certificate programmes;

(b) diploma programmes;

(c) undergraduate degree programmes;

(d) post-graduate programmes; and

(e) any other accredited programmes of the University.

(3) All candidates for admission into the University are expected to show evidence of proficiency in the English language as may be prescribed by Senate regulations.

- (4) The Senate may by regulation prescribe or provide for the prescription of any such other requirements for admission into the University as it may deem necessary.

Prescribed fees (section 42 of Higher Education Act)

4. (1) The University fees shall be prescribed by the Council from time to time upon recommendation of the Senate and are subject to variation.
- (2) Information on the University fees shall be made accessible to the public.
- (3) The Senate may by regulation prescribe such penalties or consequences as it may deem fit for non-payment, refusal or failure to pay fees.

Enrolment, course registration, examination regulations, etc.

5. (1) The Senate shall make regulations pertaining to course programmes in general, including procedure.
- (2) Without prejudice to the generality of subsection (1), the Senate shall make regulations pertaining to:
- (a) full-time enrolment;
 - (b) part-time enrolment;
 - (c) distance education registration;
 - (d) transition from Institute of Distance Education Study to Full-Time Study and vice versa;
 - (e) concurrent course registration with other units;
 - (f) late registration;
 - (g) changes of student's programmes and courses of study;
 - (h) limitation of student entry and quotas;
 - (i) credit transfer and exemptions;
 - (j) Senate approval requirements for every student's course of study;

- (k) student's responsibility to:
 - (i) register as a student;
 - (ii) follow a prescribed course of study in the order prescribed or indicated in accordance the regulations governing the course of study;
 - (iii) abide by all conditions laid down by the Senate in each course or subject, including attendance classes to the satisfaction of the Senate; performance to the satisfaction of the Senate of such oral, practical, written and other work as the Senate may require;
- (l) course progression requirements;
- (m) examinations;
- (n) conversion of full-time student to part-time student on account of accumulation of uncleared failed courses;
- (o) maximum courses allowed per semester;
- (p) maximum allowed period of Study for the various programmes;
- (q) bar from writing final examinations;
- (r) withdrawal of student for health reasons;
- (s) offences and penalties related to academic matters; and
- (t) any such other matter concerning or touching academic affairs of students as the Senate may deem fit.

(3) Offences relating to academic matters shall be dealt with in accordance with the rules or regulations made by the Senate for the purpose.

Students Union (paragraph 27 of Third Schedule to Higher Education Act)

6. (1) There shall be a students' union of the University and a branch of the union at every campus of the University.

(2) All students of the University shall be members of the students' union, in line with subparagraph (3) of the Third Schedule to the Higher Education Act.

(3) As per requirement of subparagraph (4) of the Third Schedule to the Higher Education Act, the students union shall have a constitution which shall contain such matters as may be prescribed by law and/or by the Council.

(4) Without prejudice to the generality of subsection (3), the students' union constitution shall secure that:¹⁶

(a) the union operates in a fair and democratic manner and is accountable for its finances;

(b) the union and its members in their conduct observe and abide to law and order;

(c) good governance, transparency, accountability, student discipline and welfare are promoted and upheld;

(d) except where an office holder is designated by the office they hold, appointment to the students council and union executive offices shall be by election in a secret ballot in which all members are entitled to vote;

(e) the union executive body shall satisfy themselves that the elections referred to in paragraph (d) of this subsection are fairly and properly conducted;

(f) a person shall not hold a union office for more than two years;

(g) the financial affairs of the union shall be properly conducted and appropriate arrangements shall exist for approval of the union's budget by the General Meeting, and the monitoring of its expenditure by the students council;

(h) financial report and audited financial statements of the union shall be tabled before the General Meeting of the union and published annually and shall be furnished to the Dean of Students and made freely accessible to all students, and such report and financial statements should contain, in particular –

(i) a list of the organisations from which donations have been received by the union and organisations to which the union has

¹⁶A number of provisions under section 6 of this Statute are adaptations from the Education Act 1994 of the United Kingdom relating to good governance, transparency and accountability in the conduct of students' union affairs, including student union associations with other organisations.

made donations in the period to which the report and financial statements relate; and

(ii) details of those donations;

(i) the terms, conditions and procedure for receiving donations and giving donations shall be fair and shall be set down in writing, approved by the General Meeting and shall be furnished to the Dean of Students and made freely accessible to all students;

(j) if the union decides to affiliate to an organisation, it shall publish notice of its intention as well as the decision to do so, which decision shall require approval of the General Meeting, stating –

(ii) the name of the organization; and

(ii) details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice shall be furnished to the Dean of Students and to all students;

(k) where the union is affiliated to any organization(s) outside Zambia, a report should be published annually or more frequently containing –

(i) a list of the organization(s) to which the union is currently affiliated; and

(ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and

such reports should be furnished to the Dean of Students and made freely accessible to all students;

(l) there shall be procedures for the review of affiliations to organisations by the General Meeting under which –

(i) the current list of affiliations shall be submitted for approval by the General Meeting annually or more frequently; and

(ii) at such intervals of not more than a year as the General Meeting may determine, a requisition may be made by such proportion of members (not exceeding 5 per cent) as the General Meeting may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote;

(m) there shall be a complaints procedure available to all students or groups of students who –

(i) are dissatisfied in their dealings with the union; or

(ii) claim to be unfairly disadvantaged by reason of their having exercised their rights;

which shall include provision for an independent person appointed by the Dean of Students to investigate and report on complaints;

(n) complaints shall be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy; and

(o) the Students' Union Constitution shall be freely accessible to all members.

(5) The provisions of subsection (4) as to conduct of a secret ballot shall not apply mandatorily to union members who are part-time or distance learning students.

*Regulation of student organisation, activities, student union affairs, etc.*¹⁷

7. (1) The University Council shall establish and cause to be published a code of practice governing all forms of student organization including societies and clubs.

(2) The University Council shall for the purposes of this section prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out in section 6 (4) above are to be carried into effect, setting out in relation to each of the requirements details of the arrangements made to secure its observance.

(3) The University Council shall bring to the attention of all students, at least once a year -

(a) the prevailing code of practice made under subsection (2);

(b) any restrictions imposed on the activities of the union by law; and

(c) provisions of the Constitution of Zambia and any other written law relating to human rights and freedoms including:

¹⁷A number of provisions under this section include adaptations from the Education Act 1994 of the United Kingdom relating to student organization codes of practice on good governance, transparency and accountability; and the exercise of human rights and freedoms, etc.

- (i) the rights to human dignity, privacy, protection of property; and
- (ii) academic freedom, the freedoms of thought, worship, speech, association, and intellectual expression;

and of any code of practice issued by the University Council on the exercise of these freedoms and any related activities or conduct of the union, students or group of students.

- (4) The University Council shall bring to the attention of all persons considering to become students at the University information as to matters contained in subsection (3).

Student Accommodation

- 8. (1) Student accommodation will be guided by and subject to the Mulungushi University Accommodation Policy.
- (2) Subject to other provisions of this Statute relating to student accommodation, all students admitted to the University are eligible to allocation of accommodation in the following order of priority:
 - (a) physically challenged and medically impaired.
 - (b) foreign students;
 - (c) new and returning students;
 - (d) distance education students;
 - (e) graduate students; and
 - (f) expectant mothers.
- (3) Room allocation will be:
 - (a) based on first come first served principle;
 - (b) at the discretion of the Dean of Students, subject to provisions of this Statute relating to student accommodation and the Mulungushi University Accommodation Policy.
- (4) Any accommodation offered and not taken up within two weeks from the opening date shall be forfeited.

(5) Student accommodation shall be allocated subject to the following restrictions:

(a) couples and families shall not be eligible to accommodation until appropriate hostel facilities are available;

(b) crèche facilities for mothers with babies are not available; and

(c) Accommodation to part-time students will only be considered after full-time students have been accommodated.

Student Employment

9. (1) Students may be employed by the University subject to the Mulungushi University Student Employment Policy.

(2) The primary purpose of student employment is to:

(a) provide financial assistance to students;

(b) offer academic and career development opportunities; and/or

(c) to procure support to the University through assistance rendered to work of its departments.

(3) The procedures for student employment shall be in accordance with the Student Employment Policy and shall be made by the Dean of Students who shall also make them accessible to all students, the Registrar and departments.

Student discipline unrelated to academic matters

10. (1) The University Council shall adopt and cause to be published within the University a Student Code of Conduct and Discipline¹⁸ (and any other student rules or regulations) prescribing student conduct and offences and corresponding penalties.

(2) Every student shall abide by the disciplinary provisions contained in this statute and shall be subject to the Student Code of Conduct and Discipline and to any other student rules and regulations referred to in subsection (1).

¹⁸ The Code is also contained in the Student Rules and Regulations.

11.
 - (1) The Dean of Students, Deans of Schools, Directors and the Librarian shall exercise disciplinary control over all students registered in the University for offences arising in halls of residence, Schools, Departments, Directorates, the Library and similar bodies.
 - (2) Offences emanating from contravention of the Student Code of Conduct and Discipline or other student rules or regulations shall be reported to the Dean of Students by the Deans of Schools, Directors, the Librarian, or unit concerned, or any other complainant.
 - (3) The Dean of Students shall, if satisfied with the evidence provided by the complainant, charge the student by specifying the offence and giving him or her an opportunity to exculpate himself or herself and arranging for the Student Disciplinary Committee to hear and determine the case.
 - (4) The charge and exculpatory statement shall be in the form prescribed by the Dean of Students, and as may be amended by him or her from time to time.
12.
 - (1) The impositions of penalties arising from offences shall lie with the Student Disciplinary Committee.
 - (2) The Student Committee shall reserve the discretion to impose lesser or stiffer penalties other than those prescribed in the Student Code of Conduct and Discipline or other student rules and regulations, depending on the gravity of the offence.
 - (3) The recommendations of the Students Disciplinary Committee shall be binding unless reversed on appeal.
 - (4) Any student found guilty shall have the right to appeal to the Vice-Chancellor within 14 days from the date of effecting the penalty.
13.
 - (1) The Dean of Schools, Directors and Librarian shall ensure the enforcement of and compliance with penalties by preventing suspended and expelled students from attending classes or lectures, writing tests and examinations, and using the library or engaging in any academic activity of the University.
 - (2) Any student who is suspended or expelled shall be obliged to leave the campus and shall be excluded from all University activities.
 - (3) Any student who is suspended or expelled shall forfeit any claim for refund or reduction of money paid as tuition, accommodation and any other fees to the University. In case of suspended students, they shall have to pay all outstanding fees at the time of suspension prior to re-admission.

14. All offences of a criminal nature, whether captured by the Student Code of Conduct and Discipline or not, shall be reported by the Deans of Schools, Directors, the Librarian, or head of unit concerned, or any other complainant to the Dean of Students who shall in turn report the offence to the relevant law enforcement agents:

Provided that upon receipt of a report of a criminal offence, the Dean of Students shall also charge the student by specifying the offence and giving him or her an opportunity to exculpate himself or herself and arrange for the Student Disciplinary Committee to hear and determine the case.

Student health

15. (1) Students requiring medical attention shall be seen at the University Health Centre at the Main Campus; serious cases will be referred to a General Hospital designated by the University and should a student require admission, the University shall meet the medical fees for the first three days, and thereafter the student or the student's sponsor shall meet the rest of the medical fees.

(2) Students who seek admission in facilities other than those in subsection (1) will do so at their own cost.
16. Any student suffering from an infectious or contagious disease shall be required to inform the Dean of Students in confidence.
17. Students are required to notify the Dean of Students of any illness or disability.
18. Students may be required to undergo medical examinations whenever the Dean of Students finds it necessary.
19. Students who fall pregnant while pursuing their studies shall be required to officially withdraw from studies when they are due to deliver and can come back after delivery.

Other student issues

20. A student whose registration is terminated shall be expected to clear and vacate University premises immediately.
21. Clearance at the end of each semester is compulsory; clearance with all units should be completed a day before departure except for the office of the Dean of Students which shall be the last clearing point on the day of departure.

STATUTE IX

DEGREES AND OTHER ACADEMIC AWARDS

Power to confer degrees and other academic awards (sections 30 and 36 (2) (f) of Higher Education Act)

1. The University shall confer the following degrees:
 - (b) Bachelor of Agriculture (BAg);
 - (c) Bachelor of Agriculture Business Management (BABM);
 - (d) Bachelor of Land and Water Resources Management (BLWM);
 - (e) Bachelor of Environmental Studies (BES);
 - (f) Bachelor of Science in Statistics (BSC Stat);
 - (g) Bachelor of Computer Science (BCS);
 - (h) Bachelor of Information Technology (BIT);
 - (i) Bachelor of Commerce (BCOM);
 - (j) Bachelor of Entrepreneurship (BENT);
 - (k) Bachelor of Economics (BEC);
 - (l) Bachelor of Accounting and Finance;
 - (m) Bachelor of Supply and Management;
 - (n) Bachelor of Human Resource Management (BHRM);
 - (o) Bachelor of Labour and Employment Relations (BLER);
 - (p) Bachelor of International Relations and Development (BIRD);
 - (q) Bachelor of Local Government Administration (BLG);
 - (r) Bachelor of Public Administration (BPA);
 - (s) Bachelor of Social Work (BSW);
2. The University may confer such other degrees (including masters and doctorate degrees), diplomas and certificates as may be determined by Senate from time to time.
3. The University may make such other awards and distinctions as may be determined by Senate:

Provided that honorary degrees shall be awarded on the recommendation of an *ad hoc* honorary degree committee established by the Senate and in accordance with the following procedure:

- (a) a proposal to grant an honorary degree shall be made by a member of Senate, and shall be communicated in writing to the Vice-Chancellor;
- (b) every such proposal shall be accompanied by a statement setting forth the degree recommended and the detailed grounds on which the recommendations are based; and

- (c) the proposal shall be assessed by the *ad hoc* honorary degree committee, which shall make its recommendation to the Senate.
4. The University may by Senate regulation make certain awards open to persons who are not students of the University.
 5. The University's power to confer degrees and other awards and distinctions shall be exercised by Senate.

Qualifications for conferment of degrees and other awards

6. A person shall be conferred a degree or other award having met all requirements as stipulated in the Senate regulations pertaining to course programmes, examinations and graduation.

Ceremonies for conferment of degrees and other awards

7. (1) Conferment of degrees and award of diplomas, certificates or other awards shall be done at a graduation ceremony of the University or other occasion recommended by the Senate and approved by the Council.
(2) Graduation ceremonies of the University shall be held at least once a year and the dates shall be set and communicated to all the students and other persons who are to be conferred with awards at the ceremony.
(3) Graduation ceremonies shall be presided over by the Chancellor or in the absence of the Chancellor the Vice-Chancellor.
(4) The procedure pertaining to conferment of degrees and other awards, the regalia to be worn and all other matters not provided for in this statute shall be determined by the Senate.

Deprivation of degree or other award (section 36 (3), (4) and (5) of Higher Education Act)

8. (1) The Senate may deprive a person of any degree or other award of the University which has been conferred upon such person if, after due inquiry, the person is shown to have engaged in fraudulent or dishonourable conduct in obtaining that award.
(2) A person aggrieved with the decision of the Senate under subsection (1) may, within thirty days of the service of the decision of Senate, appeal to the Council.
(3) A person aggrieved with the decision of the Council under subsection (2) may, within thirty days of the service of the decision, appeal to the High Court.

Regulations pertaining to conferment of degrees and other awards

9. Without prejudice to other provisions of this statute, the Senate shall make regulations pertaining to conferment of degrees and other awards and such regulations shall include criteria, qualifications and procedure for conferment of higher degrees.

STATUTE X
RESEARCH, PUBLICATION AND CONSULTANCY

Promotion of research, publication and consultancy (section 12 (1) (d), (e), (f), (g), (h) and (i) and (3) (c), (f) and (g) of Higher Education Act)

1. (1) Among the functions of the University are to-
 - (a) prepare learners and academics and strengthen the effect of academic learning and scientific research so as to enhance social and economic development;
 - (b) conduct research necessary and responsive to national needs;
 - (c) provide facilities appropriate for the pursuit of learning and research and for the acquisition of higher education that is responsive to the needs of the public;
 - (d) prepare specialist, expert, research and managerial cadres to carry out intellectual and creative work to meet national needs;
 - (e) provide optimal opportunities for learning and the creation of knowledge; and
 - (f) contribute to the advancement of all forms of knowledge and scholarship in keeping with international standards of academic quality.
- (2) The University may:
 - (a) publish academic and other literature;
 - (b) provide consultancy services to the public; and
 - (c) establish forms of cooperation with local and foreign higher education institutions and research institutions.
2. (1) Mulungushi University shall promote and foster the academic and managerial environment conducive for undertaking research and publication in order to enhance the scientific, technological, social, economic and political improvement of living standards for the Zambian people and beyond.

(2) Without prejudice to the generality of subsection (1), the University shall strive to:

- (a) provide a professional development programme to improve students' and staff research and publication capabilities and be able to produce quality research output;
- (b) create an environment and infrastructure that fosters and supports high quality research and consultancy across the full range of disciplines in the University;
- (c) support multidisciplinary research and publication to promote co-operation between faculties and other institutions;
- (d) promote research expertise of the University to external parties both local and international, while adhering to the principles of academic freedom and institutional autonomy;
- (e) provide intellectual property management and promote commercialisation of innovations for the benefit of the researcher, university and the wider community;
- (f) ensure that research funding and expenditure maximize the advancement of the Mulungushi University Strategic Plan;
- (g) establish rational, transparent and collective decision making processes around the allocation of research funds and other kinds of support for research;
- (h) provide a framework for the governance of research and publication and research development; and
- (i) develop and maintain communication strategies to disseminate research findings, both internally and externally to support research, publication, and learning and encourage dissemination and contribution of research innovations.

Principles underlying research and publication policy

3. Principles underlying research and publication policy include:

(a) the principle of academic freedom as enshrined in the Constitution of Zambia¹⁹, which encourages the free exchange of ideas, a necessary prerequisite for academic excellence that is implied in all stages and aspects of research such as theories, paradigms, publications and associations;

(b) all researchers, being part of an international community of researchers, adhere to certain standards of relevance and responsibility, and relevant professional codes and internationally accepted ethical guidelines pertaining to research and publication, in particular the University shall:

(i) maintain the highest professional and ethical standards which ensure academic integrity and honesty, adherence to international research standards, practices and morals that are acceptable to the participants;

(ii) employ a diversity of research methodologies including quantitative and collaborative research between researchers at both local and international levels;

(iii) give appropriate consideration to ethical issues which may arise in the course of research or publication such as possible exploitation of vulnerable populations, intellectual property rights of others, or consent by participants; and

(c) appropriate credit should be given where data or information obtained from other studies or publications is included in research or publication material.

Research Control, Research and Publication Committee and Technical Subcommittee

4. The University shall institute and maintain a robust system of research quality control which shall provide Total Quality Management Control (TQM) system for all research activities and build effective systems in issues related to the scientific and ethical management of research.
5. (1) There shall be a Research and Publication Committee of the University which shall be responsible for the coordination of research and publication activities in line with the relevant policies and regulations of the University.

¹⁹ Academic freedom is seen as an aspect of freedom of expression enshrined in Article 11 (b) of the Constitution of Zambia.

(2) Without prejudice to the generality of subsection (1), the Research and Publication Committee shall be responsible for ensuring that the TQM system referred to in section 4 and other research and publication standards are attained and sustained and to this end, the Research and Publication Committee may constitute delegate functions to a subcommittee.

Consultancy

6. The consultancy function of the University shall be carried out in accordance with and on the terms and conditions outlined in regulations approved by the Council for that purpose on recommendation of the research and Publication Committee.

Intellectual property rights, copyrights, benefits, etc. (section 34 of Higher Education Act)

7. (1) Subject to subsection (2), where any person who is employed by the University on a full time basis or who is teaching or carrying out research at the University makes any discovery, invention or improvement, in the course of that person's duties, the University shall be deemed to be owner, for all purposes, of the rights in the discovery, invention or improvement.

(2) The University may pay to a person who makes a discovery, invention or improvement under subsection (1) any bonus, fee or royalty therefor, or make such arrangement for that person to share in the profits derived therefrom, as the University may determine in accordance with regulations approved by the Council on recommendation of the Research and Publication Committee.

(3) The University reserves proprietary rights over data collected, works conducted, reports or other forms of information generated under its Research and Publication Fund or funds received by the University from other sources.

(4) The University shall be entitled to deal with any such discovery, invention or improvement, data, works, reports or other forms of information in whatever way it may deem fit for the purposes of furtherance of education and knowledge transfer in accordance with regulations approved by the Council on recommendations of the research and publications committee.

(5) The University holds copyrights to all its publications.

STATUTE XI

FINANCIAL MANAGEMENT

Responsibilities and accountabilities (section 25 (2) (f) and Part II of Second Schedule and paragraph 11 of Third Schedule to Higher Education Act)

1. Without limiting the powers and functions of the Council in relation to the administration of finances as given by section *twenty-five*(2) (f) and Part II of the Second Schedule to the Higher Education Act, the University Council is responsible for:
 - (a) management and regulation of the financial affairs of the University;
 - (b) ensuring compliance with statutory requirements as stipulated by written laws such as the Public Finance Act, Higher Education Act and Public Audit Act; the University's internal financial regulations such as the Mulungushi University Financial Manual; International Accounting Standards; and other terms and conditions associated with funding received by the University;
 - (c) ensuring that the University institutes and maintains systems for proper keeping of books of accounts;
 - (d) internal control and risk management, which includes good practices in the identification, evaluation and cost effective control of risks to ensure that the risks are avoided, reduced to an acceptable level or managed and contained.
2. The financial regime of the University applies to all activities of the University regardless of the source of funding and is aimed at ensuring that resources are utilised in a proper, transparent and accountable manner which not only satisfies the requirements of internal control expected of a public institution, but also fulfils all legal or financial obligations as laid down by the laws of the Republic and requirements and conditions of other funding agencies.
3. The Council may, on recommendation of the Finance and Investment Committee or the Audit and Risk Committee make such regulations as may be necessary for better financial administration and management of University resources.
4. In carrying out the duties of the office, the Bursar who is the chief financial officer shall be directly accountable to the Vice-Chancellor in line with

provisions of paragraph 11 of the Third Schedule to the Higher Education Act and section 12 (5) of Statute VII.

5. The Chief Internal Auditor shall, under the direction of the Vice-Chancellor, be responsible for reviewing the effectiveness of the University's financial system of internal control and risk management.

Sources and application of funds (section 25 (2) (a) and paragraph 8 of Second Schedule to Higher Education Act)

6. (1) The funds of the University shall consist of such moneys as may-
 - (a) be appropriated by Parliament;
 - (b) be paid to the University by way of fees, subscriptions, contributions, grants or donations, including:
 - (i) tuition, lodging, boarding fees and other charges;
 - (ii) income from University auxiliary enterprises and investments;
 - (iii) endowments, gifts, trusts and bequests;
 - (iv) donor funds and grants;
 - (c) otherwise vest in, or accrue to, the University.
 - (2) The University may, with the approval of the Minister, accept moneys by way of grants or donations from any source in or outside Zambia, except that the University shall not be obliged to accept a grant or donation of a particular purpose unless it approves of the purpose and the conditions, if any, attaching to it.
 - (3) University may, subject to prior Council approval, borrow, by way of loan or otherwise, such sums as it may require for meeting its obligations and discharging its functions under this Act, except that the prior consent of the Minister responsible for finance, in consultation with the Minister for higher education, shall be obtained.
7. (4) There shall be paid from the funds of the University-
 - (a) moneys necessary for the performance of its functions under this Act;

(b) the salaries, allowances and salary advances to its staff;

(c) such reasonable travelling and subsistence allowances for members of the Council or members of any committee of the Council when engaged in the business of the University, at such rates as the Minister may determine; and

(d) any other expenses incurred by the Council in the performance of its functions.

(5) Any person who misuses the funds of the University shall be liable to surcharge.

Investment of funds (paragraph 8 (6) of Second Schedule to Higher Education Act)

8. (1) The Council may, with the approval of the Minister, invest in such manner as it may determine, any of the funds of the University which it does not immediately require for the performance of its functions.

(2) Investment decisions of the Council shall be made upon recommendation of the Finance and Investment Committee of the Council and in accordance with the investment policies and regulations of the University.

Financial year (paragraph 10 of Second Schedule to Higher Education Act)

9. (1) The financial year of the University shall be the period of twelve months ending on 31st December in each year.

(2) In the event of any change in the financial year and for the purposes of the transition from the old financial year to a new financial year consequent upon the change, the transitional period, whether more or less than twelve months, shall be deemed for the purposes of this Statute, to be a financial year.

Budgetary estimates (paragraph 9 of Second Schedule to Higher Education Act)

10. (1) The Council shall, in respect of every financial year, prepare or cause to be prepared, estimates of the income and expenditure and shall submit the estimates to the Minister at least four months before the commencement of the financial year for scrutiny and consolidation into the Ministry's estimates, before submission to the Ministry responsible for finance for approval.

(2) A Council may submit to such bodies as it may determine, copies of the estimates referred to in subparagraph (1).

(3) Before the commencement of a financial year, the Vice-Chancellor shall cause to be prepared a budget detailing the estimated revenues and expenditure for the financial year and these estimates shall be presented to the Council for approval at least six months before the commencement of the financial year to which they relate.

(4) The annual estimates shall make provision for all the estimated revenues and expenditure of the University for the financial year concerned, and in particular shall provide for:

(a) remuneration and other charges in respect of the staff of the University;

(b) payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;

(c) maintenance of land and buildings;

(d) repair, maintenance, replacement and purchase (if any) of equipment and other movable property of the University;

(e) funding of the cost of teaching, research and publication activities of the University;

(f) development and expansion of buildings, equipment and other infrastructure;

(g) insurance; and

(h) reserve fund to meet future or contingent liabilities;

11. Budgetary estimates of the University shall be based on realistic assumptions of revenues and expenditure.

Audit of finances (paragraphs 11 and 12 of Second Schedule to Higher Education Act)

12. (1) The University shall cause to be kept proper books of accounts and other records relating to its accounts.

(2) The accounts of the University shall be audited annually or whenever necessary by the Auditor-General or its appointee, appointed by the University Council.

(3) Within a period of six months after the financial year the External Auditor shall report on the examination and audit of the accounts of the University to the University Council.

(4) The report referred to in subsection (3) shall include audited financial statements and a statement of financial position of the University.

Annual Report (paragraph 12 of Second Schedule to Higher Education Act)

13. (1) As soon as practicable but not later than six months after the expiry of each financial year, the Council shall submit to the Minister a report concerning its activities during the financial year.

(2) The report of the Council shall include information on the financial affairs of the University and there shall be appended to the report-

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure;
- (c) a report of the auditors on the accounts; and
- (d) such other information as the Minister may require.

STATUTE XII

RESOLUTION OF DISPUTES

Meaning of "proceedings"

1. In this statute and any related regulations, "proceedings" refers to any administrative, judicial or quasi-judicial process in which the interpretation or application of any statute or regulation may arise.

Disputes arising in the course of proceedings

2. (1) If a dispute over the interpretation or application of any of the statutes or any regulation arises in the course of any proceedings, it shall be determined by the competent officer, university body, judicial body, or quasi-judicial body before whom or before which the proceedings are taking place.
(2) The decision referred to in subsection (1) of this section shall be subject to such appeal or appeals as the proceedings in which the dispute has arisen may be subject.

Disputes arising otherwise than in the course of proceedings

3. (1) If a dispute over the interpretation or application of any of the statutes or any regulation arises otherwise than in the course of proceedings, it shall be determined in the first instance by the Vice Chancellor or, where the dispute involves an academic issue, the Senate, and shall be subject to appeal to the Council within fourteen days of communication of the decision to the party or parties affected.
(2) Where the dispute referred to in subsection (1) of this section involves the Vice Chancellor or the Senate or the Council, as the case may be, thereby creating a conflict of interest, the conflicted officer or body shall be dispensed with and the dispute may be heard and determined by the next competent body in the hierarchy of dispute resolution provided by this statute.
(3) In determining a dispute pursuant to subsection (1) or subsection (2) of this section, the Vice-Chancellor or the Senate or the Council, as the case may be, may require any of the parties to provide more information about the dispute and may consult any member of staff, School Dean, Dean of Students, Head of Department, board of studies or relevant committee with expertise in or knowledge of the subject matter.
(4) The decision of the Vice-Chancellor, the Senate or the Council shall be in writing and reasons thereof shall be stated; and it shall be served on the affected parties as soon as reasonably practicable.

(5) Where a decision is made by the Council on appeal pursuant to subsection (1) of this section, or in the first instance by the Vice Chancellor or the Senate or the Council pursuant to subsection (2) of this section, the decision shall be subject to arbitration proceedings which may be commenced by the aggrieved party in accordance with the Arbitration Act, No. 19 of 2000:

Provided that a member of the academic or administrative staff aggrieved with a decision of the Council may, within fourteen days of the date of service of the decision, appeal to the High Court pursuant to section 33 (1) of the Higher Education Act.

(6) An aggrieved party shall commence arbitration proceedings pursuant to subsection (5) of this section within thirty days of service of the decision on that party and in default, the decision shall stand as final and binding.

(7) The decision of the arbitrator shall be final.

STATUTE XIII AMENDMENTS

Procedure for initiating and recommending occasional amendments to Statutes

1.
 - (1) Proposals for amendments to any of the Statutes may be initiated by an office bearer, board of studies, or the Senate at any time.
 - (2) Any proposed amendment to the Statutes shall be clearly stated in writing and accompanied by a statement giving justification for the proposal.
 - (3) The Vice-Chancellor shall table proposed amendments to the Statutes before the Council for adoption only where prior approval has been granted by:
 - (a) the principal officers collectively where the proposed amendment is not of an academic nature;
 - (b) the Senate where the proposed amendment is of an academic nature;
 - (c) both the principal officers collectively and Senate where the proposed amendment has both academic and non-academic implications.
2.
 - (1) Proposed amendments to Statutes may be approved by the principal officers collectively and/or the Senate, as the case may be, with variations.
 - (2) Reasons for granting or refusing to grant approval of proposed amendments shall be given in writing and the decision and the reasons for the same shall be communicated in writing to the office bearer or body that initiated the proposed amendments.
 - (3) Every office bearer or body to whom a decision is communicated pursuant to subsection (2) shall acknowledge the receipt thereof in writing.
 - (4) A decision of the principal officers collectively refusing approval of or varying a proposed amendment may be appealed to the Council.
 - (5) A decision of the principal officers collectively and Senate or Senate alone, made pursuant to section 1 (3) (b) or (c), as the case may be, refusing approval of or varying a proposed amendment shall be final and not be subject of appeal.

Procedure for initiating and recommending occasional amendments to Regulations

3. (1) Proposals for amendments to any of the Regulations may be initiated by an office bearer or board of studies at any time.

(2) Any amendment to regulations proposed pursuant to subsection (1) shall be clearly stated in writing and accompanied by a statement giving justification for the proposal.

(3) Proposed amendments to regulations shall be recommended for adoption only where prior approval has been granted by:

(a) the principal officers collectively, where the proposed amendment is not of an academic nature; or

(b) the board(s) of studies concerned, where the proposed amendment relates to academic regulations.

4. Proposed amendments to regulations shall be recommended to the Council for adoption or, where the proposed amendment relates to academic regulations, to the Senate:

Provided that where the authority for making the subject regulations is vested in an office bearer or University body other than the Council or Senate:

(a) the recommendation for amendment shall be made to that office bearer or body, as the case may be; and

(b) prior approval of the proposed amendments in terms of section 3 (3) shall be dispensed with.

Initiation of amendments to Statutes and Regulations by Council or Senate

5. Notwithstanding other provisions of this Statute, at any time:

(a) the Council may initiate and adopt amendments to Statutes or Regulations;

(b) the Senate, in the case of academic regulations, may initiate and adopt amendments to regulations.

where by law or provision of the Statutes such amendments fall within the ambit of the Council or the Senate, as the case may be.

Periodical review of Statutes and Regulations

6. (1) Council shall cause the Statutes of the University to be reviewed every five years.

(2) If following the periodical review of Statutes referred to in subsection (1) of this section it is found necessary to amend any of the Statutes, the Vice-Chancellor shall, with the prior approval of:

(a) the principal officers collectively where the proposed amendment is not of an academic nature;

(b) the Senate where the proposed amendment is of an academic nature;

(c) both the principal officers collectively and Senate where the proposed amendment has both academic and non-academic implications.

table the proposed amendments before the Council clearly stating the amendments sought and reasons thereof.

(3) The office bearer, Senate, Council or other body vested with authority to make regulations shall review the regulations concerned every five years, coinciding with the review of the Statutes pursuant to subsection (1) and, if found necessary, amend the regulations.

Power to adopt amendments to Statutes

7. (1) Upon proposed amendments to Statutes being tabled by the Vice-Chancellor, the Council may adopt the amendments, with or without variations:

Provided that amendments to Statutes on academic matters shall not be subject to refusal by Council and shall be adopted as approved by the Senate, without variation.

(2) A decision of the Council adopting or refusing to adopt amendments to Statutes shall be communicated in writing, with reasons thereof, to the initiating office bearer or body, as the case may be.

(3) Every office bearer or body to whom a decision is communicated pursuant to subsection (2) shall acknowledge the communication in writing.

Appeals

8. (1) A decision of the Council concerning amendments to any statute shall be final:

Provided that a member of the academic or administrative staff aggrieved with a decision of the Council concerning amendments or proposed amendments to any of the statutes may, within fourteen days of the date of service of the decision, appeal to the High Court pursuant to section 33 (1) of the Higher Education Act.

- (2) An aggrieved party may appeal a decision of an office bearer or university body other than Senate, concerning amendments to any of the regulations, to the Council.

- (3) A decision of the Council or the Senate, as the case may be, concerning amendments to any of the regulations shall be final:

Provided that a member of the academic or administrative staff aggrieved with a decision of the Council concerning amendments or proposed amendments to any of the regulations may, within fourteen days of the date of service of the decision, appeal to the High Court pursuant to section 33 (1) of the Higher Education Act.

Lodging of amended statutes with Higher Education Authority

9. An amended Statute or Statutes shall be lodged with the Higher Education Authority within seven days of adoption by the Council of the amendments pursuant to section 29 (3) of the Higher Education Act.