

MANICALAND STATE UNIVERSITY OF APPLIED SCIENCES BILL, 2015

MEMORANDUM

The purpose of this Bill is to establish the Manicaland State University of Applied Sciences and to provide for matters incidental to or connected with the foregoing.

The main provisions of the Bill are explained below:

Part I

Clause 1 sets out the short title. **Clause 2** provides the definition of terms used in the Bill.

Part II

Clause 3 and **4** provides for the establishment of the University and the objects and powers of the University.

Part III

Clause 5 and **6** provides for the membership of the University and prohibition against discrimination in membership of University.

Clause 7 provides for the President of the Republic of Zimbabwe or his or her nominee being Chancellor and the rights that follow. **Clause 8** provides for the appointment of Vice-Chancellor and his or her responsibilities.

Clause 9 provides for the appointment of Pro-Vice Chancellor who shall assist the Vice-Chancellor in his or her functions in terms of this Act.

Clause 10 and **11** provides for membership of the Council and its functions.

Clause 12 and **13** provides for disqualification for appointment as Council member and vacation of office by Council members.

Clause 14 and **15** provides for Chairperson and Vice-Chairperson of the Council and the Executive Committee of the Council, its membership and functions.

Clause 16 provides for the Senate. **Clause 17** provides for the functions of the Senate.

Clause 18 provides for the Academic Board which shall be a principal committee of the Senate, its membership and functions.

Clause 19 provides for the appointment of the Registrar. **Clause 20** provides for the appointment of the Bursar.

Clause 21 provides for the appointment of the Librarian. **Clause 22** provides for the convocation of the University.

Part IV

Provides for miscellaneous provisions relating to the University.

Clause 23 provides for the conditions of service of staff. **Clause 24** provides for the appointment and grading of staff.

Clause 25 provides for the promotion of staff. **Clause 26** provides for the Staff Disciplinary Committee, its membership and functions.

Clause 27 provides for the Student Disciplinary Committee, its membership and functions.

Clause 28 and **29** provides for the Finance Committee and the Accounts of the University.

Clause 30 provides for service of process. **Clause 31** provides for the Statutes of the University.

Clause 32 provides for the Conflict of Interest where a member is not allowed to participate in a meeting where he or she has a direct or indirect interest.

Clause 33 provides for the making of Regulations by the Senate with the approval of the Council.

The **Schedule** provides for the Statutes of the University.

MANICALAND STATE UNIVERSITY OF APPLIED SCIENCES BILL, 2015

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

- Short title.
- Interpretation.

PART II

ESTABLISHMENT, OBJECTS AND POWERS OF MANICALAND STATE UNIVERSITY OF APPLIED SCIENCES

- Establishment of University.
- Objects and Powers of University.

PART III

MEMBERSHIP AND FUNCTIONS OF MANICALAND STATE UNIVERSITY OF APPLIED SCIENCES

- Membership of University.
- Prohibition against discrimination in membership of University.
- Chancellor.
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- Council.
- Functions of Council.
- Disqualification for appointment as Council member.
- Vacation of office by Council members.
- Chairperson and vice-chairperson of Council.
- Executive Committee of Council.
- Senate.
- Functions of Senate.
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- Registrar.
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PART IV

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 - Appointment and grading of staff.
 - Promotion of staff.
 - Staff Disciplinary Committee.
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 - Finance Committee.
 - Accounts of University.
 - Service of process.
 - Statutes.
 - Conflicts of Interest.
 - Regulations.
 - Validity of decisions of Council, Senate, Convocation and boards and committees.
- SCHEDULE: Statutes of the University.

First Draft: 27 October 2014

BILL

To establish the Manicaland State University of Applied Sciences; and to provide for matters connected therewith or incidental thereto.

PART I

Preliminary

1 Short title

This Act may be cited as the Manicaland State University of Applied Sciences Act [*Chapter 25:31*].

2 Interpretation

In this Act—

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

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

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

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

“Bursar” means the person holding office as Bursar of the University in terms of section 20;

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

“chairperson of the Council” means the person elected in terms of the Statutes to be the Chairperson of the Council;

“Chancellor” means the President in his capacity as Chancellor of the University in terms of section 7;

“Council” means the University Council established in terms of section 10;

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

“faculty” means a faculty of the University established in terms of the Statutes;

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

“institute” means an institute established in terms of the Statutes;

“librarian” means the person holding office as Librarian of the University in terms of section 21;

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

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

“ordinance” means an ordinance made by the Council under Statute 23;

“Pro-Vice-Chancellor” means a person holding office as Pro-Vice-Chancellor in terms of section 9;

“Registrar” means the person holding office as Registrar of the University in terms of section 19;

“regulations” means regulations made by the Senate under section 33;

“Senate” means the Senate established in terms of section 16;

“senior administrative staff” means the Registrar, the Bursar and such other members of staff as the Council may from time to time determine;

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

“Statutes” means the Statutes of the University set out in the Schedule as amended from time to time or replaced in terms of section thirty-one;

“Students’ Executive Council” means any association of students recognised by the Council as the Students’ Executive Council;

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

“University” means the Manicaland State University of Applied Sciences constituted in terms of this Act;

“Vice-Chancellor” means the person holding the office of Vice-Chancellor in terms of section eight;

“workers” means all persons employed by the University who are categorised in terms of the Statutes as workers.

PART II

ESTABLISHMENT, OBJECTS AND POWERS OF MANICALAND STATE UNIVERSITY OF APPLIED SCIENCES

3 Establishment of University

(1) There is hereby established a University to be known as the Manicaland State University of Applied Sciences.

(2) The University shall be a body corporate with perpetual succession and shall be capable of suing and being sued in its corporate name and, subject to this Act, performing all acts that bodies corporate may by law perform.

4 Objects and powers of University

- The objects of the University are—
- specialisation in applied sciences, mineral sciences, forestry sciences, agricultural sciences and tourism and hospitality; and
- the advancement of knowledge through teaching, research and learning; and

(c) the nurturing of the intellectual, aesthetic, social and moral growth of the students.

(2) For the achievement of its objects, the University shall, subject to this Act, have the following powers—

- to provide for research and courses of instruction whether on a full-time or part-time basis, by correspondence or extra-murally, and take such other steps as may appear necessary and desirable for the advancement and dissemination of knowledge;
- to hold examinations and to confer degrees, including honorary degrees, diplomas, certificates and other awards, upon persons who have followed courses of study approved by the Senate and additionally, or alternatively, have satisfied such other requirements as may be determined by the Senate;
- to provide courses leading to degrees, diplomas or certificates, including training for persons wishing to enter the University;
- to provide opportunities for staff and students, and such other persons as the University may approve, to engage in productive activity in the fields of agricultural science, livestock production and wildlife management and any other fields in which the University may from time to time be engaged;
- to promote research into economic, political, social, cultural, scientific and other matters generally with particular reference to the interests of Zimbabwe;
- to institute professorships, lectureships, research fellowships, staff development fellowships and other posts and offices and make appointments thereto;
- to institute and award fellowships, scholarships, bursaries, prize medals, exhibitions and other distinctions, awards and forms of assistance consistent with its objects;
- to erect, equip and maintain laboratories, offices, halls of residence, lecture halls, libraries, museums and other buildings and structures required for the promotion of its projects;
- to regulate and provide for the residence of its students and members of staff;
- to provide and maintain sports fields and other recreational facilities for its students and members of staff;
- to demand and receive such fees as may from time to time be prescribed by or in terms of the Statutes;
- to enter into such contracts and establish such trusts and appoint such staff as the University may require;

- to establish pension, superannuation or provident or other credit fund schemes for the benefit of its staff or any section thereof, and to enter into arrangements with the Government or any organisation or person for the operation of such schemes;
- to acquire any property, movable or immovable, and to take, accept and hold any property which may become vested in it by way of purchase, exchange, grant donation, lease, testamentary disposition or otherwise;
- to sell, mortgage, let on hire, exchange, donate or otherwise dispose of any property held by it;
- to invest in the money market, business concerns, land or securities such funds as may be vested in it for the purpose of endowment, whether for general or specific purposes, or such other funds as may not be immediately required for current expenditure;
- to borrow money for any purpose deemed fit by the Council;
- to lend money in the form of short-term loans to its staff on terms and conditions approved by the Council;
- to do all such acts and things, incidental to the powers specified in this subsection, and whether inside or outside Zimbabwe, as may be requisite in order to further its overall objects or any of them.

PART III

MEMBERSHIP AND FUNCTIONS OF MANICALAND STATE UNIVERSITY OF APPLIED SCIENCES

5 Membership of University

(1)The University shall consist of—

- the Chancellor; and
- a Vice-Chancellor; and
- one or more Pro-Vice-Chancellors; and
- members of the Council; and
- members of the Senate; and
- members of staff; and
- registered students, both full-time and part-time; and
- the Convocation.

(2) In appointing the members of the University, the Minister shall endeavour to secure that at least half the appointed members of the University are women.

6 Prohibition against discrimination in membership of University

(1) No test of religious or political belief, race, ethnic origin, nationality, disability or gender shall be imposed upon or required of any person in order to entitle him or her to be admitted as a member of staff or student of the University or to hold any office therein or privilege thereof.

(2) Nothing in subsection (1) shall be construed as preventing the University from giving preference to citizens or residents of Zimbabwe when making appointments or promotions or when admitting students.

7 Chancellor

(1) The President of the Republic of Zimbabwe or his or her nominee shall be Chancellor of the University.

(2) The Chancellor shall be the head of the University.

(3) The Chancellor shall have the right—

- to preside over any assembly or meeting held by or under the authority of the University; and
- upon the recommendation of the Council and the Senate, to confer degrees, diplomas, certificates and other awards and distinctions of the University and to withdraw or restore such awards.

8 Vice-Chancellor

(1) The Vice-Chancellor shall be appointed by the Chancellor after consultation with the Minister and the Council, and shall hold office for such period as is provided in his or her contract of employment.

(2) Subject to the general control of the Council, the Vice-Chancellor shall be the chief academic, administrative and disciplinary officer of the University, with general responsibility for maintaining and promoting the efficiency, effectiveness and good order of the University.

(3) Subject to subsections (4) and (5), the Vice-Chancellor may—

- suspend from duty any member of staff of the University;
- subject to section 6, prohibit the admission of a student or any person to the University;
- prohibit, indefinitely or for such period as he or she may specify, any student or group of students from attending any class or classes;
- prohibit any student or group of students or person or group of persons from entering or remaining on such part or parts of the University campus as he or she may specify;

- expel or suspend, indefinitely or for such period as he or she may specify, any student or group of students;
- dissolve or suspend, indefinitely or for such a period as he or she may specify, the Students' Union or any of its committees or organs;
- prohibit or suspend, indefinitely or for such period as he or she may specify, any activity or function of the Students' Executive Council or any of its committees or organs;
- impose any other penalty or give any other order in respect of—
 - (i) a member of staff, which is recommended by the Staff Disciplinary Committee in terms of section 26(7);
 - (ii) a student, which is recommended by the Student Disciplinary Committee in terms of section 27(6).

(4) The Vice-Chancellor shall not expel a student for misconduct unless the Student Disciplinary Committee in terms of section 27 has found the student guilty of misconduct.

(5) Any action taken by the Vice Chancellor in terms of subsection (3), shall be subject to ratification by the Council.

9 Pro-Vice Chancellor

(1) The Pro-Vice-Chancellor shall be appointed by the Chancellor after consultation with the Minister and the Council, and shall hold office for such period as is provided in his or her contract of employment.

(2) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in the performance of his or her functions and, in addition, shall have such functions as may be specified in the Statutes.

(3) The Vice-Chancellor may delegate to the Pro-Vice Chancellor, either absolutely or subject to conditions, any of his or her functions in terms of this Act, and may at any time amend or withdraw any such delegation:

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

(4) Where the Council deems it fit to appoint a second Pro-Vice Chancellor, the Council shall submit a written justification of the reason(s), to the Permanent Secretary who shall in consultation with the Minister approve or disapprove such appointment.

10 Council

(1) Subject to this Act and any general directions as to policy given by the Minister, the government and executive authority of the University shall be vested in the Council which shall consist of—

- the Chancellor, the Vice-Chancellor and the Pro-Vice Chancellors, who shall be *ex officio* members; and
- the Permanent Secretary for Higher and Tertiary Education, Science and Technology Development; and
- sixteen persons appointed by the Minister, including—
 - one person who shall be a legal practitioner;
 - one person who shall be a registered medical practitioner;
 - one person who shall be a qualified engineer;
 - one person who shall be a chartered accountant;
 and
- nine persons who are members of the academic and technical staff and who are appointed by the Senate, from amongst their number; and
- the President of the Students' Executive Council, who shall be an *ex officio* member; and
- one person who is a distinguished academic appointed by the Council on the recommendation of the Senate; and
- one woman appointed by the Minister in consultation with interested women's organisations to represent women's interests; and
- one person approved by the Vice-Chancellor and elected by the non-Senate members of the academic staff from amongst their number; and
- one person approved by the Vice-Chancellor and elected by the administrative staff from amongst their number; and
- one person approved by the Vice-Chancellor and elected by the workers' committee of the University; and
- one person appointed by the Minister to represent the interests of workers in Zimbabwe, in consultation with the relevant Minister to whom the administration of the Labour Act [*Chapter 28:01*] has been assigned; and
- one person appointed by the Minister from a list of names submitted by such organisations representing teachers and additionally, or alternatively, lecturers, as the Minister recognises for the purposes of this paragraph; and
- two persons appointed by the Minister from the list of names submitted by business organisations upon the request of the Minister after consultation with the Minister responsible for commerce, industry and trade recognises as its successor for the purposes of this paragraph; and

- one person appointed by the Minister from a list of names submitted by the Confederation of Zimbabwe Industries or, if that organisation ceases to exist, by such organisation as the Minister, after consultation with the Minister responsible for industry, recognises as its successor for the purposes of this paragraph; and
- one person appointed by the Minister from a list of names submitted by the Council of the Zimbabwe Institution of Engineers established in terms of the Zimbabwe Institution of Engineers (Private) Act [*Chapter 27:16*] or if that organisation ceases to exist, by such other organisation as the Minister, after consultation with the Minister responsible for public construction, recognises as its successor for the purposes of this paragraph; and
- one person appointed by the Minister from a list of names submitted by the Chamber of Mines of Zimbabwe incorporated in terms of the Chamber of Mines of Zimbabwe Incorporation (Private) Act [*Chapter 21:02*] or, if that organisation ceases to exist, by such other organisation as the Minister, after consultation with the Minister responsible for mines, recognises as its successor for the purposes of this paragraph; and
- one person appointed by the Minister from a list of names submitted by Zimbabwe Tourism Authority or any other officially recognised tourism organisation; and
- one agricultural science expert appointed by the Minister from a list of names submitted by an organisation registered in agricultural science; and
- one person elected by the Convocation.

(2) If any person, organisation or authority fails or declines—

- to appoint or elect any person in terms of paragraph (c), (g), (h), (i) or (t) of subsection (1) within a reasonable time after being called upon to do so, the Council, after consultation with the Minister, may appoint any person to fill the vacancy;
- to submit a list of names in terms of paragraph (k), (l), (m), (n), (o), (p) or (q) of subsection (1) within a reasonable time after being called upon to do so, the Minister may appoint any person to fill the vacancy.

(3) In appointing the members of the Council, the Minister shall endeavour to secure that at least half the appointed members of the Council are women.

(4) The Minister shall endeavour to ensure that at least one quarter of the members of the Council have experience or expertise in applied sciences, mineral sciences, agricultural sciences, forestry sciences and tourism and hospitality.

11 Functions of Council

(1) Subject to this Act and the Statutes, the Council shall—

- with the approval of the Minister, appoint the Pro-Vice-Chancellors and the Registrar;
 - appoint the Bursar, the Librarian, the Information Technologist and other staff of the University:
- Provided that the Council may delegate its duties under this paragraph to such committee as may

be prescribed in the Statutes;

- on the recommendation of the Senate, institute professorships and other academic offices, and abolish or hold in abeyance any such offices;
- receive and, if the Council considers it proper to do so, give effect to reports and recommendations from the Senate on those matters upon which Senate is authorised or required by this Act or the Statutes to make reports and recommendations;
- cause to be prepared annually a statement of the income and expenditure of the University during the previous financial year, and of the assets and liabilities of the University on the last day of such year;
- submit statements of income and expenditure referred to in paragraph (e) to audit by an auditor appointed by the Council, and publish such statements and the auditor's reports thereon;
- cause to be prepared annually estimates of income and expenditure for the following financial year;
- cause to be prepared and made available to the public a report on the activities of the University during each year;
- prepare and refer to the Senate any proposed amendment, repeal or replacement of the Statutes.

(2) Without limitation on any other powers conferred on the Council by this Act, the Council shall have the following powers—

- to receive recommendations from the Senate for conferment, withdrawal or restoration of degrees, including honorary degrees, and diplomas, certificates and other awards and distinctions of the University and, if approved, to submit them to the Chancellor;
- to amend, repeal or replace the Statutes in terms of section 31(2);
- to administer the property of the University and control its affairs and functions;
- to delegate its functions to the Executive Committee or any other committee or officer of the University:

Provided that the delegation of any such function shall not prevent the Council from exercising that function;

- to exercise on behalf of the University such of the powers set out in section 4(2) as are not exercisable in terms of this Act by any other authority;
- to do such other acts as it considers to be necessary for the proper administration of the University and the achievement of its objects.

12 Disqualification for appointment as Council member

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

- is not a citizen of Zimbabwe or permanently resident in Zimbabwe; or
- has, in terms of any law in force in any country—
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
 - (ii) made an assignment to, or arrangement or composition with, his or her creditors which has not been rescinded or set aside; or
- has, within the period of five years immediately preceding the date of his or her proposed appointment, been sentenced to a term of imprisonment of or exceeding six months, whether or not any portion has been suspended, imposed without the option of a fine in any country, and has not received a free pardon; or
- is a Member of Parliament of Zimbabwe; or
- is of unsound mind.

13 Vacation of office by Council members

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

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

14 Chairperson and vice chairperson of Council

(1) The Council shall elect a chairperson from amongst its members to hold office for such period and subject to such terms and conditions as are prescribed in the Statutes.

(2) At all meetings of Council at which the Chancellor is not present, the chairperson of Council or, in his or her absence the vice-chairperson shall preside.

(3) If at any meeting of the Council the Chancellor and the Chairperson and the vice -chairperson of the Council are all absent, the members of the Council who are present shall elect a person from amongst their number to preside at the meeting.

15 Executive Committee of Council

(1) There shall be a principal committee of the Council to be known as the Executive Committee.

(2) The Executive Committee shall consist of—

- the chairperson and vice-chairperson of the Council; and
- the Vice-Chancellor and every Pro-Vice-Chancellor; and
- ten members of the Council, of whom—
 - (i) four shall be appointed by the Minister; and
 - (ii) three shall be appointed by the Senate; and
 - (iii) three shall be appointed by the Council.

(3) The chairperson and vice-chairperson of the Council shall be the chairperson and vice-chairperson, respectively, of the Executive Committee.

(4) The Executive Committee shall exercise such of the functions of the Council as the Council may delegate to it.

(5) Any delegation of functions by the Council in terms of subsection (4) may be made absolutely or subject to conditions and may be amended or withdrawn at any time.

(6) A delegation of any function by the Council in terms of subsection (4) shall not prevent the Council from itself exercising that function.

16 Senate

(1) Subject to this Act, the academic authority of the University shall be vested in the Senate, which shall consist of—

- the Vice-Chancellor, who shall be the chairperson, the Pro-Vice Chancellors, the deans, professors, the chairpersons of departments and the Librarian who shall be *ex officio* members; and
- one member of the permanent academic staff from each faculty elected annually by such staff; and
- six students elected annually by the Students' Executive Council:

Provided that such students shall not be entitled to attend deliberations of the Senate on matters which are considered by the chairperson of the Senate to be confidential.

(2) If the full-time academic staff or the Students' Executive Council fails or declines to elect a person in terms of paragraph (b) or (c) of subsection (1), the Council may appoint a suitably qualified person to fill the vacancy.

17 Functions of Senate

The Senate shall have the following functions—

- to promote the advancement of knowledge through research;
- to formulate and carry out the academic policy of the University;
- to regulate the programmes, subjects and courses of study and the examinations held by the University;
- to regulate the admission of students to the University;
- to recommend to the Chancellor, through the Council, the conferment of degrees, including honorary degrees, diplomas, certificates and other awards and distinctions of the University and the withdrawal and restoration of such awards;
- to fix, subject to consultation with any sponsors and subject to the approval of the Council, the times, modes and conditions of competitions for fellowships, scholarships and prizes;
- to appoint examiners for examinations conducted by the University;
- to cause to be prepared estimates of expenditure required to carry out the academic work of the University and to submit them to the Council;
- subject to the approval and direction of the Council, to formulate, modify and revise the organisation of faculties, departments, institutes, centres and units;
- to recommend to the Council the institution, abolition or holding in abeyance of professional chairs and other academic offices;
- without derogation from the powers of the Council, to propose changes to the Statutes;
- to make any regulations it is authorised to make by or in terms of this Act;
- to appoint committees, which may include persons who are not members of the Senate, to exercise any of the functions of the Senate, other than the power to make regulations;
- to make periodic reports on its activities to the Council and to report on any matter referred to it by the Council;
- to do such other acts as the Council may authorise or direct it to do.

18 Academic Board

(1) There shall be a principal committee of Senate to be known as the Academic Board.

(2) The Academic Board shall consist of—

- the Vice-Chancellor, who shall be chairperson; and
- every Pro-Vice-Chancellor; and
- four full professors of the University, elected annually by the Senate; and
- all the deans of faculties; and
- the Librarian; and
- two members of the Senate, elected annually by the persons referred to in of section 16(1) (a) and (b).

(3) The Academic Board shall exercise such of the functions of the Senate as the Senate, with the approval of the Council, may delegate to it.

(4) Any delegation of functions by the Senate in terms of subsection (3) may be made absolutely or subject to conditions and may be amended or withdrawn at any time.

(5) A delegation of any function by the Senate in terms of subsection (3) shall not prevent the Senate from itself exercising that function.

19 Registrar

(1) There shall be a Registrar of the University who shall be appointed by the Council, with the approval of the Minister, in the manner provided in the Statutes.

(2) Subject to the directions of the Council, the Registrar shall be responsible for the general administration of the University, and shall perform such other functions as may be specified in the Statutes.

(3) The Registrar, or a member of his or her staff whom the Registrar may authorise to act for him or her, shall be secretary of the Council, the Senate and their principal committees.

20 Bursar

(1) There shall be a Bursar of the University who shall be appointed by the Council in the manner provided in the Statutes.

(2) Subject to the directions of the Council, the Bursar shall act as the accountant of the University and shall be responsible for the safe-guarding of its funds and, in accordance with the general directions of the Vice-Chancellor, for authorising its investment and expenditure.

(3) The Bursar shall perform such additional functions as may be specified in the Statutes.

21 Librarian

(1) There shall be a Librarian of the University who shall be appointed by the Council in the manner provided in the Statutes.

(2) Subject to the directions of the Senate and the Vice-Chancellor, the Librarian shall be responsible for the administration and safe-guarding of the libraries of the University.

22 Convocation

(1) The Convocation of the University shall consist of all persons whose names appear on the Convocation Roll maintained by the Registrar.

(2) The Vice-Chancellor and all Pro-Vice-Chancellors, professors, deans, lecturers, chairpersons of departments, the Registrar, the Librarian and the Bursar shall be *ex officio* members of the Convocation.

(3) All graduates of the University who signify in writing addressed to the Registrar that they desire to be members of the Convocation and who inform the Registrar of their address shall be entitled to have their names entered on the Convocation Roll.

(4) Subject to section 7(3) (a), the Vice-Chancellor or such other person as he or she may appoint shall be chairperson of meetings of the Convocation.

(5) Meetings of the Convocation shall be held at such times and places as the Council may direct.

(6) The Convocation may deal with any matter relating to the University that the Council, in accordance with the Statutes, may refer to the Convocation.

PART IV

MISCELLANEOUS PROVISIONS

23 Terms and conditions of service of staff

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

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

24 Appointment and grading of staff

(1) Every appointment to the academic staff shall be made by an Academic Appointments Board consisting of—

- the Vice-Chancellor or his or her nominee, who shall be chairperson; and
- two members appointed by the Council from amongst those of its members who are not members of staff of the University; and
- the chairperson of the department to which the appointment is made; and
- one other member, approved by the Vice-Chancellor, of the department to which the appointment is made; and
- the dean of the faculty to which the appointment is made; and
- the chairperson of a department approved by the Council as being related to the department referred to in paragraph (c).

(2) Subject to this Act and the Statutes, the Council shall appoint boards of selection for the purpose of appointing members of staff other than the Vice-Chancellor, Pro-Vice -Chancellors, the Registrar, the Bursar, the Librarian and academic staff.

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

25 Promotion of staff

(1) Every promotion of a person to a post or grade within the academic staff shall be effected by an Academic Staff Promotions Committee consisting of—

- the Vice-Chancellor or his or her nominee, who shall be chairperson; and
- every Pro-Vice-Chancellor; and
- four members of the Council who are not members of staff of the University, appointed by the Council; and
- all deans of faculties; and
- at least three professors of the University appointed by the Senate once every three years.

(2) Every promotion of a person to a post or grade within the non-academic staff shall be effected by a Non-Academic Staff Promotions Committee appointed by the Council consisting of—

- a Pro-Vice-Chancellor, who shall be chairperson; and
- the Registrar; and
- the Bursar; and
- the Librarian; and

- two members of the Council who are not members of staff of the University; and
- one representative of each category of the non-academic staff prescribed in the Statutes; and
- one representative of each faculty or institute where the person to be promoted works.

26 Staff Disciplinary Committee

(1) There shall be a Staff Disciplinary Committee which shall consist of the following members appointed by the Vice-Chancellor—

- a retired judge, who shall be the chairperson; and
- a senior member of the academic or administrative staff; and
- a member of the academic, technical or administrative staff of similar status to the person charged; and
- a registered legal practitioner of at least five years' standing who does not hold any post at the University, and who is nominated annually by the Council; and
- one member appointed by the Council from among its members who are not members of the University staff.

(2) One member referred to in paragraph (b) or (c) of subsection (1) shall belong to the same department or facility as that to which the person charged belongs.

(3) Three members of the Staff Disciplinary Committee shall form a quorum.

(4) All matters to be decided at any meeting of the Staff Disciplinary Committee shall be decided by a simple majority and, in the event of an equality of votes, the chairperson or person presiding shall have a casting vote in addition to his or her deliberative vote.

(5) The functions of the Staff Disciplinary Committee shall be to investigate any breach of a Statute, regulation or ordinance or other misconduct on the part of any member of staff of the University and, subject to subsection (6), to recommend to the Vice-Chancellor the punishment to be imposed on, or order to be made in respect of, the member if it finds him or her guilty of such misconduct.

(6) A person charged with misconduct referred to in subsection (4) shall have a right of audience before the Staff Disciplinary Committee.

(7) Where the Staff Disciplinary Committee has found a person guilty of misconduct referred to in subsection (4), the Committee shall recommend to the Vice-Chancellor for his or her determination, any one or more of the following—

- that the person's employment be terminated;
- that the person pay a fine to the University not exceeding two thousand United States Dollars;
- that the person be demoted;

- that the person be censured or reprimanded;
- such other penalty or order as may be provided for by or in terms of the Statutes.

(8) Upon receiving the recommendations of the Staff Disciplinary Committee, the Vice-Chancellor may—

- (a) endorse one or more of the recommendations; or
- (b) make any other decision as he or she deems appropriate with regard to the circumstances of the case.

27 Student Disciplinary Committee

(1) There shall be a Student Disciplinary Committee which shall consist of the following members appointed by the Vice-Chancellor—

- the Senior Proctor, who shall be chairperson; and
- four members of the academic staff appointed by Senate one of whom shall be from the department or faculty in which the student being charged is registered; and
- one student nominated by the Students' Executive Council;
- a registered legal practitioner of at least five years' standing who does not hold any post at the University, and who is nominated annually by the Council.

(2) Five members of the Student Disciplinary Committee shall form a quorum.

(3) All matters to be decided at any meeting of the Student Disciplinary Committee shall be decided by a simple majority and, in the event of an equality of votes, the chairperson or person presiding shall have a casting vote in addition to his or her deliberative vote.

(4) The functions of the Student Disciplinary Committee shall be to investigate any breach of a Statute, regulation or ordinance or other misconduct on the part of any student and, subject to subsection (6), to recommend to the Vice-Chancellor the punishment to be imposed on the student if it finds him or her guilty of such misconduct.

(5) A student charged with misconduct referred to in subsection (4) shall have a right of audience before the Student Disciplinary Committee.

(6) Where the Student Disciplinary Committee has found a student guilty of misconduct referred to in subsection (4), the Committee shall recommend to the Vice-Chancellor for his or her determination, the imposition upon the student of any one or more of the following punishments—

- expulsion or suspension from the University;
- the withdrawal of any academic or University privilege, benefit, right or facility other than to follow courses of instruction and present himself or herself for examination;

- the imposition of a fine not exceeding fifty United States Dollars, which fine may be deducted from any allowances payable to the student and shall be paid to the University;
- a censure or reprimand;
- such other penalty as may be provided for by or in terms of the Statutes.

(7) Upon receiving the recommendations of the Student Disciplinary Committee, the Vice-Chancellor may—

- (a) endorse one or more of the recommendations; or
- (b) make any other decision as he or she deems appropriate with regard to the circumstances of the case.

28 Finance Committee

(1) Subject to this Act, there shall be a Finance Committee of the Council consisting of—

- the chairperson of Council, who shall be chairperson, and
- the Vice-Chancellor; and
- every Pro-Vice-Chancellor; and
- three persons appointed by the Council from among its members who are not members of the University staff; and
- two persons appointed by the Senate from among its members; and
- the Bursar, who shall be the secretary of the Finance Committee; and
- the Registrar; and
- a representative of the deans of faculties appointed by the Council.

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

29 Accounts of University

(1) The Council shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the University's activities, funds and property, including such particular accounts and records as the Minister may direct.

(2) As soon as possible after the end of each financial year, the Council shall prepare and submit to the Minister a statement of accounts in respect of that financial year or in respect of such other period as the Minister may direct.

30 Service of process

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

31 Statutes

(1) Subject to this Act, the University shall be administered in accordance with the Statutes.

(2) Subject to subsection (4) the Council may make Statutes amending, repealing or replacing the Statutes set out in the Schedule in order to prescribe all matters which, in terms of this Act, are required or permitted to be prescribed in Statutes or which, in the opinion of the Council, are necessary or convenient to be so prescribed for carrying out or giving effect to this Act or for the proper administration of the University.

(3) Subject to this Act, Statutes made in terms of subsection (2) may provide for—

- the appointment, conditions of service and functions of the Vice-Chancellor, the Pro-Vice-Chancellors, the Registrar, the Bursar, the Librarian, and all members of staff and the categorization of such members of staff;
- the functions of the Pro-Vice-Chancellors;
- the election or appointment of persons to the Council and the Senate and to committees of the Council and the Senate;
- the terms of office of members of the Council and its committees, other than *ex officio* members thereof;
- the terms of office and conditions of service of the chairperson and vice-chairperson of the Council;
- the convening of meetings of the Council, the Senate and the Convocation and of committees of the Council and the Senate, the quorum at such meetings and the procedure to be adopted thereat;
- the terms of office of members of the Academic Appointments Board, the Academic Staff Promotions Committee, Boards of Selection, the Grading Committee and the Non-Academic Staff Promotions Committee, the quorum at such meetings and the procedure to be adopted thereat;
- the functions of the Academic Appointments Board, Boards of Selection, the Grading Committee, the Academic Staff Promotions Committee, the Non-Academic Staff Promotions Committee and the Finance Committee.
- the persons who may enter into contracts and sign documents on behalf of the University, and the procedure to be followed in relation to transactions entered into by or on behalf of the University;
- the establishment and organisation of faculties, departments, centres and institutes;
- the functions of deans of faculties, chairpersons of departments and heads of centres and institutes;
- the holding of congregations of the University for the purpose of conferring degrees, diplomas, certificates and other honours and awards;
- the seal of the University and its use and custody;
- the academic year of the University;

- the discipline of members of staff and students and the procedures to be adopted in respect thereof;
- fees and charges to be paid for anything done by any person in terms of this Act;
- empowering any person specified in the Statutes to make ordinances or rules in respect of any matter referred to in paragraph (a) to (p).

(4) Statutes made in terms of subsection (2), shall not have effect until they have been approved by the Minister and published in a statutory instrument.

32 Conflicts of Interest

(1) No member of the Council shall participate in a meeting of the Council or have a vote on any question before the Council, in which the member is aware that he or she has direct or indirect interest that may conflict with his or her functions as a Council.

(2) A member who contravenes subsection (1), shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

33 Regulations

(1) Subject to this Act and the Statutes and with the approval of the Council, the Senate may make regulations prescribing any matter which, in the opinion of the Senate, is appropriate to be prescribed for the better carrying out of the Senate's functions.

(2) Regulations may provide for—

- teaching within the University, whether generally or in relation to specific subjects;
- the minimum benchmarks expected for the appointment and promotion of academic staff;
- progress reports to be submitted by members of the academic staff;
- schemes of study and research and the conditions subject to which such schemes may be embarked upon or continued;
- the use of libraries of the University;
- the conduct and supervision of examinations;
- the award of degrees, diplomas, certificates and other academic honours and awards, other than honorary degrees, honours or awards.

(3) The Senate may at any time amend or repeal any regulations.

(4) Regulations need not be published in the *Gazette*, but the Senate shall publish them in such manner as the Senate considers will best make them known to the persons to whom they apply.

34 Validity of decisions of Council, Senate, Convocation and boards and committees

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

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

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

SCHEDULE (Sections 2 and 31)

STATUTES OF UNIVERSITY

ARRANGEMENT OF STATUTES

Section

1. Appointment of Pro-Vice-Chancellors.
2. Length of appointment of members of Council.
3. Casual vacancies in Council.
4. Meetings and quorum of Council.
5. Resolutions by circulation among members of Council.
6. Meetings and quorum of Senate.
7. Convocation.
8. Faculties or institutes.
9. Deans or directors.
10. Functions of deans or directors.
11. Evaluation of performance of deans or directors.
12. Termination of appointment of deans or directors.
13. Composition of faculty or institute boards.
14. Functions of faculty or institute boards.
15. Meetings of faculty or institute boards.
16. Teaching departments.
17. Institutes and centres.
18. Appointment of Registrar, Bursar and Librarian.
19. Procedure generally.
20. Financial procedures.
21. Auditors.
22. University seal.

23. Ordinances.

24. Arrangements with other Universities, affiliated bodies, etc.

1. Appointment of Pro-Vice Chancellors

(1) For the purpose of considering appointments to the office of Pro-Vice Chancellor, there shall be a joint committee of the Council and the Senate consisting of—

- the chairperson of the Council, who shall be chairperson of the joint committee; and
- the Vice-Chairperson of the Council; and
- the Vice-Chancellor; and
- two persons appointed by the Council from among its members who are not members of the Senate; and
- three persons appointed by the Senate from among its members.

(2) The joint committee constituted by this Statute shall consider each applicant for appointment to a vacancy in the office of Pro-Vice-Chancellor and shall make recommendations thereon to the Council, and the Council, after considering the joint committee's recommendation, shall make the appointment concerned with the approval of the Minister.

(3) A Pro-Vice-Chancellor shall hold office for three years from the date of his or her appointment and, subject to subsection (2) and the approval of the Minister, shall be eligible for re-appointment.

2. Length of appointment of members of Council

Members of the Council, other than *ex officio* members, shall hold office for three years, and shall be eligible for re-appointment or re-election, as the case may be:

Provided that—

- of the first sixteen members appointed by the Minister, five shall be appointed for a period ending one year after the date of commencement of the Act and a further five shall be appointed for a period ending two years after the date of commencement of the Act;
- of the first nine members appointed by the Senate, three shall be appointed for a period ending one year after the date of commencement of the Act and a further three shall be appointed for a period ending two years after the date of commencement of the Act.

(2) Any member of Council, other than an *ex officio* member, may resign his or her membership at any time by notice in writing addressed to the Registrar.

3. Casual vacancies in Council

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

4. Meetings and quorum of Council

(1) The Council shall meet at least three times a year.

(2) The quorum of the Council shall be one-half of the members holding office at the time of the meeting.

5. Resolutions by circulation among members of Council

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

6. Meetings and quorum of Senate

(1) The Senate shall meet at least three times a year.

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

(3) The Vice-Chancellor or, in his or her absence, a Pro-Vice-Chancellor, shall be chairperson of the Senate.

7. Convocation

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

8. Faculties or institutes

The University shall include such faculties or institutes as may from time to time be established by the Council.

9. Deans or directors

(1) There shall be a dean of each faculty or director of each institute, who shall be appointed by a selection board appointed by the Council and chaired by the Vice-Chancellor or a Pro-Vice-Chancellor.

(2) A dean or director shall hold office for four years and, on the expiry of his or her term of office, shall be eligible for re-appointment.

10. Functions of deans or directors

(1) A dean or director shall be responsible to the Vice-Chancellor for—

- the character and quality of his or her faculty's or institute's academic programmes and teaching; and
- the proper direction, control and management of the staff, property, equipment and finances of his or her faculty or institute; and
- contributing to the evolution and maintenance of a conducive environment for learning at the University.

(2) Without limiting subsection (1), a dean's or director's functions include—

- the planning and control of his or her faculty's or institute's budget; and
- implementing the policies and objectives of the University and his or her faculty or institute; and
- developing and maintaining relations with alumni of his or her faculty or institute and with other organisations and persons, with a view to enriching the academic programmes offered by his or her faculty; and
- soliciting funds and other assistance to support programmes and projects of his or her faculty or institute; and
- co-operating with other faculties or institutes, agencies and centres to further the programmes and projects of his or her faculty or institute; and

- performing such other functions as may be prescribed by the regulations or ordinance.

11. Evaluation of performance of deans or directors

The performance of every dean or director shall be evaluated annually by a committee appointed by the Vice-Chancellor and consisting of senior academic staff and administrative staff.

12. Termination of appointment of deans or directors

(1) A dean or director may resign his or her office by giving the Vice-Chancellor three months' written notice or such longer or shorter notice as he or she and the Vice-Chancellor may agree.

(2) Subject to subsection (3), the Vice-Chancellor may suspend or terminate the appointment of a person as dean or director—

- on the recommendation of a committee referred to in Statute 11; or
- for other good cause.

(3) A dean or director whose appointment has been terminated in terms of subsection (2) may appeal to the Council within fourteen days of being notified of the suspension or termination, and on any such appeal the Council may confirm, vary or rescind the suspension or termination, as the case may be, or give such other direction in the matter as it thinks appropriate.

13. Composition of faculty or institute boards

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

- all the full-time members of the academic staff of the faculty or institute; and
- such persons as may be assigned to the faculty board by the Senate; and
- two students elected annually by the students in the faculty or institute; and
- one member elected annually by and from among the non-academic full-time staff of the faculty or institute.

14. Functions of faculty or institute boards

A faculty or institute board shall have the following functions—

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

15. Meetings of faculty or institute boards

(1) The dean of each faculty or director of each institute shall call regular meetings of the faculty or institute board at which matters relating to the policy of the faculty or institute and appointments shall be discussed and recommendations adopted for submission to the appropriate authorities on appointments.

(2) The Vice-Chancellor and every Pro-Vice-Chancellor shall be entitled to attend any meeting of a faculty or institute board or any committee thereof.

16. Teaching departments

(1) The teaching departments and their allocation to faculties shall be prescribed by ordinance.

(2) A chairperson of department shall be appointed by the Vice-Chancellor, on behalf of the Council, from among the full-time members of the academic staff of the department, after consultation with each member of the academic staff in the department and the dean of the faculty to which the department is allocated.

(3) A chairperson of department shall hold office for a period of three years, or such other period as may be determined by ordinance, and shall be eligible for re-appointment.

(4) A department may be allocated to two or more faculties.

17. Institutes and centres

The Council, after consultation with the Senate, may establish institutes or centres of learning within or outside the University and shall appoint the head of any such institute or centre and give directions as to its studies and research and administration.

18. Appointments of Registrar, Bursar and Librarian

(1) For the purpose of considering appointments to the offices of Registrar, Bursar and Librarian there shall be a joint committee of the Council and Senate consisting of—

- the chairperson of the Council, who shall be the chairperson of the joint committee; and
- the vice-chairperson of the Council and
- the Vice-Chancellor; and
- every Pro-Vice-Chancellor; and
- two persons appointed by the Council from amongst its members who are not members of the Senate; and
- three persons appointed by the Senate from amongst its members.

(2) The joint committee constituted by this Statute shall consider each applicant to a vacancy in the office of Registrar, Bursar, or Librarian and shall make recommendations, thereon to the Council.

19. Procedure generally

(1) Except as otherwise specifically provided by the Act or these Statutes, in the absence of the chairperson or vice-chairperson at a meeting of a board or committee, the members present shall elect from those present, a chairperson to preside over that meeting.

(2) Except as otherwise specifically provided by the Act or these Statutes, the quorum at any meeting of a board or committee shall be as fixed by the person or authority that appointed the board or committee.

(3) Except as otherwise specifically provided by the Act or these Statutes, each board or committee shall determine and may make rules for the time, place and procedure of its meetings.

(4) The minutes of a meeting of a board or committee shall be laid on the table at the next following meeting of the body that appointed it.

(5) At a meeting of board or committee, in the event of an equality of votes on any matter, the person presiding shall have a casting vote in addition to his deliberative vote.

(6) Subsections (3), (4) and (5) shall apply, with such changes as may be necessary, to the Council and Senate, save that minutes of the Council shall be sent to the Chancellor and the Minister and a report of each meeting of the Senate shall be laid on the table at a meeting of the Council.

20. Financial Procedures

(1) The Council shall fix the financial year of the University.

(2) The Finance Committee shall submit to the Council, before the beginning of the financial year, draft estimates of income and expenditure, and such estimates, amended as the Council thinks fit, shall be approved by the Council before the beginning of the financial year.

(3) The Council may revise the estimates during the course of the financial year and give directions for the manner in which amendments of expenditure estimates may be made, which directions may make provision for delegating the powers of revision so long as such delegation does not extend to altering the total estimated expenditure.

(4) As soon as practicable after the end of the financial year, a balance sheet and income and expenditure account, with supporting schedules, shall be submitted to the auditors.

(5) The audited accounts, with any comments thereon made by the auditors, shall be submitted to the Council.

21. Auditors

(1) Subject to subsections (2) and (3), the Council shall, before the beginning of each financial year, appoint auditors who are registered as Public Auditors in terms of the Public Accountants Act and Auditors Act [Chapter 27:12]

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

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

(4) An auditor appointed in terms of subsection (1) shall be entitled at all reasonable times to require any officer, employee or agent of the University—

- to produce all accounts and other records relating to the financial affairs of the University as may be in the custody of such officer, employee or agent; and
- to provide such information or explanation as, in the opinion of the auditor, is necessary for the purpose of the audit.

22. University seal

(1) There shall be a seal of the University, of such design as may be approved by the Council.

(2) The seal of the University shall be kept in the custody of the Registrar and, subject to the directions of the Council, shall be affixed to—

- certificates, degrees and diplomas conferred by the University; and
- any documents attested by the signature of the Vice-Chancellor and the Registrar.

23. Ordinances

(1) The Council may, with the approval of the Minister, make ordinances providing for any matter referred to in paragraphs (a) to (p) of subsection (3) of section 31 of the Act.

(2) The Registrar shall publish any ordinance made in terms of subsection (1) in such manner which the Council considers will best make the ordinance known to the persons whom it applies.

24. Arrangements with other universities, affiliated bodies, etc.

(1) The Council may make arrangements for membership or affiliation with other organisations with similar objectives and interests.

(2) The Council may make arrangements with any other university whereby students of the University may be registered as students of such other university and so enabled to study for, enter the examinations of and be afforded the degrees of such other university.

(3) The Council may affiliate to the University other institutions or branches or departments thereof and recognise selected members of the staff thereof as teachers of the University and admit the members thereof to any of the privileges of the University and accept attendances at courses of study in such institutions or branches or departments thereof in place of such part of the attendance at courses of study in the University and upon such terms and conditions and subject to such rules as may from time to time be determined by the Council.