

P.N.D.C.L. 278
UNIVERSITY OF CAPE COAST ACT, 1992

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The University

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SCHEDULE

Terms of Members and Meetings of the University Council

P.N.D.C.L. 278

UNIVERSITY OF CAPE COAST ACT, 1992¹

AN ACT to establish the University of Cape Coast and to provide for related matters.

*The University***1. University of Cape Coast continued in existence**

(1) The University of Cape Coast established under section 1 of the University of Cape Coast Act, 1971 (Act 390) and in existence immediately before the commencement of this Act, is hereby continued in existence subject to the provisions of this Act.

(2) The University shall continue to be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The University shall have power to award its own degrees including honorary degrees, diplomas, certificates and other academic distinctions.

2. Aims of the University

The aims of the University are

- (a) to provide higher education to persons suitably qualified and capable of benefiting from such education;
- (b) to train students in methods of critical and independent thought; making them aware of their responsibility to use their education for the general good of Ghanaian society; and
- (c) to provide facilities for and engage in teaching and research for the purpose of promoting the advancement and dissemination of learning and knowledge with particular reference to the needs and aspirations of the people of Ghana and the furtherance of co-operation between African States.

3. Functions and powers of the University

(1) The University shall provide instruction and undertake research for the advancement of knowledge in the branches of learning and study for persons whether members of the University or not and in the manner that it shall determine; except that the University shall give emphasis to the preparation of teachers both graduates and non-graduates for secondary schools, teacher training colleges, polytechnics and technical institutions as well as the training and retraining of specialised personnel as required for the effective provision of education service in the country.

1. The Act was issued as the University of Cape Coast Law, 1992 (P.N.D.C.L. 278) made on the 14th day of January, 1992 and notified in the *Gazette* on the 15th day of May, 1992.

(2) Subject to this Act, the University shall perform the functions that are necessary to effectively further the aims of the University and maintain its efficiency as an academic community.

(3) The University may enter into an agreement or relationship with another institution whether

- (a) academic or non-academic, and
- (b) inside or outside Ghana,

and may incorporate within the University another institution or body taking over the property, rights, privileges and liabilities of that other institution or body.

(4) The University may

- (a) acquire property by purchase or gift,
- (b) hold and manage movable and immovable property,
- (c) sell, lease and mortgage property,
- (d) enter into any other transaction which is necessary or expedient for the furtherance of its aims.

4. No discrimination of staff and students

There shall be no discrimination against a suitably qualified person on account of religion, political opinion, ethnic origin or gender to determine whether that person is to

- (a) be appointed as an academic staff or other staff member,
- (b) be registered as a student of the University,
- (c) be permitted to graduate from the University, or
- (d) have any advantage or privilege.

5. The Chancellor

(1) The Chancellor as the Head of the University, shall be appointed by the President acting in accordance with the advice of the University Council.²

(2) *Omitted.*

(3) The Chancellor shall confer degrees, diplomas and honorary degrees of the University in accordance with procedures prescribed by Statutes.

(4) The Chancellor shall preside at any ceremony of the University at which the Chancellor is present.

(5) The Chancellor shall once in every five years appoint a visiting committee to inspect the work of the University and to report to the Chancellor.

6 Chairman of the University Council

(1) There shall be a chairman of the University Council who shall be appointed by the Chancellor.

2. The reference to the Head of State has been omitted as it contravenes article 68 of the Constitution.

(2) The chairman of the University Council shall hold office for two years but shall be eligible for re-appointment.

7. Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the University Council.

(2) The Vice-Chancellor shall hold office on such terms and conditions as may be specified in his instrument of appointment.

(3) The Vice-Chancellor is, under the direction of the University Council, the academic and administrative head and the chief disciplinary officer of the University.

(4) The Vice-Chancellor is responsible to the University Council for maintaining and promoting the good order and efficiency of the University.

(5) The Vice-Chancellor shall have any other functions that are prescribed by Statutes.

8. Pro Vice-Chancellor

(1) There shall be a Pro Vice-Chancellor of the University who shall be appointed by the University Council in accordance with the Statutes of the University from among the members of the academic staff.

(2) The Pro Vice-Chancellor shall be assigned such duties as the University Council or the Vice-Chancellor may determine.

(3) In the absence of the Vice-Chancellor, the Pro Vice-Chancellor shall perform the functions of the Vice-Chancellor.

Administration

9. The University Council

(1) The governing body of the University is a Council consisting of

- (a) the Chairman,
- (b) the Vice-Chancellor,
- (c) two representatives of Convocation (one of professorial status and one of non-professorial status),
- (d) a representative of the University Teachers Association,
- (e) a representative of the postgraduate students of the University,
- (f) a representative of the postgraduate students of the University,
- (g) *omitted*,³
- (h) a representative of the Teachers and Education Workers Union,

3. The reference to the Committee for the Defence of the Revolution has been omitted as the body does not now exist.

- (i) a representative of the Education Commission or a body of equivalent status,
- (j) a representative of the Conference of the Heads of Assisted Secondary Schools,
- (k) a representative of the Alumni Association of the University, and
- (l) three other persons including at least one woman.

(2) Members of the Council other than the Vice-Chancellor shall hold office for a period of two years but are eligible for re-appointment.

(3) The Schedule to this Act shall apply to the members and the meetings of the Council.

10. Functions of the Council

The Council is responsible for the management and administration of the finances and properties of the University and shall have general control over the affairs and public relations of the University including the use of the common seal of the University.

11. Academic Board

(1) There shall be an Academic Board of the University which shall, subject to the powers of the Council

- (a) formulate and carry out the academic policy of the University;
- (b) be responsible for regulating the academic work of the University both in teaching and research, the award of degrees except honorary degrees, and the award of diplomas and certificates;
- (c) advise the Council on the appointment of academic staff, admission of students and the award of bursaries and scholarships;
- (d) report to the University Council on matters which may be referred to it by the Council; and
- (e) perform such other functions as may be specified in the University Statutes.

(2) The composition and terms of membership of the Academic Board shall be prescribed by Statutes, but the Vice-Chancellor shall be the chairman of the Academic Board.

(3) The Academic Board may make representations to the University Council on matters connected with the University and shall have such additional functions as may be prescribed by Statutes enacted by the Council.

12. Other committees and boards of the University

Without prejudice to committees established under this Act, the University Council may establish committees and boards by Statutes as it considers necessary for the effective discharge of the aims of the University.

13. The Registrar

There shall be a Registrar of the University who shall be the secretary of the Council and the Academic Board and is responsible to the Vice-Chancellor for the general

administration of the University and for providing the secretarial services for bodies and committees prescribed by Statutes.

14. Other staff of the University

The Council may, in accordance with procedures prescribed by Statutes engage the services of suitable persons as officers or members of the academic, administrative and other staff of the University as the Council considers necessary for the achievement of the aims of the University.

15. Internal organisation of the University

Subject to this Act, the Council may make the further arrangements that it thinks fit regarding the internal organisation of the University except that in respect of the organisation in relation to academic matters, the Council shall make the arrangements on the recommendation of the Academic Board.

16. Statutes

The Council may enact Statutes to prescribe or regulate

- (a) a matter which is required by this Act, to be prescribed by Statutes,
- (b) the functions, constitution and terms of membership of the bodies that the Council or the Academic Board may think proper to establish,
- (c) the functions and terms of office of the officers that the Council may think appropriate to engage, and
- (d) the procedural and any other matters in furtherance of the objectives of the University.

17. Procedure for enacting Statutes

(1) For the purpose of enacting a University Statute under this Act, a draft of the Statute shall be circulated to the members of the University Council at least fourteen days before the date of the meeting at which the Statute is to be considered.

(2) The Council shall on the appointed date or any other date consider the draft Statute and may approve the draft provisionally with or without amendment of which written notice has been circulated to the members at least three days before the date of the meeting.

(3) The Statute as provisionally approved shall be circulated to the members of the Council, and where in the opinion of the Council it affects academic matters, to the Academic Board as well, at least seven days before the meeting at which it is intended to confirm the Statutes.

(4) Within a period of not less than one month and not more than six months from the date of the meeting at which the Statute was provisionally approved, the Council shall hold a meeting and confirm the Statute without amendment.

(5) A Statute shall not be enacted which is inconsistent with this Act.

18. Regulations by the Academic Board

The Academic Board may make Regulations relating to

- (a) teaching schemes of instruction;

- (b) study and research;
- (c) the condition under which a person may be permitted to follow and continue to follow schemes of instruction;
- (d) the conduct and discipline of students;
- (e) the use of the Library;
- (f) the conduct of examinations;
- (g) the award of degrees, diplomas, certificates and other academic distinctions; and
- (h) any other matter that falls within its functions and powers.

19. Relationship between the Council and the Academic Board

(1) The Council shall consider recommendations made by the Academic Board for the making of Statutes and for taking any other action within the Council's functions and the Council may accept, reject or refer back the recommendation made by the Academic Board.

(2) The Council shall refer to the Academic Board a matter it considers to have academic implications and which has not been previously considered by the Academic Board.

20. Convocation

There shall be a Convocation of the University with a membership prescribed by Statute which, subject to this Act, shall receive an annual report from the Vice-Chancellor on the working of the University and perform any other functions which may be prescribed by Statute.

21. Congregation

For the purpose of conferring degrees of the University and awarding diplomas and certificates, there shall be held from time to time a Congregation of the University which shall consist of the Council, the Academic Board, members of Convocation, graduates of the University and other persons prescribed by Statutes.

22. Students Representative Council

There shall be a students representative council whose constitution and functions shall be prescribed by the Statutes.

Financial and Miscellaneous

23. Annual report

Within six months after the end of each academic year, the Council shall draw up a report of the activities of the University during that year and make the report available to the public.

24. Funds

(1) The funds of the University consist of subventions from the Government, tuition and boarding fees, gifts, endowments, grants, investments, and moneys from other sources approved by the Council.

(2) The University Council shall control the finances of the University and shall finally determine questions of finance arising out of the administration of the University or the execution of a trust by the University; but before determining questions of finance which directly affect the educational policy of the University, the Council shall invite the opinion of the Academic Board and shall take into consideration the recommendation or report by the Academic Board.

(3) The University Council is responsible for the measures necessary or desirable for the conservation and augmentation of the resources of the University, and for this purpose may from time to time specify matters affecting the income or expenditure of the University in respect of which the consent of the Council shall be obtained before action is taken or liability is incurred.

(4) The Council shall determine the allocation of the funds at the disposal of the University.

25. The Council to keep proper books of accounts

(1) The Council shall keep books of accounts and proper records in relation to them in the form approved by the Auditor-General.

(2) The University's financial year shall be the same as the financial year of Government.

26. Audit

(1) The books and accounts of the University shall be audited each year by the Auditor-General.

(2) The Council shall pay in respect of the audit the fees that the Auditor-General and the Council may agree, or in case of failure to agree the fees that the Chancellor may determine.

(3) The Council shall, as soon as possible, on receiving the report of the Auditor-General under this section, forward a copy of the report to the Government through the Minister responsible for Education.

(4) The Minister shall, as soon as practicable on receipt of the report, lay a copy of the report of the Auditor-General before Parliament.

27. Exemption from taxes

Subject to article 174 of the Constitution, the University shall be exempted from the payment of taxes, duties and rates as the Minister responsible for Finance may direct.

28. Acquisition of land

Where the Council has resolved and the Government has agreed that it is necessary to acquire land or rights over land, the land may be acquired for the University under the State Lands Act, 1962 (Act 125) and that Act shall apply with the modification that are necessary to provide for the vesting of the land in the University and for the cost to be defrayed by the University.

29. Repeal and savings

(1) The following enactments are hereby repealed:

- (a) the University of Cape Coast Act, 1971 (Act 390);
- (b) the University of Cape Coast (Amendment) Law, 1990 (P.N.D.C.L. 241);
and
- (c) the University of Cape Coast (Interim Administration Committee) Law, 1990 (P.N.D.C.L. 243).

(2) Despite the repeal of the enactments specified in subsection (1), the Statutes, orders, Regulations, by-laws enacted under the repealed enactments and in force immediately before the commencement of this Act, shall continue in force as if made under this Act, until amended, repealed or revoked.

(3) The assets, rights, obligations and liabilities of the University of Cape Coast in existence immediately before the commencement of this Act, shall after the commencement of this Act, become the assets, rights, obligations and liabilities of the University under this Act.

30. Indemnity for Interim Administration Committee and members

A person shall not bring or institute before a Court, and a Court shall not entertain an action against the Interim Administration Committee or a member of it for an act or omission in connection with or arising out of the administration of the University by the Committee.

31. Interpretation

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Council**” means the University Council established under this Act;

“**functions**” includes powers and duties.

32. Commencement

This Act shall be deemed to have come into force on 1st day of November 1991.

SCHEDULE*Terms of Members and Meetings of the University Council*

1. The term of office of a person who is a member of the Council of the University by appointment or election shall be two years.

2. If a member of the Council is absent from Ghana for a minimum period of twelve months, the office shall become vacant at the end of that period except that this provision shall not apply to an ex officio member.

SCHEDULE—*continued*

3. Where the office of a member becomes vacant on resignation or death or by virtue of paragraph 2, a successor shall be appointed, nominated or elected in the same manner to serve for the remainder of the term of office.

4. Subject to paragraph 2, where a member of the Council is incapacitated by temporary absence from Ghana or by illness or a sufficient cause from performing the functions of office, a substitute may be appointed in the manner referred to, until the incapacity of that person has terminated or until the term of the member expires, whichever first occurs.

5. An appointment, election or nomination may be made in anticipation of a vacation of office or temporary absence of a member.

6. A member shall not hold office under more than one provision of section 9 (2) of this Act; and if a person is appointed under more than one provision he shall notify the Council under which provision the member chooses to hold office and another person shall be appointed under the other provision.

7. An act of the Council shall not be invalidated by vacancies in its membership or defective in the appointment of any of its members.

8. A member of the Council is not entitled to remuneration in respect of the membership but members shall receive the travelling and subsistence allowance determined by the Council.

9. The Council shall meet at least three times in each academic year at the times and places determined by the chairman.

10. A special meeting of the Council may be called at any time by the chairman of the Council, or, in the absence or incapacity of the chairman, by the Vice-Chancellor.

11. A special meeting of the Council shall only be conducted in accordance with the Statutes, where five members of the Council sign a request to that effect.

12. Unless the Chancellor is present and presides, the chairman shall preside at the meetings of the Council and in the absence of the chairman, a non-university member of the Council appointed by the members present shall preside.

13. The quorum for a meeting of the Council is eight including at least three members who are not members of the academic staff of the University.

14. The Pro Vice-Chancellor, the Registrar and a representative of the Ministry of Education shall attend meetings of the Council but shall not vote on a matter before the Council.

15. The Council may co-opt a person to attend and participate in any of its meetings but a person so co-opted is not entitled to vote on an issue for decision by the Council.

16. At a meeting of the Council, matters for decision, shall be determined by a simple majority of members present and voting.

17. Subject to this Act, the Council shall regulate its own procedure.
