

PUBLIC UNIVERSITY BILL, 2020

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FIRST SCHEDULE

Public Universities

SECOND SCHEDULE

Part A

Oath of Office

Part B

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A
BILL

ENTITLED
PUBLIC UNIVERSITY ACT, 2020

AN ACT to provide for the establishment, governance arrangements and management of a public university and for related matters.

PASSED by Parliament and assented to by the President:

Public University

Establishment of a public university

1. (1) The universities specified in the First Schedule are established as public universities under this Act.

(2) The Minister may by a resolution of Parliament, constitute a new public university under this Act and assign a name to the public university.

(3) A public university established under this Act is a body corporate with perpetual succession.

(4) Where there is a hindrance to the acquisition of land, the land may be acquired for the public university under the State Lands Act,

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1962 (Act 125) and the cost shall be borne by the public university or by a special budgetary allocation, in the case of a new public university.

Aim of a public university

2. (1) The aims of a public university is to create, disseminate and preserve knowledge and understanding through

- (a) teaching,
- (b) skill development and research,
- (c) scientific publications,
- (d) technology transfer and extension; and
- (e) community service.

(2) In furtherance of subsection (1), a public university shall

- (a) subject to the availability of resources, make higher education equally accessible to all persons suitably qualified and capable to benefit from that education;
- (b) in furtherance of paragraph (a), ensure that the proportion of fee-paying students, at any time, does not exceed fifteen per cent of the overall enrolment and not more than sixty per cent in any programme that is designated as “fee-paying”;
- (c) apply modern tools, including information and communication technology for teaching, research, dissemination of knowledge and administration;
- (d) promote discipline and the spirit of intellectual inquiry and dedicate itself to the sustained pursuit of excellence;
- (e) extend the benefits of knowledge and skills for development of individuals and society by engaging closely with local, regional and national problems of development;
- (f) continuously offer opportunities of upgrading knowledge, training and skills in the context of innovations, research and discovery appropriate for a learning society;
- (g) promote gender balance, social equity and equality of opportunity among students and employees;
- (h) institute curricula and pedagogy, within the context of learner-centred and problem-based learning techniques, that promote critical and independent thinking;
- (i) educate, train and retrain higher level professional, technical and management personnel in academic disciplines which are within or related to the mandate of the public university; and

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- (j) undertake teaching programmes and research in academic disciplines which are within or related to the mandate of the public university.

(3) A public university shall, in the performance of functions and the exercise of powers, be guided by the national values and principles of governance set out under article 38 of the Constitution, and shall in that regard

- (a) promote quality and relevance of the programmes of the public university;
- (b) enhance equity and accessibility of the services of the public university;
- (c) promote inclusive, efficient, effective and transparent governance systems and practices;
- (d) ensure adoption of best practices in management and mainstreaming of systems of checks and balances; and
- (e) institutionalise non-discriminatory policies and practices.

Campuses of a public university

3. (1) The main campus of a public university established under this Act shall be as provided in the instrument establishing the public university.

(2) A public university may, with the prior approval of the Ghana Tertiary Education Commission, establish a branch or a campus in any other part of the country.

(3) The Minister may, in consultation with the Ghana Tertiary Education Commission and the relevant institution, and in accordance with this Act, establish or declare any college or public tertiary institution as a constituent college of a public university.

(4) Where a college or public tertiary institution is established or declared as a constituent college of a public university under subsection (3), the governing Council of the college or public tertiary institution shall be responsible for the constituent college of that public university.

Award of degrees

4. (1) A public university shall, in accordance with this Act, award the degrees of that public university including honorary degrees, diplomas and certificates.

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(2) A public university may withdraw a degree, diploma or certificate awarded by that public university, if the public university has evidence that proves that

- (a) the degree, diploma or certificate was obtained through fraud or academic malpractice; or
- (b) the process of acquiring the degree, diploma or certificate was tainted by an act that in the opinion of the public university undermines the integrity of the award.

Governance of a Public University

University Council

5. (1) The governing body of a public university is a Council consisting of

- (a) a chairperson nominated by the President;
- (b) the Vice-Chancellor of the public university;
- (c) five persons nominated by the President, at least two of whom are women;
- (d) one representative of
 - (i) the academic staff nominated by the academic staff nominated by the teacher associations of the academic staff;
 - (ii) non-academic senior members nominated by the non-academic senior members;
 - (iii) junior and senior staff nominated by the junior and senior staff; and
 - (iv) Students' Representative Council elected by the Students' Representative Council;
- (e) one representative of the
 - (i) Technical and Vocational Education and Training Service not below the rank of a Director nominated by the Director-General of the Technical and Vocational Education and Training Service, in the case of a technical public university; or
 - (ii) Ghana Education Service not below the rank of a Director nominated by the Director-General of the Ghana Education Service, in the case of other public universities; and

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(f) one representative of the Ghana Tertiary Education Commission, nominated by the Director-General of the Ghana Tertiary Education Commission and who shall be a non-voting member.

(2) The President shall, in making the nominations, under paragraphs (a) and (c) of subsection (1), have regard to the academic qualifications, leadership qualities, gender, expertise in finance, management, knowledge and relevant experience in the area and specialisation of the public university.

(3) The chairperson and other members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

(4) The chairperson of the Council shall, in the absence of the Chancellor, preside at the Congregation and other ceremonies of the public university.

(5) The President may dissolve and reconstitute the Council in a case of emergency and appoint an interim Council to operate for a stated period.

(6) The grounds and procedures for the dissolution of the Council shall be specified in the Statutes of the public university.

General powers of the Council

6. (1) Subject to this Act and consistent with public policy, the Council shall have power to do or provide for any matter in relation to the public university which the Council considers necessary or expedient.

(2) The conferment of particular powers on the Council by other provisions of this Act, shall not be taken to limit the generality of this section.

Functions of the Council

7. The Council shall

- (a) ensure the implementation of the aims of the public university;
- (b) determine the strategic direction of the public university, consistent with the mandate of the public university;
- (c) monitor and evaluate the implementation of policies of the public university;

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- (d) promote income-generating activities as part of the programmes of the public university;
- (e) control the finances of the public university and determine the allocation and proper use of funds;
- (f) ensure the conservation and augmentation of the resources of the public university, specifically in relation to matters affecting income or expenditure;
- (g) ensure the creation of an environment of equal opportunity for members of the public university without regard to ethnicity, gender, sex, race, religious belief or political affiliation;
- (h) make professorial level appointments on the recommendation of the Appointments Committee of the Academic Board, as may be prescribed in the Statutes of the public university; and
- (i) be the final decision maker on the matters of discipline in the public university.

Tenure of office of members of the Council

8. (1) A member of the Council other than the Vice-Chancellor shall hold office for a term of three years and is eligible for re-appointment for another term only.

(2) Where a member of the Council is absent from three consecutive meetings without reasonable cause, the office of that member shall become vacant.

(3) A member of the Council, other than the Vice-Chancellor, may resign from office in writing addressed to the President through the Minister.

(4) The President may revoke the appointment of a member for inability to perform the functions of that member, for stated misconduct or for any other just cause.

(5) Where the office of a member becomes vacant by reason of death, resignation or the absence of the member from three consecutive meetings without reasonable cause, another person nominated by the relevant body shall be appointed for the unexpired term of the office.

Meetings of the Council

9. (1) The Council shall meet at least once every three months in each academic year for the despatch of business at a time and place determined by the chairperson.

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(2) The quorum at a meeting of the Council is seven members of the Council.

(3) The chairperson shall preside at each meeting of the Council and in the absence of the chairperson, members of the Council shall elect one of the nominees of the President to preside.

(4) Matters before the Council shall be decided by consensus or by a simple majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(5) The Council may co-opt a person from within or outside the public university to attend and participate in any of the meetings of the Council but a co-opted person is not entitled to vote at a meeting.

(6) The Pro Vice-Chancellor, the Registrar and the Director of Finance shall attend meetings of the Council.

(7) The proceedings of the Council are not invalidated by reason of a vacancy among the members or by a defect in the appointment or qualification of a member.

(8) Subject to this section, the Council may by Statute regulate the procedure for the meetings of the Council.

Disclosure of interest

10. (1) A member of the Council who has an interest in a matter for consideration by the Council shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Council in respect of that matter.

(2) Where a member contravenes subsection (1), the chairperson shall notify the Minister who shall inform the President in writing to revoke the appointment of that member.

(3) Without limiting any further cause of action that may be instituted against the member, the Council shall recover the benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of a member.

Establishment of committees

11. (1) For the purpose of achieving the aim of a public university, the Council may establish standing or ad-hoc committees, made up of members or non- members of the Council and assign to the committees functions that the Council considers appropriate.

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(2) A committee comprised entirely of non-members shall be advisory only.

(3) Section 10 applies to a member of a committee of the Council.

Allowances

12. Members of the Council and members of a committee of the Council of a public university shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Administration of a Public University

Principal Officers of a public university

13. (1) The Principal Officers of a public university are

- (a) the Chancellor;
- (b) the chairperson of Council; and
- (c) the Vice-Chancellor.

(2) The Principal Officers of a public university shall, before assuming office, take and subscribe to the Oath of Office specified in the Second Schedule.

Chancellor of a public university

14. (1) A public university shall have a Chancellor who shall be appointed by the President.

(2) The Council shall nominate three persons for consideration and appointment as Chancellor.

(3) The procedure for nomination of individuals for the office of Chancellor shall be specified in the Statutes of the public university.

(4) The Chancellor shall

- (a) be the titular head of the public university; and
- (b) take precedence over the other officers of the public university.

(5) The Chancellor shall hold office for a term of five years and is eligible for re-appointment for another term only.

(6) The Chancellor shall be served with the summons, minutes and other documents related to meetings of the Council and may attend the meetings of the Council.

(7) The Chancellor shall, where present, preside at Congregations of a public university convened for the purpose of conferring degrees, diplomas and certificates on qualified students awarded by the public university in accordance with this Act and procedures prescribed by the Council in the Statutes of the public university.

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(8) Where the integrity or well-being of a public university is threatened by any matter, the Chancellor may in consultation with the Council intervene.

Vacancy in the Office of the Chancellor

15. (1) The Office of the Chancellor shall become vacant on

- (a) resignation;
- (b) death;
- (c) removal from office on grounds of misconduct;
- (d) being found to be incapable of performing the functions of the office by reason of infirmity of body or mind; or
- (e) the expiry of the term of office.

(2) The grounds and procedures for the removal of the Chancellor from office shall be specified in the Statutes of the public university.

Vice-Chancellor of a public university

16. (1) A public university shall have a Vice-Chancellor.

(2) The Council shall appoint the Vice-Chancellor for a public university in accordance with procedures specified in the Statutes of the public university.

(3) The Vice-Chancellor shall hold office on the terms and conditions specified in the letter of appointment subject to applicable labour laws.

(4) The Vice-Chancellor shall hold office for a term of four years and is eligible for re-appointment for a period of not more than four years.

(5) The Vice-Chancellor is the academic and administrative head of the public university.

(6) The Vice-Chancellor is responsible to the Council for maintaining order, discipline and ensuring the efficient and effective administration of the public university.

(7) The Vice-Chancellor shall perform such other functions prescribed by the Council in the Statutes of the public university.

(8) The Vice-Chancellor shall, before assuming office, take and subscribe to the Oath of Office and Oath of Secrecy as specified in the Second Schedule.

Pro Vice-Chancellor of a public university

17. (1) A public university shall have not more than two Pro Vice-Chancellors.

(2) The Council shall appoint a Pro Vice-Chancellor as prescribed by the Statutes of the public university.

(3) The Pro Vice-Chancellor shall hold office for a term of three years only.

(4) The Pro Vice-Chancellor shall be in attendance at meetings of the Council.

(5) The Pro Vice-Chancellor shall be assigned duties as the Council or the Vice-Chancellor shall determine.

(6) The Pro Vice-Chancellor shall perform the functions of the Vice-Chancellor in the absence of the Vice-Chancellor.

(7) The Pro Vice-Chancellor shall, before assuming office, take and subscribe to the Oath of Office and Oath of Secrecy as specified in the Second Schedule.

Academic Board

18. There is established by this Act, an Academic Board of a public university which is answerable to the Council.

Composition of the Academic Board

19. (1) The Academic Board shall be composed as prescribed by the Statutes of the public university.

(2) Despite subsection (1), the Academic Board shall include the following:

- (a) the Vice-Chancellor who shall be the chairperson;
- (b) the Pro Vice-Chancellor;
- (c) Provosts;
- (d) Deans;
- (e) Professors;
- (f) the Librarian of the public university; and
- (g) the Registrar.

Committees of the Academic Board

20. (1) The Academic Board may establish standing and ad-hoc committees for the purpose of carrying out the functions of the Academic Board under this Act and as prescribed by the Statutes of the public university.

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(2) A committee of the Academic Board comprised entirely of non-members shall be advisory only.

Functions of the Academic Board

21. The Academic Board shall, subject to the powers of the Council,

- (a) formulate and implement the academic policies of the public university;
- (b) devise and regulate courses of instruction;
- (c) regulate the
 - (i) conduct of examinations; and
 - (ii) award of degrees;
- (d) authorise the grant of funds for research;
- (e) advise the Council on the appointment of academic staff, admission of students and the award of scholarships and bursaries;
- (f) report on matters that are referred to the Academic Board by the Council;
- (g) make representations to the Council on any matter connected with the public university; and
- (h) perform any other function specified in the Statutes of the public university.

Registrar

22. (1) A public university shall have a Registrar.

(2) The Council shall appoint the Registrar for the public university.

(3) The Registrar shall hold office for a term of four years and is eligible for re-appointment for another term only.

(4) The Registrar is the secretary to the

- (a) Office of the Chancellor;
- (b) Council; and
- (c) Academic Board.

(5) The Registrar is responsible to the Vice-Chancellor for the day-to-day administration of the affairs of the public university.

(6) The Registrar may perform any other function prescribed in the Statutes of the public university.

(7) The Registrar shall, before assuming office, take and subscribe to the Oath of Office as specified in the Second Schedule.

Director of Finance

23. (1) A public university shall have a Director of Finance.

(2) The Council shall appoint the Director of Finance for the public university.

(3) The Director of Finance shall hold office for a term of four years and is eligible for re-appointment for another term only.

(4) The Director of Finance shall perform functions as prescribed in the Statutes of the public university.

(5) The Director of Finance is responsible to the Vice-Chancellor in the performance of the functions of the Director of Finance.

Appointment of other staff

24. The Council may appoint other staff that are necessary for the effective and efficient performance of the functions of the public university.

Internal organisation of a public university

25. (1) Subject to this Act, the Council may make arrangements as the Council considers appropriate for the internal organisation of a public university, including the

(a) establishment and variation of academic Divisions, Faculties, Schools, Centres, Institutes, Departments, subject to consultation with the Ghana Tertiary Education Commission;

(b) award of professorships and promotion of lecturers;

(c) appointment and promotion of academic or administrative staff;

(d) conferment of honorary degrees and other awards;

(e) promotion of professional development; and

(f) development of other facilities including hostels.

(2) A public university may

(a) enter into an agreement or relationship with another institution whether academic or non-academic within or outside the country in furtherance of the objectives for which the public university was established, subject to approval by the Ghana Tertiary Education Commission; and

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- (b) incorporate within the public university, subject to approval by the Minister acting in consultation with the Ghana Tertiary Education Commission, another institution or body, to take over the property, rights, privileges and liabilities of that other institution or body, provided such incorporation is consistent with the mandate of the public university and in furtherance of the aims of the public university.

(3) The Council shall exercise the powers in subsection (1), only after consultation with the Academic Board on matters which in the opinion of the Council are academic matters.

Financial Provisions

Annual estimates for a public university

26. (1) A public university shall prepare and submit the annual estimates of revenue and expenditure of the public university through the Ghana Tertiary Education Commission to the Minister responsible for Finance for approval in the form and at the times determined by the Minister.

(2) A public university may incur expenditure in the performance of the functions of the public university in accordance with estimates approved by the Minister.

(3) A public university shall not exceed the approved estimates of expenditure except with the prior approval of the Minister.

Funds of a public university

27. (1) The funds of a public university include

- (a) moneys approved by Parliament;
- (b) moneys accruing to the public university in the performance of the functions including
 - (i) fees paid by students of the public university;
 - (ii) fees, charges and dues in respect of services rendered by or through the public university;
 - (iii) proceeds from the sale of publications of the public university;
 - (iv) tuition and hostel fees; and
 - (v) grants, subscriptions, rents and royalties;

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- (c) returns on investments;
- (d) endowments, donations and gifts; and
- (e) moneys from any source approved by the Council.

(2) Any sum of money received by or on behalf of the public university shall be paid into a bank account of the public university opened by or on the authority of the Controller and Accountant-General.

(3) Moneys received by or standing to the credit of an establishment of the public university shall form part of the funds of the public university.

(4) The Council may invest the funds of the public university that are not required for immediate use as the Council considers appropriate.

Borrowing powers of a public university

28. The Council may borrow money on behalf of the public university and may for this purpose use the property of the public university as security.

Internal Audit Unit

29. (1) A public university shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(3) The Internal Auditor is responsible for the internal audit of the public university.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months,

- (a) prepare and submit to the Council, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and
- (b) make recommendations in each report with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the public university.

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to the Minister, through the Ghana Tertiary Education Commission and the chairperson of the Board.

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Accounts and audit

30. (1) The Council shall ensure that the public university keeps the records, returns and other documents relevant to those books and accounts in the form approved by the Auditor-General.

(2) The Council shall submit the annual accounts of the public university to the Auditor-General for audit at the end of the financial year.

(3) The accounts shall be under the signature of the Vice-Chancellor and the Director of Finance.

(4) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts, submit a report to Parliament and forward a copy of the audit report to the Minister and the Council.

(5) The financial year of the public university is the same as the financial year of the Government.

Annual report and other reports

31. (1) The Council shall, within thirty days after receipt of the audit report, submit to the Minister, through the Ghana Tertiary Education Commission, an annual report covering the activities and the operations of the public university for the year to which the report relates.

(2) The annual report shall include

(a) the report of the Auditor-General; and

(b) any other information that may be required by the Minister in conformity with the Public Financial Management Act, 2016 (Act 921) or that may be relevant to enhance transparency and accountability.

(3) The Minister shall, within thirty days after the receipt of the annual report from the Ghana Tertiary Education Commission, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Council shall submit to the Minister any other report which the Minister may require in writing.

Exemption from taxes, duties and other charges

32. (1) A public university is exempt from the payment of taxes, duties and other charges that the Minister responsible for Finance may in writing determine with the prior approval of Parliament.

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(2) The halls, hostels and residential facilities for students, lecture halls, libraries, hospitals, staff quarters, bungalows, guest houses, recreation grounds and any other tenements of a public university shall be exempt from the assessments and rates levied by a local authority.

Miscellaneous Provisions

Statutes of a public university

33. The Council shall enact Statutes for the public university for the implementation of this Act which shall, in particular,

- (a) regulate the following in respect of the employees of the public university;
 - (i) appointment; and
 - (ii) termination of appointment;
- (b) determine the persons who form the academic staff of the public university;
- (c) determine the persons who are authorised to sign contracts, cheques and other documents on behalf of the public university and to regulate the procedure in relation to transactions entered into by the public university;
- (d) fix the academic calendar of the public university;
- (e) determine the rules and procedures relating to discipline of students and employees of the public university;
- (f) ensure that the seal of the public university is kept under proper custody and is used only on the authority of the Council; and
- (g) provide for any matter required by this Act to be prescribed by the Statute of a public university.

Procedure for enacting harmonised Statutes for a public university

34. (1) A public university established under this Act shall operate with harmonised Statutes.

(2) For the purposes of enacting the harmonised Statutes under this Act, a draft of the Statutes shall be compiled by the Ghana Tertiary Education Commission and circulated to members of the Council of a public university, at least fourteen days before the date of the meeting at which the Statutes are to be considered.

(3) The Council shall consider the draft Statutes and may approve the draft Statutes provisionally with or without amendment.

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(4) The Statutes, as provisionally approved, shall be circulated to the members of the Council and where in the opinion of the Council, the Statutes affects academic or other matters, the Statutes shall be circulated to

(a) the Academic Board, or

(b) any other relevant body of the public university,

at least seven days before the meeting at which the draft Statutes, with or without amendments, are intended to be confirmed.

(5) Where the Council confirms any proposed amendment to the Statutes, the Council shall forward the proposed amendments to the Ghana Tertiary Education Commission for harmonisation.

(6) The harmonised Statutes shall be confirmed by the Council at a meeting of the Council to be held not less than one month or not more than six months after the meeting at which the Statutes were previously approved.

(7) A Statute shall not be enacted if the Statute is inconsistent with this Act.

Scheme of Service for employees of a public university

35. A public university shall operate in accordance with the Scheme of Service approved by the Ghana Tertiary Education Commission.

Convocation

36. (1) There shall be a Convocation of a public university with the membership prescribed by the Statutes of the public university.

(2) The Registrar shall compile a register of the members of Convocation which shall be published each academic year.

(3) A person whose name appears on the register is entitled to vote at the Convocation.

(4) The Convocation shall meet at least once each academic year at the time and place determined by the Vice-Chancellor.

(5) Despite subsection (4), the Convocation shall meet upon a request made by a number of members as prescribed in the Statutes of the public university.

(6) The Convocation shall receive and discuss a report from the Vice-Chancellor on the state of the public university and future plans for the public university.

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(7) The Convocation may express an opinion on any matter that affects the public university and may refer the matter to the Council or the Academic Board.

Matriculation

37. (1) A student admitted to a public university shall take the Matriculation Oath and sign the Matriculation Register in the academic year of matriculation.

(2) A student who fails to sign the Matriculation Register shall be prevented from graduating by the public university.

Congregation

38. A public university may hold a Congregation composed of the persons prescribed by the Council in the Statutes of the public university for the purpose of conferring degrees and awarding diplomas and certificates.

Student governance

39. (1) A public university shall have a Students' Representative Council.

(2) The Students' Representative Council is responsible for representing students duly admitted and registered to study at the public university.

(3) The constitution and other governing instruments of the Students' Representative Council shall

(a) be drawn up by the students subject to the approval of the Academic Board; and

(b) conform to this Act, the Statutes of the public university and any other rules, regulations, directives and edicts duly issued by the public university.

(4) A constitution or a governing instrument, drawn up by the Students' Representative Council which is inconsistent with paragraph (b) of subsection (3) shall, to the extent of the inconsistency, be void.

(5) The Statutes of the public university may specify appropriate bodies and organs of the public university to which the Students' Representative Council has representation.

Centralised Applications Processing Service

40. There is established by this Act, a Centralised Applications Processing Service for the processing of applications for admissions for all public universities.

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Property and contracts

41. Subject to approval by the Minister, in consultation with the Ghana Tertiary Education Commission, a public university may for

- (a) the purpose of the performance of the functions of the public university, or
- (b) any purpose which the public university considers necessary, acquire property, sell, lease, mortgage or otherwise alienate or dispose of that property and enter into any other transaction.

Intellectual property

42. (1) The intellectual property right in a creative work, research or other intellectual enterprise, funded or otherwise undertaken with resources of the public university shall vest in the public university.

(2) The Council shall enact Statutes in accordance with the laws on intellectual property to govern the creation, ownership and use of intellectual property including copyright, patents, trademarks, trade names and industrial designs by employees of the public university.

(3) The Council shall in enacting the Statutes under subsection (2), determine the incentives for persons who undertake any work, research or other intellectual enterprise, funded or otherwise undertaken with resources of the public university to enable those persons benefit from their work, research or intellectual enterprise.

Academic freedom

43. (1) A public university shall, in the performance of the functions of the public university,

- (a) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of the internal and external affairs of the public university; and
- (b) have power to regulate the affairs of the public university in accordance with the independent ethos and traditions of the public university having regard to
 - (i) the promotion and preservation of equality of opportunity and access;
 - (ii) the effective and efficient use of resources; and
 - (iii) the obligations of the public university with regards to public accountability.

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- (2) A member of the academic staff of a public university shall
- (a) have the freedom, within the law, in the teaching, research and any other activities of the member, in or outside the public university, to question and test received wisdom, to put forward new ideas and to state opinions, and
 - (b) not be disadvantaged, or subjected to less favourable treatment by the public university, for the exercise of that freedom.

Anti-discrimination

44. (1) Without limiting the power of a public university to adopt affirmative action policies, a public university or an officer of a public university shall not discriminate against a person on the basis of that person's race, ethnic origin, political opinion, colour, gender, occupation, religion or creed, disability, social or economic status to determine whether that person is to be

- (a) admitted as a student of the public university;
- (b) registered as a student of the public university;
- (c) permitted to graduate from the public university;
- (d) appointed as an academic staff or other staff member;
- (e) promoted as an academic staff or other staff member; or
- (f) granted any advantage, privilege or other benefit accorded to all other persons.

(2) For the purpose of subsection (1), "an officer of a public university" includes a Principal Officer, staff or other employee, an agent, servant or any other person performing or acting in an official capacity for or on behalf of the public university.

(3) For the purpose of this section, "discriminate" means to give different treatment to different persons attributable only or mainly on the grounds stated in subsection (1).

Instruments of governance

45. Subject to the provisions of this Act, a public university shall be governed in accordance with the provisions of this Act or Letter of Interim Authority granted under this Act and Statutes of the public university.

Dispute settlement

46. (1) A public university shall have an Appeals Board.

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- (2) The Appeals Board shall consist of
 - (a) a chairperson who is a retired justice of the Superior Court of Judicature or a lawyer qualified to be appointed as a justice of the Superior Court of Judicature;
 - (b) two lawyers of at least ten years standing at the Bar who are persons of high moral integrity and professional integrity, at least one of whom is a woman; and
 - (c) two persons who are not lawyers or employees of the public university who are persons of high moral integrity, at least one of whom is a woman.
- (3) The Council shall appoint the members of the Appeals Board.
- (4) The Appeals Board shall hear and determine on appeal, the following matters:
 - (a) an act or omission in contravention of this Act or the Statutes of the public university;
 - (b) breach of an employment contract by the public university;
 - (c) the promotion of persons duly employed by the public university;
 - (d) grievances by a student against the public university on matters related to welfare and discipline; or
 - (e) any other matter or dispute referred to the Appeals Board by the Council.
- (5) The chairperson and two other members of the Appeals Board, constitute a panel for the hearing and determination of a case or matter before the Appeals Board.
- (6) In the absence of the chairperson, one of the two lawyers as specified in paragraph (b) of subsection (2), shall act as chairperson.
- (7) The Council shall establish the rules and procedure which govern
 - (a) the proceedings of the Appeals Board;
 - (b) the appointment and remuneration of the members of the Appeals Board;
 - (c) the functions of the acting chairperson of the Appeals Board;
 - (d) the establishment of the Secretariat of the Appeals Board, and
 - (e) any other relevant matter.

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Policy directive

47. The Minister may give directives on matters of policy through the Ghana Tertiary Education Commission to a public university and the public university shall comply.

Regulations

48. The Minister may, on the advice of the Ghana Tertiary Education Commission, by legislative instrument, make Regulations

- (a) to make further provision in respect of the Centralised Applications Processing Service;
- (b) to amend the First Schedule
 - (i) with respect to the name and object of a public university established under the First Schedule;
 - (ii) to include a public university; and
 - (iii) to exclude a public university; and
- (c) for the effective implementation of this Act.

Interpretation

49. In this Act, unless the context otherwise requires

- “Academic Board” means the body established under section 18;
- “Appeals Board” means, the Appeals Board established under subsection (1) of section 46;
- “Convocation” means the Principal Officers of the public university and all other senior members of the public university, appointed by the Council or the Academic Board and who are registered by the Registrar as members of Convocation;
- “Council” means the University Council of a public university established under section 5;
- “disclosure of interest” includes pecuniary, material, academic and relational interest in a matter being deliberated upon or decided upon by the public university;
- “Institute” means a multi-disciplinary research or service establishment which focuses primarily on multi-disciplinary research and on the provision of extension services;
- “Minister” means the Minister responsible for Education;

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“Pro Vice-Chancellor” means the person appointed under subsection (2) of section 17 to the office of Pro Vice-Chancellor of the public university;

“public university” means a university established under this Act ;

“Statutes of the public university” means administrative guidelines enacted by the Council in accordance with the Act to govern the internal operations of the public university; and

“Vice-Chancellor” means the person appointed under subsection (2) of section 16 to the office of Vice-Chancellor of the public university.

Repeal and savings

50. (1) The following Acts are repealed:

- (a) Kwame Nkrumah University of Science and Technology, Act, 1961 (Act 80);
- (b) University of Cape Coast Act, 1992 (P.N.D.C.L. 278);
- (c) University for Development Studies Act, 1992 (P.N.D.C.L. 279);
- (d) University of Education, Winneba Act, 2004 (Act 672);
- (e) Ghana Institute of Management and Public Administration Act, 2004 (Act 676);
- (f) University of Mines and Technology Act, 2004 (Act 677);
- (g) University of Ghana Act, 2010 (Act 806);
- (h) University of Professional Studies Act, 2012 (Act 850);
- (i) University of Health and Allied Sciences Act, 2011 (Act 828);
- (j) University of Energy and Natural Resources Act, 2011 (Act 830);
- (k) Technical Universities Act, 2016 (Act 922);
- (l) C. K. Tedam University of Technology and Applied Sciences Act, 2019 (Act 1000); and
- (m) Simon Diedong Dombo University of Business and Integrated Development Studies Act, 2019 (Act 1001).

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(2) Despite the repeal of the enactments specified in subsection (1), the Statutes, bye-laws, notices, orders, directions, appointments, policies, instructions or guidelines or any other act lawfully made or done under the repealed enactments not being inconsistent with this Act shall continue in force as if made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

(3) Subject to this Act, property which at the coming into force of this Act was vested in the Council of a university established under an enactment specified in subsection (1), or was vested in any other manner held on behalf of, or for the purposes of a university established under an enactment specified in subsection (1) is by virtue of this Act vested in or held on behalf of, or for the purpose of the respective public university specified in the First Schedule.

(4) Despite the repeal of the enactments specified in subsection (1), a person in the employment of a university established under an enactment specified in subsection (1) and in existence immediately before the coming into force of this Act, shall, subject to the requirements of the harmonised Statutes and Scheme of Service for public universities, be deemed to have been duly employed by the respective public university specified in the First Schedule.

(5) A contract entered into by the University Council of a university established under an enactment specified in subsection (1) shall have effect as if entered into by the respective public university specified in the First Schedule and obligations subsisting against the Council of a university established under an enactment specified in subsection (1) shall subsist between the University Council of the respective public university specified in the First Schedule and that other person.

Transitional provisions

51. (1) Until the establishment of a University Council under section 5, the Council of an existing University shall be an Interim Council of the public university which shall function for a period not exceeding one year.

(2) The President may revise the composition of the Interim Council on the recommendation of the Minister given in consultation with the Ghana Tertiary Education Commission.

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(3) The Interim Council shall perform the functions specified under section 7.

(4) An action taken by the Interim Council before the first meeting of a substantive University Council shall have the same effect as if done by the Council.

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FIRST SCHEDULE

Public Universities

(sections 1(1), 48(b), 50(3), 50(4) and 50(5))

- 1. University of Ghana**
Striving as a research-intensive University, the University of Ghana is the premier University, established to provide comprehensive global quality higher education, cutting-edge research, knowledge creation and dissemination for national development and the world community with a focus on all aspects of the liberal arts, humanities and basic and applied sciences.
- 2. Kwame Nkrumah University of Science and Technology**
This university is to provide an environment for high quality teaching and learning, cutting-edge research, knowledge creation and dissemination, including technology transfer, as well as entrepreneurship training and service to community in all aspects of science, technology, engineering and mathematics for the industrial and socio-economic development of Ghana and Africa.
- 3. University of Cape Coast**
Set-up to provide quality higher education with a focus on comprehensive, liberal and professional science teacher education programmes that challenge learners to be creative, innovative, and inspirational professional educators at all levels of education. Through distance learning, it also extends expertise and facilities to train professionals for the education enterprise and business by employing modern technologies.
- 4. University of Education, Winneba**
The University is charged with the responsibility of producing professional educators to spearhead a new national vision of education aimed at redirecting Ghana's efforts along the path of rapid economic and social development. The university is expected to provide higher education and foster advancement of the science and art of teacher education; train tutors for the colleges of education and other tertiary institutions and to provide teachers with professional competence for teaching in pre-tertiary institutions.

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5. Ghana Institute of Management and Public Administration

The overarching object of the Institute is to provide pre-and in-service professional training for public servants of Ghana and the African continent in particular and to provide education, training and services in the fields of leadership, management and administration for the public sector, private sector and non-governmental organisations.

6. George Grant University of Mines and Technology

The mission is to provide higher education in all aspects of mining and petroleum engineering and technology and related disciplines through effective teaching and learning, knowledge creation and dissemination as well as technology transfer through active collaboration with industry and to offer professional services through extension activities to the mining and allied industries.

7. University for Development Studies

The University's principal mission is to address and find solutions to the peculiar developmental challenges, including issues with the environment and socio-economic deprivation in northern Ghana, in particular, and other poverty endemic and rural areas throughout Ghana, through unique and cutting-edge teaching, research and knowledge creation and dissemination techniques and outreach, with particular emphasis on Community-based instructional and research techniques. The specific emphasis on practically-oriented, research and field-based training is aimed at contributing towards poverty reduction in order to accelerate national development.

8. Nana Opoku Ampomah University of Professional Studies

Established to provide and promote higher education and professional development and training in business, professional accountancy and managerial sciences and related disciplines by leveraging a structured mix of scholarship with professionalism to provide for the human capital needs in Ghana and beyond.

9. Komla Agbeli Gbedemah University of Health and Allied Sciences

To provide quality higher education in all aspects of health and allied sciences through teaching, cutting-edge research, knowledge creation and dissemination to address the needs and aspirations of the people of Ghana and beyond. The university shall also provide clinical and other skills services and training towards improving the health status and overall quality of life of Ghanaians and the world community.

10. Kofi Abrefa Busia University of Energy and Natural Resources

Aspiring to become a world-class university for the development of human resources, skills and technology required to solve critical energy and natural resources challenges of society and to undertake interdisciplinary academic research and outreach programmes to advance and apply knowledge in energy and natural resource sciences, environment and related disciplines.

11. Simon Diedong Dombo University of Business and Integrated Development Studies

Established on the core-values and pro-poor orientation, the university has a geographical focus on the Upper West Region and is dedicated to advancing high quality higher education, research, knowledge generation and dissemination with emphasis on business, entrepreneurship, applied social sciences and integrated development studies for the socio-economic development of Ghana and beyond.

12. C. K. Tedam University of Technology and Applied Sciences

Established on the core-values and pro-poor orientation, the university has a geographical focus on the Upper East Region and is dedicated to advancing high quality higher education, research, knowledge generation and dissemination with emphasis on basic and applied sciences, mathematics and computing technology for the socio-economic development of Ghana and beyond.

13. University of Environment and Sustainable Development

To provide higher education, disseminate knowledge related to development in environment and agro-business education, undertake research within the mandate with special emphasis on environment and agricultural value chain issues in Ghana and elsewhere in Africa; and in subjects that relate to the social, cultural, economic, scientific or technological aspects of the environment and agro-business.

14. Ghana Communication Technology University

To operate as a world class higher education and research centre of excellence in information communication technology and to provide leadership in preparing the next generation of professionals to drive and support the 4th Industrial Revolution in Ghana and beyond.

15. University of Media, Arts and Communication Studies

Established to stimulate the creative arts and media communication industry in Ghana and Africa by providing quality higher education and professional training through teaching, research, technical and creative skills development. The focus shall be in professional journalism, strategic communication and language skills and digital media arts and engineering.

16. National University of Skills Training and Entrepreneurial Development

Mandate of the university lies in providing higher education and research in engineering and technology streams along with high-end technical and vocational skills training. The university shall focus on producing creative and skilled technologists equipped with appropriate pedagogical techniques to teach both at pre-tertiary and tertiary levels in technical and vocational education and training disciplines as well as knowledge creation in an innovative and entrepreneurial environment with strong academia-industrial linkages.

17. Technical Universities

- (a) Accra Technical University**
Niche area and focus: Laboratory Technology
- (b) Cape Coast Technical University**
Niche area and focus: Renewable Energy Technology
- (c) Ho Technical University**
Niche area and focus: Hospitality and Tourism Management
- (d) Koforidua Technical University**
Niche area and focus: Mechatronics
- (e) Kumasi Technical University**
Niche area and focus: Pharmaceutical Sciences
- (f) Sunyani Technical University**
Niche area and focus: Electrical and Electronics Engineering
- (g) Takoradi Technical University**
Niche area and focus: Oil and Gas Engineering
- (h) Tamale Technical University**
Niche area and focus: Agricultural Engineering

Public University Bill, 2020

SECOND SCHEDULE

(sections 13 (2), 16(8), 17 (7) and 22 (7))

PART A

OATH OF OFFICE

I,do (in the name of the Almighty God (swear) (solemnly affirm) that I will at all times, well and truly serve the University of..... and the Republic of Ghana in the office of and that I will uphold, preserve, protect and defend the University as by law established (so help me God).

(To be sworn before the President or such other person as the President may designate).

PART B

OATH OF SECRECY

I, holding the office of do (in the name of the Almighty God swear/solemnly affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specially permitted by law. (So help me God)

(To be sworn before the President or such other person as the President may designate)

Public University Bill, 2020

Date of *Gazette* notification: 20th February, 2020.

PUBLIC UNIVERSITY BILL, 2020

MEMORANDUM

The purpose of the Bill is to provide for the establishment, governance arrangements and management of a public university in the country. Higher education offers further training to and improvement in the status of human capital in any society. Indeed, in Ghana, the right to higher education, subject to the availability of resources, is a constitutional imperative that Government is required to ensure. It is the duty of Government, therefore, to invest in the establishment of public universities in order that higher education is, to the greater extent possible, made available to all citizens.

University education since independence has remained largely accessible to a very small segment of the Ghanaian society. The introduction of the free senior high school education would soon impact on university education.

Even though at the establishment of each of the public university roles were defined for the public universities, almost all of the public universities have veered away from their core discipline. There is the need to regulate their operations in a better way.

Government every year avails huge resources to the public universities for the performance of their functions. Recognisably, public universities are semi-autonomous educational institutions, however since they depend hugely on public finance there is the need for greater accountability in the utilisation of resources allocated to the public universities. Unfortunately, almost every year, reports from the Auditor-General reveal grave improprieties in the utilisation of resources. Transparency, accountability and efficiency depend on a well-structured governance architecture and legal framework that will ensure consistency and commonality in the administration of the public universities whilst recognising the peculiarities in the objects of the various institutions.

The Bill, thus, seeks to provide for the establishment of a public university and also spell out the governance structure, finance, administration and regulation of the activities of a public university in a structured, harmonious and co-ordinated manner.

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Clauses 1 to 4 deal with the establishment of a public university. A public university is established as a body corporate under *clause 1* with the aim of providing, creating, disseminating and preserving knowledge and understanding through teaching, skill development and research, scientific publications, technology transfer and extension and community service in accordance with principles specified under *clause 2*. *Clause 3* provides for the establishment of campuses whilst *clause 4* deals with the award of degrees by a public university. A public university is to award its own degrees including honorary degrees, diplomas and certificates.

Clauses 5 to 12 make provision for the governance of a public university. *Clause 5* provides for a University Council as the governing body of a public university. The University Council consists of thirteen persons including a chairperson nominated by the President, the Vice-Chancellor of the public university and five persons nominated by the President, at least two of whom are women. Institutions such as the Ghana Education Service, Technical and Vocational Education and Training Service and the Ghana Tertiary Education Commission are also represented on the University Council. The chairperson and other members of the University Council are to be appointed by the President in accordance with article 70 of the Constitution.

Clause 6 grants the Council general powers to do or provide for any matter in relation to the public university that the Council considers expedient.

The functions of the Council, are spelt out in *clause 7*. The Council is to ensure the implementation of the aims of the public university, to determine the strategic direction of the public university, to monitor and evaluate the implementation of policies of the public university and to promote income-generating activities as part of the programmes of the University. The Council is also required to control the finances of the public university and determine the allocation and proper use of funds.

The standard provisions on the tenure of office of members of the Council, meetings of the Council and disclosure of interest are provided for in *clauses 8, 9 and 10* respectively.

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A member of the Council who has an interest in a matter for consideration by the Council is required to disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Council in respect of that matter.

Clause 11 mandates the Council to establish standing or ad-hoc committees and assign to the committees functions that the Council considers appropriate. *Clause 12* provides for the determination by the Minister in consultation with the Minister responsible for Finance, the allowances to be paid to members of the Council and members of committees of the Council.

Clauses 13 to 25 are on the administration of a public university. The Principal Officers of a public university are the Chancellor, the chairperson of the Council and the Vice-Chancellor, *clause 13*.

Clause 14 provides for the appointment and duties of the Chancellor. The Chancellor is the titular head of the public university and takes precedence over the other officers of the public university. *Clause 15* provides for vacancy in the Office of the Chancellor and further provides that the grounds and procedures for the removal of the Chancellor from Office must be in accordance with the Statutes of the public university.

Provision is further made under *clause 16* for the appointment and duties of the Vice-Chancellor. The Vice-Chancellor is the academic and administrative head of the public university and responsible to the Council for maintaining order, discipline and ensuring the efficient and effective administration of the public university.

Clause 17 deals with the office of the Pro Vice-Chancellor. A public university is to have not more than two Pro Vice-Chancellors who are appointed by the Council in accordance with the Statutes of the public university.

The Academic Board which is established under *clause 18* is answerable to the Council. The members of the Academic Board include the Vice-Chancellor, the Pro Vice-Chancellor, Provosts, Deans, Professors, the Librarian and the Registrar of the public university, *clause 19*. *Clause 20* mandates the Academic Board to establish standing and ad hoc committees for purposes of carrying out the functions of the Academic

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Board which are provided for in *clause 21* The functions of the Academic Board include the formulation and implementation of the academic policies of the public university and the regulation of the conduct of examinations and award of degrees.

The Council is required to appoint a Registrar for the public university, *clause 22*. The Registrar is to hold office on the terms and conditions specified in the letter of appointment in accordance with the Statutes of the public university. The Director of Finance who is to be appointed under *clause 23* is responsible to the Vice-Chancellor in the performance of the functions of the Director of Finance.

The Council is further mandated under *clause 24* to appoint other staff that may be necessary for the effective and efficient performance of the functions of the public university. The Council may make arrangements that the Council considers appropriate for the internal organisation of the public university under *clause 25*.

The financial matters of a public university are provided for in *clauses 26 to 32*. *Clause 26* provides for annual estimates for a public university. The *clause* provides that a public university is to prepare and submit its annual estimates of revenue and expenditure through the Ghana Tertiary Education Commission to the Minister responsible for Finance for approval in the form and at the times determined by the Minister.

Clause 27 enumerates the funds of a public university. The funds of a public university include moneys approved by Parliament, returns on investments, endowments, donations and gifts. The Council may invest the funds of the public university that are not required or needed for immediate use as the Council considers appropriate. The Council is also empowered under *clause 28* to borrow money on behalf of the public university and for this purpose use the property of the public university as security.

The Bill makes provision in *clause 29* for an Internal Audit Unit to be established in accordance with the Public Financial Management Act, 2016 (Act 921). The standard provisions on accounts and audit and annual report and other reports are dealt with in *clauses 30 and 31* respectively.

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The Council is to within one month after receipt of the audit report, submit to the Minister, an annual report covering the activities and the operations of the public university for the year to which the report relates. The report must include any other information that may be required by the Minister in conformity with the Public Financial Management Act, 2016 (Act 921) or that may be relevant to enhance transparency and accountability under *clause 31*.

Clause 32 exempts a public university from the payment of taxes, duties and other charges that the Minister of Finance may in writing determine with the prior approval of Parliament.

Clauses 33 to 51 deal with miscellaneous matters. *Clause 33* requires the Council of a public university to enact Statutes. The Statutes are to, in particular, provide for the regulation of the appointment and termination of appointment of employees of the public university, determine the persons who form the academic staff of the public university and determine the persons who are authorised to sign contracts, cheques and other documents on behalf of the public university and to regulate the procedure in relation to transactions entered into by the public university.

The procedure for enacting Statutes is provided for in *clause 34*. Public universities are to operate with harmonised Statutes. To ensure uniformity and predictability in the rules and procedures and their application across all public universities, a draft of the Statutes is to be compiled by the Ghana Tertiary Education Commission and circulated to members of the Council of each public university, at least fourteen days before the date of the meeting at which the Statutes are to be considered. The Statutes essentially outline the rules and operational procedures of a public university.

In line with the need for uniformity across all public universities, a public university is to operate in accordance with the Scheme of Service approved by the Ghana Tertiary Education Commission, *clause 35*.

Clause 36 requires the public university to have a Convocation with the membership prescribed by the Statutes of the public university.

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A student who is admitted to a public university is obliged to take the Matriculation Oath and sign the Matriculation Register, *clause 37*. The public university is mandated by *clause 38* to hold a Congregation composed of persons prescribed by the Council in the Statutes of the University.

Clause 39 provides for the Students' Representative Council with the responsibility to represent students duly admitted and registered to study at the public university.

Clause 40 provides for a Centralised Applications Processing Service for the processing of applications for admissions for all public universities whilst *clause 41* caters for matters relating to acquisition of property and contract by a public university.

Clause 42 is on intellectual property. The intellectual property right in a work, research or other intellectual enterprise, funded or otherwise undertaken with the resources of the public university, vests in the public university.

Clause 43 emphasises on the academic freedoms of a public university. Thus, a public university has the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of the internal and external affairs of the public university.

Clause 44 prohibits discrimination in a public university. A public university or an office of the public university is prohibited from discriminating against a person on the basis of the race, ethnic origin, political opinion, colour, gender, occupation, religion or creed, disability, social or economic status of that person.

Clause 45 makes provision for the instrument of governance whilst *clause 46* provides for dispute settlement. For purposes of settling disputes an Appeals Board is to be established to hear and determine matters affecting the staff of a public university. The Minister may from time to time give policy directives through the Ghana Tertiary Education Commission to a public university and the public university is to comply, *clause 47*.

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The power of the Minister to make Regulations is provided for under *clause 48*, *clause 49* is on interpretation of words and phrases used in the Bill whilst *clauses 50* and *51* respectively provide for repeals and savings, and transitional matters.

The passage of this Bill will to a large extent harmonise the governance, administration and accountability structures of public universities.

HON. DR. MATTHEW OPOKU PREMPEH (MP)
Minister responsible for Education

Date: 20th February, 2020.