

ACT 745
POLYTECHNICS ACT, 2007

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SCHEDULE

ACT 745
POLYTECHNICS ACT, 2007(1)

AN ACT to revise the law relating to polytechnics and to provide for connected purposes.

Establishment and Objects of Polytechnics

1. Establishment of polytechnics

- (1) The institutions specified in the Schedule to this Act are established as poly-technics.
- (2) The Minister may by legislative instrument amend the Schedule.

2. Acquisition of property

(1) A polytechnic is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) A polytechnic may for the performance of its functions acquire and hold movable or immovable property and may enter into a contract or any other transaction.

(3) Where the Council of a polytechnic has resolved and the Government has agreed that an acquisition of land or a right over land is necessary for that polytechnic, the property or land may be acquired under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125).

3. Status of a polytechnic

- (1) A polytechnic established under this Act is a public tertiary institution.
- (2) Subject to this Act, a polytechnic has academic autonomy.

4. Objects of a polytechnic

The objects of a polytechnic are to

- (a) provide tertiary education in the fields of manufacturing, commerce, science, technology, applied social science, applied arts and any other field approved of by the Minister; and
- (b) provide opportunities for skills development applied research and publication of research findings.

5. Powers of a polytechnic

A polytechnic may

- (a) award Higher National Diplomas, diplomas and other certificates accredited by the National Accreditation Board;
- (b) award degrees subject to the conditions that the Council of that polytechnic may determine;
- (c) make provision for the general welfare, recreational and social needs of polytechnic staff and students; and
- (d) exercise powers that are incidental to the performance of the object and functions of a polytechnic under this Act.

6. Governing body of a polytechnic

(1) The governing body for each polytechnic is a Council consisting of

- (a) the chairperson,
- (b) the Rector of the polytechnic,
- (c) one representative of the Convocation elected by the Convocation,
- (d) one representative of the Teachers and Educational Workers Union,
- (e) one representative of the Polytechnic Administrators Association of Ghana,
- (f) one representative of the Polytechnic Teachers Association of Ghana,
- (g) one representative of the Polytechnic's Students Representative Council,
- (h) one representative of the Ghana Employers Association,
- (i) one representative of the Association of Ghana Industries,
- (j) one representative of a relevant professional body determined by the Minister,
- (k) one representative of the Polytechnic's Alumni Association,
- (l) one representative of the Ministry of Education not below the rank of a Director; and
- (m) one other person, who is a woman.

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

7. Functions of a Council

The Council of a polytechnic has general control over the efficient management and policies of the polytechnic and shall

- (a) oversee the internal organisation of that polytechnic including the establishment, variation and supervision of academic divisions, departments and facilities of that polytechnic;
- (b) determine the overall educational mission and programmes for the furtherance of that polytechnic's object;
- (c) prescribe the terms and conditions for the admission of a person selected for a course of study organised by that polytechnic;
- (d) institute awards, fellowships and scholarship schemes in furtherance of that polytechnic's objects;
- (e) award fellowships and other honorary titles to deserving persons;
- (f) appoint the Rector, Vice-Rector, lecturers and other persons to academic and administrative positions in that polytechnic;
- (g) manage the finances and fixed assets of the polytechnic;
- (h) consider and approve annual estimates of income and expenditure of that polytechnic;
- (i) be responsible for the discipline of staff of that polytechnic;
- (j) ensure the implementation of the objects of the polytechnic; and
- (k) perform any other functions that are ancillary to the objects of that polytechnic.

8. Tenure of office of members of a Council

(1) A member of a Council other than the Rector and an *ex officio* member of that Council shall hold office for a period not exceeding three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Where a member of a Council, other than the Rector and an *ex officio* member, resigns, dies, is removed from office or for sufficient reason is unable to act as a member, the chairperson of the Council shall through the Minister notify the President of the vacancy and the President shall, acting on the advice of the nominating authority and in consultation with the Council of State appoint another person to hold office for the unexpired portion of the member's term of office.

(3) A member of a Council, other than the Rector and an *ex officio* member may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of a Council who is absent from meetings for a continuous period of twelve months ceases to be a member.

(5) The President shall by letter addressed to a member nominated by a body as its representative on the Council, revoke the appointment of that member at the request of that body.

(6) Subject to section 12, a member of a Council is entitled to remuneration for membership of the Council.

9. Meetings of a Council

(1) A Council shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than six members of the Council convene an extraordinary meeting of the Council at the place and time determined by the chairperson.

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

(4) The chairperson shall preside at meetings of the Council.

(5) Where the chairperson is absent at a meeting of the Council, a member of the Council elected by the other members present shall preside.

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

(7) The Council may co-opt a person to attend a Council meeting but that person shall not vote on a matter for decision at the meeting.

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

(9) Subject to this section, the Council may determine the procedure for its meetings.

10. Disclosure of interest

(1) A member of a Council who has an interest in a matter for consideration by that 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) A member who contravenes subsection (1) ceases to be a member.

11. Committees of a Council

(1) A Council may appoint committees consisting of members of the Council or non-members or both to perform a function.

(2) A committee of the Council may be chaired by a member of the Council.

12. Allowances for members of a Council and committees

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

Academic Board

13. Academic Board of polytechnic

There is established by this Act for each polytechnic an Academic Board.

14. Composition of Board

The Board of a polytechnic consists of

- (a) the Rector who is the chairperson,

- (b) the Vice-Rector,
- (c) the heads of academic divisions and departments of that polytechnic, and
- (d) any other person prescribed in the statutes of that polytechnic.

15. Functions of Board

(1) The Board of a polytechnic shall

- (a) determine the criteria for the admission of students;
- (b) decide matters that relate to the award of scholarships at that polytechnic;
- (c) determine the content of curricula;
- (d) determine academic standards, validation and review of courses;
- (e) determine the policy and procedure for
 - (i) the award of qualifications and honorary academic titles;
 - (ii) the assessment and examination of students; and
 - (iii) the discipline of students;
- (f) determine the appointment of internal and external examiners;
- (g) regulate and assess the development of academic work and activities of that polytechnic;
- (h) consider the resources required to support the academic activities of that polytechnic;
- (i) collaborate with
 - (i) industrial and commercial institutions to promote the entrepreneurial development of the students; and
 - (ii) other tertiary institutions; and
- (j) report back to the Council of that polytechnic on matters referred to it by the Council.

(2) Without limiting the scope of subsection (1), the Board of a polytechnic shall advise its Council generally and in particular on academic matters of that polytechnic and shall perform other functions conferred on it by statutes of the polytechnic or as the Council may refer to it.

16. Committees of a Board

(1) The Board of a polytechnic may, after approval by its Council, appoint committees and assign to these committees functions determined by the Board.

(2) The membership of a committee and the tenure of office of its members shall be determined by the Board.

17. Meetings of a Board

(1) The Board of a polytechnic shall meet for the despatch of business at the times and places determined by the Board but shall meet at least once every three months.

(2) The Board shall determine and regulate the procedure for its meetings.

Organisation of a Polytechnic

18. Faculties of a polytechnic

For academic work, a polytechnic shall have faculties, divisions and administrative units determined by its Council.

19. Convocation

A polytechnic shall have a convocation with the membership, functions and powers prescribed by statutes of that polytechnic.

20. Congregation

(1) A polytechnic shall hold a Congregation at times determined by the Council of that polytechnic to confer degrees and award diplomas, certificates and other qualifications.

(2) A Congregation of a polytechnic consists of the Council, the Board, members of the Convocation, graduates and other persons of that polytechnic prescribed by its statutes.

21. Students Representative Council

(1) A polytechnic shall have a Students Representative Council.

(2) The constitution and functions of the Students Representative Council shall conform to the provisions of the statutes of the polytechnic.

22. Chancellor of a polytechnic

(1) A polytechnic shall have a Chancellor who shall be appointed by the Council of that polytechnic.

(2) The Chancellor shall confer on qualified persons

(a) degrees, diplomas and other qualifications awarded by the Board of the polytechnic, and

(b) honorary titles awarded by the Council of the polytechnic in accordance with procedures prescribed by the statutes of the polytechnic.

Administration of a Polytechnic

23. Rector of a polytechnic

(1) A polytechnic shall have a Rector who shall be appointed by the Council of that polytechnic.

(2) The terms and conditions of service of the Rector shall be determined by the Council and specified in the letter of appointment of the Rector.

24. Functions of the Rector

The Rector of a polytechnic shall, subject to the general control by the Council of that polytechnic, or policies that the Council may give,

(a) exercise general authority over staff of the polytechnic;

- (b) be responsible for
 - (i) the appointment, assignment, remuneration and conditions of service of staff other than the persons determined by the Council;
 - (ii) the discipline, supervision and dismissal of students;
 - (iii) management of the budget and resources of the polytechnic within the approved estimates; and
 - (iv) the preparation of the annual estimates of income and expenditure for consideration by the Council;
- (c) provide the Council with returns, reports and other relevant information required by the Council; and
- (d) ensure the implementation of the decisions of the Council.

25. Vice-Rector of a polytechnic

- (1) A polytechnic shall have a Vice-Rector who shall be appointed by the Council of that polytechnic.
- (2) The terms and conditions of service of the Vice-Rector, shall be determined by the Council and specified in the letter of appointment of the Vice-Rector.
- (3) The Vice-Rector shall perform the functions prescribed in the statutes of the polytechnic and shall act in the absence of the Rector.

26. Registrar of a polytechnic

- (1) A polytechnic shall have a Registrar who shall be appointed by the Council of that polytechnic in accordance with the procedure prescribed in the statutes of the polytechnic.
- (2) The Registrar of a polytechnic shall hold office on the terms and conditions determined by the Council.
- (3) The Registrar of a polytechnic shall be responsible to the Rector of the polytechnic in the discharge of administrative duties.
- (4) A Registrar of a polytechnic shall act as secretary
 - (a) to the Council of that polytechnic,
 - (b) to the Board of that polytechnic, and
 - (c) to any other board and committee prescribed by statutes made under this Act.

27. Academic, administrative and other staff of a polytechnic

- (1) The Council of a polytechnic may appoint academic, administrative and other staff necessary for the proper and effective achievement of the objects of that poly-technic.
- (2) The terms and conditions of service of a person appointed under subsection (1) shall be determined by the Council.
- (3) The Council of a polytechnic may delegate to the Rector of that polytechnic, its power of appointment under subsection (1) in respect of the grade of academic, administrative and other staff of the polytechnic determined by the Council.

Financial and Miscellaneous Provisions

28. Funds of a polytechnic

(1) The funds of a polytechnic consist of

- (a) subvention approved by Parliament,
- (b) fees paid by course participants,
- (c) fees, charges and dues for services rendered by or through the polytechnic,
- (d) interest from investments,
- (e) gifts,
- (f) endowments,
- (g) grants, and
- (h) moneys from any other sources approved by the Council of that poly-technic.

(2) Money received by or on behalf of a polytechnic shall be paid into the bank account of that polytechnic opened by the Council with the approval of the Accountant-General.

29. Management of finances of a polytechnic

(1) The Council of a polytechnic shall manage and control the finances of that polytechnic and determine matters that arise out of the financial administration of the polytechnic.

(2) Without limiting the scope of subsection (1), where matters concerning the financial administration of the polytechnic affects its education policy, the Council shall, prior to determining the matter, consult the Board and consider the recommendation or report made by the Board to the Council.

(3) The Council of a polytechnic shall ensure that the resources of that polytechnic are properly disbursed and utilised.

(4) The Council of a polytechnic may specify matters related to the income and expenditure of that polytechnic for which the consent of the Council is required prior to an act or omission to avoid the occurrence of any liability on the part of that Council.

30. Accounts and audit

(1) The Council of a polytechnic shall keep books of account and proper regards in relation to them in the form approved by the Auditor-General.

(2) The Council of a polytechnic shall submit the accounts of that polytechnic to the Auditor General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months after the receipt of the accounts audit the accounts and forward a copy of the audit report to the Minister.

(4) The financial year of a polytechnic shall be the same as the financial year of the Government.

31. Annual report and other reports

(1) The Council of a polytechnic shall within one month after the receipt of the audit report submit to

the Minister an annual report covering the activities and the operations of the Council for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Council of a polytechnic shall also submit to the Minister any other reports that the Minister may in writing request.

32. Statutes of a polytechnic

(1) The Council of a polytechnic may make statutes to carry into effect the objects of that polytechnic.

(2) Without limiting the scope of subsection (1), the Council may make statutes

(a) to regulate the appointment, conditions of service, termination of appointment and retirement benefits of the staff of that polytechnic;

(b) to determine the persons who are authorised to enter into transactions, sign documents, negotiable instruments and contracts on behalf of that polytechnic;

(c) to determine the persons who constitute the academic staff;

(d) to fix the academic calendar of the polytechnic;

(e) for procedures to discipline students and staff of the polytechnic;

(f) for procedures for the assessment and the award of degrees, diplomas and other qualifications of the polytechnic;

(g) to oversee the award of bursaries and scholarships;

(h) to ensure that the seal of the polytechnic is kept in proper custody and used only on the authority of the Council; and

(i) to provide for the other matters required by this Act to be prescribed by statute.

33. Procedure for enacting statutes of a polytechnic

(1) To enact a statute under this Act, a draft of the statute shall be circulated to the members of the Council of the polytechnic concerned, at least fourteen days before the date of the meeting at which the statute is to be considered.

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

(3) Where the draft has been amended, written notice of the amendment shall be circulated to members of the Council at least three days before the meeting at which it is to be considered.

(4) The statutes as provisionally approved, shall be circulated to the members of the Council and where in the opinion of the Council, the statute affects academic matters, the statute shall be circulated to the Board of the polytechnic at least seven days before the meeting at which it is intended to confirm the statute.

(5) A provisional statute shall, without amendment, be confirmed by the Council at a meeting of the Council which shall be held not less than one month or more than six months after the meeting at which the statute was provisionally approved.

(6) A statute shall not be enacted if it is inconsistent with this Act.

34. Relationship with other institutions

The Council of a polytechnic shall in the performance of its functions collaborate with any private or public institution that the Council considers necessary.

35. Regulations

The Minister may on the advice of the Council of a polytechnic, by legislative instrument make Regulations for the effective implementation of the provisions of this Act.

36. Interpretation

In this Act, unless the context otherwise requires,

“**Board**” means an Academic Board established under section 13;

“**Council**” means the governing body of a polytechnic established under section 6;

“**Minister**” means the Minister responsible for Education;

“**National Accreditation Board**” means the National Accreditation Board established under the National Accreditation Board Law, 1993 (P.N.D.C.L. 317);

“**polytechnic**” means an institution of higher education established as a polytechnic under section 1 and specified in the Schedule to this Act;

“**Rector**” means the Rector for a polytechnic appointed under section 23; and

“**Vice-Rector**” means a Vice-Rector for a polytechnic appointed under section 25.

37. Repeal and saving

(1) The Polytechnic Law, 1992 (P.N.D.C.L. 321) is hereby repealed.

(2) Despite the repeal of P.N.D.C.L. 321, Regulations, by-laws, notices, orders, directions under the repealed enactment and in force immediately before the commencement of this Act, shall be considered to have been made or done under this Act and shall continue to have effect until amended or revoked.

38. Transfer of assets and liabilities

The assets, rights, liabilities, subsisting obligations and properties of a polytechnic immediately before the commencement of this Act and the persons employed for that polytechnic are hereby transferred to the respective polytechnics established under this Act.

SCHEDULE

[Section 1]

Accra Polytechnic.

Bolgatanga Polytechnic.

Cape Coast Polytechnic.

Ho Polytechnic.

Koforidua Polytechnic.

Kumasi Polytechnic.

Sunyani Polytechnic.

Takoradi Polytechnic.

Tamale Polytechnic.

Wa Polytechnic.

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 14 September, 2007 and notified in the *Gazette* on 21st September, 2007.