

University of Energy and Natural Resources Act, 2011 Act 830

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ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

UNIVERSITY OF ENERGY AND NATURAL RESOURCES

ACT, 2011

AN ACT to provide for the establishment of the University of Energy and Natural Resources to generate, advance and apply knowledge in energy and natural resource sciences and for related matters.

DATE OF ASSENT:

PASSED by Parliament and assented to by the President:

The University

Establishment of the University of Energy and Natural Resources

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the University of Energy and Natural Resources.

(2) Where there is a hindrance to the acquisition of property, the property may be acquired for the University under the State Property and Contracts Act, 1960 (C.A.6) or the State Lands Act, 1962 (Act 125) and the cost shall be borne by the University.

Aims of the University

2. (1) The aims of the University are to provide higher education, disseminate knowledge related to energy and natural resources, undertake research and

foster collaboration with persons in the country and institutions outside the country in accordance with the following principles:

(a) higher education shall be made equally accessible to all persons suitably qualified and capable of benefiting from that education;

(b) in determining the subjects to be taught which shall be energy and natural resources related, consideration shall be given to courses of special relevance to harness the needs and aspirations of the country;

(c) use teaching methods which promote critical and independent thinking for the benefit of humanity;

(d) use critical tools including information and communication technology for teaching, research and administration;

(e) institute curricula and the use of pedagogy that are practical and relevant to national needs and aspirations in the energy and natural resources sectors;

(f) undertake research in courses which are within the mandate of the University but with special emphasis on

(i) energy and natural resource issues in this country and elsewhere in Africa; and

(ii) subjects that relate to the social, cultural, economic, scientific or technological aspect of energy and natural resources;

(g) provide higher education and research skills to students; (h) disseminate the results of research through the publication of books and other means;

(i) provide services through extension and consultancy in energy and natural resources related activities to foster relationships with other persons; and

(j) develop distance learning modules for energy and natural resources courses in higher education.

(2) The University for the purpose of achieving its aims, shall

(a) School of Natural Resources; (b) School of Engineering;

(c) School of Sciences;

(d) School of Agriculture and Technology; (e) School of Geosciences; and

(f) any other School related to energy and natural resources as the Council may determine.

(3) Without limiting subsection (2), the University in furtherance of its aims may establish institutes and Centres as the Council may determine.

Campuses of the University

3. The University shall be established in Sunyani and may have other campuses in any other place as the Council may determine.

Award of degrees

4. (1) The University shall have power to award its own degrees including honorary degrees, diplomas and certificates.

(2) The University may withdraw a degree, diploma or certificate it has awarded if it has evidence that proves that

(a) the degree, diploma or certificate was obtained through fraud, academic malpractice; or

(b) the process of acquiring the degree, diploma or certificate was tainted by an act that in the opinion of the University undermines the integrity of the award.

Administration

The University Council

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

(a) a chairperson nominated by the President, (b) the Vice-Chancellor,

(c) four persons nominated by the President,

(d) one representative of the National Council for Tertiary Education,

(e) two elected members of the Convocation representing the professorial and non-professorial staff,

(f) one representative of the University Teachers Association of Ghana,

(g) one representative of the Teachers and Education Workers Union,

(h) one elected representative of the Conference of Heads of Assisted Secondary Schools,

(i) one elected representative of undergraduate students of the University elected by the Students Representative Council,

(j) one representative of graduate students of the University elected by the University branch of the Graduate Students Association, and

(k) one representative of the alumni of the University.

(2) The President in making the nominations under paragraphs (a) and (c) of subsection (1) shall have regard to the academic qualification, leadership qualities, gender, expertise in finance, management knowledge and relevant experience in energy and natural resources.

(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 preside at the Congregation and other meetings and ceremonies of the University in the absence of the Chancellor.

Functions of the Council

6. The Council shall

(a) ensure the implementation of the aims of the University, (b) determine the strategic direction of the University, monitor and evaluate policy implementation,

(c) promote income-generating activities as part of the University's programme,

(d) control the finances of the University and determine the allocation and proper use of funds,

(e) ensure the conservation and augmentation of the resources of the University, specifically in relation to matters affecting income or expenditure,

(f) ensure the creation of an environment of equal opportunity for members of the University without regard to ethnicity, sex, race, religious belief or political affiliation, and

(g) make professorial level appointments on the recommendation of the Appointments Committee of the Academic Board as may be prescribed in the Statutes of the University.

Establishment of committees

7. (1) For the purpose of achieving the aims of the University, the Council may establish standing or ad-hoc committees made up of members or non-members of the Council and assign them functions that the Council

considers appropriate.

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

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

Meetings of the Council

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

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

(3) The chairperson shall preside at a meeting of the Council and in the absence of the chairperson, members of the Council shall elect one of the government nominees present 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 to attend and participate in any of its meetings 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 but are not entitled to vote.

(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.

Disclosure of interest

10. (1) A member of the Council who has an interest in a matter for consideration at a meeting of the Council shall

(a) disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter, (b) recuse himself or herself from the meeting at which the matter is considered; or

(c) not participate in the deliberations of the Council in respect of that matter.

(2) A member ceases to be a member of the Council, if that member has an interest in a matter before the Council and

(a) fails to disclose that interest,

(b) fails to recuse himself or herself from the meeting at which the matter is considered; or

(c) participates in the deliberations of the matter.

Allowances

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

General powers of the Council

12. (1) Subject to the provisions of this Act the Council shall have power to do or provide for any matter in relation to the 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.

Principal Officers of the University

13. (1) The Principal Officers of the University are (a) the Chancellor,

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

(2) Before assuming office, the Principal Officers of the University shall take and subscribe to the oath of office specified in the Schedule.

The Chancellor of the University

14. (1) The University shall have a Chancellor who is appointed by the Council and takes precedence over the other officers of the University.

(2) The criteria and modalities for the nomination and election of the Chancellor shall be prescribed by the Statutes of the University.

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

(4) The Chancellor shall preside at Congregation, meetings and ceremonies of the University at which the Chancellor is present.

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

(6) The Chancellor shall confer on qualified persons, degrees, diplomas and certificates awarded by the University in accordance with this Act and procedures prescribed by the Statutes of the University.

(7) The Chancellor may delegate functions under subsection (6), by directions in writing to the Council.

Vacancy in office of the Chancellor

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

(b) death,

(c) removal from office, or (d) expiry of the term.

(2) The grounds and procedures for the removal from office of the Chancellor shall be contained in the Statutes of the University.

(3) Without limiting the functions of the Chancellor, where the integrity and welfare of the University are threatened by any matter, the Chancellor may in consultation with the Council intervene.

Vice-Chancellor of the University

(1) The Council shall appoint a Vice-Chancellor for the University. (2) The Vice-Chancellor shall hold office on the terms and conditions specified in the letter of appointment.

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

(4) The Vice-Chancellor is the academic and administrative head and chief disciplinary officer of the University.

(5) The Vice-Chancellor is responsible to the Council for maintaining order and ensuring the efficient administration of the University.

(6) The Vice-Chancellor shall perform such other functions as may be prescribed by the Statutes of the University.

Pro Vice-Chancellor of the University

17. (1) The Council shall appoint a Pro Vice-Chancellor of the University in accordance with the Statutes of the University.

(2) The Pro Vice-Chancellor shall hold office for a term of three years and is eligible for re-appointment for another term only.

(3) The Pro Vice-Chancellor shall attend a Council meeting but shall not vote at the meeting.

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

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

(6) The Pro Vice-Chancellor shall before assuming office take and subscribe to the oath of office as specified in the Schedule.

Academic Board

18. There is established by this Act an Academic Board of the University which is answerable to the Council.

Functions of the Academic Board

19. The Academic Board shall subject to the powers of the Council (a) formulate and implement the academic policies of the University;

(b) devise and regulate courses of instruction and study subject to accreditation by the National Accreditation Board; (c) promote and supervise research;

(d) regulate

(i) the conduct of examinations,

(ii) the award of degrees, diplomas and certificates, and

(iii) authorise research work,

(e) advise the Council on the appointment of academic staff, admission of students and the award of scholarships and bursaries;

(f) report on matters referred to the Academic Board by the Council;

(g) make representations to the Council on any matter connected with the University; and

(h) perform other functions specified in the Statutes of the University.

Composition of the Academic Board

20. (1) The Academic Board consists of

(a) the Vice-Chancellor of the University who shall be the chairperson;

(b) Pro Vice-Chancellor; (c) Deans and Vice-Deans;

(d) Directors of Schools, Institutes and Centres; (e) Heads of Academic Departments;

(f) Professors and Associate Professors;

(g) a representative each from

(i) an Academic department; (ii) a School;

(iii) an Institute; and (iv) a Centre;

(h) the Librarian of the University;

(i) the Registrar of the University who is the Secretary; and (j) nine members, five of whom are non-teaching staff elected

by Convocation in accordance with the Statutes of the University.

(2) The Academic Board may establish standing and ad-hoc committees for the purpose of carrying out its functions under this Act and as may be determined by the Statutes enacted by the Council except that a committee comprised entirely of non-members shall be advisory only.

(3) A person who is an ex-officio member of the Board may be represented at a meeting by a person designated by that member.

The Registrar

21.(1) The Council shall appoint a Registrar for the University. (2) The Registrar shall hold office on the terms and conditions specified in the letter of appointment in accordance with the Statutes of the University.

(3) The Registrar is the secretary to the (a) Office of the Chancellor,

(b) Council, and

(c) Academic Board.

(4) The Registrar is responsible to the Vice-Chancellor for the day-to-day administration of the affairs of the University.

(5) The Registrar is the chief administrative officer of the University under the Vice-Chancellor.

(6) The Registrar may perform any other functions provided for in the Statutes of the University.

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

Director of Finance

22. (1) The Council shall appoint a Director of Finance for the University.

(2) The Director of Finance shall perform such functions as prescribed in the Statutes.

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

Appointment of other staff

23. The Council shall appoint such other staff as may be necessary for the effective performance of the functions of the University.

Internal organisation of the University

24. (1) Subject this Act, the Council may make arrangements as it considers appropriate for the internal organisation of the University including

(a) establishment, variation and supervision of academic divisions, Faculties, Schools, Centres, Departments, Institutes, hostels and other bodies in the campuses in Sunyani and elsewhere;

(b) award of professorships and promotion of lecturers; and (c) award of fellowships, bursaries, exhibitions, scholarships and prizes.

(2) The University may

(a) enter into an agreement or relationship with another institution whether academic or non-academic and within or outside the country, and

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

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

Student governance

25. (1) The 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 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 University and any other rules, regulations, directives and edicts duly issued by the University.

(4) The Statutes of the University may grant the Students Representative Council representation on relevant bodies and organs of the University.

(5) 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.

Statutes of the University

26. The Council shall ensure the implementation of this Act by Statutes which shall in particular

(a) regulate the

(i) appointment,

(ii) conditions of service,

(iii) termination of appointment, and (iv) retirement benefits

of the employees of the University;

(b) determine the persons who form the academic staff of the University;

(c) determine the persons who are authorised to sign contracts, cheques and other documents on behalf of the University and regulate the procedure in relation to transactions entered into by the University;

(d) determine the academic calendar of the University;

(e) determine the rules and procedures relating to discipline of students and employees of the university;

(f) ensure that the seal of the University is kept under proper custody and is used only by the authority of the Council; and

(g) provide for any matter required by this Act to be prescribed by Statute.

Procedure for conduct of business

27. Subject to the provisions of this Act, the Council may by Statute regulate its own procedure.

Convocation

28. (1) There shall be a Convocation of the University with the membership prescribed by the Statutes of the University.

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

(3) The persons whose names appear on the register shall be entitled to vote at the Convocation.

(4) The Convocation shall meet at least once each academic year at the time 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 University.

(6) The main function of the Convocation is to receive and discuss a report from the Vice-Chancellor on the state of the University and future plans for the University.

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

Congregation

29. The University may hold a Congregation composed of the persons prescribed by Statute for the purpose of conferring degrees and awarding diplomas and certificates.

Property and contracts

30. (1) The University may for

(a) the purpose of the performance of its functions, or

(b) any purpose which the University considers necessary or

expedient

acquire and hold movable or immovable property, sell, lease, mortgage or otherwise alienate or dispose of that property and to enter into any other transaction.

(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 the University shall be exempted from the assessments and rates levied by a local authority.

(3) The intellectual property right in a work, research or other intellectual enterprise funded or otherwise undertaken with resources of the University shall vest in the University.

(4) 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, trade marks, trade names and industrial designs by University employees.

(5) The Council shall in enacting the Statutes under subsection (4) determine the incentives for persons who undertake any work, research or other intellectual enterprise funded or otherwise undertaken with resources of the University to enable such persons benefits from their work, research or intellectual enterprises.

(6) The Council may borrow money on behalf of the University and may for this purpose use University property as security.

Financial matters

Funds of the University

31. (1) The funds of the University include (a) funds approved by Parliament;

(b) moneys that accrue to the University in the performance

of its functions consisting of

(i) fees paid by students duly registered by the University;

(ii) fees, charges and dues in respect of services rendered by or through the University;

(iii) proceeds from the sale of publications of the University; and

(iv) grants, subscriptions, rents and royalties; (c) returns on investments;

(d) endowments, donations and gifts; and

(e) moneys from any other source approved by the Council.

(2) Any sum of money received by or on behalf of the University shall be paid into a bank account of the University opened by or on the authority of the Council.

(3) For the avoidance of doubt, moneys received by or standing to the credit of a School, Centre or Institute of the University shall form part of the funds of the University as defined under this Act.

(4) The Council may invest the funds of the University that are not required for immediate use.

Internal Audit Unit

32. (1) There is established by this Act, an Internal Audit Unit which shall constitute a part of the University.

(2) The Council shall appoint personnel required to ensure an effective and efficient internal audit of the University.

(3) The Unit shall establish standards and procedures to carry out an internal audit of the University in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(4) The Audit Report Implementation Committees of the University as established under section 30 (1) of the Audit Service Act, 2000 (Act 584) are responsible for the implementation of the recommendations of the internal audit reports.

(5) The Audit Report Implementation Committee may co-opt a senior member of the University to serve on the Committee.

Accounts and audit

33. (1) The Council shall ensure that the University keeps books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Council shall submit the annual accounts of the University to the Auditor-General for audit within three months after the end of the financial year

and cause the accounts to be published at the time and in the manner that the Council considers appropriate.

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

(4) 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.

Annual report and other reports

34. (1) The Council shall within eight months after the end of each academic year, draw up a report to the Minister covering the activities of the University for the year to which the report relates and make that report available to the public.

(2) The report shall cover the operations, admissions, sources, use of funds, challenges, significant events and major policies of the University and shall include the report of the Auditor-General for the year to which the report relates.

(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 shall also submit to the Minister any other reports which the Minister may require in writing.

Exemption from taxes, duties and other charges

35. The University is exempt from the payment of taxes, duties and other charges that the Minister responsible for Finance may determine with the prior approval of Parliament.

Miscellaneous matters

Anti-discrimination

36. (1) Without limiting the power of the University to adopt affirmative action policies, the University or an officer of the 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 University, (b) registered as a student of the University,

c) permitted to graduate from the 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

all other persons.

(2) For the purposes of subsection (1), an officer of the 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 University.

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

Matriculation

37. (1) A student admitted to the University shall take the Matriculation Oath and sign the Matriculation Register.

(2) A student who fails to sign the Matriculation Register may be prevented by the University from graduating.

Dispute settlement

38. (1) There is established by this Act, a body to be known as the University of Energy and Natural Resources Appeals Board.

(2) The Council shall appoint the Members of the Appeals Board. (3) The Appeals Board consists of

(a) a chairperson who is a retired justice of the Superior Courts of Judicature or a lawyer qualified to be so appointed,

(b) two lawyers of at least ten years standing at the Bar who are persons of high moral integrity one of whom is a woman, and

(c) two persons who are not lawyers or employees of the University and who are persons of high moral integrity one of whom is a woman.

(4) The Appeals Board shall hear and determine on appeal matters on

a) acts or omissions in contravention of this Act or the Statutes enacted by the Council;

(b) breach of employment contracts by the University;

(c) the promotion of persons duly employed by the University;

(d) grievances by students against the 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 provided for in paragraph (b) of subsection (3) shall act as chairperson. (7) The Council shall establish the rules and procedure which govern (a) the operations of the Appeals Board,

(b) the appointment and remuneration of the members of the Appeals Board,

(c) the functions of the acting chairperson,

(d) the establishment of the Secretariat of the Appeals Board, and

(e) any other relevant matter.

Interpretation

39. In this Act, unless the context otherwise requires,

"Appeals Board" means the University of Energy and Natural Resources Appeals Board established under section 39; "Convocation" means the

Principal Officers and such other senior members as prescribed by the Statutes of the University;

"Council" means the University Council 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 University;

"Institute" means a multidisciplinary 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; "Statutes of the University" means administrative guidelines enacted by the Council in accordance with this Act to

govern the internal operations of the University; and "University" means the University of Energy and Natural Resources established under section 1.

Transitional provisions

40. (1) Until the establishment of the Council under section 5, there shall be an Interim Council of the University which shall function for a period not exceeding two years.

(2) The President shall appoint members of the Interim council upon the recommendations of the Minister given in consultation with the National Council for Tertiary Education.

(3) The Interim Council shall perform the functions prescribed under section 6 of this Act.

(4) Any action taken by the Interim Council before the first meeting of the Council shall have the same effect as if done by the Council. (5) The University shall be guided in its operations by accredited public universities in Ghana for a period not exceeding three years.

SCHEDULE

OATH OF OFFICE

Section 13 (2), 17 (6),21 (7)

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 Energy and Natural Resources

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.

Date of *Gazette* notification: