

REPUBLIC OF ZAMBIA

THE UNIVERSITY ACT

CHAPTER 136 OF THE LAWS OF ZAMBIA

CHAPTER 136 THE UNIVERSITY ACT

THE UNIVERSITY ACT

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CHAPTER 136

UNIVERSITY

Act No.
26 of 1992

An Act to provide for the establishment, regulation, control and functions of public universities; to provide for the registration and regulation of private universities; to repeal the University of Zambia Act, 1987, and the Copperbelt University Act, 1987; and to provide for matters connected with or incidental to the foregoing.

[31st July, 1992]

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the University Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"Bursar" means the Bursar of a public university, appointed under section *twelve*;

"Chancellor" means the Chancellor of a public university appointed under section *seven*;

"Council" means the council of a public university established under section *thirteen*;

"department" means a teaching or research unit of a public university recognised as a component of a school;

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor of a public university appointed under section *nine*;

"Librarian" means a Librarian of a public university appointed under section *eleven*;

"private university" means any university not maintained or financed by the Government, or a local government authority, out of public funds;

"proprietor" means the person or body responsible for the management of a private university;

"public university" means any university which is wholly or partly maintained or financed by the Government, or a local government authority, out of public funds;

"University" means the University of Zambia or the Copperbelt University; and the word universities shall be construed accordingly;

"registered university" means a private university registered in the register of private universities under section *forty-one*;

"Registrar" means the Registrar of a public university appointed under section *ten*;

"school" means an academic unit of a public university in which teaching, study, research and learning are pursued;

"Senate" means the Senate of a public university constituted under section *twenty-six*;

"Statutes" means the Statutes of a private university made under section *forty-five*;

"Vice-Chancellor" means the Vice-Chancellor of a public university appointed under section *eight*.

PART II PUBLIC UNIVERSITIESPART II

PUBLIC UNIVERSITIES

Establishment, Functions and Principal Officers

3. (1) Notwithstanding the repeal of the Acts setting up the University of Zambia and the Copperbelt University, and subject to the provisions of section *fifty-three* the two universities shall continue to exist as separate institutions as if established under this Act and shall be public universities in accordance with this Part.

Public universities
Acts No.
19 and
20 of 1987

(2) The Minister may, by statutory instrument, establish other public universities in accordance with the structure and requirements specified under this Part.

4. (1) The Minister may, by statutory instrument on the recommendation of the Senate-

Constituent colleges of
public university

(a) establish any college as a constituent college of any public university; or

(b) declare any existing college or institution of learning as a constituent college or institution of any public university.

(2) Where the Minister establishes a constituent college or declares any institution to be a constituent college or institution of any public university-

(a) the Chancellor shall appoint a principal; and

(b) the Council shall appoint the members of the academic and administrative staff and other employees;

of such constituent college or institution.

(3) Where the Minister makes an order under subsection (1), he shall, by the same or a subsequent order, make provision-

- (a) for the administration of the constituent college or institution including any provision for the representation of such college or institution on the Council or Senate of the public university;
- (b) for the vesting of any property of the college or institution in the public university;
- (c) for the transfer of the academic or administrative staff or other employees of the college or institution to the service of the public university; and
- (d) for the payment of retiring benefits to the academic or administrative staff or employees of the college or institution whose services are not transferred to the public university.

(4) Where provision is made in an order under this section for the vesting of any property of the college or institution in a public university, the property to which that order relates shall, by virtue of that order and without further assurance, vest in the public university.

5. (1) The Government may award grants to any public university out of monies appropriated by Parliament for that purpose.

Financial assistance to public university

(2) A local government authority may provide financial assistance to any public university for the purpose of improving the facilities for the further education in its area.

6. (1) The general functions of a public university are-

Functions of public university

- (a) to provide higher education, promote research and advancement of learning; and
- (b) to disseminate knowledge and to hold out to all persons, without discrimination, the opportunity of acquiring higher education.

(2) for the purpose of carrying out the functions referred to in subsection (1), it shall be the duty of a public university, so far as its resources permit-

- (a) to provide facilities appropriate to a university of the highest standing for the pursuit of learning and research and for the acquisition of both liberal and professional education responsive to the needs of Zambia; and
- (b) to make those facilities available on proper terms to such persons as are equipped to benefit from the use of the facilities.

7. (1) There shall be a Chancellor for each public university who shall be the titular head of the university. Chancellor

(2) The Chancellor shall be appointed by the President on the recommendation of the Minister from among three persons who have distinguished themselves.

(3) For the purposes of subsection (2) a person shall have distinguished himself if he-

(a) has held high academic or constitutional office; or

(b) has attained recognition in his profession or office.

(4) Any person appointed to the office of Chancellor shall hold office for a period of five years.

(5) The Chancellor shall preside at all ceremonial assemblies of the university and shall, in the name of the university, confer all degrees and other academic titles and distinctions of the university.

(6) The Chairman of the Council and the Vice-Chancellor shall keep the Chancellor fully informed concerning the general conduct of the affairs of the university and shall furnish the Chancellor with such information as he may request on any particular matter relating to the affairs of the university.

(7) The Chancellor may, at any time, direct that a visitation of the university be conducted by such persons and for such purposes as may be specified in that direction.

(8) A report of a visitation shall be submitted to the Chancellor, who shall decide what action, if any, may be taken on the report.

8. (1) There shall be a Vice-Chancellor for each public university appointed by the Chancellor, on the advice of the Council, who shall be the academic, financial and administrative head of the university and who shall, when the Chancellor is unable to do so, preside at the ceremonial assemblies of the university and shall in the name of the university, confer all degrees and other academic titles and distinctions of the university. Vice-Chancellor

(2) Any person appointed to the office of Vice-Chancellor shall hold office for a period of five years but shall be eligible for reappointment:

Provided that a person shall not hold office as Vice-Chancellor for a period of more than ten years.

9. (1) There shall be a Deputy Vice-Chancellor for each public university appointed by the Chancellor, on the advice of the Council, from among the senior members of the academic staff of the university, who shall assist the Vice-Chancellor in his duties and shall act in the place of the Vice-Chancellor when the office of Vice-Chancellor is vacant or the Vice-Chancellor is for any reason absent or otherwise unable to perform his functions.

Deputy
Vice-Chancellor

(2) A person appointed to hold the office of Deputy Vice Chancellor shall hold office for a period of three years but shall be eligible for reappointment:

Provided that a person shall not hold office as Deputy Vice-Chancellor for a period of more than six years.

10. (1) There shall be a Registrar for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall under the direction of the Vice-Chancellor, be responsible for the general administration of the university, including the administration of its assets.

Registrar

(2) The Registrar shall be responsible for the custody of the Seal of the Council and records of the property of the university.

11. There shall be a Librarian for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the direction of the Vice-Chancellor, be responsible for the development, control, management and co-ordination of all library services in a university.

Librarian

12. There shall be a Bursar for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall under the direction of the Vice-Chancellor, be responsible for the financial planning and general administration of the finances of the university and shall maintain the accounts in such form and manner as may be determined by the Council.

Bursar

The Council

13. (1) There is hereby established a Council of the University of Zambia and a Council of the Copperbelt University, respectively, which shall be body corporates with perpetual succession and common seals capable of suing and being sued in their corporate names, and with powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may do by law, and as are necessary for, or incidental to, the carrying out of their functions under this Act.

Establishment of
Councils of public
universities

(2) Any Council established for any other public university under this Act shall be a body corporate with perpetual succession and a common seal capable of suing and of being sued in its corporate name, and with powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may do by law, and as are necessary for, or incidental to, the carrying out of its functions under this Act.

14. (1) Subject to the other provisions of this Act, a Council shall be responsible for the formulation of the policy of its university and in all cases, not otherwise provided for by this Act, may act in such manner as appears to the Council to be in the best interests of the university.

Functions of Council

(2) Without prejudice to the generality of the foregoing, a Council may-

- (a) charge fees;
- (b) engage such academic, administrative and other staff as appears to the Council to be necessary, on such terms and conditions of service (which expression shall include salaries, allowances, other remuneration and disciplinary control) as the Council may determine; and
- (c) carry on any business or undertaking for the purposes of the university.

15. (1) A Council shall consist of the following members:

Composition of Council

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) one member from the local government authority in whose area the public university is located and who shall be nominated by the local government authority and appointed by the Chancellor;
- (d) two members of the academic staff of the university who shall be members of the Senate and who shall be nominated by the Senate and appointed by the Chancellor;
- (e) not more than two members who shall be associated with universities or institutions for higher education outside the Republic and who shall be appointed by the Chancellor on the advice of the Vice-Chancellor;
- (f) two members who shall be associated with other universities or institutions for higher education within the Republic who shall be appointed by the Chancellor on the advice of the Vice-Chancellor;

- (g) one member who shall be a graduate of the university and who shall be nominated by the graduates of the university, in accordance with such election procedure as the graduates may determine, and appointed by the Chancellor;
- (h) two persons who shall be students of the university and who shall be nominated by the students of the university, in accordance with such election procedure as the students' union may determine, and appointed by the Chancellor;
- (i) two persons who shall be members of the non-academic staff of the university and who shall be nominated by the non-academic staff of the university, in accordance with such election procedure as the non-academic staff may determine, and appointed by the Chancellor;
- (j) three members of the academic staff of the university who shall be elected by the academic staff of the university, in accordance with such procedure as the academic staff may determine, and appointed by the Chancellor;
- (k) one member nominated by the Confederation of the Chambers of Commerce and Industry and appointed by the Chancellor;
- (l) Permanent Secretaries in the ministries responsible for finance and education;
- (m) two members of the National Assembly nominated by the Speaker and appointed by the Chancellor; and
- (n) five members representing trade, industry, commerce and the professions not being employees or students of the university, public servants or Members of Parliament, appointed by the Chancellor after consultation with the Council of the University.

(2) A Council may exercise its powers notwithstanding any vacancy in its membership.

(3) There shall be a Chairman and a Vice-Chairman of a Council who shall be elected by the Council from amongst the members of the Council.

(4) The Chairman and the Vice-Chairman shall hold office for a period of five years but shall be eligible for re-election:

Provided that a person shall not hold office as Chairman or Vice-Chairman for a period of more than ten years.

(5) Whenever the office of Chairman is vacant or the Chairman is absent for any cause the Vice-Chairman shall discharge the functions of the Chairman; or if both the Chairman and the Vice-Chairman are absent such other member as the Council may elect shall discharge the functions of the Chairman.

(6) There may be paid by a Council to members of the Council such allowances as the Council may determine.

(7) The Registrar of the university shall be the Secretary of the Council.

16. (1) Subject to the other provisions of this section, appointed members of a Council, other than the Chairman and the Vice-Chairman, shall hold office for a period of three years but shall be eligible for reappointment. Tenure of office of member of Council

(2) The office of a member of a Council shall become vacant-

(a) upon his death; or

(b) on ceasing to be a representative of the particular office or body by virtue of which he became a member of the Council.

(3) A member of a Council may at any time resign his office by notice in writing addressed to the Chancellor.

17. (1) Subject to the other provisions of this Act, a Council may regulate its own procedure. Procedure

(2) A Council shall meet at such times and at such places as it may determine, for the transaction of its business but not less than three times in each calendar year.

Provided that the Chairman may at any time call a meeting of the Council and shall do so when requested in writing by any seven members of the Council.

(3) Nine members shall constitute a quorum at any meeting of the Council.

(4) If the Chairman and Vice-Chairman are for any reason both absent from any meeting of the Council, the members of the Council present may elect one of their number to preside at such meeting.

(5) Any matter for decision by a Council shall be determined by a majority of the members of the Council present and voting and where there is an equality of votes the person presiding shall have a casting vote in addition to his deliberative vote.

18. (1) All the funds, assets and property, moveable and immoveable, of a public university shall be managed and utilised by the Council in accordance with this Act in such manner and for such purposes as shall promote the best interests of the university.

Management of property

(2) A Council may, after prior-approval of the Minister and subject to such conditions, if any, as the Minister may impose charge or dispose of the immoveable property of a university.

19. (1) A Council may receive sums of money by way of grant or donation or in any other way from any source and expend and invest such sums as it may consider expedient.

Grants, donations to, and borrowing powers of, Council

Provided that the Council shall not be obliged to accept a grant or donation for a particular purpose unless it approves of the purpose and the conditions, if any, attaching thereto.

(2) A Council may borrow by way of loan or otherwise such sums as it may require for meeting its obligations and discharging its functions under this Act:

Provided that when such borrowing is to be made from sources outside the Republic the consent of the Minister responsible for finance, in consultation with the Minister, shall be obtained.

(3) A Council may receive any other form of grant or donation from any source.

20. A Council may, after prior approval of the Minister, invest any of the funds of the university in securities or may place such funds on a deposit at such bank as it may determine.

Investment of funds

21. (1) A Council shall, in respect of every financial year, prepare or cause to be prepared estimates of the income and expenditure of the Council and shall furnish to the Government and to such other bodies as the Council may determine, copies of the estimates.

Estimates

(2) Estimates shall be approved by the Council before the commencement of the financial year.

(3) The financial year of Council shall be a period of twelve months ending on the 31st December each year.

22. (1) A Council shall keep or cause to be kept books of account of all income and expenditure and proper records in relation to its accounts. Audit and reports

(2) A Council shall cause to be prepared not later than three months after the end of each financial year-

(a) a statement of income and expenditure during the financial year;

(b) a statement of assets and liabilities of the university on the last day of financial year;

(c) a report on the progress of the university during the financial year;

and shall submit such statements and reports to the Government and to such other bodies as the Council may determine.

(3) The statement referred to in paragraphs (a) and (b) of subsection (2) of this section shall be submitted by the Bursar to, and be audited by, the Auditor-General or an auditor appointed by him, within six months after the end of each financial year, who shall be entitled to have access to all books of account, vouchers and other financial records of the university and to request such information and explanation thereon as he considers necessary.

(4) Copies of the report of the Auditor-General shall be furnished to the Minister and such other persons as the Council may determine, and the Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of such reports, lay before the National Assembly, the reports together with the Council's report for that financial year.

23. (1) A Council may delegate any of its administrative functions to such special committees or officers as it may appoint. Special committees

(2) Persons who are not members of a Council may be appointed to special committees.

(3) There may be paid by a Council to members of the special committees such fees and allowances as the Council may determine.

24. (1) The seal of a Council shall be such device as may be determined by the Council, and the affixing of the seal shall be authenticated by the signatures of any two members of the Council and the Secretary.

Miscellaneous
administrative
provisions

(2) Any document purporting to be a document executed or issued under seal of the Council, authenticated as aforesaid, shall be received in evidence and shall, unless the contrary is proved, be deemed to be duly executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of a Council by any person generally or specially authorised, in writing, by the Council to do so.

(4) Notwithstanding anything contained in any other law, no stamp duty, transfer duty or other duty or registration fees shall be payable in respect of any transfer of property to the Council under this Act.

(5) The validity of any proceedings, act or decision of a Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member by reason that any person not entitled to do so took part in the proceedings.

25. (1) For purposes of this section and the Schedule, "the old Council" means the Council of the University established by section *fourteen* of the University of Zambia Act, 1987, or the Council of the University established by section *fourteen* of the Copperbelt University Act, 1987, as the case may be.

Transfer of property to
University Council Act
No. 20 of 1987 Act No.
19 of 1987

(2) All property held by the old Council with respect to the University of Zambia shall vest in the Council established under this Act for that University and shall be held by it for the discharge of its functions.

(3) All property held by the old Council with respect to the Copperbelt University shall vest in the Council established under this Act for that University and shall be held by it for the discharge of its functions.

(4) The Schedule shall have effect with respect to, and to all matters arising from, the transfer by this section of the property of the old Councils as designated by subsections (2) and (3) and with respect to the matters mentioned in the First Schedule.

The Senate

26. (1) There shall be a Senate for each public university which shall consist of the following members:

Constitution of Senate

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) the Dean of such schools as may be established within the university;
- (d) not more than fourteen professors and associate professors of the university who are not members of the Senate by virtue of other provisions of this section and which number shall include at least one professor or associate professor from a school, nominated by the academic staff in accordance with such election procedure as the academic staff may determine;
- (e) the Librarian;
- (f) the Directors of the Centres, Institutes, Bureaux or other similar body of the university;
- (g) the Dean of Students;
- (h) not more than fourteen members of the non-professorial academic staff of the university, and which number shall include one person from each academic unit, nominated by the academic staff in accordance with such election procedure as they may determine;
- (i) two students of the university who shall be nominated by the students of the university in accordance with such election procedure as the student union may determine; and
- (j) four persons appointed by the Vice-Chancellor who shall be persons resident in the Republic and not employed on the academic, administrative or other staff of the university and who are capable of contributing to the academic development and life of the university.

(2) Subject to the other provisions of this section, appointed and nominated members of the Senate shall hold office for a period of three years but shall be eligible for re-appointment or further nomination.

(3) The Vice-Chancellor shall be the Chairman of the Senate and shall preside at all meetings of the Senate at which he is present and, in his absence, the Deputy Vice-Chancellor shall preside.

(4) In the absence of both the Vice-Chancellor and the Deputy Vice-Chancellor from any meeting of the Senate, the members present may elect one of their number to preside.

(5) The Registrar of the university shall be the Secretary of the Senate.

27. (1) Subject to the other provisions of this Act the Senate shall be the supreme academic authority of a public university and shall organise, control and direct the academic work of the university, both in teaching and research, and shall have control and general direction of the standards of education, assessment and research within the university.

Powers and functions
of Senate

(2) Without prejudice to the generality of subsection (1) the senate shall have and may exercise all or any of the following powers and functions:

- (a) determine the academic policy of the university and advising the Council on the provision of facilities to carry out that policy;
- (b) directing and regulating the programmes of instruction and structure of degree, diploma and certificate courses within the university;
- (c) regulating and determining the requirements for the admission of persons to the university and to courses of study in the university and their continuance or discontinuance in such courses;
- (d) making regulations with regard to all university examinations and standard of proficiency to be attained in such examinations, and appointing examiners;
- (e) awarding degrees, diplomas, certificates and making other awards of the university;
- (f) promoting, co-ordinating, and controlling the general direction of research within the university;
- (g) awarding scholarships and prizes administered by the university;
- (h) making recommendations to the Council with respect to-
 - (i) the establishment of new Schools, Institutes, Bureaux or similar bodies within the university;
 - (ii) the amalgamation of the existing Schools, Institutes, Bureaux or similar bodies within the university;
 - (iii) the division of any School, Institute, Bureau or similar body within the university into two or more Schools, Institutes, Bureaux or similar bodies; and
 - (iv) the abolishing or alteration of any School, Institute, Bureau or similar body within the university;

- (i) approving, reviewing, amending, referring back, controlling or disallowing any act of any School, Institute, Bureau or similar body within the university and giving directions to any such School, institute, Bureau or similar body;
- (j) considering and reporting to the Council on any matter relating to, or connected with, the academic work of the university; and
- (k) regulating its own procedure and the conduct of its meetings.

(3) The Senate may deprive any person of any degree, diploma, certificate or other award of the university which has been conferred upon him if, after due inquiry, he is shown to have been guilty of fraudulent or dishonourable conduct in obtaining that award.

(4) Any person deprived of any degree, diploma, certificate or other award of a university under subsection (3) may appeal from the decision of the Senate to the Council, and from the decision of the Council to the Chancellor.

(5) The Senate may delegate to any School, Board of Studies, or Committee, as the Senate may appoint, such of its powers and functions as shall seem to it appropriate or expedient, and may revoke such delegation.

28. (1) The Senate shall meet for the conduct of business at such times and at such places as it may decide or, as the Vice-Chancellor may require, but not less than three times during an academic year.

Meetings of Senate

(2) The Quorum at a meeting of the Senate shall be one-half of the total number of members of the Senate.

29. (1) The Senate shall establish Boards of Studies for the purpose of organising the structure and content of courses of instruction and study in the respective disciplines and the co-ordination of studies within such Schools, Institutes or Bureaux or similar body as may be established within the university.

Boards of Studies

(2) A Board of Studies established under subsection (1) shall be composed of such members and such numbers of the academic staff and students of each School, Institute, Bureau or similar body and other qualified persons as the Senate may decide.

(3) The Dean of a School or the Director of an Institute or Bureau or similar body, as the case may be, of a university shall be the Chairman of the Body of Studies for that School, Institute, Bureau or similar body.

30. (1) Deans of Schools and Directors of Institutes, Bureaux or similar bodies shall be elected, from among senior members of the academic staff of the Schools, Institutes, Bureaux or similar bodies concerned, by their academic staff in accordance with such election procedure as they may determine:

Deans of Schools and
Directors

Provided that in the case of a School, Institute or Bureau or similar body in the process of being established the Vice-Chancellor shall appoint the Dean or Director to hold office for a period of one year but at the expiration of that period the academic staff shall hold elections as provided under this section.

(2) Subject to subsections (1) and (3) the tenure of office of a Dean of a School or Director of an Institute, Bureau or similar body shall be for the period of four years but not more than six years, but he shall be eligible for re-election.

(3) The appropriate Board of Studies may, by a two-thirds majority vote of all the members of the Board of Studies, remove from the office a Dean of School or a Director of an Institute, Bureau or a similar body.

(4) A Dean of School or Director of an Institute, Bureau or similar body shall exercise general superintendence over the academic and administrative affairs of a School, Institute, Bureau or similar bodies and, in particular, shall be responsible for the promotion and maintenance of efficient teaching and research.

31. The Vice-Chancellor shall, in consultation with the Dean of the School or Director of an Institute, Bureau or similar bodies concerned, appoint Heads of Departments from among the senior academic members within each Department.

Heads of Departments

Staff and Students

32. There shall be three main categories of staff of a public university designated as "academic staff", "administrative staff", and "other staff".

Staff of public
university

(2) The "academic staff" shall consist of-

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) the Deans of Schools;
- (d) the Directors of Institutes, Bureaux or similar bodies;

- (e) all the members of staff appointed on full-time basis for teaching and research;
- (f) the Librarian and other library staff designated, by the Council, as academic members of staff; and
- (g) such other persons as the Council may designate.

(3) The "administrative staff" shall consist of those persons employed by a university, other than the academic staff, who hold administrative, professional or technical posts designated by the Council as senior posts.

(4) The "other staff" shall consist of those persons employed by a university who are neither members of the academic staff nor of the administrative staff.

33. (1) If a Council is satisfied that the Vice-Chancellor or the Deputy Vice-Chancellor should be removed from office on grounds of misconduct or of inability to perform the functions of his office, the Council may remove the Vice-Chancellor or the Deputy Vice-Chancellor after obtaining confirmation from the Chancellor.

Discipline and removal
of staff from office

(2) If the Vice-Chancellor, Dean of Schools, Directors of Institutes, Bureaux or similar body or the Registrar has reasonable grounds for believing that a member of the academic staff, other than the Vice-Chancellor or the Deputy Vice-Chancellor, should be removed from his office or employment on grounds of misconduct or for failure to perform the functions of his office or employment he shall-

- (a) give notice of those grounds to the member in question;
- (b) suspend the member in question from office or employment pending investigations;
- (c) refer the matter to the University Staff Tribunal; and
- (d) make arrangements for the member in question to be afforded an opportunity of appearing before, and being heard by, the University Staff Tribunal with respect to the matter.

34. (1) There shall be established in each public university a University Staff Tribunal to investigate, consider and decide on, disciplinary cases referred to it under section *thirty-three*.

University Staff
Tribunal

(2) The University Staff Tribunal shall consist of the following members:

- (a) a person who is, or is qualified to be, a High Court Judge, as a Chairman, appointed by the Chancellor on the advice of the Council;
- (b) two persons appointed by the Chairman of the Council from the senior members of the academic staff of the university, on the recommendation of the Senate;
- (c) one person appointed by the Chairman of the Council on the recommendation of the Vice-Chancellor; and
- (d) one person nominated by the academic staff of the university.

(3) The University Staff Tribunal may request any senior member of staff of a department to assist it in the assessment of any particular case.

(4) A decision of the University Staff Tribunal shall be binding on the Council.

35. The Minister shall, by statutory instrument, prescribe the procedure to be followed by the University Staff Tribunal in the determination of disciplinary cases. Rules by the Minister

36. The application of disciplinary measures to members of the administrative and other university staff shall be in accordance with their conditions and terms of service as laid down. Discipline of other staff

37. (1) Subject to the procedure stipulated in subsection (2), there shall be a Dean of Students in each public university who shall be appointed by the Vice-Chancellor, on the recommendation of the Senate, from among the academic staff of the university. Dean of Students

(2) For the purposes of appointing a Dean of Students-

- (a) the academic members of staff of a university shall nominate for election by the Senate five persons from among the academic staff of the university in accordance with such procedure as they may determine; and
- (b) the Senate shall, in accordance with such procedure as it may determine, elect one person, from the five nominees submitted to it under paragraph (a), for recommendation to the Vice-Chancellor for appointment as Dean of Students.

(3) The Dean of Students shall hold office for a period of three years but shall be eligible for re-appointment.

Provided that a person shall not hold office as Dean of Students for a period of more than six years.

38. (1) The Vice-Chancellor shall have power to exercise disciplinary control over students of a public university and impose such penalties as he may consider necessary and may consult any committee appointed from among the members of the university. Discipline of Students

(2) The powers of the Vice-Chancellor under section (1) in regard to misconduct committed in Schools, Institutes, Bureau or similar body, Departments, the Library, and Halls of Residence and the imposition of any penalty shall be exercised on his behalf by the Deans of Schools, Directors, Heads of Departments, the Librarian and the Dean of Students respectively:

Provided that in the case of exclusion from study or use of facilities, rustication, or expulsion of a student, a student may appeal to the Vice-Chancellor.

(3) Subject to any disciplinary procedures prescribed in any regulations to be made under this Act, any appeal against penalty under subsection (2) shall be lodged in writing with the Vice-Chancellor within fourteen days of the imposition of the penalty but the penalty shall remain effective while the appeal is pending.

39. There shall be a Students Union in each public university: Students Union

Provided that where a university has more than one campus not located in the same area, there shall be Students Union in each campus.

40. (1) There shall be a Salaries and Conditions of Service Committee which shall consist of- Salaries and
Conditions of Service
Committee

- (a) one representative from the Ministry responsible for finance appointed by the Minister responsible for finance;
- (b) one representative from the Ministry responsible for education, appointed by the Minister;
- (c) one member of the Council, elected by the Council;
- (d) one person elected by the academic staff;
- (e) one person elected by the administrative staff;

(f) one person elected by the other staff; and

(g) one Member of Parliament appointed by the Speaker of the National Assembly.

(2) The Salaries and Conditions of Service Committee shall review the salaries and Conditions of service for all public university staff annually.

(3) The Salaries and Conditions of Service Committee shall, on completion of the review referred to in subsection (2), refer its recommendations to Council for adoption.

(4) The Salaries and Conditions of Service Committee shall regulate its own procedure and the conduct of its meetings.

(5) An agreement on salaries and conditions of service shall be concluded by a Council with the appropriate union or association.

PART III PRIVATE UNIVERSITIESPART III

PRIVATE UNIVERSITIES

41. (1) Any person or body of persons desirous of establishing a private university shall make an application for the registration of a university to the Minister in accordance with this Part. Application and registration

(2) An application for the registration of a private university shall state the schools and courses to be provided by the university and such other particulars as may be prescribed, by statutory instrument.

(3) If, the Minister is satisfied that-

(a) the university is necessary to meet the educational requirements of the country;

(b) the premises of the university, including any hostel or other buildings used or to be used in connection with the instruction or accommodation of persons attending the university, are or will be suitable for the purpose;

- (c) adequate financial provision has been or will be made for the maintenance of the university;
- (d) the proprietor of the university is a fit and proper person or body of persons;
- (e) suitable instruction will be provided at the university in accordance with a course of study approved by the Minister;
- (f) the teaching staff employed or to be employed at the university will be sufficiently qualified for the purpose; and
- (g) proper compliance will be made with the provisions of this Act applicable to a private university;

the Minister shall cause such private university to be registered in the register of private universities and shall issue the proprietor with a certificate of registration.

(4) If the Minister is not satisfied as to any of the matters referred to in subsection (3), the Minister shall notify the proprietor of the university in writing that-

- (a) the application is rejected and giving reasons for such rejection; or
- (b) the Minister proposes to grant the application after the proprietor has, within such period as the Minister may specify, complied, to the satisfaction of the Minister, with any matter referred to in subsection (3) as the Minister may specify.

(5) If the proprietor of a private university, who is notified under paragraph (b) of subsection (4) that the Minister proposes to grant his application for registration subject to compliance with any matter specified in the notice, fails to comply within the period specified by the Minister, the Minister shall reject the application and shall notify the proprietor in writing accordingly.

42. (1) The Minister shall cause to be kept and maintained the register of private universities which shall contain such particulars as may be prescribed. Register

(2) The register shall be open to public inspection at all reasonable times.

43. (1) Where a registered university-

Cancellation of registration of private university

- (a) ceases to comply with any of the provisions specified under section *forty-one*;

(b) is being managed in a manner detrimental to the interests of peace, order or good government or to the physical, mental or moral welfare of the persons receiving instruction at the university; or

(c) has remained closed for a consecutive period of six months or more;

the Minister shall notify the proprietor in writing-

- (i) that the registration of the university shall be cancelled from such date as the Minister may specify; or
- (ii) that the Minister proposes to cancel the registration of the university unless, within a period fixed by the Minister, the proprietor complies, to the satisfaction of the Minister, with such requirement regarding any matter referred to in this subsection as the Minister may specify.

(2) If the proprietor of a registered university on whom a notice under subsection (1) has been served fails within the period fixed by the Minister, to comply to the satisfaction of the Minister with the requirement specified by the Minister, the Minister shall cancel the registration of the private university and notify the proprietor in writing accordingly.

44. A person shall not be refused admission to any private university on the grounds of discrimination. No refusal on grounds of discrimination

45. (1) Each private university shall issue statutes to govern its administration. Statutes

(2) A private university may amend or vary its statutes.

(3) Copies of statutes issued under this section shall be lodged with the Minister within sixty days of issue.

46. A private university shall have power to- Power to confer degrees, etc.

(a) confer such degrees as may be specified in its statutes;

(b) award diplomas and certificates and such other academic distinctions as may be specified in its statutes; and

(c) provide such lectures and instructions for persons not students of the university as the university may determine, and to grant certificates to such persons.

47. A private university may grant Honorary Degrees in accordance with its statutes. Power to confer Honorary Degrees

48. All examinations held by a private university shall be conducted in such manner as the statutes and any rules made thereunder may prescribe: Examiners

Provided that for degree examinations for the final year and such other examinations for any other degree, as the Minister may from time to time recommend, at least one external examiner shall be appointed for each subject or group of subjects forming part of a course of studies required.

49. (1) Notwithstanding any other provisions of this Act, where a private university is closed by an order by the Minister, the Minister may, in the national interest after giving the proprietor an opportunity of being heard, direct that the university be reopened under the management and control of a fit person (in this section referred to as the "statutory manager"). Appointment of statutory manager

(2) A statutory manager shall be appointed by the Minister for such period and upon such terms and conditions as the Minister thinks fit.

(3) The statutory manager shall, during his term of appointment, keep the Minister informed on all matters relating to the private university under his management and control.

(4) Any expenses connected with the appointment of a statutory manager and the management of a private university by the statutory manager shall be a charge on the revenues of the university to which the statutory manager is appointed.

50. The proprietor of a private university may charge such fees as may be prescribed in its statutes. Fees

PART IV GENERAL PROVISIONSPART IV

GENERAL PROVISIONS

51. (1) The Minister shall convey to a Council of a private university or a proprietor of a private university general or particular Government policies relating to education in Zambia. Powers of the Minister

(2) The Council or proprietor shall keep the Minister fully informed on matters of public interest concerning the university and shall furnish the Minister with such information as he may request on any particular matter concerning the university.

52. The Minister may, on the advice of, or after consultation with, a Council of a private university or a proprietor of a public university, make regulations for the better carrying out of the provisions of this Act. Regulations

53. (1) Nothing in this Act shall affect any right, privilege, obligation or liability acquired, accrued or incurred by the Councils of the University of Zambia and the Copperbelt University, established by the University of Zambia Act, 1987, and the Copperbelt University Act, 1987, with respect to the University of Zambia and Copperbelt University, respectively, prior to the commencement of this Act or render defective any legal proceedings then instituted by or against the Council, with respect to the University of Zambia or the Copperbelt University, and any such legal proceedings may be continued by or against the appropriate Council established under this Act after the commencement of this Act. Savings
Act No. 20 of 1987
Act No. 19 of 1987

(2) Nothing in this Act shall affect any resolution, instrument, notice, appointment, act or deed effected or approved by the Senate of the University of Zambia established by the University of Zambia Act, 1987, with respect to the University of Zambia or by the Senate of the Copperbelt University established by the Copperbelt University Act, 1987, with respect to the Copperbelt University. Act No. 19 of 1987
Act No. 19 of 1987

(3) Nothing in this Act shall affect any decision of, or instrument, notice, appointment, act or deed effected by, the Vice-Chancellor or approved by him whether or not on behalf of the Council, Senate or a committee with respect to the University of Zambia established by the University of Zambia Act, 1987, or the Copperbelt University established by the Copperbelt University Act, 1987, prior to the commencement of this Act. Act No. 20 of 1987
Act No. 19 of 1987

SCHEDULE

(Section 25)

TRANSFER OF PROPERTY

(1) Every agreement to which the old Council was a party immediately before the commencement of this Act, whether in writing or not and whether or not of such nature that the rights, liabilities and obligations thereunder would be assigned by the old Council, shall, unless its term or subject-matter make it impossible that it should have effect as modified in the manner provided by this paragraph have effect from the commencement, so far as it relates to property transferred by this Act to the appropriate Council, as if-

- (a) the Council has been a part to the agreement; and
- (b) for any reference, however worded and whether express or implied, to the old Council there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to the appropriate Council.

(2) Other documents which refer, whether generally or specifically, to the old Council shall be construed in accordance with paragraph (1) so far as applicable.

(3) Any contract entered into before the date of establishment of the appropriate Council on behalf of the old Council by any person duly authorised in that behalf shall have effect as if the Council had been in existence at the date of the contract and had at all times been a party thereto in the place of such person and on any question whether such person was a duly authorised person the certificate of the Minister shall be conclusive.

(4) Any deed executed before the date of establishment of the appropriate Council conferring any benefit upon the old Council shall, subject to thi Act, have effect as if the Council had been entitled thereunder to receive such benefits and a reference in any such deed to the old Council shall be deemed to be reference to the Council.

(5) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by operation of law or this Act, any right, liability or obligation vests in the Council, the Council, and all other persons shall as from the commencement of this Act, have the same rights, powers and remedies and, in particular, the same rights as the taking or resisting of legal proceedings or the making or resisting of legal applications to any authority, for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all time been a right, liability or obligation of the Council.

(6) Any legal proceedings or applications to any authority pending before the commencement of this Act by or against the old Council and relating to property transferred by this Act to the Council, may be continued on or after that day by or against the appropriate Council.

(7) Where property transferred hereunder is situated beyond the jurisdiction of this Act, then subject to such formalities as the *lex situ* shall require and the Council shall comply with, these provisions shall, without further assurance, be proof of such transfer to the Council by the old Council or other owners, as the case may be.

SUBSIDIARY LEGISLATION

CHAPTER 136

THE COPPERBELT UNIVERSITY (STAFF TRIBUNAL) RULES

ARRANGEMENT OF RULES

Section

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SCHEDULE

CHAPTER 136

Statutory Instrument
52 of 1995

SECTION 35-THE COPPERBELT UNIVERSITY (STAFF TRIBUNAL) RULES

Rules by the Minister

1. These Rules may be cited as the Copperbelt University (Staff Tribunal) Rules. Title
2. In these Rules, unless the context otherwise requires- Interpretation

"Chairman" means the Chairman of the Tribunal;

"Council" means the Copperbelt University Council established under section *thirteen* of the Act;

"respondent" means a member of the academic staff of the Copperbelt University who is the subject of disciplinary proceedings;

"responsible officer" means the Vice-Chancellor, the Dean of the relevant School, the Director of an institute, bureau or similar body or the Registrar;

"Secretary" means the Secretary of the Copperbelt University Staff Tribunal appointed by the University Council;

"Tribunal" means the Copperbelt University Tribunal established under section *thirty-four* of the Act;

"University" means the Copperbelt University.

3. (1) A responsible officer shall institute disciplinary proceedings against a member of the academic staff on grounds of misconduct or for failure to perform the functions of his office or employment.

Commencement of disciplinary proceedings

(2) Where a member of the academic staff is charged with misconduct for failure to perform the functions of his office or employment, the responsible officer shall send to the Secretary in writing-

(a) the name and address of the person or persons against whom the disciplinary charges are made; and

(b) the grounds on which the charges are founded.

(3) The Secretary may require the responsible officer to furnish him with further information or clarification of any charges if there are no sufficient grounds for disciplinary proceedings to be instituted and such responsible officer shall provide such further information or clarification to the Secretary.

(4) The Secretary, on receipt of charges against a respondent, shall, within a reasonable time advise the Chairman of such receipt and shall inform the respondent of the nature of the allegations against him in writing and of the decision of the University to refer the matter to the Tribunal.

4. (1) The Secretary shall fix the date, and place of hearing as soon as disciplinary proceedings are instituted against a respondent.

Time and place of hearing

(2) The Secretary shall inform the respondent and the witnesses required to appear or to present documents before the Tribunal

5. (1) Any hearing of the Tribunal shall be held in camera, except that a hearing may in the public interest be held in public. Hearings of Tribunal

(2) At a hearing, the respondent may appear in person or be represented by-

(a) an officer of a trade union or association of which the respondent is a member;

(b) a legal practitioner; or

(c) an officer of a federation of which the respondent is a member.

6. (1) Every hearing of the Tribunal shall be informal and the law relating to the admissibility of evidence in a court of law shall not apply. Procedure of hearing

(2) The respondent shall be entitled to give evidence, call witnesses, cross examine witnesses and address the Tribunal.

(3) The parties shall conduct discoveries and exchange relevant documents upon which they intend to rely at the hearing.

7. (1) A decision of the Tribunal shall be by a majority of the members present and voting and in the event of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote. Decision of Tribunal

(2) The quorum of the Tribunal shall be three, including the Chairman.

(3) The decision of the Tribunal shall be recorded in a document signed by the Chairman which shall contain the reasons for such decision.

(4) The Secretary shall thereafter transmit the document referred to in sub-rule (3) to the Vice-Chancellor, the Dean, the Director of an Institute or Bureau or a similar body and to the Registrar who shall communicate that decision to the respondent.

(5) Any clerical mistakes or errors arising out of an accidental omission may be corrected and certified by the Chairman.

(6) The decision of the Tribunal shall be binding on the parties concerned, subject to appeal to the High Court.

8. The University Council may, at any time, order a withdrawal of any disciplinary charges and the Tribunal shall dismiss any disciplinary proceedings commenced against a respondent.

Order of University Council

9. (1) Where a complaint or information is received in writing by the Secretary from the responsible officer and it appears to him that a question arises whether conduct of the respondent constitutes misconduct or failure to perform the functions of his office or employment, the Secretary shall submit the matter to the Chairman.

Function of Chairman in relation to complaints or information

(2) The Chairman may, if he thinks fit, require more information, if any, to be furnished to his satisfaction in support of the complaint or information referred to him under sub-regulation (1), and shall state the address and description of the declarant and the grounds for his belief in the truth of any fact declared which is within his personal knowledge.

(3) Unless it appears to the Chairman that the matter need not proceed further, the Chairman shall direct the Secretary to write to the respondent-

- (a) notifying him of the receipt of the complaint or information, alleging misconduct or failure to perform the functions of his office or employment;
- (b) forwarding a copy of any information furnished under sub-rule (2);
- (c) informing the respondent of the date of the next meeting of the Tribunal; and
- (d) inviting the respondent to submit to the Tribunal any explanation which he may have to offer.

10. (1) As soon as may be after a case has been referred to the Tribunal for inquiry, the Secretary shall send to the respondent a notice of inquiry which shall-

Notice of inquiry

- (a) specify, in the form of a charge, the matters into which the inquiry is to be held; and
- (b) state the place, date and time at which the inquiry is proposed to be held.

(2) Except with the agreement of the respondent, the inquiry shall not be fixed for any date earlier than twenty-eight days and not later than forty-two days after the date of the notice of inquiry.

(3) A notice of inquiry shall be in the Form prescribed in the Schedule, with such variations as circumstances may require.

(4) A notice of inquiry shall be delivered to the respondent or sent to him by post in a registered letter addressed to him at his address or at his last known address if it appears to the Secretary that such service will be more effective.

(5) The Secretary shall at the time he is sending a notice of inquiry to the respondent, send a copy of these Rules.

(6) In any case where there is a complainant, a copy of the notice of inquiry shall be sent to him.

11. (1) The Secretary shall, on the request of any party to any inquiry, send to him copies of any explanation, answer, admission or other statement or communication sent to the Tribunal by a party to the inquiry:

Access to documents

Provided that nothing in this sub-rule shall compel the Secretary to produce copies of any written advice sent to the Tribunal which would be privileged from discovery in any legal proceedings to which the Tribunal was a party.

(2) Any party to an inquiry may at any time give to any other party notice to produce any document alleged to be in the possession of that party.

12. (1) The Chairman may, if he thinks fit, postpone the holding of an inquiry to such later date as he may determine.

Postponement of inquiry

(2) Where the holding of an inquiry is postponed-

(a) the Secretary, shall as soon as possible, give notice of the postponement to every party; and

(b) on the determination of the date on which the inquiry is to be held, the Secretary shall give notice to every party.

13. (1) Where after a complaint or information has been referred to the Tribunal for inquiry, it appears to the Chairman that the inquiry should not be held, he may, if he thinks fit after consultation with the members of the Tribunal and in accordance with the opinion of the majority of them, direct that the inquiry shall not be held.

Cancellation of inquiry

(2) If, at the time the Chairman directs that the inquiry shall not be held a notice of inquiry has not been sent, rule 4 shall not have effect:

Provided that in any case where there is a complainant the Chairman shall not direct that an inquiry shall not be held except after communicating or exhausting all reasonable efforts to communicate with the complainant.

(3) The Secretary shall give notice to the complainant, if any, and to the respondent immediately after the chairman has made a direction under sub-rule (1).

14. (1) Where, before the hearing, it appears to the Chairman or at any stage of the hearing it appears to the Tribunal, that a notice of inquiry or charge is defective, the Chairman or the Tribunal shall give such directions for the amendment of the notice or charge as he or it may think necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice.

Amendment of notice of inquiry or charges

(2) Where, in the opinion of the Chairman or the Tribunal it is expedient, in the exercise by him or it of the powers conferred by sub-rule (1), that the inquiry should be postponed or adjourned, the Chairman or the Tribunal shall give such directions in that behalf as appear necessary.

(3) The Secretary shall, immediately after the adjournment give notice in writing to the complainant, if any, and to the respondent of any exercise by the Chairman or the Tribunal of his or its powers under this rule.

15. (1) Where the respondent does not appear, the Chairman shall call upon the Secretary to satisfy the Tribunal that the notice of inquiry has been received by the respondent, and where it does not appear to have been so received, the Tribunal may nevertheless proceed with the inquiry, if it thinks fit, on being satisfied that all reasonable efforts have been made to serve the notice of inquiry on the respondent.

Appearance

(2) Where the respondent appears or, in cases where he does not appear and the Tribunal proceeds with the inquiry, the charge or charges shall first be read to the Tribunal.

(3) After the reading of the charge or charges the respondent may, if he so desires, object to the charge or to any part of the charge on a point of law, and upon any objection, any other party may reply to the charge.

(4) If any objection is upheld no further proceedings shall be taken by the Tribunal in relation to the charge, or that part of the charge to which the objection relates.

16. (1) In a case where the respondent appears, the following order of proceedings shall be observed: Proof of charges

- (a) the responsible officer shall open the case against the respondent or subject to any direction given by the Chairman, if the respondent does not appear, the Secretary shall present the facts on which the complaint or information is based;
- (b) subject to the provision of paragraph (a), the Secretary shall adduce evidence of the facts alleged in the charge or charges, or of such of those facts as he is prepared to prove;
- (c) if as respects any charge no evidence is adduced, the Tribunal shall record that fact and the Chairman shall announce a finding that the respondent is not guilty of misconduct or failure to perform the functions of his office or employment in relation to the matter to which that charge relates;
- (d) at the close of the case against him, the respondent may, if he so desires, make either or both of the following submissions as respects any charge on which evidence has been adduced-
 - (i) that no sufficient evidence has been adduced upon which the Tribunal could find that the facts alleged in the charge have been proved;
 - (ii) that the facts alleged in the charge are not such as to constitute misconduct or failure to perform the functions of his office or employment; and
- (e) where a submission is made, under clauses (i) and (ii) of paragraph (d) any other party may reply to that submission;
- (f) if a submission is made under paragraph (d), the Tribunal shall consider and determine whether the submission should be upheld, and if the Tribunal determines to uphold such a submission as respects any charge, it shall record, and the Chairman shall announce, a finding that the respondent is not guilty of misconduct or failure to perform the functions of his office or employment in relation to the matters to which that charge relates;
- (g) as respects any charge to which evidence has been adduced, the respondent may adduce evidence in answer to the charge and, whether he adduces evidence or not, may address the Tribunal;

- (h) at the close of the case for the respondent the responsible officer or the Secretary, as the case may be, may give evidence to rebut any evidence adduced by the respondent, and if he does so, the respondent may again address the Tribunal;
- (i) the respondent or the Secretary, as the case may be, may address the Tribunal by way of reply to the respondents case-
 - (i) if oral evidence, not being evidence as to character, other than that of the respondent himself, has been given on the respondent's behalf, or
 - (ii) with the leave of the Tribunal, where no such evidence has been given;
- (j) without prejudice to the provisions of paragraph (h), if the respondent has made a submission to the Tribunal on a point of law, any other party shall have a right of reply limited to that submission.

(2) In a case where the respondent does not appear, but the Tribunal has decided to proceed with the inquiry, only paragraphs (a) to (c) of sub-rule (1) shall apply.

17. (1) At the conclusion of the proceedings under rule 16, the Tribunal shall consider and determine as respects each charge which remains outstanding which, if any, of the facts alleged in the charge have been proved to its satisfaction.

Powers of Tribunal

(2) If under sub-rule (1) the Tribunal determines, as respects any charge, either that none of the facts alleged in the charge have been proved to its satisfaction, or that such facts as have been so proved would be insufficient to support a finding of misconduct or failure to perform the functions of his office, the Tribunal shall record a finding that the the respondent is not guilty of such conduct in respect of the matters to which that charge relates, and the Chairman shall announce the finding of the Tribunal.

(3) If under the foregoing provisions of this rule the tribunal has determined, as respects any charge, that the facts, or some of the facts, alleged in the charge have been proved to its satisfaction, and the Tribunal has not on those facts recorded a finding of not guilty, the Chairman shall invite the respondent or the legal practitioner, as the case may be, to address the Tribunal and to adduce evidence as to the circumstances leading to the facts in question, and as to the character and antecedents of the respondent.

(4) The Chairman shall then invite the respondent, if he appears, to address the Tribunal by way of mitigation and to adduce evidence as aforesaid.

(5) The Tribunal shall then consider and determine whether in relation to the facts proved it finds the respondent to have been guilty of misconduct or failure to perform the functions of his office or employment, and if it determines that he has not been so guilty, it shall record a finding to that effect, and the Chairman shall announce the finding in such terms as the Tribunal may approve.

(6) If the Tribunal determines that the respondent has been guilty of misconduct or failure to perform the functions of his office, or employment, it shall further consider and determine whether to impose any penalty under subsection (1) of section *thirty-three* of the Act and the Chairman shall announce its determination in such terms as the Tribunal may approve.

(7) Where it appears to the Secretary whether in consequence of a complaint in writing sent to the Tribunal by any body or person, or in consequence of any other information coming to the notice of the Secretary that a question arises whether a respondent to whom this rule applies has, during the period of any postponement, not complied with the caution for a period not exceeding one year during which he must conduct himself well, the Secretary shall submit the matter to the Chairman.

(8) Unless it appears to the Chairman that the matter need not proceed further-

- (a) the Chairman shall direct the Secretary to refer the matter to the Tribunal;
and
- (b) the Secretary shall send to the respondent, not later than twenty-eight days before the date fixed for the resumption of the proceedings, a notice which shall-
 - (i) specify the day, place and time at which the proceedings are to be resumed and invite him to appear there at;
 - (ii) unless the Chairman otherwise directs, invite the respondent to furnish the Secretary with the names and addresses of professional colleagues and other persons of standing to whom the Tribunal will be able to apply for information as to their knowledge of his character or habits and his conduct since the time of the original inquiry; and
 - (iii) invite the respondent to send the Secretary a statement made by the respondent or not, relating to his conduct since the hearing of his case or setting out any material facts which have arisen since that hearing.

(9) The notice referred to in paragraph (b) of sub-rule (8) shall be delivered to the respondent or sent to him by post in a registered letter addressed to him at his address or at his last known address if it appears to the Secretary that such service will be more effective.

(10) A copy of the notice and of any statement sent in accordance with the provisions of this rule shall be sent to the responsible officer, and he may in turn, if he so desires, send to the Secretary a statement, whether made by himself or not, concerning any matter raised by the respondent.

(11) At the meeting at which the proceedings are resumed, the Chairman shall first invite the Secretary to recall, for the information of the Tribunal, the circumstances in which the caution for a period not exceeding one year during which he must conduct himself well was imposed on the respondent and thereafter the Tribunal shall-

- (a) hear any other party to the proceedings; and
- (b) receive such further oral or documentary evidence in relation to the conduct of the respondent since the previous hearing as it thinks fit.

(12) The validity of any resumed proceedings of the Tribunal under this rule shall not be called into question by reason only that the Tribunal is constituted in a different manner to that in which it was constituted at the previous hearing.

18. Nothing in these rules shall be construed as preventing one inquiry being held into charges against two or more respondents and where such an inquiry is held, the foregoing rules shall apply with the necessary modifications and subject to any directions given by the Tribunal as to the order in which proceedings shall be taken under any of these rules by or in relation to the several respondents.

Inquiries into charges against two or more respondents

SCHEDULE

(Rule 10 (3))

NOTICE OF INQUIRY

(Date)

On behalf of the Copperbelt University Tribunal notice is hereby given to you that in consequence of (a complaint made against you to the Tribunal) or (information received by the Tribunal) an inquiry is to be held into the following charge (charges) against you:

That, being a member of the academic staff of the Copperbelt University and in accordance with section *thirty-three* of the Act you (set out briefly the facts alleged); and that in relation to the facts alleged you have been guilty of misconduct for failure to perform the functions of your office or employment.

(Where there is more than one charge, the charges are to be numbered consecutively).

Notice is further given to you that on (day of the week), the day of 19....., a meeting of the Tribunal will be held at at hours to consider the above-mentioned charge (charges) against you, and to determine whether or not it should impose any of the penalties mentioned in section 34 of the University Act.

.....
Secretary to the Copperbelt University Tribunal

SECTION 35-THE UNIVERSITY OF ZAMBIA (STAFF TRIBUNAL) RULES

Statutory Instrument
41 of 1994

- 1. These Rules may be cited as the University of Zambia (Staff Tribunal) Rules. Title

2. In these Rules, unless the context otherwise requires-

Interpretation

"allegation" means an allegation of misconduct or failure by an academic member of staff to perform the functions or duties of his office;

"Chairman" means the person appointed as Chairman of the Tribunal under section *thirty-four* of the Act;

"complainant" means the Vice-Chancellor, Dean of a School, Director of an Institute, Bureau or other body of the University, being the person or body who refers an allegation to the Tribunal;

"respondent" means the academic member of staff referred to in section *thirty-two* of the Act against whom an allegation is made to the Tribunal;

"Secretary" means the Secretary of the Tribunal;

"Tribunal" means the Tribunal established under section *thirty-four* of the Act.

3. (1) Whenever any allegation in writing is received by the Tribunal under section *thirty-three* of the Act, the Secretary shall notify the respondent of the allegation.

Initiation of proceeding before Tribunal

(2) The Secretary shall, within seven days after receipt of the allegation, cause a copy of the allegation to be sent to the respondent by post in a registered letter or by leaving it at his last known address.

(3) The respondent, upon receipt of the allegation, may within fourteen days file a reply thereto with the Chairman, and the Chairman shall serve a copy of the reply to the complainant.

(4) Upon the filing of the reply or upon the expiration of fourteen days from the receipt of the allegation by the Chairman, the Chairman shall set down the matter for hearing.

4. The Secretary shall cause the notice of the date, time and place of the Tribunal sitting to be served upon the complainant and the respondent.

Notice of hearing

5. (1) The respondent shall be afforded an opportunity to appear in person and be heard by the Tribunal.

Appearance before Tribunal

(2) The complainant who referred the allegation to the Tribunal may appear in person.

6. The respondent may give evidence on his own behalf.

Respondent's evidence

7. If any party fails to appear without reasonable cause at the time and place fixed for the hearing of the allegation, the Tribunal may, if it is satisfied that notice of the hearing was duly given to the party or parties concerned, dispose of the allegation in the absence of the party or parties, or may adjourn the hearing on such terms as it thinks fit.

Non appearance

8. (1) At the hearing, the complainant, or if no complainant appears, the Secretary shall present the facts on which the allegation is based to the Tribunal.

Tribunal hearing

(2) Subject to the provisions of subsection (1), the complainant shall adduce evidence of the facts alleged in the allegation, or of such of those facts as he is prepared to prove.

(3) The respondent shall be entitled to call witnesses, if any, to adduce evidence in answer to the allegation and he may address the Tribunal.

(4) The complainant or the Secretary, as the case may be, may address the Tribunal by way of a reply to the respondent's case.

(5) Both parties at the hearing may present oral or written submissions to the Tribunal.

9. Any party may at any time during the hearing of the allegation, give to any other party notice to produce any document alleged to be in possession of that party to which the allegation relates.

Notice to produce documents

10. The Tribunal may require a University member of staff, or request any other person to appear before it to testify to all matters within his knowledge, to produce any document, book or record in his possession or control or be examined or cross-examined, in the matter to which the allegation relates.

Power of Tribunal to summon any person

11. The Tribunal may require any witness to give evidence on oath or affirmation, and for that purpose the Chairman may administer the oath or affirmation in due form.

Evidence on oath

12. During the hearing the Tribunal may receive such additional information relating to the allegation as it may consider necessary in dealing with the allegation before it.

Additional information

13. (1) The Tribunal may receive as evidence, any statement, document, information or other matter that may in its opinion assist it in dealing effectively with the allegation before it, whether or not the same would be admissible in a court of law.

Power of Tribunal to receive evidence

(2) A Tribunal may take judicial notice of any fact.

14. (1) A determination of the Tribunal shall be in writing and shall contain-

Determination of the Tribunal

(a) the finding of the Tribunal on each issue of fact or law raised in the proceedings and relevant to the determination;

(b) the reasons for such findings; and

(c) a statement of the determination.

(2) The Secretary shall send a copy of the determination of the Tribunal to the parties concerned.

15. Subject to the provisions of these Rules and to any directions given by the Chairman, the procedure at the hearing of an allegation shall be such as the Tribunal may direct.

Procedure at hearing

16. Three members shall constitute a quorum, provided that no meeting shall commence without the Chairman.

Quorum

17. Proceedings before the Tribunal shall be held in camera.

Proceedings of Tribunal in camera

18. The Tribunal shall have power, at any time, before a determination is made, by certificate signed by the Chairman, to correct any errors or omissions in the record of proceedings.

Powers of Tribunal to correct errors

19. Subject to the direction of the Chairman, any document required by these Rules to be served shall be served by delivering it personally to the person to be served, or by sending it by registered post to his last known address.

Service of documents

20. At the hearing of an allegation, the Tribunal shall observe the principles of natural justice, and shall hear all the evidence tendered and representations made by, or on behalf of, the parties concerned.

Tribunal to observe principles of natural justice