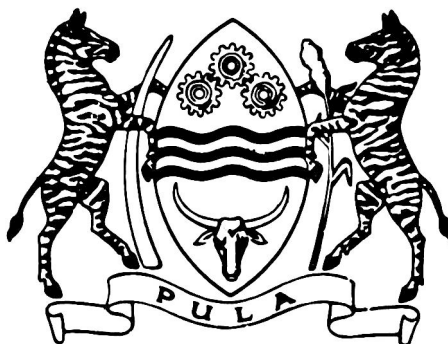




REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

EXTRAORDINARY

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10th March, 1982

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Bill No. 6 of 1982

THE UNIVERSITY OF BOTSWANA BILL, 1982

(Published on 10th March, 1982)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

2. The Bill proposes the establishment of the University of Botswana in place of the University College of Botswana.

3. Clause 2 provides for the establishment of a university under the name of University of Botswana.

4. Clause 3 spells out the aims of the University.

5. Clauses 4 to 7 contain provisions relating to the appointment and functions of the officers of the University.

6. Clause 8 provides for the establishment of a University Council which is the governing body of the University.

7. Clause 9 makes provision for a Senate which is the academic board of the University. The Senate, subject to the control of the University Council, is responsible, among other things, for formulating and carrying out the academic policy of the University.

8. Clause 10 makes provision for the appointment of Registrar, Bursar and the Librarian of the University.

9. Clauses 11 and 12 deal with the general powers of the University Council and the internal organization of the University.

10. Clauses 13 and 14 make provision for the auditing of accounts of the University and publication of a report of the activities of the University during each year.

11. Clause 15 makes provision for the enactment of University statutes.

12. Clause 16 provides for the abolition of the University College of Botswana.

K.P. MORAKE,
Minister of Education.

ARRANGEMENT OF SECTIONS

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2. Establishment of University
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SCHEDULE

A BILL

entitled

An Act to establish the University of Botswana in place of the University College of Botswana.

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana.

Short title
and
commence-
ment

1. This Act may be cited as the University of Botswana Act and shall come into operation on 1st July, 1982.

Establish-
ment of
University

2. (1) There is hereby established a university under the name of the University of Botswana (in this Act referred to as "the University").

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

(3) The University shall have power, for any purpose which in the opinion of the University Council is necessary or expedient for or in connexion with the exercise of the functions of the University, to acquire and hold any movable or immovable property, to sell, lease, mortgage or otherwise alienate or dispose of any such property, and to enter into any other transaction.

Cap. 32:10

(4) Where the University have resolved that it is necessary or expedient to acquire any property under subsection (3), the property may be treated as property required for public purposes, and the Acquisition of Property Act shall apply accordingly, so however that the provisions of that Act shall apply with such modifications as are necessary to provide for the vesting of property acquired thereunder in the University and for the cost of acquisition to be defrayed by the University.

(5) Without prejudice to its other powers, the University shall have power to award its own degrees.

Aim

3. The aims of the University shall be to provide higher education, to undertake research, to disseminate knowledge and to foster relationships with outside persons and bodies.

Principal
Officers

4. The principal officers of the University shall be the Chancellor, the Chairman of the University Council and the Vice-Chancellor.

Chancellor

5. (1) The President of Botswana shall hold the office of Chancellor and as such shall be the Head of the University.

(2) The Chancellor shall have such powers and privileges and perform such functions as may be conferred on him by statutes enacted in that behalf by the University Council.

(3) The Chancellor may, where he considers it to be in the public interest so to do, in writing direct the Minister to assume the exercise of any power or the performance of any duty conferred or imposed on the University Council or on the Vice-Chancellor by this Act or by statutes enacted by the University Council subject to such conditions as may be specified in the direction.

6. The Chairman of the University Council shall be appointed by the Chancellor and shall act for him in his absence.

Chairman
of
University
Council

7. (1) The Vice-Chancellor shall be appointed by the Chancellor after consulting the University Council and upon such terms and conditions as may be determined by him.

Vice-
Chancellor

(2) The Vice-Chancellor shall, subject to the general control of the University Council on matters of policy, be the academic and administrative head and chief disciplinary officer of the University.

(3) A Deputy Vice-Chancellor shall be appointed by the University Council after consultation with the Senate in accordance with a statute in that behalf enacted by the Council, and shall act as Vice-Chancellor when the post of Vice-Chancellor is vacant or the Vice-Chancellor is absent or unable to act.

8. (1) The governing body of the University shall be the University Council, which shall consist of the following members

University
Council

- (a) the principal officers of the University;
- (b) the Deputy Vice-Chancellor;
- (c) three persons appointed by the Minister;
- (d) four persons, not being public officers, appointed by the Chancellor;
- (e) three persons who are members of the Senate elected by the Senate, two of whom shall be Deans of the Faculties of the University and the third person not being a Dean of the Faculty of the University in accordance with a statute in that behalf enacted by the University Council;
- (f) a person elected by members of the academic and senior administrative staff of the University in accordance with a statute in that behalf enacted by the University Council;
- (g) a person elected by the Batswana graduates of the University and of former Universities abolished by this Act;
- (h) a student elected by the Students' Representative Council of the University;
- (i) two person who are not resident in Botswana appointed by the University Council by reason of their special knowledge, experience and competence in education.

(2) The Schedule to this Act shall apply with respect to the members and meetings of the University Council.

Senate

9. (1) There shall be a Senate which shall be responsible under the University Council for —

- (a) formulating and carrying out the academic policy of the University;
- (b) devising and regulating courses of instruction and study, and supervising research;
- (c) regulating the conduct of examinations and the award of degrees, diplomas and certificates;
- (d) advising the University Council on the admission of students and the award of scholarships;
- (e) reporting on such matters as may be referred to it by the University Council.

(2) The Senate may make representations to the University Council on any matter connected with the University, and shall have such additional functions as may be conferred on it by statutes enacted by the University Council.

(3) The Senate shall consist of the Vice-Chancellor and such number of persons, as may be considered appropriate, drawn from the academic staff and the Students Representative Council in accordance with a statute in that behalf enacted by the University Council.

Appointment of Registrar, Bursar and Librarian

10. (1) There shall be a Registrar to the University, who shall be appointed by the University Council to assist the Vice-Chancellor in the administration of the University and shall act as Secretary to the University Council.

(2) There shall be a Bursar of the University, who shall be appointed by the University Council and shall be responsible to the Vice-Chancellor for the financial administration of the University.

(3) There shall be a Librarian of the University who shall be appointed by the University Council and shall be responsible to the Vice-Chancellor, for the libraries of the University.

General powers of University Council

11. Subject to the provisions of this Act, the University Council shall have power to do or provide for any act or thing in relation to the University which it considers necessary or expedient in its capacity as the governing body, and conferring of particular powers on the Council by other provisions of this Act shall not be taken to limit the generality of this section.

Internal organization of University

12. (1) Subject to the provisions of this Act, the University Council may make such arrangements as it thinks fit regarding the internal organization of the University, including the establishment, variation and discontinuance of —

- (a) halls of residence, faculties, institutes, schools, departments and other bodies whether in Gaborone or elsewhere;
- (b) professorship, lectureships and other posts, whether academic, administrative or otherwise;

- (c) fellowships, bursaries, exhibitions, scholarships, prizes, honorary degrees and other awards.

(2) In so far as they relate to matters which in the opinion of the Council are academic matters, the Council shall exercise the powers referred to in subsection (1) only after consultation with the Senate.

13. The University Council shall cause the accounts of the University to be drawn up, audited and published annually at such times and in such manner as the Minister responsible for finance may direct. Accounts

14. Within six months after the end of each academic year the University Council shall cause a report of the activities of the University during that year to be drawn up and made available to the public. Annual report

15. (1) The University Council may enact statutes for carrying into effect the provisions of this Act, and in particular for — University statutes

- (a) regulating the appointment, conditions of service, termination of appointment and retirement benefits of the staff of the University, and for determining the persons who form the academic staff for the purposes of this Act;
- (b) determining the persons who are authorized to sign contracts, cheques and other documents on behalf of the University, and otherwise regulating procedure in relation to transactions entered into by the University;
- (c) fixing the academic year of the University;
- (d) securing that the seal of the University is kept in proper custody and is used only by authority of the University Council.
- (2) A statute shall be taken to be enacted if, but only if, —
 - (a) a draft of the statute has been circulated to the members of the Council at least fourteen days before the meeting at which it is to be considered;
 - (b) after consideration by the meeting the draft has been provisionally approved either without amendment or only with amendments of which notice in writing was circulated to the members at least three days before the meeting;
 - (c) the statute as provisionally approved has been circulated to the members of the Council, and (where in the opinion of the Council it affects academic matters) to the members of the Senate, at least seven days before the meeting at which it is proposed to confirm the statute; and
 - (d) the statute is confirmed without amendment at a meeting of the Council held not less than one month nor more than six months after the meeting at which it was provisionally approved.

16. (1) The University College of Botswana is hereby abolished and the body corporate styled the Council of the University College is hereby dissolved. Abolition of University College of Botswana

(2) Subject to the provisions of this Act, all property which at the commencement of this Act was vested in the Council of the University College of Botswana or was in any other manner held on behalf of, or for the purposes of, the University College of Botswana, shall by virtue of this Act similarly vest in or be held on behalf of, or for the purposes of, the University.

(3) Notwithstanding the abolition of the University College of Botswana, every contract entered into by the Council of the University College of Botswana shall have effect as if entered into by the University, and all obligations subsisting against the said Council shall continue to subsist against the University.

(4) Except where otherwise provided by this Act, and until otherwise provided in the exercise of functions conferred by this Act, all other matters and things relating to the University College of Botswana shall continue as nearly as may be in relation to the University.

(5) The following enactments are hereby repealed —

Cap. 58:03

(a) The University of Botswana and Swaziland Act; and

Cap. 58:04

(b) The University College of Botswana Act.

SCHEDULE UNIVERSITY COUNCIL

(section 8)

MEMBERS

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

2. If an appointed or elected member (other than a member elected by the Council) is absent from Botswana for a continuous period of twelve months his office shall become vacant at the end of that period.

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

4. Where an appointed or elected member is temporarily absent from Botswana a substitute may be appointed or elected in the same manner to act for him during his absence.

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

6. A member whose office has or will become vacant shall be eligible for reappointment or re-election.

7. No member shall hold office under more than one provision of section 8, and if a person is appointed or elected under more than one provision he shall notify the Council under which provision he chooses to hold office and another person shall thereupon be appointed or elected under the other provision.

8. No act of the Council shall be invalidated by vacancies in its membership or defects in the appointment or election of any of its members.

MEETINGS

9. The Council shall meet at least three times in every academic year.
10. A meeting may be convened by any of the principal officers of the University, and shall be convened if seven members of the Council sign a requisition to that effect.
11. If the Chancellor is present at a meeting of the Council he shall act as Chairman, but if the Chancellor is not present the Chairman of the Council shall act as chairman unless he also is absent, in which case the members present shall elect a chairman.
12. The quorum at meeting of the Council shall be seven.
13. Questions shall be decided by a simple majority of votes cast.
14. The chairman shall have an original vote and a casting vote.

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