

CHAPTER 57:05
BOTSWANA INTERNATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY
ARRANGEMENT OF SECTIONS

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Act 3, 2006,
S.I. 40, 2007.

An Act to provide for the establishment of the Botswana International University of Science and Technology

[Date of Commencement: 1st November, 2006]

1. Short title and commencement

This Act may be cited as the Botswana International University of Science and Technology Act.

2. Establishment of University

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

(2) The University shall be a body corporate, with perpetual succession and a common seal.

3. Objects

The objects of the University shall be-

- (a) to provide higher education and training;
- (b) to undertake, promote and facilitate research and scholarly investigations;
- (c) to advance and disseminate knowledge and skills through teaching, learning and practical skills training;
- (d) to contribute to national and international scientific and technological development;
- (e) to support and contribute to the realizations of national economic and social

- development;
- (f) to contribute to the cultural and social life of the community; and
- (g) to advance the intellectual and human resource capacity of the international community.

4. Powers

(1) Subject to this Act and to the Statutes enacted in terms of section 21, the University shall have the power to do all things necessary or expedient for the exercise and discharge of its functions.

(2) Without prejudice to the generality of subsection (1), the University shall have the power to-

- (a) provide programmes and courses of study, conduct examinations and other methods of assessment, and award degrees and other qualifications;
- (b) establish relationships and collaborate with other persons or bodies, or other institutions of learning, higher education, training or research, within or outside Botswana, upon such terms as may be provided in the Statutes;
- (c) establish or participate in the establishment of such commercial, trading, research or other corporations as may be deemed necessary in the discharge of its functions;
- (d) collaborate with such business, professional, cultural, social or other interests, within and outside Botswana, as may be deemed necessary in the discharge of its functions;
- (e) collaborate with alumni and associations of alumni and graduates of the University;
- (f) procure contributions to the funds of the University, and raise funds in such other manner as the University may deem fit;
- (g) receive and accept donations of money or property, on such terms and conditions as shall not be inconsistent with this Act and the functions of the University.

5. Principal officers

The principal officers of the University shall be the Chancellor, the Chairperson and Vice-Chairperson of the University Council, the Vice-Chancellor and such Deputy Vice-Chancellors as may be appointed under section 8 (3).

6. Chancellor

(1) The Chancellor of the University shall be the President of the Republic of Botswana or such eminent person as may be appointed by the President.

(2) A person appointed as Chancellor by the President under sub-section (1), shall hold office for a period of five years, and shall be eligible for re-appointment for one more term of five years.

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

(4) In the absence of the Chancellor who is not the President or during a vacancy in the office of the Chancellor, the Chairperson of the University Council shall act as Chancellor.

7. Chairperson and Vice-Chairperson of University Council

(1) The Chairperson of the University Council shall be appointed by the President.

(2) Where the Chancellor is not the President, the Chairperson shall be appointed by the President on the recommendation of the Chancellor in consultation with the University Council.

(3) The Vice-Chairperson shall be elected at the first meeting of the Council from amongst the members that are not employees or students of the University.

(4) The Chairperson of the University Council shall perform such functions as may be conferred on him or her by statutes enacted in that behalf by the University Council.

(5) The Vice-Chairperson of the Council shall act as Chairperson in the absence of the Chairperson.

8. Vice-Chancellor

(1) The Vice-Chancellor shall be appointed by the Minister after consulting the University Council and the Senate upon such terms and conditions as may be provided for in a statute in

that behalf enacted by the University Council.

(2) The Vice-Chancellor shall be the Chief Executive Officer of the University and, under the Council, shall be the academic and administrative head and chief disciplinary officer of the University.

(3) There shall be appointed by the University Council such number of Deputy Vice-Chancellors as the Council, may, after consultation with the Senate, and in accordance with statutes enacted by the Council in that behalf from time to time determine.

(4) When the post of Vice-Chancellor is vacant, or when the Vice-Chancellor is absent, or for any reason unable to perform the functions of Vice-Chancellor, there shall be appointed, in accordance with statutes enacted by the University Council in that behalf, one of the Deputy Vice-Chancellors to act as Vice-Chancellor, or if no Deputy Chancellor is available, any other suitable member of the University staff may be appointed to act as Vice-Chancellor.

9. University Council

(1) The governing body of the University shall be the University Council which, subject to the provisions of this Act and the Statutes of the University, shall be responsible for the management and administration of the revenue and property of the University and, except as may otherwise be provided in this Act, shall have general control over the University and its affairs, purposes and functions and all such other powers and duties as may be conferred upon it by the Statutes of the University.

(2) The Council shall consist of the following members-

- (a) the principal officers of the University;
- (b) three persons who are public officers appointed by the Minister;
- (c) seven persons, of whom five, among which at least two shall have a science and technology background or orientation representing private sector, and two representing civil society, appointed by the Chancellor on the recommendation of the University Council in accordance with a statute in that behalf enacted by the Council.
- (d) three persons who are not resident in Botswana appointed by the Minister by reason of their investment in the University or special knowledge and competence in relevant fields of tertiary education;
- (e) one person elected by former students of the University;
- (f) three persons elected by the Senate, two of whom shall be professors and one a Dean of Faculty;
- (g) one member of the academic staff who is not on the Senate, elected by members of the academic staff;
- (h) one member of the support staff elected by the support staff;
- (i) one student elected by the student body of the University.

(3) The procedure for election of members under paragraphs (e), (f), (g) and (h) of subsection (2) shall be as specified in the Statutes of the University.

10. Powers of University Council

(1) 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 desirable in its capacity as the governing body.

(2) Without prejudice to the generality of the provisions of subsection (1), the University Council may, where it deems it necessary or desirable, or where public interest and security so require, close the University for such period as may be specified after consulting the Senate and the Minister.

(3) Notwithstanding the preceding provisions of this section, the Minister may, where he or she considers it in the public interest or security to do so, cause or direct the Council to close the University for such period as may be specified by him or her.

11. Tenure of office of Council members

(1) The Chairperson and Vice-Chairperson of the Council shall hold office for a period of

three years and shall be eligible for re-appointment or re-election, as the case may be, for two more terms.

(2) All appointed or elected members of the University Council, other than the member elected by the student body of the University, shall hold office for a period not exceeding three years as may be specified in the notification of appointment, and shall be eligible for re-appointment or re-election for two more terms at the end of the first period.

(3) The member elected by the student body shall hold office for a period not exceeding one year and shall be eligible for re-election for one more term.

12. Disqualification, removal and resignation of Council members

(1) A person shall not be appointed or elected as a member of the University Council or be qualified to continue to hold office who has-

- (a) in terms of a law in force in any country, been adjudged or otherwise declared bankrupt and has not been discharged, or made an assignment, arrangement or composition with his creditors, which has not been rescinded or set aside;
- (b) within a period of 10 years immediately preceding the date of his or her appointment, been convicted-
 - (i) of a criminal offence in any country; or
 - (ii) of any criminal offence for which he or she has not received a free pardon and notwithstanding that the sentence has been suspended, which, if committed in Botswana, would have resulted in a criminal offence having been committed, the penalty for which would be at least six months' imprisonment without the option of a fine.

13. Meetings of University Council

(1) Subject to this Act and the Statutes of the University, the Council shall regulate its own proceedings.

(2) The Council shall meet at least three times in a year.

(3) Upon giving notice in writing of not less than 14 days, a meeting of the Council may be called by the Chairperson and shall be called if not less than one half of the members so request in writing:

Provided that if the urgency of any matter does not permit the giving of such notice, a special meeting of the Council may be called upon giving a shorter notice.

(4) The Chairperson shall preside at any meeting of the Council, but in the absence of the Chairperson the Vice-Chairperson shall pre-side, and in the absence of both the Chairperson and Vice-Chairperson, the members present shall elect one of them, not being an employee or student of the University, to preside at that meeting.

(5) The quorum at any meeting of Council shall be one half of the members.

(6) A decision of the Council on any question shall be taken by the majority of the members present and voting at that meeting, and in the event of an equality of votes, the person presiding shall have a casting vote in addition to that person's deliberative vote.

(7) The Council may invite any person whose presence it considers necessary to attend and to participate in the deliberations of a meeting of the Council, but such person shall have no vote.

14. Disclosure of interest

(1) A member who has a direct or an indirect interest in a private capacity in any matter to be considered by the Council or a committee of the Council shall, as soon as practicable after the commencement of the meeting, disclose the interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to the matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

15. Senate

(1) There shall be a Senate of the University which, subject to the provisions of this Act and the Statutes of the University and to the general control and approval of the University Council, shall be responsible for the academic work of the University, both in teaching and in research, and for the superintendence of the education and discipline of the students of the University.

(2) Without prejudice to the provisions of subsection (1), the Senate 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.

(3) 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.

(4) The Senate may establish Committees of its members, and may appoint as additional members of such Committees persons who are not members of the Senate, and may delegate to any such Committee any powers and functions which it is itself competent to perform.

(5) The Senate shall consist of the Vice-Chancellor and at least nine other persons drawn from the academic staff in accordance with a statute in that behalf enacted by the University Council.

16. Secretary

There shall be a Secretary to the University, who shall be appointed by the University Council.

17. Internal organisation of University

(1) Subject to the provisions of this Act, the University Council may make such arrangements as it thinks fit regarding the internal organisation of the University, including the establishment, variation and suppression of-

- (a) halls of residence, faculties, institutes, schools, departments and other bodies, whether in Palapye or elsewhere;
- (b) professorships, lectureships and other posts, whether academic, administrative or otherwise;
- (c) fellowships, bursaries, exhibitions, scholarship, 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 the preceding subsection only after consultation with the Senate.

18. Property and contracts

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

(2) Where the University Council have resolved that it is necessary or expedient to acquire any property under the preceding subsection 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.

19. Accounts

(1) 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 may direct.

(2) The Minister shall, within 90 days of receiving the report and a copy of the audited accounts, lay such report and accounts before the National Assembly.

20. Annual report

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.

21. University statutes

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

- (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 authorised 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 14 days before the meeting at which it is to be considered; and
- (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; and
- (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.

22. Indemnity

No matter or thing done or omitted to be done by a member of the Council shall, if the matter or thing is done or omitted to be done bona fide in the course of the operations of the Council, render a member personally liable for any action, claim or demand.

23. Independent assessor or panel

(1) The Minister responsible for tertiary education, acting upon recommendation of the Tertiary Education Council, may appoint an independent assessor or an independent panel to investigate and report on matters relating to the governance of the University which, in the opinion of the Minister, may require such an investigation.

(2) An independent assessor or panel may be appointed to investigate matters referred to the Minister by the University Council or matters which in the opinion of the Minister the University Council has failed to resolve or deal with satisfactorily.

(3) The University Council, staff, employees and students of the University shall cooperate with and assist an independent assessor or panel appointed in terms of subsection (1).

24. Transitional arrangements

The Minister may by notice published in the *Government Gazette* make such transitional arrangements as may be necessary for the implementation of this Act.