

GOVERNMENT OF ZAMBIA

ACT

No. 19 of 1987

Date of Assent: 20th September, 1987

An Act to establish the Copperbelt University; and to provide for matters connected with or incidental to the foregoing.

{25th September, 1987

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Copperbelt University Act, 1987, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

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

Interpretation

“Bursar” means the Bursar appointed under section *nine*;

“Boards of Studies” means the Boards of Studies established by section *twenty-three*;

“Chancellor” means the Chancellor as referred to in section *four*;

“Council” means the Council established by section *eleven*;

“Department” means a teaching or research unit of the University recognised as a component of a School;

“Deputy Vice-Chancellor” means the Deputy Vice-Chancellor appointed under section *six*;

“Librarian” means the Librarian appointed under section *eight*;

- “Party” means the United National Independence Party;
- “Registrar” means the Registrar appointed under section seven;
- “School” means an academic unit of the University in which teaching, study and learning are pursued;
- “Senate” means the Senate established by section twenty;
- “University” means the University established by section three;
- “Vice-Chancellor” means the Vice-Chancellor appointed under section five.

PART II

ESTABLISHMENT, FUNCTIONS AND PRINCIPAL OFFICERS OF THE UNIVERSITY

Establishment and general functions of university

3. (1) There is hereby established a university by the name and style of the Copperbelt University which shall be the successor institution to the institution hitherto known as the University of Zambia at Ndola.

(2) The general functions of the University are—

- (a) to provide higher education, promote research and advancement of learning; and
- (b) to disseminate knowledge and to hold out to all persons regardless of their race, political opinions, colour, creed or sex, the opportunity of acquiring higher education.

(3) For the purpose of carrying out the functions referred to in subsection (2), it shall be the duty of the 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 liberal, professional and technological 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.

Chancellor

4. (1) There shall be a Chancellor of the University who shall be the titular head of the University.

(2) The President shall be the Chancellor.

(3) 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.

THE COPPERBELT UNIVERSITY ACT, 1987

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

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PART II

ESTABLISHMENT, FUNCTIONS AND PRINCIPAL OFFICERS OF THE
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(4) 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.

(5) 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.

(6) The report of a visitation referred to in subsection (5) shall be submitted to the Chancellor, who shall decide what action, if any, may be taken on the report.

5. (1) There shall be a Vice-Chancellor of the University appointed by the Chancellor, who shall be the academic 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 such period as may be determined at the time of his appointment.

6. (1) There shall be a Deputy Vice-Chancellor of the University appointed by the Chancellor from among the senior members of the academic staff of the University on the advice of the Council, 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 such period as may be determined by the Chancellor on the advice of the Council at the time of his appointment.

7. (1) There shall be a Registrar of the University appointed by the Council, 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 the records and property of the University.

8. There shall be a Librarian of the University appointed by the Council, who shall, under the direction of the Vice-Chancellor, be responsible for the development, control, management and co-ordination of all library services in the University.

Librarian

Bursar

9. There shall be a Bursar of the University appointed by the Council, 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.

PART III

THE MINISTER

Functions and powers of Minister

10. (1) The Minister shall convey to the Chairman of the Council and the Vice-Chancellor such general or particular Party or Government policies as may affect the conduct of the affairs of the University.

(2) The Chairman of the Council and the Vice-Chancellor 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 or any section of it.

(3) The Minister may, on the advice of or after consultation with the Council or the Senate, by statutory instrument make regulations for the better carrying out of the provisions of this Act.

PART IV

THE COUNCIL

Establishment of Council

11. There is hereby established a Council of the University which 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 other acts and things as a body corporate may do by law, and as are necessary for, or incidental to, the carrying out of its duties and functions under this Act.

Powers and functions of Council

12. (1) Subject to the provisions of this Act, the Council shall be charged with the general control and superintendence of the property and policy of the 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.

(2) Without prejudice to the generality of the foregoing, the 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;

- (c) 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 deem expedient:

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;

- (d) 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; and

- (e) carry on any business or undertaking for the purposes of the University.

13. (1) The Council shall consist of the following members:

Composition
of Council

- (a) a Chairman appointed by the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor;
- (d) not less than five and not more than seven members appointed by the Chancellor on the advice of the Minister, who shall be persons resident in the Republic and not employed on the academic, administrative or other staff of the University;
- (e) one member from the local authority in whose area the University is located and who shall be nominated by the said local authority and appointed by the Chancellor;
- (f) not more than four 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;
- (g) not more than three 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 Minister;
- (h) not more than three 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 Minister;
- (i) one member who shall be a graduate of the University and who shall be nominated by the graduates of the University in such manner as the Council may determine and appointed by the Chancellor;

- (j) three persons who shall be students of the University and who shall be nominated by the students of the University in such manner as the Council may determine and appointed by the Chancellor;
- (k) three 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 such manner as the Council may determine and appointed by the Chancellor;
- (l) three members nominated by the Party and appointed by the Chancellor from the Party;
- (m) Permanent Secretaries in the Ministries responsible for finance, natural resources, lands and higher education; and
- (n) two members of the National Assembly nominated by the National Assembly and appointed by the Chancellor.

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

(3) There shall be a Vice-Chairman of the Council elected from amongst the members of the Council who shall preside over meetings of the Council in the absence of the Chairman.

(4) There may be paid by the Council to members of the Council other than public officers such allowances as the Council may after the approval of the Minister determine.

(5) The Registrar of the University shall be the Secretary of the Council.

Tenure of
office of
members of
Council

14 (1) Subject to this section, appointed members of the Council shall hold office for three years and a retiring member shall be eligible for re-appointment.

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

- (a) upon his death; or
- (b) if he is absent without the permission of the Chairman from three consecutive meetings of the Council of which he has had notice; or
- (c) on ceasing to be a representative of the particular office or body by virtue of which he became a member of the Council.

(3) Notwithstanding the provisions of subsection (2), the Chancellor may at any time revoke the appointment of a member of the Council.

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

15 (1) Subject to this Act, the Council may regulate its own procedure.

Procedure
of Council

(2) The 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) One-third of the members of the Council shall constitute a quorum at any meeting of the council.

(4) If the Chairman and the 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 the 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.

16 (1) The Council shall cause to be kept proper books of account which shall be audited annually by auditors appointed by the Council.

Accounts,
audit and
reports

(2) The financial year of the Council shall be the calendar year.

(3) The Council shall, not later than six months after the end of each financial year, prepare a report for the past financial year.

(4) The report required by subsection (3) shall, together with a certified copy of the accounts of the Council as audited and the annual report of the auditors, be laid before Parliament by the Minister, and copies thereof shall be forwarded to the Chancellor.

17 (1) The Council has power to 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 the Council may be appointed to special committees.

(3) There may be paid by the Council to members of special committees other than public officers such fees and allowances as the Council may after the approval of the Minister determine.

18. (1) For purposes of this section and the Schedule, "the old Council" means the Council of the University of Zambia established by section *fourteen* of the University of Zambia Act, and, where necessary, shall include its predecessors in title.

Transfer
of property
to Council.
Act No. 17
of 1979

- (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 the standards of proficiency to be attained in such examinations, and appointing examiners;
- (e) awarding degrees, diplomas, certificates and making other awards of the University:

Provided that Honorary Degrees shall only be awarded on the recommendation of the Vice-Chancellor's Honorary Degrees Committee, in accordance with regulations and criteria provided for by statutory instrument for the purpose;

- (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 or Institutes or similar bodies within the University;
 - (ii) the amalgamation of existing Schools or Institutes or similar bodies within the University;
 - (iii) the division of any School or Institute or similar body within the University into two or more Schools or Institutes or similar bodies; and
 - (iv) the abolition or alteration of any School or Institute or similar body within the University;
- (i) approving, reviewing, amending, referring back, controlling or disallowing any act of any School, Institute or similar body within the University and giving direction to any such School, Institute or similar body;
- (j) considering and reporting to the Council on any matters 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, dishonourable or scandalous conduct in obtaining that award.

(4) Any person deprived of any degree, diploma, certificate or other award of the 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.

22. (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.

23. (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 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 and other qualified persons as the Senate may from time to time decide.

(3) The Dean of a School of the University shall be the Chairman of the Board of Studies for that School.

24. (1) Deans of Schools shall be appointed from among senior members of the academic staff of the Schools concerned and shall—

Deans of
Schools

(a) in the case of Schools in the process of being established, be appointed by the Vice-Chancellor; and

(b) in the case of Schools that are already established, be appointed by the Vice-Chancellor on the recommendation of the Boards of Studies concerned.

(2) The tenure of the office of Dean of a School shall be for such period, not less than three but not more than five years, as the Vice-Chancellor may determine and a retiring Dean shall be eligible for re-election.

(3) The Dean of a School shall exercise general superintendence over the academic and administrative affairs of his School, and, in particular, he shall be responsible for the promotion and maintenance of efficient teaching and research in his School.

25. The Vice-Chancellor shall, in consultation with the Dean of the School concerned, appoint Heads of Departments from among the senior members within each Department.

Heads of
Departments

PART VI

MISCELLANEOUS

Staff of
University

26. (1) There shall be three main categories of staff of the University which shall be designated as "academic staff", "administrative staff", and "other staff".

(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 the Institutes or similar academic bodies;
- (e) all the members of staff appointed on full-time basis for teaching and research;
- (f) the Librarian;

and such other persons as the Council may from time to time designate.

(3) The "administrative staff" shall consist of those persons employed by the 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 the University who are neither members of the academic staff nor of the administrative staff.

Discipline
and removal
of staff
from office

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

(2) If the Council has reasonable grounds for believing that a member of the academic staff (other than the Vice-Chancellor or the Deputy Vice-Chancellor) or a member of the administrative staff should be removed from his office or employment on grounds of misconduct or for failure to perform the functions of his office or employment, the Council shall—

- (a) give notice of those grounds to the member in question;
- (b) suspend the member in question from his office or employment pending investigations;
- (c) make arrangements for a special committee appointed by the Council to investigate the matter and to report on it to the Council; and
- (d) make arrangements for the member in question to be afforded an opportunity of appearing before and being heard by the special committee with respect to the matter;

and if the Council, after considering the report of the special

committee, is satisfied that the member in question should be removed as aforesaid, the Council may so remove him by directing that a written notice of termination of service be issued to the member in question :

Provided that on grounds of misconduct or for failure to perform the functions of the office, the appointment of a Dean of a School or of a Head of a Department may be withdrawn by the Vice-Chancellor after consulting the appropriate Board of Studies or Dean of the School, as the case may be, and after giving the Dean or the Head of Department an opportunity to be heard.

(3) A member of staff removed from office or employment under subsection (2) has a right to appeal in writing within fourteen days after of his removal from office or employment, to the Chancellor, who shall not be obliged to assign any reasons for his decision.

(4) In an appeal to the Chancellor under subsection (3), the Chancellor may confirm, vary, amend or set aside the determination appealed from or give such determination as the case may require.

(5) Where a member of the academic or administrative staff has been removed under subsection (2), the member of the academic or administrative staff concerned shall be deemed to be suspended until the expiry of the period allowed for appeal, at which date the removal shall become effective, or, where an appeal has been lodged in time, the suspension shall remain in force until the Chancellor determines the appeal.

(6) Subject to this section, the application of disciplinary sanctions to members of the other staff of the University shall be in accordance with their conditions and terms of service, as laid down or as varied from time to time.

28. (1) The Vice-Chancellor shall have power to exercise disciplinary control over students of the University and may consult any committee appointed by him in that behalf, from among the members of the University.

Discipline
of Students

(2) The powers of the Vice-Chancellor under subsection (1) in regard to misconduct committed in the Schools, Departments, the Library, and Halls of Residence shall be exercised on his behalf by the Deans of Schools, 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, there shall be an opportunity for appeal by the student to the Vice-Chancellor.

(3) Subject to any procedures prescribed in any regulations 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.

Savings

Act No. 17
of 1979

29. (1) Nothing in this Act shall affect any right, privilege, obligation or liability acquired, accrued or incurred by the Council of the University of Zambia established by the University of Zambia Act, with respect to the University of Zambia at Ndola prior to the commencement of this Act or render defective any legal proceedings then instituted by or against that Council, with respect to the University of Zambia at Ndola and any such legal proceedings may be continued by or against the Council after the commencement of this Act.

Act No. 17
of 1979

(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, with respect to the University of Zambia at Ndola.

(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 at Ndola prior to the commencement of this Act.

SCHEDULE
(Section 18)

TRANSFER TO THE UNIVERSITY OF THE PROPERTY OF THE UNIVERSITY OF
ZAMBIA AT NDOLA

(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 a nature that the rights, liabilities and obligations thereunder could be assigned by the old Council, shall, unless its terms 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 Council, as if—

(a) the Council had been a party 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 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 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 a 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 Council conferring any benefit upon the old Council shall, subject to this Act, have effect as if the Council had been in existence at the date thereof and had at all times been entitled thereunder to receive such benefit and a reference in any such deed to the old Council shall be deemed to be a 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 to 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 times been a right, liability or obligation of the Council.

(6) Any legal proceedings or application to any authority pending 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 Council.

(7) Where property transferred hereunder is situated beyond the jurisdiction of this Act, then subject to such formalities as the *lex situs* 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.



