

CHAPTER 30:09

MZUZU UNIVERSITY
ARRANGEMENT OF SECTIONS

SECTION

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

ESTABLISHMENT OF THE UNIVERSITY

3. Establishment of the University
4. Membership of the University
5. Objects of the University
6. Functions of the University
7. Specialist training

PART III

THE COUNCIL

8. Establishment and incorporation of the Council
9. Common Seal of the Council
10. Functions and Powers of the Council
11. Composition of the Council
12. Meetings and procedure of the Council

PART IV

MZUZU UNIVERSITY TRUST

13. Mzuzu University Trust

PART V

OFFICERS OF THE UNIVERSITY

14. Chancellor
15. Functions and duties of the Chancellor
16. Vice-Chancellor
17. Registrar
18. Librarian
19. Director of Investments
20. Director of Research

PART VI

THE SENATE

21. The Senate
22. Invited persons

SECTION

23. Functions and powers of the Senate
24. Meetings of the Senate

PART VII

FACULTIES, CENTRES AND INSTITUTES

25. Faculties, Centres and Institutes
26. Deans
27. Directors
28. Composition of Faculties
29. Composition of Centres and Institutes
30. Faculty Committee

PART VIII

FINANCIAL PROVISIONS

31. Property of the University
32. Compliance with the Finance and Audit Act
33. Accounts
34. Borrowings

PART IX

MISCELLANEOUS

35. The Statutes
36. Amendments to the Statutes
37. Senate Regulations
38. Service of process and other documents on the Council

12 of 1997
G.N. 48/1997

An Act to provide for the establishment of the Mzuzu University and for the conduct and management thereof; for the establishment and incorporation of the Council of the Mzuzu University as a body corporate and as the governing body of the University; for the establishment of a Senate thereof; and for matters incidental to and connected with the foregoing

[1ST JULY, 1997]

PART I

PRELIMINARY

Citation

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

Interpretation

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

“Centre” means a Centre within the University instituted under section 25;

- “Chairman” means the Chairman of the Council appointed pursuant to section 11;
- “Chancellor” means the person who is the Chancellor of the University under section 14;
- “Committee” includes sub-Committee;
- “Council” means the Council of the University established and incorporated by section 8;
- “Dean” means the Dean of a Faculty elected by a Faculty pursuant to section 26;
- “Director of Investments” means the Director of Investments appointed pursuant to section 19;
- “Director of Research” means the Director of Research appointed pursuant to section 20;
- “Faculty” means a Faculty within the University instituted under section 25;
- “financial year” means the period commencing on the date of commencement and ending on the 31st December, next following such date and thereafter the period of twelve months ending on the 31st December, in each year;
- “Institute” means an Institute within the University created under section 25;
- “Librarian” means the Librarian appointed pursuant to section 18;
- “Minister” means the Minister responsible for University education;
- “organization” means any company, association or body of persons, corporate or unincorporate wherever established or incorporated, but does not include any such association or body established or incorporated under this Act;
- “President” means the President of the Republic of Malawi;
- “property of the University” means any property, real or personal, of every description vested in or held by the Council under any right of ownership or possession; and any property held by the Council in trust for the furtherance of any of the objects of the University;
- “Registrar” means the Registrar of the University appointed pursuant to section 17;
- “Senate” means the Senate of the University established under section 21;
- “Senate Regulations” means Senate Regulations made under section 36;
- “Statutes” means the Statutes made under section 35;

“University” means the Mzuzu University established under section 3;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed pursuant to section 16.

PART II

ESTABLISHMENT OF THE UNIVERSITY

Establishment
of the Mzuzu
University

3. There is hereby established a university by the name and style of the Mzuzu University.

Membership
of the
University

4.—(1) The University shall consist of the following members—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor;
- (d) the Registrar;
- (e) the Librarian;
- (f) the Director of Investments;
- (g) the Director of Research;
- (h) members of the Council;
- (i) members of the Senate;
- (j) all graduates of the University;
- (k) all holders of Honorary Degrees from the University;
- (l) all Deans of Faculties of the University;
- (m) all Directors of Centres and Institutes;
- (n) all professors, lecturers and assistant lecturers of the University;
- (o) all other members of the academic, administrative, and research staff of the University;
- (p) all persons for the time being registered as students of the University;
- (q) such other persons as the Council may by name or office declare to be members of the University.

(2) Any person who is a member of the University solely by virtue of being possessed of any qualification shall continue to be a member so long as he possesses such qualification.

(3) The Registrar shall keep and maintain a Register of Members of the University, which shall be available for scrutiny by the general public at all reasonable times.

Objects of the
University

5. The objects of the University shall be to advance knowledge and to promote wisdom and understanding by engaging in teaching, research, and training by making provision for the

dissemination, promotion, and preservation of learning; by engaging in such university education, research, and training as is responsive to the needs of Malawi, Africa and the whole world; by offering an education of a high university standard; and by providing complementary services to meet the technological, social and economic needs of individuals and communities in Malawi.

6. The functions of the University shall be—

Functions of
the University

(a) to encourage the advancement and dissemination of learning and research;

(b) to engage in such university education, research, and training as is responsive to the needs of Malawi, Africa and the whole world;

(c) to provide facilities for higher education, for research, for training, and for the advancement of knowledge in such branches of learning and study and for such persons, whether members of the University or not, as the Council may from time to time determine;

(d) subject to this Act and the Statutes, to award and confer Degrees and Diplomas, and other academic distinctions, including Honorary Degrees and distinctions.

7. The University may, as determined by the Council from time to time, provide specialist training in such subjects as may be deemed desirable.

Specialist
training

PART III

THE COUNCIL

8. There is hereby established the Council of the University, which, under that name, shall be a body corporate with perpetual succession and a common seal and shall be capable by that name, of—

Establishment
and
incorporation
of the
Council

(a) suing and being sued in all courts;

(b) acquiring by purchase, gift, devise, bequest, operation of law, or otherwise, real or personal property wherever situate, or any right or interest therein, and holding the same in any capacity including that of trustee;

(c) granting, selling, mortgaging, hypothecating, alienating, assigning, leasing or letting real or personal property; and

(d) subject to this Act, doing and performing all such acts and things as a body corporate may by law do or perform or such as are incidental or appertain to a body corporate.

9.—(1) The common seal of the Council shall be kept in such custody as the Council directs, and shall not be used except upon the order of the Council.

Common
Seal of
the Council

(2) All courts, judges, and other persons acting judicially shall take judicial notice of the common seal of the Council affixed to any document and shall presume that it was duly affixed.

(3) The common seal of the Council shall be authenticated by the signature of two members of the Council, or, alternatively, by the signatures of one such members of the Council and of the Registrar, or of some other person nominated in that behalf by the Council.

Functions
and powers
of the
Council

10.—(1) The Council shall be the governing body of the University and shall be responsible for the management and administration of the University and of its property and revenues, and, shall exercise general control and supervision over all the affairs of the University including its relations with the public, and, without prejudice to the generality of the foregoing, the functions, and powers of the Council shall include the following—

(a) to govern, maintain, administer, dispose of and, save as hereinafter provided, to invest all the property, money, assets, and rights of the University, to manage the business and all other affairs whatsoever of the University, and to enter into engagements and to accept obligations and liabilities without any restriction whatsoever, in the same manner in all respects as an individual may manage his own affairs;

Provided that, before determining any question relating to the matters aforesaid which affects the academic policy of the University, the Council shall refer such matters to the Senate if it has not previously been considered by the Senate, and shall take into consideration any recommendation or report thereon by the Senate;

(b) to determine, demand and receive fees, subscriptions, deposits, fines and such other payments, and to effect payment of any money obligation;

(c) to take such steps as it thinks fit for the purpose of procuring and receiving contributions to the funds of the University to further the objects of the University, and, for this purpose, to raise money in such manner as it thinks fit;

(d) to borrow money on behalf of the University and for that purpose, if it thinks fit, to mortgage or charge all or any part of the real property of the University, unless the conditions of any will, deed or gift or other similar instrument are thereby contravened, and to give such other security, whether upon real or personal property or otherwise, as it thinks fit;

(e) to invest any moneys of the University, including any unapplied income, in such stocks, debentures, funds, shares, or other securities as the Council may from time to time determine, whether within Malawi or not, or in the purchase of real or personal property, with the like power of varying

such investments from time to time by sale or re-investment or otherwise;

(f) to sell, buy, exchange, lease, rent, grant or take on lease or rent, real or personal property or portions thereof on behalf of the University, and to acquire any easement over any property held by other persons or to consent to any easement whether public or private over any property of the University;

(g) to undertake and execute any trust the undertaking whereof may seem desirable to the Council for the attainment or fulfilment of any of the objects of the University, and to hold, invest, manage or distribute, in furtherance of and in accordance with any such trust direction, discretion, obligation or permission, any property, or the income of any property, held by it as trustee subject to such trust;

(h) to enter into, vary, carry out or cancel contracts on behalf of the University, to compound or compromise any action, suit or proceedings or any debt or claim, and to refer any matter to arbitration;

(i) to operate bank accounts, and to cause proper books of account to be kept and audited for all sums of money received and expended by the University and for the assets and liabilities of the University so that the books give a true and fair view of the state of the University's affairs, and explain its transactions;

(j) after consultation with the Senate, to establish, institute or discontinue Faculties, Centres, Institutes or such other academic sections of the University, in accordance with this Act;

(k) after consultation with the Senate, to determine terms of service and general conditions relating to the employment of academic staff, and to establish, disestablish or otherwise make or discontinue financial provision for appointments to such posts;

(l) after consideration of any recommendation or report thereon from the Vice-Chancellor, to determine the terms of service and general conditions, relating to the employment of administrative, clerical, technical and support staff, and to establish, disestablish, or otherwise make or discontinue financial provision for appointments to such posts;

(m) to determine the salary scales and general rates of payment for all categories of staff appointed by the University and for other persons commissioned to give services to the University, and to appoint and employ such persons, pay their salaries, wages or fees, and subject to the provisions of the Statutes terminate their appointments;

(n) to make provisions, so far as it thinks fit, for schemes of insurance, superannuation, pensions or retirement benefits for

persons in the employment of the University and the spouses and dependents of such persons, to subscribe to benevolent and other such funds for the benefit of such persons, and to make such payments as it thinks fit to such persons;

(o) to take such steps as it thinks fit for furthering the objects and interests of the University by making provision for teaching and research, for the printing and publication of research and other works which may be issued by the University, and for the welfare of the staff and the students of the University;

(p) to call for reports from the Vice-Chancellor or the Senate, and to review the work of the University in the light of such reports;

(q) to make provision for payments to external examiners and to such other persons to whom it thinks fit to make payments to further the objects of the University, and for scholarships, prizes, grants and such other payments to students of the University;

(r) after consideration of any recommendation or report thereon from the Senate, to determine fees to be charged to students;

(s) to determine to whom the award of Honorary Degrees of the University shall be made in accordance with the procedure prescribed therefore by the Statutes;

(t) to decide, after consultation with the Vice-Chancellor, whether or not any donation, gift, grant, devise, bequest or other bounty to the University should be accepted;

(u) to enter into agreements and other relationships with other institutions or bodies, whether academic or otherwise, for such purposes as the Council may determine, including the embodiment within the University of any other institution or body and the taking-over and assumption of the property, rights, privileges and liabilities of such other institution or body.

(2) The Council shall consider any recommendation made by the Senate for the amendment or alteration of Statutes relating to the academic administration of the University and for taking any other action in respect of academic matters, and shall either accept, refer back or reject any such recommendation:

Provided that it may not be rejected unless the Senate has previously been informed of the Council's reasons for wishing to reject it and has been given an opportunity to comment thereon to the Council.

Composition
of the
Council

11.—(1) The Council shall consist of the following members—

(a) the Chairman of the Council, appointed by the Chancellor;

- (b) the Vice-Chancellor or the Deputy Vice-Chancellor;
 - (c) the Chairman of the Board of Trustees of the Mzuzu University Trust, *ex officio*;
 - (d) the Secretary for Education or his nominee, *ex officio*;
 - (e) the Secretary to the Treasury or his nominee, *ex officio*;
 - (f) three members elected by the Senate from among its members;
 - (g) one member elected by the Muzu University Alumni;
 - (h) one member appointed by the Council from a panel of three persons distinguished in university affairs in Malaŵi;
 - (i) two registered students of the University elected by the student body;
 - (j) one member elected by the University of Malaŵi Senate from amongst their number.
- (2) *Ex officio* members of the Council shall remain members for so long as they hold the office, or the nomination, by virtue of which they have become members.
- (3) The Vice-Chancellor and the Deputy Vice-Chancellor shall serve as members of the Council for so long as they retain the offices of Vice-Chancellor and Deputy Vice-Chancellor.
- (4) Every other member of the Council shall serve until the end of the third year following his appointment, or until such earlier date as may, at the time of his appointment or election, be determined by the person or authority appointing or electing him, and shall be eligible for reappointment or re-election.
- (5) The Vice Chairman shall be appointed by the Council from amongst its members and shall preside over the meetings of the Council in the absence of the Chairman.
- (6)—(i) A vacancy on the Council shall arise on—
- (a) the expiry of the term of office of a member;
 - (b) the resignation of a member after one month's written notice to the Chairman;
 - (c) the death of a member;
 - (d) a member leaving the country for more than three years;
 - (e) a member failing to attend three consecutive meetings of the Council, of which he has had notice, without valid excuse or reason;
 - (f) a member becoming mentally or physically unfit, and the Council is of the opinion that he is no longer, by reason of such unfitness, capable of performing his duties as a member of the Council;
 - (g) a member being declared bankrupt.
- (ii) A vacancy due to any one of the above shall be filled within one month of the occurrence of such vacancy.

(7) The Registrar shall act as Secretary to the Council.

(8) The Chancellor may, in consultation with the Minister, dissolve the Council.

(9) The Chairman shall keep the Chancellor and the Minister fully informed on matters concerning the general policy of the University.

Meetings and
procedure of
the Council

12.—(1) The Council shall meet at such times and places as may be necessary or expedient for the transaction of business, and such meetings shall be held at such times and places and on such dates as may be provided by the Statutes, or otherwise as the Council may determine:

Provided that the Chairman may at any time call a meeting of the Council and shall do so on the request in writing made to him in that behalf by any five members.

(2) A simple majority of the members of the Council shall constitute a quorum thereof.

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

(4) Any matter for decision by the Council shall be determined by a majority vote of the members present and voting, and where there is an equality of votes the Chairman, or, in his absence, the Vice-Chairman or other member presiding, shall have a casting vote in addition to his deliberative vote.

(5) Subject to this Act and the Statutes, the Council may determine its own procedure.

PART IV

MZUZU UNIVERSITY TRUST

Mzuzu
University
Trust
Cap. 5:03

13. The Mzuzu University Trust established under the Trust Deed and incorporated under the Trustees Incorporation Act prior to the coming into force of this Act shall be deemed to have been executed by the Council under section 10 (1) (g) of this Act.

PART V

OFFICERS OF THE UNIVERSITY

Chancellor

14.—(1) There shall be a Chancellor of the University who shall be the head of the University.

(2) The President shall, unless he declines the appointment, be the Chancellor of the University.

(3) Where the President declines the appointment under subsection (1), the Chancellor shall be appointed by the Council in consultation with the Minister.

- (4) The Office of Chancellor shall be vacated by him—
- (a) upon the submission of his resignation therefrom, in writing, to the Council;
 - (b) if he becomes mentally or physically incapable of performing his duties as Chancellor.
 - (c) if he is declared bankrupt;
 - (d) if he is absent from Malaŵi for a continuous period of six months or more, without the permission of the President or the Council;
 - (e) if, for any offence against any written law, he is sentenced to a term of imprisonment of, or exceeding, six months, otherwise than as an alternative to, or in default of, the payment of a fine.

15.—(1) The Chancellor, whenever present, shall preside at all ceremonial and other congregations of the University and shall, in the name of the University, confer all degrees, diplomas and certificates of the University.

Functions
and duties
of the
Chancellor

(2) The Chairman and the Vice-Chancellor shall keep the Chancellor and the Minister fully informed on matters concerning the general conduct of the affairs of the University and shall furnish the Chancellor and the Minister with such information as they may request on any particular matter relating to the affairs of the University.

(3) The Chancellor shall exercise such other functions and duties in relation to the University as are conferred upon him, from time to time, by the Statutes.

16.—(1) There shall be a Vice-Chancellor of the University, who shall be the principal academic and administrative officer of the University.

Vice-
Chancellor

(2) The Vice-Chancellor shall be appointed by the Council after considering recommendations in writing on the suitability of various candidates submitted to the Council by a committee of nine members appointed for that purpose and consisting of—

- (a) the Chairman, who shall be chairman of such committee;
- (b) three members of the Council, not being members of the Senate, appointed by the Council; and
- (c) five members of the Senate appointed by the Senate:

Provided that the appointment of the Vice-Chancellor shall be subject to the approval of the Chancellor.

(3) The Vice-Chancellor shall hold office for a period of four years on such terms and conditions, and shall exercise such powers and functions, as may, from time to time, be prescribed by or under this Act and the Statutes.

(4) There shall be a Deputy Vice-Chancellor who shall assist the Vice-Chancellor in the performance of his functions.

(5) The provisions of subsections (2) and (3) of this section shall apply, *mutatis mutandis*, to the appointment and term of office of the Deputy Vice-Chancellor.

Registrar

17.—(1) There shall be a Registrar of the University appointed by the Council who shall be the chief administrative officer of the University under the Vice-Chancellor and shall exercise such powers and perform such duties in relation to the administration of the University as are assigned to him by this Act, by the Statutes and by the Council, or as are delegated to him by the Vice-Chancellor.

(2) The Registrar shall be under the immediate supervision and control of the Vice-Chancellor.

(3) The terms and conditions of employment of the Registrar shall, subject to this Act and the Statutes, be as determined, from time to time, by the Council.

Librarian

18.—(1) There shall be a Librarian of the University appointed by the Council who shall be the principal officer in charge of the University Library.

(2) The Librarian shall be under the immediate supervision and control of the Vice-Chancellor.

(3) The terms and conditions of the Librarian shall, subject to the provisions of this Act and the Statutes, be as determined, from time to time, by the Council.

Director of Investments

19.—(1) There shall be a Director of Investments appointed by the Council who shall be the principal officer in charge of investments of the University and shall exercise such powers and perform such duties in relation to the investments of the University as are assigned to him by this Act, by the Statutes and by the Council, or as are delegated to him by the Vice-Chancellor.

(2) The Director of Investments shall be under the immediate supervision and control of the Vice-Chancellor.

(3) The terms and conditions of employment of the Director of Investments shall, subject to the provisions of this Act and the Statutes, be as determined, from time to time, by the Council.

Director of Research

20.—(1) There shall be a Director of Research appointed by the Council who shall be the principal officer in charge of research in the University and shall exercise such powers and perform such duties in relation to research as are assigned to him by this Act, by the Statutes and by the Council, or as are delegated to him by the Vice-Chancellor.

(2) The Director of Research shall be under the immediate supervision and control of the Vice-Chancellor.

(3) The terms and conditions of employment of the Director of Research shall, subject to the provisions of this Act and the Statutes, be as determined, from time to time, by the Council.

PART VI

THE SENATE

21.—(1) There is hereby established a Senate of the University which shall consist of the following members—

- (a) the Vice-Chancellor, who shall be chairman;
- (b) the Deputy Vice-Chancellor;
- (c) the Deans of the Faculties of the University;
- (d) all Directors of Centres and Institutes of the University;
- (e) one member from each Faculty, elected in accordance with the relevant Statutes, from and by the full-time academic staff holding posts allocated to the Faculty or School;
- (f) the Librarian;
- (g) such other members, not exceeding five, as may be co-opted, from time to time, by the Senate for periods not exceeding two years and on such conditions as the Senate may determine.

(2) Every elected member of the Senate shall serve until the end of the second year following his election and shall be eligible for re-election.

(3) An elected member shall cease to be an elected member of the Senate and his membership thereof as such shall become vacant—

- (a) upon his becoming a member of the Senate, *ex officio*;
- (b) upon the post he holds on the academic staff being allocated to another Faculty or School, as the case may be;
- (c) upon the resignation from the full-time academic staff or from membership of the Senate.

(4) The Registrar shall act as Secretary to the Senate.

22.—(1) The Senate may invite any person to attend any particular meeting or series of meetings of the Senate for the purpose of assisting or advising the Senate in respect of any matter under consideration by the Senate.

(2) Any person invited pursuant to subsection (1) shall take part in the deliberations of the Senate at any meeting he attends but shall not be entitled to vote.

The Senate

Invited
persons

Functions
and powers of
the Senate

23. The Senate shall perform such functions and exercise such powers as are prescribed by this Act or by the Statutes to be performed or exercised by the Senate and, without prejudice to the generality of the foregoing, such functions and powers of the Senate shall include the following—

- (a) to make recommendations to the Council on matters affecting the academic policy of the University;
- (b) to review the work of the University and report thereon to the Council;
- (c) to make recommendations to the Council on fees to be charged to students of the University.

Meetings of
the Senate

24. The Senate shall be convened, from time to time, and meetings thereof shall be held, in accordance with the relevant provisions of the Statutes.

PART VII

FACULTIES, CENTRES AND INSTITUTES

Faculties,
Centres and
Institutes

25.—(1) There shall be within the University such Faculties, Centres and Institutes as the Council may, on the recommendation of the Senate, establish.

(2) The Faculty, Centre or Institute of the University may, where appropriate, deal directly with the University on academic matters.

Deans

26.—(1) There shall be a Dean of each Faculty who shall be *ex officio* chairman of that Faculty and who shall, under the general direction and control of the Vice-Chancellor, perform such other functions and exercise such other duties as may, from time to time, be determined by the Senate and prescribed by Statutes.

(2) A Dean shall be elected by members of his Faculty in accordance with the relevant Statutes, and he shall hold office for three years or until such earlier date as the Faculty may in each case determine.

(3) A Dean may, by notice in writing given to the Council, resign his post as Dean, but such resignation, unless expressly so stated, shall not entail his resignation from any other academic post he holds in the University.

(4) A Dean shall be eligible for reappointment for one further term of office.

(5) There shall be a Deputy Dean who shall assist the Dean in the performance of his functions.

(6) The provisions of subsections (2), (3) and (4) of this section shall apply, *mutatis mutandis*, to the Deputy Dean.

27.—(1) There shall be a Director of each Centre or Institute who shall be the principal officer of that Centre or Institute and shall be under the general direction and control of the Board of such Centre or Institute, and shall perform such other functions and exercise such other duties as may, from time to time, be determined by the Senate and prescribed by Statutes. Directors

(2) A Director shall be appointed by the Council and he shall hold office for such period as the Council may determine.

(3) A Director may, by notice in writing given to the Council, resign his post as Director, but such resignation, unless expressly so stated, shall not entail his resignation from any other post he holds in the University.

(4) A Director shall be eligible for reappointment for further periods of office.

(5) There shall be a Deputy Director who shall assist the Director in the performance of his functions.

(6) The provisions of subsections (2), (3) and (4) of this section shall apply, *mutatis mutandis*, to the Deputy Director.

28.—(1) Each Faculty shall consist of—

Composition
of Faculties

(a) the Dean of that Faculty who shall be the chairman;

(b) all members of the full-time and part-time academic staff holding posts allocated to that Faculty; and

(c) such other members of the full-time or part-time staff of the University as may be co-opted by that Faculty as associate members for such period and on such terms as that Faculty may, in each case, determine.

(2) Associate members shall have the right to attend all meetings of the Faculty by which they have been co-opted, and to take part in its deliberations, but shall have no right to vote thereon.

29. Each Centre and Institute shall consist of such members as the Senate, with the approval of the Council, may prescribe by Statute.

Composition
of Centres
and Institutes

30.—(1) There shall be a Faculty Committee for each Faculty of the University.

Faculty
Committee

(2) Each Faculty Committee shall consist of—

(a) the Dean of the Faculty, who shall be chairman;

(b) the Heads of Departments in the Faculty;

(c) two students in the Faculty elected by the students taking courses in the Faculty;

(d) two members from industries and professions related to the courses offered in the Faculty;

(e) two co-opted members from any other Faculty of the University.

(3) The Faculty Committee shall be responsible for the planning, management and review of the programs and activities of the Faculty including relations with the University, the community, the industry and the general public.

PART VIII

FINANCIAL PROVISIONS

Property of
the
University

31.—(1) The property of the University shall consist of—

(a) such sums as may, from time to time, be payable to the University from moneys appropriated therefor by Parliament;

(b) such sums of money or other property, real or personal as may be acquired, purchased or received by, or transferred to the University, whether by way of gift, devise, bequest, purchase or otherwise howsoever;

(c) such sums of money or other property, real or personal, as may accrue to the University in the exercise of its powers or the performance of its functions under this Act;

(d) such sums of money or other property, real or personal, as may accrue to, or be received by, the University by way of fees, grants, subsidies, contributions, donations, subscriptions, rents, interest or royalties from the Government or from any person;

(e) such sums of money or other property, real or personal, as may be donated to the University by any foreign Government, international agency, or other body or person situate or resident outside Malawi;

(f) such sums of money as may accrue to the University from the Trust.

(2) Where, under the terms of any written instrument, any right, title or interest in real or personal property is expressed to be disposed, granted or conveyed to the University, the said instrument shall, subject to law, have effect as a disposition, grant or conveyance of such property to the Council and shall vest such property in the Council to the extent of the right, title or interest therein expressed to be so disposed, granted or conveyed.

(3) The property of the University shall be payable to, vested in, held, managed and controlled by the Council, under this Act.

Compliance
with the
Finance and
Audit Act
Cap. 37:01

32.—(1) The Council shall at all times comply with the provisions of the Finance and Audit Act.

(2) The accounts of the University shall be audited at the end of each financial year by an auditor or auditors appointed by the Council, in accordance with Statute X.

(3) The Council shall pay, in respect of any audit held under this Part, such fees, costs and expenses as may be appropriate.

(4) The auditor may by writing under his hand require the production of all books, deeds, contracts, vouchers, receipts and other documents relating to the accounts or investments of the University which he may deem necessary for the purpose of the audit, and he may summon in writing all such persons having knowledge of the affairs of the University, as he may think proper, to appear before him personally at the offices of the Council, at a time to be fixed in such summons, for examination in connexion with any documents or matters relating to the audit.

(5) Any person, who without just cause, fails or refuses to produce any document the production of which has been duly required by the auditor, or who having been so summoned—

(a) without just cause neglects or refuses to comply with the said requirement or summons; or

(b) having appeared before the auditor, without just cause refuses to be examined; or

(c) without just cause refuses to answer such questions pertaining to the audit as are put to him by the auditor, shall be guilty of an offence and upon conviction be liable to a fine of K5,000 for every such refusal or neglect. In default of payment of the fine, such person shall be liable to imprisonment for six months:

Provided that any conviction under this section shall not operate or be taken to exempt the person convicted from the liability to do or perform the act, matter or thing required of him.

(6) After completion of the audit of the accounts of the University, the auditor shall report thereon in writing to the Council about the audit generally and on such specific matters in relation thereto as the Council may direct. The Council shall consider the report within two months after the date of the receipt thereof.

33.—(1) All the moneys of the University shall be held in the name of the Council and shall be paid into one or another of the following accounts— Accounts

(a) the Endowment Fund;

(b) the special account;

(c) the capital account;

(d) the revenue account;

(e) the Mzuzu University Fund accounts;

(f) such other account as the Council may establish in respect of any trust the Council may establish in exercise of its powers under this Act.

(2) There shall be paid into the Endowment Fund all such moneys as are received by the Council and declared specifically to be payable into that Fund.

(3) The Council shall not, save with the prior approval of the Chancellor, expend any capital moneys of the Endowment Fund and shall pay into the revenue account all interest received from the investment of the moneys of the Endowment Fund.

(4) There shall be paid into the special account all such moneys as are donated to and received by the Council for special purposes and which are not payable into the Endowment Fund or any other account.

(5) The capital moneys, and the interest therefrom, of the special account shall be used and applied for the special purposes for which such moneys were donated and in accordance with the conditions of such donation:

Provided that the Council shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.

(6) There shall be paid into the capital account all such moneys as are received by the Council for the purpose of capital expenditure for the construction and improvement of the University.

(7) The capital moneys, and the interest therefrom, of the capital account shall be used and applied by the Council on capital expenditure for the construction and improvement of the University.

(8) There shall be paid into the revenue account—

(i) the interest received from the investment of the moneys in the Endowment Fund;

(ii) all fees, charges, dues and other amounts payable by or in respect of students;

(iii) all revenue and grants made by the Government of Malawi or by any other Government or by any person or organization or the Trust to the Council for the purposes of the University;

(iv) all sums transferred under this Act from the Endowment Fund or any other account to the revenue account;

(v) all other sums received by the Council and not payable into the Endowment Fund or any other account.

(9) The moneys standing to the credit of the revenue account shall be used and applied by the Council for the management and working of the University in such manner and for such purposes as, in the opinion of the Council, are best suited to promote the interests of the University.

Borrowings
Cap. 37:01

34. Subject to the provisions of this Act and of the Finance and Audit Act, the Council may borrow, either by way of overdraft from a banker or otherwise, such sums as it may from time to time require for the carrying out of its functions and powers.

PART IX

MISCELLANEOUS

35. Subject to this Act, the University shall be governed and administered in accordance with the provisions of the Statutes made by the Minister with the advice of the Council. The Statutes

36.—(1) The Statutes may, pursuant to and in accordance with this section be amended, from time to time, for the better carrying out of the purposes, and the more efficient administration, of this Act, and without prejudice to the generality of the foregoing, any such amendment may be made by way of alteration, addition, repeal or replacement, and may make provisions for— Amendments
to the statutes

(a) any matter which is required by this Act to be prescribed by the Statutes;

(b) the creation of permanent committees of the Council, or of the Senate, as the case may be, the membership of such committees, and the powers, functions or duties to be delegated thereto;

(c) the functions, duties and term of office of any officer of the University or member of the academic or administrative staff, to the extent that such functions or duties or term of office are not prescribed by this Act;

(d) the creation of new offices and posts within the University, the functions and duties attaching to such offices and posts the duration thereof, and the manner of appointment thereto;

(e) such other matters, including matters of procedure and discipline, as may be deemed expedient or proper by the Minister for regulation by Statute.

(2) The Council may by special resolution adopt any proposal to amend the Statutes.

(3) Upon the adoption by the Council of any proposal to amend the Statutes under subsection (2), the Vice-Chancellor shall, as soon as is practicable thereafter, submit to the Minister for his approval a certified copy of the proposal as adopted by the Council.

(4) If the Minister does not approve the proposal he shall notify the Council, in writing, giving reasons for his non-approval.

(5) If the Minister approves the proposal, he may, by order published in the *Gazette*, amend the Statutes in accordance with the terms of the said proposal.

(6) For the purpose of this section the expression “special resolution” means a resolution—

(a) notice of which has been given to each member of the Council, not less than thirty days before the date of the meeting of the Council at which it is intended to be moved;

(b) which is moved at a meeting of the Council with not less than one-half of the total membership of the Council being present at the time such resolution is moved and voted upon; and

(c) which is passed by a majority of not less than two-thirds of the members of the Council present at such meeting.

Senate
Regulations

37.—(1) Subject to this Act and to the Statutes and to the approval of the Council, the Senate may, by Senate Regulations made by notice published as provided in subsection (2), prescribe for the better carrying out of its functions and powers under this Act and under the Statutes, and without prejudice to the generality of the foregoing, such Senate Regulations may make provision for—

(a) matters relating to teaching within the University, or to the teaching of any specified subject, periodic reports from professors and lecturers on the progress of students in any subjects, Faculty and other like matters;

(b) schemes of study and research, and conditions under which persons may be permitted to embark upon or to continue any such scheme;

(c) the terms and conditions under which students or other persons may use the library of the University;

(d) the conduct and supervision of examinations;

(e) the award of Degrees, Diplomas or other academic honours and distinctions other than Honorary Degrees and distinctions;

(f) dealing with general academic disciplinary matters;

(g) matters relating to the activities and progress of Centres and Institutes.

(2) Any notice made pursuant to subsection (1) shall be published by the Registrar causing copies thereof to be posted for not less than seven days—

(a) in a prominent place outside his office; and

(b) on boards provided for such purpose in each of the public halls of the University.

Service of
process and
other
documents on
the Council

38. Any writ or other process, notice, or document may be served upon Council by serving the same on the Registrar.

SUBSIDIARY LEGISLATION

MZUZU UNIVERSITY STATUTES

G.N. 9/1999

under s. 35

1. These Statutes may be cited as the Mzuzu University Statutes. Citation
- 2.—(1) The Mzuzu University shall be governed and administered in accordance with these Statutes. Governing and Administering the University
- (2) Nothing in these Statutes shall be interpreted in such a manner as to conflict with the provisions of the Act.

STATUTE I

INTERPRETATION

In these Statutes, unless the context otherwise requires—

“academic staff” means all persons for the time being holding appointments, whether full-time or part-time, under contract with the Council as professors, associate professors, senior lecturers, lecturers, assistant lecturers, instructors or demonstrators of the University, including those whose conditions of service contain the obligation to undertake research and the senior professional staff of the library, or any other post declared by the Senate by category or title to be an academic post;

“academic year” means such period not exceeding twelve consecutive months; and

“semester” and “academic semester” shall mean such part of an academic year, as the Senate may, from time to time, determine:

Provided that the Senate may, at any time, extend any academic year beyond the period of twelve months, and, in such event, such period so extended shall, for all purposes, constitute such academic year.

“administrative staff” means all persons for the time being holding appointments, whether full-time or part-time, under contract with the Council, in the administration of the affairs of the University;

“hall” means a residential or a non-residential hall;

“lecturer” includes an assistant lecturer;

“Statutory Committees” means the Senate, the Executive Committee of the Senate, the Faculties, the Centres, the Institutes, the Appointments Committee and the Finance Committee;

“student” means an undergraduate or a graduate of the University, or any other person, who is currently registered full-time, part-time or in-service for a Degree, Diploma or Certificate of University, or a person who is in a category of persons classified by the Council as students for any purpose.

STATUTE II

CONGREGATIONS

1. With the approval of Council, the time, place and procedure of the Congregations of the whole University shall be determined by the authority of the Senate.

2. Degrees, Diplomas, certificates and other academic distinctions shall be conferred in the presence of the Congregation.

3. The Chancellor, or, in his absence, the Vice-Chancellor or, in the absence of both, the Deputy Vice-Chancellor, or in the absence of the Chancellor, Vice-Chancellor and Deputy Vice-Chancellor, a member of the Council appointed for the purpose by the Council, shall preside at all Congregations.

4. At least one Congregation shall be held in each academic year.

STATUTE III

DEGREES AND OTHER ACADEMIC DISTINCTIONS

1. The titles and abbreviations of first degrees are given below and may be conferred at ordinary or honours level. Honours Degrees shall be classified as First Class, Second Class (Upper Division) Second Class (Lower Division) and Third Class. Those candidates who are deemed by the Senate to obtain a Degree but not at honours level shall be conferred a Degree at ordinary level. The University may award any of the following Degrees—

- (a) Bachelor of Arts—B.A.
- (b) Bachelor of Arts in Public Administration—B.A. (Pub. Admin.)
- (c) Bachelor of Education—B.Ed.
- (d) Bachelor of Arts (Education)—B.A. (Ed.)
- (e) Bachelor of Science (Education)—B.Sc. (Ed.)
- (f) Bachelor of Laws—LL.B.
- (g) Bachelor of Science in Agriculture—B.Sc. (Agric.)
- (h) Bachelor of Science in Fisheries—B.Sc. (Fisheries)
- (i) Bachelor of Science in Forestry—B.Sc. (Forestry)
- (j) Bachelor of Science in Mining Engineering—B.Sc. (Min. Eng.)
- (k) Bachelor of Science—B.Sc.
- (l) Bachelor of Social Science—B.Soc.Sc.
- (m) Bachelor of Commerce in Accountancy—B.Com. (Acc.)
- (n) Bachelor of Business Administration—B.B.A.
- (o) Bachelor of Science in Engineering—B.Sc. (Eng.)
- (p) Bachelor of Veterinary Medicine—B.V.M.
- (q) Bachelor of Science—Health Science Education—B.Sc. (Health Sc. Ed.)
- (r) Master of Arts—M.A.

- (s) Master of Education—M.Ed.
- (t) Master of Science—M.Sc.
- (u) Master of Laws—LL.M.
- (v) Master of Business Administration—M.B.A.
- (w) Master of Public Administration—M.P.A.
- (x) Doctor of Philosophy—Ph.D.
- (y) Doctor of Education—D.Ed.
- (z) Doctor of Letters—D.Litt.
- (aa) Doctor of Laws—LL.D.
- (bb) Doctor of Science—D.Sc.

Any postgraduate Degree described in Statute III may be awarded *honoris causa*.

2. The University may award any of the following Diplomas and Certificates—

- (a) Diploma in Agriculture—Dip. Agric.
- (b) Diploma in Business Studies—Dip. Bus. Studies.
- (c) Diploma in Education—Dip. Ed.
- (d) Diploma in Engineering—Dip. Eng.
- (e) Diploma in Fisheries—Dip. Fish.
- (f) Diploma in Forestry—Dip. For.
- (g) Diploma in Public Administration—Dip. Pub. Admin.
- (h) Diploma in Communication Studies—Dip. Comm.
- (i) Diploma in Management Studies—Dip. Mgt.
- (j) Diploma in Mining Engineering—Dip. Min. Eng.
- (k) Diploma in Technical Teaching—Dip. Tech. Teaching
- (l) Diploma in Public Health—Dip. Pub. Health
- (m) Postgraduate Diploma in Education—P.G. Dip.Ed.
- (n) University Certificate in Education—U.C.E.

3. Subject to paragraph 6, the University may award such other academic honours as the Council may determine.

4. Degrees, Diplomas and Certificates shall be conferred by the Chancellor or, in his absence, by the Vice-Chancellor or, in the absence of both of them, by the Deputy Vice-Chancellor at Congregations of the Whole University:

Provided that where the Chancellor, Vice-Chancellor and Deputy Vice-Chancellor are not available, the Council may appoint a member of the Council to confer the Degrees, Diplomas and Certificates at any such Congregation.

5. No person shall be allowed to proceed to any Degree except an aegrotat Degree without examination or other adequate test, but Honorary Degrees may be conferred by the University on the approval of the Council, as advised by the Honorary Degrees Committee.

6. No new Degree shall be established or other distinction of honour or merit adopted by the Council save on the recommendation, or with the approval, of the Senate.

STATUTE IV

THE VICE-CHANCELLOR

1. The Vice-Chancellor is the Chief Executive of the University. He shall be a member of every committee of the Council and Senate and of every Statutory Committee but shall not be a member of the committee established under subsection (2) of section 16 of the Act.

2. The Vice-Chancellor shall have power to appoint a person to act as the Director of Studies, Director of Research, Dean of a Faculty, the Head of a Department, a Director of a Centre or Institute, the Registrar, the Finance Officer, or the Librarian, during a temporary vacancy in such a post or the temporary absence from duty or inability of the holder of such a post. The person so appointed may exercise all or any of the powers, perform all or any of the duties, and have such of the privileges of the holder of the post to which he is appointed to act, as the Vice-Chancellor may determine.

3. The Vice-Chancellor shall within six months after the end of each academic year, report to the Council upon the activities of the University and shall submit that report through the Senate, who may comment on but shall not have the power to alter its contents or to delay the Vice-Chancellor's report. He shall also report on any matter which may be referred to him by the Council or the Senate.

4.—(a) The Vice-Chancellor shall be responsible to the Council for maintaining and promoting the reputation, efficiency and good order of the University including the discipline of the students, and shall have all such powers as are necessary or expedient for him to perform these duties.

(b) subject to such regulations as the Council may approve, the Vice-Chancellor may, in the performance of his duties—

(i) prohibit the admission as a student or any person to the University;

(ii) prohibit, for such period as he may specify, any student from attending classes or a particular class;

(iii) prohibit any student from entering or remaining on such part or parts of the University precinct as he shall specify;

(iv) dismiss or suspend, for such period as he shall specify, any student or group of students.

(c) the Vice-Chancellor may appoint a disciplinary committee, with membership as he deems appropriate, to assist him in the performance of his duties under this Statute.

(d) the provisions of this Statute shall not be construed to restrict or limit the general powers, functions or duties, or any of them, of the Vice-Chancellor conferred in any other Statute.

5. The Vice-Chancellor may delegate any of his powers, duties or functions as he may deem fit and prescribe conditions governing the exercise of any delegated powers, duty or function:

Provided that, in the absence of express provision made by him a power delegated shall not include a power of sub-delegation.

STATUTE V

THE DEPUTY VICE-CHANCELLOR

1. The Deputy Vice-Chancellor shall be a member of every committee of the Council and Senate and of every Statutory Committee but shall not be a member of the committee established under subsection (2) of section 16 of the Act.

2. In the absence of the Vice-Chancellor through illness or otherwise the Deputy Vice-Chancellor shall be entitled to exercise all of the powers and perform all of the duties of the Vice-Chancellor.

STATUTE VI

THE REGISTRAR

1.—(a) The Registrar shall be responsible to the Vice-Chancellor for—

(i) the co-ordination and control of the administrative functioning of the University and all its subsidiaries other than in respect of financial matters;

(ii) all administrative functions in relation to admissions to the University;

(iii) the scheduling and security of examinations and the issuing of results and official transcripts;

(iv) the preparation of teaching timetables in co-operation with Faculties and Director of Studies;

(v) all administrative work in relation to appointments, renewals of contracts, confirmation of appointments, promotions and terminations.

(b) the Registrar shall act as Secretary to the Council, Senate and Executive Committee of Senate and shall arrange for the servicing of other Statutory Committees.

2. The Registrar shall keep a register of all members of the University, as specified in section 4 (3) of the Act, including a record of their respective qualifications.

3. In the absence of the Registrar through illness or otherwise his deputy shall be entitled to exercise all of the powers and perform all of the duties of the Registrar.

STATUTE VII

THE DEANS OF FACULTIES

1. The Dean of each Faculty shall be responsible to the Vice-Chancellor for maintaining and promoting the efficiency and good order of the Faculty of which he is Dean.

2. The Dean of each Faculty shall, within such Faculty, exercise such disciplinary control over the students as is, from time to time, assigned to him by these Statutes or by any regulations made

hereunder, or determined from time to time by resolutions of the Senate, or such as may be delegated to him from time to time by the Vice-Chancellor.

3. Subject to the Act and these Statutes, and the general or special directions of the Council, the Dean of each Faculty shall—

(a) be responsible to the Senate for the selection of persons to be registered as students engaging in schemes of study or research assigned to the Faculty of which he is Dean; and

(b) within such Faculty, exercise and discharge such other duties in connexion with student affairs as may be determined by the Senate.

4. In the execution of his responsibilities and duties, every Dean shall, to such extent as he may deem necessary for the satisfactory running of the Faculty, consult with the Deans of the various Faculties and with other members of the academic staff assigned to the Faculty of which he is Dean.

STATUTE VIII

THE DIRECTORS OF CENTRES AND INSTITUTES

1. The Director of each Centre or Institute shall be responsible to the Vice-Chancellor for maintaining and promoting the efficiency and good order of the Centre or Institute of which he is Director.

2. The Director of each Centre or Institute shall, within such Centre or Institute, exercise such disciplinary control over the students as is, from time to time, assigned to him by these Statutes or by any regulations made hereunder, or determined from time to time by resolutions of the Council, or such as may be delegated to him from time to time by the Vice-Chancellor.

3. Subject to the Act and these Statutes, and the general or special directions of the Council, the Director of each Centre or Institute shall be responsible to the Senate for—

(a) the selection of persons to be registered as students engaging in schemes of study or research assigned to the Centre or Institute of which he is Director;

(b) within such Centre or Institute, exercise and discharge such other duties in connexion with student affairs as may be determined by the Senate.

4. In the execution of his responsibilities and duties, every Director shall, to such extent as he may deem necessary for the satisfactory running of the Centre or Institute, consult with the Director of the various Centres or Institutes and with other members of staff assigned to the Centre or Institute of which he is Director.

STATUTE IX

THE FINANCE OFFICER

1. The Finance Officer shall be appointed by the Council.

2.—(a) The Finance Officer shall be responsible to the Vice-Chancellor for—

- (i) developing and directing the financial administration of the University;
 - (ii) the preparation of financial statements, financial statistical reports and special studies.
 - (iii) the oversight of University properties, movable and immovable;
 - (iv) the preparation and control of the capital and recurrent budgets;
 - (v) the administration of funds and insurance;
 - (vi) the preparation and payment of salaries, other emoluments and taxes; and
 - (vii) the supervision of maintenance and domestic services;
- (b) the Finance Officer shall perform such other duties as may be assigned to him by the Vice-Chancellor or the Council.

3. In exceptional circumstances, the Finance Officer shall be entitled to report directly to the Council on any matter involving the finances of the University.

4. The Finance Officer shall extend to the auditor or auditors such co-operation as the auditor or auditors deem necessary for the auditing of the accounts and the preparation of any auditors' report.

STATUTE X

THE LIBRARIAN

1. The Librarian to the University shall be appointed by the Council.

2. The Librarian shall be the principal officer in charge of the University Library.

3. The Librarian shall discharge such duties as may be determined from time to time by the Council.

4. In the exercise of his duties the Librarian shall be immediately responsible to the Vice-Chancellor and shall perform such duties under the general supervision and control of the Vice-Chancellor.

5. The Librarian may delegate his authority in respect of any Faculty Library to any Assistant Librarian who shall be immediately responsible to the Librarian for the management and control of such Faculty Library.

STATUTE XI

THE DIRECTOR OF INVESTMENTS

1. The Director of Investments shall be appointed by the Council.

2. The Director of Investments shall be the principal officer in charge of investments of the University.

3. The Director of Investments shall discharge such duties as may be determined from time to time by the Council.

4. In the exercise of his or her duties the Director of Investments shall be immediately responsible to the Vice-Chancellor and shall perform such duties under the general supervision and control of the Vice-Chancellor.

5. The Director of Investments shall work in close liaison with the Board of Trustees.

STATUTE XII

THE DIRECTOR OF RESEARCH

1. The Director of Research shall be appointed by the Council.

2. The Director of Research shall be the principal officer in charge of research in the University.

3. Subject to the Act and these Statutes and the general or special directions of the Council, the Director of Research shall discharge such duties as may be determined, from time to time, by the Senate.

4. In the exercise of his or her duties, the Director of Research shall be responsible to the Vice-Chancellor and shall perform such duties under the general supervision and control of the Vice-Chancellor.

STATUTE XIII

THE DIRECTOR OF STUDIES

1. The Director of Studies shall be appointed by the Council.

2. In the exercise of his or her duties the Director of Studies shall be responsible to the Vice-Chancellor and shall perform such duties under the general supervision and control of the Vice-Chancellor.

3. Subject to the Act, these Statutes and the general or special directions of the Council, the Director of Studies shall discharge such duties as may be determined, from time to time, by the Senate. The Director of Studies shall have particular responsibility to the Senate for the creation and co-ordination of academic initiatives and maximizing the efficient use of teaching staff across the Faculties and the Centre for Continuing Education.

4. The Director of Studies shall advise the Senate on possible initiatives involving the people of Malawi and the donor community.

STATUTE XIV

THE AUDITOR

Subject to the Act—

(a) the auditor or auditors to the University shall be appointed by the Council from among persons or firms practising as public accountants in Malawi;

(b) the following persons shall be ineligible for appointment as auditor—

(i) any member of the Council or the Senate or of any committee of the Council or the Senate;

(ii) any business or professional partner of any member of the Council or the Senate or of any member of any committee of the Council or the Senate;

(iii) any firm of which any partner is a member of the Council or the Senate or of any committee of the Council or the Senate;

(iv) any member of the staff of the University;

(c) no person or firm shall be appointed as auditor to the University if he, or any member of the firm of accountants of which he is a partner, or, in the case of a firm, if any member of the firm, is a member of the Council, the Senate or of any committee of the Council or the Senate;

(d) auditors shall be appointed for one year, but shall be eligible for reappointment.

STATUTE XV

HONORARY, VISITING AND EMERITUS PROFESSORS

1. Upon the recommendation of the Senate, the Council may appoint honorary and visiting professors and may confer the title of Emeritus Professor upon any professor who has retired from office.

2. An honorary, visiting or Emeritus Professor shall not be a member *ex officio* of the Council, the Senate or of any Faculty.

STATUTE XVI

PROCEDURE GENERALLY

1. Save as is provided in these Statutes, the Council, the Senate, the Executive Committee of the Senate, Faculties and any committees thereof shall determine and make rules for the time, place and procedure of their respective meetings.

2. The minutes of all meetings of every committee held since the last preceding meeting of the parent body of such committee shall be laid on the table at each meeting of that body, whether it be the Council, the Senate, the Executive Committee of the Senate or one of the Faculties.

3. The minutes of all meetings of the Faculties held since the last preceding meeting of the senate shall be laid on the table at each meeting of the Senate.

4. The minutes of all meetings of the Senate shall be sent to the Council.

5. In the event of an equality of votes on any question, motion or resolution at a meeting of the Council, the Senate, the Faculties

or of any committee, the chairman or person presiding at such meeting shall have a casting vote in addition to his or her deliberative vote.

6. The Council, the Senate, the Faculties and any committee thereof shall have power to co-opt further persons to membership thereof for such period and on such terms as they may in each case determine.

STATUTE XVII

FINANCE COMMITTEE

1. There shall be appointed pursuant to paragraph 3 a Finance Committee which shall make recommendations to the Council upon the following matters, and to which the Council may delegate any or all of its executive functions with regard to such matters, subject to the general policy, control and guidance of the Council—

- (a) the investment and management of the University's funds;
- (b) the incurring of, or the authorization of persons or bodies in the University to incur expenditure from University funds, including any income accruing to any section of, or body in, the University;
- (c) the annual budget of the University;
- (d) the control of expenditure from budgetary allocations by means of financial regulations and such other conditions;
- (e) the preparation and presentation of the annual accounts of the University.

2. The Council shall appoint, from among those members of the Council appointed by the Chancellor, or by the Mzuzu University Alumni, or under section 11 (1) (h) of the Act, a chairperson of the Finance Committee who shall, subject to his remaining a member of the Council, hold office until the end of the third year following his appointment or until such earlier date as the Council may in his case determine, and who shall be eligible for reappointment.

3. The Finance Committee shall consist of the chairman of the Finance Committee, the Chairman of the Council, the Vice-Chancellor, the Secretary to the Treasury or his nominee, the Secretary for Education or his nominee, the person appointed under section 11 (1) of the Act and one member from the Senate. The Finance Officer shall be the Secretary of the Committee. The Finance Committee shall have power to co-opt, with the consent of the Council, further persons to membership thereof for such period and on such terms as it may in each case determine.

4. The member of the Finance Committee appointed under section 11 (i) (j) of the Act shall, subject to his or her remaining a member of the Council and of the Senate; serve until the end of the third year following his or her appointment or until such earlier date as the Council may, in each case, determine and shall be eligible for reappointment.

STATUTE XVIII

POWERS AND FUNCTIONS OF THE SENATE

1. Subject to the Act and to any other powers and functions prescribed by these Statutes, the powers and functions of the Senate shall include the following—

(a) to confirm or otherwise the subjects recommended by Faculties, Departments or other such academic sections of the University; to confirm what schemes of study and research the University shall offer, whether leading to a qualification or not, and to assign each such scheme to a Faculty and accordingly to allocate each post on the academic staff of the University to a Faculty and, after consultation with the Dean of that Faculty to allocate each such post to a Faculty; and at any time to change such assignments of schemes and allocations of posts on the same terms;

(b) to keep under review the academic organization and development of the University with special reference to the effectiveness of the University's work in relation to the objects and functions of the University as set out in sections 5 and 6 of the Act;

(c) to make recommendations to the Council for the institution of new Faculties, Centres or Institutes or other such academic sections; for the establishment of additional posts on the academic staff, and for the provision of any other new academic development;

(d) to appoint consultative committees on subjects in which the University engages in teaching or research, consisting of members of the academic staff and persons outside the University with a special interest in and responsibility for the subject of concern to such consultative committee. Such committees shall seek and obtain from the Government and other bodies reports on their policy and needs in the various fields of research or employment involving the relevant subject, and shall also obtain reports from the Deans concerned, on the teaching or research being carried out in the subject in the University and on any proposed academic developments therein. Each such committee shall, with regard to the subject concerned, advise the Senate on the relevance of the curricula to the national need, on employment requirements, and on aspects thereof in which further teaching or research is required;

(e) subject to the powers of the Council, to determine matters concerning academic staff, including the subjects in which academic staff appointments are made, and the conditions under which academic staff carry out teaching or research in the University;

(f) to control all matters relating to content and methods of teaching, and to content and methods of assessment by examination or otherwise for the award of Degrees, Diplomas and other academic distinctions other than Honorary Degrees of distinctions;

(g) to appoint, with such duties and under such conditions as it may determine, external examiners and academic consultants for examinations for Degrees and Diplomas; to appoint internal examiners, to terminate the appointment of any external or internal examiner; and to recommend to the Council the fee payable to examiners;

(h) to call meetings of academic and administrative staff or groups of such staff, under such arrangements as it shall determine, in order to consider and report upon matters which it wishes to refer to such bodies;

(i) to review, amend, refer back or, subject to legal implications, disallow any actions of a Faculty, a Centre or an Institute or such other academic body in the University, and to give guidance and direction to any such body;

(j) with the approval of the Council, to determine what formalities and conditions shall attach to the conferment of Degrees, Diplomas and other academic distinctions, and to determine all matters relating to academic ceremonies, including academic dress;

(k) to determine dates of the Academic Calendar;

(l) to recommend to the Council the conferring of the title of Emeritus Professor, Visiting Professor, Honorary Professor or Lecturer or such other academic titles, including personal chairs;

(m) on what it deems to be good cause, to recommend to the Council the deprivation of persons of any Degrees, Diplomas or any other academic distinctions, or of any academic titles, conferred upon or awarded to them by the University;

(n) within available resources, to institute, control, regulate, award or discontinue, under terms and conditions determined by it, but subject to any conditions acceptable that may be made by donors, fellowships, studentships, scholarships, exhibitions, bursaries, prizes and other such awards to students for the encouragement of study and research;

(o) to determine general policy matters relating to library and laboratory facilities, teaching aids services, workshops and such other academic services which are in its view necessary to the furtherance of the academic objectives of the University;

(p) to determine and control the terms and conditions under which research or any other activity may be conducted or carried out in the University, or by members of the staff of the University, or under the sponsorship of or in collaboration with the University or with members of its staff;

(q) to determine the conditions under which, and the extent, if any, to which, periods and courses of study followed and examinations passed at other institutions may be regarded as equivalent to periods and courses of study followed and examinations passed in the University;

(r) to enter into relations, subject to the powers of the Council, with other bodies, whether academic or otherwise, for the furtherance of the objects of the University, with special regard to the advancement of education or research in Malawi;

(s) subject to the Act and these Statutes, to take such steps to give advice and guidance regarding the constitution, functions and activities of any organization of members of the University eligible to receive and expend University funds;

(t) subject to the provisions of the Act and these Statutes, to discuss and express an opinion on any academic or research matter relating to the University programmes;

(u) in consultation with the Finance Officer, cause to be prepared estimates of expenditure required to carry out academic and research work of the University and to submit them to the Council for approval through the Finance Committee;

2. The Vice-Chancellor shall be the Chairperson of the Senate and in his absence, the Deputy Vice-Chancellor shall act as the Chairperson.

STATUTE XIX

EXECUTIVE COMMITTEE OF SENATE

1. The Executive Committee of the Senate shall consist of the following members—

- (i) the Vice-Chancellor;
- (ii) the Deputy Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) the Director of Studies;
- (v) the Director of the Centre for Continuing Education;
- (vi) the Director of Research;
- (vii) the Librarian; and
- (viii) two members of the Senate, elected by the Senate.

2. The Committee may arrange the time and place of its meetings and may make rules and regulations for governing its proceedings:

Provided that the Vice-Chancellor may summon meetings wherever the Vice-Chancellor may deem it necessary to do so.

3. The quorum at meetings of the Executive Committee of the Senate shall be four members.

4. The Vice-Chancellor shall be the Chairman and in his absence the Deputy Vice-Chancellor shall be the Chairman.

5. The Registrar shall be the Secretary of the Executive Committee of the Senate or, in his absence, his nominee.

6. The Executive Committee of the Senate may act on behalf of the Senate on urgent matters between meetings of the Senate.

7. The Executive Committee of the Senate may act on the call of the Vice-Chancellor as an advisory body to the Vice-Chancellor.

STATUTE XX

THE FACULTIES

1. Subject to the Act and these Statutes, the functions of each Faculty shall, without prejudice to any other functions expressly prescribed therefore, include the following—

- (a) to consider and make recommendations to the Senate upon all matters relating to teaching and research in the subjects of the Faculty including curricula and examinations;

(b) to consider and make recommendations to the Senate upon all matters relating to the progress of students following schemes of study or research assigned to the Faculty;

(c) to make recommendations to the Senate for the making of regulations for schemes of study or research;

(d) to make recommendations to the Senate, in a manner prescribed by the Senate, for the award of Degrees, Diplomas and other academic distinctions in the subjects of the Faculty;

(e) to submit proposals to the Senate, in a manner prescribed by the Senate, for academic developments;

(f) to put before the Senate any matter of concern to the Faculty upon which Senate is empowered to act;

(g) to deal with and, if requested, report on any matters referred to it by the Senate.

2. Recommendations and proposals issuing from any Faculty to the Senate shall be presented to the Senate by the Dean of the Faculty to which such Faculty is assigned, together with his comments.

STATUTE XXI

DEPARTMENTAL BOARD

1. For every Department there shall be a Departmental Board which consists of—

(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellor;

(c) the Director of Studies;

(d) the Director of Research;

(e) the Dean of the Faculty;

(f) the Head of the Department who shall be Chairman of the Departmental Board;

(g) all full-time members of the academic staff of the Department; and

(h) not more than two students elected annually by the students of the Department from among themselves, whose membership shall cease when they cease to be registered students of the University.

2. Staff Development Fellows and part-time members of the academic staff may attend the meeting of the Departmental Board at the discretion of the Head of Department but shall have no vote.

3. A Departmental Board may co-opt the tutors of the Faculty of which the Department forms a part and representatives of Departments with related interests.

4. The members of a Departmental Board referred to in paragraph (h) shall vacate their seats at the end of each academic year.

5. The quorum for a Departmental Board meeting shall be one-half of the membership thereof, excluding the Vice-Chancellor, the Deputy Vice-Chancellor, the Director of Studies, the Director of Research and the Dean of the Faculty.

6. The functions of a Departmental Board shall be—
 - (a) to make recommendations for courses in the Department;
 - (b) to consider the general organization of courses of study and research within the Department and make recommendations to the Faculty Board;
 - (c) in consultation with the Dean of the Faculty and the Registrar, to make arrangements for the examination of each course in the Department;
 - (d) to recommend candidates for appointment to posts within the Department;
 - (e) to consider, from time to time, the progress and conduct of the students of the Department and make regular reports to the Faculty Boards;
7. All new initiatives submitted to the Faculty Board shall be costed.
8. The head of a Department shall convene at least two meetings of the Departmental Board in each Semester.
9. Subject to the Statutes, every Departmental Board shall regulate its own procedure.

STATUTE XXII

HEADS OF DEPARTMENTS

1. The Head of Department shall be appointed by the Vice-Chancellor after consultations with the Dean of the Faculty concerned, who shall make his or her recommendation after consulting the full-time members of the academic staff of the Department.
2. Subject to these Statutes, the Head of a Department shall hold his or her appointment as such for not longer than two years, and shall be eligible for reappointment. The period of tenure as Head of Department shall not exceed 6 years.
3. The Head of each Department shall be responsible to the Dean, in the first instance, for the satisfactory performance of the Department within the Faculty.
4. The Head of a Department shall be responsible for—
 - (a) the co-ordination of the courses and programmes offered within the Department and, in consultation with the Dean and other Deans in the University, their co-ordination with the programmes of other Departments of the University;
 - (b) the development, in co-operation with members of the Department, of proposals for the extension, revision and improvement of the courses and programmes offered by the Department;
 - (c) the promotion of research within the Department;
 - (d) the implementations, in co-operation with the Dean and members of the Department, of academic policy as approved by the Senate and the Council;
 - (e) the preparation of the Departmental budget, in response to the needs of the Department, taking into account the policies and resources of the University;

(f) the quality and performance of the academic staff and others required in the Department and for making recommendations for the recruitment of new staff in consultation with the Dean of the Faculty;

(g) advising the Dean and any relevant Committee on matters relating to academic personnel such as appointments, renewals of contracts, confirmation of appointments and salary adjustments after satisfying himself or herself that he or she is fully aware of the views of the Department;

(h) the welfare and progress of students whose major field of study lies within the Department and, in co-operation with the Registrar, the handling of such students' academic problems and the referral of their non-academic problems to the relevant authority;

(i) advising the Dean on any matters relating to the students, staff and programmes of the Department and ensuring that the Dean is fully informed of the opinion of members of the Department on the matter concerned, including any minority views not supported by the Department as a whole.

STATUTE XXIII

ACADEMIC AND SENIOR ADMINISTRATIVE STAFF

APPOINTMENTS AND PROMOTIONS COMMITTEE

1. There shall be an Academic and Senior Administrative Staff Appointments and Promotions Committee of the Council (in this Statute referred to as the "Committee") which shall consist of—

- (a) the Chairman of the Council;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor;
- (d) the Director of Studies;
- (e) the Deans of the Faculties;
- (f) the Director of Research;
- (g) the Head of Department under consideration, but only when the business of that Department is being considered;
- (h) one person appointed by the Council from among those of its members who are not members of the academic staff of the University;
- (i) one member of staff of a cognate Department, if applicable, appointed by the Vice-Chancellor;
- (j) at the discretion of the Vice-Chancellor, not more than one additional member with special competence from within or outside the University;
- (k) the Registrar or his or her nominee who shall serve the Committee.

3. A quorum at a meeting of the Committee shall be five members thereof.

4. Subject to any directions which may be given by the Council, the Committee shall regulate its own procedure.

5. Subject to the Act and these Statutes and such directions as may be given by the Council, every appointment to the academic or senior administrative staff of the University and every promotion of a member of the academic or senior administrative staff of the University shall be made by the Committee, except that every appointment to a Personal Chair shall be approved by the Council.

6. Where a member of the Committee constituted under this Statute is himself or herself a candidate for appointment or promotion under consideration by the Committee, he or she shall take no part in the consideration or discussion of, nor vote on any question relating to, that appointment or promotion.

7. Notwithstanding the other provisions of this Statute, where the Vice-Chancellor is satisfied that exceptional circumstances so require, he or she may, after appropriate consultation, appoint a visiting member of the academic or other staff of the University in a full-time contract or part-time contract.

8. A visiting member of the academic or other staff appointed under this Statute shall hold his appointment for such period, not being more than two years, as the Vice-Chancellor shall determine.

9. The Vice-Chancellor shall inform the Committee of every appointment made under paragraph 7.

10. The Vice-Chancellor may refer decisions of the Committee in respect of the University staff appointments or promotions to the Council and defer their implementation until the Council has taken a decision on them.

11. For purposes of this Statute, the offices of the Registrar, the Finance Officer, the Librarian, any Institutes and any other group of staff which the Council shall specify, shall be regarded as Departments and the term Head of Department shall be correspondingly interpreted.

STATUTE XXIV

NON-ACADEMIC STAFF APPOINTMENTS AND PROMOTIONS COMMITTEE

1. There shall be a Non-Academic Staff Appointments and Promotions Committee of the Council (in this Statute referred to as the "Committee") which shall consist of—

(a) the Vice-Chancellor, who shall be the Chairperson of the Committee or his nominee;

(b) the Deputy Vice-Chancellor;

(c) a person appointed by the Council from among those of its members who are not members of the academic staff of the University;

(d) two members appointed by the Senate;

(e) the Head of Department within which the appointment or promotion is to be made;

(f) one member of staff of a cognate Department, if applicable, appointed by the Vice-Chancellor;

(g) at the discretion of the Vice-Chancellor, not more than one additional member with special competence from within or outside the University;

(h) the Registrar or his nominee who shall serve the Committee.

2. Subject to any direction which may be given by the Council, the Committee shall regulate its own procedure.

3. For the purposes of this Statute, the offices of the Registrar, the Finance Officer, the Librarian and any Institute and any other group of staff which the Council shall specify, shall be regarded as Departments and the term Head of Department shall be correspondingly interpreted.

4. The Committee, on behalf and subject to directives, if any, of the Vice-Chancellor shall determine all matters relating to points of entry upon salary scales.

5. At a meeting of the Committee the quorum shall be any four members of the Committee

STATUTE XXV

PROCEDURE RELATING TO CONTRACTS OF APPOINTMENT

Subject to the Act and these Statutes, the procedure relating to contracts of appointment, renewal of contracts and resignation, retirement and dismissal of academic and administrative staff shall be determined by the Council, and such procedure shall incorporate the following conditions—

(a) that any member of the staff shall be at liberty to resign from his or her appointment and thereby to terminate his or her engagement with the University on giving in writing to the Registrar such notice as is stipulated in the terms of his appointment;

(b) that, save as may be provided otherwise by the Council in special cases, or as may, in such special cases relating to academic staff, be so provided by the Council on the recommendation of the Senate, a person appointed to the full-time staff of the University shall retire from his or her appointment, from any office he or she holds, and from membership of any Statutory Committee or any committee at such time as may be stipulated in the terms of his or her appointment;

(c) that the procedure for discontinuing the appointment of a member of the staff who would not, in the normal course of events, have had his or her appointment discontinued, shall be so framed that the member of the staff concerned shall have a right of appeal to the Council.

STATUTE XXVI

PROCEDURE OF STATUTORY COMMITTEES

1. Every Statutory Committee shall hold an ordinary meeting at least three times in each year at such date, time and place as shall be notified to the members at least two weeks before the date of such meeting.

2. A special meeting of any Statutory Committee may be called by the Vice-Chancellor, at such time and place, and in such manner, as may be determined in consultation, but subject to the following—

(a) (i) in the case of the Finance Committee, at the discretion of the Chairperson of the Finance Committee;

(ii) in the case of a Faculty, after consultation with the Dean of the Faculty to which such Faculty is allocated; or

(b) on request in writing to the Chairperson, stating the purpose of the meeting, by at least a third of the number of members of that Statutory Committee.

3. No matter shall be considered at a special meeting of a Statutory Committee other than that for which the meeting was called unless the Statutory Committee unanimously otherwise decides.

4. It shall be open to any member of a Statutory Committee to raise any matter he or she wishes for consideration at an ordinary meeting of such Statutory Committee, provided that, in the view of the Chairperson, the matter comes within the functions of such Statutory Committee and that the matter is brought to the attention of the Chairperson at least one week before the date of the ordinary meeting of the Statutory Committee at which the member wishes the matter to be raised.

5. The Secretary of the meeting shall be responsible for sending the agenda and documents to the members of a Statutory Committee and of the Council. The agenda and documents shall be sent to members at least three days before the date of such meeting. Documents sent less than such number of days before the meeting, or tabled at the meeting, shall be considered only if the Statutory Committee by a majority of its members present agrees to do so.

6. A Statutory Committee may appoint such sub-committees or Task Forces thereof, consisting wholly or partly of its members, as it deems fit.

7. A Statutory Committee may delegate any of its functions to such of its sub-committees or Task Forces as it deems fit.

8. Every Statutory Committee shall review periodically the work of any sub-committee or Task Force it has appointed, and if a committee is to be reappointed, shall, subject to these Statutes, review its terms of reference and membership.

9. The minutes of proceedings of all meetings of a sub-committee or Task Force of a Statutory Committee shall be put before the Statutory Committee which appointed it, and for this purpose the Faculties shall be regarded as committees of the Senate.

10. Subject to the provisions of the Act and these Statutes, there shall be a quorum at any meeting of a Statutory Committee or sub-committee or Task Force when one-third of the membership is present. In the event of one-third of total number of the Statutory Committee being less than four, then the minimum shall be four members for a quorum. In the absence of a quorum no business other than the adjournment of the meeting shall be transacted.

11. In the absence of a person who is chairman or vice-chairman by appointment or *ex officio*, the members present at any Statutory Committee, sub-committee meeting or Task Force meeting provided there is a quorum, shall elect from among those present a member to preside at that meeting who shall, during that meeting, or until the meeting is adjourned, exercise all the functions of the chairperson.

12. The decisions of the Chairperson or other member presiding shall, on all procedural matters, be final.

13. Pursuant to paragraph 9 of this Statute, the chairperson of a committee shall present the minutes of any meetings of that committee to the Statutory Committee which has appointed it, provided that recommendations and proposals from Faculties to the Senate shall be presented by the Dean of the Faculty to which that Faculty is assigned. In the absence of the chairperson of the said committee or the Dean of the said Faculty as the case may be, any other member of the committee, or of the relevant Faculty shall present such minutes to the said Statutory Committee.

14. Whether specifically empowered to do so or not, the chairperson of any Statutory Committee, sub-committee or Task Force thereof shall have the power to take action on behalf of the Statutory Committee or sub-committee or Task Force, as the case may be, of which he or she is the Chairperson, provided he or she reports any such action to the next meeting, and in his or her absence he or she may delegate such power to a person appointed as Vice-Chairperson of the Statutory Committee, sub-committee or Task Force.

15. Decisions at meetings of any Statutory Committee, sub-committee or Task Force shall, except where otherwise provided, be taken by a consensus of agreement or, where, in the opinion of the chairperson, a vote needs to be taken, shall be determined by a simple majority of the members present and voting on the matter. In the case of an equality of votes, the chairperson shall have the power to exercise a casting vote in addition to his or her deliberate vote. Voting shall not be recorded in the minutes of the proceedings.

16. The proceedings and decisions of any Statutory Committee, sub-committee or Task Force thereof shall not be invalidated by any vacancy in its number, nor by any defect in the election, appointment or qualification of any of the members whether present or absent, nor by any defect in the service of notices or documents, nor by any other administrative defect.

17. The Chairperson of any Statutory Committee, sub-committee or Task Force thereof shall have the power to invite any person to attend any meeting for the whole or part of the meeting, subject to the approval of his or her action by the said Statutory Committee, sub-committee or Task Force as the case may be, at the beginning of the meeting. Persons invited to attend meetings shall participate in the proceedings only when invited to do so by the Chairperson and shall have no vote.

18. The Chairperson of, or the member presiding at, a meeting of any Statutory Committee, sub-committee or Task Force thereof shall

have the power to adjourn such meeting and to determine the date, time, place and means of re-convening the meeting.

19. Members of Statutory Committees, sub-committees or Task Force thereof, other than members *ex officio* may resign from membership at any time by writing addressed to the Chairperson of such Statutory Committee, sub-committee or Task Force thereof, as the case may be.

20. Except where the Act or these Statutes provide otherwise, items of business of Statutory Committees, sub-committees or a Task Force thereof may, at the discretion in each case of the chairperson of the Statutory Committee, sub-committee or Task Force thereof, as the case may be, be conducted by sending proposals to each member of the said Statutory Committee, sub-committee or Task Force thereof, in writing, in which case a decision shall be valid only if all members of the said Statutory Committee, sub-committee, or Task Force thereof, having been given a reasonable time to reply, agree to the proposal sent to them.

21. Subject to its power to declare certain items or categories of business confidential, the minutes of all meetings of each Statutory Committees shall be available for consultation by members of the University by such means as the Statutory Committee may from time to time decide. All such minutes whether confidential or otherwise shall be available for consultation by any member of the Council.

22. Subject to these Statutes, Statutory Committees, sub-committees or Task Forces thereof may make such further standing orders relating to their proceedings as they may deem fit.

STATUTES XXVII

HONORARY DEGREES

When and as often as the Council wishes to award Honorary Degrees pursuant to its powers under section 10 (s) of the Act, the following procedure shall be followed—

(a) the Council shall appoint a Committee consisting of the Chairperson of the Council as Chairperson, the Vice-Chancellor and four other members of the Council, two of whom shall be members of the Senate, to propose persons for the award of Honorary Degrees, which Committee shall be known as the Honorary Degrees Committee;

(b) the Honorary Degrees Committee shall invite the Chancellor, all members of the Council and the Senate, and the Registrar, to submit to the Vice-Chancellor in confidence proposals for the award of Honorary Degrees, and all such proposals shall be considered by the Committee. It shall be open to those so invited to seek suggestions from other members of the University;

(c) the Honorary Degrees Committee, having considered the proposals submitted to it, shall submit to the Council a list of those persons who it recommends for the award of Honorary Degrees, listing the Honorary Degree it considers appropriate for award in each individual case;

(d) the Council shall consider the recommendations of the Honorary Degrees Committee and shall determine to whom of those persons recommended by the Committee such Honorary Degrees shall be awarded, and the Degree to be so awarded in each individual case;

(e) no person shall be approached regarding his willingness to accept conferment of an Honorary Degree until the Council has approved all the names, and the approved names shall be published only when all the persons named in the list have signified their willingness to accept conferment of an Honorary Degree;

(f) the Honorary Degree conferred shall be that deemed appropriate by the Council;

(g) an Honorary Degree shall not be conferred in the absence of the person on whom such Degree is to be conferred; and

(h) serving members of Statutory Committees, members of staff and students of the University shall not be eligible for the award of Honorary Degree.

STATUTE XXVIII

ELECTIONS TO DEANSHIPS AND TO THE SENATE

1. An election of a Dean and of elected members of the Senate, pursuant to sections 21 (e) and 26 of the Act, respectively, shall take place whenever there is a vacancy, provided that the whole process of the election is conducted during University term-time. All arrangements of such elections shall be the sole responsibility of the Registrar or his representative, who shall act as returning officer.

2. It shall be open to a Faculty if at least two-thirds of those entitled to vote in an election indicate their wish to do so, to carry out an election of elected members of the Senate at a meeting rather than by nomination and secret ballot.

3. The persons entitled to vote in an election of a Dean or of elected members of the Senate, and to be nominated and elected, shall be those persons whose names shall appear, as members of the full-time academic staff holding posts allocated to the Faculty concerned, in the master copy of the staff list kept in the Registrar's office.

4.—(1) No election shall be invalidated by reason only that the administrative procedure relating to such election was defective.

(2) Notwithstanding paragraph (1), the Registrar may, with the approval of the Vice-Chancellor, declare an election null and void on grounds of administrative or other defects.

5. If an elected member of the Senate is to be absent from the University for a period during which two or more ordinary meetings of the Senate will be held, the Faculty, or as the case may be, may nominate a person to serve in his or her place during his or her said absence.

STATUTE XXIX

SERVICE OF NOTICES AND DOCUMENTS

1. Any notice or document required, by or for the purposes of the Act or these Statutes, to be given or sent to a member of the University, or of the Council or of any Statutory or other committee may be given to him or her personally or may be sent to him or her by post, to the last postal address of which the Registrar has cognizance.

2. Where a notice or other document is sent by post, pursuant to paragraph 1, service thereof shall be deemed to have been properly effected by properly addressing and posting a letter containing the notice or other document, and shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

STATUTE XXX

AFFILIATED INSTITUTIONS

1. The Council may, on the recommendation of the Senate, approve the affiliation with the University of any other institution of teaching or research situated within or outside Malawi and may designate it an affiliated institution of the University.

2. In respect of any affiliated institution the Senate may, with a mutual agreement—

(a) advise on and assist in the preparation of programmes of instruction;

(b) validate programmes of instruction, examinations and the granting of certificates and other awards of the affiliated institutions.

STATUTE XXXI

STUDENTS' REPRESENTATIVE COUNCIL

1. The affairs of the students of the University shall be governed by a Students' Representative Council.

2. The Constitution of the Students' Representative Council shall be subject to the approval of the Council.

3. The functions of the Students' Representative Council shall be—

(a) to represent the students in relations with the authorities of the University and other relevant bodies;

(b) to develop the cultural, social, recreational and athletic life of the students; and

(c) to foster the corporate spirit of the students.

4. Subject to the observance by them of the Act, the Statutes and of regulations prescribed under the Statutes, the students shall enjoy all the privileges and facilities available to them in the University.

STATUTE XXXII

AMENDMENTS TO STATUTES

The Council shall not make, amend or revoke any Statute which, in the opinion of the Council, affects academic and research matters without first consulting the Senate and considering any representations the Senate may make upon such making, amendment or revocation as the case may be.