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The National University of Lesotho Order, 1992

Order No. 19 of 1992

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ORDER NO. 19 OF 1992

The National University of Lesotho Order, 1992

ORDER

To consolidate the laws relating to the National University of Lesotho and for matters connected therewith and incidental thereto.

Enacted by the Military Council.

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| <p>1. This Order may be cited as the National University of Lesotho Order, 1992 and shall come into operation on the date of its publication in the Gazette.</p> | <p>Short title
and
commence-
ment</p> |
| <p>2. In this Order unless the context otherwise requires,
 "academic staff" means the Vice-Chancellor, the Pro-Vice-Chancellor, the teaching and research staff, Senior Administrative staff, Senior Library staff, documentalists and other members of staff of the National University appointed on academic terms of service;
 "Congregation" means the congregation of the University as constituted under section 25 of this Order;
 "Council" means the Council constituted under section 6 of this Order;
 "Faculty Board" means the Board of a Faculty constituted by Statute;
 "Minister" means the Minister responsible for education;
 "non-academic staff" means all the members of the staff of the University not appointed on academic terms of service and who are on permanent or contract terms;
 "Ordinances" means the Ordinances made by the Council under the authority of this Order;
 "Regulations" means the regulations made by the Senate and other statutory bodies, and confirmed by the Council under section 10(2) (q) of this Order;
 "Senate" means the Senate of the University as constituted under section 21 of this Order;
 "Special Resolution" means a resolution passed at one meeting of the Council by a majority of not less than three-fourths of the members present and voting of which meeting notice has been given to each member of the Council not less than 1 month before the meeting is held and confirmed by resolution of the Council of which meeting like notice has been given and which is held not less than 2 calendar months and not more than 4 calendar months after the former meeting;
 "staff" includes both academic and non-academic staff of the University;</p> | <p>Interpreta-
tion</p> |

"Statute" means a Statute of the University made under this Order;

"student" means any person admitted and registered into any academic programme of the University whether full-time or part-time;

"Students' Union" means the Students' Union constituted under Part III of this Order;

"University" means the National University of Lesotho, the body corporate preserved, continued in existence and constituted by and under this Order.

Part II

Constitution and Government of the University

Constitution
of the Uni-
versity
A. 10 of 1976

3. (1) The National University of Lesotho established under the 1976 Act is hereby preserved, continued in existence and constituted under this Order as a body corporate under the name of the "National University of Lesotho" and by that name shall have perpetual succession and a common seal and be capable by that name of,

- (a) suing and being sued;
 - (b) compounding or proving in any court of competent jurisdiction all debts or sums of money due to it;
 - (c) acquiring, holding, dealing with and disposing of movable and immovable property, whether situated in Lesotho or elsewhere;
 - (d) doing all such other things as are essential, incidental or conducive to the discharge or performance of the functions of the University or in order to further education and research; and
 - (e) doing and allowing such other acts and things as bodies corporate may by law do or allow.
- (2) The University shall consist of,
- (a) the members for the time being of the Council;
 - (b) the full-time members of the academic and non academic staff of the University;
 - (c) any person upon whom the University has conferred the title of Professor Emeritus;
 - (d) the graduates of the University;
 - (e) all persons who are for the time being enrolled as students of the University;
 - (f) Chaplains duly approved by the Council; and
 - (g) such other persons as may under the Statutes be admitted to membership of the University.

4. The functions of the University shall, within the limits of its resources, include the following,

Functions of
the Univer-
sity

- (a) to encourage and to provide the facilities for study, and learning generally;
- (b) to provide educational facilities at university standards for persons who, being eligible, seek the benefit of such facilities and to give instruction and training to such persons in such branches of knowledge as will most effectually improve their education and prepare them for service to their community;
- (c) to promote by research and other means the advancement of knowledge and its practical application to social and technological problems primarily within Lesotho and more generally in Southern Africa;
- (d) to disseminate knowledge and to promote scholarship otherwise than as elsewhere in this section provided; and
- (e) subject to the Statutes, to award and confer degrees, diplomas and other awards.

5. The University may, with the approval of the governing body of that establishment, admit to affiliation, association or connection with the University any educational establishment wherever situate.

Affiliation
etc. of other
educational
establish-
ments

6. (1) There shall be a Council of the University consisting of,

The Council
of the Uni-
versity and
its composi-
tion

- (a) the following persons who shall be members ex-officio,
 - (i) the Chancellor, who shall be president of the Council;
 - (ii) the Vice-Chancellor;
 - (iii) the Pro-Vice-Chancellor;
 - (iv) the Superior of Pius XII College House; and
 - (v) the Administrator of Pius XII College House;
- (b) the following persons, in this Order referred to as "appointed members",
 - (i) 5 persons appointed by the Head of State, on the advice of the Head of Government;
 - (ii) 4 members of the Senate, not being students, appointed by the Senate;
 - (iii) 2 members of the Congregation, appointed by the Congregation;
 - (iv) 1 student of the University, appointed by the Students' Union under a procedure to be defined by Ordinance;

- (v) 1 person appointed by and from the non-academic staff under a procedure to be defined by Ordinance;
- (vi) 1 person, who shall not be a member of the staff of the University or a student, being a graduate of the University, or a person having all rights as if he were a graduate of the University, appointed by the Chancellor;
- (vii) 4 persons having special competence in University education elsewhere, (outside Lesotho), appointed by the Chancellor after consultation with the Council and the Senate;
- (viii) 4 persons appointed by the Chancellor, to represent the wider community interest as shall be determined by the Chancellor.

(2) The appointed members of the Council shall, subject to this Order, hold office for a period of 3 years, except in the case of the members appointed under subsection (1) (b) (iv) where the office shall be held for only one year.

(3) The appointed members of the Council at the time of coming into force of this Order shall, subject to this Order, hold office until the Council, having been duly constituted under this section, assumes office and meets for the first time.

(4) If still qualified, an appointed member of the Council may be re-appointed for a further term.

(5) A person, not being a person who is a member of the Council, appointed at any time to act in, or who according to law acts in the office of an ex-officio member of the Council shall, subject to this section, while so acting, perform all the functions of a member of the Council.

(6) If an appointed member of the Council is or may be prevented by absence, illness or other cause whatsoever from performing his duties as a member of the Council and the Council believes that this absence may extend beyond 6 months, the appointing person or body may appoint some other eligible person in place of the appointed person, and that person shall perform all the functions of a member of the Council.

Vice-Chancellor to be notified of appointments

7. The body or person required to appoint a person to be a member of the Council pursuant to section 6 of this Order shall notify the Vice-Chancellor of such appointment by such date as shall from time to time, be determined by the Council.

Disqualification from office

8. (1) A person who,

- (a) is an unrehabilitated insolvent or as debtor takes advantage of the laws in force for the time being relating insolvent debtors; or

- (b) has been convicted of,
 - (i) high treason;
 - (ii) sedition;
 - (iii) any crime or offence involving dishonesty; or
 - (iv) any crime or offence involving violence to the person of another and sentenced to imprisonment without the option of a fine; or
- (c) is suffering from mental incapacity within the meaning of the Mental Health Law 1964 or any law replacing it in that behalf, L.N. 7 of 1964

shall not be or continue to be a member of the Council.

(2) An appointed member shall be deemed to have vacated his office as appointed member if he,

- (a) is absent without leave granted by the Council from every meeting of the Council of which due notice has been given to him in any period of 6 months;
- (b) resigns such office by writing under his hand and delivered to the Chancellor;
- (c) becomes an ex-officio member of the Council; or
- (d) ceases to hold the office or qualification in respect of which he was appointed a member of the Council under section 6(1).

9. (1) If, from any cause other than expiration of the term of office, a vacancy occurs in the office of an appointed member of the Council, the Council shall appoint a date on or before which a person is to be appointed to fill such casual vacancy. Casual appointment to the Council

(2) The appointment of a person to fill a casual vacancy pursuant to subsection (1) shall be made on or before the date so appointed under subsection (1).

(3) The person or the body which appointed the member in respect of whose position the casual vacancy occurred shall appoint a person qualified to fill the vacancy.

(4) The person appointed to fill a casual vacancy in the membership of the Council shall hold office thereon for the remainder of the term of office of his predecessor and shall, if still qualified, be eligible for re-appointment.

10. (1) The Council shall be the supreme governing body of the University. Powers of the Council

(2) Subject to this Order and the Statutes, the Council shall manage and control all the affairs, concerns and property of the University and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests and functions of the University and in particular and without limiting the generality of the foregoing shall have and may exercise the following powers,

- (a) regulate its own procedures;
- (b) govern, manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of the University and, for that purpose, appoint bankers and other officers or agents whom it may consider expedient to appoint;
- (c) acquire and transfer immovable property and enter into lease agreements with regard to such property on behalf of the University;
- (d) enter into, vary, carry out or rescind contracts on behalf of the University;
- (e) authorise after considering any recommendation from the Senate, the establishment of any academic post in the University and after consultation with the Senate suspend or abolish any academic post;
- (f) subject to section 49, appoint, dismiss or remove from office any member of staff of the University;
- (g) subject to this Order, appoint the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Bursar and the Librarian;
- (h) determine all University fees, after consultation with the Senate or the Finance and General Purposes Board except that in respect of tuition and residence fees, the Senate shall be consulted;
- (i) call for, receive and consider reports from the Vice-Chancellor on the working of the University;
- (j) establish by Statute any Faculty, Institute or Department of the University on the recommendation of the Senate and to abolish or vary the constitution of any Faculty, Institute or Department, after consultation with the Senate;
- (k) establish such administrative or service sections or units as it deems fit and from time to time abolish or vary the constitution of any such administrative or service section or unit;
- (l) approve the Constitution of the National University of Lesotho Students' Union and any subsequent amendments to the Constitution and receive and approve the amended accounts of the Students' Union;
- (m) approve the Constitution of the Alumni Association and any subsequent amendments to the Constitution;
- (n) provide for the welfare of all persons in the employment of the University including the provision of pension and retirement benefits;
- (o) admit to incorporation, affiliation or association with the University any educational establishment or enter into formal agreements with any institution or body

after consideration of any recommendation from the Senate as to such incorporation, affiliation or association or formal agreement and as to the terms and conditions thereof;

- (p) establish committees including joint committees with the Senate, with such membership, terms of reference and functions as may be conferred or imposed upon the Council by or under this Order;
- (q) subject to this Order, to make statutes, ordinances and regulations and to confirm any regulations drawn up by the Senate in pursuance of its powers and under this Order; and
- (r) perform such other functions as may be conferred or imposed upon the Council by or under this Order.

(3) Before exercising any of its powers or discharging any of its functions in relation to a matter which falls within the competence of the Senate, the Council shall seek and give due consideration to a report or recommendation from the Senate in relation to that matter unless the Senate fails within a reasonable time to make any such report or recommendation to the Council, or except in case of emergency or urgency, of which the Council shall be the sole judge, in which event the Council shall, as soon as is reasonably practicable, advise the Senate of the circumstances and the action which it has taken and thereafter give due consideration to any report or recommendation which the Senate may make in relation thereto.

11. (1) The Council may, in relation to any matter or in relation to any activity or function of the University by resolution, delegate all or any of its functions under this Order except this power of delegation and its powers under this Order in relation to the adoption of the annual budget and the approval of the proposed distribution of funds referred to in section 38 of this Order, to any member of or to any committee appointed by the Council or to any officer of the University.

Delegation
by the
Council

(2) Every delegation under this section may be varied or revoked by resolution of the Council and no delegation shall prevent the performance of any function by the Council.

12. (1) The Council shall hold at least one Ordinary Meeting each Semester.

Meetings of
the Council

(2) Special Meetings shall be held at such times and such places as the Chairman may determine or at the written request of not less than 12 members of the Council.

(3) The Council shall hold an annual meeting in each calendar year within 15 months of the preceding annual meeting, on such day and at such hour and place as shall be determined by the Chairman.

(4) At each Annual Meeting the Vice-Chancellor shall present an annual report of the work of the University together

with an audited statement of accounts, and the Council shall take such action as may be necessary and make such appointments as are required to be made at an Annual Meeting.

(5) Notice of the Annual Meeting shall be circulated by the Registrar at least 21 days before the date thereof, and a copy of the annual report and the audited statement of accounts shall be sent to every member of the Council at least 7 days before the date of the Annual Meeting.

(6) An agenda shall be circulated by the Registrar at least 14 days before a scheduled meeting of the Council.

(7) The quorum of the Council shall be 12 members.

(8) Questions shall be decided by a simple majority of votes cast by those present at the meeting except in the case of a Special Resolution of the Council which shall be as defined in this Order.

Council Resolutions

13. (1) Notice of any resolution by the Council to delegate all or any of its functions, in accordance with section 11 of this Order, shall be forwarded to members of the Council not less than 14 days before the meeting at which the resolution is to be discussed.

(2) In order to be adopted by the Council such resolutions shall be passed by a majority of not less than three-quarters of the members present and voting, being not less than half of the total membership of the Council.

The Chancellor

14. (1) The Head of State of Lesotho shall be the Chancellor of the University and in that office shall be the Head of the University and President of the Council.

(2) The Chancellor shall, whenever present, preside at meetings of the Council and at ceremonial and other assemblies and processions of the University.

(3) (a) In addition to any other functions conferred on him in this Order, the Chancellor may,

- (i) on the recommendation of the Council and the Senate, confer degrees, diplomas, certificates and other awards and distinctions of the University;
- (ii) in the event that the circumstances warrant it, and after consultation with the Council, cause investigations to be conducted into any matter relevant to or connected with the welfare of the University and make appropriate recommendations;
- (iii) receive reports from the Vice-Chancellor or the Chairman of the Council on any matter regarding the welfare of the University as may be required by the Chancellor;

- (b) the Chancellor, after considering any recommendations made by an investigative panel under paragraph (a) (ii) or the information submitted to him under paragraph (a) (iii), may consult with the Council for appropriate action.

15. (1) The Council shall appoint from among the members a person who is not a member of staff or student of the University or a civil servant to be the Chairman of the Council who shall, in the absence of the Chancellor, preside at meetings of the Council.

The Chairman of the Council

(2) If both the Chancellor and the Chairman shall be absent from any meeting, the members of the Council present at such meeting shall appoint one of their number to preside at that meeting provided that a person so appointed is not a member of staff, or student of the University or a civil servant.

(3) At any meeting of the Council, the person presiding shall have a primary vote and in the event of an equality of votes on any issue, also a casting vote.

16. (1) There shall be a Vice-Chancellor who shall be the chief academic and administrative officer of the University. In that capacity he shall also act as accounting officer of the University.

The Vice-Chancellor

(2) The Council shall appoint a Joint Committee of the Council and the Senate to consider the selection of a candidate for the post of Vice-Chancellor when a vacancy occurs, and the Joint Committee shall submit a report to the Council for consideration.

(3) The recommendations of the Council shall be forwarded to the Minister for presentation to the Head of State.

(4) The Head of State shall, on the advice of the Minister, either approve or reject the recommendations of the Council.

(5) The Vice-Chancellor shall be appointed for a period of 4 years and shall be eligible for re-appointment. The Vice-Chancellor shall be subject to such terms and conditions as may be specified in the instrument of appointment.

(6) The office of the Vice-Chancellor shall become vacant if,

- (a) at the expiration of his period of appointment, the appointment is not renewed;

- (b) he resigns;

- (c) the Council, through the Minister, recommends to the Head of State that the appointment be terminated.

(7) The Vice-Chancellor shall, subject to this Order and the Statutes, have a general responsibility to the Council for maintaining and promoting the efficiency and good order of the University.

(8) In pursuance of his powers under subsection (7) the Vice-Chancellor may,

- (a) suspend any student from any programme or course of study, or from the use of University facilities, teaching materials, or services;
- (b) exclude any student or member of staff of the University from any part of the University premises;
- (c) suspend any member of staff of the University from his duties at the University;

Save that in the case of any student the Vice-Chancellor shall report any such suspension or exclusion to the next meeting of the Council or to any committee established by the Council for that purpose.

(9) The Vice-Chancellor may recommend to the Council that it establish a Committee to consider the disciplining or removal from office of any member of staff.

(10) The Vice-Chancellor shall report annually to the Council on the working of the University.

The Pro-
Vice-
Chancellor

17. (1) There shall be a Pro-Vice-Chancellor who shall perform such functions as shall be specified in the Statutes or which shall be assigned to him by the Vice-Chancellor.

(2) The Pro-Vice-Chancellor, who shall be a member of the teaching and research staff in the rank of Professor, Associate Professor or Senior Lecturer, shall be appointed by the Council on the recommendation of the Vice-Chancellor after consultation with the Senate.

(3) The Pro-Vice-Chancellor shall hold office for a term of 2 years and shall be eligible for re-appointment.

(4) The Pro-Vice-Chancellor shall act as Vice-Chancellor when that post is vacant, or when the Vice-Chancellor is absent or unable to act, and shall, when so acting, be entitled to perform all the functions of the Vice-Chancellor.

(5) In the absence of both the Vice-Chancellor and the Pro-Vice-Chancellor the Council shall appoint a member of the teaching and research staff in the rank of Professor, Associate Professor or Senior Lecturer as acting Vice-Chancellor who shall, when so acting, perform the functions of the Vice-Chancellor.

The Regis-
trar

18. (1) The Council shall appoint a Registrar who shall be the Secretary of the Council, the Senate, the Faculty Boards and the Congregation and who shall perform such other functions as may be specified by the Council in the Statutes.

(2) The Council shall appoint a Joint Committee of the Council and the Senate to consider the selection of a candidate for the post of Registrar when a vacancy occurs and the Joint Committee shall submit a report to the Council.

(3) The Registrar shall hold office for such periods and upon such terms and conditions as may from time to time be determined by the Council.

(4) The Registrar shall be responsible to the Vice-Chancellor, and through the Vice-Chancellor to the Council for the administrative affairs of the University, and for the maintenance of all records, files, registers and accounts of the University.

19. (1) The Council shall appoint a Bursar who shall be the Chief Financial Officer of the University subject to the directions of, and responsible to, the Vice-Chancellor. The Bursar

(2) The Council shall appoint a Joint Committee of the Council and the Senate to consider the selection of a candidate for the post of University Bursar when a vacancy occurs and the Joint Committee shall submit a report to the Council.

(3) The University Bursar shall hold office for such periods and upon such terms and conditions as may from time to time be determined by the Council.

20. (1) The Council shall appoint a University Librarian who shall be responsible to the Vice-Chancellor for the administration of the library of the University and for the implementation of the policy of the University with respect to the development of the library. The Librarian

(2) The Council shall appoint a Joint Committee of the Council and the Senate to consider the selection of a candidate for the post of University Librarian when a vacancy occurs and the Joint Committee shall submit a report to the Council.

(3) The University Librarian shall hold office for such periods and upon such terms and conditions as may from time to time be determined by the Council.

21. (1) There shall be a Senate of the University which Senate shall be the principal academic authority of the University and shall, subject to the supreme control of the Council and the Statutes, be responsible for the academic work of the University, both in teaching and research, and for the regulation and superintendence of the education, welfare and discipline of students. The Senate

(2) Subject to this Order and the statutes, there may be constituted such other bodies and committees as the Council and the Senate or either may from time to time consider necessary or expedient for the administration of the affairs of the University.

22. (1) The Senate shall consist of the following members, Membership of the Senate

- (a) the Vice-Chancellor who shall be the Chairman;
- (b) the Pro-Vice-Chancellor;
- (c) the Deans of the Faculties;
- (d) the Directors of the Institutes;
- (e) the Librarian;
- (f) the Heads of Academic Departments;

- (g) the Professors of the University;
- (h) one Faculty Tutor from each Faculty appointed by the Dean of that Faculty;
- (i) the holders of such other academic posts, including persons charged with the welfare of students, as the Senate may from time to time determine;
- (j) 3 students of the University one of whom shall be the President of the Students' Union, elected from among the students of the University;
- (k) the Heads of any Affiliated Institutions as provided for by section 24(2), k) of this Order; and
- (l) 5 members from among the full-time teaching and research staff of the University elected by members of the Congregation.

(2) Notwithstanding subsection (1), the Council may, by Statute, determine the membership of the Senate from time to time.

**Meetings of
the Senate**

23. (1) The Senate shall hold at least one Ordinary Meeting each Semester.

(2) A Special meeting shall be held at such time and in such place as the Chairman may determine, or at the written request of not less than 15 members of the Senate.

(3) The quorum at meetings of the Senate shall be 15 members.

(4) No act of the Senate shall be invalidated by vacancies in its membership or by defects in the appointment or election of any of its members.

(5) Questions shall be decided by a simple majority of votes cast.

(6) The Chairman shall have a primary and a casting vote.

**Powers and
duties of the
Senate**

24. (1) The Senate shall have and may exercise such powers and authority and shall discharge and perform such functions as may be prescribed by the statutes.

(2) Subject to this Order and the statutes, and without prejudice to the generality of subsection (1), in addition to all other powers vested in it, the Senate shall have the following powers and duties,

- (a) regulate and control all teaching programmes and courses of study and the conditions under which persons may qualify for the grant of the various degrees, diplomas, certificates and other awards and distinctions of the University;

Provided that regulations relating to any programme or course of study shall be confirmed by the Council;

- (b) recommend to the Council the institution of degrees, diplomas, certificates and other awards and distinctions;
- (c) regulate and control the admission of persons and categories of persons to the University for the purpose of pursuing any programme or courses of study and to regulate and control their continuance in those programmes and courses of study;
- (d) where examinations, tests or other methods of assessment are necessary under requirements prescribed by the Senate for the granting of degrees, diplomas, certificates and other awards and distinctions, to regulate such examinations, tests and methods of assessment and to appoint examiners, assessors and moderators whether from within the University or external to it;
- (e) consider and accept or otherwise, examinations passed and periods of study spent at other universities or other institutions or bodies as equivalent to such examinations and periods of study in the University as the Senate may determine and to revoke such acceptance at any time;
- (f) consider and accept or otherwise, courses of study in any other institution or body which, in the opinion of the Senate, possesses the means of affording the proper instruction for such courses as to render them equivalent to such programmes and courses of study in the University as the Senate may determine;
- (g) grant, withhold or cancel degrees, diplomas, certificates and other awards and distinctions to persons who have pursued a course of study approved by the Senate and have qualified for such grant in terms of requirements prescribed by the Senate;
- (h) grant distinctions including Honorary degrees:
Provided that an Honorary Degree shall not be granted to any person except on the recommendation of the Academic Honours Committee;
- (i) determine what formalities shall attach to the conferment of degrees, diplomas, certificates and other awards and distinctions;
- (j) regulate the academic dress in the University;
- (k) make recommendations to the Council in regard to the incorporation, affiliation, association or formal agreement, with any institution or body and as to the terms and conditions thereof;
- (l) recommend to the Council the institution or acceptance of awards such as fellowships, bursaries, studentships, prizes and other aids to study and research;
- (m) formulate policies for the library in relation to the development of facilities for teaching, training and re-

search both within the University and external to it and make recommendations to the Council as appropriate;

- (n) supervise the extramural activities of the University;
- (o) review annually, the academic organisation and development of the University with special reference to the effectiveness of the work of the University in relation to its purpose and functions including that of providing, at appropriate levels, education and training responsive to the well-being and needs of the people of Lesotho and, arising from such review, take any action within its competence, including reporting and making recommendations to the Council;
- (p) recommend to the Council, whether or not consequent upon the annual review referred to in paragraph (o), the establishment or discontinuance of any Faculty, Department, Institute, institution or body of the University and the creation, suspension or abolition of any academic post;
- (q) make recommendations to the Council on any matter pertinent to the University;
- (r) formulate a Code of Conduct and promulgate rules of the University to be observed by the students of the University;
- (s) regulate the discipline of the students in accordance with ordinances and regulations made by the Council;
- (t) expel any student guilty of grave misconduct after giving him an opportunity to appear personally and to be heard by a committee of the Senate to be established under the ordinances;

Provided that, without prejudice to the execution of the penalty, a student may appeal to the Council or to any body to which the Council has delegated its powers to hear such appeal;

- (u) propose to the Council new statutes and ordinances which it shall be the duty of the Council to consider;
- (v) establish from time to time standing or special committees which may include persons who are not members of the Senate; and
- (w) generally to perform all such functions as are or may be conferred on the Senate by this Order and the Statutes including the power to make Regulations subject to confirmation by the Council in the exercise of the powers, duties and functions herein before expressly set out in this Order and all other powers, duties and functions of the Senate.

(3) The Senate may make recommendations to the Council concerning any matter within the scope of its functions.

25. (1) There shall be a Congregation of the University consisting of such persons as the Council may by Statute from time to time, determine. The Congregation

(2) The Congregation shall have and may exercise such powers and authorities and shall discharge and perform such functions as may be prescribed by the Statutes.

26. No proceedings of the Council, Congregation, Senate, Board or any committee thereof and no act done by the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor or any person acting in any of those offices, shall be invalidated by reason of, Validity of Proceedings

- (a) any defect in the appointment or election of or any disqualification of any member of any of the bodies aforesaid or of any person aforesaid;
- (b) any defect in the convening or conduct of any meeting of any of the bodies aforesaid;
- (c) there being any vacancy in the number of members of any of the bodies aforesaid;
- (d) the fact that a person purporting to be a member of any of the bodies aforesaid by virtue of an office held by him did not hold that office; or
- (e) the fact that a person purporting to be a member of any of the bodies aforesaid was not such a member.

Part III

The Students' Union

27. (1) The Students' Union established under the National University of Lesotho Act 1976 shall continue, The National University Students' Union A. 10 of 1976

- (a) as an association of such students and other members for furthering the objects of the Students' Union as defined by its constitution;
- (b) as a body corporate under the name of "The National University of Lesotho Students'-Union", and by that name is shall have perpetual succession and a common seal and shall be capable of suing and being sued.

(2) The Students' Union shall not be a servant or agent of the Council or the University.

28. (1) The Constitution of the Students' Union and all amendments thereto or alterations or modifications thereof shall be submitted to the Council through the Registrar and shall have no force or effect unless and until approved by the Council. Constitution of the Students' Union

(2) When and after the Students' Union is duly constituted, the Council shall, except in the case of emergency of which the Council shall be the sole judge, submit to the Students' Union a draft of any proposed Statute affecting the functions of the Students' Union and shall consider any representations that the Students' Union may make thereon.

(3) The Council may give such directions not inconsistent with this Order, as it may deem expedient for the purpose of facilitating and enabling the preparation and adoption of a constitution by the Students' Union and all things done and steps taken by or in relation to the Students Union in accordance with such directions shall be of full force and effect and binding on the students' and all persons.

Powers,
duties etc.
of the
Students'
Union

29. The Students' Union shall have such powers and authorities, and shall discharge and perform such functions and be subject to such obligations as shall from time to time be prescribed by or under the Statutes.

Membership
of the
Students'
Union

30. All students of the University shall be members of the Students' Union and such persons as shall be defined by its constitution and are approved by the Council shall also be eligible for membership.

Accounts and
Audit of the
Students'
Union

31. The Students Union shall annually submit its audited accounts through the Registrar for approval by the Council.

Part IV

Property and Finance

Acceptance
of gifts and
establish-
ment of
Trust Funds

32. In exercising its powers to acquire, hold, deal with or dispose of any movable or immovable property, the University may agree to and carry out any conditions of any gift, grant, bequest, devise, purchase, lease or other means whereby it acquires or holds any property and the Council may create and administer any trust fund in connection therewith or for any other purpose.

Power of
Investment

33. (1) The Council may establish one or more investment common funds for the collective investment of any moneys held by or in the custody of the University whether or not those moneys are held subject to a condition or trust.

(2) The Council may from time to time without liability for breach of trust bring into or withdraw from any such investment common funds the whole or any part of any moneys of the University or of any trust moneys or any other moneys held by or in the custody of the University.

(3) Subject to subsections (4) and (5), the Council shall periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation of each fund in the common fund during the relevant accounting period.

(4) In any case where the Council has brought into any investment common fund, moneys which, having been received

by it to be expended for a stated purpose, cannot or will not be expended for that purpose forthwith, the Council may pay into the general fund of the University the whole or any part of that part of the income of such investment common fund which is attributable to the participation of those moneys in that fund and which is not required for that stated purpose.

(5) The Council may, if it considers it expedient so to do, from time to time, add part of the income to the capital of the common fund or use part of the income to establish or augment a fund as a provision against capital depreciation or reduction of income.

(6) Any moneys of the University, whether forming part of a common fund or not, including moneys held upon trust or subject to a condition, may be invested by the Council from time to time in any form of investment authorised by the Statutes whether an authorised trustee investment or not.

(7) The powers conferred on the Council by this section or by any Statute relating to investment of property shall not be exercised by the Council in relation to any trust fund or other moneys,

- (a) if the instrument creating the trust expressly directs to the contrary;
- (b) if the exercise of the powers would constitute a breach of any condition under which the fund or moneys in question was or were acquired.

34. Where any property is held by the University either at the date of the commencement of this Order or at any time thereafter on terms requiring such property or the income therefrom to be applied for a purpose and, Variation in terms of trust or gift

- (a) such purpose or all or any of such purposes has or have been affected;
- (b) such purpose or all or any such purposes has or have ceased to exist;
- (c) such purpose or all or any of such purposes has or have been adequately provided for by other means;
- (d) such purpose is or all or any of such purposes, are uncertain or cannot be identified or is or are not sufficiently defined;
- (e) it becomes impossible or impractical or inexpedient to carry out the purpose or all or any of such purposes; or
- (f) the property or income derived therefrom proves inadequate to carry out such purpose or all or any of such purposes,

then, subject to this section, the Council may cause to be prepared a scheme by which that property or any part or residue thereof shall be held on terms requiring such property,

part or residue or the income therefrom to be applied for the purpose designated in the scheme.

(2) A scheme prepared pursuant to subsection (1) shall be submitted by the Council to the Head of State.

(3) Upon receipt of a scheme, the Head of State, on the advice of the Head of Government may,

- (a) approve the scheme;
- (b) approve the scheme with such modifications as he thinks fit; or
- (c) refuse to approve the scheme.

(4) A scheme approved by the Head of State, with or without modifications, is in this section, in relation to the property or part or residue concerned, called the "approved scheme" and shall be published in the Gazette.

(5) Where in relation to any property or part or residue thereof held by the University there is in existence for the time being, an approved scheme, such property, part or residue thereof shall in accordance with the approved scheme be diverted from the purpose for which it was held and shall be held for the purpose as designated in the approved scheme.

(6) If the Council desires from time to time to amend an approved scheme, it shall submit its amendment to the Head of State.

(7) The Head of State, on the advice of the Head of Government may,

- (a) approve the amendment;
- (b) approve the amendment with such modifications as he thinks fit; or
- (c) refuse to approve the amendment.

(8) An amendment to an approved scheme approved by the Head of State shall be published in the Gazette and thereupon the approved scheme in relation to which such amendment has been approved shall be amended in accordance with such approval and as so amended shall be the approved scheme for the time being in relation to the property the subject of such approval.

(9) Where property, the subject of an approved scheme consists wholly or in part of land, the University shall, within 14 days after the publication in the Gazette of the approved scheme and within 14 days of the publication in the Gazette of every amendment thereof, notify the authority charged in law with the registration of dealings relating to land of such approval or, as the case may be, amendment.

(10) In selecting a purpose for an approved scheme or for any amendment of an approved scheme, the Council shall have

a preference for a purpose which, in its opinion, is as nearly similar to the purpose for which the property concerned is, for the time being held by the University as is consistent with useful and convenient achievement.

(11) Upon its publication in the Gazette, judicial notice shall be taken of an approved scheme and of any amendment thereof.

(12) The powers conferred by this section are in addition to any other powers or rights exercisable in law in respect of property held by the University upon trust.

35. (1) All fees and all other moneys received by the Council under this Order or otherwise shall be applied by the Council solely for the purposes of the University.

Application
of revenue
by the Uni-
versity

(2) For the purpose of this section, the application from time to time of moneys by the Council for the purposes of,

- (a) enabling a member or former member of the University to pursue study or research at the University or elsewhere than at the University;
- (b) the advancement of learning generally; or
- (c) assisting any institution declared by Statute to be affiliated or associated with the University,

shall be deemed to be an application of those moneys for the purposes of the University.

37. Subject to the Loans Guarantee Act 1967, the University may raise or borrow money with or without interest and on such terms as may be agreed upon between the lender and the University.

Borrowing
power
A. 15 of
1967

38. The Council shall,

Budget

- (a) in each year adopt for the next following year, commencing on the first day of July, a budget for all funds of the University other than those to which paragraph (b) of this section relates, and shall approve all amendments to the budget and shall control the expenditure of the University so that it conforms as nearly as practicable to the approved budget; and
- (b) review annually funds available to the University by way of bequest, donation or special grant, and the expenditure thereof and shall, subject to the terms of any trust and before any such expenditure is made, approve the proposed disposition of those funds.

39. (1) The Council shall cause to be kept in relation to the funds and assets of the University such accounts and associated records as shall correctly record and explain all transactions.

Accounts
and Audit

(2) The Council shall cause the accounts and the records of financial transactions of the University to be audited each

A. 12 of
1973

year in accordance with the Audit Act 1973.

(3) The auditor shall at least once in each financial year report to the Council the results of the audit carried out under subsection (2) and, if he deems necessary, shall make recommendations to the Council in regard to the conduct of the financial transactions of the University and the manner of operating and maintaining the accounts.

(4) The Council shall give due consideration to the report and recommendations, if any, of the auditor made in accordance with subsection (3).

(5) The auditor or an officer authorised by him shall have a right of access at all reasonable times to the accounts and associated records of the University and shall be entitled to require from an officer or employee of the University such information and explanation as he considers necessary for the purpose of the audit, and the person shall comply with the requirements.

(6) The Council shall, as soon as practicable after each 30th day of June, and in any event not later than 1 month after the receipt of the certificate of the auditor, prepare and transmit to the Minister statements of accounts in respect of the year ended on that date in the form approved by the auditor. Prior to such transmission the auditor shall certify whether or not the statements of accounts submitted exhibit a true and fair view of the financial transactions of the University for the period to which they relate.

Part V

Boards, Committees, Faculties, Institutes Etc.

Finance and
General
Purposes
Board

40. There shall be a Financial and General Purposes Board of the Council which shall advise the Council on all financial and administrative matters pertaining to the general management of the University.

Board of
Develop-
ment

41. There shall be a Board of Development, being a joint Board of the Council and the Senate which shall advise the Council on the growth and development of the University.

University
Tenders'
Board

42. There shall be a University Tenders' Board to advise the Vice-Chancellor on all matters concerned with the submission and acceptance of tenders from contractors in respect of the matters to be defined by Statute.

Library
Board

43. There shall be a Library Board which shall advise the Senate on all matters concerning the University library.

Academic
Staff
Appoint-
ments
Committee

44. There shall be an Academic Staff Appointments Committee which shall be a Joint Committee of the Council and the Senate.

45. There shall be a Non-Academic Staff Appointments Committee which shall be a Joint Committee of the Council and the Senate.

Non-Academic Staff Appointments Committee

46. The Council shall establish Faculties, Institutes and Departments of the University, after consultation with the Senate.

Faculties, Institutes, Departments, etc.

47. The functions, membership and other matters relating to the bodies established under Part V of this Order shall be defined by Statute.

Functions, etc. of bodies established under Part V

Part VI

Statutes and Ordinances

48. (1) Without limiting the generality of the powers of the Council in this respect, the Council may from time to time make Statutes not inconsistent with this Order with respect to all or any of the following matters,

Power to make Statutes

- (a) the use and custody of the common seal;
- (b) the method of appointment of members of the Council by any body or group within the University;
- (c) the manner and time of convening, holding and adjourning the meetings of the Council, Senate and Congregation;
- (d) the quorum and voting at meetings of the Council, Senate and Congregation;
- (e) the powers and duties of the person presiding at meetings of Council, Senate and Congregation;
- (f) the conduct and record of the Council, Senate and Congregation;
- (g) the appointment of committees of the Council, Senate and Congregation;
- (h) the quorum and functions of committees of the Council, Senate and Congregation;
- (i) the number, appointment, termination of appointment, discipline, including the dismissal, suspension and imposition of disciplinary punishments other than dismissal or suspension, and the stipend, salaries or wages of academic staff and other officers and servants of the University;
- (j) the admission of students to the University;
- (k) the promotion and extension of University teaching and research;
- (l) the granting, withholding and cancellation of degrees, diplomas, certificates and honours;
- (m) the conditions upon which degrees, diplomas, certificates and honours may be granted to non-resident students;

- (n) the granting of fellowships, scholarships, exhibitions, bursaries and prizes;
- (o) the admission of students of other universities to any corresponding status or of graduates of other universities to any corresponding degrees or diplomas without examination;
- (p) the registration of the names of graduates and members of the Congregation;
- (q) the fees to be paid for examinations, for the granting of degrees, diplomas and certificates, for attendance at the lectures and classes of the University, and for the use of University facilities;
- (r) the establishment, management and control of libraries and museums in connection with the University;
- (s) the licensing and supervision of boarding-houses intended for the reception of students, and the suspension or revocation of such licences;
- (t) the affiliation, association or connection with the University of any educational or research establishment wheresoever situated, to which the governing body of such educational or research establishment may consent;
- (u) the control and investment of the property of the University including any property held on trust or subject to a condition;
- (v) the protection of the property of or under the control of the University and of the conduct of persons thereon;
- (w) the regulation and control of access to and the use of land and buildings and the property of or under the control of the University and of the conduct of persons thereon;
- (x) prescribing or regulating, as the case may be, the composition, constitution, powers and duties of any authority of the University and all other matters relative to an authority of the University which it may be thought are proper to be so prescribed or regulated;
- (y) such other matters as the Council is by any other provision in this Order authorised to prescribe or regulate by Statute; and
- (z) the carrying into effect of any of the provisions, objects and purposes of this Order and generally for the control, management, good government and discipline of the University.

A. 19 of
1977

(2) Subject to the Interpretation Act 1977, a Statute may impose or authorise the Council or any officer of the University to impose a penalty or fine, to such level as the Council may determine, from time to time for breach of any provision and provide for the recovery and enforcement of any such penalty.

- (3) (a) The Council may repeal, amend or otherwise modify any Statute or any part of a Statute;

- (b) the Council shall, in making, amending, repealing or otherwise modifying any Statute or any part of a Statute, do so by a Special Resolution.
- (4) (a) Every Statute made by the Council shall be sealed with the common seal of the University and shall be transmitted to the Minister to be dealt with in accordance with this section;
- (b) the Minister shall submit every Statute to the Head of Government, who shall in turn submit it to the Head of State;
- (c) a Statute shall not come into operation until approved by the Head of State and published in the Gazette.
- (5) The Council may make Ordinances, not being inconsistent with this Order or the Statutes, for the carrying into effect of all or any of the provisions and objects of this Order or of the Statutes.
- (6) All Ordinances made pursuant to this section by the Council shall come into operation as from the day on which they are promulgated in accordance with procedures specified in this Order or the Statutes or from such later date as may be specified in the Statute or from such later date as may be specified in the Ordinance, and the production of a verified copy of any such Ordinance under the common seal of the University shall be sufficient evidence of the making and authenticity of the same in all courts and before all persons acting judicially.

Part VII

Miscellaneous

49. (1) Subject to subsection (2), the Council may dismiss, ~~Dismissals~~ terminate or remove from office any member of staff or other officer or servant of the University on the grounds that,
- (a) he is engaging in an occupation likely to interfere with the proper discharge of his duties in the University;
 - (b) he is suffering from any physical or mental incapacity which the Council considers to be such as to render him unfit to continue to hold his office;
 - (c) he has failed to discharge his duties to the University;
 - (d) he has failed to observe his responsibilities to the University; or
 - (e) he has otherwise engaged in conduct rendering him unfit to hold his appointment.
- (2) Notwithstanding subsection (1), no member of staff shall be dismissed or removed from office except pursuant to

procedures to be prescribed by Statute.

**Annual
Report**

50. The Council shall in every year, and not later than 6 months after the end of the preceding academic year, cause to be prepared a report of the proceedings and activities of the University during the preceding academic year of the University and shall submit that report to the Minister.

**Non
discrimina-
tion**

51. (1) No religious, racial, nationality, ethnic, sexual or political considerations shall be imposed upon any person in order to entitle him to be admitted to or employed by the University or to hold office therein, or to graduate thereat or to hold any advantage or privilege thereof.

(2) Men and women shall be equally eligible for any office or appointment in the University or for membership of any body or committee of the University; and all degrees, diplomas, certificates and other awards and distinctions and all programmes and courses of study in the University shall be open to men and women alike.

Pensions

52. Notwithstanding the right of the University to maintain pension schemes for its staff members, the Minister responsible for finance may arrange guarantees for the scheme.

**Effect of
published
Statutes**

53. Statutes published in the Gazette in terms of this Order shall have the force of law in Lesotho.

**Promulga-
tion by the
University**

54. (1) There shall be a University Notice Board named as such by the Registrar.

(2) All ordinances, regulations, or bye-laws made pursuant to this Order or any Statute, or any revocation or amendment to any ordinance, regulation or bye-law, shall be promulgated by the University by being exhibited on the University Notice Board for at least 14 days from the date of exhibition.

**Service of
notices and
documents
A. 5 of 1978
L.N. 9 of
1980**

55. Subject to the High Court Act 1978, and rules made thereunder,

- (a) except where expressly provided, any notice or document required by or for the purposes of this Order, the Statutes, Ordinances, or the regulations, may either be given or sent to the person concerned;
- (b) where a notice or other document is sent by post, service thereof shall be deemed to have been effected by properly addressing and posting a letter containing the notice or other document, and to a meeting, at the expiration of 7 days after the letter is put in the post, and in any other case, in the normal course of the post;

- (c) the accidental omission to give notice or send a document to, or the non-receipt of a notice or document by any person entitled to receive the same, shall not invalidate the proceedings consequent upon such notice or document.

56. All property of every kind and all rights and liabilities of or belonging to the University of Botswana, Lesotho and Swaziland immediately prior to the commencement of the National University of Lesotho Act 1976 are hereby vested in and become the property, rights and liabilities of the National University of Lesotho to the extent that such property, rights and liabilities connected with the operations in Lesotho of the University of Botswana, Lesotho and Swaziland immediately prior to the commencement of this Order and the extent that such property, rights and liabilities are within, or are enforceable within Lesotho.

Savings

A. 10 of
1976

(2) Every right or privilege accorded to or conferred upon the Roman Catholic Church or any Order or section thereof under or by virtue of the Charter of the University of Botswana, Lesotho and Swaziland shall apply to or in relation to the National University of Lesotho to the same extent as it existed on or in relation to the Lesotho campus of the University of Botswana, Lesotho and Swaziland prior to the commencement of the National University Act 1976.

A. 10 of
1976

(3) Unless otherwise expressly provided herein, every Statute, Ordinance, regulation, registration, register or other act of authority made, granted, issued, renewed, given, kept or done under the National University Act 1976 or the Statutes, Ordinances, or the commencement of this Order shall, subject to this Order, be deemed to be a Statute, Ordinance, regulation, registration, register or other act of authority made, granted, issued, renewed, given, kept or done under the National University Act 1976 and shall continue in force accordingly until it expires by effluxion of time or is repealed, amended or otherwise modified, revoked, cancelled, suspended or surrendered or ceases to be kept as the case may be, under this Order.

A. 10 of
1976

(4) Every such Statute referred to in subsection (3), Ordinance, regulation, registration, register or other act of authority shall be read and construed subject to this Order.

(5) All members of the academic staff and other officers and servants of the University appointed or continued in office under the National University Act 1976 and in office at the commencement of this Order shall, subject to this Order, continue to hold their offices in terms of their appointments thereof respectively under and for the purposes of this Order and shall, without further or other appointment be deemed to be appointed under this Order.

A. 10 of
1976

(6) A person who, immediately prior to the commencement of this Order, held office as a member of the Council or

A. 10 of
1976

of the Senate or had been appointed to a specified position in relation to the Council or to the Senate pursuant to the National University Act 1976 shall, upon the commencement of this Order continue to hold that office or position until the Council or the Senate, as the case may be, is constituted and meets for the first time.

Repeals
A. 10 of
1976

57. The National University of Lesotho Act of 1976 is repealed.

Given under my hand at Maseru this 31st day of July 1992.

E. P. Ramaema,

Chairman of the Military Council and Council of Ministers.

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