

CHAPTER 346

THE UNIVERSITIES ACT
[PRINCIPAL LEGISLATION]
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CHAPTER 346

THE UNIVERSITIES ACT

An Act to make provisions for the establishment, composition and functions of the Commission for universities, the coordination and rationalisation of the types and categories of universities, the promotion and financing of higher education, establishment and governance of universities, and for other related matters.

[1st July, 2006]
[GN. No. 260 of 2005]

Acts Nos.	GN. Nos.
7 of 2005	245 of 2016
10 of 2013	180 of 2019

PART I

PRELIMINARY PROVISIONS

Short title **1.**–(1) This Act may be cited as the Universities Act.
(2) [Omitted.]

Application **2.** This Act shall apply to Mainland Tanzania as well as to Tanzania Zanzibar.

Interpretation **3.** In this Act, unless the context otherwise requires—
“Academic Committee” means a committee established in accordance with section 46;
“accreditation” means a regulatory system for recognising higher education institutions and academic and professional programmes associated with those institutions for a level of performance, integrity, appropriate standards and quality which entitle them to the confidence of the education community and the public they serve;

“accredited institution” means an institution which has been given full recognition upon satisfaction of the legal requirements for accreditation;

“admission” means process of accepting applications by potential students for entry into higher education institutions on the basis of the criteria set for respective awards, courses or programmes of the institutions;

“affiliated college” means an autonomous higher education institution accredited to offer degree programme and confer degrees on behalf of an accredited university;

“campus” means any place or premises in which operations of a higher education institution are carried on regularly;

“campus college, campus institute or campus school” means a non-autonomous institution within the premises of, or in close proximity to a university established by a legal instrument of a university in accordance with section 19;

“center of excellency” means a university or university college designated as such and which has excelled in a particular field;

“certificate” means an award of a professional qualification and competence, bearing that name or title, offered by a higher education institution;

“Chancellor” means a Chancellor of a university provided for under section 34;

“charter” means a constitution or a written statement of functions, organs of governance and principles of a university granted under section 25;

“college” means a college other than a university college established under section 19;

“Commission” means the Tanzania Commission for Universities established under section 4;

“connected college” means an autonomous institution empowered to offer university level education, provided for under section 19;

“constituent college” means a semi-autonomous institution established in accordance with section 19 and empowered

to offer university level education placed under the tutelage of a university including a foreign university, for nurturance with a view to its establishment as an independent university;

“Council” means a Council of a university established in accordance with section 43;

“course” includes a planned series of instruction periods based on an approved syllabus and forming part of a curriculum or a programme designed for an award;

“course of study” means the structure for degrees or other academic or professional qualifications and the subjects of study in such structure;

“course regulations” means regulations in respect of a course of study for a university, college or other academic qualification of a higher education institution;

“degree” means an award of a full academic and, or professional qualification and competence, bearing that name or title offered by a university accredited to offer degree programmes;

“Deputy Director” means a Deputy Director of an autonomous non-university institution or a university-based institute, centre or directorate provided for under section 41;

“Deputy Principal” means a Deputy Principal of a university college or an autonomous non-university college provided for under section 39;

“Deputy Vice-Chancellor” means a Deputy Vice-Chancellor of a university provided for under section 37;

“diploma” means an award of an intermediate professional qualification and competence, bearing that name or title, offered by a higher education institution;

“Director” means a Director of an autonomous non-university institution or a university based institute, centre or directorate provided for under section 40;

“Director of Higher Education” means the Director of Higher Education in the Ministry responsible for higher education;

“Executive Secretary” means the Executive Secretary of the Commission appointed under section 13;

“foreign university” means a university which is incorporated and, or established in accordance with the law of its country of domicile and empowered to offer its programmes, courses and awards outside that country and authorised to carry on higher education operations, activities or functions in Tanzania in accordance with the provisions of this Act;

“Governing Board” means the governing board of a university college other than a campus college provided for under section 43;

“grant” means financial assistance from public funds or money given by or through the Government, local authority or other institution to a higher education institution to help it pay fully or partially for its projects, programmes or courses of study;

“higher education” means university education;

“higher education institution” means a university which offers a level of academic education and professional training that leads to full academic and or professional qualifications and competence;

“institute” means a higher education institution which offers-

(a) a level of education and training in a specialised academic and, professional discipline or in a specified limited number of specialised professional disciplines that lead to intermediate qualifications; and

(b) if it is a campus college, sub-division or institute of a university or of a university college, a level of education and training in a specialised academic or professional discipline or in a specified limited number of specialised academic or professional disciplines that lead to full academic or professional qualifications and competence;

“institution” means a higher education institution;

“intermediate awards” has the same meaning as “intermediate professional qualifications”;

“intermediate professional qualifications” means certificates or diplomas offered by an institution;

“Minister” means the Minister responsible for higher education;

“Ministry” means the Ministry responsible for higher education;

“owner” includes a promoter, or founder of an institution;

“persons in disadvantaged groups” includes persons with physical, mental, social or economic disabilities;

“President” means the President of the United Republic or in the case of Tanzania Zanzibar the President of the Revolutionary Government of Zanzibar;

“private higher education institution” means a higher education institution whose infrastructure, maintenance and costs are owned and borne by a private person, or a company, trust or a non-governmental organisation or an association;

“Principal” means a Principal of a university college or an autonomous non-university college provided for under section 38;

“programme” means a curriculum of studies that leads to some form of recognition or an academic or professional award;

“public university” means a university which is owned by the Government of the United Republic, Regional or local government or by the Revolutionary Government of Zanzibar;

“Registrar” means a Registrar of a higher education institution provided for under section 42;

“school” means a sub-division of a university or an autonomous non-university institution bearing that designation that offers or is established to offer a particular subject and impart specialised professional knowledge or skills involving practical training as a core aspect of the subject;

“senate” means a senate of a university provided for under section 43;

“self-study” means a unilaterally initiated comprehensive effort by an institution or a professional programme aimed at measuring progress of the institution according to accepted standards and objectives and proposing improvements;

“staff association” means an academic, administrative or technical staff association established in a university college or university in terms of section 48;

“student” means any person admitted to an institution as a candidate for a degree, diploma, certificate or other award of an institution, and includes a part-time and an occasional or short-term student;

“student organisation” means a student organisation established in terms of section 49;

“Tanzanian students” includes non-citizen students who are residents and have been accorded rights and privileges similar to those enjoyed by citizens in accordance with the provisions of any law applicable in the United Republic;

“tertiary education” means education beyond advanced level secondary school general education or technical training or its equivalent;

“university” means an institution established under section 22, which offers a level of education and training that leads to intermediate and full academic or professional qualifications and competence, namely, certificates, diplomas and degrees;

“university college” includes a campus college, a constituent college or a connected college;

“university education” means education offered at a university college or university that leads to an award of a degree;

“university institute” means a campus institute;

“university institution” includes a university college, university institute and a university school or a centre,

“directorate, faculty, department, library or unit established within or as part or sub-division of a university;

“university school” means a sub-division of a university bearing that designation and that performs or is designed to perform functions of a school;

“Vice-Chancellor” means the principal academic and administrative officer of a university appointed in accordance with section 36; and

“visitation team” means a team of technical experts appointed to carry out an evaluation of an institution for accreditation, re-accreditation or other purposes.

PART II

THE TANZANIA COMMISSION FOR UNIVERSITIES

(a) Establishment of the Tanzania Commission for Universities

Establishment of
Commission

4.-(1) There is hereby established a Commission to be known as the Tanzania Commission for Universities.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of-

- (a) suing and being sued;
- (b) acquiring and disposing of property;
- (c) borrowing money and entering into contracts or other transactions;
- (d) do all such other things as a body corporate may lawfully do.

(3) The provisions of the First Schedule shall have effect as to the composition, term of office of members and other proceedings of the Commission.

(4) The Minister may, by notice published in the *Gazette*, amend the First Schedule.

Functions of
Commission

5.-(1) The functions of the Commission shall be to-

- (a) advise the Minister on any aspect or matter of University education;

- (b) audit, on a regular basis, the quality assurance mechanisms of universities;
- (c) provide guidance and monitor-
 - (i) criteria for student admission to universities in the United Republic;
 - (ii) proposals of outlines of academic programmes or syllabi and general regulations of curriculum submitted to the Commission by universities;
 - (iii) the long-term planning, staff development, scholarship and physical development strategies and programmes of universities; and
 - (iv) recurrent and development budgets for public universities;
- (d) collect, examine, store in data-base or data-bank and publish information relating to higher education, research and consultancy;
- (e) consider and make recommendations to the Minister regarding the upgrading or downgrading of the status of a university;
- (f) establish transfer procedures for university students who wish to be transferred from one university to another and from one programme to another;
- (g) levy fees or any other form of charge for specific services, facilities and documents rendered or supplied to institutions;
- (h) monitor and regulate general management and performance of universities;
- (i) oversee the provision by universities of essential resources for the needs of their current academic programmes and related functions;
- (j) promote-
 - (i) the objectives of higher education, in particular, the development, processing, storage and dissemination of knowledge for the benefit of humanity and the harnessing of knowledge for the production of usable goods and services;

- (ii) quality assurance in higher education;
- (iii) noble ideals of national unity and identity in universities;
- (iv) gender equality, balance and equity; and
- (v) cooperation and net-working among universities within and outside the United Republic;
- (k) consider applications from persons, companies, or organisations seeking to establish universities or programmes in the United Republic and make recommendations to the Minister;
- (l) set standards, accredit and register all universities;
- (m) regulate and standardise-
 - (i) promotion criteria, designations and titles of academic and senior administrative staff; and
 - (ii) schemes with standard criteria for broadening of opportunities for persons in disadvantaged groups to secure sponsorship for higher education and to acquire requisite academic criteria for admission to universities;
- (n) standardise, recognise and equate degrees, diplomas and certificates conferred or awarded by foreign institutions and local institutions;
- (o) establish and maintain a qualifications framework for universities;
- (p) take part in establishing and maintaining a national qualification framework for universities;
- (q) solicit for and distribute funds among universities; and
- (r) do all such other acts and things as are provided for to be done by the Commission under this Act or any other written law.

(2) The Minister shall, after receiving advice under paragraph (a) of subsection (1)-

- (a) consider and take into account the advice of the Commission; or
- (b) if he does not accept the advice provide reasons in writing to the Commission within a period not exceeding three months.

(3) Notwithstanding subsection (2), the Minister may act without the advice of the Commission if-

- the matter before him is urgent; or
- the Commission has failed to provide the advice within the period as may be required by the Minister.

(4) Where the Minister decides to act without the advice of the Commission, he shall notify the Commission and provide reasons in writing for such action.

Power to grant accreditation

6.-(1) Subject to the provisions of this Act, no institution resident in the United Republic shall commence or carry on university education operations, activities or functions unless the institution is-

- given statutory authority;
- accredited and its programmes or courses of study are approved in accordance with its enabling statutory provisions; and
- approved by the Commission in accordance with the provisions of this Act.

(2) The procedure for accreditation of a university or approval under subsection (1) shall be as may be prescribed.

Power to require self-study report

7. The Commission shall have power to require a university to conduct a self-study and academic audit covering the institution in general and the programmes and awards of the institution in particular and prepare and submit the report in the manner as may be prescribed.

Power to demand professional opinion or information

8.-(1) Without prejudice to any other written law, the Commission shall have power to demand professional opinion or such information from any higher education institution when considering courses of study or programmes, self-study reports or any other matter in the exercise of its powers and performance of its functions provided for under this Act.

(2) A higher education institution from which opinion or information is demanded shall advise the Commission through an evaluation report on the course of study and

programme or the self-study or academic audit concerning a specific institution, programme or award.

(3) A higher education institution which-

- (a) fails without reasonable cause to provide professional opinion or information as demanded by the Commission; or
- (b) knowingly provides wrong, false or invalid opinion or information to the Commission,

constitutes an offence on the part of the officer in charge of the defaulting institution and shall be liable to a fine of Tanzania shillings one million.

(b) Committees of the Commission

Committees of Commission

9.-(1) There shall be established an Accreditation Committee, Grants Committee, and Admissions Committee to perform such advisory functions as the Commission may require.

(2) The membership of each Committee under subsection (1) shall include-

- (a) a chairman who shall be appointed by the Commission from amongst its members; and
- (b) not less than three and not more than five members who shall be appointed by the Chairman of the Commission upon the approval of the Commission.

(3) Each Committee may co-opt any person to be a member of the committee for a particular purpose and any member so co-opted shall not have the right to vote during the deliberations of the Committee.

(4) The Commission may establish such other committees and may delegate to such committees functions as the Commission may deem appropriate to delegate.

(5) The term of office and other conditions of the Committees of the Commission shall be as may be determined by the Commission.

Accreditation Committee

10. The Accreditation Committee shall advise the Commission on the performance of its functions of quality promotion, quality assurance, and accreditation of institutions, programmes, awards and on matters associated therewith, particularly on-

- (a) setting general standards of quality and quantity of contents of programmes of and mode of their execution by universities at their respective levels and categories;
- (b) promotion of-
 - (i) quality assurance standards in university;
 - (ii) linkage programmes of universities and short-term and long-term national development objectives, strategies and plans in higher education; and
 - (iii) involvement of stakeholders in the fostering of diversity, relevance and quality of education, research and expert public service or consultancy and modes of execution or delivery thereof;
- (c) auditing of the quality assurance requirement and mechanisms of universities;
- (d) accreditation of-
 - (i) universities and programmes; and
 - (ii) centres of excellence and their programmes;
- (e) evaluation of qualifications of staff of universities;
- (f) coordination and harmonisation of courses and programmes in universities;
- (g) general matters related to higher education, training and research including strategies to improve the framework and processes of higher education at all its levels;
- (h) standardisation, recognition and equivalency of awards of universities;
- (i) procedures for transferring grades of students changing or moving from one institution to another of the same or equivalent category and or level for courses offered in universities;
- (j) visitation and inspection of universities;

- (k) criteria for recognition of equivalence of qualifications and awards obtained from, granted or conferred by any foreign university of a named, stated or acknowledged category or level with qualifications and awards obtained from, granted or conferred by universities of the corresponding category or level in Tanzania;
- (l) individual and institutional applications for grant of recognition of any local or foreign university; and
- (m) any other matter on accreditation and quality assurance as the Commission may require.

Grants Committee

11.-(1) The Grants Committee shall advise the Commission on-

- (a) the funding of and distribution of public funding among public and private universities;
- (b) the assessment of financial needs of public and private universities;
- (c) the apportioning of higher education costs between the Government and individual students;
- (d) the provision of guidelines to budgeting norms and resources allocation for public and private universities;
- (e) the making of recommendations on or of strategies for broadening the financial resource base of institutions;
- (f) the regulation of various fees charged by universities;
- (g) the promotion of increased access of meriting students to higher education institutions through development of new, additional or expanded channels, sources or means of funding of higher education especially for women, the disabled and other persons in other disadvantaged groups; and
- (h) the performance of such other advisory functions as the Commission may prescribe.

(2) Where the Commission or the Ministry offers to a university grants for the promotion of higher education generally or for the performance of any specific activity or task or fulfilling any purpose, the Grants Committee shall advise

the Commission regarding the criteria, procedure, conditions or objectives and methods to be adopted in the administration of such grants so as to ensure job quality, cost-effectiveness, efficiency, transparency, fairness and gender equity.

Admissions Committee

12.—(1) The Admissions Committee shall advise the Commission on matters concerning admission of students to universities.

(2) Subject to subsection (1), the Admissions Committee shall advise the Commission on—

- (a) the coordination of admissions to higher education institutions within and outside the country;
- (b) conditions for admission to different categories of universities;
- (c) central admission services to universities;
- (d) the development of channels and a mechanism for increasing admissions and provision of scholarships in critical skills areas;
- (e) the promotion of cooperation and links between and among universities;
- (f) dissemination of information relating to higher education, training, research and consultancy;
- (g) development of strategies for curbing cheating and forgery in higher education; and
- (h) any other matters as the Commission may prescribe.

(c) Staff of the Commission

Executive Secretary

13.—(1) There shall be Executive Secretary of the Commission who shall be appointed by the Commission from amongst persons with qualifications, skills and competence through procedures involving public advertisement and interviews for the post.

(2) The Executive Secretary shall be the chief executive officer of the Commission and responsible for the day to day management of the Commission, its committees and for carrying out such functions as the Commission may prescribe.

Deputy Executive Secretary **14.**-(1) The Commission may appoint a Deputy Executive Secretary or Deputy Executive Secretaries from amongst senior public officers with qualifications, relevant experience, skills and competence on such terms and conditions as the Commission may determine.

(2) The number of Deputy Executive Secretaries shall be as may be determined by the Commission upon the recommendation of the Executive Secretary.

(3) The Deputy Executive Secretary shall deputise for the Executive Secretary and perform the functions of the Executive Secretary and any such other duties as the Executive Secretary or the Commission may direct.

Other staff of Commission **15.** The Commission shall have power to appoint such number of other staff of the Commission as it may deem necessary to assist the Executive Secretary in the proper and efficient conduct of the business and activities of the Commission.

(d) Financial Provisions for the Commission

Source of Fund
Act No.
10 of 2013
s. 59

Cap. 412

16. The funds and other resources of the Commission shall include-

- (a) such monies as may be appropriated by Parliament;
- (b) donations, loans, gifts, grants from any source within or outside the United Republic;
- (c) funds accruing from investments, projects or fundraising activities by the Commission;
- (d) such funds as shall be received pursuant to the provisions of the Education Fund Act;
- (e) such funds as may be received from the Higher Education Students' Loans Board for purposes of quality assurance of the learning process and standards of institutions within its mandate; and
- (f) other fees as may be prescribed by the Commission in respect of services rendered by the Commission to its client.

Annual estimates **17.**—(1) The Commission shall prepare its income and expenditure estimates for the succeeding financial year and submit them to the Minister for scrutiny and submission to the National Assembly for approval.

(2) The annual estimates shall make provision for all the estimates of expenditure of the Commission for the financial year which shall include—

- (a) the cost of administration of the Commission, including payment of salaries, allowances, pensions, gratuities and other charges payable to the officers, staff and members of the Commission;
- (b) the payment of remuneration to the members of the Commission;
- (c) the maintenance of any property vested in the Commission; and
- (d) fees and other charges for services rendered to the Commission.

(3) Expenditure shall not be incurred for the Commission except in accordance with the annual estimates approved under subsection (1).

(4) Notwithstanding subsection (3), additional expenditure may be incurred by the Commission in accordance with such supplementary income and expenditure estimates prepared by the Commission as may be approved by the National Assembly in accordance with subsection (1).

Accounts and audit

18.—(1) The Commission shall keep books of account and maintain proper records in relation to its operations in accordance with professionally acceptable accounting principles.

(2) The books of account and records of the Commission shall be audited by such competent authorised auditors in accordance with the provisions of the Public Finance Act.

(3) The Executive Secretary shall at the end of every financial year prepare and submit to the Commission a report on the operations and audited accounts of the Commission.

(4) The Commission shall, within six months after the end of the financial year, submit the annual report to the Minister, who shall lay it before the National Assembly.

PART III

TYPES, CATEGORIES, AWARDS AND STAFF DESIGNATIONS OF A UNIVERSITY

Types and
categories of
universities

19.-(1) Subject to the provisions of this Act, there shall be recognised public universities and private universities which shall be established in the categories or levels as follows:

- (a) universities;
- (b) university based campus colleges, constituent colleges, connected colleges and institutes, centres or directorates.

(2) A university may affiliate or adopt as its branch, in accordance with its charter and this Act, and a college or an institute so affiliated or adopted shall be known as-

- (a) a constituent college;
- (b) a connected college;
- (c) a campus college;
- (d) a campus institute;
- (e) an adopted college; or
- (f) an affiliated college.

(3) It shall be lawful for-

- (a) a constituent college to be established or declared as such by competent authority under an enabling legal instrument and to grant it autonomy, legal personality, a common seal and all the other attributes, rights and privileges appurtenant to a body corporate with perpetual succession, except that the college shall have no right to grant or confer awards other than the awards of and in the name of the university to which the college is affiliated;
- (b) a connected college to retain its separate legal status or personality in accordance with its enabling legal

instrument, except that the college shall depend on the university to which it is affiliated for the approval of its academic programmes, courses and awards, including student entry qualifications, course syllabi and examination rules and it shall have no right to grant or confer awards other than the awards of and in the name of the university to which the college is affiliated;

- (c) a campus college and a campus institute to operate fully within the institutional or structural framework of the university to which it is affiliated, and be governed by the provisions of the enabling legal instrument, and grant and confer awards in the name of that university without the rights and privileges associated with separate legal personality other than the legal personality of the university to which the college or, the institute is affiliated; and
- (d) an associate college, institute, school, centre or, directorate to retain its independent and separate legal personality or status, its academic or professional and operational autonomy.

(4) A university shall have power to render to the associate institution academic or professional guidance and supervision by overseeing the maintenance of the highest standards in the running of the academic or professional programmes or courses of study, including arrangements, facilities and financial provisions for teaching, quality assurance and regular curriculum review.

(5) The mode of affiliation between a public university and a private university shall be provided for under the regulations.

Awards and
designations of
staff of university

20.-(1) An accredited and registered university shall-

- (a) award in its name certificates, diplomas, degrees, postgraduate diplomas, postgraduate degrees and honorary degrees in accordance with its programmes of study and the enabling legal instrument made in accordance with the provisions of this Act or any other written law;

(b) have, subject to the provisions of this Act, the following designations for its academic staff, signifying their order of seniority in rank as follows:

- (i) Professor or Research Professor;
- (ii) Associate Professor or Associate Research Professor;
- (iii) Senior Lecturer or Senior Research Fellow;
- (iv) Lecturer or Research Fellow;
- (v) Assistant Lecturer or Assistant Research Fellow;
- (vi) Tutorial Assistant;
- (vii) Library Professor or Associate Library Professor;
- (viii) Senior Librarian;
- (ix) Librarian or Assistant Librarian.

(c) make provision for the position of Professor *Emeritus*.

(2) Awards and designations of the academic staff of a university shall apply to a university college.

PART IV

ESTABLISHMENT OF A UNIVERSITY

Establishment of university by charter

21. A person shall not provide university education unless that person has been granted a charter or approval of a charter in accordance with the provisions of this Act.

Procedure for establishment of university

22. (1) A person wishing to establish a university in the United Republic shall submit an application in the prescribed form to the Commission for a grant of a charter.

(2) An application made under subsection (1) shall be accompanied by-

- (a) a time table or action plan indicating steps to be taken over a period of three years from the date of establishing the institution towards the realisation of the objects of the institution;
- (b) a draft of the charter containing-
 - (i) the name of the university;

- (ii) the aims and objects for which the proposed university is to be established including a clear statement on gender and opportunities for persons from disadvantaged groups;
- (iii) the membership and form of governance of the proposed institution making clear provisions for gender balance;
- (iv) the extent to which, and the form and manner in which, regulations may be made and published by such body of the university as may be specified for the better functioning of the institution;
- (v) the financial control over income and expenditure and the administrative control over other forms of property of the institution;
- (vi) an outline of the academic programmes intended to be conducted by the institution which shall be expressly gender mainstreamed;
- (vii) the academic facilities including library services and equipment proposed for the academic programmes and the manner in which they are to be maintained with express provisions for persons with common physical disabilities of sight, hearing and movement;
- (viii) existing or proposed human resources, including academic and senior administrative staff, indicating provision for promotion of gender balance and equality; and
- (ix) existing or proposed physical infrastructure, indicating special consideration for gender and persons with common physical disabilities of sight, hearing and movement.

(3) The Commission may, on receipt of the application made under subsection (1), organise a meeting or series of meetings with the applicant to verify the resources and information given with the application.

Provisional licence **23.** The Commission may, upon its satisfaction of the contents of the draft charter and action plan of the institute, issue provisional licence upon such terms, conditions and procedures as may be prescribed.

Application for grant of accreditation and charter **24.**-(1) A university, being a holder of a provisional licence, for not less than three years, may apply to the Commission for the grant of accreditation and charter.

(2) An application for the grant of accreditation and a charter shall, in addition to any other details that the Commission may in each case specify, be accompanied by:

- (a) all information required for application of a provisional licence;
- (b) a list and academic qualifications of the academic staff and senior administrative staff in full-time employment of the institution;
- (c) a list of the total number of students that have been enrolled in each programme of instruction being offered at the institution;
- (d) precise information on availability of library facilities, including the size, quality and quantity of the equipment provided in each programme of instruction by the institution;
- (e) a statement of the financial resources available for the exclusive use of the institution certified by a qualified accountant;
- (f) an inventory of the physical facilities including land available for the exclusive use of the institution;
- (g) the names, addresses and status of the proprietors or owners or, promoters or sponsors of the institution; and
- (h) any other information as the Commission may require in writing.

Granting of charter **25.**-(1) The Commission may, after consideration of application in the manner as may be prescribed, make recommendation to the Minister for granting of a charter to the university.

(2) The Minister shall, after receiving recommendations under subsection (1), refer the matter to the President who shall grant a charter to the university.

(3) The charter granted under this section shall be published in the *Gazette*.

Effect of granting and publication of charter **26.** The university to which the charter is granted in terms of section 25 shall-

- (a) be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and may for and in connection with its objects and functions-
 - (i) purchase, hold, mortgage and dispose of any property whether movable or immovable;
 - (ii) enter into any contract or transaction as may be expedient; and do any other act or thing as bodies corporate may lawfully do; and
 - (iii) subject to the provisions of section 6, be registered by the Commission as a fully accredited institution; and
- (b) have its certificates, diplomas, degrees and other academic awards recognised as of comparable and of equivalent merit with those of other accredited university institutions in Tanzania.

Application for approval of foreign charter

27.-(1) A university incorporated, registered and authorised, in accordance with the relevant law, to carry on higher education operations, activities or functions outside the United Republic may apply to the Commission for approval of its foreign charter and for local registration in the United Republic.

(2) The application to the Commission under subsection (1) shall be accompanied by-

- (a) the charter, memorandum and articles of association or, as the case may be, the constitution of the applicant;
- (b) an outline of academic programmes or courses of study to be offered by the university and a quality assurance system;

(c) information on an established local academic committee and an administrative mechanism for the effective and efficient operationalisation locally of such academic programmes or courses of study of the institution and the carrying out of the day-to-day administration of the programmes and related operations of the institution in Tanzania in accordance with the provisions of this Act;

(d) the form of governance through which the academic and administrative affairs of the institution are to be conducted;

(e) proposed human resources including academic and senior administrative staff;

(f) existing or proposed physical infrastructure;

(g) academic facilities including library services and the size, quality and quantity of the equipment provided for in each programme of instructions by the institution;

(h) necessary policy documents as prescribed by the Commission; and

(i) any other information which the Commission in the exercise of its powers under this Act, may require.

(3) The Commission shall consider the application and upon being satisfied that the applicant is capable of running a university institution in Tanzania, shall-

- advise the applicant to have its charter, memorandum of association or, as the case may be, constitution which reflects or complies with the laws and practices of Tanzania;
- cause or advise the applicant to obtain a certificate of compliance under the relevant law; and
- credit the applicant institution and submit the application for approval of a charter together with its own recommendations to the Minister who shall refer the matter to the President for approval.

(4) The President may, if he is of the opinion that the grant or approval of the foreign charter to the applicant institution

may be of benefit to the development of higher education in the United Republic, approve the foreign charter either in the form in which it is submitted to him or in such modified form as he may consider appropriate.

(5) After the granting or approval of a charter under subsection (4), the Commission shall cause the applicant to be duly registered as a private university in the manner as may be prescribed.

Protection of names

28.—(1) Notwithstanding any other written law, a public officer performing functions relating to the registration of universities or other institutions shall not accept for registration a name which is identical to, or so similar as to be liable to confuse the public with, the name of a private or public university to which a charter has been granted or approved in accordance with the provisions of this Act.

(2) A person who contravenes subsection (1) commits an offence and on conviction shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding twelve months, or to both.

Revocation of charter

29.—(1) The President may, subject to the prescribed procedure and upon the recommendation of the Commission through the Minister, revoke a charter issued under this Act if—

- (a) it is evident that the university institution is not carrying on its functions in a proper manner;
- (b) the institution is in breach of its charter; or
- (c) it is in the interest of higher education to revoke the charter.

(2) Where a charter is revoked under subsection (1), the Minister shall, as soon as practicable, by notice, publish the revocation in the *Gazette* and thereafter the private university shall cease to be a university at the expiry of one year from the date of the publication of the notice.

(3) The revocation of a charter shall not affect the validity of the awards previously granted or conferred by the institution in question when still a recognised university under this Act.

(4) Where the charter is revoked under this section the Commission shall make arrangement for re-admitting of existing students in some other universities.

Variation of charter

30. The President may, upon the recommendation of the Minister, vary the provisions of a charter if he is satisfied that the variation is in the interest of higher education in the United Republic or it may assist the university applying for grant of a charter to operate in a more efficient and effective manner.

President may delegate powers relating to charters

31. The President may, by notice published in the *Gazette*, delegate the powers conferred upon him under this Part to the Minister, subject to such limitations or conditions as the President may deem appropriate.

Annual report and audited accounts of university

32. A university shall prepare and submit to the Commission an annual report on the operations and audited accounts of the institution including-

- (a) a detailed evaluation of its academic activities and the extent to which the prescribed institutional standards are met; and
- (b) a statement of the assets and liabilities of the institution and its audited accounts.

Constituent colleges and affiliation to university

33. A proprietor, owner or, a promoter, or a sponsor of a university may, with the approval of the Commission-

- (a) establish any college or institution as a constituent college of the university; and
- (b) declare an institution other than a university, as a constituent college of the University after obtaining approval of the institution.

PART V

ADMINISTRATION OF A UNIVERSITY

(a) The Chancellor and other Senior Officers

Chancellor

34. A university shall be headed by a Chancellor or equivalent designation who shall have such functions as are conferred upon him by this Act.

Appointment and tenure of office of Chancellor

35.-(1) The Chancellor of a public university shall be appointed by the respective President-

- (a) from among a list of three candidates proposed by the Council of a public university upon the recommendation of search committees; and
- (b) upon such terms and conditions as the President may prescribe.

(2) The Chancellor or a person of equivalent designation of a private university shall be appointed or elected by the proprietor, owner or, a promoter or sponsor of the university in such manner as shall be provided for in the charter of the university granted or approved in accordance with the provisions of this Act.

(3) The Chancellor or a person of equivalent designation shall-

- (a) be a person of outstanding integrity, academic and administrative experience;
- (b) be a head of the university and, in the name of the university, confer degrees, and grant diplomas, certificates and other awards of the university; and
- (c) have such other non-executive functions and privileges as the President, or, the proprietor, owner, promoter or sponsor shall deem appropriate to provide for under the relevant charter.

(4) The term of office of a Chancellor shall be for such specific period as shall be specified in the charter of the university.

(5) Notwithstanding subsection (4), where a Chancellor is the President, the term of the office as a Chancellor shall cease upon his cessation to hold the office as a President.

Vice-Chancellor **36.**—(1) The chief executive officer of a university shall be called a Vice-Chancellor or equivalent designation.

(2) The Vice-Chancellor shall be appointed—

- (a) in the case of a public university, by the Chancellor upon the advice of the Council; and
- (b) in the case of a private university, by a proprietor or owner or, promoter or sponsor after consultation with the Council.

(3) A Vice-Chancellor shall be appointed from a list of three candidates who have attained the status of professor or associate professor or senior academician on the basis of a Search Committee's recommendation or through a procedure of public advertisement for the post and, upon such terms and conditions as the Chancellor may prescribe upon the advice of—

- (a) the Council of the university; or
- (b) a proprietor, owner, promoter, or sponsor's after consultation with the Council.

(4) A Vice-Chancellor shall—

- (a) be the principal academic and administrative officer of a university;
- (b) be responsible to the Council for the implementation of the decisions of the Council; and
- (c) have such other functions as are conferred upon him by this Act, the enabling legal instrument or charter of the university or as may be prescribed.

(5) A Vice-Chancellor of a public university shall hold office for a term of five years and may be re-appointed consecutively for one more term of five years.

Deputy Vice-Chancellor

37.-(1) There shall be a Deputy Vice-Chancellor or Deputy Vice-Chancellors, or equivalent designation of a university.

(2) The number of Deputy Vice-Chancellors shall be as may be provided for in the enabling legal instrument or charter or, as the Council of a University may, upon the recommendation of the Vice-Chancellor, prescribe.

(3) A Deputy Vice-Chancellor shall be appointed by the Chancellor, on the advice of the Council or, by the proprietor or owner, promoter or sponsor after consultation with the Council.

(4) Subject to subsection (3), a Deputy Vice-Chancellor shall-

(a) be appointed from a list of three candidates who have attained the status of professor, associate professor or its equivalent in either teaching or research or both teaching and research and who have outstanding academic and administrative experience and capability in the area of higher education; and

(b) hold office for such a period of years as shall be specified in the university's enabling legal instrument or charter and may be re-appointed for one term of such years provided that, for a public university, such a period shall be four years.

(5) A Deputy Vice-Chancellor shall-

(a) be responsible to the chief advisor and assistant to the Vice-Chancellor in respect of such matters of the University as shall be assigned to him or his office and as may be prescribed;

(b) in the absence of the Vice-Chancellor, deputise for the Vice-Chancellor; and

(c) have such other functions as are conferred upon him by this Act or as may be prescribed.

(6) Notwithstanding subsection (5)(b), where there are two or more Deputy Vice-Chancellors, the Deputy Vice-Chancellor responsible for Academic matters shall deputise for the Vice-Chancellor during the Vice-Chancellor's absence from office.

Principal of university college **38.**-(1) There shall be a Principal or equivalent designation for each university college.

(2) The Principal of a university college shall-

- (a) be recommended by the Senate from a list of three professors or associate professors or officers of equivalent status or designation; and
- (b) be appointed by the Chancellor on the advice of the Council or, of the proprietor or owner, promoter or sponsor, after consultation with the Council of the university college to which the college is affiliated, and upon such terms as are provided for under the enabling legal instrument or charter of the university college or any other applicable written law or as may be prescribed.

(3) A Principal shall hold office for such term as shall be specified in the enabling legal instrument or charter of the university to which the college is affiliated if the college is a campus college or a constituent college, or in the enabling legal instrument of the college concerned, and may be re-appointed for one such further term.

(4) A principal of a public university college shall hold office for a term of four years and may be re-appointed for one more term of four years.

(5) A principal appointed under this section shall-

- (a) be the academic and administrative head of the university college, and have such powers and duties as are prescribed for principals of the type and category of universities to which his institution belongs under this Act, any other written law or as may be prescribed by regulations of the relevant principal organ of governance of his institution;
- (b) in the case of university colleges, other than connected colleges, be responsible to the Vice-Chancellor, the Governing Board and the Council in respect of all matters concerning the university college; and
- (c) in the case of connected colleges, be responsible to the Vice-Chancellor, the Governing Board and the Council in respect of all academic matters of the connected college.

Deputy Principals **39.**—(1) There shall be Deputy Principals or equivalent designation for every university college, appointed in such manner and upon such terms and conditions as are provided for under the enabling legal instrument of the institution, written law or as the Council or, the Governing Board may prescribe.

(2) The Deputy Principal of a university college shall be recommended by the Senate from a list of three professors or associate professors and appointed by the Chancellor on the advice of the Council, or, the proprietors or owners, promoters or sponsors after consultation with the Council of the university to which the college is affiliated.

(3) The number of Deputy Principals shall be such as may be prescribed by the enabling legal instrument, or, Council of the university or the Governing Board of the university college.

(4) In appointing a Deputy Principal, the appointing authority shall have regard to the recommendation of the Principal and the advice of the Senate or, the Academic Committee.

(5) A Deputy Principal shall—

- (a) be responsible to, the chief advisor of, and assistant to the Principal in respect of all academic or administrative matters of the college;
- (b) have such powers as the Principal may, in writing delegate to him;
- (c) in the absence of the Principal, deputise for the Principal in such matters as the Principal or regulations may specify;
- (d) have such other powers, duties and functions as are conferred upon him by this Act or as may be prescribed under any other written law or relevant regulations.

(6) Where there are two or more Deputy Principals, the Deputy Principal responsible for academic matters shall deputise for the Principal during the Principal's absence from office.

(7) A Deputy Principal shall hold office for such a period of years as shall be specified in the enabling legal instrument or

charter of the relevant institution and may be re-appointed for one further term, except that for a public university college, such a period shall be three years.

Director

40.—(1) The Director or equivalent designation shall be the chief executive officer of a University based institute, center or directorate.

(2) Notwithstanding subsection (1), where a university-based institute is registered to run in Tanzania, degree programmes of a recognised foreign university which are accredited by the Commission, it shall be lawful for the Commission to grant permission for the chief executive officer of such an institution to be a Principal or equivalent designation.

(3) The Director shall be appointed in the case of a university-based institute, centre or directorate and the like, by the Chancellor, from a list of three academic members of staff of the rank of senior lecturer or senior research fellow or equivalent status or designation and upon recommendation by the Senate or Academic Committee and the Council or Governing Board, on the basis of a search committee's recommendation or the results of a procedure involving public advertisement and interviews for the post, processed through the Senate and the Council or, the Academic Committee and the Governing Board.

Deputy Director

41.—(1) There shall be a Deputy Director of a university-based institute, centre or directorate.

(2) The provisions of subsections (3) and (7) of section 39 shall apply *mutatis mutandis* as to the appointment of a Deputy Director, term of office, powers and other functions of the Deputy Director.

Registrar

42.—(1) There shall be a Registrar of a university, except that where there are two or more deputies of the chief executive officer of a public institution, there shall be no Registrar of such an institution.

(2) The Registrar shall be appointed by the Council or Governing Board from a list of three candidates on the basis of a search committee's recommendation or through a procedure of public advertisement for the post and after consultation with the chief executive officer of the institution.

(3) A Registrar shall-

- (a) be responsible to the chief executive officer of the institution in respect of such administrative matters pertaining to the institution as shall be assigned to him;
- (b) have such other functions as are conferred upon a deputy chief executive officer of an institution responsible for administration by this Act or as may be prescribed.

(4) The tenure of office for a Registrar appointed to the public institution shall be three years and may be reappointed for one further term.

(b) Principal Organs

Principal organs of governance

43.-(1) There shall be two principal organs of governance in every university, namely the Council and the Senate.

(2) In university colleges, other than campus colleges, the two organs shall be the Governing Board and the Academic Committee.

(3) The Council of a university and the Governing Board of a university college, other than a campus college shall be the principal overall policy-making organs for the respective institutions.

(4) The Council of a university shall be the principal policy-making organ of the university including the university constituent and connected college campus, and, for general academic policy related matters only.

(5) The Governing Board of a constituent, and a connected college of a university, shall be the principal policy-making organ of the constituent, the connected college in respect of all administrative matters.

(6) The Senate of a university and the Academic Committee of a university college, other than a campus college shall be

the principal overall decision-making organs in respect of all academic matters of the respective institutions.

(7) The Senate of a university shall be the principal decision making organ in respect of all academic matters of the university including the university's campus, constituent and connected colleges, and its faculties, institutes and schools.

Composition
of Council or
Governing Board

44.-(1) Members of-

(a) a Council of a university or, a Governing Board of a constituent college shall be not less than eleven and not more than twenty-one in number; and

(b) any other Governing Board, shall be not less than nine and not more than fifteen in number.

(2) Subject to the provisions of subsection (1), the composition of the Council or the Governing Board shall be provided for under the enabling instrument of each institution and in appointing members to the Council or Governing Board, the appointing authority shall ensure that-

(a) the composition reflects various sectors of society which have a stake in the institution and persons drawn from such sectors have such additional attributes, including integrity, interest in higher education related matters and experience, as may enable them to make a meaningful contribution to the deliberations of the Council or, the Governing Board;

(b) not less than seventy-five percent and not more than eighty percent of the members shall be drawn from outside the members of staff and or officers of the institution concerned;

(c) the composition shall as far as possible consist of members of both sexes on an equal basis, and so that, in any event, at least one third of the members shall be women; and

(d) students are represented.

(3) Subject to any other written law, the Chairman of the Council or the Governing Board of a public University shall

be appointed by the President on the advice of the Minister from among three candidates proposed by the Commission on the basis of procedure involving public advertisement and interviews for the post.

(4) The appointment of the Chairman of the Council or, the Governing Board of a private university shall be done in accordance with the provisions of the enabling legal instrument of the institution.

Functions and
powers of Council
or Governing
Board

45.—(1) The governance and control of a university, university college, other than a campus college shall be vested in a Council of the University or a Governing Board of the university college other than a campus college.

(2) Without prejudice to the generality of subsection (1), a Council or, a Governing Board shall have power—

- (a) to administer the properties of the institution, both movable and immovable;
- (b) to administer the funds and other assets of the institution, including the investment of such funds and assets;
- (c) to signify the acts of the institution by use of the institution's common seal;
- (d) on behalf of the university or a university college, to receive gifts, donations, grants, or other moneys, including loans and advances, and to make disbursements thereof to its schools, faculties, departments and other organs, persons or bodies;
- (e) to appoint officers of the institution;
- (f) to propose or, in any case where it is empowered to do so under the relevant enabling legal instrument of an institution, to set standards of levels for remuneration packages for academic and senior administrative and support staff of the institution;
- (g) to establish or disestablish schools, faculties, institutes and departments or similar organs of equivalent designations;

- (h) to make by-laws for the administration of students, and other subsidiary legislation as may be required;
- (i) to propose such regulations and give such directives in relation to the governance of the institution or of any of its organs as would ensure or facilitate a system of adequate democratic representative participation of the members of the institution in the said governance and efficient and effective execution of policies, laws, regulations or decisions relating to the institution, including the staff and the students of the institution.

(3) Subject to the provisions of this Act and for the avoidance of doubt, the Governing Board of a connected college and an associate higher education institution shall have the powers vested in a Governing Board under the provisions of subsections (1) and (2), the relevant enabling legal instrument and any other written law.

(4) A subsidiary legislation and directives made under this section shall be brought to the notice of the students of the institution in such clear and transparent manner as the Council or, the Governing Board may determine.

Composition
of Senate or
Academic
Committee

46.-(1) The number of members of-

- (a) a Senate shall be as may be determined by the Council; and
- (b) an Academic Committee shall be determined by the Governing Board,

except that the number of *ex-officio* members in an institution shall not be reduced.

(2) The chief executive officer of the institution shall be the Chairman of the Senate or, as the case may be, an Academic Committee.

(3) Subject to the provisions of this section, the membership of a Senate or, an Academic Committee, shall be provided for under the enabling legal instrument of each institution and the appointing authority shall ensure that-

(a) the membership shall be not less than seventy-five percent and not more than eighty-five percent drawn from among the senior academic and administrative staff of the institution concerned and a few from other corresponding institutions in the country; and

(b) the provisions of subsection (2) of section 44 shall, apply *mutatis mutandis*, to the composition of a Senate or, an Academic Committee.

(4) The Senate or, the Academic Committee shall have power to co-opt any number of competent persons as it may deem necessary or appropriate for the better carrying out of its functions.

(5) For the purpose of this section-

(a) “senior academic and administrative staff” includes in relation to a university institution, deputy vice-chancellors or equivalent designation, principals and deputy principals or equivalent designations, registrar, deans of schools and faculties, directors of institutes, centres or directorates, heads of academic departments and units, dean of students or equivalent designation professors or research professors, associate professors or associate research professors, senior lecturers or senior research fellows, the chief librarian or equivalent designation; and

(b) “*ex-officio* members” means in relation to a university, the vice-chancellor and deputy vice-chancellors or equivalent designations, principals and deputy principals or equivalent designations, registrar, deans of schools and faculties, directors of institutes, centres or directorates, heads of academic departments and units, and deans of students or equivalent designation.

Functions
of Senate or
Academic
Committee

47.-(1) A Senate or an Academic Committee shall be responsible to the Council or, the Governing Board respectively, for the control and general regulation of the instruction, education and research in the institution and, subject to the provisions

of this Act shall be the supreme organ in all academic matters within a university and institution affiliated thereto.

(2) Subject to subsection (1), the Senate or, the Academic Committee shall have the following specific functions:

- (a) to satisfy itself regarding the content and academic standard of any course of study offered by a school, faculty, or department under its control and general regulation in respect of a degree, diploma, certificate or any other award of the institution and to report its findings thereon to the Council or Governing Board respectively;
- (b) with the consent of the Council or Governing Board, to propose regulations regarding-
 - (i) the eligibility of persons for admission to courses for a degree, diploma, certificate or other award of the institution; and
 - (ii) the standard of proficiency to be attained in each examination for a degree, diploma, certificate or other award of the institution;
- (c) to regulate the conduct of examinations of the institution, including pre-entry or matriculation examination, if any;
- (d) to decide whether any candidate for a degree, diploma, certificate or other award of the institution has attained the standard of proficiency prescribed in the regulations made under paragraph (b) and is otherwise fit for the grant of such degree, diploma, certificate or other award of the institution;
- (e) to consider recommendations made to it by boards of institutes, schools and faculties and take appropriate action;
- (f) to make proposals to the institution's Council or Governing Board on matters relating to the conduct of the institution generally; and
- (g) to perform such other functions as are conferred upon the Senate or the Academic Committee by this

Act or any other written law, the institution's enabling instrument or as may be prescribed in regulations made under this Act by the Council or the Governing Board.

(3) In respect of any matter in relation to which the Senate or, the Academic Committee is required to report to the Council or the Governing Board in accordance with the provisions of subsection (2) (a), or to make by-laws in accordance with the provisions of subparagraphs (i) and (ii) of paragraph (b) of subsection (2) of this section, the Council or the Governing Board shall not-

- (a) initiate any action thereof until such report has been received from the Senate or the Academic Committee, or, as the case may be, such by-laws have been made by the Senate or the Academic Committee; and
- (b) reject or disapprove any such report or by-laws without further reference to the Senate or the Academic Committee.

PART VI

CONVOCATIONS, STAFF ASSOCIATIONS AND STUDENTS' ORGANISATIONS, ADMINISTRATION AND WELFARE

Convocations and Staff Associations **48.** An institution shall provide under its enabling instrument-

- (a) for the establishment of-
 - (i) a convocation of the entire membership of the institution, including current staff and students, and such rights and privileges as the institution deems fit; and
 - (ii) an alumni association or associations whose constitution, shall be determined by the members thereof and whose affairs, including membership shall be governed by such constitutions;

(b) for the recognition or establishment of a staff association or associations except that-

- (i) the affairs of staff association, including membership, shall be governed by its own constitution; and
- (ii) the constitution of a staff association, shall be determined by the members of the association and shall be subject to approval by the Council or the Governing Board of the institution.

Students' Organisations

49.-(1) The university shall, by notice published in the *Gazette* or prospectus of the university, provide under its charter for a common students' organisation of the institution to be known by such name as may be agreed by its members and approved by the Council or the Governing Board of the institution.

(2) The membership of and affairs of the students' organisation shall be governed by its constitution.

(3) The constitution of the students' organisation shall be subject to approval by the Council or the Governing Board of the institution.

(4) The Council or the Governing Board of an institution may provide for the approval and the conduct of other students' organisations in such fair and transparent manner as it deems appropriate.

Administration and welfare of students

50.-(1) An institution shall provide under its enabling legal instrument for an office of a person of integrity and outstanding experience and capability in student administration or counselling to be responsible for the proper, effective and efficient administration of the affairs of the students of the institution.

(2) The designation of the holder of the office under subsection (1) shall, in the case of a university accredited to offer degree programmes and confer degrees, be the Dean of Students or equivalent designation.

(3) An institution shall have a clearly formulated policy on the general administration and welfare of the students of the institution and shall provide under its enabling instrument for making of regulations or by-laws for the administration and welfare of the students.

(4) Regulations or by-laws made under subsection (3) shall be published by the institution in the *Gazette* or the institution's prospectus and every such regulation or by-law shall be brought to the notice of the students in such manner and form as the Council or the Governing Board of the institution may determine.

(5) An institution shall provide under its enabling instrument for the establishment or appointment of an authority, to be known as the students disciplinary authority, with clearly defined powers, functions and procedures or mode of operation except that-

- (a) such powers, functions and procedures, or mode of operation may be provided for in the regulations or by-laws promulgated in accordance with the provisions of subsection (3); and
- (b) the holder of the office responsible for the general administration and welfare of students shall not be appointed, serve or act as a member of such students disciplinary authority.

(6) An institution shall establish or appoint a committee, to be known as the Students Disciplinary Appeals Committee, to hear and decide on appeals from the institution's students disciplinary authority and whose composition, powers, functions, procedures or mode of operation may be provided for under the regulations or by-laws promulgated in accordance with the provisions of subsection (3).

(7) The composition of the Students Disciplinary Appeals Committee established under subsection (6) shall not include any such person who was or is involved in the investigation, hearing or decision of any matter connected or otherwise associated with any particular appeal to the Committee in

which such a matter is directly or indirectly relevant prior to the commencement of the appeal process.

(8) For the purposes of this section, the administration of the affairs of the students of the institution shall include establishment of and overseeing the machinery for monitoring, coordinating, regulating, controlling and facilitating the general conduct of students on the campus or campuses of the institution, the institution's branches and any other place where the affairs of the institution in which its students are involved may take place, be conducted or extended to or where the residence of its students is established, provided, organised or overseen by the institution.

Prohibition of political parties activities on campus

51.—(1) Staff association or students' organisation in an institution shall not engage in any political party's activities on campus, conduct its affairs or have a constitution which in any way or manner whatsoever offends or conflicts with the provisions of this Act or of any other written law.

(2) For the purpose of this section—

- (a) “campus” includes any place where the activities or affairs of the institution to which a staff association or a students' organisation belongs may under lease or licence take place, be conducted or where the residence of students is established, provided, organised or overseen whether regularly or intermittently or on a particular occasion or occasions;
- (b) “engaging in political parties activity” includes regular recruitment, training, registering or enrolment of political party members, regular organisation of meetings, seminars and conferences for a political party or political parties, operating a branch office or cell or the like of a political party or political parties and matters of a similar nature;
- (c) “staff association” includes its members; and
- (d) “student organisation” includes its members.

PART VII

MISCELLANEOUS PROVISIONS

Students' admission qualifications

52.—(1) Subject to the provisions of this Act, an institution shall enunciate and publish in the prospectus of the institution the students admission regulations of the institution, including qualifications required for the institution's various programmes and awards.

(2) An applicant shall not be admitted to pursue a programme of study in an institution unless he meets the admission qualifications spelt out in the enunciated admission regulations governing the institution in accordance with subsection (1).

Committee of Vice-Chancellors and Principals

53.—(1) There shall be a committee to be known as the Committee of Vice-Chancellors and Principals.

(2) The provisions of the Second Schedule to this Act shall have effect as to composition, functions, powers and other proceedings of the Committee of Vice-Chancellors and Principals.

Power of Council or Governing Board to make regulations

54. A Council or Governing Board shall have power to make regulations for giving effect to any enabling instrument, law, charter, memorandum of association or constitution relating to its university, college, institute or school for the general governance of its institution in relation to matters not specifically prescribed by this Act or any other applicable written law except that—

- (a) regulations dealing with the composition of a Senate or Academic Committee shall not be made, amended, added to or repealed except on the recommendation of such Senate or Academic Committee; and
- (b) regulations dealing with studies, system of instructions, examinations, and discipline in a university, university college, to which this Act applies, shall not be made, amended, or repealed without consultation with the senate of such institutions.

Appointment to key administrative positions

55.—(1) In making appointments to key administrative positions in a university the appointing authorities shall ensure that such appointments are made on merit and in accordance with an open system capable of inspiring confidence that fairness, the respective appointees' competence for the relevant positions and their general acceptability in the institutions in question, have all been taken into account.

(2) The Council or the Governing Board shall, by its enabling legal instrument or by regulations, prescribe the attributes of the open system referred to in subsection (1), which attributes shall include the form, way or method of identifying candidates, participation of the community or the organs of governance of the institution that shall be involved in the process of such system.

(3) For the purpose of this section—

(a) “key administrative positions” include the position of the Vice-Chancellor, Deputy Vice-Chancellor or Principal, Deputy Principal, Dean of Students, Dean, Director and Head of Academic Department or their respective equivalent designations; and

(b) “organs of governance” include the Council, Governing Board, Senate, Academic Committee, a Board or Boards, Committee or Committees or a meeting or meetings.

(4) Where it is provided in this Act that a search committee's recommendation of candidates to be considered for appointment to a post or position shall be the basis of such appointment, such search committee shall be appointed or approved by the Council or the Governing Board of the institution concerned.

(5) Subject to the provisions of this Act, the Council or the Governing Board of the institution shall have power to—

(a) determine the number, tenure, remuneration and other terms and conditions of service of the members of such a search committee;

- (b) appoint the same committee or different or separate search committees for the different posts or positions for which a search committee's recommendation is prescribed as mandatory;
- (c) provide for the matters covered under paragraphs (a) and (b) of this subsection under regulations or the enabling legal instrument of the institution made in accordance with the provisions of this Act; and
- (d) delegate to the Senate or the Academic Committee power to appoint search committees in general or search committees for candidates for specified posts or positions.

Restriction on power of public institutions to alienate immovable property

56. A public institution shall not, without express authorisation by the Minister, dispose of or alienate in any manner, any immovable property acquired from or with the financial assistance of the Government.

Power of Minister to exempt certain institutions

57.—(1) Notwithstanding the provisions of any written law including this Act, the Minister, on the advice of the Commission, may, upon an application in writing by an Institution, exempt the institution from the provisions of this Act where the whole of the higher education operations, functions or activities of the institution are carried on outside Tanzania.

(2) The application for exemption shall be accompanied by a complete statement of the programmes or courses of study, and the mode or method of delivery thereof that the institution is desirous of running and using in that behalf in the country.

Penalty for certain offences

58. A person who commits an offence or an act declared to be unlawful under the provisions of this Act for which no particular punishment has been provided for under any specific section shall, on conviction, be liable to a fine not exceeding one million five hundred thousand shillings or to imprisonment for a period not exceeding six months, or to both.

Protection of members and staff	<p>59. A member of the Commission or of any of its Committees or any of its staff shall not be personally liable for anything done or omitted to be done <i>bona fide</i> in the execution or purported execution of any duty as a member of the Commission or of such a Committee or staff of the Commission.</p>
Amendments and repeals	<p>60. The existing Acts governing public universities are repealed or amended in the manner indicated in the Third Schedule to this Act.</p>
Transitional and consequential provisions	<p>61. Transitional and consequential provisions in respect of the Higher Education Accreditation Council and public universities are as provided for in the Fourth Schedule to this Act.</p>
Power of Minister to make Regulations	<p>62.-(1) Subject to the provisions of this Act, the Minister may, after consultation with the Commission, make regulations for the better giving effect to the provisions of this Act, and may in particular make regulations prescribing-</p> <ul style="list-style-type: none">(a) the procedure which shall be complied with by the Commission when granting accreditation;(b) the registration procedure of higher education institutions;(c) minimum standards for physical facilities, services and programmes of university;(d) terms, conditions and procedure for issuance of provisional licences;(e) procedure for granting, revocation and variation of charter;(f) procedure for registration of institute under this Act;(g) procedure for establishment of college and affiliation to a university;(h) forms or the manner in which applications, particulars, data or returns, and administrative appeals shall or may be submitted;(i) a framework for the general supervision, regulation, guidance and provision of incentives for a university;

(j) the mode of association or affiliation between the public and private universities;

(k) procedure for establishment of apex or common organisation of students of universities; and

(l) anything which, in the opinion of the Minister or the Commission, is necessary or expedient for the better carrying out of the provisions of this Act.

(2) The regulations made under this section shall be published in the *Gazette*.

FIRST SCHEDULE

(Made under section 4(3))

COMPOSITION AND PROCEEDINGS OF THE COMMISSION

Composition of
Commission
GN. Nos.
245 of 2016
180 of 2019

1.-(1) The Commission shall be composed of-

- (a) a Chairman who shall be appointed by the President;
- (b) two Vice-Chancellors from fully accredited universities one drawn from public universities and one from private universities;
- (c) a Law Officer from the Office of the Attorney General;
- (d) one member from the Ministry responsible for education;
- (e) one member from the Tanzania Zanzibar appointed by the Minister responsible for education of the Revolutionary Government of Zanzibar; and
- (f) not more than two other members.

(2) The Chairman and members under subparagraph (1) shall be drawn from amongst persons well vested with knowledge, skills and experience in higher education, training and other similar business of the Commission.

(3) The members from paragraph (b) to (f) of subparagraph (1) shall be appointed by the Minister.

(4) The Executive Secretary shall be the Secretary.

(5) The Commission shall perform its functions according to highest professional standards.

2. The members shall elect one of their number to be the Vice-Chairman of the Council and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, but shall be eligible for re-election.

Tenure of office 3.-(1) A member shall, unless his appointment is sooner terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment.
(2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the Commission.

Meetings of Commission 4.-(1) The Commission shall ordinarily meet at such times and places as it deems necessary for transaction of its business, but shall meet at least once in every three months.
(2) The Chairman or in his absence, the Vice-Chairman, may at any time call a special meeting upon a written request by a majority of the members.
(3) The Chairman or in his absence the Vice-Chairman, shall preside at every meeting of the Commission and in the absence of both the Chairman and the Vice-Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.

Absent members to be represented 5. Where a member of the Commission who is a member by virtue of his office is unable for any reason to attend any meeting of the Commission he may nominate another person from his organisation to represent him in the meeting.

Quorum 6. The quorum at any meeting of the Commission shall be half the members.

Decision of Commission 7.-(1) Subject to subparagraph (2), matters proposed at a meeting of the Commission shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes then the person presiding shall have a casting vote in addition to his deliberative vote.
(2) A decision may be made by the Commission without a meeting by circulation of the relevant papers among the members and the expression of the views of the member in writing, but any member may require that the decision be deferred and the subject matter be considered at a meeting of the Commission.

Minutes of meetings 8.-(1) The Commission shall cause to be recorded and kept minutes of all business conducted or transacted at the meeting and the minutes of each meeting of the Commission shall be read and confirmed or amended and confirmed at the next meeting of the Commission and signed by the person presiding and the Secretary to the meeting.
(2) Any minutes purporting to be signed by the person presiding and the Secretary at a meeting of the Commission shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.

Vacancies not to invalidate proceedings	9. The validity of any act or proceeding of the Commission shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.
Seal of Commission	<p>10.—(1) The seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Commission and the Executive Secretary.</p> <p>(2) In the absence of the Chairman, the person for the time being holding the position of Vice-Chairperson or a member of the Commission designated by the Chairman for the purpose may sign a document in his place.</p> <p>(3) Every document purported to be an instrument issued by the Commission shall be sealed with the common seal of the Commission and authenticated in the manner provided for under subparagraph (1) and such an instrument shall be received in evidence without further proof.</p>
Proof of documents	11. Any document purporting to be under the hand of the Registrar as to any resolution of the Commission or as having been issued on behalf of the Commission shall be receivable in all courts, tribunals or other bodies authorised to receive evidence and shall unless the contrary is shown, be deemed, without further proof to be sufficient evidence of what is contained in the document.
Power of Minister to give guidance	12. The Minister may, under his hand, give the Commission guidance on such matters of policy as may be required.
Commission to regulate its own proceedings	13. Subject to the provisions of this Schedule, the Commission may regulate its own proceedings.

SECOND SCHEDULE

(Made under section 53)

THE COMMITTEE OF VICE-CHANCELLORS AND PRINCIPALS

Interpretation	1. In this Schedule— “Committee” means the Committee of Vice-Chancellors and Principals.
Composition of Committee	<p>2. The Committee shall consist of—</p> <ul style="list-style-type: none"> (a) the Vice-Chancellor, or equivalent designation, of each public and each fully accredited and chartered private university; (b) the Principal, or equivalent designation of each university college except campus colleges; (c) the Executive Secretary;

(d) the Vice-Chancellors, or equivalent designation of universities Principals of colleges, who shall be co-opted members of the Committee with the right to full participation in its business but with no right to vote; and

(e) in an advisory capacity, such additional members appointed by each Council or Governing Board, as may be prescribed by joint regulations.

Chairman of Committee

3.-(1) The Committee shall elect one of the Vice-Chancellors to be the Chairman of the Committee on a rotating basis for a two year term and in his absence, one of the Vice-Chancellors present at a meeting shall be nominated to chair that particular meeting.

(2) The University whose Vice-Chancellor is elected Chairman of the Committee shall provide the Secretary to the Committee for the period of the Chairmanship.

Secretariat

4. The Committee may establish a secretariat on such other terms and manner and place as the Committee may deem appropriate and a fund to which the member institutions may make contributions at such rates, intervals and on such other terms as the Committee may deem fit, for meeting the costs of running the activities, including performing the functions, powers and privileges, of the Committee and the secretariat thereof provided for in or under this Act or under any written law or as may be prescribed.

Absent member may be represented

5.-(1) Where any Vice-Chancellor, Principal or Director is unable to attend any meeting of the Committee of Vice-Chancellors, Principals and Directors, he may nominate any senior member of staff of the University, College, Institute, Centre or Directorate, as the case may be, to represent him at such meeting.

(2) Nothing in subparagraph (1) shall entitle a senior member of staff representing a Vice-Chancellor who is the Chairman of the Committee to assume the position of Acting Chairman during the time he is representing that Vice-Chancellor.

Meetings of Committee

6.-(1) The Committee shall meet at least two times in a year at such place or places as may be determined by the Committee or the Chairman of the Committee in that behalf.

(2) The Chairman shall convene ordinary meetings of the Committee by notice in writing to each member specifying the place, date and time of the meeting at his usual place of business or residence not less than fourteen days before the date of such a meeting except that the first meeting of the Committee shall be convened by the Executive Secretary of the Commission.

(3) The Chairman, if requested to do so by at least one third of the members of the Committee, shall call for a meeting of the Committee in emergency, special or extra-ordinary session, and shall give reasonable notice of the meeting to all the members of the Committee.

(4) The Committee shall regulate the procedure of its meetings and related matters, including the *quorum* for such meetings, in such manner as it shall deem appropriate.

Functions of Committee

7. The Committee shall-

- (a) advise the Commission on promotion criteria of academic and senior administrative staff of different levels and categories of higher education institutions and on proper rationalisation and harmonisation of such criteria for the respective categories and levels of such staff and institutions;
- (b) perform any function assigned to it by this Act or by common regulations;
- (c) consider and make recommendations to the Commission regarding any matter referred to it by the Commission relating to accreditation, grants, student admissions or any other matter; and
- (d) perform any other function, consider and make recommendations to the Commission regarding any other matter and do any other thing which the Committee shall deem appropriate in furtherance of its mandate conferred upon it by this Act or by any other written law.

Powers of Committee

8. The Committee shall have power to-

- (a) deliberate on and make recommendations to the Commission regarding any matter that the Committee considers to be of common interest to its member universities and university colleges;
- (b) propose common regulations which may be adopted by the participating institutions for giving effect to the provisions of this Act and to make provisions for all such other matters as are of common interest to universities including provision for a voluntary or non-statutory federated staff welfare and retirement benefit scheme programme or plan for the participating universities; and
- (c) deliberate on and pass any resolution regarding any matter of common interest to the members of the Committee or of their respective institutions with a view to the implementation of the same or submitting it to any higher authority for consideration or information.

THIRD SCHEDULE

(Made under section 60)

AMENDMENTS AND REPEALS

Amendment of
Education Act
Cap. 353

Repeals
Acts Nos.
9 of 1991;
21 of 2001;
17 of 1992;
6 of 1984; and
12 of 1970

1. Amends the Education Act-
 - (a) by repealing the whole of Part IX; and
 - (b) in subsection (1) of section 33 by inserting immediately after the word “training” appearing in the last line the phrase “other than higher education level and training”.
2. Repeals-
 - (a) The Muhimbili University College of Health Science Act, 1991;
 - (b) The Mzumbe University Act, 2001;
 - (c) The Open University of Tanzania Act, 1992;
 - (d) The Sokoine University of Agriculture Act, 1984; and
 - (e) The University of Dar es Salaam Act, 1970.

FOURTH SCHEDULE

(Made under section 61)

PART I

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS FOR HIGHER EDUCATION ACCREDITATION COUNCIL

Interpretation

1.-(1) In this Schedule-

“effective date” means the date of commencement of this Act;
“existing university” includes an institution that was in existence, whether active or inactive, immediately before the effective date, which, by its mission, programmes, student admission requirements and awards, offered a level of education and training that led to either intermediate or full academic or professional qualifications and competence, whether it was already granted accreditation or not under Part IX of the amended Act or any other applicable written law;

Cap. 353

“former Council” means the Higher Education Accreditation Council established by the Education Act;

“former officer” means any person employed on the staff of the former Council immediately preceding the effective date and includes the persons so employed as the Executive Secretary or Assistant Executive Secretary of the former Council;

“instrument” includes, contracts, guarantees, agreements bonds, authorities, mortgages, charges, bill of exchange, promissory notes, bank drafts, bank cheques, letters of credit and securities.

Assets and liabilities 2.-(1) All assets and liabilities of the former Council, subsisting upon the effective date shall, by virtue of this Act and without further assurance, vest in the Commission, and the former Council shall, as from the effective date, be discharged from its obligations in respect of every such liability.

(2) The Commission shall carry out and continue the functions of the former Council in accordance with the provisions of this Act.

Former officer 3.-(1) Subject to the provisions of paragraph 4, every former officer shall, as from the effective date, be deemed to be an employee of the Commission.

(2) Where a former officer becomes employed by the Commission by virtue of subparagraph (1), the terms and conditions of service of his employment in the service of the Commission shall be in accordance with the provisions of this Act and any regulations made there under:

Provided that, this subparagraph shall not apply so as to permit any reduction in the salary to which such former officer was entitled immediately before the effective date.

(3) Every former officer who, by virtue of this paragraph, becomes an employee of the Commission shall be deemed to have been appointed to the service of the Commission on the effective date in accordance with the provisions of this Act.

(4) For the purpose of determining any right to a gratuity or other pension or terminal benefit, of a former officer his service with the Commission shall be regarded as continuous with his service immediately preceding the effective date; his employment immediately prior to the effective date and his employment by the Commission shall be deemed to be continuous employment by one employer.

Employment of former officer 4.-(1) The Chairman may, after consultation with the Minister, direct that a former officer be employed by the Commission in an office in the Commission corresponding to the office held by him immediately preceding to the effective date or in such other office as the Chairman may determine, and where such officer is so employed, the provisions of paragraph 3 shall apply to him.

(2) Where any former officer to whom subparagraph (1) applies is not employed by the Commission in accordance with paragraph 3, the Minister may, direct the Commission to pay such officer such gratuity or other payment as he may consider fit and the Commission shall give effect to any such direction.

(3) Subject to the provisions of subparagraph (2), a former officer shall not, notwithstanding any provision of the terms and conditions

applicable to his employment immediately preceding the effective date or any provision of any contract regulating his employment immediately preceding the effective date, be entitled to claim from the former Council or the Commission any damages or other payment whatsoever for any loss suffered by him by reason of the operation of the provisions of this Schedule.

Instruments

5.—(1) The instruments to which this paragraph applies include instruments—

- (a) to which the former Council is a party;
- (b) under which any money is or may become payable or any other property is or may become liable to be transferred, conveyed or assigned to the former Council; or
- (c) under which any money is or may become payable or any other property is to be, or may become liable to be transferred, conveyed or assigned by the former Council which are subsisting on the effective date, other than any contract or agreement between the former Council and any former officer.

(2) An instrument to which this paragraph applies shall, by virtue of this paragraph, continue in full force and effect and the Commission shall, by this Act—

- (a) be substituted for the former Council as a party thereto;
- (b) be entitled to receive and enforce payment of any money payable there under;
- (c) be entitled to obtain a transfer, conveyance or assignment of and enforce possession of, any property which is to be transferred, conveyed or assigned there under;
- (d) be liable to make payment of any money payable there under; or
- (e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned there under, as the case may be.

Subsidiary legislation

6.—(1) All regulations, rules, by-laws, orders, directions, circulars or other subsidiary legislation made, given or issued under the repealed or amended Act and which are in force before the effective date shall remain in force after the effective date until they are repealed or replaced by regulations or other subsidiary legislation made under or in accordance with the provisions of this Act.

(2) For avoidance of doubt, all appointments, requirements, authorisations, accreditations, approvals, other things, including rights and liabilities made, given, taken, done or incurred under, and all funds, assets and other property acquired by virtue of or in accordance with the provisions of the repealed or amended Act shall be deemed to have been done, given, taken, made, incurred or acquired under this

Act subject to such changes and provisions of repeal or replacement as may be made as provided in subparagraph (1).

PART II

CONSEQUENTIAL AND TRANSITIONAL PROVISIONS FOR PUBLIC UNIVERSITIES

Existing university to comply with Act	7. An existing university shall, within eighteen months from the date of commencement of this Act, comply with the provisions of this Act.
Transfer of assets and liabilities	8. All assets and liabilities of the existing university shall, with effect from the effective date and without further assurance, vest in the university and the university council.
Universities to continue their functions	9. The existing university shall perform its functions in accordance with the provisions of this Act, and enrolled students immediately before the commencement of this Act shall continue to be students of the university.
Employee of university	10. —(1) An employee of the existing university shall, with effect from the effective date, continue to be the employee of the existing university under the terms and conditions of service as stipulated under this Act or regulations made under this Act. (2) For the purpose of calculating a gratuity or other benefits of an employee of the university, the service of that employee with the existing university shall be regarded as continuous.
Instrument in which existing university is party	11. An instrument to which the existing university is a party shall be deemed to be the valid instrument of the university for purposes for which it was made.
Subsidiary legislation	12. Subsidiary legislation for the existing university made under any written law shall, unless revoked or substituted, continue to apply to the university as if it was made under this Act.

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