

Uganda

## Islamic University in Uganda Act Chapter 131

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Islamic University in Uganda Act (Chapter 131)

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# Uganda

## Islamic University in Uganda Act Chapter 131

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**An Act to establish the Islamic University in Uganda; to provide for its constitution, objects, functions, administration, immunities and privileges; and for other purposes connected with the foregoing.**

### Part I – Interpretation

#### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "academic staff" has the meaning assigned to it by [section 51](#);
- (b) "academic year" means a period determined by the council under [section 13](#);
- (c) "administrative staff" means the secretary, the registrar, the bursar, the coordinator, the engineer and such other members of staff not engaged in teaching or research as the council may from time to time determine;
- (d) "appointments committee" means the appointments committee appointed under [section 50](#);
- (e) "bursar" means the bursar of the university appointed under [section 30](#);
- (f) "chairperson" means the chairperson of the council elected under [section 11](#);
- (g) "coordinator" means the coordinator of the university appointed under [section 32](#);
- (h) "council" means the university council established under [section 9](#);
- (i) "dean" means the dean of a faculty elected under [section 40](#);
- (j) "deputy dean" means the deputy dean elected under [section 41](#);
- (k) "deputy director" means the deputy director elected under [section 41](#);
- (l) "director" means the director of an institute elected under [section 40](#);
- (m) "East Africa" means Kenya, Uganda and Tanzania;
- (n) "engineer" means the engineer of the university appointed under [section 34](#);
- (o) "executive board" means the executive board established by [section 9](#);
- (p) "faculty" means a faculty established by or under [section 7](#);
- (q) "faculty members" has the meaning assigned to it in [section 38](#);
- (r) "financial year" means a continuous period of twelve months prescribed under [section 57](#);
- (s) "general secretariat" means the general secretariat of the organisation;

- (t) "**institute**" means an institute established by the council under [section 7](#);
- (u) "**librarian**" means the librarian of the university appointed under [section 36](#);
- (v) "**member State**" means a member State of the organisation;
- (w) "**Minister**" means the Minister to whom responsibility for this Act has for the time being been assigned by the President;
- (x) "**organisation**" means the Organisation of the Islamic Conference;
- (y) "**rector**" means the rector of the university appointed under [section 22](#);
- (z) "**registrar**" means the registrar of the university appointed under [section 28](#);
- (aa) "**secretary**" means the secretary of the university appointed under [section 26](#);
- (bb) "**secretary general**" means the secretary general of the organisation;
- (cc) "**statute**" means a statute made by the council under [section 69](#);
- (dd) "**student**" means a person accepted by the university for study or research on a regular basis and in accordance with statutes made by the council;
- (ee) "**university**" means the Islamic university in Uganda established by [section 2](#);
- (ff) "**vice rector**" means a vice rector of the university appointed under [section 24](#).

## Part II – Establishment of the university

### 2. Establishment

- (1) There is established in Uganda a university to be known as the Islamic University in Uganda.
- (2) The university shall be a body corporate, shall have perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) The university may, for any purpose in connection with its objects and functions under this Act, purchase, hold, mortgage and dispose of any property, whether movable or immovable, and may enter into any contract and other transactions as may be expedient, and may do or suffer any other act or thing as in law may be done or suffered by a body corporate, subject to this Act.

### 3. Members of the university

The members of the university are—

- (a) members of the council;
- (b) members of the executive board;
- (c) the rector;
- (d) the vice rectors;
- (e) the secretary, registrar, bursar, coordinator, engineer and librarian;
- (f) deans of faculties and directors of institutes;
- (g) deputy deans of faculties and deputy directors of institutes;
- (h) faculty members and other academic staff;
- (i) students of the university; and

- (j) such other members of the staff of the university or of any body formally admitted into association with the university as the council may, subject to this Act, determine.

#### **4. Location of the university**

The seat of the university shall be at Mbale in the Republic of Uganda, but the university may establish a branch of the university in any other part of Uganda or in any other African country or both.

### **Part III – Objects and functions of the university**

#### **5. Objects and functions of the university**

- (1) The objects and functions of the university are—
  - (a) to function as an academic and cultural institution within the organisation in accordance with this Act;
  - (b) to promote and enhance the civilisation and scientific influence of Islam, to promote culture and science among African peoples and to contribute to rapport and solidarity between such peoples;
  - (c) to give special care to Islamic studies and research, teach Arabic and make maximum contribution to the spread of Islamic culture in African countries;
  - (d) to enable African countries to assimilate science and technology, to acquire scientific and technological know-how and to use it in the best interests of African countries and their peoples;
  - (e) to train adequate manpower and secure the necessary methods for higher education, scientific research and advanced studies in the various fields of science, arts and learning generally; and
  - (f) to promote cultural, sports, social and scientific activities within the university.
- (2) Without prejudice to the general effect of subsection (1), the university may—
  - (a) award its own degrees, diplomas, certificates and other academic awards; and
  - (b) carry on such other activities as may appear to the council to be incidental or conducive to the attainment of the objects specified in subsection (1).

#### **6. Teaching languages at the university**

Subject to this Act, teaching at the university shall be conducted in English and in Arabic as shall be determined by the council in the case of any subject or any course of study.

### **Part IV – Constituent faculties and institutes of the university**

#### **7. Faculties and institutes of the university**

- (1) The council shall, at such times and places as it may think fit, establish in the university such faculties and institutes as may appear to it expedient having regard to available resources of the university.
- (2) In the first instance, the university shall have the following faculties—
  - (a) a faculty of Islamic studies and Arabic language;
  - (b) a faculty of education;

- (c) a faculty of medicine;
  - (d) a faculty of social studies; and
  - (e) a faculty of business studies and public administration.
- (3) The council may, at any time, replace or modify any faculty or institute established by or under this Act.

## **8. Compulsory teaching of Arabic and Islamic studies in certain faculties**

- (1) Except as otherwise provided in subsection (2), the teaching of Arabic and Islamic studies shall be compulsory to all students; and passing in those subjects shall be a prerequisite to the award of a degree, diploma or certificate or other award by the university.
- (2) Subsection (1) shall not have the effect of requiring the passing in Arabic and Islamic studies in the case of awards in respect of medicine, engineering, agriculture, veterinary science and any other subject prescribed by the council.

## **Part V – Structure and authorities of the university**

### **General**

## **9. Authorities of the university**

Subject to this Act, the following authorities shall be charged with the administration of the university—

- (a) the university council;
- (b) the executive board; and
- (c) the rectorship of the university.

### **The council**

## **10. The council**

The council shall be the supreme organ of the university responsible for overall administration of the university and for ensuring the due implementation of the objects and functions of the university.

## **11. Membership of the council**

- (1) The council shall be composed of sixteen members as follows—
- (a) five persons appointed by the secretary general from among persons who are Muslims of outstanding academic and scientific attainment and also from among Muslims who are considered to be eminent personalities in the Muslim world in each case irrespective of their nationalities;
  - (b) five persons appointed by the Government of Uganda;
  - (c) the secretary general or a senior official of the general secretariat appointed by the secretary general;
  - (d) the chairperson of the Permanent Council of the Islamic Solidarity Fund or the chairperson's representative who shall be a member of the permanent council;
  - (e) the chairperson of the Uganda Muslim Supreme Council or the chairperson's representative;



- (f) the rector;
  - (g) the vice rector responsible for academic matters;
  - (h) the leader, by whatever name called, of the university's students association.
- (2) The council shall elect one of its members to be chairperson of the council.
- (3) The rector shall act as secretary to the council.

## 12. Tenure of office of members of the council

- (1) The secretary general may, every three years, replace any two of the five members appointed by the secretary general under [section 11\(1\)\(a\)](#).
- (2) The Government of Uganda may also replace every two years any two of the five members appointed by it under [section 11](#).
- (3) Where a member of the council—
- (a) dies;
  - (b) resigns his or her office; or
  - (c) is absent from two consecutive meetings of the council without any cause appearing to the council to be sufficient,

the council shall declare his or her office vacant, and the vacancy shall be filled in accordance with [section 11](#).

- (4) The chairperson shall, unless he or she ceases to be a member under this section, hold office as chairperson for five years.
- (5) The chairperson may be removed from office as chairperson by the vote of not less than two-thirds majority of the members of the council.
- (6) The chairperson and other members of the council shall be eligible for reappointment or reelection, as the case may be, upon their ceasing to hold office.

## 13. Functions of the council and its chairperson

- (1) The council, as the supreme organ of the university, shall, subject to this Act—
- (a) be responsible for the direction of the administrative, financial, and academic affairs of the university; and
  - (b) lay down the general policy guidelines and take all necessary decisions conducive to the fulfillment of the objects and functions of the university.
- (2) Without prejudice to the general effect of subsection (1), the council may—
- (a) for the purposes of carrying out its functions under that subsection, make statutes under [section 69](#);
  - (b) approve proposals for the creation of departments within faculties and institutes;
  - (c) approve university budget proposals;
  - (d) adopt rules and regulations governing faculty members submitted by the executive board;
  - (e) approve the appointments of deans and deputy deans of faculties and directors and deputy directors of institutes;
  - (f) approve university fees;

- (g) approve the final accounts of the university submitted by the executive board;
  - (h) determine the academic year of the university;
  - (i) make proposals to the Government of Uganda for amending this Act as may, from time to time, appear to the council to be necessary.
- (3) The council shall, subject to this Act, manage and cause to be utilised the funds, assets and property of the university in such manner as would promote the best interests of the university.
- (4) Subject to [section 20](#)—
- (a) the chairperson shall be the head of the university and in that capacity may call a convocation and confer all degrees, diplomas, certificates and other awards in the name of the university;
  - (b) in the absence of the chairperson, the rector may call a convocation and confer the degrees, diplomas, certificates and other awards in the name of the university; and
  - (c) the executive board may invite any other person to confer the degrees, diplomas, certificates and other awards in the name of the university.

#### **14. Meetings of the council**

- (1) The council shall hold one ordinary meeting in each year at such time and place as the chairperson may determine.
- (2) The council shall also hold an extraordinary meeting upon the request of the chairperson or upon the written request of not less than seven other members of the council.
- (3) An extraordinary meeting may be held at the seat of the university or at any other place determined by the chairperson.
- (4) Members of the council shall be given at least twenty-one days' notice of the date and place of an extraordinary meeting and of matters to be discussed at that meeting.
- (5) The council may prescribe a shorter period of notice in case of emergency.
- (6) The chairperson shall preside at every meeting of the council, and in his or her absence a member elected by the members present shall preside.
- (7) The quorum at a meeting of the council shall be ten members.
- (8) The council may co-opt any person who is not a member of the council to attend any meeting of the council as an adviser, but a person coopted is not entitled to vote on any matter coming for a decision before the council at that meeting.
- (9) The rector shall cause minutes of proceedings at every meeting of the council to be recorded in a form approved by the council, and the minutes so recorded shall be subject to confirmation by the council at the next subsequent meeting of the council and when confirmed shall be signed by the chairperson or other person presiding at the last-mentioned meeting and by the rector, in the presence of the other members present at that meeting.
- (10) Except as otherwise expressly provided in this section, the council may regulate its own proceedings.

#### **15. Decision by circulation of papers**

- (1) Subject to subsection (2), decisions of the council may be taken by the circulation of the relevant papers among the members of the council and the expression of their views in writing, so, however, that any five members may require that any such decision shall be deferred until the subject has

been considered at a meeting of the council; and unless the requirement is withdrawn, it shall be so deferred.

- (2) A decision taken by circulation of papers under this section is not valid unless it is supported by not less than ten members of the council.

## 16. Remuneration of members of the council

A member of the council and also a person co-opted to any meeting of the council under [section 14](#) shall be paid such sitting and other allowances, if any, as may be determined by the council.

## 17. Committees of the council

- (1) The council may appoint committees comprising members of the council or persons who are not members of the council or both, and may appoint a member of any such committee to be chairperson of that committee.
- (2) The council may assign to a committee appointed under this section such functions as it may think fit and subject to such conditions and restrictions as the council may impose.
- (3) The council may require a committee appointed under this section to act in conjunction with any other such committee or with any other person or body under this Act.
- (4) The council may regulate the proceedings of a committee appointed under this section.

## 18. Validity of proceedings of the council

The validity of any proceedings, act or decision of the council shall not be affected by any vacancy in its membership or by any defect in the appointment or election of any member or by reason that a person not entitled to do so participated in its proceedings.

# Executive board

## 19. Executive board

The executive board shall consist of the following—

- (a) the rector who shall be chairperson;
- (b) the vice rectors;
- (c) the deans of faculties and the directors of institutes;
- (d) heads of departments;
- (e) two members of each faculty elected by the members of the faculty; and
- (f) the registrar, secretary, bursar, coordinator, engineer and librarian.

## 20. Functions of the executive board

- (1) The executive board shall be responsible for conducting the day-to-day business of the university in accordance with the policies of the council.
- (2) Without prejudice to the general effect of subsection (1), the executive board shall have the following functions—
  - (a) making proposals to the council for the making of statutes by the council in accordance with this Act;

- (b) making proposals to the council for the establishment of new faculties or institutes and the establishment of new departments within a faculty or institute;
  - (c) awarding academic degrees, diplomas, certificates and similar awards;
  - (d) regulating hours of work;
  - (e) making proposals to the council for prescribing the fees for the university, conditions for the grant of exemptions from the fees and for the determination of scholarships, bursaries and other grants to be made to students;
  - (f) prescribing teaching methods and curricula for the faculties and institutions and ensuring in so doing the requirements of teaching of Islamic culture at all levels in respect of all subjects;
  - (g) submitting to the council proposals for the budget of the university;
  - (h) preparing the final accounts of the university for submission to the council;
  - (i) receiving on behalf of the university contributions, subsidies, grants and legacies and similar assistance not being inconsistent with the objects and functions of the university; and
  - (j) the appointment of an external auditor.
- (3) The executive board may, with the prior approval of the council, make rules not being inconsistent with this Act for regulating the internal administration of the university and also relating to the functions of the executive board under this Act.

## 21. Meetings of the executive board

- (1) The executive board shall meet at least once in each month at such time and place as the chairperson of the board may direct.
- (2) The decisions of the executive board shall be by simple majority of the members present and voting; and in the case of an equality of votes, the rector shall have a second or casting vote.
- (3) Subject to subsection (2), the executive board may regulate its own procedure.
- (4) The executive board may co-opt any person who is not a member of the executive board to attend any meeting of the executive board as an adviser, but a person so co-opted is not entitled to vote on any matter coming for decision before the executive board at that meeting.

## Rector

## 22. Rector

- (1) The university shall have a rector who shall be appointed by the council from among persons who—
  - (a) are Muslim citizens of member States;
  - (b) have distinguished themselves in Islamic, scientific or academic matters.
- (2) The rector shall hold office for five years but shall be eligible for reappointment.
- (3) The council may remove the rector from office if it is satisfied that it is in the best interests of the university to do so.
- (4) The rector shall otherwise hold office upon such terms and conditions as are prescribed by the council.

### 23. Functions of the rector

- (1) The rector shall be the chief executive officer of the university and shall direct the administrative, financial and academic affairs of the university in accordance with guidelines laid down by the council.
- (2) The rector shall—
  - (a) act as spokesperson of the council and coordinate the functions of the council with those of the executive board;
  - (b) represent the university in its dealings with other authorities and institutions;
  - (c) prepare and submit to the executive board for review before its being submitted to the council, an annual report on the affairs of the university.

### Vice rectors

#### 24. Vice rectors

- (1) The rector shall be assisted in the performance of his or her functions by two vice rectors.
- (2) A vice rector shall be appointed by the council from among persons who are Muslim citizens of member States.
- (3) A vice rector shall hold office for five years but shall be eligible for reappointment.
- (4) The council may remove a vice rector from office if it is satisfied that it is in the best interests of the university to do so.
- (5) A vice rector shall otherwise hold office upon such terms and conditions as are prescribed by the council.

#### 25. Functions of the vice rectors

- (1) In the absence of the rector, the vice rectors shall perform such functions of the rector as are delegated to them by the rector.
- (2) In addition to the functions specified in subsection (1), one of the vice rectors shall be charged with responsibility for assisting the rector with financial and administrative matters, and the other shall be charged with assisting the rector with all academic affairs of the university.
- (3) The vice rector responsible for financial and administrative matters shall be assisted in his or her functions by the secretary.
- (4) The vice rector responsible for academic affairs shall be assisted in his or her functions by the registrar.

### Part VI – Secretary, registrar, bursar, coordinator, engineer and librarian of the university

#### Secretary

#### 26. Secretary

- (1) The university shall have an officer to be designated secretary to the university.
- (2) The secretary shall be appointed by the appointments committee.

**27. Functions of the secretary**

- (1) The secretary shall have the following functions—
  - (a) to act as secretary at meetings of the executive board and record the minutes of the executive board at those meetings;
  - (b) maintenance of correspondence files of the executive board;
  - (c) issuing of notices required to be issued by or under this Act;
  - (d) maintenance of registers and other documents and records of the university;
  - (e) to have custody of the seal of the university and to be responsible for its application to documents of the university; and
  - (f) such other functions as may be assigned to him or her by the executive board or the rector.
- (2) The secretary shall, in the performance of his or her functions, be responsible to the rector through the vice rector responsible for financial and administrative matters.

**Registrar****28. Registrar**

- (1) The university shall have a registrar who shall be appointed by the appointments committee.
- (2) The registrar shall hold office upon such terms and conditions as the council may, upon the recommendation of the executive board, determine.

**29. Functions of the registrar**

- (1) The registrar shall be responsible for the admission, enrollment and registration of all students at the university.
- (2) The registrar shall also perform such other functions relating to the academic matters of the university as the executive board or the rector may from time to time assign to him or her.
- (3) The registrar shall, in the performance of his or her functions under this Act, be responsible to the rector through the vice rector responsible for academic affairs.

**Bursar****30. Bursar**

There shall be a bursar of the university who shall be appointed by the appointments committee.

**31. Functions of the bursar**

- (1) The bursar shall be responsible for the custody of all property, stores and financial documents and accounts of the university.
- (2) The bursar shall be responsible for receiving all monies paid to the university and for the disbursement against receipts of all monies due and payable by the university.
- (3) The bursar shall maintain the accounts of the university in such form and manner as the executive board may determine.

- (4) The bursar shall perform such other functions in connection with the financial affairs and property of the university as the executive board may determine.
- (5) The bursar shall, in the performance of his or her functions, be responsible to the rector through the vice rector responsible for financial and administrative matters.

## **Coordinator**

### **32. Coordinator**

The university shall have a coordinator who shall be appointed by the appointments committee.

### **33. Functions of the coordinator**

- (1) The coordinator shall—
  - (a) be responsible for the welfare of students and, in particular, for their accommodation, feeding, health, allowances and games;
  - (b) in collaboration with the wardens of halls of residence, coordinate the activities of all halls of residence;
  - (c) liaise between the students' government and the university administration;
  - (d) be responsible for the discipline of students and act as secretary to the university disciplinary committee; and
  - (e) perform any other functions relating to the welfare of students as may be assigned to him or her by the rector.
- (2) The coordinator shall, in the performance of his or her functions, be responsible to the rector through the vice rector responsible for financial and administrative matters.

## **Engineer**

### **34. Engineer**

The university shall have an engineer who shall be appointed by the appointments committee.

### **35. Functions of the engineer**

- (1) The engineer shall be responsible for the construction and maintenance of all university buildings, estates and other property of the university.
- (2) The engineer shall also be responsible for planning, designing and supervision of all development projects of the university.
- (3) The engineer shall, in the performance of his or her functions, be responsible to the rector through the vice rector responsible for financial and administrative matters.

## **Librarian**

### **36. Librarian**

The university shall have a librarian who shall be appointed by the appointments committee.

**37. Functions of the librarian**

- (1) The librarian shall be responsible for the management and maintenance of the university library.
- (2) The librarian shall equip and develop the library by processing up-to-date reading materials.
- (3) The librarian shall, in the performance of his or her functions, be responsible to the rector through the vice rector responsible for academic affairs.

**Part VII – Structure of faculties and institutes****Faculty members****38. Faculty members**

The faculty members of the university are the following—

- (a) professors;
- (b) associate professors;
- (c) senior lecturers, lecturers and assistant lecturers; and
- (d) teaching assistants and tutorial fellows.

**39. Visiting faculty members**

The university may be assisted by faculty members from other universities whether the universities are in Uganda or elsewhere.

**40. Deans of faculties and directors of institutes**

- (1) Each faculty shall be headed by a dean and each institute shall be headed by a director.
- (2) A dean or a director shall be elected by the members of the faculty or institute from among the Muslim members of the faculty or institute with the approval of the council.
- (3) A dean or a director shall hold office for a period of three years, but shall be eligible for reelection.
- (4) The dean or the director shall be responsible for directing the administrative, financial and academic affairs of the faculty or institute subject to this Act, and to statutes made by the council.
- (5) At the end of each academic year, the dean or director shall submit to the rector a report on all the activities of the faculty or institute during that academic year.

**41. Deputy dean and deputy director**

- (1) Each faculty or institute shall have a deputy dean or a deputy director as the case may be.
- (2) A deputy dean or deputy director shall be elected by the members of the faculty or institute from among the members of the faculty or institute, with the approval of the council.
- (3) A deputy dean or a deputy director shall hold office for a period of three years but shall be eligible for reelection.



## Boards of faculties and institutes

### 42. Boards of faculties and institutes

- (1) Each faculty or institute shall have a board which shall be composed of the following—
  - (a) the dean or director who shall be chairperson;
  - (b) the deputy dean or deputy director;
  - (c) the heads of department of the faculty or institute.
- (2) A board of a faculty or institute may co-opt to its membership, upon the recommendation of the dean or director, any faculty member and may determine the term of office of that member.

### 43. Functions of the board of a faculty or institute

A board of a faculty or an institute shall have the following functions so far as they are not inconsistent with the functions of any higher authority of the university—

- (a) regulating the attendance of students, the system of courses and lectures, and the admission of students in the faculty in conformity with [section 65](#);
- (b) drawing up the methodology and curricula of the faculty or institute in accordance with policy guidelines determined by the council;
- (c) regulating the procedure and dates of examinations;
- (d) submitting proposals to the executive board for adoption relating to the promotion of teaching, research and writing in the faculty or institute subject to this Act and to statutes made by the council.

### 44. Meetings of the board of a faculty or institute

- (1) A board of a faculty or institute shall hold at least one meeting every month for the dispatch of business to be held at a time and place determined by the dean or director.
- (2) A meeting of the board may also be convened at the request of the dean or director or a deputy dean or a deputy director to be held at such time and place as the dean or director may determine.
- (3) The quorum for a meeting of the board shall be half its membership.
- (4) A decision of the board of a faculty or institute on any matter coming before the board shall be by a majority of the members present and voting, so, however, that in the case of an equality of votes, the chairperson of the board shall have a second or casting vote.
- (5) A decision of the board of a faculty or institute shall be referred to the executive board for approval.
- (6) The board of a faculty or institute may, with the approval of the executive board, determine its own procedure subject to any statute made by the council.

## Departments of faculties and institutes

### 45. Departments of faculties and institutes

Each faculty or institute shall have such departments for the various disciplines covered by the faculty or institute as the council may, on the recommendation of the executive board, determine.

**46. Boards of departments**

- (1) Each department of a faculty or institute shall have a board composed of the faculty members in that department.
- (2) The board of a department may, with the approval of the board of the faculty or institute, determine its own procedure subject to any statute made by the council.

**47. Head of department**

- (1) Each department of a faculty or institute shall have a head who shall be elected by the members of the department with the approval of the executive board.
- (2) A head of department shall hold office for two years but shall be eligible for reelection.

**48. Functions of departments**

Each department of a faculty or institute shall, subject to this Act, be responsible for—

- (a) dealing with its own academic and administrative matters;
- (b) proposing study plans and academic decisions to the dean of the faculty or director of the institute for approval; and
- (c) assigning its faculty members to curricula, courses, lectures, seminars and workshops.

**49. Tutors**

The board of a faculty or institute may, at the request of any specialised department within the faculty or institute, appoint tutors to carry out, under the supervision of faculty members, studies, research, practical work or other academic activity as may be required by that department.

**Part VIII – Staff of the university****50. Appointment and control of staff**

- (1) There shall be an appointments committee consisting of nine members appointed by the council on such terms and conditions as the council may determine.
- (2) The appointments committee shall, except as otherwise provided by this Act, be responsible to the council for the appointment, promotion, removal from service and discipline of all officers of the academic and administrative staff in the service of the university.
- (3) All members of staff, whether academic or administrative, and any other category of employee of the university shall—
  - (a) be subject to the general authority of the council and the rector;
  - (b) except where it is otherwise expressly provided in relation to any other category of employees, be deemed to be employed on a full-time basis.

**51. Appointment of academic staff**

- (1) Subject to sections [40](#), [41](#), [47](#) and [49](#), the academic staff of the university shall be appointed by the appointments committee in accordance with such procedures as are laid down by statutes.
- (2) The academic staff shall consist of—
  - (a) all members appointed on a full-time basis for teaching and research;

- (b) the librarian;
  - (c) any other person declared by the council on the recommendation of the executive board to be engaged in any teaching or research work connected with the university in an honorary, associate or part-time capacity.
- (3) Subject to sections 40, 41, 47 and 49, all members of the academic staff shall be appointed by the appointments committee, either—
- (a) on such terms and conditions as the council may determine; or
  - (b) in the case of a member seconded to the service of the university, on such terms and conditions as may be agreed upon between the council and the seconding body.
- (4) As far as possible, 80 percent of the academic staff shall be Muslims originating from member States or from any other country.
- (5) Subject to subsection (4), in appointing academic staff, priority shall be given to candidates in the following order—
- (a) citizens of the Republic of Uganda;
  - (b) citizens of any other African country; and
  - (c) citizens of any other country.

## 52. Appointment of administrative staff

- (1) The administrative staff of the university shall, subject to this act, be appointed by the appointments committee in accordance with such procedure as may be laid down by statutes.
- (2) All members of the administrative staff shall be appointed by the appointments committee, either—
- (a) on such terms and conditions as the council may determine; or
  - (b) in the case of a member seconded to the service of the university, on such terms and conditions as may be agreed upon between the council and the seconding body.
- (3) As far as possible, 80 percent of the administrative staff shall be persons who are Muslims.
- (4) Subject to subsection (3), in appointing persons to be administrative staff of the university, priority shall be given to candidates in the following order—
- (a) citizens of the Republic of Uganda;
  - (b) citizens of other African countries; and
  - (c) citizens of any other country.

## 53. Delegation of power to appoint staff

Statutes made by the council may provide for the delegation to any other officer of the university of the power to appoint any of the administrative or academic staff conferred on the appointments committee by [section 50\(2\)](#).

## Part IX – Finance

### 54. Investment of funds

The executive board may—

- (a) with the prior approval of the council, invest in such securities as the council may approve, any funds of the university not immediately required for the purposes of the university; or
- (b) place any such funds on deposit at such bank as the executive board may determine.

### 55. Borrowing powers

- (1) The executive board may, with the prior approval of the council, borrow by way of overdraft or otherwise from a banker or any other person, such sums as may be necessary for meeting the obligations of the university and for carrying out the objects and functions of the university.
- (2) The executive board may, with the prior approval of the council, for the purposes of any borrowing under subsection (1), charge any asset or property of the university with the repayment of any money so borrowed.

### 56. Budget

The budget of the university shall be financed from the following—

- (a) annual and regular assistance from the Islamic Solidarity Fund;
- (b) voluntary contributions from member States;
- (c) donations, subsidies, grants and legacies;
- (d) revenue derived from the management of estates of the university and related projects; and
- (e) university fees.

### 57. Financial year

The financial year of the university shall be such continuous period of twelve months as the council may declare to be the financial year of the university.

### 58. Estimates

- (1) Within such period before the commencement of the financial year as the council may determine, the executive board shall cause to be prepared for submission to the council for its approval estimates of income and expenditure of the university in respect of that financial year.
- (2) Upon the approval of the council of the estimates submitted under subsection (1), no expenditure shall be incurred otherwise than expenditure approved by the council in the estimates, unless that expenditure is covered by a supplementary estimate approved by the council in respect of that financial year.

### 59. Accounts

- (1) The executive board shall cause to be kept proper books of account of all income and expenditure of the university and proper records in relation to them.

- (2) The executive board shall cause to be prepared for submission to the council for its approval, in respect of each financial year and not later than four months after the end of the financial year, a statement of account which shall include—
  - (a) a balance sheet, a statement of income and expenditure and a statement of assets and liabilities in respect of that financial year; and
  - (b) any other information in respect of the financial affairs of the university as the council may require.

## 60. Audit

- (1) The accounts of the university shall, in respect of each financial year, be audited by an auditor appointed by the executive board.
- (2) The statement of account referred to in [section 59\(2\)](#) shall be submitted to the auditor appointed under subsection (1).
- (3) The auditor appointed under subsection (1) shall have access to all books of account and financial records of the university and be entitled to have any information and explanation required by him or her in relation to them as he or she may think fit.
- (4) The auditor appointed under subsection (1) shall state whether in his or her opinion—
  - (a) proper books of account have been kept by the university;
  - (b) the statement of account referred to in [section 59\(2\)](#)—
    - (i) was prepared on a basis consistent with that of the preceding year and is in agreement with the books of account; and
    - (ii) in the case of the income and expenditure, gives a true and fair view of the income and expenditure of the university for the financial year.
- (5) The auditor appointed under subsection (1) shall submit his or her report to the council, and the council shall cause a copy of the report together with its comments on the report to be forwarded to the organisation.

## Part X – Immunities and privileges of the university

### 61. Immunities and privileges of the university

The university, as well as the personnel and staff of the university, with the exception of the nationals of the Republic of Uganda, shall enjoy the immunities and privileges set out in the Agreement on the Establishment, Status and Immunity of the Islamic University in Uganda signed in Jeddah, Saudi Arabia on 26th November, 1987, between the Government of Uganda and the organisation subject to the terms of that agreement.

### 62. Agreement to have force of law

For the purposes of the immunities and privileges conferred by [section 61](#), the agreement referred to in that section, as set out in the Schedule to this Act, shall have the force of law in Uganda.

### 63. Regulations by Minister

The Minister may, after consultation with the council, by statutory instrument, make regulations for the purpose of removing any doubt as to the nature and extent of the immunities and privileges to be enjoyed under the agreement referred to in [section 61](#) or as to the categories of persons to enjoy those immunities and privileges.

#### 64. Interpretation of Part X

For the purposes of this Part and the agreement referred to in [section 61](#)—

- (a) any reference in the agreement to the statute of the university shall be deemed to be a reference to this Act; and
- (b) any reference to "financial regulations" or "procedure rules" shall be deemed to be a reference to rules made by the executive board under [section 20](#).

### Part XI – General

#### 65. Admission of students

- (1) The council shall prescribe acceptable qualifications for the admission of students to the university.
- (2) The admission of students to the university shall be subject to the following proportions—
  - (a) 50 percent to be students from the Republic of Uganda;
  - (b) 30 percent to be students from the other East African states, so, however, that the percentage of candidates from any one of those states should not exceed 15 percent of the total number of admissions;
  - (c) 10 percent to be students from other African countries; and
  - (d) 10 percent to be students from countries other than African countries.
- (3) In selecting students for admission to the university, priority shall as far as possible be given to Muslims.

#### 66. Common seal and execution of contracts, etc.

- (1) The common seal of the university shall be such device as the executive board may determine and shall be kept in the custody of the secretary.
- (2) Pending the making of a common seal for the university, the executive board may cause to be used a wafer or rubber stamp in place of a seal.
- (3) The common seal of the university shall, when affixed onto any document, be authenticated by the signatures of any two members of the executive board, together with the signature of the rector or the secretary.
- (4) The signatures prescribed by subsection (3) for authentication shall be independent of the signing by any other person as witness.
- (5) A certificate signed by the chairperson of the council that an instrument was made or issued by or on behalf of the university shall be conclusive evidence of that fact.
- (6) A contract or instrument which if entered into or executed by a person who is not a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the university by—
  - (a) the secretary; or
  - (b) any other person,if the executive board has authorised the secretary or that other person to enter into or to execute the contract or instrument.
- (7) A contract made according to and under subsection (6) shall be effectual in law and shall bind the university and its successors and all other parties to it.

- (8) A contract made in accordance with this section may be varied or discharged in the same manner in which it is authorised by this section to be made.
- (9) Every document purporting to be—
  - (a) an instrument issued by the university and sealed with its common seal, authenticated in the manner prescribed in this section; or
  - (b) a contract or instrument entered into or executed under subsection (6),shall be received in evidence without further proof as such an instrument duly issued or a contract duly entered into or executed, as the case may be, unless the contrary is proved.
- (10) Notwithstanding anything in this section, for the purposes of degrees, diplomas, certificates and other awards of the university, the seal of the university shall be authenticated by the signatures of the chairperson and the rector.

### **67. Service of documents**

Any document may be served on the university by leaving it at the office of or by sending it by registered post to the secretary.

### **68. Annual report**

- (1) Within three months after the end of each academic year of the university, the rector shall cause to be prepared and submitted to the executive board for consideration, an annual report dealing generally with the activities and operations of the university within that year.
- (2) The executive board shall consider and approve the annual report submitted to it under subsection (1) as expeditiously as possible and shall, after approving it, submit it to the council for final approval.
- (3) An annual report shall contain such information as the council may, from time to time, prescribe.
- (4) Upon approval of the annual report, the council shall forward a copy of the report to the organisation and to such other authorities as it may consider appropriate.

### **69. University statutes**

- (1) The council may, by statutory instrument upon the recommendations of the executive board, make statutes not being inconsistent with this Act, for the government, control and administration of the university and otherwise for carrying into effect this Act.
- (2) Without prejudice to the general effect of subsection (1), statutes may be made by the council under this section relating to—
  - (a) the functions and privileges of the rector;
  - (b) the establishment of faculties and institutes of the university;
  - (c) the description of degrees, diplomas, certificates and other awards;
  - (d) the requirements for the awards or degrees, diplomas, certificates and other awards;
  - (e) the description and requirements for the award of honorary degrees;
  - (f) the conduct of examinations;
  - (g) university fees;
  - (h) the constitution, functions and privileges of students associations;

- (i) the procedure for appointment of staff and the terms and conditions of service, including discipline, salary and retirement benefits of—
  - (i) members of the academic staff of the university;
  - (ii) members of the administrative staff of the university; and
  - (iii) any other employee of the university;
- (j) the membership, functions and privileges of committees and boards established under this Act;
- (k) the academic organisation of the university and, in particular, admission to the university, the courses of instruction, the duration and numbers of academic terms and granting and revocation of degrees, diplomas, certificates or other awards of the university;
- (l) the grant of scholarships, bursaries and other grants and the revocation of any such grant; and
- (m) any other function which it is required or permitted to perform.

## 70. Amendment of the Act

- (1) The council may, by two-thirds majority of its members, propose amendments to this Act.
- (2) Where amendments proposed by the council in accordance with subsection (1) have been approved by the Islamic Conference, the amendments shall be submitted by the council to the Minister who shall take all necessary steps to ensure that the amendments are submitted to Parliament with a proposal for their enactment.

## 71. Dissolution of the university

- (1) Where—
  - (a) the Islamic Conference at the request of twelve members of the council has decided that the university should be dissolved; and
  - (b) the decision has been communicated in writing to the Minister by the council or by the organisation,the Minister shall, by statutory instrument, dissolve the university from such date as may be specified by the Islamic Conference.
- (2) Where the university has been dissolved under subsection (1)—
  - (a) all movable property of the university shall be transferred to the Islamic Solidarity Fund after settlement of all pending liabilities of the university;
  - (b) any immovable property of the university situated in Uganda shall be transferred to the Uganda Muslim Supreme Council and such other Islamic associations and institutions in Uganda and in such proportions as may be determined by the organisation; and
  - (c) any immovable property of the university situated outside Uganda shall be transferred to such Islamic organisations or institutions and in such proportions as the organisation may determine.



## Schedule (Section 62)

### Agreement establishing Islamic University in Uganda

#### Agreement between the Government of the Republic of Uganda and the Organisation of the Islamic Conference on the establishment, status and immunity of the Islamic University in Uganda

The two parties signatory to this Agreement have agreed that the Islamic University in Uganda and the staff thereof shall be subject to the provisions of this Agreement so that the aforesaid University can fulfil its objectives and perform the tasks stated in the statutes of the Islamic University in Uganda.

#### Article 1

In this Agreement unless otherwise understood from the context:

"**University**" means the Islamic University in Uganda.

"**Statutes**" means the statutes of the University as approved by the Islamic Conference of Foreign Ministers.

"**Organisation**" means the Organisation of the Islamic Conference.

"**Secretary General**" means the Secretary General of the Organisation of the Islamic Conference.

"**General Secretariat**" means the General Secretariat of the Organisation of the Islamic Conference.

"**University Council**" means the Council of the Islamic University in Uganda.

"**Rector of the University**" means the person in charge of the running of the academic, administrative and financial affairs of the University in accordance with the guidelines of the University Council.

"**Executive Board**" means the Executive Board of the University.

"**Teaching Staff**" means the professors, assistant professors and lecturers.

"**Faculty or Institute**" means an autonomous academic unit within the University.

"**Executive regulations**" means the regulations issued by the University Council.

"**Rules of procedure**" means the regulations issued by the Executive Board.

"**Personnel and staff**" means all the personnel or staff members and all the employees of the University.

#### Article II

The University shall possess juridical personality. It shall have the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings before courts of law within and outside the Republic of Uganda.

#### Article III

The premises of the University shall be inviolable provided that they shall be used in conformity with the purposes of the University as stated in the Statute.

#### Article IV

The funds and property and assets of the University, wherever located and by whomsoever held within the territory of the Republic of Uganda, shall enjoy such immunities and privileges as are approved in this

Agreement. In this context, such property and assets shall be immune from search, requisition, confiscation, expropriation or any other administrative, judicial or legislative action contrary to the provisions of the statutes of the University.

### **Article V**

- (1) The archives and documents of the University shall be inviolable wherever located, provided that they shall be used in conformity with the objectives of the University.
- (2) No censorship shall be applied to the official communications or correspondence of the University except by the University Council or the University Executive Board.

### **Article VI**

Without being restricted by financial controls, regulations or compulsory interests of any kind—

- (a) the University may open bank accounts in any currency including hard currencies, in accordance with the University's own financial regulations and rules of procedures.
- (b) the University shall be free to transfer its funds inside or outside the Republic of Uganda and to convert any currency held by it into any other currency, in accordance with the official rate of exchange in force in the Republic of Uganda.

### **Article VII**

The University itself, its cash assets, income and other property shall be—

- (a) exempt from all direct taxes, it being understood, however, that the University will not claim exemption from taxes, duties or dues which are, in fact, no more than charges for public utility services.
- (b) exempt from customs duties and charges from restrictions on imports in respect of supplies and equipment imported by the University for its use or the use of its faculties, institutes or laboratories. It is understood, however, that supplies and equipment imported under such exemption will not be re-sold or ceded in the Republic of Uganda except under conditions agreed with the Ugandan Government.
- (c) exempt from customs duties and charges on imports and exports in respect of publications, books and bulletins.

### **Article VIII**

The University may not claim exemption from indirect taxes on the sale of movable or immovable property which form part of the price to be paid.

### **Article IX**

- (1) The responsibility of running the affairs of the University, its faculties and institutes, shall be vested in a group of personalities, personnel and staff recruited among nationals of Member States of the Organisation of Islamic Conference. Such personnel and staff shall enjoy international status as is the case for all members of the personnel and staff of other subsidiary organs and institutions of the Organisation of the Islamic Conference.
- (2) All such University personalities, personnel and staff shall, in the exercise of their functions, act in accordance with the objectives and interests of the University and with complete impartiality and rectitude as required by their missions and functions.

## Article X

In respect of privileges and immunities, the University personnel shall be divided into four categories as follows

(1) **First category (principal missions and posts):**

- (a) Rector of the University.
- (b) Members of the University Council.
- (c) Members of the Executive Board.
- (d) Deans of Faculties.
- (e) Advisors.

(2) **Second category (professional posts):**

- (a) University Secretary.
- (b) University Registrar.
- (c) Teaching staff members.
- (d) Visiting professors.

(3) **Third category (administrative posts):**

- (a) Administrative staff.
- (b) Financial staff.

(4) **Fourth category (support service staff):**

- (a) Technicians.
- (b) Other service staff members.

## Article XI

With the exception of the nationals of the Republic of Uganda, the personnel of the University shall enjoy the following privileges and immunities—

(1) First category individuals:

- (a) immunity from legal process in respect of all acts done or words spoken or written by them in the discharge of their duties and within their fields of competence;
- (b) the same facilities as are accorded to the officials of diplomatic missions in the area of immigration, residence and exit procedures in force in the Republic of Uganda, in respect of themselves, the members of their families and their servants accompanying them;
- (c) the diplomatic right to import free of duty their furniture, personal effects and private cars for their own use. Sale of such articles to any person not enjoying such immunities shall be subject to the legislation in force applicable to the members of diplomatic missions.

(2) Second category individuals shall enjoy the facilities stated in paragraphs (b) and (c) above.

(3) Third category individuals shall enjoy the facilities stated in paragraph (b) above in addition to the provisions on temporary imports applicable in the Republic of Uganda.

## Article XII

Salaries and emoluments paid by the University to its non-Ugandan personnel and staff shall be exempt from direct taxation.

## Article XIII

Nationals of the Republic of Uganda employed by the University shall be immune from exchange restrictions when entrusted with the University missions outside the Republic of Uganda.

## Article XIV

Privileges and immunities are primarily accorded to the University personnel in order to safeguard the independent exercise of their functions in connection with the University. Consequently, the Rector of the University may, after consultation with the Secretary General and the latter's agreement in writing, waive the immunity of a member of the University personnel in any case where it becomes evident that immunity would impede the course of justice.

## Article XV

In order to facilitate the normal course of any legal process, the General Secretariat and the Rectorship of the University commit themselves to cooperation and consultation with the competent organs of the Government of the Republic of Uganda for guaranteeing the respect of security and legal procedures in order to avoid any abuses of the privileges and immunities stated in this Agreement.

## Article XVI

The Rector of the University shall take the necessary measures to amicably and adequately settle any differences to which the University is a party and which arise out of contracts or other operations of a private law character. This shall also be the case for differences involving members of the University personnel who enjoy the aforesaid immunities if immunity has not been waived under Article XIV.

## Article XVII

The Rector of the University shall work, in close cooperation with the Government of the Republic of Uganda, for guaranteeing the strict application of this Agreement.

## Article XVIII

- (1) This Agreement may be rescinded by either of the signatories hereto provided that the party concerned shall address a notification to that effect one year in advance.
- (2) In the event of any dispute between the two parties resulting from the rescission of this Agreement, the subject of the dispute shall be referred to the Islamic Conference of Foreign Ministers which shall take a decision thereon or refer it to the Islamic Court of Justice or the International Court of Justice should the case arise.

## Article XIX

This Agreement shall come into force when it has been ratified by the Government of the Republic of Uganda and the General Secretariat.

The original of this Agreement is in Arabic, English and French. The English text shall be referred to in case of differences of interpretation.

In witness whereof the two signatory parties being duly authorised hereto have signed this Agreement.

Done at Jeddah on 26th November, 1987; 5 Rabi-ul Thani 1408.

Prof. B. Kateregga, Ambassador, Republic of Uganda to the Kingdom of Saudi Arabia.	S. S. Pirzada, Secretary General, Organisation of Islamic Conference.
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