



Mbarara University of Science and Technology

UNIVERSITY COUNCIL CHARTER: RULES OF PROCEDURE FOR MBARARA UNIVERSITY COUNCIL AND ITS COMMITTEES

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1.0 CHAPTER ONE: PRELIMINARY

1.1 Citation

This Charter may be cited as the Mbarara University of Science and Technology Council Charter, 2019. It wholesomely repeals previously promulgated MUST University Council Guidelines for Council Meetings.

1.2 Definitions

In this Charter, unless the context otherwise requires; -

“**Act**” means the University and Other Tertiary Institutions Act (UOTIA), 2001 (as amended) or any other modification thereof for the time being in force;

“**Academic cycle**” means one academic year;

“**Academic Year**” means the academic period of the University between August of one year to August of the next year.

“**Chair**” or “**Chairperson**” means a member of the Council presiding over a meeting.

“**Corporate responsibility**” means a Council member or members taking responsibility for its actions and their impact on employees, stakeholders, and communities.

“**Council**” means the Governing Council of the University as duly constituted under the relevant laws;

“**Council Appointee**” means a member of the council appointed to a committee.

“**Council Committee**” means a committee established by resolution of, and responsible to Council under these rules.

“**Conflict of Interest**” means a situation in which a member of Council or a person participating in a council meeting has a personal interest sufficient to appear to influence the objective exercise of his or her official duties, or has competing interests or loyalties that either is or potentially can be, at odds with each other or is in a position to derive personal benefit from actions or decisions made in their official capacity.

“**Day**” means calendar day;

“**Management**” means the Top Management Committee of the University as appointed by the Vice-Chancellor;

“**Meeting**” means a duly constituted meeting of the University Council and/or all its Committees.

“**MUST**” means Mbarara University of Science and Technology;

“**Rules**” means the University Council Charter Rules;

“**Secretary**” means the Secretary to Council or the Secretary of a Committee so designated by law; the Council; Top Management;

“**Staff**” means the staff of the University as described in the Act;

“**University**” means Mbarara University of Science and Technology;

“**Vice-Chancellor**” means the Vice-Chancellor of Mbarara University of Science and Technology.

2.0 CHAPTER TWO: MUST ESTABLISHMENT, GOVERNANCE, VISION, MISSION, AND FUNCTIONS

2.1 Establishment

Mbarara University of Science and Technology (MUST) was established in 1989 by the *Mbarara University of Science and Technology Statute 1989* as a body corporate and is currently governed by the Universities and Other Tertiary Institutions Act (UOTIA), 2001 as amended.

Section 38 of the Universities and Other Tertiary Institutions Act, 2001 (as amended), creates a University Council. As elaborated in Section 40 (1) of the Act, the University Council is the supreme organ of the Public University and as such responsible for the overall administration of the objects and functions of the University. The Act in Section 72 empowers the University Council to make Statutes consistent with the Act to govern its membership, functions, privileges, and procedures.

This MUST University Council Charter, therefore, sets out the standards, procedures, and guidelines under which the University Council and its Committees shall perform its duties. The Charter is established to guide the conduct of activities and processes of the Council to enable effectively discharge its responsibilities.

2.2 Governance

MUST is governed under the following legal frameworks:

- a) The Constitution of the Republic of Uganda 2005 as amended;
- b) The Universities and Other Tertiary Institutions Act of 2001 as amended and regulations therein;
- c) The Public Service Act of 2008 and
- d) All Policies and Regulations approved by the University Council.

2.3 Governance Structure

The governance structure of MUST is specified as follows:

- a) **The Visitor:** The Visitor for MUST is the President of the Republic of Uganda as provided for in Section 26 of the Act of 2001 as amended.
- b) **The Chancellor:** The Chancellor of MUST is appointed by the President on the recommendation of the University Council. The appointment, role, and powers of the Chancellor are specified in Section 30, 31(2), 32(1) and 55(b) of the Act.
- c) **The University Council:** This is the supreme governing organ of MUST. The composition, powers, and functions of the Council are specified in Sections 38 to 41 of the Act.
- d) **The Top Management Committee (TMC):** This is the Top Management Committee headed by the Vice-Chancellor which develops and proposes to Council policies and management strategies for approval. Upon approval by Council, the TMC under the stewardship of the Vice-Chancellor implements the agreed policies and management strategies.
- e) **The University Senate:** This is the top academic organ of MUST. The composition, powers, and functions of the University Senate are specified in Sections 44 and 45 of the Act.
- f) **Staff of MUST:** The employees of Mbarara University of Science and Technology.
- g) **Officers of the Public University** as specified in Part VIII of the Act – Sections 30-37.
- h) **Academic Staff, Administrative Staff and Support Staff:** As provided for in Section 51

2.4 Vision:

“To be a center of academic and professional excellence in Science and Technology”

2.5 Mission:

“To provide quality and relevant education at national and international level with particular emphasis on Science and Technology and its application to community development.”

2.6 Functions of the University:

The functions of the University shall include;

- (a) The provision of higher education, promotion of research and advancement of learning; and
- (b) Dissemination of knowledge and giving opportunity of acquiring higher education to all persons including persons with disabilities wishing to do so regardless of race, political opinion, color, creed, or sex;
- (c) The provision of accessible physical facilities to the users of the Public University.

3.0 CHAPTER THREE: THE UNIVERSITY COUNCIL

3.1 University Council composition (membership)

The University Council as set out in Section 38 of the Universities and Other Tertiary Institutions Act 2001(as amended) shall consist of:

- a) The Chairperson of the University Council;
- b) The Vice-Chairperson of the University Council;
- c) The Vice-Chancellor of the University;
- d) The Deputy Vice-Chancellors;
- e) A representative of a sector relevant to the University depending on its objectives and mission, appointed by the relevant body in that sector;
- f) One member of the District Council elected by the District Council in whose jurisdiction the University is situated;
- g) A member of the Convocation elected by the Convocation;
- h) Two members of the University Senate elected by the Senate;
- i) Two members of the Academic staff elected by the Academic Staff Association of the University;
- j) A senior member of the Administrative Staff elected by Senior Administrative Staff;
- k) A member of the National Union of Education Institutions; Support Staff elected by the branch in that University;
- l) Two students of the University, one of whom shall be a woman appointed by the Students Union;
- m) Three members appointed by a Minister from the public;
- n) Three members appointed by the University Council from the public;
- o) A representative of the Ministry responsible for Finance;
- p) A representative of the Ministry responsible for Higher Education;
- q) Two representatives of persons with disabilities, one elected by the members of staff who are persons with disabilities and another by National Organisations of persons with disabilities.

3.2 Appointment of Council members

- a) Council Members shall be appointed by the relevant appointing authority as provided for in Section 38 of the Act.
- b) Members of Council appointed by the Minister from the public and members appointed by the University Council from the public shall be appointed from different public sectors including Farmers, Industry, Commerce and other professionals.

- c) The University Council appointees from the Public shall be appointed as follows;
 - i) Members of Council shall nominate competent persons from the public competent in fields/ areas that Council deems necessary.
 - ii) Council Members shall vote by secret ballot and the Secretariat will act as Returning Officer for the election process where all ballots will be counted publicly and the winners declared.
 - iii) In case of a tie in the election, the Chairperson at the time will have a casting vote to determine the winner.
- d) The University Council shall elect a Chairperson and Vice-Chairperson from among the members of the Council as follows;
 - i) The nominees shall not be members of the staff or students of the University, persons employed by the Public Service or a member of the District Council or Parliament in accordance with section 39(1) of the Act.
 - ii) The election shall be by secret ballot and the Secretariat will act as returning officer for the election process where all ballots will be counted publicly and the winner declared.
 - iii) In case of a tie in the election, the Interim or substantive Chairperson at the time will have a casting vote to determine the winner.
 - iv) The Tenure of the Chairperson and Vice-Chairperson of Council shall be for a period of 4 years and eligible for re-appointment for one more term.

3.3 Term of office

- a) All elected and appointed members other than the representative of the students shall hold office for four years and shall be eligible for re-election.
- b) The students' representatives on the University Council shall hold office for one year and shall be eligible for re-election so long as they are still students of the University.
- c) In the event that the term of council has expired the Vice-Chancellor within his mandate shall preside over the council meeting in which the substantive Chairperson is elected.

3.4 Vacancy

- a) The office of a member of the Council shall become vacant upon:
 - i) the death of a member;
 - ii) ceasing to be a representative of the office or body by which that person became a member of the Council;
 - iii) resignation of a member;
 - iv) being adjudged bankrupt or of unsound mind;
 - v) conviction of an offence punishable by more than three months' imprisonment other than a traffic offence or convicted of an offence involving fraud or dishonesty;

- vi) disqualification or suspension as professional from practicing the profession by a competent authority and ceases to be a member of the profession;
 - vii) upon being removed by Council.
- b) Secretary to Council shall notify the Council and the appropriate appointing authority of the vacancy. The appointing authority shall appoint another person and the person so appointed shall hold office for the unexpired period of the term of office of the person being replaced. Such person shall be eligible for re-appointment.

3.5 Resignation from office

- a) A Council member may resign from office by putting the same in writing addressed to the Secretary to Council and where possible give reasons.
- b) The resigning Council member shall submit a handover report where they are holding offices of Chairperson, Vice-Chairperson, Chairpersons of a Committee or were handling any duties assigned to them by Council.
- c) The resignation shall take effect one month from the date of receipt of the letter of resignation.
- d) Secretary to Council shall notify the Council and the appropriate appointing authority of the resignation. The appointing authority shall appoint another person and the person so appointed shall hold office for the unexpired period of the term of office of the person being replaced. Such person shall be eligible for reappointment.

3.6 Suspension and removal from office

A member of Council may be suspended or removed from office by Council under the following circumstances;

a) **Suspension**

- i) When Council decides that a member is in breach of the Charter rules;
- ii) or that their actions are deemed to be intentionally ultra vires and in contradiction to the mandate of the University Council.
- iii) In such situations in (a) and (b) above Council may choose to suspend a member after a vote or unanimous decision from Council and send them back to their Constituency formally for a period they determine to be appropriate based on the circumstances.

b) **Removal**

- i) Inability to perform his or her duties arising from infirmity of body or mind;
- ii) Misbehaviour or misconduct or
- iii) Incompetence

4.0 CHAPTER FOUR: FUNCTIONS, POWERS, AND DUTIES OF COUNCIL

4.1 Functions of Council

The Council is the supreme organ of the University and shall be responsible for the overall administration of the objects and functions of the University. The University Council shall:

- a) Be responsible for the direction of the administrative, financial and academic affairs of the University.
- b) Formulate the general policy of the University;
- c) Give general guidelines to the administration and academic staff of the University on matters relating to the operations of the University;
- d) Do any other thing and take all necessary decisions conducive to the fulfillment of the objects and functions of the University.

4.2 Powers of Council

Council in relation to its functions shall have powers to:

- a) Represent the University in all legal suits by and against the University;
- b) Receive gifts, donations, grants or other monies and make disbursements as may be required, on behalf of the University;
- c) Fix scales of fees and boarding charges;
- d) Make statutes under the Act;
- e) Establish faculties, departments, boards, and courses of study and approve proposals for the creation or establishment of constituent colleges;
- f) Provide for the welfare and discipline of the students;
- g) Approve the University budget proposals and the final accounts submitted by the management;
- h) Approve the appointment of Deans and Deputy Deans of faculties.
- i) Review the Management of the University and its performance through a functioning recruitment, appraisal, evaluation, promotional and termination system well streamlined in the Human Resource Manual and this Charter.

4.3. Duties of members of Council

The primary duty of Council members is to act as fiduciary on behalf of the University through the strategic direction and control of the University and its controlled entities. Each Council member shall have the duty to act reasonably to ensure that the Council carries out its functions and exercises its powers appropriately, effectively and efficiently.

The Council shall exercise prudent leadership, innovative enterprise and good judgment in directing the University and shall always charter in the best interest of the University. Council members are responsible for:

- a) Attending all Council meetings and meetings of Council committees on which they serve;
- b) Nominating members to and serving on committees of the Council for which they are eligible;
- c) Keeping themselves informed on matters affecting the higher education sector and the governance of the University;
- d) Complying with the relevant laws, the Charter, University Rules and Regulations, Policies, and Procedures;
- e) Complying with all directives and resolutions of Council;
- f) Keeping confidential all information, discussions, deliberations, and decisions of the Council which have not been publicly disclosed by the university;
- g) Contributing to the Council's business in an effective, open and transparent manner and taking collective responsibility for its decisions;
- h) Participating in the Council's self-evaluation process and the evaluation of senior management;
- i) Exercising reasonable skill, appropriate care, and diligence in the discharge of duties;
- j) Acting in good faith, honesty, in line with the objects and interests of the university;
- k) Not speaking on behalf of Council or the university unless approved by Council;
- l) Not using improperly information obtained through the position of Council member;
- m) Promoting and protecting the image of the university.
- n) Avoiding conflicts between interest and duty and therefore act in good faith in the best interests of the University;
- o) Participating in training which enhances Members' contributions to the Council.
- p) Where possible, attend ceremonial and social University events of the University to gain an understanding and appreciation of the work of the University and meet students and staff.

4.4 Rights of members of Council

- a) Timely receipt of agenda and supporting documents;
- b) Propose agenda items and;
- c) Receiving legal and other types of advice while discharging duties.

5.0 CHAPTER FIVE: STANDING COUNCIL COMMITTEES

5.1 Committees of Council

The Council in line with section 43 of the Act will establish standing committees of Council including but not limited to the following:

- a) Appointments Board;
- b) Finance, Planning and Development Committee;
- c) Students' Welfare and Disciplinary Committee;
- d) Audit and Risk Management Committee; and
- e) Estates and Works Committee.

5.2 Membership to committees

- a) Council will deliberate and allocate Members to be appointed to the respective committees in line with the proposed membership criteria below.
- b) Each Committee of Council shall adopt its rules of procedure inclusive of those spelled out in this charter.
- c) The following principles shall guide the appointment of members to the committees.
 - i) Area of competence and/or experience;
 - ii) Constituency represented;
 - iii) The Chairperson to the committee shall not be a member of the staff or students;
 - iv) The number of members on the committees, except for the Appointments Board, will be determined by Council but shall be representative of all stakeholders;
 - v) The Chairman of Council will be an ex-officio member of all committees;
 - vi) The Audit and Risk Management Committee will be composed of members who are not staff or students of the university;
 - vii) Conflict of Interest of a member of Council to a committee must be considered and paramount in choice of committee one is sent to and;
 - viii) A member who is a member of an Internal Disciplinary Committee of staff and students will not be a member of the Students' Welfare Committee or the Appointments Board respectively.

5.3 Role of committees of Council

The primary role of Council committees is to advise Council on matters referred by the Council.

5.4 Tenure of office of committee members

- a) Members of a committee shall serve for a period of four years and are eligible for reappointment.
- b) Students' representatives shall serve on a committee for one academic cycle.

5.5 Appointments Board

5.5.1 Functions of the Appointments Board

The Appointments Board shall be composed of nine (9) members in accordance with section 50(2) of the Act and perform the following functions:

- a) Be responsible to the Council for the appointment, promotion, removal from service and discipline of staff of the University;
- b) Advise Council on the organization and staffing levels of the University;
- c) Advise Council on staff development;
- d) Make recommendations to the Council concerning terms and conditions of service of staff and;
- e) Consider and handle any other matters referred to it by Council.

5.5.2 Membership

The Appointments Board shall be composed of the below members:

- a) Chairperson
- b) Vice-Chancellor
- c) University Secretary
- d) Ministry of Education and Sports representative
- e) Ministry of Public Service representative
- f) MUSTASA representative
- g) Ministry of Finance representative
- h) Senate representative;
- i) Council appointee (preferably a Lawyer)

Ex-officio members

- a) Chairperson of Council
- b) Deputy Vice-Chancellor (Finance and Administration)

Secretariat

- a) Director Human Resources
- b) Head Legal Department
- c) Deputy University Secretary

The following rules will apply in the interest of natural justice and to avoid bias in the proceedings of the committee and will automatically form part of the rules of procedure adopted by that committee.

- a) When a disciplinary hearing is taking place any member of staff who is a member of the Internal Staff Disciplinary Committee will not participate as they will be conflicted having already passed a decision on the same.
- b) In the case of interviews involving members of staff for promotion or for any other position they may be interested in that has been advertised by the University, save for the ViceChancellor, University Secretary, and the Secretariat, this will be handled strictly by external members of the Board.
- c) In case there is an issue of quorum to handle such matters as stated above any ex officio member of the Appointments Board may be called upon to make numbers or the activity adjourned until quorum is able to be attained.
- d) In all disciplinary hearing the rules of natural justice shall prevail and these will include but not be restricted to full disclosure of all charges and evidence to be used in the hearing, sufficient time to respond to the same, right to Counsel unless excluded by operation of statute and the right to cross-examine must be accorded.

5.6 Finance, Planning and Development Committee

5.6.1 Functions of the Finance, Planning and Development Committee

The Finance, Planning and Development Committee shall be composed of 9 Members and perform the following functions:

- a) Advise Council on financial, planning and development matters of the University;
- b) Consider and present the Annual and Supplementary budget estimates to the Council for approval;
- c) Consider proposals for revenue generation;
- d) Monitor budget performance through quarterly financial reports; advise;
- e) Receive and consider requests for re-allocation of funds in the approved annual budgets;
- f) Periodically review the status of the assets of the University; and
- g) Consider and handle any other matters referred to it by Council.

5.6.2 Membership

- a) Chairperson (Council appointee)
- b) Vice-Chancellor
- c) University Secretary
- d) Deputy Vice-Chancellor (Finance and Administration)
- e) Ministry of Finance representative
- f) Ministry of Education and Sports representative
- g) Guild representative
- h) MUSTASA representative
- i) Council appointee

Ex-officio members

- a) Chairperson of Council
- b) Deputy Vice-Chancellor (Academic Affairs)

Secretariat

- a) University Bursar
- b) Deputy University Secretary
- c) Head Legal Department

In attendance

- a) Head Planning
- b) Head Procurement

5.7 Students' Welfare and Disciplinary Committee

5.7.1 Functions of the Students' Welfare and Disciplinary Committee

The Students' Welfare and Disciplinary Committee shall be composed of 9 members and shall perform the following functions:

- a) Advise Council on the establishment, organization, and control of the University halls of residence and standards governing external students' accommodation;
- b) Handle students' disciplinary cases and appeals referred or brought to it from time to time;
- c) Handle reports received on the welfare of students;

- d) Develop and review policies governing the welfare and discipline of students;
- e) Oversee the counselling and guidance services of students;
- f) Promote and oversee the development of games and sports;
- g) Handle other matters related to students' welfare, enhancement of student facilities and student services and affairs;
- h) Oversee the implementation of key policies on sexual harassment, HIV/AIDS, special needs and Gender
- i) Report periodically to the Council about the Committee activities, issues, and related recommendations; and
- j) Perform any other duties that the council may determine.

5.7.2 Membership

- a) Chairperson (Council appointee);
- b) Vice-Chancellor
- c) University Secretary
- d) Deputy Vice-Chancellor (Academic Affairs)
- e) Ministry of Education and Sports Representative
- f) Convocation Representative
- g) Guild President
- h) University Council Students Representative
- i) Council appointee

Ex-officio members

- a) Chairperson of Council

Secretariat

- a) Deputy University Secretary
- b) Dean of Students
- c) Head Legal Department

In attendance

- a) University Warden

5.8 Audit and Risk Management Committee

5.8.1 Functions of the Audit and Risk Committee

The Audit and Risk Management Committee shall be composed of 9 members who shall be external members save for the Vice-Chancellor, Deputy Vice-Chancellor (Finance and Administration) and the University Secretary and shall perform the following functions:

- a) Oversee the internal auditing function of the University;
- b) Consider the effectiveness of the internal control system of the University, including information security and control;
- c) Obtain internal and external audit reports together with management's responses and follow up on the implementation of management's planned actions;
- d) Review of the Audit Charter, audit plans, internal audit activities with management and the Internal Auditor;
- e) Review the findings of any examinations by regulatory agencies;
- f) Report periodically to the Council about the Committee activities, issues, and related recommendations;
- g) Conduct or authorize investigations into any matters within its scope of responsibility.
- h) To handle all issues related to the Intellectual Property of the University and make recommendations to Council.
- i) To consider and handle any other duties that the Council may determine

5.8.2 Membership

- a) Chairperson (appointee of Council)
- b) Vice-Chancellor
- c) Deputy Vice-Chancellor (Finance and Administration)
- d) University Secretary
- e) Ministry of Finance Representative
- f) Convocation Representative
- g) Council Appointee (Member external to the University)
- h) Council Appointee (Member external to the University)
- i) Council Appointee (Member external to the University)

Ex-official members

- a) Chairperson of Council

Secretariat

- a) Internal Auditor
- b) Deputy University Secretary
- c) Head Legal Department

5.9 Estates and Works Committee.

5.9.1 Functions of the Estates and Works Committee.

The Estates and Works Committee shall be composed of 9 members and it shall perform the following functions:

- a) Advise on the management and utilization of MUST property;
- b) Advise on the acquisition, disposal, and lease of university property and other assets in accordance with MUST's development plans;
- c) Recommend the location of works for which funds have been approved and released and the sequence of their execution;
- d) Ensure that approved works are executed on and within MUST's property and in line with the law;
- e) Ensure security of university property;
- f) Formulate policies and practices that will safeguard university property.
- g) Set and periodically review the planned maintenance procedure and standards not only for buildings and other physical structures but also for grounds maintenance, sewerage, and garbage disposal;
- h) Report periodically to the Council about the Committee activities, issues, and related recommendations;
- i) Periodically inspect the existing property and ongoing works to ensure professional and other standards and update Council on likely changes and the financial implications;
- j) Periodically check and ensure that the Assets Register is accurate and up to date;
- k) Consider and handle any other duties as the Council may direct.

5.9.2 Membership

- a) Chairperson (Council appointee)
- b) Deputy Vice-Chancellor (Finance and Administration)
- c) University Secretary
- d) Council appointee

- e) Council appointee
- f) Council appointee
- g) Convocation representative
- h) Students representative

Ex-officio members

- a) Vice-Chancellor
- b) Deputy Vice-Chancellor (Academic Affairs)

Secretariat

- a) Deputy University Secretary
- b) Head of Estates
- c) Head Planning
- d) Head Legal department

In attendance

- a) University Bursar
- b) Head of Procurement department

5.10 Responsibilities of Chairpersons of committees

Chairpersons of committees shall be responsible for:

- a) Approval of meetings agenda and draft minutes;
- b) Assuring that the agenda is consistent with the Terms of Reference for the committee and with Council's priorities;
- c) Ensuring that meetings are conducted in a professional manner and that decisions and recommendations are clear at the meeting and that the minutes are the accurate reflection of the meeting;
- d) Presentation of the committee report to Council.

5.11 Procedure of committees

- a) The chairperson of a committee shall preside at all meetings of the committee, and in the absence of the Chairperson, members present may appoint a member from among themselves to preside at the meeting, except that the person appointed to preside shall not be a member of staff or a student of the University.
- b) The procedures specified for the conduct of meetings of Council under Chapter Six of the Rules shall, with necessary modifications, apply to meetings of committees.

6.0 CHAPTER SIX: MEETINGS OF COUNCIL AND ITS COMMITTEES

6.1 Oath of Office at first full meeting of Council

A member of the Council shall, at the first full meeting of Council, or before assuming the duties of his or her office as a member of the Council, take and subscribe to the oath of office specified in the Schedule to these Rules in annex "A" .

6.2 Meetings of Council

- a) The council shall meet at times and at places that it may determine for the transaction of its business but not less than three times in each calendar year.
- b) The Chairperson may at any time call a meeting of Council or if requested for in writing by at least one-third of all the members of Council.
- c) Any matter for decision by Council shall be determined by consensus or by a majority vote of members present; and in the case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.
- d) In any meeting where the Chairperson is being elected or where an annual budget is being approved the decision shall be determined by a majority of two-thirds of the members.
- e) The validity of the proceedings, act or decision of Council shall not be affected by any vacancy in the membership of Council or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings.

6.3 Schedule of Council meetings

- a) Management shall propose a calendar for meetings of Council and its committees in each year for the approval of Council.
- b) The proposed calendar for meetings shall guide the holding of meetings of Council and its committees.
- c) The approved calendar may be varied whenever it becomes necessary as provided for in these rules.

6.4 Regular meetings

- a) The regular meetings of Council and its committees shall be held as approved in the calendar of meetings;
- b) The nature of business and special circumstances may lead to rescheduling of such meetings;
- c) Where rescheduling a meeting becomes necessary, the Secretary to Council shall agree on this matter with the Vice-Chancellor and then seek the approval of the Chairperson of Council and the relevant Chairperson of the committee concerned;
- d) Upon approval of the rescheduling of a meeting, the Secretary to Council shall notify all members concerned.

6.5 Special meetings of Council

- a) The Chairperson of Council may, at his or her discretion or as requested in writing by at least one-third of all members of Council or upon the advice of the Vice-Chancellor, call a special meeting to address a specific issue or development that is of significance to the University.
- b) A special meeting shall address only one issue for which it is called.

6.6 Adjournment of meetings

- a) A meeting will last for a maximum of two hours unless the Council members deem it necessary to extend.
- b) A meeting may be adjourned to continue another day if it becomes difficult to complete the business presented in the agenda. At the adjourned meeting, only the unfinished business for which the original meeting was called shall be handled.

6.7 Notice for meetings

- a) Notice for meetings of Council and its committees indicating the date, time, place and draft agenda shall be circulated by the Secretary to Council;
- b) Members have three calendar days from the time of the notice within which to formally propose agenda items they may wish the Council to consider and communicate accordingly to the Secretary to Council. Agenda items proposed by a member will not be considered in the absence of the proposer unless the Council members present by consensus consider it of vital importance to do so;
- c) In handling the different types of meetings, the Secretariat shall follow the following timelines;
 - i) Notice for regular meetings shall be given at least 14 days before the scheduled date of the meetings;
 - ii) Notice for special meetings of Council shall be given at least 7 days before the scheduled date of the meetings.

6.8 Documents for meetings

- a) A proposed agenda shall be circulated to members by the Secretary to Council together with the notice for the regular meetings.
- b) Council meeting papers for regular meetings should be sent out to members at least seven calendar days before the scheduled date of the meeting to enable members read and prepare for the meeting.
- c) For special meetings, the documents will be sent out to members in not less than five calendar days before the date of the scheduled meeting.
- d) Failure to comply with the timelines specified in this rule shall render the meetings invalid.

6.9 Quorum for Council and committee meetings

- a) The quorum for Council meetings shall comprise half of the members of Council, including at least five who shall not be staff or students of the University as stated in the Act.
- b) The quorum for Council committee meetings shall comprise half of the members of Council including at least three who shall not be staff or students of the University as stated in the Act.
- c) No Council business will be transacted in the absence of a quorum. If after 30 minutes, it is not possible to realize a quorum, members present shall agree on another date, time and place at which the meeting shall be reconvened.
- d) A member who is unable to attend meetings of Council, as scheduled shall inform the Secretary to Council, who shall report to Council accordingly.
- e) If a member is absent from three consecutive meetings without sound reason, such a member will be required to consider the option of resigning from the Council.

6.10 Confidentiality

Council business is mostly confidential, and the following guidelines shall apply-

- a) With the agreement of the Chairperson, certain items of business may be declared to be "Confidential". Such items and any accompanying papers shall be so indicated on the agenda and shall not be made available to anyone other than members of the Council either before or after the meeting at which they are considered;
- b) Other documents submitted to any meeting of the Council shall not be divulged or disclosed to anyone who is not a member of the Council;
- c) At the end of each meeting, the Council should determine general discussion points of items that members can freely discuss with their constituencies, and which items should remain confidential and;
- d) If the consent to disclose is felt to be urgent, permission should be sought from the Chair of the meeting and a decision will be made on the disclosure.

6.11 Minutes

- a) The Secretary to Council shall take or cause to be taken, process and properly keep minutes of the Council and its Committees,
- b) Minutes of Council meetings shall be circulated to members in soft form/copy within two weeks after the meeting for their input.
- c) For ordinary meetings of Council, the minutes of the previous meeting shall be circulated along with other documents at least seven calendar days to the meeting. Where this may not be possible, the Secretary shall seek the authority of the Chairperson to vary this requirement.
- d) Members of the Council shall be expected to come with copies of the minutes and other circulated documents at the meetings.

- e) Minutes of Council meeting shall be confirmed at the next regular meeting. After the confirmation of the Minutes, corrected where necessary, the minutes shall be signed by the Chairperson and Secretary and shall henceforth be the official record of the Council meeting in question.
- f) The Secretary to Council shall have the mandate and responsibility to-
 - i) Where decisions must be communicated in writing by the Chairperson or the Vice-Chancellor, prepare the required letters for signature;
 - ii) Disseminate Council decisions;
 - iii) Monitor the implementation of Council decisions by the concerned officers and;
 - iv) Prepare reports back to the Council for matters arising.

6.12 Chairing of Council meetings

- a) The Chairperson shall preside at all meetings of the Council whether regular or special; and in his or her absence or inability to act, the Vice-Chairperson shall discharge the functions of the Chairperson;
- b) In the absence of the Chairperson and Vice-Chairperson such other member elected by the Council, not being an employee or student of the university, public service, employee or member of the District Council or Parliament, shall discharge the functions of the Chairperson;
- c) The Chairperson shall preserve order and decorum in the meetings and shall decide questions of order and practice;
- d) In deciding on the point of order or practice, the Chairperson shall state the reasons for the decision;
- e) The Chairperson shall, with the consent of the members, determine all questions of procedure not expressly provided for in this charter.

6.13. Deliberations in Council

Proceedings and debates of the Council shall be in English and shall follow the procedure specified in this Rule-

- a) The direction of the meeting shall be provided by the Chairperson;
- b) Members in meetings of Council shall at all times address the Chairperson;
- c) A member desiring to speak shall raise his or her hand and only speak after being chosen by the Chairperson;
- d) A member may not speak on any matter on which a final decision has been made by the Council during the meeting unless the Chairperson feels their input will be beneficial to the Council;
- e) Persons present in attendance may speak in accordance with these rules of procedure but shall not be entitled to move or second a motion or amendment or vote on any matter before or during the meeting;
- f) Members shall not use offensive, insulting, abusive, blasphemous or unbecoming language during Council deliberations;
- g) In case a member would like to table a document that was not part of the agenda permission will be sought from the Chairperson and if the reason is thought to be sufficient the same will be added to the agenda and the agenda amended;

- h) The Chairperson will decide that an agenda item has been exhaustively discussed and with the consent of members instruct the meeting to move on to the next agenda item;
- i) At the end of each Council meeting, resolutions will be agreed to and the same will be signed by the Chairperson of Council and the Secretary and shared with the public within 24 hours;
- j) In case it's brought to the attention of Council that a decision was taken by any of the committees or even the Council in contravention of the charter rules, the same decision will be deliberated by Council and Council will pronounce itself on the same either to have it canceled or approved;
- k) Reference shall not be made to a matter that is sub-judice which in the opinion of the Chairperson may prejudice the interest of any person in a matter before court;
- l) Debates may be interrupted by:
 - i) a point of order being raised;
 - ii) a point of information or clarification arising.
 - iii) a point of procedure.

6.14 Disorderly conduct

1. The council business shall be conducted in an orderly manner.
2. Where a member may be seen to divert from expected professional etiquette meeting behavior the following guidelines shall apply:-
 - a) A member shall be deemed to engage in disorderly conduct if he or she persistently disregards the ruling of the Chairperson or behaves irregularly, or improperly, or offensively or willfully obstructs the business of the meeting;
 - b) In the case of disorderly conduct, a member may move that the errant member either no longer be given an opportunity to speak further or that he/she leaves the meeting;
 - c) A member who is called to order must be seated and silent unless permitted by the Chairperson to explain his or her conduct.
 - d) Should the disorderly conduct be such as to render the continuation of the business impossible, the Chairperson may adjourn the meeting temporarily to have the errant member be exited from the meeting and then the meeting will resume;
 - e) In the event a member is stopped from participating in a meeting due to consistent errant behavior the Council will deliberate on a future punishment for such a member which can include suspension from a number of Council meetings, a fine to be paid by the member to the Council for any disruption caused which money will be used for any activity the Council agrees to and finally a verbal or written warning.

6.15 Declaration of conflict of interest

For any Council or committee of Council meeting, where a member considers that a matter appearing on the agenda is likely to lead to a conflict of interest on his or her part, the following guidelines shall apply;

- a) Any member of the Council has a clear and substantial interest in a matter under discussion shall declare that interest. The declaration shall make clear the interest and whether it carries either direct or indirect interest to the member;

- b) Where the interest constitutes a direct interest, the member involved shall withdraw from the meeting and shall not influence any decision taken by the Council relating to the matter under discussion;
- c) Where a member does not declare the conflict of interest but any other member has information to the effect of the member's interest in an agenda item, they may raise the same through the Chairperson at this stage and the same will be deliberated and if conflict is agreed to the same procedure in (a) and (b) above will follow;
- d) In case the conflict of interest above by a member is seen to be in conflict with the University Council's mandate or the Council directives and resolutions in 6.15(c) or as pointed out in 4.3 (e) above, they will be found in contempt of Council directives and will after a vote in favor of the same or in case of a unanimous decision by the Council be indefinitely suspended from Council and sent back to their constituency or area line ministry or from where they emanate pending Council's final decision on the same. This communication will be passed on to the member in writing from the Secretary's office;
- e) In case the conflict of interest is raised by or found to be by the Secretary, Chairperson or Vice the same will declare the same and step out while the matter in which they have an interest is being deliberated and an interim person will act in his or her stead;
- f) Any such declaration of interest shall be recorded in the minutes.

6.16 Liability of Council members

A council member shall not be liable for any act done in good faith in carrying out the duties and responsibilities of the University.

6.17 Decisions of Council

The following guidelines shall guide decision making by the Council and Council committees-

- a) The council shall seek to decide on issues under deliberation through consensus. However, when a matter proves to be controversial or where a matter is specified in the Act, Council shall decide such matters through a vote in a manner stipulated in Section 42 (4) of the Act and the mode of voting shall be determined by Council;
- b) In situations of emergencies, the Chairperson of Council may, in consultation with the Chairperson of the relevant committee and the Vice-Chancellor or his deputies, take a decision pending formal ratification by the full Council;
- c) Council decisions once arrived at, shall be collectively binding to all members of Council;
- d) In case a member is not in agreement with the position taken by Council he or she will be allowed to go on record if they so please recording their dissenting position but will be bound by the unanimous decision taken by the Council regardless.

6.18 Duties of Chairperson

The Chairperson shall ensure that the Council is effective in exercising its responsibility and authority for setting the University's direction and strategy and overseeing its implementation by management.

The main responsibility of the Chairperson is to provide leadership to the Council, including:

- a) chairing meetings of the Council;
- b) ensuring that Council members receive accurate, timely and clear information;
- c) taking decisions as delegated by Council and ensuring the Council focuses on its key tasks;
- d) ensuring an appropriate separation of governance and management responsibilities;
- e) directing discussions towards the emergence of a consensus view and sum up discussions so that everyone understands what has been agreed;
- f) controlling the meeting without dominating the debate itself;
- g) allocating a requisite amount of time to each item, and ensuring that any violations from the order of the agenda are explained at the start;
- h) directing the meeting in a way which stimulates open debate on each of the issues on the agenda;
- i) ensuring that meetings neither get distracted by intricate arguments nor leap to hasty conclusions without due consideration;
- j) advising and supporting members in the performance of their responsibilities;
- k) ensuring that there are processes and procedures in place to evaluate the performance of the Council, its committees and individual members;
- l) playing a leading role in determining the composition of committees to achieve harmony and effectiveness;
- m) executing his or her responsibilities according to lawful and ethical standards;
- n) informing the Chancellor about the general conduct of the affairs of the university and furnishing the Chancellor with such information as he or she may require on any matter relating to the affairs of the university.

6.19 Duties of University Secretary

The University Secretary is the Secretary to the Council and shall be responsible for;

- a) Monitoring and ensuring that this charter is duly followed;
- b) Coordinating the completion and dispatch of Council and Council committee agenda and briefing materials;
- c) Ensuring that all statutory and regulatory requirements are properly complied with;

- d) Ensuring that all decisions of the Council are implemented and or accurately communicated to the responsible persons within the University;
- e) Advising the Council on the business of Council and ethics of members including dress code and proper conduct in meetings;
- f) Providing support and guidance to the Council in discharging its duties;
- g) Providing secretarial services to Council and all its committees;
- h) Making sure that all matters before the Council for deliberation have been taken through the right procedure of Top Management and then the various committees for Council before presentation to Council or they are scrapped off the agenda except in exceptional circumstances permitted by Council.

7.0 CHAPTER SEVEN: MISCELLANEOUS

7.1 Cooling-off period

No member of the University exercising a senior management or administrative function for and or on behalf of the University shall be eligible for nomination, appointment and or secondment whether by the University or any other person or body stated under s.38 (1) of the Universities and Other Tertiary Institutions Act 2001, to the Council before the lapse of a period of three years from the date when such member ceased either by retirement of honorable resignation to be a member of the University exercising such management or administrative function.

Members of the University who cease to exercise senior management or administrative functions for and or on behalf of the University by reason of dismissal or dishonorable resignation are not eligible for such nomination, appointment and or secondment.

7.2 Facilitation of members of Council and its committees.

- a) Members of Council shall be paid such allowances as may be determined by the Council considering other allowances in the public sector;
- b) At each meeting, Council members shall be paid a sitting allowance. In addition, members of the Council who are not staff will receive transport allowance or mileage as approved by Council;
- c) The Chairperson, the Vice-Chairperson and Chairpersons of committees of Council may be paid a monthly retainer fee as determined by Council;
- d) Any council member who, upon the request of the university travels abroad for any purposes of the University shall be catered for and remunerated at rates determined by the Council from time to time;
- e) Members of the Council shall receive duty allowance approved by Council whenever they are required to perform official duties of the university;
- f) The facilitation of Council members shall be periodically reviewed by Council.

7.3 Induction of new members

7.3.1 All new members of the council shall receive an induction briefing within a month of appointment.

The briefing will emphasize the primary responsibilities of members and their duties as prescribed in legislation and the Council Charter. The Induction process shall cover:

- a) Roles, procedures and functions of Council;
- b) Information about the University: its organisation, location and size; its strategic plan; financial situation; current issues; major projects; and the University's place in the higher education sector;
- c) A briefing on the University financials;
- d) A briefing from the Council Secretary on Council procedures, governance, meeting management and use of the charter;
- e) A briefing on legal matters and risks associated with the University;
- f) A tour of the University campus or campuses.

7.3.2 Mandatory documentation and support

All new members of the Council will be given: -

- i) Copies of all relevant documents, including the annual reports of the University for the past three (03) years, the Universities and Other Tertiary Institutions Act, 2001 (as amended), the Council Charter manual, and the University's Strategic Plan as well as other documents that Council may deem necessary;
- ii) A mentor to assist them in their ongoing Council or Standing committee activities.

7.3.3 Professional Development

Council members will be offered opportunities to participate in relevant direct training programs run by professional organisations to ensure that members can discharge their duties in accordance with best-practice governance in a University.

7.3.4 Formal Professional Development opportunities

- a) Members of the Council will be invited to participate in at least one formal professional development opportunity each year. They will be required to identify the area they would like to build on (develop) via a discussion with the Vice-Chancellor.
- b) Members are able to select from the catalogue of delivered programs and study tours sourced by the Council Secretary as well as make an application to attend an activity not contained in the catalogue.

7.3.5 Informal Professional Development activities

Members will receive informal professional development in the course of Council business through such activities as:

- a) An in-house annual training program which will include activities such as seminars on university governance etc.;
- b) Participation in appropriate Council committees;
- c) Periodic briefings on major developments within the University;
- d) Reports from the Vice-Chancellor and;
- e) Invitations to University functions.

7.4 Technical advice/consultation

- a) The council and its committees may in the discharge of its duties invite or seek technical advice from any person technically competent from within or without of the University who will add value to it and while seeking external advice keeping in mind avoidance of duplication of technical competence already possessed in the University.
- b) Non-members of Council may by invitation attend Council or its committees to respond and clarify to issues and reports before Council.

7.5 Evaluation of performance:

In keeping with best corporate governance practices, Council shall carry out annual performance evaluations for itself, the Vice-Chancellor and the Deputy Vice-Chancellors using tools approved by Council for that purpose.

7.5.1 Evaluation of Council

The Council shall evaluate itself annually on the key areas and functions as stated in the Act.

7.5.2 Evaluation of the Vice-Chancellor

The Vice-Chancellor shall be appraised annually by the Chair of Council as the immediate supervisor in consultations with the Chairs of the various Council committees on key deliverables of Management, Finance, and Academic and a report presented to the Chancellor.

7.5.3 Evaluation of the Deputy Vice-Chancellors

The Deputy Vice-Chancellors shall be appraised annually by the Vice-Chancellor as the immediate supervisor, in consultation with the Chair Council, and a report presented to Council which will discuss and forward the same to the Chancellor with their recommendations.

7.6 Appointments of the Chancellor, Vice-Chancellor and Deputy Vice-Chancellors

7.6.1 Appointment of the Chancellor

- a) The Chancellor shall be appointed by the President on the recommendation of Council. The council shall develop a search criteria and relevant tools for the search of the Chancellor for approval by Council.

7.6.2 Appointment of the Vice - Chancellor and Deputy Vice - Chancellors

a) Vice - Chancellor

- i) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the University Council from among three candidates recommended by Senate.
- ii) A search committee composed of two members from Council and three members of the Senate shall identify suitable candidates for the post of Vice-Chancellor and shall forward them to Senate to nominate three candidates for the recommendation to Council.
- iii) The search committee shall develop a search criterion complete with relevant tools and present it to Council for approval before commencing the search process.

b) Deputy Vice - Chancellors

- i) Deputy Vice-Chancellors shall be appointed by the Chancellor on the recommendation of the University Senate with the approval of Council from among three candidates recommended by Senate
- ii) A search committee composed of two members from Council and three members of the Senate shall identify suitable candidates for the post of Vice-Chancellor and shall forward them to Senate to nominate three candidates for the recommendation to Council.
- iii) The search committee shall develop a search criterion complete with relevant tools and present it to Council for approval before commencing the search process.

7.6.3 Re-appointment of the Vice-Chancellor and Deputy Vice - Chancellors

- a) In the final year and specifically last 8 months of the terms of office of the Vice-Chancellor or any of the Deputy Vice Chancellors, in the event that any of them should want to show interest in the second term of office, they will do so in writing through their immediate supervisors addressing the same to the University Council.
- b) The Council Chairperson and two other nominated external members by Council from the Chairpersons of the Council Committees, shall consider the annual appraisal reports for term served as the basis for Councils recommendation to the Chancellor for his/her decision:
- c) In event that the Vice-Chancellor and any of the Deputy Vice-Chancellors do not show interest in a second term after a reasonable timeline (8 months to the end of their contract), or that the position should fall vacant for one reason or another, the University Council shall have the matter tabled before

it and appoint a search committee to find a replacement in line with the Act in sections 30 and 31 respectively.

- d) The appointed search committee shall develop a search criterion that shall be approved by Council before implementation.

7.7 Delegation of Powers

7.7.1 Council may delegate its powers subject to limitations that it may deem fit to:

- i) Any committee of Council;
- ii) The Chairperson to act on its behalf on urgent matters and between meetings on matters of routine business;
- iii) an appropriately qualified member of the Council.

7.7.2 The delegated person or entity shall make a formal report to Council for any action taken on its behalf in the next meeting detailing the actions for ratification by Council and in all cases the Council shall be ultimately accountable and shall accept corporate responsibility for the actions taken.

7.7.3 The Council shall not delegate its powers to approve the budget or the final accounts of the university as stipulated in Section 43 (2) of the Act;

7.8 Suspension of the Charter Rules

- a) Any of these Rules may be suspended at any meeting after a motion to that effect has been approved by Council.
- b) Such suspension shall be for a specified item of business only and it shall lapse when that item is concluded.

7.9. Review and amendment of the Charter

The Charter may be reviewed by Council as the need arises and any amendments shall require the approval of at least two-thirds of Council.

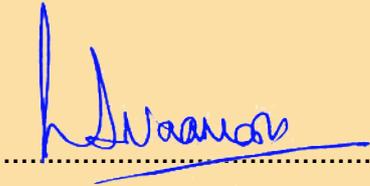
7.10 Repeal of Rules

The repeal of these Rules shall require the approval of Council constituting two-thirds of Council members and will have to be for a justified reason and well documented with a roadmap on what will guide them in their absence and when substantive rules will be put in place.

We, the undersigned being Chairperson and Secretary of the MUST Council do hereby sign and acknowledge this document as a true copy of the MUST Council Charter.

Signed at: **Mbarara University of Science and Technology on the 15th day**

of **November** 20**19**



Dr. Warren Naamara
CHAIRPERSON MUST COUNCIL



Melchoir K. Byaruhanga
UNIVERSITY SECRETARY/SECRETARY
TO MUST COUNCIL

Drawn and Filed by:

Legal Department
Mbarara University of Science and Technology
P.O. BOX 1410, MBARARA

ANNEXTURE A

OFFICIAL OATH

I, _____, swear/affirm that I will at all times well and truly serve Mbarara University of Science and Technology in the office of _____ (*Chairperson of Council/Secretary of Council/Member of Council, etc.*), and that I will support and uphold the Constitution of the Republic of Uganda as by law established, and all the laws governing or affecting Mbarara University of Science and Technology.

So help Me God.

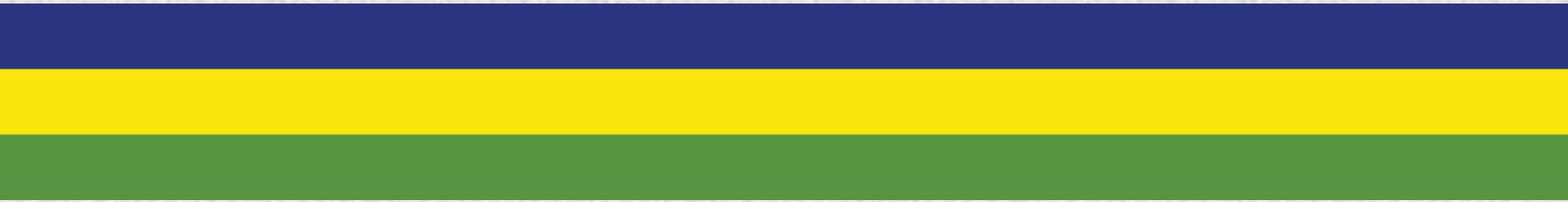
(Name in own handwriting)

Signature

Witnessed by:

.....

High Court Judge



' S U C C E E D W E M U S T '

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