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GUIDELINES FOR THE REGULATION OF PRIVATE UNIVERSITIES IN SIERRA LEONE

A POLICY MADE TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF PRIVATE UNIVERSITIES

Whereas Sections 43 of *The Universities Act 2005* makes provisions for the establishment of private universities, it is necessary to establish private universities in order to meet the increasing demand for, higher education in the country and to facilitate access of the citizenry and other member of the general public to higher education; and whereas Section 44 of *The Universities Act 2005* prescribes the applicability of the provisions of *The Universities Act 2005* to private universities “with the necessary modification”;

and whereas it is expedient to provide for the regulation of private universities;

Now, therefore, it is formulated as follows:

1. Short title. - This policy may be called The Framework for Establishing and Operating Private Universities.
2. Definitions.- Unless there is anything repugnant in the subject or context, in this policy -
 - a) "Academic Faculty" - means a Faculty of a private university where academic programmes/courses are offered and delivered;
 - b) "Senate" means the Academic Council of the private university. The Senate is the highest academic authority of the University.
 - c) "Court/Council" - means the highest Administrative Authority referred to in, or constituted under, this policy;
 - d) "Board of Trustees" means the Board of Trustees referred to in sub-section (a) of section 14.
 - e) "Founders/Promoters" mean any person, association, charitable fund or any other Institution which establishes a private university;

- f) "Private University" means any private university established under this policy;
 - g) "Association" means any association or group of two or more persons intending to establish a private university;
 - h) "Approval" means an approval granted under section 6 for the establishment of a private university;
 - i) "Charter" Means document creating a private university.
3. Private universities. -
 - (a) There may be established one or more private universities in accordance with the provisions of this policy.
 - (b) Every private university shall be a corporate body, subject to the provisions of this policy, and have powers to acquire, hold and transfer properties, both movable and immovable.
 - (c) May sue or be sued in any court of law in Sierra Leone.
 4. Location of private universities. -
 - (a) Private universities may, after prior consent of the Tertiary Education Commission and concurrence of the Ministry in accordance with the provisions of this policy, be located at any place in Sierra Leone.
 - (b) Provided that a private university may initially, after prior consent of the Government, be established anywhere in a provisional manner, but it shall, within five years after the date of the provisional establishment, be established permanently on its own grounds of no less than five acres and with adequate infrastructure.
 5. An approved private university shall be open to men and women irrespective of tribe, race, religion or class.
 6. Approval process for the establishment of private universities: -
 - (a) No private university shall be established or managed without the acquisition of the required approval from the Tertiary Education Commission and the concurrence of Government through the respective Ministry.
 - (b) Every person, association, charitable body or other institution intending to establish or manage a private university shall, for the purpose of acquiring an approvals make an application in the prescribed format to the Tertiary Education Commission.
 - (c) The Commission shall, after the receipt of an application under (b), demand from the applicant such further information as may be required for the consideration of the application, and it shall, if it is satisfied that the applicant has fulfilled the conditions for the establishment of a private university under section 7, grant in the prescribed form an approval for the establishment of a private university under sub-section (7a) in favour of the applicant.

- (d) The Commission may, if it is satisfied that the applicant has failed to fulfill the conditions for the establishment of a private university prescribed under section 7, reject the application submitted by the applicant
 - (e) Provided that no application shall be rejected without giving to the applicant a reasonable opportunity for a hearing in the form of an evaluation by a team of reputable experts.
 - (f) The decision of the Commission shall be final and cannot be contested in any court of law as provided in the *TEC Act of 2001*.
 - (g) Every person, association, charitable body or institution affected by a rejection may revise the application (if so desired) and resubmit after a period of two years has elapsed from the date of rejection.
7. Conditions for the acquisition of an approval:-
- (a) Every private university shall, for the acquisition of an approval have fulfilled, among others, the following conditions, namely:-
 - b) The Commission shall have reviewed and given its prior approval of a plan concerning its teaching of programmes/courses proposed including design, contents, mode (s) of delivery, duration and learning outcomes.
 - c) It shall in the initial stages have no less than two academic faculties.
 - d) Every Faculty shall have such number of cognitive and pedagogically competent subject matter specialists and Lecturers as the Commission may approve of.
 - e) It shall have a reserve fund of no less than Five Hundred Million Leones, which shall be deposited at a nationalized bank.
 - f) The University shall assist students in need by offering them scholarships or other financial means to enable them access and complete university education.
 - g). The scale of pay of the Lecturers and the rate of the fees to be paid by the students shall be clearly stated.
8. Officers of private universities. -
- (1) Every private university shall have the following officers, namely: -
 - a) a Chancellor;
 - b) a Vice-Chancellor
 - c) a Deputy Vice Chancellor(s) or Rector(s) where campus(es) are proposed;
 - d) Registrar and Administrative Staff;
 - e) Finance Director/ Treasurer and Finance Officer.
 - f) Deans of Faculties, Heads of Departments/Institutes and Academic Staff:-
Technicians at all levels, Librarians, Lecturers 1 and 2, Senior

Lecturers, Associate Professors/Readers, Professors and other Academic positions created by the Senate and Court/Council such as Teaching and Research Assistants, Associate Lecturers, Teaching Fellows, Research Fellows, Emeritus Professors etc.

- f) An Examination Controller working under the supervision of the Registrar.

9. Chancellor. -

- (a) The Chancellor of every private university shall be a person of pre-eminence and distinction and should be of sterling character.
- (b) Such a person should be nominated by the Founders/Promoters and with the of the Commission (TEC).
- (c) S/he shall preside at the convocation for the award of academic and honorary degrees and also at all court meetings of the University.
- (d) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Senate and University Court/Council.
- (e) Every year or at such interval of time as the Senate and Court/Council may determine, there shall, be performed a convocation for the award of academic and honorary degrees.

10. Vice-Chancellor.-

- (a) The Vice-Chancellor of a private university shall, after consultation with the Founders/Promoters, be appointed by the Court and with the concurrence of TEC for a period of four years on such terms and conditions as may be determined by the Court/Council.
- (b) S/he shall be the Chief Administrative and Executive Officer of the university.
- (c) If for reasons of absence, illness or any other valid reason the Vice-Chancellor is unable to discharge his or her duties, the functions of the Vice-Chancellor, shall be performed by the **Pro Vice Chancellor** for the period of such inability.

11. Deputy Vice Chancellor(s)/Rector(s):-

- a) A person or persons of high academic repute at the level of Associate Professor/Reader shall be appointed as Head of a campus, where they exist, to be the Administrative Head and overseer under the Supervision of the Vice Chancellor for an initial period of two years subject to renewal for a further final period of two years.
- b) Appointment to this position shall be by election of all the members of Senate in the campus constituting themselves into an electoral college and voting for all duly nominated and seconded candidates.
- (c) Success at the election shall be by simple majority.

- (d) where there is no one at the levels of Associate Professor/Reader or Professor, a person who has served as Dean of faculty for two term. (four years), shall be elected to the position of Dean of Campus for two years only.
 - (e) A Deputy Vice Chancellor/Provost duly elected shall be appointed as Pro Vice Chancellor by the Court.
12. Finance Director/ Treasurer.- (a) The Finance Director/Treasurer shall, after consultation with the Founders/Promoters, be appointed by the Court/Council for a period of four years renewable on such terms and conditions as may be determined by the Court.
- (b) The Finance Director/ Treasurer shall be responsible for the management of all the accounts of the university.
 - (c) S/he shall be the Principal Adviser to the Vice Chancellor on all matters financial.
13. Registrar:-
- a. A person to be appointed as Registrar should have at least a masters degree from a recognised University and must have served in the position of Deputy Registrar of a university or in a similar senior management position in a reputable organization or institution for at least five years.
 - (b) S/he must be at least 40 years of age and shall be the Principal Adviser to the Vice Chancellor on all matters Administrative.
 - (c). S/he shall serve as the Secretary to Court, Senate and all other university committees.
 - (d) S/he shall be the Chief custodian of the minutes of all meetings of the University, Ordinances, Statutes, Seal, Mace, Coat of Arms and all other properties of the University.
 - (e) S/he shall be responsible for examinations, publication of results and the preparation and dissemination of certificates and transcripts.
 - (f) S/he shall undertake any other duties delegated by the Vice Chancellor, Senate, Court and any other University committees.
14. Deans of academic faculties: -
- (a) Deans are to be elected by simple majority of all faculty members in the faculty constituting themselves into an electoral College and voting for duly nominated and seconded faculty at the rank of Senior Lecturers and above.
 - (b) Those at the rank of Senior Lecturers must have served as Head of Department for at least three years.

- (c) Deans are elected initially for a period of two years subject to reelection for a further final period of two years.
- (d) Where there is no suitable person for election, the Vice Chancellor may appoint an acting Dean subject to ratification by the Court.

15. Head of Departments: -

- (a) Heads of Departments/Institutes shall be appointed by the Vice-Chancellor, subject to ratification by the senate and court, from among faculty members at the rank of Senior Lecturers and above for an initial period of three years.
- (b) Renewals for further periods of two years at a time are permissible.

(16) Examination Controller:

- (a) S/he shall be a person of impeccable character and integrity.
- (b) Must possess at least a masters degree from a recognised University.
- (c) Must have served at the level of Senior Assistant Registrar or equivalent for at least three years in a university or in similar Institutions on such terms and conditions as may be determined by the Court in consultation with the Founders/Promoters.

17. Appointment of other Staff and Officers.-

- (a). The other staff members necessary for the functioning of the University shall be appointed by the Administration on agreed terms and conditions after consultation with the Senate, Court and the Founders/Promoters.

18. Authorities of the universities.-

Every private university shall have the following authorities, namely:-

- a) Court/Council made up of members of the public nominated by the Founders/Promoters, TEC, Senate Representatives and the Administration.
- (b) Senate made up all Heads of Departments/Institutes, faculties representatives and the Administration.
- (c) Board of Trustee consisting of no less than nine members nominated by the Founders/Promoters with the Vice Chancellor, Registrar and Financial Director in attendance.
- d) Boards of Faculties or Schools headed by the Deans and consisting of all faculty members.
- e) a Syllabus Committee chaired by the Vice-Chancellor;

- f) a Finance and General Purposes Committee consisting of no less than nine members and Chaired by the Chancellor.
- (g) An appointments and Promotions Committee chaired by the Vice Chancellor.
- (h) The Court may, after prior consent of the Board of Trustees and Founder/Promoters constitute, in addition to these committees above any other authority which may be required for the proper and perfect discharge of the functions of the university.
- (19) The Board of Trustees shall consist of such persons as have gained over many years experience in the fields of education, the Professions, culture, industry, science, technology, business and Politics.

20. Cancellation of an approval:-

- (a) If there is lodged any complaint to the effect that a forgery or fraud has been committed at the time of application, on the occasion of awarding a certificate, diploma or degree of the university, or that the teaching standards of the university as approved has not been maintained, the Commission shall institute an investigation into the complaint by a team of three experts.
- (b) if the investigation proves the substance of the complaint to be factual and correct, the Commission shall cancel the approval given to the university by a vote of two thirds of the Commissioners present and voting in a general meeting.
- (c) if there is sufficient incontrovertible evidence that the University is financially insolvent or bankrupt, the Commission shall cancel the approval given to the University by a vote of two thirds of the Commissioners present and voting in a general meeting.
- (d) Any person, association, charitable trust or institution affected by an order to cancel an approval under (b) and (c) above may, within thirty days after the date of such order, make an appeal to the Commission against such an order with new additional evidence that has not been considered (if any) and the decision of the Commission on such an appeal shall be deemed to be final.
- (e) An appeal under (d) shall be decided upon within sixty days after the date of its receipt and an appeal which has not been decided upon within such period shall be considered to have been admitted and the cancellation rescinded. .

21. Statutes.-

- (a) The Senate, Court and Board of Trustees may, after prior consent of the TEC, make statutes containing syllabuses, teaching methods, book-lists and other

provisions relating to the discharge of the administrative and other necessary functions of the University.

- (b) Statutes made under this policy shall come into effect on the date of approval and notification by TEC.

22. Certificates, Diplomas and Degrees awarded by the University: -

- (a) All Certificates, Diplomas and Degrees awarded by the University shall be signed the Vice-Chancellor and Registrar and shall be stamped and embossed with the seal of the University.
- (b) If a graduate of the University is found wanting and of a character which impinge seriously and negatively on the reputation of the Institution, the University reserves the right to withdraw its certificate awarded.

23. Representation of Students

Students shall be represented in key decision-making bodies of each private university. For the purpose of representation, students shall have a students Representative Council (SRC) elected by the entire student body. Through the SRC students shall make representations to the university authorities.

24. Partnership

Each University shall enter into partnership agreements with universities and research institutions for the mutual benefit of the partners. The Tertiary Education Commission shall be informed of such partnership agreements and activities/programmes of the partnership.

25. University Charter

Each private university shall have a charter detailing the vision, mission, core values academic programmes administrative and operational modalities/procedures.

26. Legal Framework

The Constitution of Sierra Leone, 1991, the Universities Act, 2005 and the Tertiary Education Commission Act, 2001, shall be part of the legal framework of private universities in so far as their provisions undergird this policy

27. Funds of the University. -

- (a) The university shall have and maintain funds derived from fees collected, intellectual property rights, charitable organisations, personal bequest and donations, research grants, investments etc.
- (b) These funds shall, after the approval of the Board of Trustees and the University Court, be deposited in the name of the university at a nationalized bank and monies

may be withdrawn from the funds for the discharge of the functions of the University and in the prescribed manner.

- (c). The financial statements of the income and expenditure of the university shall be prepared and audited annually (not later than 30th April of the succeeding year).
- (d) The audit shall be undertaken by a certified chartered accountant or accounting firm to be appointed by the Court. The Audit Report shall be presented to the Court of the University, and the Tertiary Education Commission (TEC).

28. Power to make rules.-

The TEC shall from time to time make rules or issue Quality Assurance policies for the consideration, domestication and adoption by the Senate and Court of the University.