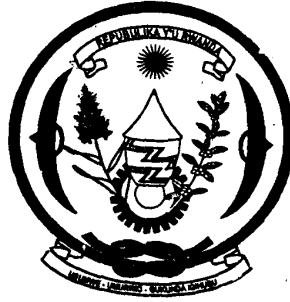


*Umwaka wa 45 n° 5
01 Werurwe 2006*



*Year 45 n° 5
01 March 2006*

*45^{ème} Année n° 5
01 mars 2006*

Igazeti ya Leta ya Repubulika y'u Rwanda	Official Gazette of the Republic of Rwanda	Jouranal Officiel de la république du Rwanda
---	---	---

LAW N° 20/2005 OF THE 20/10/2005 GOVERNING THE ORGANISATION AND FUNCTIONING OF HIGHER EDUCATION

We, KAGAME Paul,
President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THIS LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of March 4th, 2005;

Given the Constitution of the Republic of Rwanda of June 4th, 2003 as amended to date, especially in its Articles 27, 35, 40, 62, 66, 67, 90, 91, 92, 93, 108, 113, 118, 195 and 201;

Given the Organic Law n°20/2003 of 03/8/2003 organising national education, especially in its Articles 2, 5, 11, 16, 23, 32 and 36;

Given the Law n° 20/2000 of 26 /07/ 2000 relating to non-profit making organisations;

Given the Law n° 22/2002 of 09/07/2000 governing the General Statutes for Rwanda Public Service;

ADOPTS:

CHAPTER ONE: GENERAL PROVISIONS

Article one:

For the purpose of this law, the following terms mean:

- 1° **"A higher learning institution"** refers to an institution of education that provides further general or technological training programmes compared to those provided by secondary school education. The programmes are provided through classical way or by way of distance learning and lead to the award of Associate Degree at least. A higher institution of learning may offer part-time courses leading to the award of a certificate;
- 2° **"Accreditation"** means established standards for recognising Higher Learning Institution based on its organisation, functioning, the quality of its buildings, equipment, programmes, methodologies, administration management, degrees, diplomas and certificates, as well as academic grades awarded by a higher Learning Institution;
- 3° **"Long-distance learning"** refers to simultaneously providing people in different places with education without the physical presence of a lecturer, using rapid, technological and telecommunication means;

4⁰ **"A degree or higher diploma"** refers to a document proving that its holder successfully completed the required training programmes and succeeded the exams thereto related;

5⁰ **"A Certificate of attendance"** may refer to a document proving that its holder has successfully completed the required short- time training and succeeded the exams thereto related.

A certificate may also be awarded to a person who has undergone part-time specialised training that does not necessarily require exams.

Article 2:

This law governs the organisation and functioning of Higher Education.

Article 3:

The organisation of Higher Education, including the definition of the accreditation systems and procedures, the categorisation of the teaching staff and research bodies, the inspection of Higher Education and the advisory services on the creation of higher learning institutions, their closure, opening, merging or dissolution, is determined by the National Council for Higher Education which is established by a specific law.

CHAPTER II: CLASSIFICATION OF HIGHER LEARNING INSTITUTIONS

Article 4:

Higher learning institutions in the Republic of Rwanda shall be divided into public and private institutions.

Article 5:

Public higher learning institutions shall be established by the State, which is responsible for their, organisation, functioning and management.

Public higher learning institutions shall include those under the supervision of the Ministry in charge of Education and those under the supervision of other competent Government organs.

Article 6:

Private higher learning institutions are those institutions whose nature, functioning and organisation are subject to an agreement entered in between their founders and the Government but such institutions shall enjoy management autonomy.

Article 7:

Higher learning institutions in Rwanda shall be divided into two following categories:

1° Universities;

2° Specialised Higher Learning Institutions.

Article 8:

The university is a higher learning institution that provides training in various disciplines including technology and research in different domains.

The university may have other higher learning institutes and specialised research centres.

The university awards degrees and higher diplomas of all levels of Higher Education. It also awards certificates at successful completion of short time courses.

Article 9:

Specialised higher learning institutions are higher training and research institutes whose mission is to offer training and conduct research in various technical fields.

Higher specialised training institutes may be affiliated to a university or have a separate legal personality.

CHAPTER III: ESTABLISHMENT OF A HIGHER LEARNING INSTITUTION

Article 10:

A public higher learning institution shall be established by a specific law.

The conditions imposed on higher learning institutions under the supervision of the Ministry in charge of Higher Education shall equally apply to higher institutions under the supervision of another government body.

Article 11:

A private higher learning institution shall be established as a non-profit - making organisation.

Any person, wishing to establish a higher learning institution shall be required to fulfil the conditions set by the Ministry in charge of Higher Education and shall sign an agreement to that effect, with the same Ministry.

Article 12:

Any individual or legal person, wishing to establish a private higher learning institution, confer academic awards, and change the level education system, shall address a written application thereof to the Minister in charge of Higher Education for consideration.

The application shall be accompanied by:

- 1° the denomination of the higher learning institution, its headquarters, its category and the teaching disciplines;
- 2° the mission and objectives of the institution;
- 3° a detailed document specifying the assets and financial resources of the institution;
- 4° a document showing the organisation and administration of the institution;
- 5° the details on the system of admission of students and on the teaching programmes offered by the institution;
- 6° a detailed document specifying the nature of the buildings and equipment connected to the kind of training to be offered;
- 7° a document specifying the size of the planned personnel, its category and the classification of its posts;
- 8° a detailed document describing existing or planned infrastructure;
- 9° a document showing the functional and financial management control system of the institution;
- 10° the certificate of full identity of the founder of a Higher Learning institution and the a certificate of legal personality, if it is a legal person.

Article 13:

The Minister in charge of Higher Education, after examining the provisions of Article 12 of this law shall make a decision on the basis of the report made by the National Council for Higher Education. The decision shall be notified to the applicant within six (6) months from the date the application is received.

Article 14:

Where the application is accepted, the Minister in charge of Higher Education shall sign a provisional operating agreement with the applicant.

Article 15:

The institution's provisional operating agreement shall be valid for at least three (3) years with effect from the date of the signature of the agreement mentioned in Article 14 of the this law. This deadline is renewable only once (1).

The Ministry in charge of Higher Education shall publish the provisional operating agreement for a private higher learning institution in the Official Gazette of the Republic of Rwanda.

Article 16:

The private higher learning institution that has obtained a provisional operating permit, shall submit a detailed annual activity report to the National Council for Higher Education.

Article 17:

The higher learning institution that has obtained provisional operating permit shall submit a written application for an indefinite approval to the Ministry in charge of Higher Education.

This application is accompanied by the following:

- 1° the provisional operating agreement;
- 2° a list of members of the permanent academic, administrative and technical staff indicating their qualifications;
- 3° a list of students in each level;
- 4° the detailed document describing buildings and equipment in relation with the training offered;
- 5° an annual activity and financial report of the institution approved by an authorised auditor;
- 6° an inventory of current and fixed assets of the institution;
- 7° any other document that may be required by the Minister in charge of Higher Education

Article 18:

The definitive operating agreement of a private higher learning institution shall be granted by a Ministerial Order of the Minister in charge of Higher Education on the basis of the report made by the National Council for Higher Education, within three (3) months from the date of the receipt of the application.

Article 19:

On approval of the application by the Minister in charge of Higher Education, he or she shall sign a definitive operating agreement with the institution.

The agreement indicates the category of the institution, its educational levels, its faculties, its research centres and its schools as well as academic awards it is allowed to provide.

Article 20:

In conformity with the agreement, the degrees, diplomas and the certificates that are awarded by of a private institution whose definitive operating approval was granted are accredited.

Article 21:

When, upon review of the report mentioned in Article 18 of this law, it is proved that the private higher learning institution does not meet the required conditions, it is not granted the definitive operating approval. In this case, the Minister in charge of Higher shall notify the applicant within thirty (30) days from the date the decision is made. The private institution concerned, which has not been granted a definitive operating permit, may, upon meeting all the required conditions, reapply within the time limits specified in Article 15 of this law.

Article 22:

The Degrees or diplomas or certificates awarded by a private higher learning institution whose definitive operating approval is not granted shall not be accredited.

Article 23:

Any higher learning institution that shall have been granted a provisional or definitive operating approval and which wishes to upgrade its educational levels, to establish new faculties, new research centres or schools, shall sign an additional agreement with the Minister in charge of Higher Education.

CHAPTER IV: SUBDIVISION, MERGING AND CLOSURE OF HIGHER LEARNING INSTITUTIONS

Article 24:

The Minister in charge of Higher Education shall request the Government to subdivide a public higher learning institution into two (2) or several institutions, on the basis of the report made by the National Council for Higher Education, and upon advice by the Board of Directors of the public higher learning institution.

Upon a written application by the Chairman of the Board of Directors or the Senate of the institution concerned and on the basis of the report made by the National Council for Higher Education, the Minister having Higher Education in his or her attributions shall request the Government to subdivide a private higher learning institution into two (2) or several institutions.

Article 25:

The higher learning institution subdivided into two (2) or several institutions shall be dissolved automatically and shall lose its legal status.

Each new institution that results from this subdivision shall acquire its own legal status in conformity with the law and if it is a private institution, it shall sign an agreement with the Minister in charge of Higher Education. If it is a public institution, it shall be governed by a specific law.

Article 26:

The Minister in charge of Higher Education shall request the Government to merge two (2) or several higher learning institutions into one single institution or to transfer a faculty of a public higher learning institution to another, on the basis of the report of the National Council for Higher Education and upon advice of the Board of Directors of the institutions concerned.

The merging of private institutions is effected in conformity with specific agreements entered in between them and upon evaluation by the National Council for Higher Education. The Council shall submit a report to the Minister in charge of Higher Education, who in turn forwards the report to the Government for decision.

Article 27:

When two (2) or several private higher learning institutions are merged:

- 1° the merged institutions shall be deemed closed and shall lose their respective legal status;
- 2° the new private higher learning institution resulting from the merging shall acquire a new legal Status in accordance to the law and it is established by an order of the Minister in charge of Higher Education;
- 3° the new private higher learning institution resulting from the merging signs an agreement with the Minister in charge of Higher Education. In case of merging public institutions, the new institution resulting from the merging is governed by a specific law.

Article 28:

The Minister in charge of Higher Education shall request the Government to suspend or close a private higher learning institution, on the basis of a report made by the National Council for Higher Education and upon advice by the institution's Board of Directors.

Article 29:

The closure of a private higher learning institution may equally be requested by its founders or by its Board of Directors upon advice of the General Assembly of the teaching staff and the General Assembly of the Students.

Article 30:

The closure of a public higher learning institution is subjected to the law whereas that of a private higher learning institution is subjected to a Ministerial order of the Minister in charge of Higher Education.

Article 31:

The law on the closure of a public higher learning institution shall specify the modalities for the transfer of its assets to the State after the settlement of all the debits owed to creditors and other issues related to the agreements it shall have signed.

In case of the closure of a public higher learning institution; the law. provides for the modalities' enabling its students at all levels to continue their studies.

The issues related to the teaching and non-teaching staff of a closed institution is settled in accordance with the law and contracts they signed with the institution.

Article 32:

A public or private higher learning institution may be subject to suspension or closure for the following reasons:

- 1° failure to conform to the provisions of the present law as well as with other laws in force in Rwanda governing the organisation and the functioning of Higher Education in the country;
- 2° insecurity;
- 3° inadequate capacity of higher learning institution;
- 4° new organisation of higher education.

Article 33:

The decision to provisionally close and to reopen a higher learning institution shall be published by the Minister in charge of Higher Education at least in one. (1) of the newspapers published in Rwanda within fifteen (15) days with effect from the date the decision is made.

Article 34:

When a private higher learning institution is permanently closed; the hand over of its assets and resources is effected in conformity with the laws and rules governing non-profit making organisations.

Issues related to teaching and non-teaching staff are dealt with in conformity with the laws governing. them and according to the contracts signed between them and the institution.

The Ministerial Order of the Minister in charge of Higher Education on the permanent closure of a higher learning institution defines the modalities that enable the students to continue their studies.

Issues related to students who shall have obtained their academic awards from the closed higher learning institution during the period of its provisional closure shall be examined and decided upon adequately by the National Council for Higher Education.

A higher learning institution that is permanently closed automatically loses its legal status.

CHAPTER V: POWERS, RESPONSIBILITY AND DUTIES OF HIGHER LEARNING INSTITUTIONS

Article 5:

The duties and responsibilities of higher learning institutions are the following:

- 1° to devise programmes and provide higher learning education so as to award under graduate, graduate and post-graduate degrees and diplomas in various fields of science and technology. A higher learning institution may also provide short-time courses crowned by a certificate;
- 2° to carry out and promote research in all scientific and technological disciplines and on different problems of the country;
- 3° to publish research results and collaborate with other institutions to ensure their dissemination so as to contribute to the promotion of national development;
- 4° to provide the student with skills, technology and education that enable him or her to assert himself or herself so as to create employment for his or her personal fulfilment and advancement as well as national development;
- 5° to promote the national culture so as to promote an education that is appropriate and specific to the Rwandan people;
- 6° to contribute to the search for solutions to other issues related to national development.

Article 36:

The powers of higher learning institutions are the following:

- 1° to award degrees and diplomas of all academic levels offered in conformity with this law;
- 2° to award certificates crowning short-time training courses;

- 3° to sign cooperation agreements with different organs responsible for Higher Education and with other national and foreign higher learning institutions;
- 4° to award merit titles to authors of renowned works and prizes to graduate laureates.

The Universities have the right to award honorific "**honoris causa**" degrees in conformity with the laws governing the award of such degrees.

CHAPTER VI: AUTONOMY AND FUNCTIONING OF HIGHER LEARNING INSTITUTIONS

Article 37:

Higher learning institutions shall enjoy autonomy in the areas of teaching, research, administration and management of their human and material resources without prejudice to the provisions of this law and other laws.

Article 38:

The Minister in charge of Higher Education shall define higher education policy and shall monitor its implementation with the help of organs provided for by this law or by any other competent authority. With the assistance of these organs, he or she shall equally supervise the functioning of higher learning institutions.

Article 39:

A higher learning institution is managed by its Board of Directors.

The Minister in charge of Higher Education shall stop the implementation of a decision of the Board of Directors in case that decision is contrary to the law.

Article 40:

Before the end of the first term of an academic year, each higher learning institution shall submit the following documents to the Minister in charge of Higher Education:

- 1° an activity plan of each year and the corresponding budget;
- 2° a general annual activity report;
- 3° a general annual budget implementation report of the ending year, certified by an authorised auditor.

Article 41:

Public higher learning institutions shall respect the laws that govern them whereas private higher learning institutions observe agreements entered in between their founders and the Minister in charge of Higher Education as well as their respective internal rules and regulations.

To fulfil their duties, higher learning institution function in accordance to administrative organs provided for by the present law.

Each higher learning institution shall prepare its own internal rules and regulations.

CHAPTER VII: ADMINISTRATIVE ORGANS OF HIGHER LEARNING INSTITUTIONS AND THEIR FUNCTIONING

Article 42:

The administrative organs of a higher learning institution are the following:

- 1° the Board of Directors;
- 2° the Senate;
- 3° the Executive Council;
- 4° the Council of Faculties and Schools affiliated to the Institution;
- 5° the Department Council.

Article 43:

The Board of Directors shall be the highest decision-making organ of the higher learning institution. It is composed of the following:

- 1° the Chairperson who is appointed by the founder of the institution;
- 2° three (3) persons representing the founder of the institution;
- 3° The Rector, who is the rapporteur of the Board of Directors;
- 4° the Vice-Rectors;
- 5° a representative of the Deans of Faculties elected by his or her colleagues;
- 6° three (3) persons who are experts in the fields of science and technology, nominated by the founder of the institution;
- 7° a representative of lecturers elected by his or her colleagues;
- 8° a representative of the personnel elected by his or her colleagues;
- 9° two (2) students of opposite sex elected by their colleagues;
- 10° a representative of the private sector appointed by the Private Sector Federation, upon request by the founder of the institution.

Appointing members to the Board of Directors has to be gender sensitive.

Article 44:

The Chairperson of the Board of Directors of a public higher learning institution shall be appointed by an Order of the Prime Minister.

In private higher learning institutions, the Chairperson of the Board of Directors shall be appointed by the founder of the institution.

The Chairperson of the Board of Directors of a higher learning institution shall be elected from among external members. He or she shall be elected for a term of office of four years renewable.

Article 45:

The Vice-Chairperson of the Board of Directors, is elected among the members of the Board of Directors by his colleagues, during the first meeting convened and chaired by the Chairperson. The Vice-Chairperson replaces the Chairperson when the latter is absent.

Article 46:

The duties and responsibility of the Board of Directors of a higher learning institution shall be the following:

- 1° to give advice during the elaboration of the Higher Education policy and to monitor its implementation in conformity with the duties of each higher Learning institution;
- 2° to set up the internal rules and regulations of the institution;
- 3° to approve the budget proposal of the public higher learning institution or the budget of a private institution;
- 4° to approve the annual financial and administrative report, on the basis of the report of the Rector, the internal auditor or of any other competent organ;
- 5° to adopt the short, medium and long term action plans;
- 6° to adopt the annual activity plan and their corresponding budget;
- 7° to adopt the conclusions and decisions submitted by the Senate, including particularly the academic awards, recruitment, promotions, determination of salaries and allowances for lecturers and researchers of higher learning institutions, as well as penalties imposed on them when necessary;
- 8° to adopt the decisions and conclusions of the Executive Council related to the financial management, the assets and the personnel of the higher learning institution;

- 9° to determine the fees and other dues to be paid' by students and the funds to be invested in general services of the higher learning institution;
- 10° to determine the students that are to benefit from study scholarship and prizes managed and warded by a higher learning institution;
- 11° to approve loans, donations, subventions and legacy;
- 12° to cant' out any other activities aimed at enabling the institution to accomplish its mission;
- 13° to approve conventions that the institution shall sign with other higher learning institutions, research centres and other organs in general.

Article 47:

The Board of Directors holds its ordinary session once every three (3) months at the invitation of its Chairperson or Vice-Chairperson if the Chairperson is absent.

The Board. of Directors may hold extraordinary meetings if necessary on the personal initiative of the Chairperson or upon written request of at least a third (1/3) of its members.

Article 48:

The meeting of the Board of Directors shall be legitimately held when two thirds (2/3) of its members are present. The Board of Directors shall make its decisions by consensus. Otherwise, the decisions shall be adopted upon absolute majority of the votes of the members present at a meeting. In case of voting tie, the Chairperson shall have a casting vote.

Article 49:

The Board of Directors may invite to its meetings any person that it deems competent to assist it in dealing with specific issues. That person shall have no voting right.

Article 50:

Invitations to ordinary meeting of the Board of Directors shall be served to each of the members of the Board of Directors at least fourteen (14) days before the holding of the meeting and two (2) days before the holding of an extraordinary meeting. The letter of invitation shall equally indicate the venue, the date, the time and the agenda of the meeting.

Article 51:

The minutes of the Board of Directors meetings are written by its Rapporteur. They are signed by the Chairperson and the Rapporteur or by the Vice-Chairperson and the rapporteur in case of absence of the Chairperson.

Article 52:

All the decisions of the Board of Directors shall be signed by its Chairperson and its Rapporteur or by the Vice-Chairperson and the Rapporteur in case the Chairperson is absent or withheld. These decisions shall bear the seal of the higher learning institution.

Article 53:

A seat of a member of the Board of Directors shall fall vacant if

- 1° the holder resign in writing;
- 2° the holder becomes incapable of performing his or her duties due to illness or impairment after confirmation by an authorized medical doctor;
- 3° the holder has been sentenced to imprisonment for a term of six (6) months or more;
- 4° the holder fails to attend three (3) consecutive meetings of the Board of Directors in a year, without justifiable reason;
- 5° the holder ceases to represent the organ that appointed him or her;
- 6° the holder dies.

Article 54:

Basing on the grounds. provided. For by the Article 53 of this law, the Board of Directors shall declare the seat vacant and the matter shall be confirmed by the appointing authority. The holder of the seat shall be replaced in a manner provided for in Article 43 of this law.

Article 55:

The Board of Directors may establish ad hoc or permanent specialised committees bringing together its members or other persons that it shall deem necessary. The Board of Directors shall equally appoint a Chairperson to each committee.

Section II: The Senate

Article 56:

The Senate shall be the supreme organ responsible for academic affairs, research, and education.

Article 57:

The Senate shall be composed of the following persons:

- 1° the Rector of the Institution, who shall be its Chairperson;
- 2° the Vice-Rectors of the Institution, including the Vice-Rector in charge of Academic Affairs, who shall serve as the Vice -Chairperson and the Rapporteur of the Senate;
- 3° the Deans of Faculties and Directors of specialized centres of the Institution;
- 4° an ordinary lecturer per faculty or per centre elected by his or her colleagues;
- 5° the Heads of Departments;
- 6° a professor per Faculty or per centre elected by his or her colleagues;
- 7° the Director of the Library of the institution;
- 8° the student in charge of Academic Affairs in the students' Association of the institution;
- 9° a student per Faculty or per centre of the institution elected by his or her fellow students.

Article 58:

During the first meeting, the Senate shall elect among its members, the Deputy Rapporteur. He or she shall be elected among the Deans of Faculties or the Directors of specialized centres.

Article 59:

With the exception of ex-officio members of the Senate, the term of the members of the Senate shall be three (3) years renewable.

Article 60:

The duties of the Senate are the following:

- 1° to devise strategies, academic and research programmes and timetable, submit them to the Board of Directors for approval before their implementation;
- 2° to devise programmes and strategies aimed at providing education that is proper to the Rwandans;

- 3° to devise the academic regulations governing conditions for admission, behaviour, conditions for sitting examinations different academic awards conferred by the Institution; and submit them to the Board of Directors for approval;
- 4° to consider the decisions taken in relations to examinations and other tests and submit them to the Board of Directors for approval;
- 5° to make proposals for salaries, recruitment, staff development and if need be, punishments of professors and lecturers and forward them to the Board of Directors for approval.
- 6° to make proposals on the salaries and privileges accorded to academic and research personnel of private institutions of higher learning;
- 7° to direct and supervise academic, research and education activities in Faculties, departments and centres of the institution;'
- 8° to make proposals on establishment, splitting, removal or merging of Faculties, specialized centres and departments and submit them to the Board of Directors;
- 9° to make proposals on the splitting, merging or closure of an institution and forward them to the Board of Directors;
- 10° to prepare an annual report on all activities related to academic affairs, research, and education of the institution and submit it to the Board of Directors;
- 11° to carry out any other activity as may be assigned to it by the Board of Directors.

Article 61:

The Senate may seek the assistance of the Council of Faculties or of the Council of Centres of the higher learning institution in order to efficiently accomplish its mission.

Article 62:

The Senate shall meet every two (2) months and whenever necessary upon the invitation by its Chairperson or Vice-Chairperson in case the Chairperson is absent or withheld, or upon request of one third (1/3) of its members.

Article 63:

The Senate meeting shall be legitimately held when two thirds (2/3) of its members are present.

The decisions of the Senate are made by consensus. Where there is no consensus, decisions are taken upon an absolute majority vote of the members present. In case of voting tie, the Chairperson has a casting vote.

Section 3: The Executive Council

Article 64:

The Executive Council shall be composed of :

- 1° the Rector of the higher learning institution;
- 2° the Vice-Rectors of the higher learning institution;
- 3° the Deans of Faculties and Directors of Centres of the institution;
- 4° the Heads of Departments;
- 5° the Director for Administration and Finance;
- 6° the Director of the Library;
- 7° the Director in charge of Academic Affairs;
- 8° the Director in charge of Students Affairs.

Article 65:

The Rector of a public higher learning institution shall be appointed by a Presidential Decree for a term of office of four (4) years renewable once.

The Rector of a private higher learning institution shall be appointed by the founder of the institution for a term of office of four (4) years renewable once.

Article 66:

The Rector of a higher learning institution shall be responsible for the daily management and co-ordination of academic activities, research, education and administration of the institution.

His or her duties shall specifically be the following:

- 1° to implement the decisions of the Board of Directors;
- 2° to ensure rational utilisation and management of the financial assets of the institution;
- 3° to represent the institution of higher learning both at the national and international levels;
- 4° to ensure the welfare, the discipline and the good behaviour of the students and the staff members;

- 5° to forward short, medium and long term budget proposals of the institution to the Board of Directors for approval;
- 6° to submit to the Board of Directors for approval and adoption the annual action plan or the annual budget draft proposal for the case of the public higher learning institution or the budget proposal if it is the private higher learning institution;
- 7° to prepare the cooperation agreement proposals between the higher learning institutions, research centres and other organs and forward them to the Board of Directors for approval;
- 8° to prepare the annual activity and financial reports of the higher learning institution and submit them to the Board of Directors for approval;
- 9° to appoint a Vice-Rector to replace him or her when the Vice-Rector in charge of Academic Affairs is absent or withheld;
- 10° to carry out any other duties as may be assigned to him/her by the Council.

Article 67:

In case of emergency and if the Board of Directors cannot meet, the Rector of the higher learning institution may make urgent decisions to enable the institution achieve its mission.

In that case, the Rector shall notify these decisions in writing to the Board of Directors within three (3) working days following the date on which they are taken. These decisions are brought to the next meeting of the Board of Directors for consideration and approval.

Article 68:

The Rector shall be assisted in his/her duties by the persons mentioned in Article 64 of this law as well as various organs of the higher learning institution according to their hierarchy and duties assigned to them.

Article 69:

The Vice-Rectors of a public higher learning institution shall be appointed by a Prime Minister's Order whereas the Vice-Rector of a private higher learning institution shall be appointed by its founder. Their term of office is four (4) years renewable.

Article 70:

A higher learning institution shall have at least a Vice-Rector in charge of Academic Affairs and a Vice-Rector in charge of Administration and Finance.

A higher learning institution that offers PhD programmes shall obligatorily have a Vice-Rector in charge of Research.

The number and duties of other Vice-Rectors shall be determined by a competent organ.

Article 71:

The duties of the Vice-Rector in charge of Academic Affairs shall be the following:

- 1° to coordinate all activities related to academic programmes and disciplines of the higher learning institution;
- 2° to coordinate all research activities and programmes, in case there is no Vice-Rector specifically responsible for research;
- 3° to organise meetings of the Senate and to ensure the implementation of its decisions;
- 4° to replace the Rector in case of absence or impediment;
- 5° to carry out any other activity in relation to his or her duties as may be assigned to him or her by the Rector.

Article 72:

The duties of the Vice-Rector in charge of Administration and Finance shall be the following:

- 1° to coordinate all activities connected with the organisational chart and to the personnel of the higher learning institution;
- 2° to elaborate the budget proposal of the higher learning institution;
- 3° to mobilise financial resources and other assets of the institution and monitor their utilisation;
- 4° to carry out any other activity in relation to his or her duties as may be assigned to him or her by the Rector.

Article 73:

The duties of the Vice-Rector in charge of Research shall be the following:

- 1° to coordinate all research activities of the higher learning institution;
- 2° to participate in the organisation of the Senate meeting and to follow-up the implementation of its decisions in the domain of research;
- 3° to carry out, any other activity as may be assigned to him or her by the Rector of the higher learning institution.

Section IV: Faculties and Centres Departments

Article 74:

The Council of a Faculty or Centre of a higher learning institution shall be composed of the following persons:

- 1° the Dean of the Faculty or the Director of a Centre, who shall be the Chairperson;
- 2° the Deputy Dean of the faculty or the Deputy Director of the Centre who shall be the Deputy Chairperson;
- 3° the secretary for Academic Affairs of the faculty or a Centre who shall be the Rapporteur;
- 4° permanent professors, lecturers and researchers of the Faculty or the Centre;
- 5° a student per department or centre elected by his or her fellow students.

Article 75:

The Dean of a Faculty or the Director of a Centre in a higher learning institution shall be elected by the members of permanent teaching and research staff in their respective faculties or centres, upon approval by the Board of Directors on request by the Senate. The term of office for a Dean or a Director shall be three (3) years renewable once.

Article 76:

The Head of a Department in a higher learning institution shall be elected by the permanent teaching staff upon approval by the Senate on request by the Council of faculty. The term of office of a Head of Department shall be three (3) years renewable once.

Article 7:

The Dean of a Faculty, the Director of a Centre and a Head of a Department shall be responsible for the general smooth running of academic activities, discipline, research and administrative affairs in accordance to their respective duties.

Article 78:

The functioning, the organisation and the nature of faculties, centres and departments of a higher learning institution shall be determined by the Board of Directors upon request by the Senate.

CHAPTER VII: THE STAFF OF A HIGHER LEARNING INSTITUTION

Article 79:

The staff of a higher learning institution shall be composed of the following categories:

- 1° teaching and research staff;
- 2° administrative and ethnical staff;
- 3° support staff.

Section one: Teaching and Research Staff

Article 80:

The teaching and research staff shall be recruited either to teach or to carry out research on a permanent or temporary basis.

The modalities for their recruitment, category dismissal, punishment and promotion shall be determined by the National Council for Higher Education.

Article 81:

The members of the teaching and research staff of a public higher learning institution shall be appointed, promoted or dismissed by an Order of the Prime Minister upon request by the Minister in charge of Higher Education, upon advice from the Board of Directors of the institution concerned.

The teaching and research staff of a private higher learning institution shall be appointed, promoted or dismissed upon a decision made by the Board of Directors of the institution concerned upon request by the Senate.

Article 82:

Members of the teaching and research staff shall have the following obligations depending on their respective individual main duties:

- 1° to abide by the internal rules and regulations and other laws;
- 2° to design and teach courses that are meant for providing students with the expected and appropriate knowledge and skills;
- 3° to supervise and support students in the education and research activities;
- 4° to carry out research which is based on the programmes of the institution by promoting academic quality in the institution in general, and building the teaching staff capacity in particular;

- 5° to carry out research meant to promote science and technology as well as to solve the problems the population is faced with;
- 6° to make sure that students are well brought up and to serve as model of good conduct;
- 7° to participate in other activities of the institution which are aimed at promoting the population;
- 8° to participate in other activities in relation to the mission of the institution.

Article 83:

The members of the teaching and research staff shall enjoy the following rights:

- 1° to offer their opinions and suggestions concerning the quality of academic programmes, methodology, research and education;
- 2° to be accorded their salaries, promotions and other related allowances, privileges and benefits in accordance with the law;
- 3° to access to further education and training programmes meant to boost their knowledge and strengthen their capacity;
- 4° to render consultancy services upon authorisation by the administration of the institution in accordance with its internal rules and regulations;
- 5° to suspend lectures for a given period in order to carry out research activities which are of interest to both the institution and the country, in accordance with its internal rules and regulations.

Section 2: Administrative, technical and support staff

Article 84:

The administrative staff shall consist of employees who assist the Executive Council in achieving the mission of the institution.

Article 85:

The support staff shall consist of employees that are not referred to in Articles 81 and 84 of this law.

Article 86:

The rights and duties of the administrative, technical and support staff in a public higher learning institution shall be governed by the General Statutes for Rwanda Public Service, this law, the law establishing the institution and by its internal rules and regulations.

Article 87:

The rights and duties of the administrative, technical and support staff in a private higher learning institution shall be governed by the Labour Code, this law, the agreement entered in between the Ministry responsible for Higher Education as well as by its internal rules and regulations of each institution.

Article 88:

For public higher learning institution, the organisation and relations among the staff members referred to in Article 80 of this law shall be governed by the present law, the law establishing the institution and by its internal rules and regulations.

Article 89:

For private higher learning institution, the organisation and relations among the staff members referred to in Article 80 of this law, shall be governed by this law, the agreement entered in between the Ministry having Higher Education in its attributions and the institution as well as by its internal rules and regulations.

Section 3: Staff evaluation of the higher learning education

Article 90:

The evaluation and assessment of the teaching and research staff shall be carried out annually and be based on standards that are established by the National Council for Higher Education.

Article 91:

The evaluation and assessment of the teaching and research staff shall be carried out at the Faculty, department and Senate levels.

The Head of Department, the Dean of Faculty and the President of the Senate shall evaluate the teaching and research staff at the first, second and third levels respectively.

The students shall participate in the evaluation, process of the research and teaching staff in conformity with the internal rules and regulations of the institution concerned, on the basis of the standards established by the National Council for Higher Education.

When the evaluation at the first level is over, the result shall be notified to the teaching and research staff member within a period not exceeding eight (8) days, for a written reaction thereon where necessary in not more than three (3) days of notification.

The Board of Directors of the institution shall make a final decision as to the academic and research staff evaluation.

Article 92:

For a public higher learning institution, the evaluation of the non-teaching and research staff shall be carried in accordance with the General Statutes for Rwanda Public Service, the law governing public institutions, this law, the law establishing the institution and by its internal rules and regulations.

For private higher learning institutions, the evaluation of the non-teaching and research staff shall be carried in accordance with the Labour Code, the agreement entered in between the Ministry in charge of Higher Education and the institution as well as by its internal rules and regulations.

CHAPTER X: STUDENTS OF HIGHER LEARNING INSTITUTIONS

Article 3:

A student of a higher learning institution shall be any person meeting its admission requirements for ordinary or special academic programmes.

Article 94:

Admission requirements shall be determined by the institution's Board of Directors basing on the standards established by the National Council for Higher Education.

Article 95

The rights and duties of students in relation to academic matters, discipline and social welfare shall be governed by the institution's general regulations on academic matters and students social welfare.

CHAPTER XI: ASSETS OF A HIGHER LEARNING INSTITUTION

Article 96:

The assets of a higher learning institution shall comprise of movable and immovable assets.

Article 97:

The assets a public higher learning institution shall derive from:

- 1° State budget;
- 2° income generated from various activities and services of the institution;
- 3° income generated from research and consultancy services;

- 4° tuition fees;
- 5° loans approved by the Board :of Directors;
- 6° grants, donations and legacy.

Article 98:

The funds and assets of a private higher learning institution shall derive from:

- 1° the capital of the institution:
- 2° income generated from various activities and services by the institution;
- 3° income generated from research and consultancy services;
- 4° tuition fees;
- 5° loans approved by the Board of Directors;
- 6° grants, donations and legacy.

Article 9:

The funds and assets of a private higher learning institution shall be used only on academic and research activities that are profitable for the institution.

The nature and utilization of a higher learning institution's funds and assets are based upon standards that are established by the National Council for Higher Learning Education especially on determining tuition fees, honorary fees for the teaching and research staff, and the funds allocated to general activities of the institution.

Article 100:

The funds of a public higher learning institution that originate from Government budget shall be deposited on an account with the National Bank and be withdrawn in accordance with the procedure relating, to public accounting. Any other funds shall be kept with commercial banks according to modalities determined by the Board of Directors in accordance with the law.

Article 101:

The funds of a private higher learning institution shall be kept with the banks recognized by the law, according to modalities determined by the Board of Directors in accordance with the law.

Article 102:

The Board of Directors shall, in accordance with the law, determine the modalities according to which the institution's funds are invested.

Article 103:

The higher learning institution shall keep the books of accounts and all other relevant documents providing a statement of income and expenditure. It shall provide the following in not later than three (3) months of the end of each financial year:

- 1° a statement of income and expenditure of the previous financial year;
- 2° a statement of assets and liabilities as per the last day of the financial year.

Article 104:

The audit of a public higher learning institution shall be exercised by the following:

- 1° the internal auditing service;
- 2° the Office of Auditor General of the State finances

Article 105:

The audit of a private higher learning institution shall be exercised by the following:

- 1° the internal auditing service;
- 2° a private authorized auditing office that is allowed to do so by the Board of Directors.

Article 106:

The auditing report shall be submitted to the Minister in charge of Higher learning Education not later than three (3) months of the beginning of the new financial year.

CHAPTER X: MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Article 107:

The Government shall provide means for Rwanda students with easy access to scholarship and stipends and make sure they are paid back.

Article 108:

The Minister in charge of Higher Education is the President of honour of public and private higher learning institutions.

He or she shall preside over the academic year opening ceremonies. He or she shall also preside over graduation ceremonies. In case the Minister is absent or withheld, the President of the Board of Directors of the concerned institution shall replace him or her.

Article 109:

The staff members and students of higher learning institutions shall be free to form associations in accordance with the law.

Article 110:

Already existing public and private higher learning institutions shall adapt their laws or agreements to the provisions of this law within a period of two (2) years.

Article 111:

All prior legal provisions contrary to, this law are hereby repealed.

Article 112:

This law shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda. It becomes effective as of July 19, 1994.

Kigali, on 20/10/2005

The President of the Republic
KAGAME Paul
(se)

The Prime Minister
MAKUZA Bernard
(se)

The Minister of Education, Science, Technology and Research
Prof. MURENZI Romain
(se)

Seen and sealed with the Seal of the Republic:
The Minister of Justice
MUKABAGWIZA Edda
(se)