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LAW N°23/2006 OF 28/04/2006 GOVERNING THE NATIONAL COUNCIL OF HIGHER EDUCATION

We, KAGAME Paul,
President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION. PROMULGATE THE FOLLOWING LAW AND ORDER IT TO BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of January 25, 2006;

The Senate, in its session of January 17, 2006;

Given the Constitution of the Republic of Rwanda of June 4, 2003 as amended to date, especially in its articles, 40, 62, 66, 67, 88, 89, 90, 91, 92, 93, 95, 108, 113, 118 and 201;

Given the Organic Law n° 20/2003 of August 3, 2003 establishing educational organisation in the Republic of Rwanda, especially in its articles, 2, 5, 11, 23, 32 and 36;

Given the Organic Law n° 14/2004 of May 26, 2004 establishing general rules governing Public Institutions, especially in its articles one, 2, 3, 4, 5, 6, 9, 11 and 13;

Given the Law n° 20/2005 of October 20, 2005 establishing the structure, organization and functioning of Higher Education, especially in its articles, 3, 13, 16, 18, 24, 26, 28, 34, 38, 90, 91, 94 and 99;

Given the Law n° 22/ 2002 of July 9, 2002 establishing general statute for Rwanda public service;

ADOPTS:

CHAPTER ONE: GENERAL PROVISIONS

Article one:

This law establishes the National Council of Higher Education.

Article 2:

In this law, the following words mean:

- 1.° "Accreditations" means established standards for recognizing Higher Learning Institution based on its organization, 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;
- 2° "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;
- 3 ° "A degree" refers to a document proving that its holder successfully completed the required training programmes and succeeded the exams thereto related;
- 4° "A Certificate" 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 specialized training that does not necessarily require exams.

Article 3:

The National Council of Higher Education is a Public Institution enjoying legal personality with administrative and financial autonomy and personnel management and it has its own seal.

The Council's headquarters is located in Kigali City, the capital of the Republic of Rwanda. It may be transferred to any other part of Rwanda upon proposal by the Board of Directors of the National Council of Higher Education and confirmation by a law.

The National Council of Higher Education is supervised by the Ministry in charge of higher education.

Article 4:

The National Council of Higher Education and its supervising authority shall conclude a performance contract relating to a plan of action and which indicates evaluation modalities. Such contract shall also specify the powers, rights and obligations of each party in fulfilling the mission of the National Council of Higher Education. The same contract shall be valid for a period which is equivalent to the term of office for the members of the National Council of Higher Education's Board of Directors; and it shall be signed by the Chairman of the Board of Directors and the Minister in charge of higher education.

Article 5:

The National Council of Higher Education has the following basic responsibilities:

- 1° to enhance the learner's standards, education and research in Institutions of Higher Education;
- 2° to ensure structures, organisation and functioning of Institutions of Higher Education;
- 3° to monitor and follow-up all activities concerning teaching, learning process and evaluation and appraisal of both teaching and learning activities in Institutions of Higher learning.

Article 6:

The Internal rules and regulations of the National Council of Higher Education shall be determined by an order of the Minister in charge of higher education.

Article 7:

The accreditation standards and norms shall be determined by a Presidential Order.

CHAPTER II: ADMINISTRATION**Article 8:**

The Board of Directors of the National Council of Higher Education shall be the supreme organ for the management of the National Council of Higher Education. It shall comprise seven (7) members, selected on the basis of their education related expertise. Such members shall include among others the chairperson and vice-chairperson and be chosen according to various academic fields and performance and should be persons of integrity.

Members of the Board of National Council of Higher Education shall be appointed by a Prime Minister's order upon a proposal by the Minister in charge of Higher Education. They shall have of a three (3) year term of office renewable once.

Article 9:

Upon consultation with the Ministry in charge of Higher Education, the Board of Directors shall determine the guideline for the functioning of the National Council of Higher Education and shall also take appropriate decisions so as to enable the National Council of Higher Education to achieve its mission and good management. The main responsibilities of the Board of Directors of the National Council of Higher Education shall be as follows:

- 1° to design accreditation standards and norms applicable to different Higher Learning Institutions and to supervise their implementation. Among such standards and norms shall be those of teaching and research staff, those relating to financial management and organisational structure, cycles of teaching, types of academic awards in Higher Learning institutions;
- 2° to monitor the execution of the budget;
- 3° to compare, evaluate and confirm academic awards that are delivered by foreign higher learning institutions and those delivered in Rwanda;
- 4° to provide advice on main issues of education in higher learning institutions including those issues concerning creation, merging and closure of such institutions;
- 5° to approve strategic plan and annual plan of action;
- 6° to prepare the organisation and functioning for the administrative organs of the national Council of Higher Education;
- 7° to draft the internal rules and regulations of National Council of Higher Education;
- 8° to approve annual budget proposal of the National Council of Higher Education;
- 9° to approve grants and donations that are accorded to the National Council of Higher Education in accordance with the existing laws;
- 10° to recruit the personnel in accordance with the law;
- 11° to evaluate and approve activity reports of the National Council of Higher Education;
- 12° to monitor the administration of the National Council of Higher Education.

Article 10:

The Board of Directors of the National Council of Higher Education shall hold its meeting once a quarter when ever necessary. The meeting for the first quarter shall examine among others the activity report and financial report of the previous year whereas the meeting for the third quarter shall examine the budget proposal and the plan of action for the following year.

Each quarter, the Board of Directors of the National Council of Higher Education shall examine the financial and activity reports for the ending quarter and submit them to the Ministry in charge of Higher Education.

Article 11:

The Board of Directors of the National Council of Higher Education may invite any resourceful person to attend the meeting and provide assistance on specific and relevant matters. Such a person shall neither participate in other matters nor have a voting right.

Article 2:

The decisions of the Board are signed by all its members, a copy is sent to the Minister in charge of Higher Education in not exceeding five (5) days for a reaction in not more than fifteen (15) days after receiving it. When such delay elapses without any reaction, such decisions shall be deemed valid and final.

Article 13:

The minutes of the Board shall be jointly signed by its chairperson and the rapporteur and approved in the following meeting. A copy of approved minutes is sent to the Minister in charge of Higher Education in a period of time not exceeding fifteen (15) days from the day it is approved.

Article 14:

Where the members of the Board hold meetings, they shall be given a sitting allowance whose amount is determined by a Presidential Order.

Article 15:

Members of the Board shall not hold any remunerated post in the National Council of Higher Education.

Article 16:

A person shall cease to be member of the Board if:

- 1° he or she resigns in writing;
- 2° he or she becomes incapable of performing his or her duties due to physical or mental illness after confirmation by an authorized doctor;
- 3° he or she is sentenced to an imprisonment of six (6) months or more;
- 4° he or she is absent from three (3) consecutive meetings without any valid reason;
- 5° he or she is conspicuous by his or her misconduct;
- 6° he or she jeopardizes the interest of the National Council of Higher Education;
- 7° he or she dies.

Article 17:

The Board of Directors shall declare in the report meant for the Minister in charge of Higher Education that one of its members is not supposed to be among its members or that his or her seat is vacant in accordance with provisions of Article 16 of this law. The holder of the seat who was confirmed not to be among members of the Board shall be replaced in accordance with provisions of Article 8 of this law.

Article 18:

The Director of the National Council of Higher Education shall be responsible for its daily management. He or she shall coordinate and monitor the daily activities of the National Council of Higher Education and answerable to the Board of Directors about the implementation of all decisions taken by the Board. The Director shall particularly be responsible for the following:

- 1° to ensure the implementation of all decisions taken by the Board;
- 2° to prepare and submit to the Board's annual activity plan;
- 3° to prepare and submit to the Board the Strategic plan and the budget proposal for the next financial year for approval;
- 4° to prepare the minutes for all the meetings of the Board of Directors;
- 5° to supervise the daily activities of the National Council of Higher Education;
- 6° to supervise the recruitment of personnel and make the evaluation for the existing staff in accordance with the law;
- 7° to monitor the utilisation of National Council of Higher Education finance resources and assets;
- 8° to make quarterly and annual activity reports of the Administration and submit them to the Board Directors for approval;
- 9° to seek grants as well as boosting the cooperation between the National Council of Higher Education and other Institutions;
- 10° to represent the National Council of Higher Education both inside and outside the country;
- 11° to perform any other duty which may be assigned to him or her by the Board of Directors.

Where the Director is absent, the internal rules and regulations of the National Council of Higher Education shall specify the person to deputize for him or her.

Article 19:

The Director of National Council of Higher Education shall be chosen at least among the associate professors or researchers of the same level.

The Director of the National Council of Higher Education shall have the statutory grade of the Rector of a higher learning Institution. He or she shall be appointed by a Prime Minister's order for a four (4) year term of office renewable once.

The Director of the National Council of Higher Education shall be the rapporteur of the Board of Directors. Neither shall he or she have the right to vote nor be considered in the required quorum for the Board's meeting.

The Director of the National Council of Higher Education shall not attend the meetings discussing issues concerning him or her. In that case, the Board shall elect among its members a rapporteur.

Article 20:

The Director of the National Council of Higher Education shall be given benefits to be determined in accordance with the laws and regulations governing those benefits accorded to the Directors leading public Institutions.

CHAPTER III: PERSONNEL**Article 21:**

The organisation, functioning and responsibilities of all organs of the National Council of Higher Education shall be determined by a Prime Minister's order upon a proposal by the Minister in charge of higher education after consultation with the Board of Directors.

The staff of the National Council of Higher Education shall be governed by the general statutes of Rwanda Public service.

CHAPTER IV: FINANCE AND BUDGET**Article 22:**

The patrimony of the National Council of Higher Education shall come from the following:

- 1° the State budget:
- 2° different activities and services performed by the National Council of Higher Education;
- 3° subsidies. donations and bequest.
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Article 23:

The financial resources and property of the National Council of Higher Education shall be only used in conformity with its internal rules and regulations.

The use and management of financial resources and property of the National Council of Higher Education are audited in accordance with the laws governing public finance. Internal audit shall make reports on the daily utilisation of the resources and submits them to the Board of Directors with a copy to the National Council of Higher Education.

Article 24:

The budget of the National Council of Higher Education shall be approved and managed in accordance with laws governing public finance.

CHAPTER V : TRANSITIONAL AND FINAL PROVISIONS**Article 25:**

The National Council for Higher Education shall assist all Higher Learning Institutions to smoothly come out of the transitional period such as stipulated in Article 110 of the law n°20/2005 of October 20, 2005 establishing the structure, organisation and functioning of Higher Education.

Article 26:

All previous legal provisions contrary to this law are hereby abrogated.

Article 27:

This law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 28/04/2006

The President of the Republic
KAGAME Paul
(sé)

The Prime Minister
MAKUZA Bernard
(sé)

The Minister of Education
Dr. MUJAWAMARIYA Jeaxme d'Arc
(sé)

The Minister of Finance and Economic Planning
MUSONI James
(sé)

The Minister of Public Service and Labour
Prof. NSHUTI Manasseh
(sé)

Seen and sealed with the Seal of the Republic:

The Minister of Justice
MUKABAGWIZA Edda
(sé)