

NUGAAL UNIVERSITY JAAMACADA NUGAAL

Lasanod, Sool Region, Somalia

NUGAAL UNIVERSITY CONSTITUTION



EDUCATION AND LEARNING EXCELLENCE

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CONTENTS	Page
Preamble	2
Nugaal University Goals And Objectives	2
Introduction	2
Part I – Establishment And Functions Of The Univesity	3
Article 1: Establishment	3
Article 2: Objectives	3
Article 3: Functions	3
Article 4: Affiliated Educational Institutions	4
Article 5: Conferment Of Certificates, Diplomas, Degrees And Other Awards	4
Part II - Membership	4
Article 6: Members	4
Part III - Governance Of The University	5
Article 7: Governance	5
Article 8: The Board Of Trustee	5
Article 9: The Board Of Trustee	6
Article 10: Functions Of The Board	7
Article 11: Delegation Of Functions And Committees	8
Article 12: The Executive (Standing) Committee	9
Article 13: Election Of Chairperson And Vice-Chairperson	9
Article 14: Duties And Powers Of The Chairperson	9
Article 15: Meetings Of The Board	10
Article 16: Functions Of The Secretary	11
Article 17: The Common Seal	11
Article 18: The President	11
Article 19: The Vice-President	12
Article 20: Deans And Heads Of Departments	12
Article 21: Finance And Administration Manager	12
Article 22: Appointment Of Staff	13
Article 23: Absence Or Incapacity Of Office Holder	15
Article 24: The Alumni Association	15
Article 25: The Students’ Union	15
Part Iv - Financial Provisions	15
Article 26: The Fiscal Year	15
Article 27: Sources Of Funds And Other Resources	16
Article 28: Investment Of Funds	16
Article 29: The Annual Budget	16
Article 30: Accounts And Audit	17
Part V – Miscellaneous Provisions	17
Article 31: The By-Laws	17
Article 32: Academic Freedom	18
Article 33: Amendment Of The Constitution	18
Article 34: Dissolution Of The University	18
a) Future Funding	18
b) Force Majeure (Unexpected Events)	18
Article 35: Protection Of The Name And The Logo	19
c) Effective Date	19
d) Promulgation	19

PREAMBLE

The concept of developing Nugaal University in Lasanod started in year 2000. The concept emanated from the Diaspora community and **Sool Education Development Committee** in response to lack of trained educators of the country as a direct consequence of the civil war.

NUGAAL UNIVERSITY GOALS AND OBJECTIVES

The overall goals of NU are to improve and increase access to quality higher education in Somalia generally and in Sool region particularly. More specifically, the University seeks to:

- Provide a forum for professional and scholarly debate for higher education teaching.
- Liaise with other bodies, councils, institutions, governmental departments and other related offices, on matters relevant to education.
- Bring together all University students interested in learning.
- To collect and exchange information, knowledge and encourage friendship amongst our members and the wider community.
- Increase the number of qualified female students in higher education.
- Show cases and documents best practices in education management.

INTRODUCTION

The purpose of this constitution is to provide a basic legal framework for the establishment, operation and internal management of Nugaal University. The University is to be managed by a Board of trustee whose members are nominated by various interest groups. The Board is established as a Corporate Body. Aim of the Constitution is to regulate the interests of all parties involved in one way or another in the affairs of the University.

An effort has been made to present the subject-matter in its logical sequence. The document is divided into five parts with each dealing with a specific subject-matter as follows:

Part 1: Establishment and Functions

Part II: Membership

Part III: Governance

Part IV: Financial Provisions

Part V: Miscellaneous Provisions

As it is not possible to include in the Constitution all the regulations and by-laws that will be needed to regulate the management of the university on a day to day basis, provisions have been included empowering the Board to make other regulations as the need arises. Such regulations and by-laws should always conform to the Constitution.

PART I – ESTABLISHMENT AND FUNCTIONS OF THE UNIVESITY

ARTICLE 1: ESTABLISHMENT

The Board of trustee has the power to exercise and issue any operational rules and regulations in that behalf hereby make the following order:

- (1) There is hereby established Nugaal University to be known as "Nugaal University".
- (2) The Board of Trustee to be known as "the Board of Trustee of Nugaal University", a body corporate with continuous succession and a common seal, and which may in its corporate name sue or be sued, own and organize of property, and do all such other things or acts as may be done by a body corporate.
- (3) The University shall be under the management of the Board and shall be a non-profit centre for learning, to provide training and higher education for participants through pre-service and in-service, and a centre for research.

ARTICLE 2: OBJECTIVES

The objects of the university shall be to offer:

- (1) Certificate, diploma and degree courses for those completed required academic courses.
- (2) Short-term courses in foreign languages for professionals and the working population generally.
- (3) Upgrade courses for students aspiring to enhance their knowledge and skills so as to qualify for higher level Certificates and Diplomas.
- (4) Professional courses such as **business administration, accounting, TEACHER TRAINING, ICT** courses and such other skills as may be agreed upon by the Board from time to time.
- (5) Staff and students' centre for excellence of thought, discussion and research.
- (6) Opportunities for academic leadership to Somalia so as to address through research, education, consultation, economic, social and political challenges of the society and those challenges unique to the community served by the University.
- (7) Adequate resources for quality education, training and research based on concepts and values which reflect the aspirations and culture of the people of Somalia.
- (8) Students have the opportunity to acknowledge and accept their individual uniqueness, needs, talents and to develop their potential for productive life and service.
- (9) Students shall get balanced educational programme that helps them to develop and to broaden their perception of the inherent inter-relationship between the physical and psychological needs, and to develop a holistic approach to life.
- (10) Students will acquire a deeper understanding of social justice and human rights, and to equip them effectively to provide an open minded approach to social-economic and political development of Somalia.

ARTICLE 3: FUNCTIONS

- (1) The University shall have the following functions:
 - i. To provide resources, training and research for the establishment's faculties, departments, institutes, centres and other institutions as the board may determine.
 - ii. To determine what may be taught, who may teach, and how it may be taught in the University in accordance with the Board of Trustee policy guidelines.
 - iii. To conduct research and encourage the conduct of research which enlarges the province of human knowledge in general, and increases the effectiveness of the students in particular.
 - iv. To assist in the preservation, processing, transmission, dissemination of knowledge and in the stimulation of the intellectual life and cultural development of the learners.
 - v. To conduct examinations and grant certificates, diplomas, degrees and other awards of the University in collaboration with the other educational institutions.
 - vi. To provide a balanced programme and experiences for harmonious and holistic development of students and staff.
 - vii. To carry out any other functions as may be permitted and approved by the board.
- (2) The University shall give learning and opportunities for the students in order to gain certificates, diploma or other awards without regard or preference to gender, ethnic origin, race or physical disability.

ARTICLE 4: AFFILIATED EDUCATIONAL INSTITUTIONS

The University may establish as approved by the Board:

- (1) Subsidiary University or Institutions of training and learning.
- (2) Faculties, Schools and Institutes of the University.
- (3) Enter into various types of Academic linkages or affiliations with other recognized Institutions.

ARTICLE 5: CONFERMENT OF CERTIFICATES, DIPLOMAS, DEGREES AND OTHER AWARDS

- (1) The University shall have power to grant certificates, diplomas, degrees or any other Awards as may be approved by the Board.
- (2) The University may, in accordance with such conditions as it may prescribe, award any academic distinction to a person who has rendered distinction in the advancement of any branch of learning or who has otherwise, in the opinion of the Board, become worthy of the academic distinction.
- (3) The University may, under conditions which it may prescribe, award fellowships, scholarships, bursaries and Prizes and make other Awards which it may consider necessary.

PART II - MEMBERSHIP

ARTICLE 6: MEMBERS

(1) The members of the University shall consist of:

- a) The Chairperson of the Board
- b) The Vice-Chairperson of the Board
- c) Trustee of the Board
- d) The President
- e) The Vice President
- f) The Deans
- g) The heads of department and institutes
- h) The librarian
- i) The Finance and Administration Manager
- j) The academic staff and supporting staff
- k) The students
- l) Alumni
- m) Such other members of staff or any other body formally admitted into association with the university, as the board may from time to time determine.

(2) Board of Trustee has right to admit membership of the University that subject to this Constitution and any other by-laws and regulations after they give their consent.

PART III - GOVERNANCE OF THE UNIVERSITY

ARTICLE 7: GOVERNANCE

The UNIVERSITY shall be governed and managed in accordance with the Constitution and in accordance with established principles of good Corporate Governance.

ARTICLE 8: THE BOARD OF TRUSTEE

Subject to this Constitution the board shall have general oversight of the University and shall in particular be responsible for the following functions:

- (i) Establish the University and determine the general education character and establish its place in the Educational System of Somalia.
- (ii) Exercise the powers provided under the Constitution to appoint members of the University management.
- (iii) Nominate a representative of the board of trustee to the University management.
- (iv) Oversee the implementation of the vision, mission and objectives of the University and give direction in matters of training and education policy; Coordinate the development of a national education curriculum, and an examination and certification system.

- (v) Ensure that the government is committed to absorbing graduates of the University in its employment based on an established National Scheme of Service.
- (vi) Solicit funding for the University; participate with the Board in raising financial and other resources and in promoting and protecting the interests of the University.
- (vii) To receive reports on the operation and progress of the University.
- (viii) To perform the functions assigned to the University management in this Constitution and any other functions as required by law.

ARTICLE 9: THE BOARD OF TRUSTEE

- (1) The initial University's Board of Trustee shall consist of thirteen voting members
 - (a) The Chairperson (to be elected from among the members as provided for under Article **X111** in this Constitution).
 - (b) Other members nominated by each of the following bodies: For example;
 - i. Women and Development Affairs Sectors
 - ii. A Community Leader/business person nominated by the local community
 - iii. Civil Society organizations in Sool
 - iv. Prominent women educationists from the community
 - v. Institutions of higher learning
 - vi. Not more than three persons co-opted by the Board to cater for other interests
 - (c) The following officer members:
 - i. The President who shall be the Chief Executive of the University and the Secretary of the Board of Trustee.
 - ii. Deans of Faculties/ heads of departments by invitation;
 - (d) Officer members shall not be entitled to vote at any board meeting.
- (2) In appointing the Board, the Chair person shall ensure that at least one third of all the members of the Board, other than officer members shall be women.
- (3) In arriving at a decision on any issue, the Board and each Board member shall act always in the best interest of the University and in utmost good faith.
- (4) Where in the opinion of the Chairperson the Board has failed to exercise properly its functions and responsibilities under this Constitution, the Chair in consultation with other key stakeholders may:
 - a. Suspend the Board from the exercise and performance of all its powers and duties, and appoint an administrator to exercise and perform all the powers and duties of the Board for such a period as the Chair shall specify.
 - b. Require the resignation of all or any of the members of the Board, and appoint or require the appointment of new members of the Board.

- (5) Board Members shall hold office for a period of three years. Competent retiring Board members shall be eligible for reappointment for a maximum of two consecutive terms after which they shall step down for at least one year before offering themselves for re-appointment for one final term.
- (6) A member shall not vote in respect of any contract in which the member is interested, or any matter arising thereof and if the member does so vote the vote shall not be counted.
- (7) The office of a member of the Board of Trustee shall become vacant:
 - (a) If the member resigns by writing a letter addressed to the Secretary of the Board ;
or
 - (b) If the Board is satisfied that a member is, by reason of physical or mental infirmity unable to exercise the function of the office; or
 - (c) If the member fails to perform the duties of office without valid reason as determined by the Board at either a special meeting or
 - (d) Arising from the member's gross misconduct as determined by the Board and expressed by a resolution passed at a meeting of the Board; or
 - (e) If the member is directly or indirectly interested in any contract with the University and fails to declare the nature of such interest; or
 - (f) If the member becomes bankrupt or makes any arrangement or proposition with his/her creditors generally; or
 - (g) Upon the member's death
- (8) The Board may by a resolution passed by at least two- thirds of the members present and voting at a special meeting convened for that purpose, request the Chair person to terminate the appointment of any member of the Board.
- (9) Every vacancy on the Board shall be notified at once to the appointing authority as the case requires.
- (10) No trustee shall be subject to any personal liability in respect of any matter or thing one or omitted or any contract entered into by or on behalf of the Board.

ARTICLE 10: FUNCTIONS OF THE BOARD

- (1) The governance **and overall management** of the University shall be vested in the Board which shall act and exercise all legal rights, powers and privileges of the Board as provided in the Constitution and as normally exercised by the Board of a Corporate Body.
- (2) Without prejudice to the generality of the foregoing paragraph, the Board shall have power to:
 - (a) Foster the philosophy of the University as stated in the vision, mission and objectives of the University and develop policies conducive to their attainment.
 - (b) Provide and administer the property and funds of the University in a manner and for the purposes which shall promote the best interest of the University;

- (c) Receive on behalf of the University, funds, gifts, donations, grants and other monies and make disbursements thereof;
- (d) Direct the raising and securing of financial support for the University and approve the University **annual** work plan and budget;
- (e) Provide for the welfare of the staff of the university, determine staff ranks, positions and the terms and conditions of service;
- (f) Provide for the welfare of the students of the University;
- (g) Set the rates of various University fees and charges;
- (h) Create University scholarships, bursaries and other awards and to determine the conditions and modalities to govern them;
- (i) **Recruit, appoint, and terminate** University staff upon such terms and conditions of service as may be provided for in the by-laws from time to time;
- (j) Delegate either generally or specifically, to any person or committee, the power to appoint any member of staff of the University;
- (k) Approve, regulations governing the conduct and discipline of the staff and students of the University;
- (l) Approve and enter into any association with other Universities or any institutions of higher learning and research or other bodies either within or outside Somalia.
- (m) Establish, in consultation stakeholders and with the approval of the Board of Trustee such university, faculties, institutes, schools, departments and new programmes as may be deemed necessary;
- (n) Constitute at the University the final panel of appeal in any disputes concerning the staff, students and alumni of the University.

ARTICLE 11: DELEGATION OF FUNCTIONS AND COMMITTEES

- (1) The Board may delegate any of its powers to committees of the Board consisting of such members or bodies as it may deem fit. All such committees shall in the exercise of their powers so delegated, conform to any regulations that may be imposed by the Board. Any decisions of committees of the Board shall be referred to the Board for ratification at its next meeting.
- (2) The Board shall not, however, delegate the following:
 - (a) Any functions assigned elsewhere in this Constitution to the Chairperson, the President or to any other persons
 - (b) the determination of the educational character and mission of the University;
 - (c) the approval of the annual estimates of income and expenditure;
 - (d) ensuring the solvency of the University and the safeguarding of the assets;
 - (e) the appointment or dismissal of the President;

(f) The modifying or revoking of the Constitution after board ratification.

(3) The Board may establish any advisory body or associations as it may deem fit. All such bodies and associations shall perform their functions in accordance with the provisions of by-laws and regulations made by the Board.

ARTICLE 12: THE EXECUTIVE (STANDING) COMMITTEE

The Board shall establish a committee of the Board to be known as the Executive Committee consisting of **seven or nine persons** namely the Chairperson of the Board as its Chairperson, the Vice-Chairperson, the Treasurer **and two other Board members as the Board shall determine**. The **Board secretary** will be an official member of the executive committee. The executive committee shall meet at least once every month. The terms on which the committee members are to hold and vacate office shall be fixed by the Board. The functions of the Executive Committee shall be:

- (a) to act on behalf of the Board in between the Board meetings and to give guidance to the President in the implementation of the decisions of the Board;
- (b) to take such decisions or actions as would accelerate the execution of the policy decisions of the Board;
- (c) to consider and authorize any financial transactions or development proposals on behalf of the Board
- (d) to co-ordinate the activities of all committees of the Board; and
- (e) to initiate action of all matters related to the University for Board approval.
- (f) to do anything which the Board may require to be done by the Committee.

ARTICLE 13: ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

- (1) At the first meeting of the Board, the members shall elect a Chairperson and a Vice-Chairperson from among their number.
- (2) The Chairperson and Vice-Chairperson shall hold office for a period of three years, and shall be eligible for re-appointment for one more term;
- (3) The Chairperson and in his absence the Vice-Chairperson shall chair all the meetings of the Board. If both the Chairperson and Vice-Chairperson are absent from any meeting of the Board, the members present **if they constitute a quorum** shall choose one of their number to act as Chairperson for that meeting, provided that the member chosen shall not be the President or any other member of staff.
- (4) The Chairperson and Vice-Chairperson may at any time by notice in writing to the Secretary resign their respective offices. At the first meeting following such resignation or following the expiry of the term of office of the Chairperson or Vice-Chairperson, the members shall appoint a new Chairperson or Vice-Chairperson, as the case may be from among their number.

ARTICLE 14: DUTIES AND POWERS OF THE CHAIRPERSON

The Chairperson, and in the absence of the Chairperson the Vice-Chairperson, shall:

- (1) Co-ordinate the affairs of the Board, and ensure that the affairs of the University are conducted in an efficient and proper manner;
- (2) Preside at all meetings of the Board and unless it is otherwise provided, of any committees of the Board;
- (3) Determine that meetings are properly constituted and run procedurally;
- (4) Preserve order in the conduct of those present at Board meetings;
- (5) Conduct meetings in accordance with the constitution and in a democratic manner
- (6) Perform other duties and functions of a Chairperson.

ARTICLE 15: MEETINGS OF THE BOARD

- (1) The procedure, conduct and regulation of the affairs of the Board shall be vested in the Board as provided in this Constitution and in any by-laws made for that purpose.
- (2) The Board shall hold at least three ordinary meetings each year and a special meeting may be summoned at any time by the Chairperson on his own volition or at the written request of not less than two thirds of members of the Board.
- (3) All meetings shall be summoned by the Secretary under the direction of the Chairperson. The Secretary shall send to the members written notice of the meeting and a copy of the agenda at least fourteen clear days (excluding the day when communication is made and the actual day of the meeting) in advance of the meeting. A meeting may be called by a shorter notice where the Chairperson or in the absence of the Chairperson, the Vice-Chairperson so directs on the ground that there are matters demanding urgent consideration.
- (4) The quorum at any meeting shall be the nearest whole number above one half of the Board. A quorum of members shall remain present throughout the meeting;
- (5) Every decision of the Board shall be carried by a majority of the votes of the members present and entitled to vote, and in case of an equality of votes the Chairperson shall have a second casting vote.
- (6) In the absence of the Chairperson at any meeting, the Vice-chairperson shall chair the meeting and in the absence of both the Chairperson and the Vice-Chairperson, the members present shall elect one of them to chair the meeting.
- (7) Any meeting may be adjourned by resolution and, if a sufficient number of members to form a quorum are not present, the meeting shall be adjourned indefinitely.
- (8) A resolution of the Board may be rescinded or varied at a subsequent meeting after due notice has been given to the entire trustee.

- (9) The Board may invite persons who are not members of the Board to attend any meeting of the Board, but no such persons shall be entitled to vote on any matter, or, except so far as the Chairperson shall allow, taking part in the proceedings.
- (10) The Board shall have power to make rules and by-laws concerning such matters with regard to the governance and conduct of the University as they shall think fit. Such rules and by-laws shall be subject to the provisions of this constitution.

ARTICLE 16: FUNCTIONS OF THE SECRETARY

The Secretary shall:

1. In consultation with the Chairperson, convene meetings of the Board and its committees, prepare and circulate to members the agenda, draft minutes of previous Board meeting, Board papers and written notice of meeting;
2. Take minutes of Board meetings and of Board Committees, and the minutes to be kept in books provided for that purpose. The record shall including the names of the members present, the proceedings and resolutions of the meetings and the appointments made by the Board,
3. Guide the Chairperson and the Board or Committees with regard to the provisions of the Constitution and any by-laws, regulations and procedures.
4. Be the custodian of the common seal and other legal instruments.

ARTICLE 17: THE COMMON SEAL

5. The Common Seal of the university shall be kept in the custody of the Secretary and shall be used upon the order and direction of the Board.
6. The Common Seal of the University shall be authenticated by the signature of the Chairperson of the Board, the President or any other person specifically appointed and duly authorized by the Board in that behalf.
7. The Common Seal of the University, when affixed to any document and duly authenticated under this section, shall be judicially and officially noticed, and unless and until the contrary is proven, any necessary order or authorization of the Board under this section shall be presumed to have been duly given.
8. All documents, other than those required by law to be under the seal, made on behalf of the Board and all decisions of the Board, may be signified under the hand of the Chairperson or the Secretary or such other persons as may be authorized by the Board and supported by the official rubber stamp of the Board.

ARTICLE 18: THE PRESIDENT

- (1) The Board shall, in consultation with the Chairperson, appoint a suitable and duly qualified President of the University. The President shall be appointed on such terms and conditions of service as the Board may determine from time to time, and shall hold office for such period as may be provided in the by-laws.

- (2) The President shall be the Chief Executive of the University, and subject to this Constitution the President shall:
- (a) Assume administrative responsibilities for the day to day running of the University, control the internal organization, management, and discipline at the University, shall supervise the staff, and shall be personally responsible to the Board for fostering and maintaining proper and suitable standards of conduct and behaviour among the staff and students at the University;
 - (b) Direct, promote and co-ordinate all the programmes and activities of the University in line with approved strategic plans and work plans;
 - (c) Make proposals to the Board on how best to interpret the vision, mission and objectives of the University in order to attain the envisioned education character of the University,
 - (d) Take leadership in the implementation of the curriculum and core curricular activities and be responsible for quality assurance of all academic and non academic programmes of the University
 - (e) Act as the representative of the University and be its spokesman in its external relations;
 - (f) Prepare annual estimates of income and expenditure, for consideration and approval by the Board, and for the management of budget and resources, within the estimates approved by the Board;
 - (g) Preside over such committees of the University as may be formed in accordance with the by-laws;
 - (h) Be responsible for the general welfare, conduct and maintenance of discipline of staff and students and within the rules and procedures provided for in the By-laws.
 - (i) Work harmoniously and in conjunction with the personnel of the University for the realization of its mission and objectives
 - (j) Direct the procuring and securing of financial and other non financial resources and support for the University.
 - (k) Be responsible for the prudent management of all the financial, human, physical resources of the University

ARTICLE 19: THE Vice-President

- (1) The Board shall, in consultation with the President, recruit and appoint a Deputy or Vice-President who shall, under the direction and authority of the President, perform such duties as may be provided for in the by-laws.

- (2) The Vice-President shall be appointed on such terms and conditions of service as the Board may determine from time to time, and shall hold office for such periods as may be provided for in the by-laws.

ARTICLE 20: DEANS AND HEADS OF DEPARTMENTS

The Board shall in consultation with the President, appoint Deans and Heads of Departments who, under the direction and authority of the President shall.

The deans shall be responsible for:

- (1) Coordination of academic departments and programmes of the University and or other broad areas of University activities and administration E.G. student affairs, student admissions, student discipline etc

Heads of departments shall be responsible for:

- (a) The administration of the Departments of the University. In the case of the academic departments, heads of departments shall carry out the following duties
- i. Organisation of curriculum for teaching purposes
 - ii. Organisation of the teaching time table
 - iii. Organisation and management of internal assessment and examinations
 - iv. Preparations for teaching practice
 - v. Conduct of in service and upgrading courses
- (b) Perform such other duties as shall be provided for in the by-laws
- (2) The Deans and Heads of Departments shall be appointed on such terms and conditions of service as the Board may determine from time to time and shall hold office for such periods as may be provided for in the by-laws.

ARTICLE 21: FINANCE AND ADMINISTRATION MANAGER

- (1) There shall be a Finance and Administration Manager who shall be in charge of the financial planning, and administration of the University, under the direction and authority of the President and who will have the following responsibilities:
- A. co-ordination of the planning and budgeting for the university
 - B. preparation of the periodical and annual financial accounts
 - C. Preparation of all financial reports for the annual audit
 - D. maintenance of university facilities and equipment;
 - E. management of personnel matters relating to non academic staff;
 - F. performance of such other duties as may be provided for in the by-laws
- (2) The Finance and Administration Manager shall be appointed on such terms and conditions of service as the Board may determine from time to time, and shall hold office for such periods as may be provided for in the by-laws.

ARTICLE 22: APPOINTMENT OF STAFF

- 1) The Board shall appoint, after taking into consideration the advice of the President, a suitable teaching and non-teaching staff in accordance and as may be provided in the laws.
- 2) Every University staff shall be employed in accordance with terms and conditions of service approved by the Board and in conformity with policies of line Universities
- 3) The academic staff shall consist of:
 - (a) President
 - (b) The Vice-President
 - (c) Deans
 - (d) Head of Departments and institutes
 - (e) The librarians
 - (f) Visiting faculty members or counsellors or administrators recognized as holding positions on academic terms of service.
- 4) The non-academic staff shall consist of:
 - i. Administration Finance and Manager
 - ii. Other supporting personnel such as:
 - A. Accountants and clerks
 - B. Secretaries
 - C. Technicians
 - D. Mechanics
 - E. Security personnel
 - F. Transport personnel
 - G. Grounds and cleaning personnel
 - H. Catering and Boarding

And all other non academic staff as shall be provided in the by laws

- (5) Members of staff shall be required to:
 - (a) comply with the requirements of discipline as is stipulated in the constitution and the code of conduct as detailed in the by-laws;
 - (b) be subject to the general authority of the board and of the President and ;
- (6) The conduct, status, privileges, procedures and responsibilities of the staff shall be as defined in the by-laws.
- (7) Members of staff shall be required to be in University throughout the working hours as provided in the by laws
- (8) Subject to the provisions of this constitution, it will be the duty of the staff, through discussion, study and research, to institute procedures for the efficiency and quality of instruction, guidance and advancement of students.
- (9) All the staff may, through their departmental meetings, make proposals and recommendations to the Academic or Management committees, as specified in the by-

laws, and the Academic and Management committees shall make decisions on such proposals and recommendations.

ARTICLE 23: ABSENCE OR INCAPACITY OF OFFICE HOLDER

- (1) In the event of the absence or incapacity of the President, the functions of the President may be performed by;
 - (c) The Vice-President
 - (d) Dean / Head of a department
 - (e) A member of the academic staff designated for that purpose by the President, in consultation with the Chairperson of the Board, in the event of simultaneous absence or incapacity of the President and the Vice-President.
- (2) In the event of the absence or incapacity of a member of staff of the University other than the President, the President may appoint a suitable person with the relevant training and experience, to perform the functions of the member during such absence or incapacity
- (3) In this section, "incapacity" means inability for any reason to perform the functions of the office concerned.
- (4) In this section, "absence" means being away from the work station without due permission as provided in the by laws

ARTICLE 24: THE ALUMNI ASSOCIATION

- (1) There shall be an Alumni Association of the University which shall consist of the graduates and such other persons as may be provided for in the by-laws.
- (2) The Alumni Associations shall have the right to meet and discuss any matter relating to the university and to transmit resolutions thereof to the Board and the Academic committee.
- (3) The Alumni Association shall exercise such powers and functions as may be provided for in the By-laws.

ARTICLE 25: THE STUDENTS' UNION

There shall be a Students' Union to deal with matters pertaining to the welfare of students. The membership of such body shall be open to all the students of the University undertaking academic training programmes.

The functions and governance of the Students' Union shall be provided for in the by laws.

PART IV - FINANCIAL PROVISIONS

ARTICLE 26: THE FISCAL YEAR

- (1) The Fiscal year of the University shall be the period of the twelve months commencing on such day in each year as the Board may determine.
- (2) In the event of any change in the fiscal year and for the transition from the old fiscal year to the new fiscal year, consequent upon the changes, the transitional period, whether

more or less than twelve months, shall be deemed, for the purposes of this constitution to be a fiscal year.

ARTICLE 27: SOURCES OF FUNDS AND OTHER RESOURCES

The funds and resources of the University shall be derived from;

- a) academic fees;
- b) user charges
- c) boarding and catering charges
- d) Fundraising and appeals
- e) endowments, gifts, foundations and trusts;
- f) income from University auxiliary enterprises and investments;
- g) such other sources as the University may from time to time identify including external funding in the form of donations or grants

ARTICLE 28: INVESTMENT OF FUNDS

- (1) The Board may invest any of the funds of the University in securities, bonds, trusts etc, in which for the time being, the Board may by law invest, or in such manner as the board may from time to time approve for the purpose.
- (2) The Board may place on fixed deposit with such banks or financial institutions, as it may determine, any funds not immediately required for use by the University.
- (3) The Board may create or appoint other corporate bodies to manage its investments, pensions, provident funds, properties and other assets.

ARTICLE 29: THE ANNUAL BUDGET

- (1) **Four months** before the commencement of a fiscal year, the Board shall cause to be prepared an annual budget of estimates of revenue and expenditure of the University for that year.
- (2) The budget shall make provision for all the estimated expenditure of the University for the fiscal year concerned, and in particular shall provide for:
 - a) the payment of the salaries, allowances and other charges in respect of the staff of the University.
 - b) the funding of the cost of institutional scholarships, teaching and research activities;
 - c) the development of the physical plant;
 - d) the proper maintenance of the buildings and grounds of the University;
 - e) the proper maintenance, repair or replacement of the equipment and other movable property of the University;
 - f) The creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance and replacement of buildings or equipment or in respect of such other matters as the Board may deem fit.

- (3) The annual budget shall be approved by the Board at least **two months** before the commencement of the fiscal year to which it relates.
- (4) No expenditure shall be incurred for the purposes of the University, except in accordance with sub-section (3) above, or in pursuance of an authorization of the Board.

ARTICLE 30: ACCOUNTS AND AUDIT

- (1) The Board shall cause to be kept, proper books and records of accounts of income and expenditure, assets and liabilities of the University.
- (2) The accounts of the University shall be audited annually by a reputable firm of auditors appointed by the Board.
- (3) An auditor appointed under sub-section (2) above, shall report directly to the Board.
- (4) Within a period of **three months** from the end of each fiscal year, the President shall submit to the Board audited accounts of the University.
- (5) The accounts sourced from different development partners will fulfil the audit and reporting requirements of the individual funding agencies

PART V – MISCELLANEOUS PROVISIONS

ARTICLE 31: THE BY-LAWS

- (1) In the performance of its functions under this Constitution, the Board shall make by-laws generally for the policies, governance, control and administration of the University and for the better carrying into effect of the purposes of this Constitution, and in particular for:-
 - a) the procedure conduct and regulation of the affairs of the Board;
 - b) the establishment of faculties, departments, institutes, schools and subsidiary university;
 - c) Setting up and regulating the academic programmes of the University
 - d) the description of Diplomas, Certificates and Degrees
 - e) the regulations and conduct of examinations;
 - f) the regulations for the award of Diplomas certificates and honorary awards;
 - g) prescribing fees and boarding charges
 - h) determining the terms and conditions of services including the appointment, dismissal and payment and retirement benefits of the staff of the University;
 - i) the constitution and procedures of the meeting of the Board, the Executive Committee and the Standing committees of the University;
 - j) Prescribing the rules and regulations for University staff, students and the Student Association.
 - k) The composition and procedures of the meetings of the academic staff and Alumni Association;

l) Providing for or prescribing anything which, under the Constitution, may be provided for or prescribed in the by-laws

(3) By-laws shall only be made by a resolution passed at a meeting of the Board, supported by a majority of not less than three-fourths of the members present and voting at the meeting, and at which no less than half of the total membership of the Board are present, provided that such by-laws shall not be in contravention of any provision of this Constitution.

ARTICLE 32: ACADEMIC FREEDOM

In making rules, regulations and by-laws under this article, the Board shall have regard to the need to ensure that the academic staff of the University have freedom **within the law** to question and test received wisdom, and to put forward new ideas and opinions, without the fear of losing their jobs or any privileges they may have at the University.

ARTICLE 33: AMENDMENT OF THE CONSTITUTION

The provisions of this constitution may be modified or amended by the Board through a resolution of a special meeting of the Board specifically called for that purpose and approved by a three fourths majority of the members attending and eligible to vote at such a meeting.

ARTICLE 34: DISSOLUTION OF THE UNIVERSITY

1) The University may be dissolved and its operations may be suspended in any of the following situations:-

a) Future Funding

The University will, for the foreseeable future, be dependent on Internal and external funding from donors. In the event of such funding ceasing to be available, and the Board of Trustee not being able to secure alternative funding either from Government's own resources, community's own resources or from other sources, the Board may pass a resolution for dissolution of the University or suspension of its operations for a specified period. Upon the passing of a resolution to dissolve the University, shall stand dissolved and the assets and other facilities of the University shall be passed over to a non profit organization, with similar objects as those for which the University was established, and such organization must have in its constitution a provision prohibiting payment of dividend or the distribution of its assets to its members.

b) Force Majeure (unexpected events)

In the event of circumstances occurring beyond the control of the Board, which may make it difficult or impossible for the University to continue in operation, the University may be dissolved by a resolution of the Board and the Board may also resolve to suspend operations of the University for a specified period or until circumstances shall permit the business of the University to resume.

2) In the event of a resolution being passed to dissolve the University:

- a) The students of the University at that time shall be free to leave and join other institutions or University to continue and complete their studies in such other institutes or University.
- b) The staff of the University shall either be re-deployed or dismissed in accordance with their terms and conditions of service;
- c) The assets and the facilities belonging to the university shall be passed over to a non-profit organization having similar objects to those for the University and such organization must contain in its constitution a provision prohibiting payment of dividend or the distribution of its assets to its member. If no such organization is found, the assets and facilities of the University shall be transferred to the local leadership of the community to deal with them as they shall resolve.

ARTICLE 35: PROTECTION OF THE NAME AND THE LOGO

The name and the logo of the University shall be used only for the purposes stated in this Constitution and the Board shall obtain protection and registration of the name and the logo as

a Trade Mark or as provided under the relevant law.

c) Effective Date

The effective date of this Constitution shall be the 1 day of September 2008

d) Promulgation

Promulgated by the Board of Trustee of Nugaal University, Somalia

This 1 day of August 2008.

Chairperson of the Board of Trustee, Somalia