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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 591/18-1990 ජනවාරි 05 වැනි සිකුරාදා -1990.01.05

No. 591/18- FRIDAY, JANUARY, 05, 1990

(Published by Authority)

PART I: SECTION (I) - GENERAL

Miscellaneous Departmental Notices

L.D.-B 21/78 II

THE UNIVERSITIES ACT, No. 16 OF 1978

ORDINANCE made by the University Grants Commission under Section 23 (2) read with Section 18 of the Universities Act, No. 16 of 1978, as last amended by the Universities (Amendment) Act, No. 3 of 1989.

(Mrs) C. S. KARUNARATNE,
Actg. Secretary,
University Grants Commission.

Colombo, 27th December, 1989

Ordinance

1. This Ordinance may be cited as the Open University of Sri Lanka, Ordinance, No. 1 of 1990 and shall come into force on 01st January, 1990.

Short title and date of operation

2. The Open University of Sri Lanka, Ordinance, No. 1 of 1987 published in Gazette Extraordinary, No. 446/19 of 27th March, 1987, is hereby repealed without prejudice to any thing done thereunder.

Repeal of Ordinance No. 1 of 1987.

3. (1) Upon the coming into force of the Open University Order under Section 23 (1) of the Universities Act, No. 16 of 1978 published in Gazette Extraordinary No. 87/10 of May, 8, 1980 the Open University of Sri Lanka (hereinafter referred to as the 'Open University') shall be deemed to be established with full power and authority by and in such name to do all the things a University is empowered or authorised to do under Section 28 (1) of the Act.

Establishment of the Open University.

(2) The powers conferred on the Open University by the preceding provisions of this paragraph shall, unless otherwise expressly provided by this Ordinance or by any other appropriate Instrument, be exercised by its Council.

4. Subject to the provisions of the Act, the Open University Order, and the powers, duties and functions of the Commission, the Open University shall have the power :-

Powers of the Open University.

(a) to admit students ;

(b) to provide for instruction in such branch or branches of learning as may with the concurrence of the Commission be approved by the Open University, and for this purpose to co-operate with other educational institutions or authorities in Sri Lanka or abroad, in such manner, as the Open University may determine ;

- (c) To hold examinations for the purpose of ascertaining the persons who have acquired proficiency in different branches of learning ;
- (d) To co-operate by way of exchange of teachers, students and scholars, or otherwise, with other Universities or institutions in Sri Lanka or abroad, having objects similar or substantially similar to those of the Open University ;
- (e) to grant and confer degrees, diplomas and other academic distinctions to and on persons who have passed the examinations of the Open University as may be prescribed by By-law ;
- (f) to confer honorary degrees or other academic distinctions on persons recommended by the Senate and approved by the Council of the Open University ;
- (g) to recognize examinations passed and periods of learning or study pursued by persons seeking admission to, or by the students of, the Open University at other educational institutions as being equivalent to such examinations, and periods of learning or study in the Open University, or such part thereof, as may be prescribed by By-law, and to withdraw such recognition at any time ;
- (h) to erect, equip and maintain for the purpose of the Open University, libraries, laboratories and other buildings for instructional or residential purposes.
- (i) to recommend to the Commission the institution of Professorships, Associate Professorships, Senior Lecturerships or Lecturerships and other posts as may be required for the purposes of the Open University ;
- (j) to institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (k) to regulate and provide for the residence, discipline and well-being of students and teachers, officers and other employees of the Open University ;
- (l) to establish and manage halls of residence, to license lodging houses providing residential facilities to students and to provide such other services and facilities as may be necessary for the residence of students of the University ;
- (m) to provide extension services and in-service training courses to the general public in accordance with any By-law providing for the same ;
- (n) to make arrangements for conducting courses of study or parts thereof in educational institutions outside the Open University as may be prescribed by By-law ;
- (o) to demand and receive fees under such conditions as may be prescribed by By-law,
- (p) to do all such acts and things whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the Open University.

The Chancellor.

5. The President shall nominate the Chancellor of the Open University. The Chancellor shall be the Head of the Open University, and hold office for a period of five years reckoned from the date of his nomination and shall when present, preside at any Convocation of the Open University.

The Officers of
the Open Uni-
versity

6. The Officers of the Open University shall be the following :—
- (a) the Vice-Chancellor ;
 - (b) the Deputy Vice-Chancellor, if any ;
 - (c) the Dean of each Faculty ;
 - (d) the Director of Educational Technology ;

- (e) the Director, Regional Educational Services ;
- (f) the Registrar ;
- (g) the Librarian ;
- (h) the Bursar ; and
- (i) the holder of any post approved by the Commission to be a post, the holder of which is an officer for the purpose of this paragraph.

7. (1) (a) The Vice-Chancellor of the Open University shall be appointed for a term of three years by the President upon the recommendation of the Commission from a panel of three names recommended by the Council of that University.

The Vice-Chancellor.

(b) The Vice-Chancellor of the Open University may be removed from office by the President, after consultation with the Commission.

(2) The Vice-Chancellor shall be a full-time officer of the Open University, and shall be the principal executive officer and the principal academic officer thereof. He shall be an ex-officio member and Chairman of both Council and the Senate. The Vice-Chancellor shall be entitled to convene, be present and speak at, any meeting of any other Authority of the Open University or other body, but shall not be entitled to vote at any such meeting unless he is a member of such other Authority or other body.

(3) It shall be the duty of the Vice-Chancellor, in accordance with such directions as may from time to time be lawfully issued to him in that behalf by the Council, to ensure that the provisions of the Act and of any appropriate Instrument in so far as they relate to the Open University are duly observed, and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(4) Subject to the provisions of the Act, and this Ordinance it shall be the duty of the Vice-Chancellor to give effect, or to ensure that effect is given, to the decisions of the Council and of the Senate.

(5) The Vice-Chancellor shall be the Accounting Officer of the Open University.

(6) The Vice-Chancellor shall be responsible —

- (i) for the Execution of policies and measures approved by the Council in relation to the Open University and, subject to such policies, the direction, supervision and control of the Open University, including its administration ; and
- (ii) for the maintenance of discipline within the Open University.

(7) The Vice-Chancellor shall, unless he vacates office earlier or is removed from office under clause (b) of Sub-paragraph (1) of this paragraph hold office for a term of three years, or until he has completed his sixty fifth year, whichever event occurs earlier.

(8) If the Vice-Chancellor by reason of leave, illness, absence from Sri Lanka or other cause is temporarily unable to perform the duties of his office, the Deputy Vice Chancellor, if any shall perform such duties. Where there is no Deputy Vice-Chancellor the Commission shall, within seven days of the occurrence of such inability, make such arrangements as it may think fit for carrying on the duties of the office.

(9) If any vacancy occurs in the office of Vice-Chancellor—

- (i) the Deputy Vice-Chancellor, if any, shall perform the duties of the office of Vice-Chancellor, or
- (ii) where there is no Deputy Vice-Chancellor, the Commission shall, within seven days of the occurrence of such vacancy, make such arrangements as it may think fit for carrying on the duties of the office,

until a permanent appointment is made under the preceding provisions of this paragraph.

(10) A Vice-Chancellor who, resigns or is removed from office under clause (b) of Sub-paragraph (1) of this paragraph or in any other way ceases to hold office as Vice Chancellor, unless re-appointed, may, if he was a member of the staff of a Higher Educational Institution on the day prior to the date of his appointment as Vice-Chancellor, revert to his substantive post in the staff of such Institution provided he has not completed his sixty-fifth year.

The Deputy Vice Chancellor.

8. The Council may, at its discretion and with the prior approval of the Commission, appoint a Deputy Vice Chancellor in accordance with the provisions of, the Procedure for the Appointment of Deputy Vice Chancellor Ordinance No. 1 of 1984.

The Registrar.

9. The provisions of section 37 of the Act shall apply to and in relation to the Registrar of the Open University, subject to the modification that there shall be substituted for the expression ' University ' wherever such expression occurs in that section, of the expression ' Open University '.

The Bursar.

10. The provisions of section 38 of the Act shall apply to and in relation to the Bursar of the Open University subject to the modification that there shall be substituted for the expression ' University ' wherever such expression occurs in that section, of the expression ' Open University '.

The Librarian.

11. The provisions of section 39 of the Act shall apply to and in relation to the Librarian of the Open University subject to the Modification that there shall be substituted for the expression ' University ' wherever such expression occurs in that section, of the expression ' Open University '.

The authorities of the Open University.

12. The Authorities of the Open University shall be the following:—

- (a) the Council ;
- (b) the Senate ;
- (c) the Faculty Board or Faculty Boards ;
- (d) such other bodies as may be prescribed by Ordinance to be such Authorities.

The Council.

13. (1) The Council of the Open University (in this Ordinance referred to as ' the Council ' shall be the executive body and the governing authority of the Open University ;

(2) The Council shall consist of the following persons :—

- (i) the Vice-Chancellor
- (ii) the Deputy Vice-Chancellor ; if any ;
- (iii) the Dean of each Faculty ;
- (iv) two representatives nominated by the Senate from among its members ;
- (v) one Vice-Chancellor nominated by the Committee of Vice-Chancellors and Directors established under section 124 of the Act ;
- (vi) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education or the nominee of such Secretary ;
- (vii) the Secretary to the Ministry of the Minister in charge of the subject of Broadcasting or the nominee of such Secretary ; and
- (viii) such number of members as is equal to the total number of members under clauses (i), (ii), (iii), (iv) and (v) above, increased by one. All such members shall be appointed by the Commission from among persons who have rendered distinguished service in educational, professional, commercial, industrial, scientific or administrative spheres.

(3) The provisions of sub-sections (2), (3), (4), (5), (6), (7), (8) and (9) of section 44 of the Act shall apply to and in relation to the Council.

14. (1) Subject to the provisions of the Act and this Ordinance, the Council shall exercise the powers and perform and discharge the duties and functions conferred or imposed on, or assigned to, the Open University, under paragraph 4 of this Ordinance.

Powers, duties and functions of the Council

(2) Without prejudice to the generality of powers conferred upon it by paragraph (1), the Council shall exercise, perform and discharge the following powers, duties and functions :-

- (i) to hold control and administer the property and funds of the Open University ;
- (ii) to select a coat of arms for the Open University, and to determine the form, to provide for the custody and to direct the use, of the Common Seal of the Open University ;
- (iii) to regulate and determine all matters concerning the Open University in accordance with the provisions of the Act and this Ordinance and of any appropriate Instrument ;
- (iv) to administer any funds placed at the disposal of the Open University for specific purposes ;
- (v) to receive and accept with the concurrence of the Commission, bequests, donations and grants of property to the Open University ;
- (vi) to consider, and if necessary amend; and adopt the annual report and the annual accounts of the Open University and to submit such report and such accounts to the Commission ;
- (vii) to prepare the financial estimates of the Open University and to submit such estimates to the Commission ;
- (viii) to make By-laws for any matter in respect of which By-laws are authorized to be made ;
- (ix) to make such Regulations as are not provided to be made by any other Authority of the Open University ;
- (x) to provide the buldings, premises, furntiture, equipment and other material needed for carrying on the work of the Open University ;
- (xi) to appoint persons to, and to suspend, dismiss or otherwise punish persons in the employment of, the Open University ; provided that, except in the case of Officers and teachers, these powers may be delegated to the Vice-Chancellor ;
- (xii) to appoint examiners, whether from the staff of the Open University or from elsewhere, after consideration of the recommendations of the Senate, and to determine any fees which may be paid to such examiners ;
- (xiii) to appoint a Board of Welfare the composition, powers, duties and functions of which shall be prescribed by By-law, for the promoton of the general well-being of the students of the Open University ;
- (xiv) to advice the Commission, on the recommendation of the Senate, the establish-ment of such Faculties and Divisions of Study as may be deemed necessary for the development of teaching, research and extension programmes of the Open University ;
- (xv) to recommend to the Commission after consideration of reports from the Senat^e schemes for the reorganization of existing Divisions of Study and the organi-zation of new Divisions of Study ;
- (xvi) to appoint a Board of Educational Technology the composition, powers, duties and functions of which shall be prescribed by By-law, for the planning, and development of Educational Techn^ology and for the production of suitable instructional material for the students of the Open University ;

- (xvii) to appoint a Board of Regional Educational Services the composition, powers, duties and functions of which shall be prescribed by By-law, for planning and overseeing the Regional Educational Services ;
- (xviii) to enter into, carry out or cancel contracts on behalf of the Open University, and to invest any moneys belonging to the Open University including any unapplied income, in any security in which, under the provisions of section 20 of the Trusts Ordinance or of any other written law, it is lawful to invest trust moneys ; or, with the approval of the Commission, to invest any such moneys in the purchase of immovable property in Sri Lanka or vary such investments, or to place on fixed deposit in any bank approved by the Commission, any portion of such moneys not required for immediate expenditure ;
- (xix) to determine, after consultation with the Senate, the academic dress or insignia, or both, of the Vice-Chancellor, the Officers, the graduates and the students of the Open University ;
- (xx) to determine in consultation with the Senate, the requirements for the admission of students to programmes or courses of study ;
- (xxi) to advise the Commission on :—(a) the institution, abolition or suspension of Professorships, Associate Professorships, Lecturerships and any other academic post, in consultation with the Senate ;
 - (b) the institution, abolition or suspension of any non-academic post ; and
 - (c) the qualifications of teachers, officers and other employees of the Open University ; and
- (xxii) to exercise all other powers of the Open University the exercise of which is not otherwise provided for in the Act, this Ordinance or any appropriate Instrument ;

Provided that no resolution shall be passed by the Council in relation to any academic matter unless the Senate has first been given an opportunity of recording and transmitting to the Council its opinion thereon.

In this provision, 'academic matter' means any matter which is subject to the control and general direction of the Senate.

The Senate.

15. (1) The Senate of the Open University (in this Ordinance referred to as 'the Senate'), shall be the academic authority of the Open University ;

(2) The Senate shall consist of the following persons :—

- (i) the Vice-Chancellor ;
- (ii) the Deputy Vice-Chancellor ; if any ;
- (iii) the Dean of each Faculty ;
- (iv) the Director of Educational Technology ;
- (v) head of each Division of Study ;
- (vi) every permanent Professor of the University ;
- (vii) the Librarian ; and
- (viii) two teachers not being persons referred to in the preceding clauses of this sub paragraph elected by the permanent teachers of each Faculty from among their number.

(3) The two teachers elected by the permanent teachers of each Faculty from among their number shall hold office for a period of three years reckoned from the date of their election ;

Provided, however where any such teacher retires or resigns, or otherwise vacates office by reason of absenting himself from three consecutive meetings of the Senate another member shall be elected in his place in accordance with the provisions of clause (viii) of sub-paragraph 2) and such teacher shall, unless he vacates office earlier, hold office for the 'unexpired' portion of the term of office of his predecessor.

(4) The quorum of a meeting of the Senate shall be one-third of its total membership ;

(5) The Senate shall have control and general direction of instruction, education, research and examinations in the Open University ;

(6) Subject to the provisions of the Act and this Ordinance and without prejudice to the generality of the powers conferred upon it by sub paragraph (5), the Senate shall exercise, perform and discharge the following powers, duties and functions :—

- (i) to draft, after consideration of reports from the Faculty Board or the Faculty Boards concerned, Regulations relating to programmes or courses of study and examinations, and to submit such drafts to the Council for approval ;
- (ii) to recommend to the Council, after consideration of reports from the Faculty Board or Faculty Boards concerned, the names of persons suitable for appointment as examiners ;
- (iii) to recommend to the Council the institution, abolition or suspension of Professorships, Associate Professorships, Senior Lecturerships and other academic posts in the Open University ;
- (iv) to recommend to the Council after consideration of reports, from the Faculty Board or the Faculty Boards concerned :—
 - (a) schemes for the re-organization of existing Faculties and Divisions of Study and the organization of new Faculties and Divisions of Study ; and
 - (b) the assignment of Divisions of Study to the respective Faculties ;
- (v) to recommend to the Council the requirements to be satisfied in order to qualify for fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (vi) to award fellowships, scholarships, exhibitions, bursaries, medals and other prizes on such conditions as may be approved by the Council ;
- (vii) to appoint such number of Standing Committees, or ad hoc Committees or Boards of the Senate as it may deem fit, and in particular
 - (a) a Library Committee ;
 - (b) an Admissions Committee ;
 - (c) a Research Committee ;
 - (d) a Curriculum and Evaluation Committee ; and
 - (e) a Probationary Study Leave Committee ; and to specify their terms of reference ; to consider their reports and to either approve such reports, whether with or without modification, or rejects such reports ;
- (viii) to recommend to the Council the requirements for the admission of students to Programmes of Study ;
- (ix) to recommend to the Council, the appointment of course teams for the respective areas of study ; and

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Faculties of the
Open University

(x) to consider proposals of the Educational Technology Board regarding the educational technology methods for different courses of study, and to recommend such methods as it may deem necessary for approval of the Council.

16. (1) The Open University shall have the following Faculties :—

- (a) Faculty of Humanities and Social Sciences ;
- (b) Faculty of Natural Sciences ; and
- (c) Faculty of Engineering Technology

(2) The Faculty of Humanities and Social Sciences shall have the following Divisions of Study :—

- (i) Education ;
- (ii) Legal Studies ;
- (iii) Language Studies ;
- (iv) Management Studies ;
- (v) Social Studies ; and
- (vi) Any other Divisions as may be determined by the Commission.

(3) The Faculty of Natural Sciences shall have the following Divisions of Study :—

- (i) Mathematics ;
- (ii) Chemistry ;
- (iii) Physics ;
- (iv) Zoology ;
- (v) Botany ; and
- (vi) any other Divisions as may be determined by the Commission.

(4) The Faculty of Engineering Technology shall have the following Divisions of Study :—

- (i) Civil Engineering ;
- (ii) Electrical & Computer Engineering ;
- (iii) Mechanical Engineering ;
- (iv) Computer Studies ;
- (v) Textile Technology ; and
- (vi) Any other Divisions as may be determined by the Commission.

(5) The Head of a Division of Study shall be a Professor, Associate Professor, or Senior Lecturer appointed by the Council upon the recommendation of the Vice-Chancellor :

Provided that, where the Head of a Division has not been appointed by the Council, the Vice-Chancellor may appoint a Professor, Associate Professor or Senior Lecturer to act in the post of the Head of a Division for a period not exceeding one month reckoned from the date of his appointment.

(6) The Head of a Division shall, subject to the provisions of any instrument, hold office for a period of three years reckoned from the date of his appointment and shall, unless removed from office, be eligible for re-appointment.

(7) Where owing to leave of absence, illness, or other cause, the Head of a Division is temporarily unable to perform the duties of his office for a period not exceeding three months, the Vice-Chancellor shall appoint another Professor, Associate Professor or Senior Lecturer of that Division to act in the post of Head of a Division for such period, where however a Head of a division retires or resigns, or is for other reason unable to perform the duties of his office for a period exceeding three months the post of Head of a Division shall be deemed to be vacant, and a new Head of a Division shall be appointed in accordance with sub-paragraph (5).

17. (i) There shall be a Dean of each Faculty who shall be a full-time officer of the Open University and the academic and administrative Head of that Faculty. The Dean of the Faculty shall be elected by the Faculty Board from among the Professors, Associate Professors and Senior Lecturers of the Faculty Board.

The Dean of the Faculty

(ii) The Dean of the Faculty shall, subject to the provision of any appropriate Instrument, hold office for a period of three years reckoned from the date of his appointment and shall, unless removed from office, be eligible for re-appointment.

(iii) Where owing to leave of absence, illness or other cause, the Dean of the Faculty is temporarily unable to perform the duties of his office for a period not exceeding three months, the Vice Chancellor shall appoint another person from among Professors, Associate Professors, Professors and Senior Lecturers of the Faculty to act in the post of Dean, for such period :

Where however, a Dean of a Faculty retires or resigns, or is for any other reason unable to perform the duties of the office for a period exceeding three months, the post of Dean of that Faculty shall be deemed to be vacant and a new Dean shall be (appointed) in accordance with sub-paragraph (1).

-elected ?

18. (1) Each Faculty of the Open University shall consist of such Divisions of Study as may be assigned to that Faculty under the provisions of this Ordinance ;

Composition, powers, duties and functions of the Faculties of the Open University

(2) Each Faculty of the Open University shall have a Faculty Board which shall consist of the following persons :—

- ✓ (i) the Dean of that Faculty ;
- ✓ (ii) the Director of Educational Technology or his nominee ;
- ✓ (iii) all permanent Professors, Associate Professors, Senior Lecturers and Lecturers of the Divisions of Study comprising the Faculty ;
- ✓ (iv) two members elected by the permanent Assistant Lecturers of the Faculty from among their number ;
- ✓ (v) two members of the permanent staff imparting instruction in the Faculty excluding those referred to in clauses (iii) and (iv) elected from among their number ; and
- ✓ (vi) a minimum of three persons but not more than five persons, not being members of the staff of the Open University, elected by the Faculty Board from among persons of emineee in the areas of study relevant to the Faculty.

amendment
(Gazetted No. 672/116 B 25/7/1991)

(3) Subject to the provisions of the Act and this Ordinance a Faculty Board shall exercise, perform and discharge the following powers, duties and functions :—

- (i) to consider and report on any matter referred to it by the Senate ;
- (ii) subject to the control of the Senate, to regulate matters connected with teaching, examination and research in the Divisions of Study in the Faculty ;
- (iii) to present recommendations and reports to the Senate on all matters connected with the Divisions of Study and Examinations in the Faculty ;
- (iv) to appoint Committees, which may include persons not being members of the Faculty for the purpose of considering and reporting on any special subject or subjects ; and
- (v) to recommend to the Senate persons suitable for appointment as examiners.

(4) The Dean of the Faculty shall preside at all meetings of the Faculty Board ;

19. The provisions of section 135 of the Act shall apply to and in relation to the making of By-laws by the governing authority of the Open University.

By-laws

Regulations

20. The provisions of section 136 of the Act shall apply to the making of regulations by the Senate, of the Open University.

Rules

21. The provisions of section 137 of the Act shall apply to the making of Rules by any authority or other body of the Open University.

Convocation of the open University

22. (1) The Open University shall hold once in every year on such date or dates as may be approved by the Chancellor, a Convocation for the purpose of conferring degrees :

Provided that, the Open University may hold a special Convocation at such other time as the Chancellor may determine :

Provided further that, first degrees may be conferred without the holding of a Convocation;

(2) The procedure, mode and manner of a Convocation shall be prescribed by By-Law ;

(3) The President shall, when present, preside at a Convocation. In his absence, the Chancellor shall preside and in the absence of both the President and the Chancellor, the Vice-Chancellor shall preside at such Convocation.

Provisions of Act to apply in respect of matters not provided for by the Ordinance

23. Where no provision has been made under this Ordinance in respect of any matter relating to the Open University, the relevant provisions of the Act shall *mutatis mutandis* apply to and in relation to such matter.

Interpretation.

24. In this Ordinance—

'Act' means the Universities Act, No. 16 of 1978 as amended by the Universities (Amendment) Acts Nos. 7 of 1985, 24 of 1988, 26 of 1988, 33 of 1988 and 3 of 1989 ;

'appropriate Instrument' means any Order, Ordinance, By-law, Regulation or Rule made in accordance with the provisions of the Act or this Ordinance ;

'Commission' means the University Grants Commission established under the Act ; and

'President' means the President of the Democratic Socialist Republic of Sri Lanka.