



**UNIVERSITY
OF GHANA**



DISCIPLINARY BOARDS AND COMMITTEES

RULES OF PROCEDURE

2021

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UNIVERSITY OF GHANA – LEGON

POLICY TITLE Disciplinary Boards and Committees

APPROVING BODY Academic Board, University of Ghana

APPROVAL DATE 28th May, 2021

CONTACT Academic Board



1. JURISDICTION

Pursuant to Statute 43 (1) of the University of Ghana Statutes, 2011:

- (1) There shall be Disciplinary Boards or Committees for each of the categories of members of the University recognized by the Act and the Statutes namely, Senior Members, Junior Members, Senior Staff and Junior Staff.
- (2) A Disciplinary Board or Committee shall investigate an allegation of misconduct referred to it by the Chief Disciplinary Officer (the Vice-Chancellor) or the Registrar, as the case may be, and shall make appropriate decisions on the charges, including sanctions.
- (3) The decisions of the Board shall be in the form of recommendations to the Vice-Chancellor.

2. MEMBERSHIP

- (1) A Disciplinary Board established to deal with matters of discipline affecting Senior Members shall comprise:
 - (a) a Chairperson elected by the Academic Board on the advice of the Vice-Chancellor;
 - (b) the Dean of the School of Law or a representative of the School of Law of the rank of at least a senior lecturer; and
 - (c) three Senior Members elected by the Academic Board.
- (2) A Disciplinary Board established to deal with any matter of discipline affecting Junior Members shall comprise:
 - (a) two Senior Members, one of whom is a Senior Member of the School of Law and who shall be designated as Chairperson by the Registrar;
 - (b) one student nominated by the Students' Representative Council; and
 - (c) one student representative of the graduate students of the University nominated by the University of Ghana branch of Graduate Students' Association of Ghana (GRASAG);

- (d) one Senior Member to be appointed by the Registrar.
- (3) A disciplinary proceeding in respect of a Junior Member is without prejudice to the right of the Academic Board to investigate an allegation of impropriety or malpractice relating to admission into the University or examinations and to take appropriate action including disciplinary sanctions.
- (4) A Disciplinary Board established to deal with matters of discipline affecting Junior and Senior Staff of the University shall be composed in accordance with the relevant collective agreement. Where this arrangement is absent, the Board shall comprise:
 - (a) three Senior Members, at least one of whom shall be a Senior Member of the School of Law and one of whom shall be designated as Chairperson by the Registrar; and
 - (b) two members of the relevant Staff Association.
- (5) The Registrar shall provide secretarial services to the Disciplinary Boards.

3. TENURE OF OFFICE OF MEMBERS OF A DISCIPLINARY BOARD

- (1) A member of a Disciplinary Board shall serve on the Board for a period of three (3) years and is eligible for reappointment for another term only.
- (2) A member of a Disciplinary Board may at any time resign from the Board by serving prior written notice of his or her intention at least three months in advance to the Vice-Chancellor.
- (3) A member of a Disciplinary Board who does not attend or participate in the proceedings or matters relating to, or affecting the Board, without just cause or notice to the Vice-Chancellor, for a cumulative period of more than six months in any calendar year ceases to be a member of the Board.

4. MEETINGS OF A BOARD

- (1) There shall be two (2) types of meetings for a Board: ordinary meetings and formal hearings.
- (2) An Ordinary meeting of a Board shall be a meeting of only the members of that Board and may be held at any time and shall be convened by the Chairperson of that Board.
- (3) Notwithstanding sub-rule (2), the Legal Counsel shall attend an ordinary meeting of a Board in an advisory capacity only.
- (4) An ordinary meeting of the Board shall be considered valid if the Chairperson and two (2) other members are present.
- (5) Notice of an ordinary meeting shall be given at least 24 hours prior to the date scheduled for the meeting.
- (6) The Disciplinary Board may have formal hearings during the University's Academic year only.

Notwithstanding sub-rule (6) of this rule, the Disciplinary Board may conduct formal hearings in cases of emergencies or as shall be determined by the Chairperson during vacations.

5. PREFERRING OF CHARGES AND RESPONSE

- (1) Where, in the opinion of the Legal Counsel, the findings of an investigation do not establish any case for which a member may be required to answer, the case in question shall be closed without any further action and the Registrar shall, upon the approval of the Vice-Chancellor, inform the member of that decision.
- (2) Where, in the opinion of the Legal Counsel, the findings of an investigation disclose a breach or commission of an offense, the Legal Counsel shall cause charges to be preferred against the member on the basis of the Investigative Report, the Basic Laws, Policies and Regulations of the University of Ghana as well as the Laws of Ghana.

- (3) Where no investigation is conducted pursuant to statute 43(4), the Legal Counsel shall cause charges to be preferred against the member on the basis of the facts and evidence available to the University.
- (4) Where in the Collective Bargaining Agreement or Conditions of Service of any staff Association, disciplinary proceedings are to be commenced in relation to a breach or offence committed by a member of that Association, the Vice-Chancellor shall first refer the matter to the Legal Counsel to cause the appropriate charges to be preferred against the member.
- (5) No charge shall be laid except with the approval of the Vice-Chancellor.
- (6) A charge shall be in writing, addressed to the Respondent, and signed by or under the authority of the Vice-Chancellor. It shall contain a statement of the offence or breach with sufficient details or particulars and shall be filed with the Registrar.
- (7) The designated Officer authorised by the Vice-Chancellor or the Registrar, in the case of Junior Members, shall serve the charges on the Respondent and promptly notify the Chairperson and the Secretary by serving them with a copy.
- (8) The Respondent shall within 14 working days of receipt of the charges, file his or her Response to the appropriate address as indicated below:
 - i. In the case of a Senior Member,

The Secretary
Senior Members Disciplinary Board
Office of the Vice-Chancellor
University of Ghana, Legon

- ii. In the case of a Senior or Junior Staff,

**The Secretary
Staff Disciplinary Board
Office of the Vice-Chancellor
University of Ghana, Legon**

- iii. In the case of a Junior Member,

**The Secretary
Junior Members Disciplinary Board
Office of the Registrar
University of Ghana, Legon**

- (9) Where a Respondent is unable to file his or her Response within the stipulated time, he or she may request for an extension. An application for extension shall be made by writing to the Secretary of the relevant Disciplinary Board within 5 working days.
- (10) A period of extension shall not exceed 14 working days unless the Board, based on evidence and the rules of natural justice, decides otherwise.
- (11) A Respondent who requires clarification on a charge may so request within 5 working days upon receipt of the charges and before filing a response.
- (12) The failure of a Respondent to file his or her response within the stipulated time including a period of extension, shall not prejudice the investigation and the power of the Board to hear the matter or deliberate on the charges.
- (13) Where a response is filed, the Secretary of the relevant Disciplinary Board shall notify all members of the Board within 3 working days.
- (14) Service of a document on the Board by a Respondent or vice versa is deemed good service if done by registered mail, E-mail or hand delivery. A document may be served by E-mail provided always that a hard copy is delivered, at least 48 hours before the date for hearing, in addition to the E-mail.

6. INQUIRY AS TO DISQUALIFICATION OF A MEMBER

The Chairperson of a Board shall, before the hearing commences, ascertain whether any member of the Board is disqualified to sit, having regard to statute 43 of the Statutes of the University of Ghana.

For the avoidance of doubt, a member shall be disqualified to sit under the following circumstances:

- i. Where the proceedings concern a person, who is a member of the Disciplinary Board or a member who is undergoing investigations or disciplinary proceedings before another Committee or Disciplinary Board.
- ii. Where the member has an interest in the matter by way of affinity to the Respondent or has a close academic or other relationship with the Respondent which is likely to create a conflict of interest or affect the objective judgment of the member.

7. HEARING

- (1) The rules of natural justice (principles of fairness and impartiality), formality, dignity and order shall apply to all proceedings or the hearing of all matters before the Board.
- (2) A formal hearing shall be conducted at all times and parties to a formal hearing shall address themselves to the Board.
- (3) Where provision is not expressly made by these Rules regarding the practice and procedure applicable to any matter before the Board, the Board shall determine the practice and procedure to be adopted which in the opinion of the Board may be necessary in determining the matter before it.
- (4) The Board shall, upon receipt of the charge and response, hear the matter within 21 working days from the date of receipt.

- (5) Disciplinary Board hearings shall take precedence over any other official engagement unless, by a written request addressed to the Vice-Chancellor, the Vice-Chancellor relieves the Board Member of his or her responsibility to sit on a particular matter. The Vice-Chancellor shall substitute the relevant member by an equally qualified and competent member.
- (6) Notice of the hearing date shall be sent to all parties, and any other person considered relevant to the dispute to appear before the Committee at a date, time and place specified in the Notice. The date for the hearing shall not be less than seven (7) working days from the date of the notice.
- (7) The Respondent may appear in person or via virtual means alone or with a validly licensed lawyer, or with any other person of his or her choice and at his or her own expense.
- (8) Parties shall be responsible for their own expenses related to hearings, including transportation and submission of documentation.
- (9) All disciplinary matters shall be heard in camera
- (10) At the first sitting the Chairperson of the Board shall:
 - a. inform the Respondent of the names of members of the Board or request the members to introduce themselves.
 - b. ask the Respondent whether he or she objects to being heard by any of the Board members and the basis of the objection.
 - c. ask the Respondent if he or she wants to make any oral submissions aside the written response already submitted and whether he intends to call any witnesses.
 - d. subject to sub-rule (10)(c) of this section, offer the prosecution team or legal representative of the University the opportunity to respond to the Respondent's response or oral submission, if any.

- (11) A board shall review and determine the validity of a Respondent's objection under sub-rule (10)(b). A successful application will lead to replacement of the member against whom the objection was raised. The Respondent may not object to the Chairperson, Prosecutor or Legal Counsel, except where there is serious conflict of interest.
- (12) A member of the Disciplinary Board may recuse himself or herself at this stage if he or she has a just cause to do so.
- (13) A person appearing before the Board to give evidence or to answer a charge shall take an oath.
- (14) The Chairperson shall read to the Respondent the charges on the Charge Sheet and ask the Respondent to plead guilty or not guilty to each charge.
- (15) Where the Respondent refuses to plead, he shall be deemed to have pleaded not guilty.
- (16) The plea of the Respondent to each charge shall be recorded. If he or she has pleaded guilty to any charge, the Respondent may be held guilty on or her own plea. If he or she pleads not guilty to any charge, the hearing of that charge may commence.
- (17) Where a plea of guilty has been accepted for some of the charges before the Board, and the Respondent has pleaded not guilty to another charge (s), the trial of those charges to which the Respondent has pleaded not guilty may be proceeded with and findings pronounced thereon, before proceeding on those charges to which a plea of guilty has been accepted.
- (18) The Prosecutor may withdraw any or all charges against a Respondent at any time for good or just cause.
- (19) The Board may make interim orders which it may deem fit prior to the final determination of the matter.

8. NON-APPEARANCE OF A PARTY

1. Where a Party fails to appear before the Disciplinary Board for a hearing and has not filed a written Response, the Board may adjourn the matter once.
2. Where a Party fails to appear before the Disciplinary Board for a hearing and has filed a written Response, the Board may proceed to determine the matter in the absence of the Party.

9. EVIDENCE

- (1) The Prosecutor and the Respondent may call witnesses to testify on issues before the Board.
- (2) All witnesses called by a party may be cross-examined by the other party and the members of the Board.
- (3) All parties are required to submit copies of all documents they rely on to the Board.
- (4) A party may rely solely on his/her written submission or make oral submissions.
- (5) The Board may invite relevant staff of the University or other witnesses to give evidence related to the matter.
- (6) A witness may be recalled by the Board where the Board finds it necessary to do so.
- (7) Where a witness is called or recalled, the Office of the Legal Counsel of the University or the Respondent may, with the permission of the Chairperson, put to the witness any questions relative to the answers as seem proper to the Board.
- (8) Rigid rules of evidence are not suited to administrative hearings and shall be relaxed for purposes of hearings under these rules.
- (9) The Board may request either party to submit any further information that will be relevant for the determination of the matter.

10. CLOSING STATEMENTS

After all the evidence have been taken by the Board, the Board may allow the Prosecutor and the Respondent or his/ her Counsel to make Closing Statements to the Board.

11. THE RECORD

- (1) The proceedings of formal hearings shall be recorded electronically and transcribed by a Secretary who shall be at a rank not below Assistant Registrar.
- (2) The Secretary shall see to all administrative matters related to the conduct of the hearing, including service of notices, management of exhibits, maintenance of all digital and manual records and recording of the proceedings of both ordinary and formal hearings.
- (3) The Secretary shall work under the supervision of the Chairperson.

12. PROCEDURES AFTER CONCLUSION OF HEARING

- (1) Upon the conclusion of the hearing the Board shall deliberate on the issues and evidence presented during the hearing and make recommendation (s) as to sanction(s).
- (2) The Board shall prepare a report which shall contain the proceedings as well as the findings, general recommendations (if any), and recommended sanctions with reasons.

In preparing its recommendations, the Board shall have regard to the facts of the matter as well as any legal and policy considerations and may recommend any related policy issues for the consideration of the Vice-Chancellor.

- (3) Any compensation recommended by the Board must be in accordance with law or precedent where available.

- (4) The report shall be signed and sent to the Vice-Chancellor within 21 working days upon conclusion of the hearing.
 - (a) the Vice-Chancellor shall, upon receipt of the Report, make a decision and communicate same or authorize an officer to communicate same to the Respondent within 14 working days of the decision of the Vice-Chancellor.

13. METHOD OF DECISION-MAKING

- (1) The Board shall take its decisions by a simple majority of the members present.
- (2) A Board member who dissents from the decision of the majority is entitled to write a dissenting opinion and this shall form part of the record.
- (3) In the case of an equality of votes on a matter, the Chairperson of the Board shall have a casting vote.
- (4) The Board shall, in determining the nature of sanctions to recommend to the Vice Chancellor:
 - (a) Take into consideration any direct and indirect consequences of the findings or the punishment;
 - (b) Recommend a punishment commensurate with the gravity of the offence and the previous conduct of the offender.
 - (c) Consider the age, length of employment, whether the Respondent is a first-time offender and any other mitigating factor which the Board deems appropriate.

14. DIRECTION AS TO SANCTIONING

- (1) The Board shall recommend to the Vice-Chancellor, sanctions it deems appropriate according to the Conditions of Service of which the guilty person is a member, the Basic Laws of the University and the laws of Ghana, for each case with reason.

- (2) Sanctions recommended shall be for all charges on which the accused pleaded, or was found, guilty except where it is appropriate to recommend a specific sanction for a particular breach or offense.

15. APPEALS

A person who is dissatisfied with a decision taken by the University against him or her may file a notice of appeal in accordance with the University of Ghana Appeals Board Rules, 2018.

16. DEFINITIONS AND INTERPRETATION

“Academic year” means the period running from August to July each year or any other period determined by the Academic Board;

“Act” means the University of Ghana Act, 2010 (Act 806).

“Calendar year” means the period beginning from January and ending December

“Conflict of Interest” means where a Senior Members, Junior Members, Senior Staff and Junior Staff puts himself/herself in a position where his or her personal interest conflicts or is likely to conflict with the performance of his or her functions or duties.

“Disciplinary Board” means the relevant Disciplinary Board or Committee established under Statute 43 of the University of Ghana Statutes, 2011. Board and Committee are used interchangeably

“Masculine gender” references to the masculine gender include the feminine.

“Matter” means disciplinary case before the Disciplinary Board

“Precedent” means lawfully justifiable established practice or convention

“Prosecution” means disciplinary proceeding instituted and carried on in accordance with the Act and this Rules, before a competent and properly instituted and constituted Board/ Committee, for the purpose

of determining the guilt or innocence of any Senior Members, Junior Members, Senior Staff and Junior Staff charged with any offense under the rules and regulations of the University and the laws of Ghana.

“Prosecutor” means legal officer(s) of the Office of Legal Counsel authorised to prosecute a matter on behalf of the University.

“Serious Conflict of Interest” means where a Senior Member, Junior Member, Senior Staff or Junior Staff puts himself/herself in a position which seriously conflicts or involves a serious risk of conflict with his or her functions, duties or position.

“Singular and Plural” references to the singular include the plural where the context demands.

“Statutes” mean the University of Ghana Statutes, 2011.

“Vacation” means inter-semester breaks. For the avoidance of doubt the inter-semester breaks are December-January and June-July of every Academic Calendar year, or as shall be approved by the Academic Board or its Business and Executive Committee from time to time.

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