

Rwanda

Law establishing Higher Education Council and Determining its Mission, Organization and Functioning

Law 20 of 2017

Legislation as at 15 May 2017

FRBR URI: /akn/rw/act/law/2017/20/eng@2017-05-15

There may have been updates since this file was created.

PDF created on 21 February 2024 at 14:12.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Law establishing Higher Education Council and Determining its Mission, Organization and Functioning
Contents

- Chapter One – General provisions 1
 - Article one – Purpose of this Law 1
 - Article 2 – Legal personality and autonomy 1
 - Article 3 – Category of HEC 1
 - Article 4 – Head Office of HEC 2
- Chapter II – Mission and powers of HEC 2
 - Article 5 – Mission of HEC 2
 - Article 6 – Powers of HEC 2
- Chapter III – Supervising authority of HEC and performance contract 3
 - Article 7 – Supervising Organ of HEC 3
 - Article 8 – Performance contract 3
- Chapter IV – Organisation and functioning of HEC 3
 - Article 9 – Management organs of HEC 3
 - Section One – Board of Directors 3
 - Article 10 – Composition of the Board of Directors of HEC 3
 - Article 11 – Powers of the Board of Directors 3
 - Article 12 – Responsibilities of the Board of Directors 4
 - Article 13 – Duties of the Chairperson of the Board of Directors 4
 - Article 14 – Duties of the Deputy Chairperson of the Board of Directors 4
 - Article 15 – Incompatibilities with membership of the Board of Directors 4
 - Article 16 – Reasons for loss of membership of the Board of Directors and modalities for replacement 5
 - Article 17 – Convening and holding of meetings of the Board of Directors 5
 - Article 18 – Invitation of a resource person to meetings of the Board of Directors 5
 - Article 19 – Approval of resolutions and minutes of the meeting of the Board of Directors 6
 - Article 20 – Rapporteur of the Board of Directors 6
 - Article 21 – Personal interest in issues on the agenda 6
 - Article 22 – Sitting allowances of members of the Board of Directors 6
 - Section 2 – Executive Organ 6
 - Article 23 – Composition of the Executive Organ 6
 - Article 24 – Responsibilities of the Executive Organ 6
 - Article 25 – Powers and duties of the Director General of HEC 7
 - Article 26 – Statutes governing the staff of HEC 7
 - Article 27 – Salaries and fringe benefits for members of the Executive Organ 7
 - Article 28 – Organization and functioning of organs of HEC 7

Chapter V – Property and finance 8

 Article 29 – Property of HEC and its sources 8

 Article 30 – Budget of HEC 8

 Article 31 – Use, management and audit of the property of HEC 8

 Article 32 – Annual financial report 8

Chapter VI – Miscellaneous and final provisions 8

 Article 33 – Transfer of staff members, property, contracts and liabilities 8

 Article 34 – Drafting, consideration and adoption of this Law 9

 Article 35 – Repealing provision 9

 Article 36 – Commencement 9

Rwanda

Law establishing Higher Education Council and Determining its Mission, Organization and Functioning

Law 20 of 2017

Published in Official Gazette 20 on 15 May 2017

Assented to on 28 April 2017

Commenced on 15 May 2017

[This is the version of this document from 15 May 2017.]

We, KAGAME Paul,

President of the Republic;

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

THE PARLIAMENT:

The Chamber of Deputies, in its session of 29 March 2017;

Pursuant to the Constitution of the Republic of Rwanda of 2003 as revised in 2015, especially in Articles 20, 64, 69, 70, 88, 90, 91, 106, 112, 119, 120, 139, 165 and 176;

Pursuant to Organic Law n° 001/2016/OL of 20/04/2016 establishing general provisions governing public institutions;

Reviewing Law n° 72/03 of 10/09/2013 establishing Higher Education Council and determining its responsibilities, organization and functioning;

ADOPTS:

Chapter One General provisions

Article one – Purpose of this Law

This Law establishes Higher Education Council abbreviated as “HEC” in English. It also determines its mission, organization and functioning.

Article 2 – Legal personality and autonomy

HEC has legal personality, administrative, functioning and financial autonomy and is governed in accordance with relevant laws.

Article 3 – Category of HEC

HEC is in the category of non-commercial public institutions.

Article 4 – Head Office of HEC

The head office of HEC is located in the City of Kigali, the Capital of the Republic of Rwanda. It may be transferred elsewhere on the Rwandan territory when considered necessary.

HEC may, when considered necessary, have branches elsewhere in the country to successfully fulfill its mission, upon approval by a Prime Minister's Order.

Chapter II Mission and powers of HEC

Article 5 – Mission of HEC

HEC has the following main mission:

- 1° to monitor education and research related values in institutions of higher learning that offer general education programmes;
- 2° to advise the Government on matters related to educational policy and strategies in institutions of higher learning that offer general education programmes;
- 3° to set standards for accrediting private institutions of higher learning that offer general education programmes;
- 4° to monitor adherence to the norms and standards in institutions of higher learning that offer general education programmes;
- 5° to compare, recognize and give equivalence to degrees and certificates at the level of institutions of higher learning that offer general education programmes delivered in foreign countries and those delivered in Rwanda that need authentication including those awarded by foreign institutions through distance learning;
- 6° to coordinate and monitor programs and activities related to study-loans and bursaries awarded by the Government to higher education students;
- 7° to provide, through a financial institution, loans to Rwandan students to enable them to pay for their studies in higher education;
- 8° to coordinate activities of various public or private organs, foreign countries and international organizations relating to gathering aid for increasing national capacity in awarding student loans and bursary in higher learning institutions;
- 9° to provide opinion on matters related to the policy of awarding student loans and bursaries by the Government to Rwandan students in higher learning institutions;
- 10° to approve academic curricula in institutions of higher learning that offer general education programmes;
- 11° to disseminate the policy and other related decisions of institutions of higher learning that offer general education programmes and to monitor their implementation;
- 12° to cooperate and collaborate with other regional and international institutions with similar mission.

Article 6 – Powers of HEC

HEC has the following powers:

- 1° to make recommendations to serve as a basis of the opening, closure, relocation of a college, a school, a faculty or a research institute affiliated to a higher learning institution, upgrading academic programmes or change in the type of an institution of higher learning;

- 2° to make recommendations to serve as a basis for taking actions against the institutions of higher learning which do not comply with the requirements of their opening;
- 3° to make recommendations to serve as a basis for approval of the list of students of institutions of higher learning who are eligible for study-loans.

Chapter III

Supervising authority of HEC and performance contract

Article 7 – Supervising Organ of HEC

The supervising authority of HEC is determined by a Prime Minister's Order.

Article 8 – Performance contract

HEC operates on the basis of performance contract.

Modalities for the conclusion and evaluation of performance contract of HEC are determined by relevant laws.

Chapter IV

Organisation and functioning of HEC

Article 9 – Management organs of HEC

HEC is comprised of the following two (2) management organs:

- 1° Board of Directors;
- 2° Executive Organ.

Section One – Board of Directors

Article 10 – Composition of the Board of Directors of HEC

The Board of Directors of HEC is composed of seven (7) members including the Chairperson and the Deputy Chairperson, appointed by a Presidential Order.

Members of the Board of Directors are selected on the basis of their ability, competence and expertise.

At least thirty per cent (30%) of members of the Board of Directors must be females.

The term of office of members of the Board of Directors of HEC as well as their replacement are determined by a Presidential Order.

Article 11 – Powers of the Board of Directors

The Board of Directors of HEC is the supreme administrative and decision making organ of HEC. It has absolute power to make decisions regarding administration, human resources and property of HEC in order to fulfill its mission.

Article 12 – Responsibilities of the Board of Directors

The main responsibilities of the Board of Directors of HEC are the following:

- 1° to oversee the functioning of the Executive Organ of HEC and provide strategic guidance to be followed by the Executive Organ in fulfillment of its responsibilities;
- 2° to approve the long-term strategic plan and action plan of HEC and related reports;
- 3° to conclude a performance contract with the supervising authority of HEC;
- 4° to approve procedure manuals and internal rules and regulations of HEC;
- 5° to approve the budget proposal of HEC and monitor the use of budget and its execution;
- 6° to decide on all critical matters that fall under the mission of HEC;
- 7° to approve the draft of organizational structure of HEC as established by a Prime Minister's Order;
- 8° to evaluate the performance of HEC in accordance with the plan of action and the budget;
- 9° to solve work related disputes between the management of the Executive Organ and the staff of HEC;
- 10° to submit a quarterly and annual activity reports as well as financial reports to the supervising authority of HEC.

Article 13 – Duties of the Chairperson of the Board of Directors

The Chairperson of the Board of Directors has the following duties:

- 1° to head the Board of Directors and coordinate its activities;
- 2° to convene and preside over meetings of the Board of Directors;
- 3° to submit minutes of meetings of the Board of Directors of HEC to its supervising authority;
- 4° to sign the performance contract between the Board of Directors and the supervising authority of HEC;
- 5° to submit HEC reports adopted by the Board of Directors to relevant organs;
- 6° to follow up the implementation of resolutions of the Board of Directors;
- 7° to perform other duties that the Board of Directors may assign to him/her falling within its responsibilities.

Article 14 – Duties of the Deputy Chairperson of the Board of Directors

The Deputy Chairperson of the Board of Directors has the following duties:

- 1° to assist the Chairperson and deputize for him/her in his/her absence;
- 2° to perform any duty that the Board of Directors may assign to him/her falling under the mission of HEC.

Article 15 – Incompatibilities with membership of the Board of Directors

Members of the Board of Directors are not allowed to perform any remunerated activity within HEC.

Members of the Board of Directors are not also allowed, whether individually or companies in which they hold shares, to bid for tenders of HEC.

Article 16 – Reasons for loss of membership of the Board of Directors and modalities for replacement

A member of the Board of Directors of HEC loses membership if:

- 1° the term of office expires;
- 2° he/she resigns in writing;
- 3° he/she is no longer able to perform his/her duties due to physical or mental disability certified by a Committee of three (3) authorized medical doctors;
- 4° he/she is sentenced to a term of imprisonment equal to or exceeding six (6) months in a final judgment;
- 5° he/she fails to attend three (3) consecutive meetings without valid reasons;
- 6° he/she manifests any behaviour likely to compromise his/her dignity, that of his/her work or his/her position;
- 7° he/she jeopardizes the interests of HEC;
- 8° he/she is convicted of the crime of genocide or genocide ideology;
- 9° he/she no longer fulfils the requirements considered at the time of his/her appointment;
- 10° he/she dies.

In case a member of the Board of Directors of HEC leaves office before expiry of his/her term of office, the competent authority appoints a substitute who serves the remainder of the predecessor's term.

Article 17 – Convening and holding of meetings of the Board of Directors

The Board of Directors of HEC meets once a quarter and whenever necessary upon invitation by its Chairperson or Deputy Chairperson in case of absence of its Chairperson, at his/her own initiative or upon request in writing by at least a third ($\frac{1}{3}$) of its members.

The invitation is submitted in writing to the members of the Board of Directors at least fifteen (15) days before the meeting is held.

An extraordinary meeting is convened in writing at least three (3) working days before the meeting is held.

Items to be examined by the meeting of the Board of Directors in the first quarter of the year include the approval of the financial and activity reports for the previous year.

In every quarter, the Board of Directors must also examine the financial and activity reports relating to the previous quarter to be transmitted to the supervising authority of HEC.

The quorum for a meeting of the Board of Directors to take place is two-thirds ($\frac{2}{3}$). However, when a meeting is convened for the second time it takes place regardless of the number of members present.

The Director General attends the meetings of the Board of Directors but has no right to vote during decision making.

Modalities for decision-making by the Board of Directors are determined by the internal rules and regulations of HEC.

Article 18 – Invitation of a resource person to meetings of the Board of Directors

The Board of Directors of HEC may invite in its meetings any person from whom it may seek advice on a certain item on the agenda.

The invited person is not allowed to vote or take part in debates on other items on the agenda.

Article 19 – Approval of resolutions and minutes of the meeting of the Board of Directors

Resolutions of the meeting of the Board of Directors are signed by its members immediately after the end of the meeting, and a copy thereof is sent to the supervising authority of HEC in a period not exceeding five (5) working days.

The head of the supervising authority of HEC gives his/her views on the resolutions of the meeting of the Board of Directors in a period not exceeding fifteen (15) days from receipt thereof. If this period expires before he/she gives his/her views, the resolutions of the meeting are considered definitively approved.

The minutes of the meeting of the Board of Directors are jointly signed by its Chairperson and the Rapporteur and approved during the next meeting. A copy of minutes of the meeting is sent to the supervising authority of HEC in a period not exceeding fifteen (15) days from the day of its approval.

Article 20 – Rapporteur of the Board of Directors

The Director General of HEC serves as the rapporteur of the meetings of the Board of Directors.

The Director General of HEC does not participate in the meetings that make decisions on issues that concern him/her.

In case of his/her absence, the internal rules and regulations of HEC determine the person to replace him/her.

Article 21 – Personal interest in issues on the agenda

When a member of the Board of Directors has a direct or indirect interest in the issue to be examined, he/she must immediately inform the Board of Directors about where his/her interest lies. The member who notifies of interests in the issue to be examined cannot attend the meeting deliberating on that issue.

When it appears that many or all members of the Board of Directors have a direct or indirect interest in the issue to be examined in such a way that it is impossible to make a decision on the issue, the issue is submitted to the supervising authority of HEC which takes a decision thereon within thirty (30) days.

Article 22 – Sitting allowances of members of the Board of Directors

Sitting allowances of members of the Board of Directors are determined by a Presidential Order.

Section 2 – Executive Organ

Article 23 – Composition of the Executive Organ

The Executive Organ of HEC is composed of the Director General appointed by a Presidential Order and other staff members recruited in accordance with relevant laws.

A Presidential Order may also appoint Deputy Directors General and determine their powers and duties.

Article 24 – Responsibilities of the Executive Organ

The Executive Organ of HEC has the following main responsibilities:

- 1° to implement the decisions of the Board of Directors of HEC;
- 2° to ensure effective management of personnel and property of HEC;

- 3° to prepare and submit to the Board of Directors the draft proposal of the procedure manuals and that of the Internal Rules and Regulations of HEC;
- 4° to advise the Minister in charge of higher education on the implementation of policy related to higher education;
- 5° to submit a quarterly activity report to the Board of Directors of HEC;
- 6° to perform such other duty falling under the mission of HEC as the Board of Directors may assign to him/her.

Article 25 – Powers and duties of the Director General of HEC

The Director General of HEC has the powers of decision-making in the administrative and financial management of HEC in accordance with relevant laws.

Particularly, the Director General of HEC has the following duties:

- 1° to coordinate and monitor the daily activities;
- 2° to issue instructions of service within HEC and its branches where necessary;
- 3° to draft and submit to the Board of Directors budget proposal for the following year as well as the financial report for the previous year;
- 4° to ensure the budget implementation and management of property of HEC;
- 5° to supervise and ensure the management of staff of HEC in accordance with relevant laws;
- 6° to submit, on a quarterly basis and at any time necessary, activity report to the Board of Directors of HEC;
- 7° to serve as the legal representative of HEC and publicize its activities;
- 8° to serve as the spokesperson of HEC;
- 9° to implement the decisions and instructions from the supervising organs;
- 10° to serve as the rapporteur of the Board of Directors;
- 11° to perform any other duty falling under the mission of HEC that the Board of Directors may assign to him/her.

Duties of other staff of the Executive organ of HEC are determined by a Prime Minister's Order.

Article 26 – Statutes governing the staff of HEC

The staff of HEC is governed by the general statutes for public service.

Article 27 – Salaries and fringe benefits for members of the Executive Organ

The salaries and fringe benefits for the members of the Executive Organ of HEC are fixed in accordance with relevant laws.

Article 28 – Organization and functioning of organs of HEC

The organization and functioning of organs of HEC are determined by a Prime Minister's Order.

Chapter V Property and finance

Article 29 – Property of HEC and its sources

The property of HEC is composed of movable and immovable assets.

The property of HEC is derived from the following sources:

- 1° State budget allocations;
- 2° State or development partners' subsidies;
- 3° income from services rendered;
- 4° interest from its property;
- 5° loans granted to HEC as approved by the Minister in charge of finance;
- 6° donations and bequests.

Article 30 – Budget of HEC

HEC prepares its annual budget and approved by the relevant authority and executed in accordance with relevant laws.

Article 31 – Use, management and audit of the property of HEC

The use, management and audit of property of HEC are carried out in accordance with relevant laws.

The internal audit service of HEC submits its report to the Board of Directors and provides a copy to the Director General of HEC.

Article 32 – Annual financial report

Within three (3) months following the closure of the financial year, the Director General of HEC submits to the supervising authority of HEC the annual financial report after its approval by the Board of Directors in accordance with laws governing the management of State finance and property.

Chapter VI Miscellaneous and final provisions

Article 33 – Transfer of staff members, property, contracts and liabilities

Former staff members of Rwanda Education Board (REB) established by Law n° 44/2010 of 07/12/2010 establishing Rwanda Education Board (REB) and determining its responsibilities, organization and functioning and whose duties were relating to bursary and loans in high education are transferred to HEC established by this Law according to the organizational structure.

Movable and immovable assets, liabilities and contracts relating to loans and the Government bursary in high education previously owned by Rwanda Education Board (REB) established by Law n°44/2010 of 07/12/2010 establishing Rwanda Education Board (REB) and determining its responsibilities, organization and functioning are transferred to HEC established by this Law.

Acts performed by HEC established by the Law n° 72/03 of 10/09/2013 establishing Higher Education Council and determining its responsibilities, organization and functioning remain valid.

Article 34 – Drafting, consideration and adoption of this Law

This Law was drafted, considered and adopted in Kinyarwanda.

Article 35 – Repealing provision

Law n° 72/03 of 10/09/2013 establishing Higher Education Council and determining its responsibilities, organization and functioning and all prior provisions contrary to this Law are repealed.

Article 36 – Commencement

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