

Rwanda

## Presidential Order establishing Higher Education Council Presidential Order 81 of 2020

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Presidential Order establishing Higher Education Council  
 Contents

Chapter One – General provisions ..... 1

    Article One – Purpose of this Order ..... 1

    Article 2 – Establishment ..... 1

    Article 3 – Head office ..... 1

    Article 4 – Category ..... 1

Chapter II – Mission, responsibilities and powers ..... 2

    Article 5 – Mission ..... 2

    Article 6 – Responsibilities ..... 2

    Article 7 – Powers ..... 2

Chapter III – Organization and functioning ..... 3

    Article 8 – Supervising authority of HEC ..... 3

    Article 9 – Management organs ..... 3

    Section One – Board of Directors ..... 3

        Article 10 – Composition of the Board of Directors and term of office ..... 3

        Article 11 – Additional responsibilities of the Board of Directors ..... 3

        Article 12 – Powers of the Board of Directors ..... 3

        Article 13 – Duties of the Chairperson of the Board of Directors ..... 3

        Article 14 – Duties of the Deputy Chairperson of the Board of Directors ..... 4

        Article 15 – Reasons for loss of membership in the Board of Directors and modalities for replacement ..... 4

        Article 16 – Convening and holding of meeting of the Board of Directors and modalities for decision-making ..... 4

        Article 17 – Invitation of a resource person to the meeting of the Board of Directors ..... 5

        Article 18 – Approval of resolutions and minutes of the meeting of the Board of Directors ..... 5

        Article 19 – Rapporteur of the meeting of the Board of Directors ..... 5

        Article 20 – Personal interest in issues on the agenda ..... 5

    Section 2 – Executive Organ ..... 5

        Article 21 – Composition of Executive Organ ..... 5

        Article 22 – Additional responsibilities of the Executive Organ ..... 6

        Article 23 – Powers and responsibilities of the Director General ..... 6

Chapter IV – Property and finance ..... 6

    Article 24 – Property and its sources ..... 6

    Article 25 – Budget ..... 7

    Article 26 – Use, management and audit of the property of HEC ..... 7

    Article 27 – Annual financial report ..... 7

Chapter V – Final provisions ..... 7

    Article 28 – Authorities responsible for the implementation of this Order ..... 7

    Article 29 – Repealing provision ..... 7

    Article 30 – Commencement ..... 7



## Rwanda

# Presidential Order establishing Higher Education Council

## Presidential Order 81 of 2020

Published in Official Gazette special on 4 September 2020

**Assented to on 28 August 2020**

**Commenced on 4 September 2020**

*[This is the version of this document from 4 September 2020.]*

**We, KAGAME Paul,**

President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 139, 165 and 176;

Pursuant to Organic Law n° 001/2020.OL of 08/06/2020 establishing general provisions governing public institutions especially in its article 4;

On proposal by the Minister of Public Service and Labour;

After consideration and adoption by the Cabinet, in its meeting of 29/07/2020;

**HAVE ORDERED AND ORDER:**

### Chapter One

#### General provisions

#### Article One – Purpose of this Order

This order establishes Higher Education Council. It also determines its mission, responsibilities, organisation and functioning.

#### Article 2 – Establishment

It is established Higher Education Council, abbreviated as “HEC”.

#### Article 3 – Head office

The head office of HEC is located in Huye District, Southern Province. It may be relocated elsewhere on the territory of Rwanda when considered necessary.

HEC may have branches within the country where necessary upon approval by its supervising authority.

#### Article 4 – Category

HEC falls within the category of non-commercial public institutions.

## **Chapter II**

### **Mission, responsibilities and powers**

#### **Article 5 – Mission**

The mission of HEC is to enhance quality of education, modes of providing it within higher learning institutions and make sure that graduates from such institutions are knowledgeable for the betterment of the Rwandan residents' welfare and development of Rwanda.

#### **Article 6 – Responsibilities**

HEC has the following responsibilities:

- 1° to set standards for accrediting institutions of higher learning institutions;
- 2° to prepare educational standards of institutions of higher learning;
- 3° approve curricula, and academic programs of institutions of higher learning;
- 4° to monitor the quality of researches conducted in institutions of higher learning institutions;
- 5° to monitor the implementation of standards in higher learning institutions;
- 6° to compare and give equivalence to degrees and certificates at the level of institutions of higher learning awarded by institutions of higher learning from abroad;
- 7° to coordinate activities related to study-loans and bursaries to students of institutions of higher learning;
- 8° to coordinate activities of various public or private organs, foreign countries and international organizations relating to gathering financial aid in awarding student loans and bursary in institution of higher learning;
- 9° to disseminate the policy of institutions of higher learning and other related decisions and to monitor their implementation.

#### **Article 7 – Powers**

HEC has powers:

- 1° to approve academic programs institution of higher learning;
- 2° to close the academic programs;
- 3° to accredit private institutions of higher learning;
- 4° to close institutions of higher learning;
- 5° to take decisions against institutions of higher learning which do not comply with the established higher education norms and standards;
- 6° to approve the list of students of institutions of higher learning who are eligible for study-loans or bursaries;
- 7° to relocate an institution of higher learning;
- 8° upgrade academic programmes or change in the type of an institution of higher learning;
- 9° to authorise opening, closure, relocation of a college, a school, a faculty or a research institute affiliated to a higher learning institution.

## **Chapter III Organization and functioning**

### **Article 8 – Supervising authority of HEC**

HEC is supervised the Ministry in charge of education.

### **Article 9 – Management organs**

Management organs are as follows:

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

### **Section One – Board of Directors**

#### **Article 10 – Composition of the Board of Directors and term of office**

The Board of Directors of HEC is composed of seven (7) members. Members of the Board of Directors serve term of office of five (5) years renewable once.

#### **Article 11 – Additional responsibilities of the Board of Directors**

Subject to provisions of organic law governing establishing general provisions governing public institutions, the Board of Directors of HEC has the following additional responsibilities:

- 1° to conclude a performance contract with the supervising authority of HEC and make follow up on its execution;
- 2° to approve the draft budget proposal of HEC and make a follow-up on the budget execution;
- 3° to approve activity report, use of property and financial report for the previous year;
- 4° to approve the draft organizational structure;
- 5° to submit a quarterly and annual report to the supervising authority of HEC.

#### **Article 12 – Powers of the Board of Directors**

The Board of Directors of HEC is the supreme management and decision-making organ. It is invested with extensive powers to make decisions regarding administration, human resources and the property of HEC in accordance with laws.

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

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

- 1° to chair the meeting of the Board of Directors and coordinate its activities;
- 2° to convene and preside over meetings of the Board of Directors;
- 3° to submit to the supervising authority of HEC minutes of meetings of the Board of Directors;
- 4° to sign the performance contract between the Board of Directors and the supervising authority of HEC;

- 5° to submit the reports of HEC to relevant organs as approved by the Board of Directors;
- 6° to make a follow up on the implementation of the resolutions of the Board of Directors;
- 7° to perform any other duty falling within its responsibilities as may be assigned by the Board of Directors.

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

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

- 1° to assist the Chairperson and replace him or her in case of absence;
- 2° to perform any other duty falling within its responsibilities as may be assigned by the Board of Directors.

#### **Article 15 – Reasons for loss of membership in 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 or she resigns in writing;
- 3° he or she is no longer able to perform his or her duties due to physical disability or illness;
- 4° he or she is sentenced to a term of imprisonment equal to or exceeding six (6) months in a final judgment;
- 5° he or she is absent in meetings for three (3) consecutive times without valid reasons;
- 6° he or she manifests any behaviour likely to compromise his or her dignity, that of his or her work or his or her position;
- 7° he or she jeopardizes the interests of HEC;
- 8° he or she is convicted of the crime of genocide or genocide ideology;
- 9° he or she no longer fulfils the requirements considered at the time of his or her appointment;
- 10° he or she dies.

In case a member of the Board of Directors of HEC leaves his or her duties before the expiration of his or her term of office, the competent authority appoints his or her substitute to complete his or her predecessor's term of office.

#### **Article 16 – Convening and holding of meeting of the Board of Directors and modalities for decision-making**

The meeting of the Board of Directors of HEC is held once a quarter and whenever necessary upon invitation by its Chairperson or Deputy Chairperson in case of absence of its Chairperson, at their own initiative or upon request in writing by at least one third (1/3) of its members.

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

However, an extraordinary meeting is convened in writing not less than three (3) days before the meeting is held.

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

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



The quorum for a meeting of the Board of Directors is two thirds (2/3) of its members. However, when a meeting is convened for the second time it takes place regardless of the number of members present.

The Director General of HEC attends meetings of the Board of Directors.

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

### **Article 17 – Invitation of a resource person to the meeting of the Board of Directors**

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

The invited person is not allowed either to vote or to follow debates on other items on the agenda.

### **Article 18 – Approval of resolutions and minutes of the meeting of the Board of Directors**

Resolutions of the meeting of the Board of Directors of HEC are signed by its members immediately after the end of the meeting, and a copy thereof is sent to the supervising authority of HEC within five (5) days.

The head of the supervising authority of HEC gives his or her views on the resolutions of the meeting of the Board of Directors within fifteen (15) days from receipt thereof. If this period expires before giving his or her views, resolutions of the meeting are considered definitively approved.

The minutes of the meeting of the Board of Directors of HEC are signed by the Chairperson and its rapporteur and approved during the next meeting. A copy of minutes of the meeting is sent to the supervising authority of HEC within fifteen (15) days from the date of approval.

### **Article 19 – Rapporteur of the meeting of the Board of Directors**

The Director General of HEC serves as the rapporteur of the meeting of the Board of Directors but he or she has no right to vote in decision making.

The Director General of HEC does not participate in meetings that make decisions on issues that concern him or her. In that case, members of the Board of Directors at the meeting elect among themselves a rapporteur.

### **Article 20 – Personal interest in issues on the agenda**

A member of the Board of Directors of HEC who has a direct or indirect interest in the issue to be considered must immediately inform the Board of Directors about where that interest lies. A member who disclosed r of his or her interest in the issue to be considered cannot attend the meeting deliberating on that issue.

When it happens that many or all members of the Board of Directors have a direct or indirect interest in issues to be considered in such a way that it is impossible to take decision on the issues, those issues are submitted to the supervising authority of HEC to decide thereon within thirty (30) days.

## **Section 2 – Executive Organ**

### **Article 21 – Composition of Executive Organ**

The Executive Organ of HEC is comprised of the Director General. It may also have a Deputy Director General when considered necessary.

## **Article 22 – Additional responsibilities of the Executive Organ**

Subject to provisions of Organic Law establishing general provisions governing public institutions, the Executive Organ of HEC has the following additional responsibilities:

- 1° to monitor and coordinate daily duties and activities;
- 2° to perform other duty as may be assigned by the Board of Directors falling within the responsibilities of HEC.

## **Article 23 – Powers and responsibilities of the Director General**

The Director General of HEC has the power of decision in the administrative and financial management of HEC in accordance with relevant laws. He or she coordinates and directs HEC activities.

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

- 1° to make a follow-up on the daily activities of HEC, human resources management and the use of the budget;
- 2° to serve as the legal representative of HEC and publicize its activities;
- 3° to serve as the spokesperson of HEC;
- 4° to implement resolutions of the Board of Directors of HEC;
- 5° to ensure the management of staff, equipment and property of HEC and submit related report to the Board of Directors;
- 6° to prepare the action plan and activity report to be approved by the Board of Directors of HEC;
- 7° to prepare the draft internal rules and regulations of HEC to be approved by the Board of Directors of HEC;
- 8° to prepare the draft action plan and draft budget proposal of HEC and submit them to the Board of Directors;
- 9° to ensure the execution of the budget and management of the property of HEC;
- 10° to attend meetings of the Board of Directors and act as rapporteur;
- 11° to perform any other duty falling within the responsibilities of HEC as may be assigned to him or her by the Board of Directors.

## **Chapter IV Property and finance**

### **Article 24 – Property and its sources**

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

The property of HEC comes from the following sources:

- 1° State budget allocations;
- 2° property of former Workforce Development Authority related to responsibilities that are transferred to HEC;
- 3° property of former Higher Education Council;
- 4° State and development partners' subsidies;

- 5° income from services rendered;
- 6° interests from its property;
- 7° loans granted to HEC as approved by the Minister in charge of finance;
- 8° donations and bequests.

### **Article 25 – Budget**

HEC prepares its annual budget to be adopted by the competent authority.

### **Article 26 – Use, management and audit of the property of HEC**

The property of HEC is used, managed and audited in accordance with relevant legislation.

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

The Auditor General of State Finances carries out audit of the management and use of the finance and property of HEC.

### **Article 27 – Annual financial report**

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

## **Chapter V Final provisions**

### **Article 28 – Authorities responsible for the implementation of this Order**

The Prime Minister, the Minister of Public Service and Labour, the Minister of Infrastructure and the Minister of Finance and Economic Planning are responsible for the implementation of this Order.

### **Article 29 – Repealing provision**

All prior provisions contrary to this Order are repealed.

### **Article 30 – Commencement**

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