

University of Nepal Act, 2081 (2024)

Date of assent and publication

2081.06.23 (October 9, 2024)

Act no. 11 of the Year 2081 (2024)

An Act enacted to provide for University of Nepal

Preamble: Whereas, it is expedient to establish and operate a public university as an academic center of excellence by making the study, teaching and research in higher education quality driven, useful for life, innovative as well as relevant, that produces competent, responsible, creative, entrepreneurial and competitive human resources who can contribute to the overall development of the nation,

Be it enacted by the Federal Parliament.

Chapter - 1

Preliminary

1. **Short title and commencement:** (1) This Act may be called as the “University of Nepal Act, 2081 (2024)”.
- (2) This Act shall come into force on the 31st day of assent.
2. **Definitions:** Unless the subject or context otherwise requires, in this Act,-
 - (a) “Faculty” means Professor, Associate Professor or Assistant Professor of a university and this term includes Endowed Professor, Emeritus Professor, and Professor of Practice, Instructor or Visiting Professor.
 - (b) “Vice-Chancellor” means the Vice-Chancellor as referred to in Section 18.

- (c) “Chancellor” means the Chancellor as referred to in Section 17.
- (d) “Dean” means Dean as referred to in Section 26.
- (e) “Prescribed” or “as prescribed” means prescribed or as prescribed in the Rules framed under this Act.
- (f) “Officials” means officials as referred to in Section 6.
- (g) “Board” means Board of Trustees as referred to in Section 7.
- (h) “Ministry” means the Ministry of the Government of Nepal responsible for matters relating to education.
- (i) “University” means University of Nepal as referred to in Section 3.
- (j) “Educationist” means such a person who has attained doctorate degree from a university recognized by the Government of Nepal and who has gained at least ten years of experience in the field of study, teaching or research.
- (k) “Member” means the member of the Board.

Chapter - 2

Establishment of University

3. **Establishment of University:** (1) University of Nepal shall be established to produce competent, responsible, creative and competitive human resources through multidisciplinary, quality focused study, teaching and research grounded on the concept of interdisciplinarity (Liberal Arts), to contribute towards building a prosperous nation through the creation of new knowledge and innovation.

(2) The University and its central office shall be situated outside of Kathmandu Valley as prescribed by the Government of Nepal on the recommendation of the Board.

4. **University to be an autonomous, self-governing and corporate body:** (1)

The University shall be an autonomous, self-governing and a corporate body with perpetual succession and it shall be a legal person.

(2) As a legal entity, the University shall exercise rights, fulfill duties and bear responsibilities in accordance with the prevailing law.

Chapter - 3

Organization and Officials of the University

5. **Organization of the University:** The organizational structure of the university shall be as follows and their collective form shall be the structure of the University:

- (a) Board of Trustees,
- (b) Academic Council,
- (c) Executive Council,
- (d) Research Center, and
- (e) School.

6. **Officials of the University:** The University shall have the officials as follows:

- (a) Chancellor,
- (b) Vice-Chancellor,
- (c) Registrar,
- (d) Dean, and
- (e) Director.

7. **Board of Trustees:** (1) There shall be a Board of Trustees, as the supreme body of the University, comprising of the following :

- (a) Vice-Chancellor - Member
- (b) Secretary, Ministry - Member
- (c) Secretary, University Grants Commission - Member
- (d) Secretary of the Ministry responsible for the matters relating to education in the province where the University is situated - Member
- (e) Head of the local government where the central office of the University is situated - Member
- (f) Two persons including at least one woman nominated from amongst the educationists who have provided excellent contribution in the field of educational development and advancement - Member
- (g) Five persons including two women nominated from amongst academic person or those who have contributed in the establishment or operation of university in Nepal - Member
- (h) Three persons each nominated from amongst industrialist, employer and farmer - Member
- (i) Two persons from amongst the donors who have made financial contributions to the university in the amount as determined by the Board of Trustees - Member
- (j) Three persons including one woman from amongst those who have contributed in the field of public administration, management, academic research or those with experience in the high-ranking service of the Government of Nepal. - Member
- (k) Registrar - Member-secretary

(2) For the purpose of sub-section (1), clause (e), if the university is situated in more than one local level, the head of the local level shall represent in the Board by turn each year in accordance with the Nepali alphabetical order of the name of the local level.

(3) The Chancellor shall nominate the members pursuant to in clauses (f), (g), (h), (i) and (j) of sub-section (1) on the recommendation of the recommendation committee as referred to in section 20.

(4) Notwithstanding anything contained in sub-section (3), after the commencement of this act, the first time members pursuant to in clause (f), (g), (h), (i) and (j) of sub-section (1) shall be nominated by the Ministry on the recommendation of University of Nepal Infrastructure Development Committee.

(5) The recommendation committee pursuant to Section 20 while recommending the members for nomination as referred to in sub-section (3) or nominating pursuant to sub-section (4) shall be based on the inclusive principle.

(6) The term of office of the nominated member as per this section shall be four years.

Provided that after the commencement of this Act, while maintaining the term of office of the member nominated under sub-section (4), the term of office shall be maintained through lucky draw with two years for one third of the members, three years for another one third of the members and four years for the remaining one third of the members.

(7) The term of office of members nominated under sub-section (4) shall be commenced from the date under sub-section (6).

(8) If the position of the nominated member is vacant, the nomination shall be done from the same vacant group as per this section.

(9) A person shall be eligible to be nominated as a member pursuant to sub-section (1) in case h/she possess the following qualification:

- (a) One who has attained the age of thirty-five years,
- (b) One who has at least obtained a Master's degree from a recognized educational institution,
- (c) One who is not convicted by the court on a charge of corruption, rape, human trafficking and transportation, drugs trafficking or transportation, money laundering, passport fraud, abduction or other criminal offence involving moral turpitude,
- (d) One who is not disqualified to be appointed or nominated in the public position in accordance with the prevailing laws, and
- (e) One who bears high moral character.

Provided those provisions of clause (a) and (b) shall not apply to the nominated member pursuant to clause (i) of sub-section (1).

(10) The nominating process shall commence in pursuant to this section prior to three months from the termination of the term of office of the nominated member pursuant to sub-section (1).

(11) If any nominated member pursuant to sub-section (1) fails to fulfill their official responsibility or does not behave in accordance with their position or has not fulfilled their duties honestly or acts against the interest of the university or is convicted in a criminal offense involving moral turpitude, the Board shall remove such member from their position.

Provided that a reasonable opportunity to defend shall be given to such member before being removed from the office.

(12) If any member of the Board remains absent for more than three times consecutively in the Board's meeting without giving prior notice with good reason to the Chancellor, such member shall be ceased from the position.

8. **Meeting of the Board:** (1) The Board shall hold the meetings at least four times a year.

(2) The gap between one meeting of the Board pursuant to subsection (1) and the other shall not be more than four months.

(3) The meeting of the Board shall be held at the date, time and place as may be prescribed by the Chancellor.

(4) The information on the subject to be discussed along with the schedule of the proposal shall be provided by the member-secretary of the Board to all the members at least seven days before the meeting of the Board is held.

(5) It shall be deemed to constitute a quorum for a meeting of Board if more than fifty percent of the existing members of the Board are present at the meeting.

(6) The meeting of the Board shall be chaired by the Chancellor and, in his absence; the Vice Chancellor shall chair the meeting.

(7) In the meeting of the Board, the decision shall be made by the majority opinion, and in case of a tie, the chairperson of such a meeting may cast a deciding vote.

(8) The decision of the meeting of the Board shall be attested by the chairperson and the member-secretary, and the record shall be maintained.

(9) Professor from university or student representative or high ranking domestic and foreign intellect or educationist or professor from prestigious university may be invited to the meeting of Board.

Provided that such person shall not have the right to vote.

(10) The Board may determine other procedures of the meeting on its own.

9. **Provision related to Extra-ordinary meeting:** (1) One-fourth members of the Board may request for an extra-ordinary meeting to be held by providing the basis and justification.

(2) If a request is made to convene an extra-ordinary meeting pursuant to sub-section (1), the Chancellor shall convene the meeting within fifteen days from the date of such request, and such meeting may discuss and decide only on the matter for which the meeting was convened pursuant to subsection (1).

(3) If the Chancellor is not available or he or she fails to convene the meeting pursuant to sub-section (2), then the Vice-Chancellor must call the

meeting within seven days from the date of expiry of the period as referred to in sub-section (2) and if there is no Vice-Chancellor or if he or she fails to call the meeting, the senior most member in terms of age among the members shall call the meeting and such meeting shall be presided over by the senior most member among the members present.

(4) Other provisions relating to the conduct of the extra-ordinary meeting and decision-making process shall be pursuant to section 8.

10. **Functions, duties and powers of the Board:** In addition to the functions, duties, and powers of the Board specified elsewhere in this Act, the functions, duties, and powers of the Board shall be as follows:-

- (a) To determine the academic, educational, financial and management policies and standards of the University,
- (b) To approve the short-term and long-term plans and strategies of the University in line with the objectives of the University,
- (c) To approve the annual budget and programs of the University,
- (d) To manage or cause to manage the necessary resources for the University,
- (e) To determine and approve the degrees to be awarded by the University,
- (f) To establish schools and research centers necessary to operate the academic programs of the University and to grant approval to operate new programs,

- (g) To protect and promote the academic values and norms of the University,
- (h) To establish or cause to establish contacts, negotiations, and collaboration at the national and international levels to raise the necessary financial resources for the University,
- (i) To prepare a master plan for the physical infrastructure of the University and to construct or cause to construct,
- (j) To appoint an auditor, discuss and approve the auditor's audit report,
- (k) To discuss and approve the annual report of the Board, and
- (l) To perform other functions necessary to achieve the objectives of the University.

11. **Formation of Academic Council:** (1) There shall be an Academic Council to function as the body to manage the educational, academic and research work of the University as follows:-

- (a) Vice-chancellor – Coordinator
- (b) One from among the Deans – Member
- (c) One from among the Directors – Member
- (d) Three including one woman from among the Professors of the university – Member
- (e) Two experts, including at least one woman, representing different disciplines from university-run programs – Member

(f) Registrar

– Member - Secretary

(2) The nomination of the member pursuant to clauses (b), (c), (d) and (e) of sub-section (1) shall be done by the Board on the recommendation of the Vice-Chancellor.

(3) The term of office of the nominated members pursuant to clause (b), (c), (d) and (e) of sub-section (1) shall be four years.

(4) Domestic, foreign or non-resident Nepali Professor, Researcher or Student representative may be invited in the meeting of Academic Council.

(5) The procedures related to the meeting of Academic Council shall be determined by the Academic Council itself.

12. **The functions, duties and power of the Academic Council:** The functions, duties and power of the Academic Council shall be as follows: -

- (a) To approve various academic programs to be conducted by the University after evaluating the needs, justification and institutional capacity of the University,
- (b) To approve the curriculum, teaching methods and examination system of the subjects to be studied and trained at the University,
- (c) To ensure the excellence of academic programs conducted under the University,
- (d) To determine the policies of the university's academic, research and innovation programs,

- (e) To determine the academic qualification of a teacher,
- (f) To prescribe the qualifications of students seeking admission to the University, the number of students to be admitted, and the basis, criteria, evaluation methods and procedures required for admission,
- (g) To take necessary steps to maintain the academic quality of the University,
- (h) To make recommendations to the Board for various degrees to be awarded by the University and to award approved degrees,
- (i) To make suggestions to the Executive Council on the academic and research related matters,
- (j) To form committees or task forces as required in the context of performing the work of the Academic Council, and
- (k) To perform other functions related with the Academic Council.

13. **Executive Council:** (1) There shall be an Executive Council to function as the executive body of the University as follows:-

- | | |
|--|--------------------|
| (a) Vice-Chancellor | – Chairperson |
| (b) One from among the Deans | – Member |
| (c) One from among the Directors | – Member |
| (d) One from among the professors of
the University | – Member |
| (e) Registrar | – Member-secretary |

(2) The nomination of the member in pursuant to clause (b), (c) and (d) of sub-section (1) shall be done by the Board on the recommendation of the Vice-Chancellor.

(3) The procedures related to the meeting of the Executive Council shall be determined by the Executive Council itself.

14. **The function, duties and powers of the Executive Council:** In addition to the functions, duties and powers specified elsewhere in this Act, the functions, duties and powers of the Executive Council shall be as follows:-

- (a) To implement or cause to implement the decisions and directives of the Board,
- (b) To prepare the annual budget and program, progress report, audit report and other proposals of the University and submit them to the Board for approval,
- (c) To manage, oversee and protect the funds and movable and immovable property of the University,
- (d) To submit proposals to the Board for the operation of schools and new programs necessary for the operation of the educational and academic programs of the University,
- (e) To determine the tuition fees,
- (f) To ensure or cause to ensure the quality of education, research and publications provided by the University,
- (g) To coordinate and collaborate among the Government of Nepal, provincial governments, local levels, cooperatives and the private

sector as required to operate the University in a systematic manner,

- (h) To hear or cause to hear grievances regarding the activities of the University,
- (i) To raise the financial and physical resources required by the University, and
- (j) To perform or cause to perform other functions as prescribed by the Board.

Chapter-4

School and Research Center

15. School: (1) The University shall have the necessary numbers of disciplinary schools for the purpose of study, teaching, and research.

(2) One or more than one programs may be operated under the same school based on the numbers of students, adequacy of physical resources and means and the workload.

(3) Other provisions related to the operation of the school shall be as prescribed.

16. Research Center: (1) The University may have research centers as necessary to carry out activities related to research and innovation.

(2) Other provisions related to research center shall be as prescribed.

Chapter-5

Officials, Faculty and Staffs of University

17. Chancellor: (1) The Chancellor shall be the chief of the University.

(2) The Chancellor will preside over the convocation ceremony of the University.

(3) The members of the Board shall select the Chancellor from among the nominated members as referred to in clauses (f), (g), (h), (i) and (j) of subsection (1) of section 7.

(4) Notwithstanding anything contained in sub-section (3), upon the commencement of this Act and until the appointment of the Chancellor, a member selected from among the nominated member pursuant to subsection (4) of section 7, shall serve as the Chairperson of the Board of Trustees, recommended by University of Nepal Infrastructure Development Committee and as prescribed by the Ministry.

(5) The selection process shall commence at least three months prior to the termination of the term of office of Chancellor.

(6) The term of office of Chancellor shall be four years and may be reappointed for subsequent terms.

18. Vice-Chancellor: (1) The University shall have a Vice-Chancellor to perform its duties as the Chief Executive of the University.

(2) The Board shall appoint the Vice-Chancellor on the recommendation of Recommendation Committee pursuant to section 20.

(3) The selection process must commence at least three months prior to the termination of the term of office of Vice-Chancellor.

(4) The term of office of Vice-Chancellor shall be four years and may be reappointed for subsequent terms.

19. Qualification of Vice-Chancellor: A person shall be eligible to be appointed as a Vice-Chancellor in case he or she possesses the following qualifications:-

- (a) One who has acquired a Doctorate degree from a recognized university,
- (b) One who has gained at least fifteen years of experience in the academic field,
- (c) One who has demonstrated excellent management skills and abilities in the field of educational or academic advancement,
- (d) One who has attained the age of thirty-five years; and
- (e) One who bears high moral character.

20. Recommendation Committee: (1) The Board shall form a Recommendation Committee as follows, including at least one woman, to recommend appointments to the post of Vice-Chancellor, Registrar and members of the Board in accordance with this Act:-

- (a) A Board member appointed by the Board - Coordinator
- (b) One person nominated by the Board from
among the former Vice-Chancellors or former
Chairpersons or Professors of a University
established in accordance with prevailing laws - Member
- (c) One person nominated by the Board from among

individuals affiliated with Economics, Engineering,
Architecture, Law, Management, Science, Education,
Sociology, Medical Science, Humanities, or Educational
Administration - Member

(2) The Recommendation Committee shall publish a public notice to solicit applications from qualified candidates for the post of Vice-Chancellor or Registrar pursuant to sub-section (1)

(3) The Recommendation Committee shall select the applications received as pursuant to sub-section (2) and recommend qualified candidates for selection and appointment as prescribed.

(4) The Board shall appoint the person recommended to the post of Vice-Chancellor within fifteen days pursuant to sub-section (3).

21. Functions, Duties and Powers of the Vice-Chancellor: (1) In addition to functions, duties, and powers specified elsewhere in this Act, the functions, duties, and powers of the Vice-Chancellor shall be as follows:-

- (a) To implement or cause to implement the decisions and directives of Board,
- (b) To supervise and oversee all activities and operations of the University,
- (c) To give directions on matters within one's jurisdiction concerning the activities and operations of the University.

- (d) To coordinate, monitor, and evaluate the programs operated by the University, and to submit or cause to submit the reports thereof to the executive Board.
- (e) To prepare a proposal to be submitted to the Board,
- (f) To formulate or cause to formulate short-term and long-term programs for the development of the University,
- (g) To make arrangements of the resources required for the University,
- (h) To maintain or cause to maintain financial discipline, frugality and transparency,
- (i) To manage, protect and preserve or cause to protect the property of the University,
- (j) To perform tasks other than those specified to be carried out any body or official as mentioned in this Act or the rules made under this Act,
- (k) To analyze, address and manage grievances related to the University,
- (l) To prepare the necessary financial, academic and physical plans for the University, and
- (m) To perform other duties as assigned by the Board.

(2) The Vice-Chancellor shall submit information about the activities undertaken by him or her at the immediately succeeding meeting of Board pursuant to clause (j) of sub-section (1).

(3) The Vice-Chancellor shall be accountable to the Board for his or her work and activities.

22. Registrar: (1) There shall be a Registrar in the University.

(2) The term of office of the Registrar shall be four years.

23. Qualification of Registrar: A person shall be eligible to be appointed as Registrar in case he or she possesses the following qualifications:-

- (a) One who has acquired a Master's degree from a recognized university,
- (b) One who has gained at least ten years of experience in the field of academic or educational administration or research in higher education,
- (c) One who has demonstrated excellent management skill and abilities in the field of educational or academic advancement,
- (d) One who has attained the age of thirty-five years; and
- (e) One who bears high moral character.

24. Functions, Duties and Powers of Registrar: (1) In addition to functions, duties, and powers specified elsewhere in this Act, the functions, duties, and powers of the Registrar shall be as follows:-

- (a) To coordinate the academic affairs of the University,
- (b) To maintain the standards of teaching, training and research,
- (c) To lead and coordinate the research activities of the University,

- (d) To oversee, supervise, monitor and evaluate the preparation and implementation of academic programs,
- (e) To undertake activities related to the professional development of Faculty and staff, and educational exchange programs,
- (f) To carry out tasks related to awarding medals and scholarships,
- (g) To formulate, coordinate and evaluate policies, plans and programs related to curriculum, textbooks, library and examinations,
- (h) To establish coordination in educational matters at national and international levels,
- (i) To undertake tasks related to the regulation and management of the educational system,
- (j) To formulate, coordinate and evaluate policies and programs related to students' extracurricular activities, sports and social services,
- (k) To oversee, control, evaluate and coordinate the activities of subordinate officials, academic departments and schools,
- (l) To provide directives for determining academic and educational quality,
- (m) To provide advice, suggestions and consultation to the Vice - Chancellor on academic matters,
- (n) To perform tasks related to faculty and personnel administration,

- (o) To manage or cause to manage the fund operation, accounting and auditing of the University,
- (p) To undertake activities related to mobilizing financial resources for the University,
- (q) To formulate policies and plans related to internal administration and to implement or cause to implement,
- (r) To perform or cause to perform necessary tasks related to the management, preservation and operation of the asset of University,
- (s) To prepare or cause to prepare an estimate of the income and expenditure of the University,
- (t) To inspect all entities under the University, including schools and research centers and to rectify any administrative and managerial inadequacies identified,
- (u) To oversee, control and manage the examinations conducted by the University,
- (v) To perform other duties as directed by the Executive Council and the Vice-Chancellor.

(2) The Registrar shall perform duties under the general supervision and direction of the Vice-chancellor, pursuant to sub-section (1).

25. Dismissal from the service: (1) If the Chancellor fails to fulfill their official responsibilities, does not behave in accordance with the position or acts

against the interests of the University, at least three members of the Board may submit a written petition to the Board stating basis and reason.

(2) If the Vice-Chancellor fails to fulfill his or her official responsibilities, does not behave in accordance with the position or acts against the interests of the University, at least five members of the Board may submit a written petition to the Chancellor stating basis and reason.

(3) If the Registrar fails to fulfill his or her official responsibilities, does not behave in accordance with the position or acts against the interests of the university, the Vice-Chancellor may recommend to the Board, with basis and reason for the removal of the Registrar from the position.

(4) Pursuant to Sub-section (1) and (2), upon receipt of an application or based on the recommendation of the Vice-Chancellor pursuant to subsection (3), the Board shall within twenty-one days, form a three members investigation committee chaired by a member of the Board.

(5) The investigation committee may seek assistance from the University officials or other experts, pursuant to Sub-section (4)

(6) If during its investigation the committee finds that the Chancellor, Vice-Chancellor or Registrar has failed to fulfill his or her official responsibilities, does not behave in accordance with the position or acts against the interests of the University, it shall recommend to the Board that such individual be removed from his or her position. Such a recommendation must be completed within one month from the date of commencement of the investigation.

(7) The investigation committee shall provide the official with a reasonable opportunity to present a defense against the allegations made, pursuant to sub-section (4).

(8) Upon the receipt of the recommendation pursuant to sub-section (7), a decision regarding the removal of the Chancellor, Vice-Chancellor or Registrar from his or her position shall be made by a majority of currently serving members of the Board within thirty days.

(9) The Chancellor, Vice-Chancellor or Registrar shall be ipso facto suspended from his or her position from the date of recommendation for removal from office pursuant to sub-section (8) until a final decision is made.

(10) In case of suspension of the Chancellor, Vice-Chancellor or Registrar, the responsibilities and duties assigned to them shall be carried out in accordance with the decision made by the Board.

26. Dean: (1) Each school shall have one Dean who serves full-time as a chief of the school.

However, there shall be no restriction to assign the responsibilities of more than one school to any deans, if and when necessary.

(2) An individual who has obtained a Master's degree in the relevant discipline from a recognized university and has acquired at least eight years of teaching experience shall be appointed as Dean by the Executive Council upon the recommendation of the Vice-Chancellor.

(3) The term of office of the Dean shall be four years.

27. Functions, duties and powers of the Dean: (1) In addition to functions, duties, and powers specified elsewhere in this Act, the functions, duties, and powers of the Dean shall be as follows:-

- (a) To provide academic and educational leadership as a chief of the school,
- (b) To undertake or cause to undertake necessary activities for the enhancement of teaching and research standards in the academic programs being run under the school,
- (c) To undertake or cause to undertake necessary activities for the enhancement of the quality of teaching and research conducted within the school,
- (d) To recommend the provision of support and facilities necessary for the academic and research activities conducted within the school,
- (e) To function as the coordinator for the inspection, management, supervision and coordination of teaching activities conducted within their school as assigned by the Executive Council; and
- (f) To perform or cause to perform other duties as assigned by the Vice-Chancellor.

(2) The Dean shall perform duties under the general supervision and direction of the Vice-Chancellor pursuant to sub-section (1).

28. Director: (1) The Director shall serve as the chief of the Research Center.

(2) The Executive Council shall appoint a Director upon the recommendation of the Vice-Chancellor from among individuals who have

obtained a Master's degree in the relevant field from a recognized university and have acquired at least five years of experience in the subject and field.

(3) The term of office of the Director shall be four years.

29. Functions, Duties and Powers of the Director: (1) The functions, duties and powers of the Director shall be as follows:-

- (a) To formulate and implement or cause to implement the periodic plans of the research center,
- (b) To prepare annual programs, plans and budget of the research center and submit them for approval,
- (c) To manage and mobilize resources, delegate and direct work and cause to work for implementation of program,
- (d) To perform or cause to perform other duties as assigned by the Vice-Chancellor.

(2) The Director shall perform duties under the general supervision and direction of the Vice-Chancellor pursuant to sub-section (1).

30. Dismissal of the Dean and Director: (1) Notwithstanding anything contained in sub-section (3) of section 26 and sub-section (3) of section 28, any person may submit an application to the Vice-Chancellor stating that the Dean or Director has failed to fulfill their official responsibilities, has not conducted themselves in accordance with their position, or has acted against the interests of the University.

(2) If there are grounds to believe that the matters stated in the application submitted pursuant to sub-section (1) are reliable, the Executive

Council may form an investigation committee comprising of three members, chaired by a member of the Executive Council, for the purpose of conducting an inquiry.

(3) If during the investigation conducted pursuant to sub-section (2), it is found that the Dean or Director has failed to fulfill their official responsibilities, has not conducted themselves in accordance with their position, or has acted against the interests of the University, the investigation committee shall recommend to the Executive Council that such Dean or Director be dismissed from the office.

(3) Upon receiving a recommendation pursuant to sub-section (3), the Executive Council shall recommend the dismissal of such Dean or Director from the office to the Vice-Chancellor.

(4) The investigation committee shall provide the concerned individual with a reasonable opportunity to present a defense prior to making a recommendation for dismissal pursuant to sub-section (2).

(5) The Vice-Chancellor shall dismiss the Dean or Director from office on the basis of the recommendation pursuant to sub-section (4).

31. Provisions Regarding Faculty, Researchers and Staff: (1) The University shall have the necessary number of faculty, researchers, and staff.

(2) The Vice-Chancellor shall appoint faculty, researchers, and staff to be remunerated from the University's own resources.

(3) The Board shall form Recruitment Committee to recommend appointments for the position of faculty, researchers, and staff at the University.

(4) The procedures of Recruitment Committee shall be conducted in accordance as prescribed pursuant to sub-section (3).

(5) Provided that the University does not incur any financial burden, if a donor establishes an endowment fund equivalent to a specified amount in the name of the University, and wishes to engage a distinguished scholar, either domestic or foreign, to contribute to the University's academic or research activities in a particular discipline, the Vice-Chancellor with the approval of the Board may appoint such an individual as an Endowed Professor or departmental head bearing the donor's name or as specified by the donor.

(6) In recognition of distinguished contributions to the University's academic or research activities, the Vice-Chancellor with the approval of the Board and following the prescribed procedures may confer the title of Emeritus Professor upon senior professors, either domestic or foreign, who has dedicated long service to the University.

(7) The Vice-Chancellor having completed the prescribed procedures as per the requirements of the University may appoint experts or scholars either domestic or foreign with specialized knowledge or experience in a particular field as a Visiting Professor or a Professor of Practice.

32. Academic Collaboration: (1) In accordance with technical assistance agreements, contracts, or understandings with any foreign university, current or retired Professors or Experts from such foreign universities may, either as volunteers or with remuneration provided by the foreign university, engage in study, teaching, training, or other academic activities at the University.

(2) Pursuant to Section 33, if a post becomes vacant and is not feasible to appoint immediately, the Registrar, with the Vice-Chancellor's approval may enter into contract with central department staff, the Dean may enter into contract with Faculty and the relevant Director may enter contract with other staff in the approved position of the University.

(3) The duties, responsibilities, rights, remuneration, benefits, and terms of service of Faculty and staff engaged on a contractual basis shall be as specified in the respective contract, pursuant to sub-section (3).

33. Conditions for a Vacancy of Officials : The office of the officials shall be deemed vacant ipso facto under the following circumstances:-

- (a) Upon his or her resignation from the position,
- (b) Upon completion of his or her term of office,
- (c) Upon dismissal from his or her position in accordance with this Act,
- (d) Upon his or her conviction by a court for offenses such as corruption, rape, human trafficking and transportation, drug trafficking or distribution, money laundering, passport misuse, abduction, or other criminal offenses reflecting moral turpitude,
- (e) Upon his or her inability to hold office and discharge the functions due to physical or mental illness.
- (f) In case he or she dies.

Chapter-6

Fund, Accounts and Auditing of the University

34. Fund of the University: (1) There shall be a separate fund of the University.

(2) Fund pursuant to sub-section (1) shall consist of the following amounts:-

- (a) Amounts received from Government of Nepal, Provincial Government and Local level,
- (b) Amounts received from the University Grants Commission,
- (c) Amounts received as grants, donations and financial assistance from a person or institution,
- (d) Amounts received from foreign person or Government and International Association or Organization,
- (e) Amounts received from education fees,
- (f) Amounts received from intellectual property rights of the University, and
- (g) Amount received by the University from any other sources.

(3) Prior to receiving any amount pursuant to clause (d) of sub-section (2), the University shall obtain approval of Ministry of Finance of the Government of Nepal.

(4) The amount of the fund of the University shall be deposited in an account opened in licensed commercial bank in accordance with the prevailing laws related to bank and financial institution.

(5) All the expenditure of the University as per the approval by the Board of the University shall be chargeable pursuant to sub-section (1).

(6) The operation of fund and account of the University shall be as prescribed.

35. Accounts and Audit: (1) The accounts of the income and expenditures of the University shall be maintained in accordance with account system adopted by the Government of Nepal.

(2) The University shall maintain Internal Account System as prescribed.

(3) The internal audit of the University shall be conducted by an auditor appointed by the Board from among the registered auditors as per the prevailing law.

(4) The final audit of accounts of the University shall be performed by the Office of the Auditor General.

36. Pedagogy and Academic Program Evaluation: The provisions related to the academic program to be conducted by the University, the pedagogy and the evaluation of the student's learning achievement shall be as prescribed.

37. Degrees, Certificates, Equivalency and Standards Determination: (1) The University may confer certificate as may be prescribed to the students, trainees or researchers having obtained higher education from the University.

(2) The University may award honorary degrees to the persons carrying out commendable work in the research and academic field.

(3) The University may, for its own purpose, recognize, determine the equivalency and standards of the academic degrees of any native or foreign university or academic institution.

(4) Other provisions related to degree, certificate, determination of equivalency and standards shall be as prescribed.

38. **Privileges and remuneration of officials:** (1) The privileges of the Chancellor and members shall be as determined by the Board.
- (2) Privileges, remuneration and other conditions of service of officials other than the Chancellor and members shall be as prescribed.
39. **Qualification Required for Admission to the University:** The qualification required for admission of students and researcher shall be as prescribed.
40. **Free of Cost Higher Education and Scholarship:** (1) Higher education shall be free of cost to the admitted Dalit, minority groups, person with disability and economically poor students in the University.
- (2) For the purpose of sub-section (1) other provisions related to basis, criteria, classification shall be published by Government of Nepal in the Nepal Gazette and shall be as prescribed.
- (3) Pursuant to sub-section (1) a student can enjoy the facility only once in each level.
- (4) Notwithstanding anything contained in existing law, seats will be reserved for Dalit students for admission in technical and professional higher education with free scholarship as prescribed.
- (5) The university will arrange for higher education for the sons and daughters of martyrs, disappeared persons and persons with disabilities as per the prevailing law.
- (6) Students who have studied in community schools shall get scholarships in higher education according to the prevailing law.
41. **No Affiliation or Approval:** The University shall not provide affiliation or approval to any other academic institution.

42. **Actions not to be Invalid:** No act of the University with the involvement of an official shall be revoked only on the grounds of such an official's position being vacant or erroneous appointment or nomination of such an official.
43. **Assigning duties:** Notwithstanding anything contained elsewhere in this Act, in the event of any of the positions of Registrar, Dean or Director not appointed, the Executive Council can assign any other official with requisite qualifications to discharge the respective responsibilities till such an official is appointed.
44. **Annual Report:** (1) The University Board shall submit an annual report of the activities performed by the University to the University Grants Commission within three months of the date of expiry of fiscal year.
- (2) The subjects to be disclosed in the report pursuant to sub-section (1) shall be as prescribed.
- (3) After receiving the report made pursuant to sub-section (1), the University Grants Commission shall submit a report to the Ministry with analytical details based on the university's achievements, as per the agreement made during the grant determination between the University and the University Grants Commission.
45. **Formation of Committees or Task Force:** (1) The University may constitute committees or task force as per the requirement.
- (2) The functions, duties and powers of the committee or task force pursuant to sub-section (1) shall be as specified at the time of formation of such committee or task force.

46. **Rights Relating to Intellectual Property:** (1) The University shall reserve the rights related to the intellectual property acquired by the University through research, invention, production or any other basis in accordance with the prevailing law.

(2) Pursuant to sub-section (1), the researcher or other person involved in the acquisition of intellectual property obtained through research, invention, production or any other basis while being involved in the University may be recognized or awarded or may be provided with a part of the royalty as prescribed.

47. **Foreign Nationals or Non-Resident Nepali Citizens to be appointed or nominated:** Foreign nationals or non-resident Nepali citizens who can make significant contributions to the University may be appointed or nominated as officials, Faculty or researchers other than the Chancellor.

48. **Actions not to be taken in case of conflict of interest:** If the official nominated or appointed under this Act appears to have a conflict of interest with the interests or concerns of the University, such official shall not be allowed to participate in such action or decision-making process.

49. **Performing External evaluation:** (1) The University may conduct an external evaluation as prescribed on the activities, use of resources and achievements and related matters of the University in every three years.

(2) The external evaluation report shall be submitted to the Board pursuant to sub-section (1).

(3) The evaluation report pursuant to sub-section (2) shall be submitted by the University Board to the Government of Nepal through the

Ministry within six months from the date of completion period of the three years.

(4) After submitting the report pursuant to sub-section (3) to the Government of Nepal, such report shall be made public by the University.

50. May provide instructions after inspection and investigation: (1) If the work or progress of the University is not satisfactory based on the information received from any other means, the annual report according to section 44, the external evaluation report according to section 49 or if there is irregularity or corruption in the University or the University is not able to carry out its operations in accordance with its objectives or if the operation of the university is obstructed due to any other reason, the Ministry may formulate the following inspection and investigation committee to inspect and investigate the operation of the university:-

- (a) Chairperson, University Grants Commission
- Chairperson
- (b) One member from among the experts in the field
Of Economics, Accounting, Management - Member
- (c) One of the persons who have made significant
contributions in the field of education - Member

(2) The committee shall submit a report to the Ministry with recommendations after inspection and investigation pursuant to sub-section (1).

(3) The Ministry shall give necessary instructions to the University to implement the report received pursuant to sub-section (2).

(4) Based on the report received in pursuant to sub-section (2), the ministry may issue instructions to remove any official according to section 25.

(5) It shall be the duty of the University to implement the instructions pursuant to sub-sections (3) and (4).

(6) In case of any kind of hindrance in its operation of the University, the Ministry may make necessary arrangements for the operation of the University.

51. The property of the University shall belong to the Government of Nepal:

In case of dissolution of the University for any reason, the entire property of the University shall belong to the Government of Nepal.

52. Delegation of Power: (1) The Board may delegate any or all of its powers to the Academic Council, the Executive Council or the Vice-Chancellor as per the requirements of this Act or the rules made under this Act.

(2) The Academic Council may delegate any or all of its powers conferred to it as per the requirements of this Act or the rules framed under this Act to the designated body or committee.

(3) The Executive Council may delegate any or all of its powers conferred to it in as per this Act or the rules framed under this Act to any officer of the University or any committee of the University.

(4) An official may delegate any or all of his or her powers conferred to him or her as per the requirements of this Act or the rules made under this Act to any subordinate official.

53. Use of Information Technology: (1) The University may use appropriate means of information and communication technology as per the needs of the work of the University.

(2) Any action, teaching, evaluation or examination conducted or carried out using the technology pursuant to sub-section (1) shall be deemed to be conducted or carried out properly.

54. Determination of Tuition Fee: (1) The Board shall determine the tuition fee to be paid by a student or researcher undertaking study or research in the University.

However, if the University appoints a student researcher for the purpose of conducting research on a particular subject, it may provide remuneration to such student or researcher.

(2) While determining the fee pursuant to sub-section (1), different fees and conditions may be determined for Nepali citizens and foreign citizens.

(3) A foreign citizen shall pay fees in foreign currency unless the Board decides otherwise while studying in the University.

55. Liaison with Government of Nepal: The University shall contact the Government of Nepal through the Ministry, as and when necessary.

56. Assessment as to implementation of the Act: The Ministry shall make assessment of impacts of the implementation of this Act within one year of the completion of five years from the commencement of this Act and thereafter within one year of the completion of every five years and the

report shall be submitted to the concerned committees of both houses of the Federal Parliament.

57. Power to Frame Rules: (1) The Board may frame necessary rules for the implementation of this Act.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), such Rules may provide for any of the following matters:

- (a) Issues related to privileges, remuneration and conditions of service of officials other than the Chancellor and members,
- (b) Issues related to privileges, remuneration and conditions of service of Faculty and university staff,
- (c) Issues related to financial administration,
- (d) Procurement matters, and
- (e) Other matters necessary for the implementation of the Act.

(3) If framing the rules according to sub-section (2) will incur additional financial burden on the Government of Nepal, the consent of the Government of Nepal and the Ministry of Finance shall be obtained.

58. Repeal and Saving: (1) University of Nepal Infrastructure Development Committee (Formation) Order, 2077 (2020) is hereby repealed.

(2) The acts performed in accordance with the University of Nepal Infrastructure Development Committee (Formation) Order, 2077 (2020) shall be considered to have been performed in accordance with this Act.

(3) After the commencement of this Act, all assets and liabilities of the University of Nepal Infrastructure Development Committee shall be transferred to the University.

Nepal Law Commission