

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III
G A Z E T T E

KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 1st April, 2019.

No. PA/Khyber Pakhtunkhwa/Bills-23/2019/13752.— The Pak-Austria Fachhochschule Institute of Applied Sciences and Technology, Haripur Bill, 2019 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 20th March, 2019 and assented to by the Governor of the Khyber Pakhtunkhwa on 28th March, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE PAK-AUSTRIA FACHHOCHSCHULE INSTITUTE OF APPLIED SCIENCES AND TECHNOLOGY, HARIPUR
BILL, 2019.

(KHYBER PAKHTUNKHWA ACT NO. XIV OF 2019)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 1st April, 2019).*

AN
ACT

*to provide for the establishment of Pak-Austria Fachhochschule Institute of Applied
Sciences and Technology, Haripur.*

WHEREAS, it is expedient to provide for the establishment of the Pak-Austria Fachhochschule Institute of Applied Sciences and Technology, Haripur for teaching and research in the fields of engineering, sciences and technology and matters connected therewith and ancillary thereto.

It is hereby enacted as follows:

1. **Short title and commencement--** (1) This Act may be called the Pak-Austria Fachhochschule Institute of Applied Sciences and Technology, Haripur Act, 2019.
- (2) It shall come into force at once.
2. **Definitions.--**In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-
 - (a) "Academic Council" means the Academic Council of the Institute;

①

- (b) "Advisory Board" means the Advisory Board of the Institute;
- (c) "Board" means the Board of Governors of the Institute;
- (d) "Chancellor" means the Chancellor of the Institute;
- (e) "constituent centers" means centres of Excellence to be established by the Institute;
- (f) "Controller of Examination" means the Controller of Examination of the Institute;
- (g) "Director Establishment" means the Director Establishment, Administration and Human Resource Management of the Institute appointed under section 11 of this Act;
- (h) "Director Finance" means the Director Finance of the Institute appointed under section 12 of this Act;
- (i) "Director Planning and Development" means the Director Planning Development of the Institute;
- (j) "Dean" means the Dean of a Faculty of the Institute;
- (k) "Executive Council" means the Executive Council of the Institute;
- (l) "Emergency Committee" means the Emergency Committee of the Executive Council;
- (m) "Government" means the Government of the Khyber Pakhtunkhwa;
- (n) "Institute" means the Pak-Austria Fachhochschule Institute of Applied Sciences and Technology, Haripur established under section 3 of this Act;
- (o) "Librarian" means the Librarian of the Institute;
- (p) "Officers" means the officers of the Institute;
- (q) "prescribed" means prescribed by Statutes, Regulations or Rules;
- (r) "Province" means the Province of the Khyber Pakhtunkhwa;
- (s) "Provost" means the Provost of the Institute;
- (t) "Rector" means the Rector of the Institute appointed under section 9 of this Act;
- (u) "Statutes", "Regulations" and "Rules" mean respectively the Statutes, Regulations and Rules made under this Act;
- (v) "Steering Committee" means the Steering Committee of the Institute;

2

- (w) "Teachers" includes Professors, Associate Professors, Assistant Professors, Lecturers and Research staff engaged whole time by the Institute for teaching of degree, honours or post graduate classes, and such other persons as may be declared to be teachers by the Regulations;
- (x) "Teaching Department" means a Teaching Department maintained and administered, or recognized by the Institute in the manner as may be prescribed by the Statutes; and
- (y) "Vice Chairman" means the Vice Chairman of the Board.

3. Establishment of the Institute.--(1) As soon as after the commencement of this Act, Government shall establish an Institute to be known as the Pak- Austria Fachhochschule Institute of Applied Sciences and Technology, Haripur.

(2) The Institute shall be a body corporate, having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and may by its said name sue and be sued.

(3) Notwithstanding anything contained in any other law for the time being in force, the Institute shall have academic, financial and administrative autonomy including the powers to employee officers, teachers and other employees on such terms and conditions as may be prescribed.

4. Powers and functions of the Institute.--(1) The Institute shall exercise and perform the following powers and functions, namely:

- (a) provide for teaching and research in the fields of engineering, sciences and technology;
- (b) establish additional Centres/Schools of Excellence that are demand driven to prescribe courses of studies to be conducted by it with the approval of the Academic Council;
- (c) conduct examinations, notify the results and award degrees;
- (d) create posts for teaching, research, training, consultancy, administration and other related purposes with the approval of the Executive Council;
- (e) appoint persons against the sanctioned posts in the prescribed manner;
- (f) make policies for research, consultancy and advisory services and for this purpose to enter into arrangements with other institutions or with public and private bodies as it may determine;
- (g) promote cooperation with Government, national and international organizations and universities in activities falling within the purview of the Institute;
- (h) affiliate other institutions in the prescribed manner;
- (i) establish faculties in Pakistan in the prescribed manner;

3

- (j) charge and receive fees and other payments as it may determine with the approval of the Executive Council;
- (k) establish a technology park as part and parcel of the Institute;
- (l) institute Professorships, Associate Professorships, Assistant Professorships, Lectureship, and any other posts and to appoint persons thereto;
- (m) supervise and control the discipline of the students of the Institute and to promote the extra-curricular and recreational activities of such students, and to make arrangements for scholarships, exhibitions for promoting their conduct, health and general welfare;
- (n) enter into, carry out, vary or cancel contracts;
- (o) receive and manage property transferred and grants, bequests, gifts, donations, endowments and other contributions made to the Institute and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions and to convert one kind of property into another, in such manner as it may deem fit; and
- (p) do all such other acts and things, whether incidental to the powers aforesaid or not, as may be necessary in order to promote the objectives of the Institute as a place of learning, research and consultancy.

5. **Institute open to all.** —The Institute shall be open to persons of either sex of whatever religion, race, creed, colour or domicile who are eligible and academically qualified for admission to the courses of study offered by the Institute and no such person shall be denied the privileges of the Institute only on grounds of sex, religion, race, creed, colour or domicile.

CHAPTER-III

OFFICERS OF THE INSTITUTE

6. **Officers of the Institute.**— The following shall be the officers of the Institute, namely:

- (a) the Chancellor;
- (b) the Vice Chairman;
- (c) the Rector;
- (d) the Deans;
- (e) the Chairmen of the Teaching Departments;
- (f) the Director Establishment;
- (g) the Director Finance;

(4)

- (h) the Auditor;
- (i) the Controller of Examinations;
- (j) the Librarian;
- (k) the Director Planning and Development;
- (l) the Provost; and
- (m) such other persons as may be prescribed by Regulations to be the officers of the Institute.

7. **The Chancellor.**—(1) The Governor of the Khyber Pakhtunkhwa shall be the Chancellor of the Institute.

(2) The Chancellor shall, when present, preside over the convocation of the Institute.

(3) Every proposal to confer an honorary degree shall be subject to confirmation by the Chancellor.

8. **Visitation.**—(1) The Chancellor or in his absence the Vice Chairman may cause a visitation or an inspection or inquiry to be made in respect of any matter connected with the affairs of the Institute and may when consider necessary, direct one or more officers including the member of the Board, to carry out inspection or inquiry of-

- (a) the Institute, its buildings, laboratories, libraries, workshops and other establishments and equipment;
- (b) any institution or audience level regional centre of the Institute;
- (c) the teaching, research, curriculum, examinations and other matters of the Institute;
- (d) the adequacy of human and financial resources; and
- (e) such other matters as the Chancellor may deem appropriate.

(2) The member or officer of the Board, so authorized by the Chancellor as the case may be, shall, within such time, as may be specified by the Chancellor, report to him such action, if any, as has been taken or may be proposed to be taken upon the results of an inspection or inquiry.

(3) The Chancellor shall communicate to the Board his views with regard to the results of an inspection or inquiry and shall, after considering the explanation or representation, if any, made by the Board, advises the Board to take such actions or refrain from doing such things as he may specify in this behalf.

(4) Where the member or officer of the Board, so authorized, do not take action within the time specified, the Chancellor may issue such directions, as may be considered appropriate.

9. Appointment and removal of the Rector.--(1) The Rector shall be appointed by the Chancellor on the advice of the Government from a panel of three candidates recommended by the Academic Search Committee:

Provided that the Project Director of Pak-Austria Fachhochschule Institute of Applied Sciences and Technology shall act a Rector till the appointment of first Rector.

(2) An Academic Search Committee, for the recommendation of persons suitable for appointment as Rector, shall be constituted by the Government and shall consist of:

- (a) an academician of National or International repute with at least fifty (50) international publications, who shall be the Chairman and Convener of the Academic Search Committee;
- (b) two eminent educationists of Pakistan having academic administrative experience as Chairman or Dean or Vice Chancellor;
- (c) one eminent academician or researcher with additional experience of working with any industry in Pakistan;
- (d) Secretary to Government, Higher Education Department shall act as the secretary of the Academic Search Committee; and
- (e) two persons from society at large being persons of eminence to be nominated by the Chief Minister of the Khyber Pakhtunkhwa; provided that no member of the Academic Search Committee shall be a candidate for the position of Rector, during period of his membership.

(3) The process of selection of a new Rector shall be initiated six months prior to the expiration of the term of existing Rector.

(4) The Academic Search Committee shall remain in existence for a period of two years from the date of its constitution.

(5) The Academic Search Committee shall adopt the procedure as provided in Schedule-I for the recommendation of the panel of three suitable candidates.

(6) The Rector shall be appointed for a period of three years. The tenure may be extended once for another such term by the Chancellor; provided that the Rector may work in the same Institute for a maximum of two such tenures.

(7) The Rector shall hold office during the pleasure of the Chancellor; provided that before removing the Rector from his position, the Chancellor shall grant an opportunity of personal hearing to the Rector.

(8) The Chancellor may send the Rector on forced leave for ninety (90) days extendable once if the circumstances so demand for reasons to be recorded.

10. Powers and duties of the Rector.--(1) The Rector shall be the Chief Executive Officer of the Institute, responsible for all administrative and academic functions of the Institute and for

6

ensuring that the provisions of this Act, Statutes, Regulations and Rules are faithfully observed in order to promote the general efficiency and good order of the Institute.

(2) The Rector shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the Institute.

(3) The Rector may, in an emergency that in his opinion requires immediate action, ordinarily not in the competence of the Rector, take such action and forward a report of the action taken to the members of Emergency Committee, as may be prescribed by rules. The Emergency Committee may direct such further action as is considered appropriate:

Provided that such action of the Rector shall be subject to the final approval of the Executive Council in its next meeting:

Provided further that the Rector shall not perform any legislative act of making Regulations and Rules by exercising his emergency powers under this section.

(4) The Rector shall, if present, be entitled to attend any meeting of any Authority or body of the Institute.

(5) The Rector shall also have the powers to-

- (a) direct Officers, Teachers and other employees of the Institute to take up such assignments in connection with examination, administration and such other activities in or for the Institute as he may consider necessary for the purposes of the Institute;
- (b) sanction re-appropriation an amount not exceeding the amount prescribed by the Board for an unforeseen item not provided for in the budget and report it to the Board in the next meeting;
- (c) create, re-designate and fill contract, posts for a period not exceeding one year in the prescribed manner;
- (d) make appointments of staff of the Institute in such a manner as may be prescribed the Rules. All such appointments shall be reported to Executive Council during its next meeting;
- (e) suspend, punish and remove from service, the Officers, Teachers and other employees of the Institute, in accordance with prescribed procedure;
- (f) delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an Officer of the Institute;
- (g) appoint examiners, reviewers and paper setters for all examinations of the Institute on the recommendations of the relevant Boards of Studies of Departments and constituent centres;
- (h) appoint foreign and local referees for evaluation of candidates for faculty positions from the panel of names recommended by the Academic Council; and

7

- (i) exercise and perform such other powers and functions as may be prescribed.

(6) The Rector shall preside over the convocation of the Institute in the absence of the Chancellor.

(7) The Rector shall present an annual report before the Board within three months of the closure of the academic year. The annual report shall present such information as regards the academic year under review as may be prescribed, including disclosure of all relevant facts pertaining to academics, research, administration and finances.

(8) The Rector's annual report shall be made available, prior to its presentation before the Board, to all Officers and Teachers and shall be published in such numbers as are required to ensure its wide circulation.

11. Director Establishment.—(1) There shall be a Director Establishment, who shall be the Principal Administrative Officer of the Institute.

(2) The Director Establishment shall be appointed on regular basis by the Executive Council, on recommendations of the Selection Board, or by deputation from Federal or Government as the Executive Council may deem appropriate who fulfil the eligibility criteria.

(3) The experience as well as the professional and academic qualification necessary for appointment to the post of the Director Establishment shall be such as may be prescribed.

(4) The Director Establishment shall be full time officer of the Institute and shall—

- (a) act as Secretary of Executive Council, Academic Council, Selection Board and such other Authorities, bodies and committees as prescribed by or under this Act;
- (b) enter into agreements, sign documents and authenticate records on behalf of the Institute subject to the decision of Authorities,;
- (c) be the custodian of records, the common seal and such other property of the Institute as the Executive Council may commit to his charge;
- (d) prepare and update the handbook of rules and regulations approved by Authority, bodies or committees from time to time, and make them available to public, all respective members of the Authorities and Officers; and
- (e) exercise such other powers and perform such other duties as prescribed or assigned to him, from time to time, by the Rector.

(5) The Executive Council may on the advice of the Rector, terminate the services of Director Establishment appointed on regular basis on grounds of inefficiency or misconduct, in accordance with the prescribed procedure.

12. Director Finance.—(1) The Director Finance of the Institute shall be appointed on regular basis by the Executive Council, on recommendations of the Selection Board, or by deputation from Officers of attached or subordinate departments of Auditor General of Pakistan or Controller General of Accounts as the Executive Council may deem appropriate who fulfil the eligibility

8

(2) The experience as well as the professional and academic qualification necessary for appointment to the post of the Director Finance shall be such as may be prescribed.

(3) The Director Finance shall be full time officer of the institute and shall-

- (a) manage the property, finances and investments of the Institute;
- (b) prepare annual statement of accounts and annual and revised budget estimates of the Institute and present them to the Executive Council for onward presentation to Board for approval;
- (c) ensure that the funds of the Institute are spent for the purpose for which these are provided; and
- (d) perform such other duties as may be prescribed.

(4) The Executive Council may on the advice of the Rector, terminate the services of Director Finance appointed on regular basis on grounds of inefficiency or misconduct, in accordance with the prescribed procedure.

13. Controller of Examinations.--(1) The Controller of Examination of the institute shall be appointed on regular basis by the Executive Council, on recommendation of the Selection Board or by deputation from amongst the Officers and Teachers as the Executive Council may deem appropriate who fulfil the eligibility criteria.

(2) The experience as well as the professional and academic qualification necessary for appointment to the post of the Controller of Examination shall be such as may be prescribed.

(3) The Controller of Examination shall be full time officer of the Institute and shall be responsible for all matters connected with the examinations and be responsible for keeping its record properly and shall perform such other duties as may be prescribed.

(4) The Executive Council may on the advice of the Rector, terminate the services of Controller of Examination appointed on regular basis on grounds of inefficiency or misconduct, in accordance with the prescribed procedure.

14. Internal Auditor.--(1) The Internal Auditor of the institute shall be appointed on regular basis by the Executive Council, on recommendation of the Selection Board, or by deputation from officers of attached or subordinate departments of Auditor General of Pakistan or Controller General of Accounts as the Executive Council may deem appropriate who fulfil the eligibility criteria.

(2) The Internal Auditor shall be responsible for pre-auditing of all bills and documents for all payments to be made by the Institute.

(3) He shall perform any other duty assigned to him by the Rector.

(4) The Executive Council may on the advice of the Rector, terminate the services of the Internal Auditor appointed on regular basis on grounds of inefficiency or misconduct, in accordance with the prescribed procedure.

9

15 Other officers.-- Subject to the provisions of this Act, the terms and conditions of the services and the powers and duties of other officers of the Institute shall be such as may be prescribed.

CHAPTER-IV

AUTHORITIES OF THE INSTITUTE

16 Authorities.-- The following shall be the Authorities of the Institute:

- (i) the Board of Governors;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Board of Faculties;
- (v) the Board of Studies;
- (vi) the Selection Board;
- (vii) the Advance Study and Research Board;
- (viii) the Finance and Planning Committee;
- (ix) the Selection Committee; and
- (x) such other Authorities as may be prescribed by Statutes.

17. Board of Governor.---(1) There shall be a Board of Governors consisting of the following:

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| (i) | The Chancellor; | Chairman |
| (ii) | Chairman of the Advisory Board; | Vice-Chairman |
| (iii) | Minister for Higher Education, Khyber Pakhtunkhwa; | Member |
| (iv) | Chief Secretary to Government of the Khyber Pakhtunkhwa; | Member |
| (v) | Secretary to Government, Finance Department, Khyber Pakhtunkhwa; | Member |
| (vi) | Secretary to Government, Higher Education, Archives and Libraries Department, Khyber Pakhtunkhwa; | Member |
| (vii) | Secretary to Government, Industries, Commerce and Technical Education Department, Khyber Pakhtunkhwa; | Member |
| (viii) | a nominee of the Higher Education Commission not below the rank of Director General; | Member |

10

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| (ix) | the Chairman, Sarhad Chamber of Commerce and Industry, Peshawar; | Member |
| (x) | one member of the registered graduates of the Institute nominated by the Board; | Member |
| (xi) | one member from each Austrian Partner Fachhochschulen to be nominated by it; | Member |
| (xii) | retired Judge of Peshawar High Court to be nominated by Chief Justice of Peshawar High Court; | Member |
| (xiii) | one Dean of the Institute to be nominated by the Chancellor; | Member |
| (xiv) | three academicians including one female of eminence nominated by the Board for the term of three years; | Member |
| (xv) | one former Vice-Chancellor to be nominated by the Board for the term of three years; | Member |
| (xvi) | three businessmen including one female to be nominated by the Board for the term of three years; and | Members |
| (xvii) | Rector. | Member-Cum-Secretary |

(2) A member, as mentioned at clause (xiv), (xv) and (xvi) of sub-section (1), shall cease to hold office, if he does not attend three consecutive meetings of the Board without a valid reason.

(3) The meetings of the Board shall be presided over by the Chairman of the Board.

(4) The Board shall meet at least twice a year on the dates to be fixed with the approval of the Chairman.

(5) The quorum for a meeting of the Board shall be two third of the existing members, a fraction being counted as one.

(6) The decisions of the Board shall be expressed in terms of views of the majority of the members present and in case of tie, the person presiding the meeting shall exercise a second or casting vote.

18. Powers and functions of the Board.—(1) The Board shall have the power of general supervision over the Institute and shall hold the Rector and the Authorities accountable for all the functions of the Institute.

11

(2) The Board shall have all powers of the Institute not expressly vested in an Authority or Officer by this Act and all other powers not expressly mentioned in this Act that are necessary for the performance of its functions.

(3) Without prejudice to the generality of the foregoing powers, the Board shall have powers to-

- (a) hold, control according to the laid down policy for the administration of the property, funds and investments of the Institute, including the approval of the sale and purchase or acquisition of movable and immovable property;
- (b) create and establish an endowment fund;
- (c) institute schemes, directions and guidelines for the terms and conditions of appointment of all Officers, Teachers and other employees of the Institute;
- (d) make appointments of members of the Executive Council and Academic Council, other than ex-officio members, in accordance with the provisions of this Act;
- (e) approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;
- (f) oversee the quality and relevance of the Institute's academic programmes and to review the academic affairs of the Institute in general;
- (g) approve strategic plans of the Institute;
- (h) approve financial resource development plans of the Institute;
- (i) consider and approve the drafts of Statutes proposed by the Executive Council; provided that the Board may frame Statutes on its own initiative and approve it after calling for the advice of the Executive Council or the Academic Council, as the case may be;
- (j) recommend to the Chairman of the Board, the removal of any member of the Board in accordance with the provisions of this Act;
- (k) appoint Emeritus Professors and Meritorious Professors on such terms and conditions as may be prescribed;
- (l) transfer and accept transfer of movable and immovable property on behalf of the Institute;
- (m) recommend to the Chairman to the Board removal of any person, except the Rector, from the membership of any Authority, if such person-
 - (i) has become of unsound mind; or
 - (ii) has become incapacitated to function as member of such Authority; or

12

- (iii) has been convicted by a Court of law for an offence involving moral turpitude; and
- (iv) has been proven guilty of misconduct under the Rules made for ensuring efficiency and discipline in the Institute.

(4) The Board may, subject to the provisions of this Act, delegate all or any of its powers and functions, to any Authority, Committee, officer at its additional campus, if any, for the purpose of exercising such powers and performing such functions in relation to such peripheral campuses, and for this purpose the Board may create new posts or positions at the peripheral campuses.

(5) The Board may pursuant to a resolution in this behalf passed by the two third of its membership, recommend to the Chancellor, the removal of the Rector on the grounds of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct including misuse of position for personal advantage of any kind. The Rector, however shall be provided with an opportunity to be heard before passing such a resolution.

19. Executive Council.-- (1) There shall be an Executive Council consisting of:

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| (i) | the Rector; | Chairperson |
| (ii) | one Dean of the Institute to be nominated by the Chancellor; | Member |
| (iii) | a representative of the Higher Education Department, Khyber Pakhtunkhwa not below the rank of Deputy Secretary; | Member |
| (iv) | a representative of the Finance Department, Khyber Pakhtunkhwa not below the rank of Deputy Secretary; | Member |
| (v) | Director Establishment; | Member |
| (vi) | Director Finance; | Member |
| (vii) | Controller of Examination; | Member |
| (viii) | one member of the Board to be nominated by the Board; | Member |
| (ix) | one member from amongst Austrian Partner Fachhochschulen to be nominated by it; | Member |
| (x) | one retired Judge of Peshawar High Court to be nominated by the Chief Justice, Peshawar High Court; and | Member |
| (xi) | one Professor, one Associate Professor, one Assistant Professor and one Lecturer of the Institute to be nominated by the Board. | Member |

(2) The members, other than ex-officio members, shall hold office for three years commencing from the date of appointment.

(3) A member, other than ex-officio member, shall cease to hold office, if he does not attend three consecutive meetings of the Council without a valid reason.

(4) The Council shall meet at least once in each quarter of the year.

(5) The quorum for a meeting of the Council shall be two third of the existing members, a fraction being counted as one.

(6) The decisions of the Executive Council shall be expressed in terms of views of the majority of the members present and in case of tie, the person presiding the meeting shall exercise a second or casting vote.

20. Powers and functions of the Executive Council.—(1) The Executive Council shall be the executive body of the Institute and shall, subject to the provisions of this Act, Statutes, Regulations and Rules, exercise general supervision over the affairs and management of the Institute.

(2) without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act, Statutes, Regulations and Rules, the Executive Council shall—

- (a) consider the annual report, the statements of accounts, the annual and revised budget estimates and to submit the same to the Board;
- (b) enter into, vary, carry out and cancel contracts on behalf of the Institute;
- (c) cause proper books of account to be kept for all sums of money received and expended by the Institute and for the assets and liabilities of the Institute;
- (d) receive and manage any property transferred, grants, bequests, trust, gifts, donations, endowments, and other contributions made to the Institute;
- (e) administer any funds placed at the disposal of the Institute for specified purposes;
- (f) provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the affairs of the Institute;
- (g) establish and maintain halls of residence and hostels, as far as possible;
- (h) institute Professorships, Associate Professorships, Assistant Professorships, Lecturer ships, and other teaching posts or to suspend, transfer or abolish such posts;
- (i) appoint teachers and other officers on the recommendation of the Selection Board on such the terms and conditions as may be prescribed;
- (j) determine market based salaries as well as market based terms and conditions for appointment of Officers and Teachers as the case may be;

14

- (k) create, suspend or abolish administrative or other posts as may be necessary;
- (l) consider appointment by transfer or absorption of administrative Officers or Teachers on the recommendations of the Selection Board;
- (m) suspend, punish and remove from service in the prescribed manner Officers (other than the Rector), Teachers and other employees of the Institute whom it is empowered to appoint;
- (n) prescribe the duties of Officers, Teachers and other employees of the Institute;
- (o) report to the Board on matters with respect to which it has been asked to report;
- (p) propose drafts of Statutes for submission to the Board;
- (q) regulate the conduct and discipline of the students of the Institute;
- (r) take actions necessary for the good administration of the Institute in general and to this end exercise such powers as are necessary;
- (s) approve all the financial rules of the Institute and shall also have financial powers to propose and adjust the salaries.
- (t) delegate any of its powers to any Authority or Officer or a Committee; and
- (u) perform such other functions as have been assigned to it by the provisions of this Act, Statutes and Regulations.

21. **Academic Council.**— (1) There shall be an Academic Council consisting of-

- (i) the Rector; Chairperson
- (ii) the Deans; Members
- (iii) the Chairmen of Teaching Departments Members
- (iv) one eminent business man to be nominated by the Executive Council for a period of three years; Member
- (v) one expert in each of the relevant fields/related disciplines to be nominated by the Executive Council on the recommendation of the Rector for three years; Member
- (vi) one member of the Board to be nominated by it; Member
- (vii) the Director Establishment; Member
- (viii) the Director Finance; Member
- (ix) the Controller of Examination; and Member
- (x) the Librarian. Member

15

22. Powers and functions of Academic Council.— (1) The Academic Council shall be the principal academic body of the Institute, have the power to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the Institute and shall also endeavour to inculcate and build national charter in the students.

(2) The Academic Council shall be responsible for all academic matters including courses, syllabi, examinations, degree, diplomas and certificates and matters connected therewith.

(3) The meetings of the Academic Council shall be held as frequently as possible but not less than twice a year.

(4) The quorum of a meeting of the Academic Council shall be two third of the existing members, fraction being counted as one.

(5) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act, Statutes, Regulations and Rules, the Academic Council shall have the powers to—

- (a) advise the Executive Council on academic matters;
- (b) regulate and lay down standards for the conduct of teaching, research, examinations and students discipline;
- (c) propose to the Executive Council schemes for the constitution and organization of Faculties, Teaching Departments and Boards of Studies;
- (d) institute programmes for the continued professional development of teachers at all levels;
- (e) recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the Institute;
- (f) regulate the award of studentships, scholarships, exhibitions, medals and prizes;
- (g) make regulations on the recommendations of the Board of Faculties, Advance Studies and Research Board and the Board of Studies, prescribing the schemes of studies, the syllabi and mode of examinations;
- (h) prepare an annual report on the academic performance of the Institute;
- (i) appoint member to various Authorities in accordance with the provisions of this Act; and
- (j) perform such other functions as may be prescribed by Regulations.

23. Advisory Board.—(1) The Steering Committee of the Pak-Austria Fachhochschule Institute of Applied Sciences and Technology project, constituted vide Notification No.SO(UE-II)HE/20-1/2015, dated: 21-06-2016 shall act as Advisory Board of the Institute.

(2) The Advisory Board shall perform and exercise such powers and functions as may be prescribed by Statutes.

CHAPTER-V

INSTITUTE FUND

24. Institute Fund.—(1) The Institute shall have a fund to which shall be credited all grants made by Government, including Federal Government, or contributions and donations made by individuals, local bodies, organizations or agencies and income from fees received, sale proceeds and royalties on publications and such other sources as may be approved by the Executive Council.

(2) No expenditure shall be made from the fund unless a bill for its payments has been audited by the Auditor of the Institute, in accordance with the prescribed manner.

(3) The expenditure incurred from the institution general fund shall be audited by the Auditor-General of Pakistan and report thereon shall be submitted to the Assembly.

25. First Statutes. Notwithstanding anything to the contrary contained in this Act, until Statutes are framed, in accordance with this Act, the Statutes set out in the Schedule-II shall be deemed to be First Statutes of the Institute framed under section 28.

26. Proceeding of Authorities not Invalidated by the Vacancies.— No act, resolution or decision of any Authority shall be invalid by reason of any vacancy of the Authority doing, passing, or making it or by reason of any want of qualification or invalidity in the election, appointment or nomination of any de-facto member of the Authority, whether present or absent.

27. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act, the Board may, on the recommendations of the Executive Council, give such direction, not inconsistent with any of the provisions of this Act, as it may consider necessary for the removal of such difficulty.

28. Statutes.—(1) Subject to the provisions of this Act, Statutes may be made to regulate or prescribe all or any of the following matters, namely:

- (a) the constitution of group insurance, gratuity and contributory provident fund for Institute employees;
- (b) the scales of pay and other terms and conditions of service of Officers, Teachers and other employees of the Institute;
- (c) the maintenance of the register of students and register of registered graduates;
- (d) the conduct of elections for membership of the Authorities and related matters;
- (e) the establishment of faculties and other academic divisions;
- (f) the powers and duties of Officers and Teachers;

- (g) the conditions under which the Institute may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services and production of courses through various media;
- (h) the conditions for appointment of Professors Emeritus and award of honorary degrees;
- (i) efficiency and discipline of Institute employees; and
- (j) all other matters which are to be or may be prescribed or regulated by Statutes.

(2) The draft of Statutes shall be proposed by the Executive Council to the Board who may approve it, or pass it with such modifications as may think fit, or may refer it back to the Executive Council for reconsideration:

Provided that the Executive Council shall not propose a draft of Statutes affecting the constitution or powers of any Authority, until such Authority has been given an opportunity of expressing an opinion in writing upon the proposals:

Provided further that the draft of Statutes, after the Executive Council has recommended it, be forwarded to the Board and shall not be effective until it has been approved by the Board.

29. Regulations.-- (1) Subject to the provisions of this Act and the Statutes, Regulations shall be made for all or any of the following matters, namely:

- (a) the general scheme of studies and the courses of study for degrees, diplomas and certificates of the Institute;
- (b) the manner in which the recognised teaching shall be organised and conducted;
- (c) the admission of students to the Institute;
- (d) the conditions under which students shall be admitted to the courses and the examinations of the Institute and shall become eligible for the award of degrees, diplomas and certificates;
- (e) the assessment and evaluation system and the conduct of examinations;
- (f) fees and other charges to be paid by the students for admission to the courses of study and the examinations of the Institute and for the remission of such fees, etc. in suitable cases;
- (g) the conduct and discipline of students of the Institute;
- (h) the conditions under which a person shall carry on independent research to entitle him to a degree;
- (i) the institution of fellowships, scholarships, exhibitions, medals and prizes;

16

- (j) the institution of stipends;
- (k) the academic costume;
- (l) the use of the Library;
- (m) the formation of Departments and Committees of Courses; and
- (n) all other matters which are to be or may be prescribed by Regulations.

(2) The draft of Regulations shall be prepared, by the Academic Council and shall be submitted to the Executive Council which may approve or withhold approval or refer it back to the Academic Council for reconsideration:

Provided that the Executive Council may frame a Regulations at its own initiative and approve it after calling for the advice of the Academic Council.

- (3) No Regulations shall be valid unless it has been approved by the Executive Council.

30. Amendment and repeal of Statutes and Regulations.-- The procedure for adding, to, amending or repealing the Statutes and the Regulations shall be the same as that provided respectively for the framing or making of Statutes and Regulations.

31. Rules.--(1) The Authorities and other bodies of the Institute may make Rules, consistent with this Act, the Statutes or the Regulations, to regulate the conduct of their business and time and place of meetings and related matters:

Provided that the Executive Council may direct the amendment or the annulment of the any Rules made by another Authorities or body except the Board.

Provided further that if such Authority or Body is dissatisfied with such direction, it may appeal to the Board whose decision in the matter shall be final.

(2) The Executive Council may make Rules to regulate any matter relating to the affairs of the Institute which have not been specifically provided for by this Act, Statutes, Regulations and Rules.

"Schedule-I"

(see section 9(5))

Appointment of Rector

There shall be a Rector who shall be a person of eminence having Ph.D or equivalent qualification with proven ability and leadership that has made significant contribution to higher education as teacher, researcher and academic administrator and shall be appointed on such qualification and accordance with the procedure provided in the Schedule-II for Appointment of Rector. :

1. Government of the Khyber Pakhtunkhwa hereby --

- (a) specifies that the person being recommended by the Committee shall possess the essential qualification and experience as set out in part 'A' as below; and may possess desirable experience, expected skill and competencies as set out in Part B and part C, respectively of the said Schedule; and
- (b) directs that the manner in which the application shall be submitted shall be such as set out in Part D as below;

PART 'A'

2. Essential qualification and experience --

- (a) PhD preferably in relevant field with good academic record;
- (b) Experience of at least fifteen (15) years teaching/research in HEC recognized university or post graduate institution or professional experience in the National or International Organization;
- (c) Excellent research publication record that, at a minimum, meets the criteria for appointment as Professor in the University with minimum fifteen peer reviewed and Higher Education Commission recognized research publications;
- (d) At least five years of administrative/postdoctoral research experience in the field of Higher Education;
- (e) Execution of at least one major research project;
- (f) Experience of working with international bodies or international exposure through participation in workshops, seminars or conferences held outside the country;
- (g) Experience of organizing events such as workshops, seminars, conference at an international level within the country in the field of higher education; and
- (h) Demonstrated experience in leadership;

20

PART 'B'

3. Desirable Experience --

- (a) Experience of working on the Statutory Authorities of a university such as Board of Studies, Academic Council, Syndicate or Management Council or Executive Council of Board of Management etc.;
- (b) Demonstrable experience of handling Quality issues, assessment and accreditation procedures, etc.; and
- (c) Experience at the State or national or international level in handling developmental issues outside the university environment. International experience to be preferred.

PART 'C'

4. Expected Skills and Competencies ---

- (a) Technical Skills;
 - (i) Openness towards technology and a deep conviction regarding its potential applications in a knowledge-based settings; and
 - (ii) Reasonably high level of comfort in the use of technology.
- (b) Managerial Skills;
 - (i) Ability to anticipate issues and problems and prepare advance strategic plans;
 - (ii) Ability to generate resources and allocate the same appropriately;
 - (iii) Capacity to work effectively under pressure and manage work and resources within tight deadlines; and
 - (iv) Good understanding of financial management including revenue generation, planning and fiscal control.
- (c) Alignment with corporate objectives and State as well as National level priorities;
 - (i) Ability to identify the needs of the communities in key sectors;
 - (ii) Deep understanding of the challenges before the National and how Higher Education can respond to developmental needs; and
 - (iii) Demonstrable understanding of curriculum development issues, especially those relating to widening participation and social inclusion.

- (d) Leadership Skills;
 - (i) Exceptional ability to motivate a diverse group of stakeholders;
 - (ii) Keen desire to further the mission and goals of the organization;
 - (iii) Ability to think strategically and innovatively and maintain a broad perspective; and
 - (iv) Ability to lead by personal example with openness to new ideas and a consultative approach in implementation of the same.
- (e) Interpersonal Communication and Collaborative Skills;
 - (i) Demonstrable success in developing and executing National and International collaborative arrangements;
 - (ii) Ability to interact effectively and persuasively with a strong knowledge-base at senior levels and in large forums as well as on a one-to-one basis; and
 - (iii) Evidence of being an active member of professional bodies and associations in pertinent fields.

“PART ‘D’

5. Procedure for the Academic Search Committee.--

- (a) the Academic Search committee shall have the mandate to search and head-hunt persons eligible under the criteria for the position of Rector:

Provided that apart from this, the Academic Search Committee shall also consider applications of eligible candidates after proper advertisement;
- (b) the eligible candidates shall provide resume and curriculum vitae to the Academic Search Committee. The Academic Search Committee shall shortlist the eligible candidates; and
- (c) the Academic Search Committee after interviewing the shortlisted candidates shall recommend a panel of three suitable candidates to the Chief Executive of the Province who shall recommend one candidate to the Chairman, Board of Governors/Chancellor for approval.

SCHEDULE-II

(see section 25)

THE FIRST STATUTES

1. **Board of Faculties.**—There shall be a Board of each Faculty, which shall consist of the following:

- (i) the Dean of the concerned faculty who shall be the Convener;
- (ii) all Chairpersons of the Teaching Departments;
- (iii) Professors of each Department of the concerned Faculty;
- (iv) two members of each Board of Studies to be nominated by Board of Studies;
- (v) three teachers to be nominated by the Academic Council by reason of their specialized knowledge on the subject which though not assigned to the Faculty have, in its opinion, important bearing of the subjects assigned to the Faculty;
- (vi) Two subject experts from other universities / organizations to be nominated by the Rector;
- (vii) Manager Advance Study and Research Board;
- (viii) Manager Quality Enchantment Cell ; and
- (ix) Manager Office of Research Innovation and Commercialization (ORIC).

(2) The members other than ex-officio shall hold office for three years.

(3) The quorum for a meeting of the Board of a Faculty shall be two third of the existing members, a fraction being counted as one, excluding non-existent categories where applicable.

2. **Powers and functions of the Board of Faculty.**—The Board of Faculty shall, subject to the general control of the Academic Council and the Executive Council, have the powers to-

- (i) coordinate teaching, research and publication work in the subjects assigned to the Faculty;
- (ii) scrutinize the recommendations of the Boards of Studies in regard to the scheme of studies, syllabi and courses offered by various departments in the faculty;
- (iii) recommend appointment of paper setters and examiners;
- (iv) consider any other academic matters relating to report thereon to the Academic Council; and
- (v) perform such other functions as may be prescribed.

3. **Board of Studies.**—(1) There shall be a Board of Studies for each subject or a group of subjects, as may be prescribed by Regulations.

(2) Each Board of Studies shall consist of:

- (i) the Chairperson of the concerned Teaching Department as Convener;
- (ii) Professors and Associate Professors of the concerned Teaching Departments;

Provided that if the total number of Teachers under sub-clause (i) and (ii) comes to less than five, then the Rector shall nominate Assistant Professors or Lecturers of the department preferably PhD or MS/MPhil to complete the number;

(iii) three teachers from outside the Institute to be nominated by the Rector from the panel presented by the Chairperson concerned. The number will be determined by the Executive Council according to the need of each Board; and

(iv) two experts to be nominated by the Rector from the panel presented by Chairperson concerned.

(3) The term of office of members of the Board of Studies other than ex-officio members shall be three years.

(4) The quorum for meetings of the Board of Studies shall be two third of the of existing members, a fraction being counted as one.

(5) The Chairperson of the Teaching Department concerned shall be the Chairperson and Convener of the Board of Studies. Where in respect of a subject there is no Chairman of the Teaching Department, the Chairperson of Board of Studies shall be appointed by the Executive Council.

(6) The functions of the Board of Studies shall to-

(a) advise the Authorities on all academic matters connected with instruction, research and the examination in the subject or subjects concerned;

(b) propose curricula and syllabi for all degrees, diplomas and certificates courses in the subject or subjects concerned;

(c) suggest a panel of names of Paper-Setters and Examiners in the subject or subjects concerned; and

(d) perform such other functions as may be prescribed by Regulations.

4. Selection Board.--(1) There shall be a Selection Board comprising of the following:

- | | | |
|-------|--------------------------------------------------------------------------------------------|-------------------|
| (i) | the Rector; | Chairman/Convener |
| (ii) | Chairman or a Member of the Khyber Pakhtunkhwa Public Service Commission; | Member |
| (iii) | one eminent business man to be nominated by the Board for three years; | Member |
| (iv) | two experts in the relevant field of studies to be nominated by the Board for three years; | Member |
| (v) | one member of the Board to be nominated by the Board; and | Member |
| (vi) | one member of the Executive Council to be nominated by it. | Member |

24

(2) All appointments to posts in the Institute shall be made by the Executive Council on the recommendation of the Selection Board.

(3) Two third of the existing members shall form the quorum for a meeting of the Selection Board, fraction being counted as one.

(4) In case of selection of administrative position other than Teachers, the Selection Board shall consist of members mentioned at sub clauses (i), (ii), (iii), (v) and (vi) only.

5. Functions of the Selection Board.— (1) The Selection Board shall consider all applications for teaching faculty and Administrative officers received in response to an advertisement in case of direct appointments and shall recommend the names of suitable candidates for appointment to such posts.

(2) The Selection Board may recommend the grant of higher initial pay in a suitable case for reasons to be recorded.

(3) The Selection Board shall consider all cases of promotions and appointment by transfer of officers in the Institute

6. Advanced Studies and Research Board.—(1) There shall be an Advanced Studies and Research Board, which shall consist of the following:

- (i) the Dean (Convener);
- (ii) three teachers to be nominated by the Executive Council;
- (iii) three nominees of the Academic Council from amongst its members;
- (iv) the Secretary to Government, Industries Department, Khyber Pakhtunkhwa or nominee not below the rank of Deputy Secretary;
- (v) the Manager, Office of the Research, Innovation and Commercialization (ORIC); and
- (vi) the Managers of Advanced Studies and Research Board/ Academics/ Quality Enhancement Cell, whichever is applicable, who shall be the Secretary of the Board.

(2) The term of office of members of the Advanced Studies and Research Board, other than ex-officio members, shall be three years.

(3) The quorum for a meeting of the Advanced Studies and Research Board shall be two-third of the existing members fraction being counted as one.

7. Functions of the Advanced Studies and Research Board.—The functions of the Advanced studies and Research Board shall-

- (i) advise the Authorities on all matters connected with the promotion of Advanced Studies and Research in the Institute;
- (ii) consider and report to the Authorities on the institution of research degrees in the Institute;
- (iii) propose Regulations to the Academic Council regarding the award of research degrees;

25

- (iv) recommend panels of names of examiners for evaluation of thesis and other research examinations;
- (v) approve synopsis and thesis of Higher Research Degrees; and
- (vi) perform such other functions as may be prescribed by Statutes.

8. **Finance and Planning Committee.**--Finance and Planning Committee shall consist of the following:

- (i) the Rector Chairman/Convener;
- (ii) the Director Finance Secretary;
- (iii) one member of Executive Council to be nominated by it;
- (iv) the Director Establishment;
- (v) one Dean;
- (vi) the Director Planning and Development;
- (vii) a representative of Finance Department Khyber Pakhtunkhwa;
- (viii) a representative of Higher Education Department Khyber Pakhtunkhwa; and
- (ix) the quorum for a meeting of the meeting shall be two third of the existing members fraction being counted as one.

9. **Powers and functions of the Finance and Planning Committee.**--The powers and functions of the Finance and Planning Committee shall-

- (i) consider the annual statement of accounts and the annual and revised budget estimates and advise the Executive Council thereon;
- (ii) review periodically the financial position of the Institute;
- (iii) advise the Executive Council on all matters relating to planning, development, finance, investment and accounts of the Institute;
- (iv) prepare staff and resource development plans; and
- (v) perform such other functions as may be prescribed by Statutes.

10. **Dean.**-- (1) There shall be a Dean of each Faculty who shall be the Chairman and Convenor of the Board of the Faculty.

(2) The Dean of each Faculty shall be appointed by the Chancellor from amongst the three most senior Professors in the Faculty.

(3) The Dean shall hold office for three years.

(4) The Dean shall present candidates for admission to degrees (except honorary degrees) in the courses falling within the purview of the Faculty.

26

(5) The Dean shall be the Executive and Academic head of the Faculty and supervise and control the heads of departments in the Faculty.

(6) The Dean shall exercise such other powers and perform such other duties as may be assigned to him by the Rector.

11. **Selection Committee.**-- (1) There shall be a Selection Committee for supporting staff comprising of the following:

| | | |
|-------|---------------------------------------------------------|-------------------|
| (i) | the Rector; | Chairman/Convener |
| (ii) | one Dean; | Member |
| (iii) | one member of Executive Council to be nominated by it; | Member |
| (iv) | Head of the concerned Department; | Member |
| (v) | the Director Finance; | Member |
| (vi) | the Director Establishment; and | Member |
| (vii) | one expert to be nominated by the Rector on need basis. | Member |

(2) Two third of the existing members shall form the quorum for a meeting of the Selection Committee.

12. **Functions of the Selection Committee.**--(1) The Selection committee shall consider all applications for posts of supporting staff received in response to an advertisement in case of direct appointments and shall recommend the names of suitable candidates for appointment to such posts.

(2) The Selection committee shall consider all cases of promotions and appointment by transfer of the supporting staff in the Institute.

13. **Emergency Committee.**--There shall be an Emergency Committee constituted by the Executive Council with such functions as deemed appropriate by the Executive Council.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa