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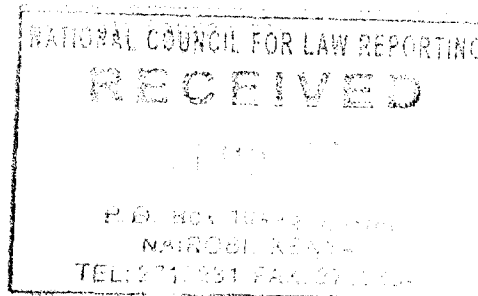
KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2015

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THE UNIVERSITIES (AMENDMENT) BILL, 2015

A Bill for

AN ACT of Parliament to amend the Universities Act, 2012 and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Universities (Amendment) Act, 2015.

Short title.

2. Section 2 of the Universities Act, 2012 (in this Act referred to as the principal Act) is amended—

Amendment of section 2 of No.42 of 2012.

(a) by deleting the definition of “accreditation” and substituting therefor the following new definition—

“accreditation” means the procedure by which the Commission recognises an institution as a University and as having fulfilled the prescribed criteria for mounting its academic programmes”

(b) by deleting the definition of “programmes accreditation”

(c) by inserting the following new definition in its proper alphabetical sequence—

“approval of academic programmes ” means the procedure by which the Commission recognises an academic programme mounted by a university;

(d) by deleting the definition of “foreign university”

3. Section 5 of the principal Act is amended in subsection (1) by deleting paragraph (l) and substituting therefor the following new paragraph—

Amendment of section 5 of No.42 of 2012.

(l) accredit universities and approve academic programs mounted by universities in Kenya.

4. Section 6 of the principal Act is amended in subsection (1) by inserting the following new paragraph

Amendment of section 6 of No.42 of 2012.

immediately after paragraph (d)—

(da) two members appointed as follows—

- (i) one person nominated by Councils of public universities in a forum of members of the Councils of public universities convened by the Cabinet Secretary;
- (ii) one person nominated by sponsors of private universities in a forum of sponsors of private universities convened by the Cabinet Secretary.

5. The principal Act is amended by inserting the following new section immediately after section 5—

Insertion of new
section 5A into
No.42 of 2012

Conflicts with other Acts in approval of programmes

5A (1) If there is a conflict between the provisions of this Act and the provisions of any other Act in matters relating approval or accreditation of academic programmes offered by universities, the provisions of this Act shall prevail.

(2) Despite the provisions of any other law, the approval or accreditation of any academic programme offered at a university shall be the exclusive mandate of the Commission to be exercised in accordance with this section at the exclusion of any other person or body.

(3) The Commission shall, before approving any academic programme consult with any relevant body established by written law to regulate the profession to which the academic programme relates where such law empowers the professional body to approve or accredit courses offered at any university or colleges.

6. The principal Act is amended by inserting the following new section immediately after section 12—

Insertion of new
section 12A into
No.42 of 2012

Protection from personal liability

12A (1) No matter or thing done by a member of the Commission or any officer, employee or agent of the Commission shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Commission, render the member, officer, employee or agent or any person acting under the directions personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Commission of the liability to pay lawful compensation or damages to any person for injury to the person or property.

7. Section 20 of the principal Act is amended in subsection (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

Amendment of section 20 of No.42 of 2012.

(c) may develop its new academic programmes for approval by the Commission in accordance with this Act.

8. Section 22 of the principal Act is amended—

Amendment of section 22 of No.42 of 2012.

(a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) The President may, on the recommendation of the Cabinet Secretary revoke a Charter if in the opinion of the President that the revocation is in the best interests of university education in Kenya.

(b) by deleting subsection (2) and substituting therefor the following new subsection—

(2) The recommendation referred to under subsection (1) shall be made with the prior concurrence of the Commission which shall satisfy itself that the revocation is in the best interests of university education in Kenya.

9. The principal Act is amended by inserting the following new section immediately after section 22—

Insertion of new section 22A into No.42 of 2012.

Variation of Charter

22A (1) The Cabinet Secretary may, upon an initiation made under subsection (3), vary a Charter if in the opinion of the Cabinet Secretary that the variation is in the best interests of university education in Kenya.

(2) The recommendation referred to under subsection (1) shall be made based on a need to—

- (a) align the particular Charter to the Constitution or any written law;
- (b) align the university to the training and research priority of the national government that would

develop expertise in a specified academic field, including instilling of skills with bias in employment creation;

- (c) in the case of a private university, to reflect changes in sponsorship of the university; or,
- (d) align the university to the dynamics in research, technology and prevailing academic requirements recommended by the body which by law represents employers;
- (e) align the charter to the best interests of university education in Kenya.

(3) A variation under subsection (1) may be initiated—

- (a) by the Commission upon request by a university, in the case of a public university; or
- (b) by the sponsor in the case of a private university, and may include the introduction of such mechanisms as shall enable the university concerned to better carry out its functions.

(4) A decision for the variation by the Cabinet Secretary shall be made without unreasonable delay, but in any case—

- (a) within three months from the date a recommendation for variation is made by the Commission, if the process is initiated by the Commission; or
- (b) within six months from the date a formal request for variation is made by a university, if the process is initiated by a university;

(5) If a Charter is varied under subsection (1) the Cabinet Secretary shall forthwith cause a notice of the variation to be published in the *Gazette*, and the variation shall come into effect on such date as may be specified in the notice.

(6) Notwithstanding subsection (5) the variation of a Charter shall not affect the validity of any academic award made by the University before the variation.

(7) For the purposes of this section, “vary” includes a review or amendment.

10. Section 23 of the principal Act is amended—Amendment of
section 23 of
No.42 of 2012

- (a) by deleting the words “or Senate” appearing in subsection (1);
- (b) by deleting subsection (2) and substituting therefor the following new subsection—
 - (2) The University Council shall—
 - (a) before making statutes or regulations under subsection (1) obtain the prior approval of the Cabinet Secretary;
 - (b) publish the statutes or regulations in the *Gazette*.

11. Section 35 of the principal Act is amended in subsection (2) by inserting the words “with the approval of the Commission” immediately after the words “such a university may”Amendment of
section 35 of
No.42 of 2012**12. Section 39 of the principal Act is amended—**Amendment of
section 39 of
No.42 of 2012.

- (a) by inserting a new subsection immediately after subsection (1) as follows—
 - (1A) The qualifications for appointment as a Vice Chancellor of a public university shall be as prescribed.
- (b) by deleting paragraph (a) and substituting therefor the following new subsection—
 - (a) in the case of a public university, by the Cabinet Secretary on the recommendation of the Council, after a competitive recruitment process conducted by the Council; and

13. Section 41 of the principal Act is amended—Amendment of
section 41 of
No.42 of 2012.

- (a) in subsection (1) by inserting the words “comprising of all students of the university” immediately after the word “association”;
- (b) by inserting the following new subsections immediately after subsection (1)—
 - (1A) The student association referred to in subsection (1) shall be governed by a student’s council comprising of—

- (a) a Chairperson;
- (b) a Vice Chairperson who shall be of opposite gender with the Chairperson;
- (c) a Treasurer and;
- (d) a Secretary-General who shall be the secretary to the Council

(1B) For purposes of conducting the election of the members of the Student Council referred to in subsection (2), the student association shall constitute itself into electoral colleges based on either academic departments, schools or faculties, as may be appropriate, where students of each department, school or faculty in the university shall elect three representatives, of whom at least one must be of opposite gender, from amongst persons who are not candidates under subsection (1A),

(1C) Members of the Student Council shall hold office for a term of one year and may be eligible for re-election for one further term.

- (c) by deleting subsection (3)

14. The principal Act is amended by deleting section 51A

Amendment of section 51A of No.42 of 2012.

15. Section 54 of the principal Act is amended in subsection (4) —

Amendment of section 54 of No.42 of 2012.

- (a) by deleting the word “universities” appearing in paragraph (b) and substituting therefor the words “public universities and the issuance of conditional grants to private universities;”
- (b) by deleting the word “universities” appearing in paragraph (c) and substituting therefor the words “public universities and issuance of conditional grants to private universities;”
- (c) by deleting the words “public universities” appearing in paragraph (d) and substituting therefor the words “the Cabinet Secretary”

16. Section 56 of the principal Act is amended—

Amendment of
section 56 of
No.42 of 2012.

(a) in subsection (1)—

(i) by deleting paragraph (a) and substituting therefore the following—

(a) co-ordinate the placement, by respective universities and colleges, of the government sponsored students to the existing universities and colleges to ensure fairness, equity and openness;

(ii) by deleting paragraph (e) and substituting therefor the following new paragraph—

(e) develop career guidance programmes for the benefit of universities and students admitted to universities and colleges.

(b) by inserting the following new subsection immediately after subsection (3)—

(4) Despite anything to the contrary in this section, the admission and placement students to universities or colleges shall vest in the respective universities or colleges.

17. The provisions of paragraph (c) of section 2 of this Act shall not apply to an academic programme previously approved or accredited by the university or the Commission prior to the coming into force of this Act.

Transitional
provision.

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to amend the Universities Act, 2012 (No. 42 of 2012) to as to streamline the operation of the Act with practical realities.

Clause 1 of the Bill seeks to amend section 2 of the Act so as to introduce a distinction between accreditation of universities and approval of academic programmes.

Clause 3 of the Bill seeks to amend section 5 of the Act so as to empower the Commission to accredit universities and approve university programmes in Kenya.

Clause 4 of the Bill seeks to amend section 6 of the Act so as provide for representation in the Commission by a nominee of the Councils of public universities and a nominee of sponsors of private universities.

Clause 5 of the Bill seeks to amend section 5 of the Act so as address the issues of conflict in law in the approval of academic programmes by universities and colleges whereby the mandate of the Commission is empowered to prevail over any other body.

Clause 6 of the Bill seeks to amend the Act by inserting a new section 12A providing protection against personal liability for members and staff of the Commission in the execution of their official duties.

Clause 7 of the Bill seeks to amend section 20 of the Act so as to empower universities granted a charter to develop and mount its new academic programmes for review by the Commission in accordance with the provisions of the Act

Clause 8 of the Bill seeks to amend section 22 of the Act so as to empower the President may, on the recommendation of the Cabinet Secretary after receiving approval from the Commission, to revoke a Charter if in the opinion of the President that the revocation is in the best interests of university education in Kenya.

Clause 9 of the Bill seeks to insert a new section 22A into the Act so as to empower the Cabinet Secretary, on the recommendation of the Commission, to vary a Charter if in the opinion of the Cabinet Secretary that the variation is in the best interests of university education in Kenya.

Clause 10 of the Bill seeks to amend section 23 of the Act so as to empower the, University Council, before making statutes or regulations to obtain the prior approval of the Cabinet Secretary and publish the statutes or regulations in the Gazette.

Clause 11 of the Bill seeks to amend section 35 of the Act so as to require universities to seek the approval of the Commission in the

establishment of additional governance organs, including a Board of Trustees or its equivalent,

Clause 12 of the Bill seeks to amend section 39 of the Act allow the qualifications for appointment as a Vice Chancellor of a public university to be prescribed and also make the recruitment process be competitively conducted by the Council.

Clause 13 of the Bill seeks to amend section 41 of the Act so as to clarify the provisions relating to the student associations as relates to its status, membership, appointment and term of office.

Clause 14 of the Bill seeks to amend the Act by deleting section 51A

Clause 15 of the Bill seeks to amend section 54 of the Act so as to clarify the provisions relating to the funding of public universities and issuance of conditional grants to private universities.

Clause 16 of the Bill seeks to amend section 56 of the Act so as to clarify the role of the Commission and the role of the universities in the admission and placement of students in the universities and colleges.

Clause 17 of the Bill seeks to provide for a transitional provision consequent to the amendment distinguishing between accreditation and approval so as to preserve the academic programmes previously accredited or approved by the Commission.

Statement of the Delegation of Legislative Powers and Limitation of Fundamental Rights and Freedoms, if any

This Bill does delegates the power to prescribe the qualifications of a Vice chancellor of a public university to the Cabinet Secretary in consultation with the Commission. The Bill does not limit any fundamental rights or freedoms.

Statement financial implications and of expenditure of public money should the Bill be enacted, an estimate, where possible, of such expenditure

This Bill is not a “money Bill” in terms of Article 114 of the Constitution.

Statement of as to whether the Bill Concerns County Government

This Bill is not a Bill not concerning county government.

Dated the 30th November, 2015.

ADEN DUALE,
Leader of the Majority Party.

Section 2 of No. 42 of 2012 which it is proposed to amend—

“In this Act, unless the context otherwise requires—

“academic staff” means any person appointed to teach, train or to do research at a university and any other employee designated as such by the university council;

“accreditation” means the procedure by which the Commission formally recognizes an institution as a university under Part III of this Act;

“alumni” means a member of the convocation of a university;

“Board” means the Universities Funding Board established under section 54;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters related to university education;

“Charter” means the Charter granted to a university under sections 19, 24 or 25;

“Commission” means the Commission for University Education established under section 4;

“constituent college” means a constituent college of a university established under this Act;

“differentiated unit cost” means the annual per student cost of mounting a particular degree programme;

“discipline differentiated remuneration” means academic staff remuneration based on programme discipline clusters;

“distance learning” means the mode of delivering education through use of print, audio visual, electronic or other technical media;

“foreign university” means a university established outside Kenya, which intends to offer university education in Kenya;

“foreign university campus” means an extension of a foreign university, set up by the university pursuant to its statutes and established in accordance with section 28 of this Act;

“Fund” means the Universities Fund established under section 53;

“institution” means a public or private institution or facility used or to be used wholly or partly, for the conduct of university education;

“Open University” means the Open University established under section 24;

“Placement Board” means the Placement Board established under section 55(3);

“private university” means a university which is not established or maintained out of public funds;

“programmes accreditation” means the process by which the Commission recognizes an academic curriculum of a proposed university or of a university with a letter of interim authority or of a foreign university campus;

“public university” means a university established and maintained out of public funds;

“quality assurance” means the employment of various measures and mechanisms developed by a university to assess and maintain certain standards and values in its activities;

“Senate” means the senate of a university or any other equivalent body;

“sponsor” means any person proposing the establishment of a university and committed to its development, implementation, construction, maintenance, management and financing;

“stakeholder” means a person or group of persons involved in an education, training and research institution and with vested interests for the benefit of such an institution;

“statutes” means the statutes of a university made by a university council;

“student” means any person registered in a university or an institution offering university education;

“student with special needs” means a student with motor, hearing or visual or other impairment which requires adaptive support to access education;

“technical university” means an institute of a university, established in accordance with section 25 of this Act;

“Trustees” means the Board of Trustees of the Fund;

“TVET Funding Board” and “TVETA” shall have the meanings assigned to them under the Technical and Vocational Education and Training Act, 2012;

“university” means a university to which a Charter has been granted under this Act;

“university campus” means an extension of a university set up by the university pursuant to its statutes and established in accordance with section 20 of this Act;

“University Council” means the governing body of a University;

“visitation” means the visitation of a university directed by the Chancellor under section 38(3)(b).

(2) Notwithstanding subsection (1), until after the first general elections under the Constitution, the expressions “Cabinet Secretary” and “Principal Secretary” shall be construed to mean “Minister” and “Permanent Secretary” respectively

Section 5 of No. 42 of 2012 which it is proposed to amend—

Functions of the
Commission.

5. (1) The functions of the Commission shall be to—

- (a) promote the objectives of university education;
- (b) advise the Cabinet Secretary on policy relating to university education;
- (c) promote, set standards and assure relevance in the quality of university education;
- (d) monitor and evaluate the state of university education systems in relation to the national development goals;
- (e) licence any student recruitment agencies operating in Kenya and any activities by foreign institutions;
- (f) develop policy for criteria and requirements for admission to universities;
- (g) recognize and equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission from time to time;
- (h) undertake or cause to be undertaken, regular inspections, monitoring and evaluation of universities to ensure compliance with set standards and guidelines;
- (i) collect, disseminate and maintain data on university education;
- (j) accredit universities in Kenya;
- (k) regulate university education in Kenya;
- (l) accredit and inspect university programme in Kenya;
- (m) promote quality research and innovation; and

- (n) perform such other functions and exercise such other powers as the

Commission may deem necessary for the proper discharge of its mandate under this Act.

(3) For the avoidance of doubt, save as may be provided for under any other written law, the Commission shall be the only body with the power to perform the functions set out in this section.

Section 6 of No. 42 of 2012 which it is proposed to amend—

6. (1) The Commission shall consist of—

- (a) a chairperson;
- (b) the Principal Secretary in the Ministry for the time being responsible for university education;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance;
- (d) five members appointed in accordance with subsection (2); and
- (e) the Commission Secretary who shall be an *ex officio* member.

(2) The chairperson and the members of the Commission under subsection (1)(a) and (d) shall be appointed by the Cabinet Secretary from a list consisting of—

- (a) in the case of the Chairperson, three names; and
- (b) in the case of other members, nine names,

submitted by a selection panel appointed by the Cabinet Secretary in accordance with subsection (3).

(3) The selection panel referred to in subsection (2) shall comprise of a chairperson and six other persons appointed by the Cabinet Secretary as follows—

- (a) one person to represent the Public Service Commission;
- (b) one person to represent the Federation of Kenya Employers;
- (c) two persons to represent the body currently recognized as representing the interest of the private sector;

(d) two eminent scholars appointed by the Cabinet Secretary.

(4) The selection panel shall have power to regulate its own procedure.

(5) The selection panel shall advertise the vacancies and publicize the names of applicants and shortlisted candidates in at least two daily newspapers with national circulation.

(6) In determining the nomination criteria for the members of the Commission, the selection panel shall have regard to the objectives of the development of university education, ensuring that there are balanced competencies, gender equity, and the inclusion of persons with disabilities, the marginalized and other minority groups.

(7) In nominating members of the Commission, the selection panel shall ensure that those nominated shall not have any conflict of interest in serving as members of the Commission.

(8) If the Cabinet Secretary rejects any of the names submitted under

subsection (2) the Cabinet Secretary shall inform the Selection panel and request for a replacement.

(9) The selection panel shall stand dissolved after the appointment of the

members of the Commission.

(10) In rejecting any of the names submitted under subsection (2), the Cabinet Secretary shall attach a memorandum giving reasons for the rejection of the Candidate or Candidates.

Section 20(1) of No. 42 of 2012 which it is proposed to amend—

Effect of a Charter. 20.(1) A university granted a Charter in accordance with section 19—

(a) shall be a body corporate, and as such shall continue the activities of the university as undertaken under the Letter of Interim Authority, including the employment of staff, except where activity is expressly altered under the Charter;

(b) shall mobilize academic resources;

(c) may, in accordance with its Charter, develop and mount academic programmes;

(d) may establish campuses and colleges which must conform to standards established by regulations made under this Act; and

(e) may award —

(i) degrees, including postgraduate degree and honorary degrees;

(ii) diplomas, including postgraduate diplomas; and

(iii) other academic certificates

(2) Notwithstanding the generality of subsection (1), colleges and campuses of universities shall not share premises with incompatible businesses.

(3) The Cabinet Secretary may, in consultation with the Commission, by order published in the Gazette, establish or declare an institution of learning or higher education or other training establishment to be a constituent college of a university.

Section 22 of No. 42 of 2012 which it is proposed to amend—

22 (1) The President may, on the recommendation of the Commission through the Cabinet Secretary, revoke, vary or in any other way amend the provisions of a Charter if of the opinion that the revocation, variation or amendment is in the best interest of university education in Kenya

(2) A variation or amendment under subsection (1) may include the introduction of such mechanisms as shall enable the university concerned to better carry out its functions.

(3) A recommendation under subsection (1) shall only be made after the

University has been afforded the opportunity to be heard and the Commission has, in accordance with the regulations, inspected the university concerned, and is satisfied that the university is unable to contribute to the objectives of university education set out in this Act.

(4) If a Charter is revoked under subsection (1) the Cabinet Secretary shall

forthwith cause a notice of revocation to be published in the *Gazette*, and the university concerned shall cease to be a university at the expiry of one year from the date of the notice.

(5) Notwithstanding subsection (4) the revocation of a Charter shall not affect the validity of any academic award made by the University before the revocation.

(6) Upon the revocation of a Charter, the Cabinet Secretary may, in consultation with the Commission in the case of a public university, or with the Commission and the sponsor in the case of a private university, appoint such person or persons as the Cabinet Secretary may deem appropriate to administer and manage the university for the better protection of the interests of the students and staff of the University.

(7) The Cabinet Secretary may, in consultation with the Commission, make regulations for the better carrying out of the functions under this section.

Section 23 of No. 42 of 2012 which it is proposed to amend—

23. (1) Subject to this Act and to the Charter a University Council or Senate may, and where required by this Act to do so shall, make such statutes and regulations as it considers appropriate to regulate the affairs of the university.

(2) A university Council shall, as soon as practicable and in any event not later than three months after the making of a statute or regulation under this section, submit it to the Cabinet Secretary for publication in the *Gazette*.

Section 35 of No. 42 of 2012 which it is proposed to amend—

Governing organs of
a university.

35. (2) Notwithstanding the generality of the provisions of subsection (1), the Council of a private university shall be appointed in accordance with provisions of the Charter, and such a university may, with the approval of the Commission, establish additional governance organs, including a Board of Trustees or its equivalent, as the sponsor may deem appropriate.

(3) A Board of Trustees established pursuant to subsection (2) or the sponsor of a private university shall, in addition to any other functions set out in the charter of the university—

- (a) appoint members of the University Council;
- (b) raise funds for the benefit of the university;

- (c) promote the objects of the university; and
- (d) appoint the university Chancellor.

Section 39 of No.42 of 2012 which it is proposed to amend—

The Vice-Chancellor

(1) The Vice-Chancellor of a university shall be appointed—

- (a) in the case of a public university, competitively by the Cabinet Secretary on the recommendation of the Council; and
- (b) in the case of a private university, by the respective university Council in accordance with the provisions of the Charter.

(2) The Vice-Chancellor shall be the chief executive of the university and shall—

- (a) be the academic and administrative head of the university;
- (b) have the overall responsibility for the direction, organization, administration and programmes of the university; and
- (c) have such responsibilities and duties as may be provided for in the Charter.

(3) The Vice-Chancellor of a public university shall hold office for a term of five years and shall be eligible for a further term of five years.

(4) The term of the Vice-Chancellor of a private university shall be as provided in the Charter.

(5) The provisions of this section shall apply *mutatis mutandis* to the Principal of a constituent college.

Section 41 of No. 42 of 2012 which it is proposed to amend –

41. (1) Every university shall have a students' association.

(2) The functions of a Students' Council shall be to—

- (a) oversee and plan, in consultation with the Senate, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being of all students;

- (b) draw to the attention of the appropriate authority, where necessary, special needs form particular students;
- (c) offer suggestions to the Senate or its equivalent on matters affecting the well being of students; and
- (d) undertake such other functions as provided in its governance instrument as approved by the Council.

(3) Every University shall have a Students' Council elected by the Students Association, and not more than one-third of the Council shall be of the same gender where applicable.

Section 51A of No. 42 of 2012 which it is proposed to amend—

Financing
arrangements

51A. (1) A private university granted a charter may enter into a financing arrangement with any person or institution upon such terms and conditions as may be set out in the arrangement, for the purpose of financing the objectives for which the university is established.

(2) without prejudice to the generality of subsection (1) the finance arrangement may set out —

- (a) the rights and obligations of each party to the arrangement;
- (b) the sharing of assets or liabilities arising from the arrangement;
- (c) the manner of termination of such arrangement;
- (d) such other matters as may be necessary under the law under which the arrangement is made.

Section 54 of No. 42 of 2012 which it is proposed to amend —

54. (4) The function of the Trustees shall be to generally manage the University Fund established under section 53, and more particularly to—

- (a) advise the Cabinet Secretary in matters of university education funding and related policy issues;
- (b) in consultation with the Cabinet Secretary, develop a transparent and fair criteria for allocation of funds to universities;
- (c) apportion funds to universities in accordance with criteria established;

- (d) in consultation with the public universities, establish the maximum differentiated unit cost for the programmes offered;
- (e) establish the minimum discipline differentiated remuneration for academic staff of universities, which shall be fair and globally competitive, and advise the Government accordingly;
- (f) mobilize and receive funds for purposes of the Fund from the Government, donors, and from any other source; and
- (g) exercise any other power for the better performance of its functions under this Act.

Section 56 of No. 42 of 2012 which it is proposed to amend—

56. (1) The functions of the Board shall be to—

- (a) co-ordinate the placement of the government sponsored students to universities and colleges;
- (b) disseminate information on available programmes, their costs, and the areas of study prioritized by the Government;
- (c) collect and retain data relating to university and college placement;
- (d) advise the Government on matters relating to University and college student placement;
- (e) develop career guidance programmes for the benefit of students; and
- (f) perform any other function assigned to it under this Act.

(2) The Placement Board shall in the performance of its functions promote equity and access to university and college education, by among other things, developing criteria for affirmative action for the marginalized, the minorities and persons with disabilities.

(3) The placement Board shall establish criteria to enable students access the courses for which they applied taking into account the students' qualifications and listed priorities.