



# **LAWS OF MALAYSIA**

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**Act 30**

## **UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971**

*As at 1 August 2012*

# UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971

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# **LAWS OF MALAYSIA**

## **Act 30**

### **UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971**

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## LAWS OF MALAYSIA

### Act 30

#### UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971

An Act to provide for the establishment, maintenance and administration of Universities and University Colleges and for other matters connected with it.

*[Throughout Malaysia—30 April 1971]*

**BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

#### PART I

#### PRELIMINARY

##### **Short title**

**1.** This Act may be cited as the Universities and University Colleges Act 1971.

##### **Interpretation**

**2.** In this Act—

“Board”, in relation to a University, means the Board of Directors of the University constituted in accordance with the Constitution of the University;

“Campus”, in relation to a University or University College, means—

- (a) the Campus or Branch Campus of the University or University College;
- (b) the Campus as specified in the order made under subsection 6(1); and
- (c) the area, together with all buildings or other structures thereon, which belongs to or is used, whether permanently or otherwise, by the University or University College;

“Chancellor”, in relation to a University, means the Chancellor of the University and includes any other person, by whatever name called, who has been appointed as the Head of a University and “Pro-Chancellor” shall be construed accordingly;

“Constitution”, in relation to a University, means the Constitution of the University substantially in the form as set out in the First Schedule;

“Director General” means the Director General of Higher Education appointed under subsection 4c(1) and includes the Deputy Director General appointed under the same subsection;

“Faculty”, in relation to a University, means the Faculty of the University and includes a School, a Centre, an Academy and an Institute, of the University, and in relation to the Campus of a University, includes any part of the Faculty, School, Centre, Academy and Institute designated to such Campus;

“Higher Education” includes University and University College education;

“Higher Educational Institution” means any University or University College established under this Act;

“Minister” means the Minister charged with the responsibility for higher education;



“registrable offence” has the meaning assigned to it under the Registration of Criminals and Undesirable Persons Act 1969 [*Act 7*];

“Senate” in relation to a University, means the Senate of that University;

“student” means a registered student, other than a student at an institution allied to the University or University College, who is following a course of study, instruction, training or research of any description at the preparatory, under-graduate, post-graduate or post-doctoral level on a full time or part-time basis in, by or from the University or University College, and includes a distance-learning, off-campus, exchange and non-graduating student;

“University” or “University College” means a higher educational institution having the status of a University or University College respectively;

“University or University College education” means education provided by a University or University College at the preparatory, under-graduate, post-graduate or post-doctoral level and includes research and educational development and the commercialization of such research and development;

“Vice-Chancellor”, in relation to a University, means the Vice-Chancellor, President, Rector or Director of the University and includes any other person, by whatever name called, who has been appointed as the chief executive officer of the University and “Deputy Vice-Chancellor” shall be construed accordingly.

## PART II

### HIGHER EDUCATION

#### **Responsibility of Minister**

3. The Minister shall, subject to the provisions of this Act, be responsible for the general direction of higher education and the administration of this Act which shall be in accordance with the

national policies, strategies and guidelines on higher education formulated or determined by an authority established under any written law for such purposes.

### **Power of Minister to appoint person or body to investigate**

**4.** For the purpose of enabling more effective discharge of the Minister's responsibility for higher education and the administration of this Act, the Minister may, from time to time, appoint any person or body to investigate into any of the activities or the administration of any higher educational institution and to report to him the result of such investigation with recommendations relating thereto.

### **Committee to advise Minister on appointment**

**4A.** For the purpose of selecting a qualified and suitable person for the post of Vice-Chancellor or for any other post to which the Minister has the power to appoint under this Act, the Minister shall, from time to time, appoint a committee to advise him on such appointment.

### **Secondment or transfer of service of University employee by Minister**

**4B.** (1) If on the application of a requesting University, statutory authority or organization, the Minister is satisfied that in the interest of higher education or for the promotion of research and educational development, it is expedient to second or transfer a University employee to the service of the requesting University, statutory authority or organization in Malaysia, the Minister may, with the consent of the employee, issue a direction for the secondment or transfer of the University employee to the service of the requesting University, statutory authority or organization, and it shall be the duty of the University of the said employee to carry out that direction whether or not the University agrees to the secondment or transfer.

(2) Any claim for compensation arising out of the secondment or transfer of a University employee pursuant to subsection (1) shall be met by the requesting University, statutory authority or organization

whether it be in accordance with such arrangement as may be agreed upon with the University of the said employee or otherwise.

PART IIA

ADMINISTRATION

**Appointment and duty of Director General of Higher Education**

**4c.** (1) The Minister shall appoint a Director General of Higher Education and such number of Deputies Director General.

(2) The Director General shall advise the Minister on matters pertaining to higher education.

(3) The Director General shall have functions and exercise the powers conferred on him by this Act subject to the general direction and control of the Minister and the Director General shall give effect to such direction issued by the Minister.

(4) In the absence of the Director General, the Deputy Director General may exercise his functions and powers.

**Delegation of functions, powers and duties of the Minister**

**4d.** (1) Except for the powers under sections 4, 4A, 4B, 4C and 12, the Minister may delegate in writing any of his functions, powers or duties to the Director General.

(2) Any function, power or duty delegated under subsection (1) shall be performed, exercised or discharged by the Director General in the name and on behalf of the Minister.

(3) The Director General to whom such functions, powers or duties are delegated under subsection (1) shall be bound to observe and comply with all conditions, limitations or restrictions imposed by the Minister.

(4) The delegation under this section shall not preclude the Minister from discharging at any time any of the functions, powers or duties so delegated.

(5) The Minister may, at any time, revoke the delegation made under this section.

### PART III

### UNIVERSITIES

#### **Prohibition on establishing Universities**

**5.** Subject to section 5A, no higher educational institution with the status of a University shall be established except in accordance with the provisions of this Act or the Private Higher Educational Institutions Act 1996 [*Act 555*].

#### **Non-application of Act to University established in the national interest, etc.**

**5A.** (1) The provisions of this Act shall not apply to any higher educational institution with the status of a University which is authorized to be established by an order made by the Yang di-Pertuan Agong under subsection (2) and any private higher educational institution conferred with the status of a University or University College under the Private Higher Educational Institutions Act 1996.

(2) The Yang di-Pertuan Agong may, on the advice of the Minister, by order published in the *Gazette*, authorize the establishment of any higher educational institution having the status of a University, whatever its name or style, if he is satisfied that it is expedient in the national interest that such higher educational institution should be established.

**Incorporation and establishment of a University**

6. (1) If, the Yang di-Pertuan Agong is satisfied that it is expedient in the national interest that a University should be established, he may by order—

(a) declare that there shall be established a higher educational institution having the status of a University, which shall be a body corporate, for the purpose of providing, promoting and developing higher education in all such branches of learning as shall be specified in the order;

(b) assign a name and style to that University; and

(c) specify the location of the site which shall be the seat of that University.

(1A) The Yang di-Pertuan Agong may amend, vary or revoke an order made under subsection (1) by a subsequent order published in the *Gazette*.

(2) An Order made under subsection (1) (hereinafter referred to as the “Incorporation Order”) or (1A) shall, at the next meeting of Parliament, be laid before both Houses of Parliament.

**Effect of Incorporation Order and general powers of a higher educational institution which is a University**

7. (1) Upon the coming into force of the Incorporation Order made under section 6, a higher educational institution having the status of a University, with the name and style assigned to it by the Order, shall be deemed to have been established, and by which name the Chancellor, the Vice-Chancellor and the members for the time being of the Board and the Senate shall be deemed to have been constituted a body corporate with perpetual succession and with full power and authority by and in such name—

(a) to sue and be sued in all courts;

- (b) to have and use a common seal and to alter the same at its pleasure;
- (c) to purchase any immovable or movable property and to take, accept and hold any such property which may become vested in it by virtue of any such purchase or by any grant or donation, lease, subventions, legacies, testamentary disposition or otherwise;
- (d) to sell, lease, exchange or otherwise dispose of any such property not inconsistent with any condition or restriction as may be imposed by the Constitution; and
- (e) to exercise, discharge and perform all such powers, duties and functions as may be conferred or imposed on the University by this Act or the Constitution.

(2) The powers conferred on a University by subsection (1) shall, unless otherwise expressly provided by this Act or the Constitution, be exercised by the Board.

### **Constitution of a University**

**8.** (1) The Constitution of a University shall contain provisions for all the matters set out in the First Schedule to this Act.

(2) If at any time the Constitution does not contain provisions set out in the First Schedule to this Act, the Board shall take such steps as may be necessary for giving effect to the provisions aforesaid or for removing the inconsistent provisions in the Constitution.

(3) Without prejudice to subsection (2), the Yang di-Pertuan Agong may, at any time, amend the Constitution so as to bring it into accord with the provisions of the First Schedule to this Act.

(4) The provisions of the Constitution shall take effect from such date as may be appointed by the Yang di-Pertuan Agong and shall have the force of law within Malaysia.

(5) Anything done or appointment made for and on behalf of the University prior to the date of the coming into force of the Constitution shall, on and after that date, be deemed to be made for, by or on behalf of the University.

**University to keep office as an address for service in Malaysia**

**9.** (1) Every University shall keep and maintain an office situated within Malaysia, which shall be its address for service for all writs, complaints, notices, pleadings, orders, summonses, warrants or other proceedings and written communications of all kinds.

(2) All writs, complaints, notices, pleadings, orders, summonses, warrants or other proceedings or other written communications shall, if left at the office kept and maintained under subsection (1), be deemed duly served upon or delivered to a University or such officer or authority to whom they may have been addressed, in all proceedings before any Court in Malaysia.

**Copies of Statutes, *etc.*, to be kept at office of University**

**10.** Every University shall keep at the office mentioned in section 9 a copy of each current Statute, Rule, Regulation or other documents required to be published under this Act or the Constitution, and shall keep the same available at all reasonable hours for inspection by the public and, where any books or copies of documents are, under this Act or the Constitution, required to be available for purchase by the public, such books or copies shall be kept available for purchase at such office or at some other place within Malaysia as the University may think fit.

**Grants-in-aid and accounts**

**11.** (1) Parliament may from time to time provide grants-in-aid to a University.

(2) All moneys paid to a University under subsection (1) shall be applied or expended by the University for all or any of the purposes

of the University in accordance with the estimates approved under the provisions of the Constitution:

Provided that any such moneys appropriated to and not applied for the purposes of the annually recurrent expenditure of the University may, with the approval of the Minister, be applied to capital expenditure.

(3) A copy of the accounts of the University for each financial year shall be prepared and submitted for audit before 30th July immediately following the financial year; and the accounts together with the report of the auditor shall be submitted to the Minister.

(4) The Minister shall cause a copy of the audited accounts of the University to be laid before both Houses of Parliament.

### **Establishment of Campus of a University**

**12.** (1) The Minister may, after consultation with the Board, by order published in the *Gazette* (hereinafter referred to as a “Campus Order”)—

- (a) establish a Campus of a University in or outside Malaysia;
- (b) assign a suitable name or designation to the Campus;
- (c) specify the site or location of the Campus, being the site or location which shall be in addition to the Campus at the seat of the University; and
- (d) prescribe such other matters as may be necessary or expedient for giving effect to the Campus Order.

(2) The Minister may amend, vary or revoke a Campus Order by a subsequent order published in the *Gazette*.

(3) If any area is required to be used by the University temporarily for any purpose, the Vice-Chancellor may, with the consent of the Board, approve the use of such area for such purpose by the University for such duration as he may deem necessary, and the



provisions of this Act, the Constitution, Statutes, Rules and Regulations of the University shall apply to such area as they apply to a Campus.

### **Acquisition of land for purposes of the University**

**13.** (1) When any immovable property, not being State land or reserved land or land vested in State or in the Federation or occupied or used by the Federation or a public authority for Federal purposes, is needed for the purposes of a University and cannot be acquired by agreement, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose for the time being in force in the State in which such property is situated, and any declaration required under any such written law that such land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the University, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) Expenses and compensation in respect of any immovable property acquired under subsection (1) shall be paid by the University.

(3) All immovable property acquired under this section shall vest in the University, and an entry to that effect in the appropriate register shall be made by the proper registering authority.

### **Exemption from estate duty**

**14.** No estate duty shall be payable in respect of the amount of any bequest to a University, and the value of the property passing on the death of a deceased shall be deemed not to include the amount of such bequest for the purpose of fixing the rate of estate duty.

**Activities of students or students' society, organization, body or group**

**15.** (1) Subject to subsection (2), a student of the University may become a member of any society, organization, body or group of persons, whether in or outside Malaysia, including any political party.

(2) A student of the University shall not—

(a) become a member of any political of any unlawful society, organization, body or group of persons, whether in or outside Malaysia;

(b) become a member of any society, organization, body or group of persons, not being a political party, which the Board determines to be unsuitable to the interest and well-being of the students or the University; or

(c) be involved in political party activities within the Campus.

(3) A student of the University and any society, organization, body or group of students of the University which is established by, under or in accordance with the Constitution, shall not express or do anything which may reasonably be construed as expressing support for or sympathy with or opposition to—

(a) any unlawful society, organization, body or group of persons, whether in or outside Malaysia; or

(b) any society, organization, body or group of persons which the Board determines to be unsuitable to the interests and well-being of the students or the University.

(4) Notwithstanding subsection (3), a student of the University shall not be prevented from—

(a) making a statement on an academic matter which relates to a subject on which he is engaged in study or research; or

- (b) expressing himself on the subject referred to in paragraph (a) at a seminar, symposium or similar occasion that is not organized or sponsored by any unlawful society, organization, body or group of persons, whether in or outside Malaysia, or any society, organization, body or group of persons determined by the Board under paragraph (3)(b) to be unsuitable to the interests and well-being of the students or the University.

(5) The University shall regulate the activities of students and a society, an organization, a body or group of students of the University within the Campus.

**Prohibition on collection of money by a student or by an organization, body or group of students**

**15A.** (1) No student of the University, or any organization, body or group of students of the University, shall, in or outside the Campus, or in or outside Malaysia, collect or attempt to collect, or promote or attempt to promote any collection of, or make any appeal orally or in writing or otherwise or attempt to make any such appeal for, any money or other property from any person, not being money or property due or about to fall due under or by virtue of any written law, contract or other legal obligation.

(2) Any person who breaches subsection (1) shall be liable to disciplinary action.

(3) The Vice-Chancellor may, in any particular case, grant exemption to any person from the application of subsection (1), subject to such terms and conditions as he thinks fit.

(4) *(Deleted by Act A1342).*

(5) The provisions of this section shall be in addition to and not in derogation from the provisions of any written law relating to house to house and street collections, public collections, or collection of money or sale of badges.

**Liability of students or students' organization, body or group**

**15b.** Where a registrable offence has been committed under any written law and such offence has been committed or purports to have been committed in the name or on behalf of any organization, body or group of students of the University which is established by, under or in accordance with the Constitution, every person convicted of such offence shall be liable to disciplinary action and such organization, body or group of students shall be dealt with in accordance with section 16.

**15c.** (*Deleted by Act A1342*).

**Suspension of student charged with registrable offence and matters relating to detention, etc.**

**15d.** (1) Where a student of the University is charged with a registrable offence—

(a) he may, in the discretion of the Vice-Chancellor, be suspended from being a student; and

(b) if so suspended, he shall not during the pendency of the criminal proceedings, remain in or enter the Campus.

(2) Where a student of the University charged with a registrable offence under subsection (1) is convicted of that offence, the student shall be liable to disciplinary action.

(3) Where a student of the University is detained or is subjected to any order imposing restrictions on him under any written law relating to preventive detention or internal security, the student shall be liable to disciplinary action.

(4) A student of the University who is detained or is subjected to any order imposing restrictions on him under any written law relating to preventive detention or internal security, or is imprisoned or detained for whatever reason, may, with the consent of the Senate, be permitted to sit for the examination of the University subject to such

order made or approval given by the Minister responsible for internal security or any other competent authority, as the case may require.

(5) A student of the University who is suspended from being a student of the University under subsection (1) may, while he is so suspended, be admitted as a student of any University established under this Act with the written approval of the Minister, and if the Minister grants such approval, the Minister may impose such terms and conditions as he thinks fit.

(6) A student of the University who ceases to be a student under this Act may be admitted as a student of that or any other University established under this Act with the written approval of the Minister, and if the Minister grants such approval, the Minister may impose such terms and conditions as he thinks fit.

(7) If the determination of any application, appeal or other proceedings by the court in respect of any criminal proceedings against a student of the University for a registrable offence, results in his discharge or acquittal, the student, if suspended from the University or has served any period of imprisonment, as the case may be, shall be allowed to resume his studies at the University and the period of suspension or imprisonment, as the case may be, shall not be taken into consideration in calculating the maximum duration permitted to complete the course of study and in the computation of his results.

(8) If the determination of any application, petition, appeal or other proceedings by the court or any competent authority in respect of the detention order against or order imposing restrictions on a student of the University under any written law relating to preventive detention or internal security, results in his release or the restrictions imposed on him being revoked, the student shall be allowed to resume his studies at the University and the period of detention and restriction he was subjected to shall not be taken into consideration in calculating the maximum duration permitted to complete the course of study and in the computation of his results.

**Power of Vice-Chancellor to suspend or dissolve any organization, body or group of students**

**16.** (1) If any organization, body or group of students of the University conducts itself in a manner which the Vice-Chancellor considers detrimental or prejudicial to the interests or well-being of the University, or to the interests or well-being of any of the students or employee of the University, or to public order, safety or security, or if any such organization, body or group violates any provision of any written law, the Vice-Chancellor may, after giving the organization, body or group of students of the University an opportunity to make a written representation, suspend or dissolve such organization, body or group.

(2) Any organization, body or group of students of the University aggrieved by the suspension or dissolution made under subsection (1) may, within fourteen days from the date of receipt of the notice of the suspension or dissolution, appeal in writing to the Minister.

**16A.** (*Deleted by Act A1342*).

**Disciplinary authority in respect of students of the University**

**16B.** (1) The disciplinary authority of the University in respect of every student of the University shall be the Vice-Chancellor.

(2) The Vice-Chancellor who is the disciplinary authority under subsection (1), shall have the power to take such disciplinary action and impose such disciplinary punishment as may be provided for under any disciplinary rules that may be made by the Board under section 16C.

(3) The Vice-Chancellor may delegate his disciplinary functions, powers or duties to any of the Deputy Vice-Chancellors, employee of the University, or committee of employees of the University, in respect of any particular student or any class or category of the students of the University.

(3A) The Vice-Chancellor, or Deputy Vice-Chancellor, employee or committee of employees delegated with the functions, powers or

duties under subsection (3), shall inform the student in writing of the grounds on which it is proposed to take action against him and shall afford him a reasonable opportunity of being heard.

(3B) A student of the University shall have the right to be represented by an employee or another student of the University in any disciplinary proceedings taken against him.

(3c) A student of the University shall be allowed to make a written or an oral representation in any disciplinary proceedings taken against him.

(3D) The decision of the Vice-Chancellor, Deputy Vice-Chancellor, employee or committee of employee, as the case may be, in any disciplinary proceedings taken against a student of the University shall be communicated in writing to the student within fourteen days from the date of the decision.

(4) Any student of the University who is dissatisfied with the decision of the Vice-Chancellor, Deputy Vice-Chancellor, employee or committee of employees, as the case may be, under subsection (3D) may, within fourteen days from the date of receipt of the decision, submit an appeal in writing to the Student Disciplinary Appeal Committee established by the Board under subsection (5).

(5) The Board shall establish a Student Disciplinary Appeal Committee to hear and determine any appeal submitted by a student under subsection (4).

(6) The Student Disciplinary Appeal Committee shall comprise three members to be appointed by the Board, two of whom shall be from amongst its members and one other person from within the University.

(7) The Board shall appoint any of its members referred to in subsection (5) to be the chairman of the Student Disciplinary Appeal Committee.

(8) No person who had exercised the powers under subsection (2) or (3) shall be a member of the Student Disciplinary Appeal Committee.

(9) (*Deleted by Act A1433*).

(10) A student of the University who has submitted an appeal under subsection (4) shall be allowed to make a written representation in any proceedings before the Student Disciplinary Appeal Committee.

(11) The Student Disciplinary Appeal Committee hearing an appeal under subsection (5) shall decide on the appeal within sixty days from the date of receipt of the appeal.

(12) The decision of the Student Disciplinary Appeal Committee on an appeal shall be communicated in writing to the student within fourteen days from the date of its decision.

### **Disciplinary rules**

**16c.** (1) The Board shall have the power to make such disciplinary rules as it deems necessary or expedient to provide for the discipline of the students of the University; the disciplinary rules made under this subsection shall be published in the *Gazette*.

(2) The disciplinary rules made under this section may include provisions for the suspension of a student of the University during the pendency of disciplinary proceedings.

(3) The disciplinary rules made under this section shall create such disciplinary offences and provide for such disciplinary punishments as the Board may deem appropriate, and the punishments so provided may extend to expulsion of the student from the University.

(4) The disciplinary rules made under this section shall prescribe the procedures for disciplinary proceedings and disciplinary appeal proceedings.



(5) The particularity of the matters referred to in subsections (2), (3) and (4) shall be without prejudice to the generality of the powers of the Board under subsection (1).

**16D.** (*Deleted by Act A1342*).

**Constitution to provide protection of benefits under provident fund scheme**

**17.** The Constitution may establish a provident fund scheme for its employees and the following provisions shall apply to any such provident scheme—

- (a) no assurance on the life of any contributor under any provident scheme and no moneys or other benefits received under such assurance or in any other manner under any such scheme shall be capable of being taken in execution or otherwise garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever against the contributor or his estate unless the University in its discretion shall have assigned such assurance, moneys or other benefits to the contributor for his absolute use and benefit or, in the case of his death, to his legal personal representative;
- (b) subject to any discretionary trusts or powers as to the application thereof vested by any Act or rules relating thereto in the University or other person administering the provident scheme, all moneys and benefits arising from any such provident scheme shall be deemed to be impressed with a trust in favour of the objects entitled thereto under the will or intestacy of any deceased contributor;
- (c) no donation or contribution to a fund established under a provident scheme or interest thereon shall be assignable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the University;

- (d) no such donation or contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution or interest be subject to the debts of the contributor, nor shall such donation, contribution or interest pass to the Director General of Insolvency on the bankruptcy of such contributor, but, if such contributor is adjudicated a bankrupt or is declared insolvent by judgement of the court, such donation or contribution or interest shall, subject to the provisions of this Act and of the Constitution and of any Act or rules relating thereto, be deemed to be impressed with a trust in favour of the persons entitled thereto on the death of the contributor;
- (e) the bankruptcy of a contributor shall not effect the making of deductions from the salary of the contributor in accordance with any Act or rules relating thereto, but such deductions shall continue to be made notwithstanding the provisions of any written law, and the portion of salary so deducted shall be deemed not to form part of his after-acquired property;
- (f) subject to the provisions of any Act or rules relating thereto, all moneys payable or paid out of any fund established under a provident scheme on the death of a contributor shall be deemed to be impressed with a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in such form as may be prescribed under the scheme, but shall not be deemed to form part of his estate or be subject to the payment of his debts.

### **Transitional provisions**

**18.** The Yang di-Pertuan Agong may in respect of the Constitution provide such transitional provisions as he may deem necessary or expedient for the purpose of achieving the objects of the University.

PART IV

UNIVERSITY COLLEGES

**Prohibition on establishing University Colleges**

**19.** No higher educational institution with the status of a University College shall be established except in accordance with the provisions of this Act or the Private Higher Educational Institutions Act 1996.

**Incorporation and establishment of a University College**

**20.** (1) If, the Yang di-Pertuan Agong is satisfied that it is expedient in the national interest that a University College should be established, he may by order—

(a) declare that there shall be established a higher educational institution having the status of a University College, which shall be a body corporate for the purpose of providing, in accordance with the provisions of this Act and the Constitution of the University College, higher education in specified branches of learning;

(b) assign a name to that University College; and

(c) specify the location of the site which shall be the seat of that University College.

(2) The Yang di-Pertuan Agong may amend, vary or revoke an order made under subsection (1) by a subsequent order published in the *Gazette*.

**Constitution of a University College**

**21.** (1) The Yang di-Pertuan Agong may by regulations prescribe the Constitution of a University College.

(2) The Yang di-Pertuan Agong may at any time amend the Constitution of a University College.

(3) The provisions of the Constitution of a University College shall take effect from such date as may be appointed by the Yang di-Pertuan Agong and shall have the force of law within Malaysia.

(4) Anything done or appointment made for and on behalf of the University College prior to the date of the coming into force of the Constitution shall, on and after that date, be deemed to be made for, by or on behalf of the University College.

### **Application of provisions of Part III to this Part**

**22.** Subsection 6(2), sections 7, 9, 10, 11, 13, 14, 15, 15A, 15B, 15D, 16, 16B, 16C and 17 applicable to a University established under this Act shall *mutatis mutandis* apply to a University College established or deemed to be established under this Act subject to the following modifications, that is to say—

- (a) reference to “University” shall be read as reference to “University College”;
- (aa) reference to “Board” shall be read as reference to the executive body of the University College;
- (b) reference to “Chancellor”, “Vice-Chancellor” and “Deputy Vice-Chancellor” shall be read as reference to the appropriate authorities of the University College;
- (c) reference to “Pro-Chancellor” shall be deleted; and
- (d) such other modifications as may be necessary or expedient for giving effect to this section.

PART IVA

REGISTER AND DATABASE

**Duty to maintain register**

**22A.** (1) The Director General shall keep and maintain or cause to be kept and maintained a National Higher Education Register containing particulars of—

- (a) higher educational institutions established under section 6;
- (b) programmes conducted or provided by higher educational institutions;
- (c) persons who have been conferred with degrees at doctoral level, including an honorary doctorate;
- (d) persons who have been appointed as professors and include persons who have been conferred with the title of Royal Professor Emeritus; and
- (e) any other matter relating to higher education which he deems necessary.

(2) The Director General may make the National Higher Education Register available for public inspection subject to such conditions as he thinks fit.

(3) A person may on payment of fees as prescribed by the Minister—

- (a) inspect the National Higher Education Register; and
- (b) make a copy of, or take extracts from, the Register.

**Duty to maintain database**

**22B.** (1) Every higher educational institution established under section 6 shall keep and maintain a database containing particulars of—

- (a) programmes conducted or provided by higher educational institutions;
- (b) persons who have been conferred with degrees at doctoral level, including an honorary doctorate;
- (c) persons who have been appointed as professors and include persons who have been conferred with the title of Royal Professor Emeritus; and
- (d) any other matter relating to higher education which he deems necessary.

(2) The database mentioned in subsection (1) shall be made accessible to the Minister as he may require.

**PART V****GENERAL****Offence of establishing a University or University College**

**23.** (1) No person shall establish, form or promote or do anything or carry on any activities for the purpose of establishing or forming or promoting the establishment or formation of a University or University College otherwise than in accordance with the provisions of this Act or the Private Higher Educational Institutions Act 1996.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine of ten thousand ringgit or to imprisonment for a term of five years or to both.

**Certain prohibitions in respect of “University” or “University College”**

**24.** (1) No person shall establish, manage or maintain a higher educational institution with the status of “University” or “University College” unless it is a higher educational institution established in accordance with the provisions of this Act or the Private Higher Educational Institutions Act 1996.

(2) No higher educational institution or person shall issue to or confer on any person any degree or diploma purporting to be degree or diploma issued or conferred by a University or University College unless the issue or conferment is in accordance with the provisions of this Act or the Private Higher Educational Institutions Act 1996.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall on conviction be liable to a fine of five thousand ringgit or to imprisonment for a term of three years or to both.

**Service**

**24A.** (1) Service of any notice under this Act shall be effected by registered post to the person affected thereby and shall be deemed to have been served on the day succeeding the day on which the notice would have been delivered in the ordinary course of post.

(2) Where the person to whom there has been addressed a registered letter containing any notice which may be given under this Act is informed of the fact that there is a registered letter awaiting him, at a post office, and if such person refuses or neglects to take delivery of such registered letter, such notice shall be deemed to have been served upon him on the date on which he was so informed.

**Public Authorities Protection Act 1948**

**24B.** The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the University, the Board, the Senate, any member of the Board or Senate, the Vice-Chancellor, the Deputy Vice-Chancellors, the

officer or the employee of the University in respect of any act, neglect or default done or committed by it or him in such capacity.

**Act or omission done in good faith**

**24c.** No action or suit shall be instituted or maintained in any court against—

- (a) the Board;
- (b) a member of the Board;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Senate;
- (f) a member of the Senate;
- (g) an officer or an employee of the University; and
- (h) a person authorized to act for or on behalf of any of the bodies or persons under paragraphs (a) to (g),

for any act or omission done in good faith in the discharge of its or his powers and duties under this Act in a reasonable belief that it was necessary for the purpose intended to be served thereby.

**Public servants**

**24d.** All members of the Board and Senate, the Vice-Chancellor, Deputy Vice-Chancellors, officers and employees of the University while discharging their functions as such members, Vice-Chancellor, Deputy Vice-Chancellors, officers and employees, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].



### **Power of Minister to make regulations**

**24E.** The Minister may make regulations for all or any of the following purpose:

- (a) to prescribe the form in which a register shall be kept or maintained under this Act, entries to be made therein, provision for the inspection of and taking extracts from the register and the supply of copies thereof and the fees to be paid for such inspection, extracts and copies respectively;
- (b) to prescribe any other matter which the Minister deems expedient or necessary for the purposes of this Act.

### **Existing Universities**

**25.** (1) The University of Malaya established under the University of Malaya Act 1961 [*Act 682*], shall be deemed to be a University established under this Act.

(2) The University of Malaya Act 1961, shall, subject to the provisions of this Act, continue in force for the purpose of that University.

### **Exemption**

**26.** The Yang di-Pertuan Agong may, on the advice of the Minister, by order published in the *Gazette*—

- (a) exempt any University or University College from any provisions of this Act or the First and Second Schedules; or
- (b) vary any provisions of the First and Second Schedules in their application to any University or University College.

### **Repeal**

**27.** The Emergency (Essential Powers) Ordinance No. 74, 1971 is hereby repealed.

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## FIRST SCHEDULE

## [Section 8]

## CONSTITUTION

**Citation**

1. This Constitution may be cited as the Constitution of the University of .....

**Interpretation**

2. (1) In this Constitution, unless the context otherwise requires—

“Alumni of the University” means the Alumni of the University constituted in accordance with section 22;

“Authority” means any of the Authorities of the University referred to in section 12, and includes any Authority established by Statute;

“Chair” means the post of professor however styled;

“Convocation” means a Convocation held in accordance with section 44;

“Foundation Day” means the date on which the Incorporation Order made by the Yang di-Pertuan Agong under section 6 of the Universities and University Colleges Act 1971 comes into force;

“Guild of Graduates” means the Guild constituted in accordance with section 22;

“Officer” means the Chancellor, a Pro-Chancellor, the Vice-Chancellor, the Deputy Vice-Chancellor, the head of a Branch Campus, the Dean of a Faculty, the Head of a School, a Centre, an Academy or an Institute, the Registrar, the Bursar, the Chief Librarian, the Legal Adviser or the holder of any office created by Statute or otherwise;

“Regulations”, “Rules” and “Statute” mean the Regulations, Rules and Statute made in accordance with this Constitution;

“Teacher” means a person appointed to be a teacher by the Board in accordance with this Constitution, and includes a senior professor, professor, associate professor, fellow, assistant professor, reader, senior lecturer, lecturer, assistant lecturer, language and matriculation teacher, and tutor;

“The University” means the University of .....

(2) References in this Constitution to a section are reference to a section of this Constitution.

## PART I

### THE UNIVERSITY

#### **Establishing of University as body corporate**

3. There is hereby established in accordance with the provisions of this Constitution, a University with the name and style of ....., by which name and style the Chancellor, the Pro-Chancellors, the Vice-Chancellor, the Board and the Senate are hereby constituted a body corporate with perpetual succession, and with full power and authority under such name—

- (a) to sue and be sued in all courts;
- (b) to have and use a common seal and from time to time to break, change, alter and make anew such seal as it shall think fit;
- (c) for the purposes of this Constitution, and subject to the Statutes, Rules and Regulations to purchase any property, movable or immovable, and to take, accept and hold any such property which may become vested in it by virtue of any such purchase, or by any exchange, grant, donation, lease, testamentary disposition or otherwise;
- (d) to sell, mortgage, lease, exchange or otherwise dispose of any such property; and
- (e) to exercise and perform, in accordance with the provisions of this Constitution and of the Statutes, Rules and Regulations, all powers and duties conferred or imposed upon the University by such provisions.

#### **Powers of University**

4. (1) The University shall, subject to the provisions of this Constitution, have the following powers:

- (a) to provide courses of instruction, to hold examinations, to make provision for research, and to take such other steps as may appear necessary or desirable for the advancement and dissemination of knowledge;
- (b) to confer degrees, diplomas, certificates and other academic distinctions including external degrees, diplomas, certificates and other academic distinctions and upon persons who have followed courses of study approved by the University and have satisfied such other requirements as may be prescribed by Rules;

- (c) to recognize the degrees and diplomas of other institutions of higher learning, for the purpose of admission to the courses and examinations of the University and of the award of higher degrees on holders of such degrees or diplomas or on graduates of the University on such conditions as may be prescribed by Rules;
- (d) to confer degrees upon teachers of the University who have satisfied such requirements as may be prescribed by Rules;
- (e) to confer honorary degrees on persons who have contributed to the advancement or dissemination of knowledge or who have rendered distinguished public service;
- (f) to grant certificates to persons who have attained proficiency in any branch of knowledge;
- (g) to institute chairs, lectureships, and other posts and offices, and to make appointments thereto;
- (h) to establish a University printing press and to publish books and other matter;
- (i) to erect, equip and maintain libraries, laboratories, museums, lecture halls, halls of residence and all other buildings required for the purposes of the University, whether in the Federation or elsewhere;
- (j) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance towards the advancement and dissemination of knowledge;
- (k) to invest in land or securities (whether authorized as trustee investments or not) such funds as may be vested in it for the purpose of endowment, whether for general or special purposes, or such other funds as may not be immediately required for current expenditure, with power from time to time to vary any such investment and to deposit any moneys for the time being uninvested with any bank established in Malaysia either upon fixed deposit or upon current account;
- (ka) to grant loans or advances to its officers and employees;
- (kb) to grant loans or financial assistance to deserving students on such terms and conditions as may be approved by the Minister;
- (kc) to conduct commercial research for the effective promotion and utilization of its research findings;
- (l) to enter into contracts, to appoint such employee and to establish such trusts, as may be required for the purposes of the University;

- (m) to appoint and promote employees of the University and to consider appeals from any person aggrieved by the exercise of such power to appoint and promote;
- (n) to regulate the conditions of service of employees of the University, including schemes of service, salary scales, secondment, transfer, leave and discipline;
- (o) to establish pension or superannuation or provident fund schemes for the benefit of its employees, and to enter into arrangements with other organizations or persons for the establishment of such schemes;
- (p) to regulate and provide for the residence of officers, teachers, employee and students of the University and the welfare and discipline of teachers, employee and students;
- (q) to demand and receive such fees as may from time to time be prescribed by Rules; and
- (r) to do all such acts and things, whether or not incidental to the powers aforesaid as may be requisite in order to further instruction, research, finance, administration, welfare and discipline in the University.

(2) If the Yang di-Pertuan Agong is satisfied, with a view to maintenance and promotion of the Federation's foreign relations, that it is necessary to confer an honorary degree upon a foreign dignitary, on the direction by the Yang di-Pertuan Agong the University shall confer such degree as stated in the direction.

(3) For the avoidance of doubt, the powers under subsection (1) may be exercised by the Board, except the powers under paragraphs (1)(a), (b), (c), (d), (f), (j) and (kc) which shall be exercised by the Senate.

#### **Additional powers of the University**

**4A.** (1) The Board may, with the approval of the Minister of Finance—

- (a) where it appears to be requisite, advantageous or convenient for or in connection with the discharge of the functions, exercise of the powers and carrying on of the activities of the University, enter into equity participation, partnership, joint venture, undertaking or any other form of co-operation or arrangement in association with, or otherwise—
  - (i) an enterprise, company, private undertaking or syndicate of persons constituted for carrying on business in Malaysia or elsewhere;
  - (ii) the Federal or State Government;
  - (iii) a public body or authority;

- (iv) a commission; or
- (v) a person;
- (b) establish or promote the establishment of companies under the Companies Act 1965 [*Act 125*] to carry on and engage in any activity which has been planned or undertaken by the University;
- (c) establish corporations to carry out and have the charge, conduct and management of any property, project, scheme or enterprise which in the opinion of the Board would be beneficial and advantageous to the University;
- (d) borrow, at such rate of interest and for such period and upon such terms as the Board may approve, any sums required by the University for meeting its obligations or discharging any of its duties;
- (e) secure borrowings under paragraph (d) by the issue of bonds, debentures or debenture stocks of such class and value or to charge, mortgage, pledge or otherwise create liens over its property, movable or immovable, upon such terms as the Board may deem expedient;
- (f) acquire and hold for investment shares, stocks, debentures, debenture stocks, bonds, obligations and securities issued or guaranteed by—
  - (i) any company or private undertaking or any syndicate of persons constituted for carrying on business in Malaysia or elsewhere;
  - (ii) the Federal or State Government;
  - (iii) a sovereign ruler;
  - (iv) commissions; and
  - (v) a public body or authority;
- (g) acquire shares, stocks, debentures, debenture stocks, bonds, obligations or securities referred to in paragraph (f) by original subscription, tender, purchase, transfer, exchange or otherwise;
- (h) exercise and generally enforce all rights and powers conferred by or incidental to the ownership of shares, stocks, debentures, debenture stocks, bonds, obligations or securities referred to in paragraph (f) and in particular to sell, transfer, exchange or otherwise dispose of the same; and
- (i) purchase, take on lease or hire or otherwise acquire and invest in any real and personal estate which may be deemed necessary or convenient for any of the purposes of the University.

- (2) Section 4B shall apply to a corporation established under paragraph (1)(c).

**Provisions relating to corporations**

**4B.** (1) The Board shall, on or before the date on which any corporation is established under paragraph 4A(1)(c), prescribe by regulations—

- (a) the purposes and objects for which such corporation is established;
- (b) the rights, powers, duties and functions of such corporation;
- (c) the system of management of such corporation; and
- (d) the relations between such corporation and the University and the rights of control of the Board over such corporation.

(2) Any regulations made under subsection (1) shall be binding on the corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted under this Constitution.

(3) The Board may at any time amend, revoke, or add to, any regulation made in respect of any corporation under subsection (1).

(4) The Board may, with the approval of the Minister after consultation with the Minister of Finance, direct that any corporation established by it be wound up and dissolved.

(5) Upon the dissolution of any corporation under subsection (4), assets of the corporation after payment of all liabilities shall be transferred to and vested in the University.

(6) The winding up of a corporation under subsection (4) shall be conducted in such manner as the Board may prescribe by regulations.

(7) Regulations made under this section shall be published in the *Gazette*.

(8) Every corporation established under paragraph 4A(1)(c)—

- (a) shall be a body corporate by such name as the Board shall give to such corporation;
- (b) shall have perpetual succession;
- (c) shall have a common seal;
- (d) may sue and be sued in its corporate name;

- (e) may enter into contracts;
- (f) may hold, and deal in or with, any movable or immovable property; and
- (g) may do all other matters and things incidental or appertaining to a body corporate not inconsistent with this Constitution,

subject to such restrictions or limitations as may be specified by the Board in each case.

(9) Every such corporation shall have a common seal, which shall bear such device as the corporation, with the approval of the Board, may determine.

(10) The common seal may from time to time be broken, changed, altered and made anew by the corporation, with the approval of the Board, as the corporation shall think fit.

(11) Until a seal is provided by the corporation under subsection (9) a stamp bearing the name of the corporation encircling the letters “UNIVERSITY . . .” may be used as its common seal.

(12) The common seal, or the stamp referred to in subsection (11) shall be in the custody of such person as the corporation shall direct and shall be authenticated by such person.

(13) All deeds, documents and other instruments purporting to be sealed with the seal, authenticated as provided in subsection (12) shall, until the contrary is proved, be deemed to have been validly executed.

(14) Any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation; and such document or instrument may be executed on behalf of the corporation by any officer or servant of the corporation generally or specially authorized by the corporation in that behalf.

(15) The seal of every corporation shall be officially and judicially noticed.

#### **Conduct of study, *etc.*, in association, *etc.*, with any University**

4C. The University may, with the approval of the Minister, conduct any course of study or training programme jointly or in association, affiliation, collaboration or otherwise, with any University or institution of higher education or other educational institution or organization within or outside Malaysia.

#### **Distinctions of race and creed prohibited**

5. Subject to Article 153 of the Federal Constitution, membership of the University, whether as an officer, teacher or student, shall be open to all persons irrespective of sex,



race, religion, nationality or class; and no test of religious belief or profession shall be adopted or imposed in order to entitle any persons to be admitted to such membership or to be awarded any degree or diploma of the University, nor shall any fellowship, scholarships, exhibition, bursary, medal, prize or other distinction or award be limited to persons of any particular race, religion, nationality or class if the cost of the same is met from the general funds of the University.

**The seal of the University**

6. (1) The common seal of the University shall be such seal as may be approved by the Chancellor on the recommendation of the Board and such seal may in like manner from time to time be broken, changed, altered and made anew.

(2) The common seal of the University shall be kept in the custody of the Vice-Chancellor.

(3) The common seal of the University shall not be affixed to any instrument except in the presence of—

(a) The Vice-Chancellor; and

(b) one other member of the Board,

who shall sign their names to the instrument in token of such presence; and such signature shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the University.

(3A) Where the instrument referred to in subsection (3) is the scroll of a degree, diploma, certificate or other academic distinction, the common seal of the University shall be affixed to it in the presence of the Vice-Chancellor and a senior officer authorized by the Vice-Chancellor.

(4) The seal of the University shall be officially and judicially noticed.

(5) Any document or instrument which (if executed by a person not being a body corporate) will not require to be under seal may in like manner be executed by the University provided that such document or instrument shall be executed on behalf of the University by an officer or any person generally or specially authorized by the Board.

## PART II

## THE OFFICERS OF THE UNIVERSITY

**The Chancellor**

7. (1) There shall be a Chancellor who shall be the Head of the University and shall preside when present at any Convocation and shall have such other powers and perform such other duties as may be conferred or imposed upon him by this Constitution or any Statute, Rule or Regulation.

(2) The Chancellor shall be appointed by the Yang di-Pertuan Agong, on the advice of the Minister, for such period, not exceeding seven years, as may be specified by the Yang di-Pertuan Agong.

(3) The Chancellor may be writing under his hand addressed to the Yang di-Pertuan Agong resign his office, or he may be removed by the Yang di-Pertuan Agong.

(4) A person shall be eligible for reappointment to the office of Chancellor.

**The Pro-Chancellors**

8. (1) The Chancellor may appoint, on the advice of the Minister, such persons to be Pro-Chancellors as he may consider proper.

(2) If for any reason the Chancellor is unable to exercise any of his functions under this Constitution or any Statute, Rules or Regulation, he may authorize any of the Pro-Chancellors to exercise such functions on his behalf.

(3) Every Pro-Chancellor shall hold office during the pleasure of the Chancellor.

**The Vice-Chancellor and Deputy Vice-Chancellor**

9. (1) There shall be a Vice-Chancellor who shall be appointed by the Minister on the advice of the committee appointed under section 4A of the Universities and University Colleges Act 1971 and after consultation with the Board.

(1A) The Vice-Chancellor shall act under the general authority and direction of the Board and the Senate.

(2) *(Deleted by Act A295).*

(3) The Vice-Chancellor shall be the chief executive officer and shall be responsible for the overall administrative, academic and management functions and the day-to-day affairs of the University.

(4) *(Deleted by Act A1342).*

(5) The Vice-Chancellor shall, subject to the provisions of this Constitution, exercise general supervision over the arrangements for instruction, research, finance, administration, welfare and discipline in the University, and may exercise such other powers as may be conferred upon him by this Constitution and any Statute, Rules or Regulation.

(6) *(Deleted by Act A295).*

(7) The terms of office and other conditions of service of the Vice-Chancellor shall be determined by the Minister, after consultation with the Board, and shall be binding on the University.

(8) There shall be at least one Deputy Vice-Chancellor; the Deputy Vice-Chancellor or Deputy Vice-Chancellors, as the case may be, shall be appointed by the Minister after consultation with the Vice-Chancellor, and any fit and proper person may be so appointed either from within or without the University; the terms of office and other conditions of service of a Deputy Vice-Chancellor shall be determined by the Minister after consultation with the Vice-Chancellor, and shall be binding on the University.

(9) If for any substantial period the Vice-Chancellor is unable by reason of illness, leave of absence or any other cause to exercise any of the functions of his office, the Deputy Vice-Chancellor or, if there is more than one Deputy Vice-Chancellor, such one of them as may be nominated by the Minister shall exercise such functions; and in the event of the absence or disability of the Deputy Vice-Chancellor or all the Deputy Vice-Chancellors (if there be more than one) the Minister shall make such temporary arrangements as he may think fit for the exercise of such functions.

### **Head of a Branch Campus**

**9A.** (1) Where there is a Branch Campus, there shall be a head of the Branch Campus who shall be appointed by the Minister, after consultation with the Vice-Chancellor.

(2) The head of a Branch Campus may be known by such other name as may be specified by the Minister.

(3) The terms of office and other conditions of the service of the head of a Branch Campus shall be determined by the Minister, after consultation with the Vice-Chancellor.

(4) The head of a Branch Campus shall be the principal executive, administrative and academic officer of the Branch Campus and shall perform his functions and discharge his duties under the direction and control of the Vice-Chancellor.

**Registrar, Bursar, Chief Librarian and Legal Adviser**

**10.** (1) There shall be a Registrar, a Bursar, a Chief Librarian and a Legal Adviser, who shall be full-time officers of the University and shall have such powers and duties as may be prescribed by Statute.

(1A) The post of the Registrar, Bursar, Chief Librarian and Legal Adviser may be known by such other names as may be determined by the Board.

(2) The Registrar, the Bursar, the Chief Librarian and the Legal Adviser shall be appointed by the Board on the advice of the Selection Committees.

(3) Subject to the provisions of this Constitution, the conditions of appointment of the Registrar, the Bursar, the Chief Librarian and the Legal Adviser shall be determined by the Board.

(4) A person appointed as the Registrar, the Bursar and the Legal Adviser shall, unless he resigns or vacates his office or his appointment is revoked, hold office for a period of not more than three years and upon expiry of such period, the Registrar, the Bursar and the Legal Adviser shall be eligible for reappointment.

(5) A person appointed as the Chief Librarian shall hold office for a period as determined by the Board.

(6) The appointment of the Registrar, the Bursar, the Chief Librarian and the Legal Adviser may, at any time, be revoked by the Board stating the reason for such revocation.

**Other officers**

**11.** The University may appoint such other officers or servants as may be prescribed by Statute.

**PART III****THE UNIVERSITY AUTHORITIES****The Authorities**

**12.** (1) The Authorities of the University shall be the Board, the Senate, the Management Committee of the University or by whatever name it may be referred to, the Faculties, the Schools, the Centres, the Academies, the Institutes, the Studies Committee, the Selection Committees, the Employee Welfare Committee, the Student Welfare Committee and such other bodies as may be prescribed by Statute as Authorities of the University.

(2) Subject to the provisions of this Constitution, the composition, powers and procedure of the Authorities shall be prescribed by Statute.

(3) The provisions of the Second Schedule shall apply to members of an Authority.

### **The Board of Directors**

**13.** (1) The Board of Directors shall consist of—

- (a) a Chairman;
- (b) the Vice-Chancellor;
- (c) two officers of the public service;
- (d) one person to represent the community at the place where the University is located;
- (e) one professor of the University elected by the Senate from amongst the members mentioned in paragraph 17(d); and
- (f) five persons comprising three persons from the private sector, one person from the alumni of the University and one other person from within or without the University who, in the opinion of the Minister, have the knowledge and experience which would be of assistance to the Board.

(2) The Deputy Vice-Chancellors, Registrar, Bursar and Legal Adviser shall be *ex-officio* members of the Board but shall not be entitled to vote at the meetings of the Board.

(3) Subject to the approval of the Minister, each member appointed under paragraph (1)(c) may appoint an alternate member to attend meetings of the Board if that member is for any reason unable to attend.

(4) When attending meetings of the Board, an alternate member shall for all purposes be deemed to be a member of the Board.

### **Provisions relating to the Board**

**14.** (1) The appointment of the members of the Board, except the Vice-Chancellor, shall be made by the Minister for a period of three years and upon the expiry of such period the members of the Board shall be eligible for reappointment.

(1A) The term of the member appointed under paragraph 13(1)(e) shall be for the duration of his membership in the Senate.

(2) The Registrar shall be the Secretary of the Board.

(3) The Chairman and four other members excluding *ex-officio* members of the Board shall constitute a quorum for any meeting of the Board.

(4) Members of the Board shall be paid such remuneration or allowance as the Minister may determine.

(5) Subject to this Constitution, the Board may determine its own procedure.

#### **Temporary exercise of functions of Chairman**

**15.** (1) The Minister may appoint any member of the Board, other than the Vice-Chancellor, to exercise the functions of the Chairman during any period the Chairman is for any reason unable to exercise his functions or during any period of any vacancy in the office of the Chairman.

(2) A member appointed as the Chairman under subsection (1) shall, during the period in which he is exercising the functions of the Chairman, under this section, be deemed to be the Chairman.

#### **Functions and powers of the Board**

**16.** (1) The Board shall be the governing, policy making and monitoring body of the University, and may exercise all the powers conferred on the University save in so far as they are by this Constitution or the Statutes, Rules and Regulations conferred on some other Authority, body or on some other officer of the University.

(2) No resolution shall be passed by the Board relating to any matter within the powers of the Senate, but the Board may transmit to the Senate the Board's opinion on any matter within the powers of the Senate, for the Senate's consideration.

(3) In addition to the functions and powers under subsection (1), the Board shall—

- (a) provide strategic planning-oversight of the educational character and mission of the University;
- (b) promote efficient and effective management and provide overall review of University operations;
- (c) develop links with the community, corporate sector and industry;
- (d) foster global linkages and internationalization in relation to higher education and research;

- (e) ensure the implementation of the University's Constitution, laws and policies and to ensure that every Authority, Committee, Officer or committee keeps within its or his powers and terms of reference.

**Committees of the Board**

**16A.** (1) The Board may establish any committees as it considers necessary or expedient to assist it in the performance of its functions.

(2) The Board shall elect any of its members to be the chairman of a committee.

(3) The Board may appoint any person to be a member of a committee.

(4) A member of a committee shall hold office for such term as may be specified in his instrument of appointment and is eligible for reappointment.

(5) The appointment of any member of a committee may at any time be revoked by the Board, stating the reason for such revocation.

(6) A member of a committee may, at any time, resign his office by a notice in writing addressed to the Chairman of the Board.

(7) The Board may, at any time, discontinue or alter the constitution of a committee.

(8) A committee shall be subject to, and act in accordance with, any direction given to it by the Board.

(9) The meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(10) A committee shall cause—

(a) minutes of all its meetings to be maintained and kept in a proper form; and

(b) copies of the minutes of all its meetings to be submitted to the Board as soon as practicable.

(11) A committee may invite any person to attend any of its meetings for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting.

(12) The members of a committee or any person invited under subsection (11) shall be paid such allowances and other expenses as the Board may determine.

(13) A committee established under this section may regulate its own procedure.

**The Senate**

17. (1) The Senate shall consist of—

- (a) the Vice-Chancellor, who shall be Chairman;
- (b) all Deputy Vice-Chancellors;
- (c) all Deans of the Faculties and all heads of the Campuses, Schools, Centres, Academies and Institutes of the University;
- (d) not more than twenty professors to be elected for a term of three years by all full-time professors and associate professors of the University; and
- (e) not more than five persons from the University to be co-opted by the Vice-Chancellor for a term of three years.

(1A) The Senate may from time to time invite any person, including any student, to attend the meetings of the Senate.

(1B) In the absence of the Vice-Chancellor, a Deputy Vice-Chancellor shall preside at any meeting of the Senate.

(1C) The Registrar, Bursar, Chief Librarian and Legal Adviser shall be *ex-officio* members but shall not be entitled to vote at the meetings of the Senate.

(2) The Senate shall be the academic body of the University and, subject to the provisions of this Constitution, the Statutes, Rules and Regulations, shall have the control and general direction of instruction, research and examination, and the award of degrees, diplomas, certificates and other academic distinctions.

(2A) In addition to the functions and powers under subsection 4(3) and subsection (2), the Senate shall perform the following functions and exercise the following powers:

- (a) to set up Faculties, Schools, Centres, Academies and Institutes, and departments, units or bodies under such Faculties, Schools, Centres, Academies and Institutes;
- (b) with the consent of the Board, to confer honorary degrees on persons who have contributed to the advancement or dissemination of knowledge, or who have rendered distinguished public service;
- (c) to formulate policies and methods of instruction, education, examination, research, scholarship and training conducted in, by or from the University;



- (d) to ensure educational standards in the courses of study provided in, by or from the University;
- (e) to determine the feasibility or otherwise of any proposal in respect of any curriculum or course of study conducted or to be conducted in, by or from the University;
- (f) to determine the qualifications required for admission into any course of study provided in, by or from the University;
- (g) to regulate the conduct of assessments and examinations, confirm examination's results and determine appeals;
- (h) to draft policies for the protection of academic freedom and professional excellence; and
- (i) to do all things expedient or necessary for or incidental to the performance of its functions under this Constitution.

(3) In the performance of its duties, functions and responsibilities, the Senate may delegate any of its duties, functions and responsibilities to its members of a committee consisting of its members.

(4) The Senate shall consider any matter transmitted to it by the Board under subsection 16(3).

(5) Any dispute between the Senate and the Board on the scope and extent of their functions or powers may be referred by either party to the Minister in accordance with section 24A.

### **Management Committee of the University**

**17A.** (1) There shall be established a Management Committee of the University which shall consist of—

- (a) the Vice-Chancellor, who shall be the chairman;
- (b) all Deputy Vice-Chancellors;
- (c) the Registrar;
- (d) the Bursar;
- (e) the Legal Adviser; and
- (f) such other officers of the University appointed by the Vice-Chancellor.

(2) The Management Committee of the University shall advise the Vice-Chancellor relating to his administrative and management functions.

**The Faculty, School, Centre, Academy, Institute**

**18.** (1) The University shall be divided into such number and names of Faculties, Schools, Centres, Academies and Institutes as may be prescribed by Statute.

(1A) The University may, upon consultation with the Studies Committee, set up departments or other units or bodies in respect of a Faculty, a School, a Centre, a Academy and an Institute.

(2) A Faculty, School, Centre, an Academy and an Institute shall be responsible to the Senate for the organization of instruction in the subject of study within the purview of the Faculty, School, Centre, Academy or Institute, as the case may be, and may exercise such other functions as may be conferred on it by Statute, Rule or Regulation.

(3) The Vice-Chancellor shall, after consultation with the academic staff of each Faculty, appoint a Dean in respect of each Faculty and at least one Deputy Dean. The Board shall be informed of the appointments as soon as may be. The Dean shall be chairman of the Faculty and shall exercise such other functions as may be vested in him by Statute, Rules or Regulation; and if owing to his absence on leave or for any other reason the Dean is unable to perform the duties of his office, it shall be lawful for the Deputy Dean or any other senior officer appointed by the Vice-Chancellor to perform such duties of the Dean for such time as such disability may continue.

(4) The Vice-Chancellor shall, after consultation with the academic staff of each School, Centre, Academy and Institute, have power to appoint a person to be head of a School, a Centre, an Academy and an Institute, and such head shall be styled by such title as may be prescribed by Statute, Rules or Regulation; and if owing to absence on leave or for any other reason the head of a School, a Centre, an Academy or an Institute and is unable to perform his duties, the Vice-Chancellor may, except as otherwise provided by Statute, appoint any person to perform such duties for such time as such disability shall continue.

(5) A Dean, a Deputy Dean or the head of a School, a Centre, an Academy or an Institute appointed under subsection (3) or (4), as the case may be, shall be appointed for a period not exceeding four years, but shall be eligible for reappointment.

(6) Notwithstanding subsection (5), the Vice-Chancellor may, if he deems fit, revoke any appointment made under subsection (3) or (4) at any time during the term of such appointment.

**The Studies Committee**

19. A Studies Committee may be appointed by the Senate for either of the following purposes:

- (a) to deal with matters pertaining to any Faculty, School, Centre, Academy and Institute; and
- (b) to consider proposals referred to it by the Senate for the establishment of a new Faculty, School, Centre, Academy and Institute,

and in either case to report thereon to such Faculty, School, Centre, Academy or Institute, or to the Senate, as the case may require.

**The Selection Committee**

20. (1) A Selection Committee for purposes of appointment to a Chair and appointment or promotion to the post of senior professors, professors and officers referred to in section 10 shall consist of—

- (a) the Vice-Chancellor, who shall be the chairman;
- (b) two members of the Board appointed by the Board;
- (c) the Dean of the Faculty or Head of the School, Centre, Academy or Institute to which the Chair will be allocated; and
- (d) two members of the Senate appointed by the Senate.

(2) Save as provided in subsection (3) the Selection Committee shall be convened and presided by the Vice-Chancellor.

(3) Whenever it is decided to fill an appointment other than that to a Chair and appointment or promotion to the post of senior professors, professors and officers under section 10, the Board may, on the recommendation of the Vice-Chancellor, appoint different Selection Committees in respect of different appointments and the Selection Committee convened for that purpose shall be presided by the Deputy Vice-Chancellor in charge of academic affairs, or, in his absence, by a member elected by the members present at the meeting.

(4) Where the Deputy Vice-Chancellor is not a member of the Selection Committee, he shall for the purpose of the meeting in which he presides under subsection (3) and the decision made thereat, be deemed to be a member of the Selection Committee.

(5) The association of external experts with the making of appointments may be prescribed by Statute.

**20A.** (*Deleted by Act A1433*).

**The Student Welfare Committee**

**21.** (1) There shall be established a Student Welfare Committee which shall consist of—

- (a) the Vice-Chancellor, who shall be the chairman;
- (b) two members elected by the Students' Representative Council; and
- (c) such other members as may be appointed by the Board.

(2) The Student Welfare Committee shall have such powers as may be prescribed by Statute.

**Students' Complaints Committee**

**21A.** (1) There is established a Students' Complaints Committee which shall consist of—

- (a) the Vice-Chancellor who shall be the chairman;
- (b) two members elected by the Students' Representative Council;
- (c) two members elected by the Guild of Graduates or the Alumni of the University; and
- (d) two other officers of the University appointed by the Board after due regards to the importance of securing a Students' Complaints Committee which enjoys student confidence.

(2) The Students' Complaints Committee shall have such power in conducting investigations or inquiries as to any complaint made by a student in the manner as may be prescribed by Statute.

**Guild of Graduates or the Alumni of the University**

**22.** (1) Subject to the approval of the Board, it shall be lawful for not less than thirty graduates of the University to form and establish an association to be known as the Guild of Graduates or the Alumni of the University.

(2) The Guild of Graduates or the Alumni of the University shall be governed and administered in accordance with its constitution and rules made by it and no such constitution and rules so made or any amendments thereto shall come into force unless and until approval thereof shall have first been obtained from the Board.

(3) Nothing in this section shall be construed as constituting the Guild of Graduates or the Alumni of the University to be an Authority of the University or as conferring any power thereon to elect as its representatives to the Board persons who are for the time being employed by the University as members of its academic and non-academic staff.

### **Term of office of members of Authorities**

**23.** (1) Except as may be prescribed by this Constitution or by any Statute, the term of office of a person elected or appointed to be a member of an Authority, otherwise than *ex-officio*, shall be three years:

Provided that—

- (a) where the person is elected or appointed because he holds an office or is a member of some other Authority or body, he shall cease to be a member of the Authority if before the expiry of his term of office he ceases to hold such office or to be a member of such Authority or body; and
- (b) a person who retires at the end of his term of office shall be eligible for reelection or reappointment if he is otherwise qualified.

(2) Where a person is a member of an Authority *ex-officio*, a person appointed to act for him shall be a member of the Authority *ex-officio* so long as he is so acting and is otherwise qualified.

(3) The decisions of an Authority shall be valid notwithstanding any vacancy among its members.

### **Meetings**

**23A.** (1) The Authority shall meet as and when required to do so by the chairman of the Authority.

(2) The chairman shall preside at a meeting of the Authority and in his absence the members of the Authority shall elect one of their number to preside over the meeting.

(3) The quorum of a meeting of the Authority, other than the Board, shall be determined by Statute.

### **Majority**

**24.** (1) Subject to the provisions of this Constitution and to any Statutes, Rules or Regulations, a question at any meeting of any Authority shall be decided by a majority of the votes of the members present.

(2) The chairman and every member shall have and may exercise one vote each, but in the event of an equality of votes, the chairman or the member presiding over that meeting shall have and may exercise a casting vote.

### **Disputes**

**24A.** (1) Any dispute between the Authorities, or between an Officer and an Authority as to the scope and extent of his or its powers, functions or jurisdiction may be referred by either party to the Minister and the Minister may determine the dispute himself or appoint a Dispute Resolution Panel to determine the dispute.

(2) The Dispute Resolution Panel shall be constituted from amongst distinguished persons from within or outside the University who are not officers, employees or members of the Authority concerned.

(3) The Dispute Resolution Panel shall consist of a chairman and two other members.

(4) The Dispute Resolution Panel shall determine its own procedure.

(5) The decision of the Dispute Resolution Panel shall be final and conclusive and shall be binding on the parties to the dispute.

## **PART IV**

### **STATUTES, RULES AND REGULATIONS**

#### **Statutes**

**25.** Subject to the provisions of this Constitution, Statutes may be made to deal with any or all of the following matters:

- (a) the powers and duties of the officers of the University;
- (b) the composition, powers, duties and procedure of the Authorities of the University;
- (c) the methods of appointment and the conditions of service of the officers and teachers of the University, except in relation to their discipline;
- (d) the determination of the degrees, diplomas, certificates and other academic distinctions to be conferred by the University;
- (e) the conditions of admission and of residence and welfare of students;
- (f) the management of the library;
- (fa) the management of a Branch Campus situated outside Malaysia;

(g) all other matters which under this Constitution may be regulated by Statute; and

(h) matters incidental to or consequential upon any of the matters aforesaid.

**Procedure on making, amending, or revoking Statutes**

**26.** (1) The Chancellor may, subject to the provisions of this section, make, revoke or amend any Statute.

(2) The proposal for the making of any new Statute or the revocation or amendment of any Statute, shall be prepared by the Board.

(3) A proposal for a new Statute, or of any amendment to a Statute, dealing with any of the following matters, that is to say:

(a) the powers and duties of the Dean of a Faculty or the head of a School, a Centre, an Academy and an Institute;

(b) the composition, powers, duties and procedure of the Senate, a Faculty, a School, a Centre, an Academy, an Institute or a Studies Committee;

(c) the determination of degrees, diplomas, and other academic distinctions to be conferred by the University;

(d) the management of the library; and

(e) all other matters within the jurisdiction of the Senate under this Constitution or any Statute, shall not be submitted to the Chancellor without the consent in writing of the Senate.

(4) *(Deleted by Act A946).*

**Rules**

**27.** Subject to the provisions of this Constitution and the Statute, Rules may be made for all or any of the following matters:

(a) the principles governing the award of degrees, diplomas, certificates and other academic distinctions;

(b) the number and scope of examinations;

(c) the appointment, powers, duties, remuneration and conditions of service of examiners and the conduct of examinations;

- (d) the admission of students to the examinations, degree and diploma courses of the University and to residence in the University;
- (e) the methods of appointment and the conditions of service of persons in the employment of the University, except in relation to their discipline;
- (f) the establishment and regulation of pension, superannuation and provident fund schemes for the benefit of the employees of the University or any section of them;
- (g) the conditions of residence and the welfare of students;
- (h) the fees to be charged for courses of study, for residence, for admission to examination, for degrees, diplomas, certificates or other academic distinctions and any other fees that may be levied by the University;
- (i) the management of the lecture halls, library, information resources, laboratories, research institutes, halls of residence, and all activities of the University branches whether in or outside Malaysia, not specifically provided for in this Constitution or by Statute;
- (j) the constitution, powers and duties of any committee or other body not specifically provided for in this Constitution or by Statute;
- (k) all matters which by this Constitution or any Statute may be prescribed by Rules; and
- (l) all matters within the powers of the University and not otherwise provided for by this Part of this Constitution.

**Procedure on making, amending or revoking Rules**

**28.** (1) The Board may, subject to the provisions of this section, make, amend or revoke any Rules.

(2) The draft of any Rules dealing with—

- (a) any matter referred to in paragraphs 27(a), (b), (c), (d) and (i); or
- (b) any matter within the jurisdiction of the Senate,

shall be proposed by the Senate; and the Board may approve the draft or refer it back to the Senate with observations or proposals for amendment, and no such Rules shall be made until the Senate has agreed to its terms.



**Regulations**

29. (1) The Board and the Senate may each make regulations for its own procedure.

(2) The Board may after consulting the Senate make regulations for the procedure of Selection Committees.

(3) The Senate may make regulations for the procedure of a Faculty, a School, a Centre, an Academy, an Institute or Studies Committee, or of any other committee or body subject to the jurisdiction of the Senate.

(4) The Senate may make regulations prescribing courses of study or syllabuses of examinations.

(5) Regulations may be made by any Authority if it is so empowered by this Constitution, Statute or Rules.

**Publications of Statutes, Rules and Regulations**

30. (1) When any new Statute or Rules is made, amended or revoked every such Statute, Rules, amendment or revocation shall be published in the *Gazette* and in such other manner as the Board may direct.

(2) The Statutes, Rules and Regulations of the University as amended from time to time shall be published in book form at such intervals as the Board may direct, and copies shall be made available for purchase at a reasonable price by members of the public.

(3) Nothing in this section shall apply to—

(a) any Rules or Regulation containing only instructions to examiners or invigilators; or

(b) any Rules or Regulation which the Board resolves not to publish.

**Constitution, inconsistencies between the Statutes, etc.**

31. In the event of—

(a) any Statute being inconsistent with the provisions of this Constitution; or

(b) any Rules being inconsistent with the provisions of this Constitution or any Statute; or

(c) any Regulation being inconsistent with the provisions of this Constitution or any Statute or Rules;

then the provisions of the Constitution, Statute or Rules, as the case may be, shall prevail, and such Statute, Rules or Regulations, as the case may be, shall to the extent of the inconsistency be void.

## PART V

### FINANCIAL PROVISIONS

#### **Standing Finance Committee**

**32.** The Board shall appoint a Standing Finance Committee for regulating and controlling the finances of the University.

#### **Preparation of estimates**

**33.** It shall be the duty of such officer or officers of the University as may be prescribed by Statute to prepare for the consideration of the Vice-Chancellor the estimates of income and expenditure of the University for each financial year.

#### **Financial year**

**34.** (1) For the purposes of this Part the financial year shall be the calendar year or such other period as the Board may determine.

(2) The accounts of the Board shall, as soon as may be, be balanced for the preceding financial year and an annual statement or abstract thereof shall be prepared.

(3) The annual statement or abstract referred to in subsection (2) shall be prepared in such form and shall contain such information as the Board may from time to time direct.

#### **Annual estimates**

**35.** (1) The Board shall, not less than four months before the end of the financial year, approve detailed estimates of revenue and expenditure of the University for the next financial year and present such estimates, together with the comments of the Board thereon, to the Minister.

(2) Before the date fixed for the meeting of the Board for the purpose of approving such estimates the Standing Finance Committee shall prepare draft estimates for submission to the Board, and the copy of such estimates shall be delivered to each member of the Board not less than seven days before the date fixed for such meeting.

(3) The Board may, subject to subsection (1), in its discretion approve, modify or reject all or any of the items appearing in such draft estimates or refer any item back to the Standing Finance Committee for its consideration or add any item thereto.

**Supplementary estimates**

**36.** Where additional financial provision is required in any year the Board may from time to time approve supplementary estimates for the purpose of showing the sources from which any additional expenditure incurred by it may be met.

**No expenditure to be incurred unless included in the estimates**

**37.** (1) The Board shall not incur any expenditure which has not been included in any approved estimates:

Provided that subject to the provisions of this Constitution the Board may transfer all or any part of the moneys assigned—

- (a) to one item of annually recurrent expenditure to another item of annually recurrent expenditure;
- (b) to one item of capital expenditure to another item of capital expenditure.

(2) Subsection (1) shall not apply to—

- (a) moneys deposited with the University by any person, wherever by the conditions of such deposit any such sum has become repayable;
- (b) moneys collected and credited to the Funds of the University in error;
- (c) moneys payable by the University under any judgment or order of court;
- (d) moneys expended by the University in instituting or defending legal proceedings; and
- (e) expenditure arising out of any property or moneys referred to in section 39.

**Form of estimates**

**38.** The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Board may direct, and shall show in separate parts the annually recurrent expenditure and the capital expenditure of the University.

**Power of the Board to seek fund, accept gifts, etc.**

**39.** (1) The Board may on behalf of the University seek funds for academic and research activities of the University and accept by way of grant, gift, testamentary disposition, subventions, legacies or otherwise, property and moneys in aid of the finances of the University on such conditions as it may determine.

(2) Registers shall be kept of all donations to the University including the names of donors to the University and any special conditions on which any donation may have been given.

**Property given for specific purposes to be separately accounted for**

**40.** All property, moneys or funds given for any specific purposes shall be applied and administered in accordance with the purposes for which they may have been given and shall be separately accounted for.

**Form of contracts**

**41.** Any contract involving the expenditure of the University shall be in writing, signed on behalf of the University by any officer or employee of the University duly authorized by the Board, either specially in any particular case or generally for all contracts below a certain value or otherwise as may be specified in the authorization.

**42.** (*Deleted by Act A946*).

**Audit**

**43.** (1) The accounts of the University shall be audited annually by auditors appointed by the Board.

(2) The audited accounts, with any observation made thereon by the auditors, shall be presented to the Minister.

PART VI

GENERAL PROVISIONS

**Convocation**

**44.** (1) A Convocation for the conferment of degrees shall be held annually, or as often as the Chancellor may direct, on such date as may be approved by the Chancellor.

(2) In the absence of the Chancellor or of a Pro-Chancellor, authorized for this purpose by the Chancellor, the Vice-Chancellor shall preside over Convocation.

(3) (*Deleted by Act A946*).

**Appointments of teachers and employees**

**45.** (1) All persons employed or to be employed by the University as teachers, the Registrar, the Bursar or the Librarian, shall be appointed as such by the Board on the advice of the Selection Committee.

(2) All persons employed or to be employed by the University other than those mentioned in subsection (1) shall, subject to any Rule or Statute, be appointed by the Board.

(3) Every person employed by the University shall hold office on such terms and conditions as may be prescribed by the Board and the terms and conditions to be so prescribed shall be deemed to include a provision—

(a) in relation to teaching, examining, invigilating and other similar duties, that his employment is subject to the provisions of this Constitution and to the provisions of all Statutes, Rules and Regulations as from time to time amended; and

(b) in relation to all other terms and conditions of service that his employment is subject to the provisions of this Constitution and to the provisions of all Statute, Rules and Regulations in force on the date of the commencement of his employment.

(4) Nothing in this section shall prevent the Board from entering into a special contractual arrangement with a person to be so employed by the University if it is in the opinion of the Board expedient so to do.

**Royal Professors**

**46.** (1) Notwithstanding sections 20 and 45, the Yang di-Pertuan Agong may, after consultation with the Chancellor, from time to time appoint persons of exceptional academic distinction to be professors of the University:

Provided that the number of persons so appointed shall not at any time exceed three in number.

(2) Any person appointed under subsection (1) shall be known as a Royal Professor and—

(a) shall hold office upon such terms and conditions as the Chancellor with the approval of the Yang di-Pertuan Agong may deem appropriate; and

(b) subject to the terms of his appointment and to any direction by the Chancellor, shall have all the powers and perform all the duties conferred or imposed upon professors by this Constitution, and any Statute, Rules and Regulation made thereunder.

**All appointments to be subject to the Universities and University Colleges Act 1971 and any subsidiary legislation thereunder**

**46A.** Notwithstanding sections 45 and 46 or any other provision of this Constitution, every person employed by the University, including professors appointed under section 46, shall hold office subject to the provisions of the Universities and University Colleges Act 1971 [*Act 30*] and any subsidiary legislation made thereunder and the terms and conditions of their employment or appointment shall be deemed to include a provision to this effect.

**Admission of students**

**47.** A student shall not be admitted to the University to a course of study for a degree unless he shall have satisfied such requirements as may be prescribed by Rules:

Provided that, except with the agreement of the Minister, students who have been awarded Federal or State scholarships, loans or other similar financial assistance from public funds for University degree courses, shall not be refused admission if they satisfy such requirements.

**The Students' Representative Council**

**48.** (1) The registered students of the University, other than external students, shall together constitute a body to be known as the Students' Union of the University (hereinafter in this Constitution referred to as "the Union").

(1A) The Board may make Regulations for the conduct of elections to the Students' Representative Council and for all matters related to it.

(2) The Union shall elect a Students' Representative Council (hereinafter in this Constitution referred to as "the SRC") in the following manner:

- (a) the registered students of each Branch Campus, Faculty, School, Centre, Academy and Institute shall elect by secret ballot conducted by the head of the Campus or the Dean of the Faculty or the Head of the School, Centre, Academy or Institute, as the case may be, such uniform number of registered students of the respective Branch Campus, Faculty, School, Centre, Academy and Institute to be representatives in the SRC, as may be determined by the Vice-Chancellor;
- (b) the registered students as a whole shall elect by secret ballot conducted by any officer appointed by the Vice-Chancellor for that purpose such number of registered students to be representatives to the SRC as may be determined by the Vice-Chancellor, being, in any case, not more than half of the number of representatives elected under paragraph (a).

(3) The SRC shall elect from among its members a President, a Vice-President, a Secretary and a Treasurer, who shall be its only office-bearers, unless otherwise

authorized in writing by the Vice-Chancellor; the office-bearers so authorized by the Vice-Chancellor shall be elected by the SRC from the members of the SRC.

(4) The members of the SRC and its office-bearers shall be elected for one year.

(5) The SRC's decision shall be taken by a majority vote with not less than two-thirds of the members being present and voting.

(6) The SRC may form from time to time, with the prior approval in writing of the Vice-Chancellor, appoint *ad hoc* committees from among its members for specific purposes or objects.

(7) No student against whom disciplinary proceedings are pending, or who has been found guilty of a disciplinary offence, shall be elected or remain a member of the SRC or an office-bearer of any student body or committee, unless authorized in writing by the Vice-Chancellor.

(8) A student who has not yet appeared for his first examination in the University for his course of studies, or who has failed, or did not appear for, the last examination held by the University for his course of studies immediately prior to any proposed election or elections to the SRC or by the SRC or to or by any other student organization or body, shall be disqualified from being elected at such election or elections.

(9) (*Deleted by Act A1342*).

(10) The objects and functions of the SRC shall be:

- (a) to foster a spirit of corporate life among the students of the University;
- (b) to organize and supervise, subject to the direction of the Vice-Chancellor, student welfare facilities in the University including recreational facilities, spiritual and religious activities, and the supply of meals and refreshments;
- (c) to make representations to the Vice-Chancellor on all matters relating to, or connected with, the living and working conditions of the students of the University;
- (d) to be represented on any body which may, in accordance with Rules made by the Board for the purpose, be appointed to undertake student welfare activities in the University; and
- (e) to undertake such other activities as may be determined by the Board from time to time.

(11) The Union or the SRC shall not maintain any fund or make any collection of any money or property from any source whatsoever, but such reasonable expenses

as the SRC may be authorized in advance in writing by the Vice-Chancellor to incur may be paid by the University where reasonable written claims supported by receipts and vouchers are submitted by the SRC to the Vice-Chancellor and are approved by the Vice-Chancellor.

(12) The Treasurer shall keep proper accounts of the SRC and not later than three months after the end of every financial year, being a financial year as specified by the Vice-Chancellor, a copy of the said accounts which shall be audited by a person appointed by the Board shall be submitted by the SRC for approval to the Board.

(13) The SRC shall hold meetings from time to time as it may deem necessary and it shall be the duty of the Secretary to keep minutes of every meeting of the SRC and such minutes shall be confirmed at a subsequent meeting.

(14) (a) For the purpose of this section—

“registered student” means a student who is following a course of study in the University for a degree or diploma including a post-graduate diploma, but shall not include an external student;

“external student” means a student registered at a Campus outside Malaysia or who is pursuing a short term, part-time, distance learning, exchange or allied programme, whether in or outside Malaysia.

(b) A registered student shall cease to be a registered student under this section—

- (i) upon the publication of the results of the final examination for such course of study, if he passes such examination; or
- (ii) upon the publication of the results of any examination for such course of study, if he fails such examination, until he is, thereafter, registered again for that or another course of study applicable to a registered student under this subsection.

#### **Establishment of other student bodies**

**49.** (1) Notwithstanding section 48, it shall be lawful for not less than ten students of the University with the prior approval of the Vice-Chancellor and subject to such terms and conditions as the Vice-Chancellor may specify, to establish a student body consisting of students of the University for the promotion of a specific object or interest within the University.

(2) Subsections 48(3), (4), (5), (6), (7), (8), (11), (12) and (13) shall apply *mutatis mutandis* to a student body established under this section as they apply to the SRC.

**50.** (*Deleted by Act A295*).



**Acts *ultra vires* the Constitution of the SRC or a student body**

**51.** (1) If the Union or the SRC or a student body established under section 49 conducts itself in a manner which in the opinion of the Board is detrimental or prejudicial to the well-being or reputation of the University or acts in contravention of the Constitution of the University or its own Constitution, or any Statute, Rules or Regulation of the University, the Board may suspend or dissolve the Union or the SRC or the said student body; as the case may be, and without prejudice to any liability that may arise under any other written law in force, every office bearer of the Union or the SRC or the said student body, shall be liable to dismissal from the University or to any other disciplinary punishment that may be inflicted upon him.

(2) Subsection (1) shall be in addition to and not in derogation from section 16 of the Universities and University Colleges Act 1971.

**Powers of delegation**

**52.** (1) Where by the provisions of this Constitution or any Statute, Rules or Regulation any officer or authority is empowered to exercise any power or perform any duty, such officer or authority may by instrument in writing subject to the provisions of this section and to such conditions and restrictions as may be prescribed in such instrument, delegate the exercise of such powers or the performance of such duties to any authority or to any committee or to any person described therein by name or office.

(2) A delegation under this section may be revoked at any time by the officer or authority making such delegation.

(3) No delegation of any power or duty under this section shall affect the exercise of such power or the performance of such duty by the officer or authority making such delegation.

(4) Nothing in this section shall apply to any power to make or approve Statutes, Rules or Regulations.

**Deprivation of degree, *etc.*, on grounds of misconduct**

**53.** (1) If the Board is of the opinion that any graduate of the University or any person who has received a degree, diploma, certificate or other academic distinction from the University is guilty of scandalous conduct, it shall be lawful for the Chancellor, on the recommendation of not less than two-thirds of all members of the Board, after giving to the graduate or the person concerned an opportunity of being heard, to deprive of any degree, diploma, certificate or other academic distinction conferred upon him by the University.

(2) Scandalous conduct in subsection (1) means wilfully giving any officer, employee or Authority of the University any information or document which is

false or misleading in any material particular in obtaining a degree, diploma, certificate or other academic distinction from the University.

**Disputes as to elections determined by the Minister**

**54.** If any question arises whether any person has been duly elected, appointed, nominated or co-opted to membership, or is entitled to be or to remain a member of any Authority or other body in the University, the question shall be referred to the Minister, whose decision thereon shall be final.

**55.** *(Deleted by Act A80).*

*NOTE*

*[This Schedule has been modified to apply to the following Universities:*

- 1. Universiti Kebangsaan Malaysia vide P.U.(A)445/2010 and 446/2010;*
- 2. Universiti Teknologi Malaysia vide P.U.(A)449/2010 and 450/2010;*
- 3. Universiti Putra Malaysia vide P.U.(A)447/2010 and 448/2010;*
- 4. University of Malaya vide P.U.(A)443/2010 and 444/2010;*
- 5. Universiti Sains Malaysia vide P.U.(A)220/2011 and 222/2011;*
- 6. Universiti Utara Malaysia vide P.U.(A)348/1986;*
- 7. Universiti Malaysia Sabah vide P.U.(A)459/2010 and 460/2010;*
- 8. Universiti Malaysia Sarawak vide P.U.(A)457/2010 and 458/2010;*
- 9. Universiti Pendidikan Sultan Idris vide P.U.(A)451/2010 and 452/2010;*
- 10. Universiti Tun Hussein Onn Malaysia vide P.U.(A)471/2010 and 472/2010;*
- 11. Universiti Teknikal Malaysia Melaka vide P.U.(A)469/2010 and 470/2010;*
- 12. Universiti Malaysia Perlis vide P.U.(A)467/2010 and 468/2010;*
- 13. Universiti Malaysia Terengganu vide P.U.(A)465/2010 and 466/2010;*
- 14. Universiti Malaysia Pahang vide P.U.(A)463/2010 and 464/2010;*
- 15. Universiti Sains Islam Malaysia vide P.U.(A)453/2010 and 454/2010;*

16. *Universiti Sultan Zainal Abidin vide P.U.(A)455/2010 and 456/2010; and*
17. *Universiti Malaysia Kelantan vide P.U.(A)461/2010 and 462/2010.*
18. *Universiti Pertahanan Nasional Malaysia vide P.U.(A)473/2010 and 474/2010*
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SECOND SCHEDULE

[Subsection 12(3) of the Constitution]

**Disqualification**

1. The following person shall be disqualified from being appointed or being a member of an Authority of the University:

- (a) if there has been proved against him, or he has been convicted on, a charge in respect of—
  - (i) an offence involving fraud, dishonesty or moral turpitude;
  - (ii) an offence under a law relating to corruption;
  - (iii) an offence under this Act; or
  - (iv) any other offence punishable with imprisonment for more than two years;
- (b) if he becomes a bankrupt; or
- (c) if he has been found or declared to be of unsound mind or has otherwise become incapable of managing his affairs.

**Cessation from being a member**

2. A member of an Authority shall cease to be a member—

- (a) if he fails to attend three consecutive meetings of the Authority without leave of the chairman of the Authority; or
- (b) if his appointment is revoked or he resigns; or
- (c) if he is disqualified under paragraph 1.

**Resignation**

3. A member of the Authority may resign by giving one month's notice in writing to the chairman of the Authority.

**Filling of vacancies**

4. Where any person ceases to be a member of an Authority by reason of the provisions of this Act, another person may be appointed to fill the vacancy for the remainder of the term for which the member was appointed.

**Allowance**

5. Members of the Authority shall be paid such allowance as the Minister may determine.

**Authority may invite others to meetings**

6. (1) The Authority may invite any person to attend a meeting or deliberation of the Authority for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting or deliberation.

(2) A person invited under subparagraph (1) shall be paid such allowance as the Authority may determine.

**Minutes**

7. (1) The Authority shall cause minutes of all its meetings to be maintained and kept in a proper form.

(2) Minutes made of meetings of the Authority shall, if duly signed, be admissible in evidence in all legal proceedings without further proof.

(3) Every meeting of the Authority in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

**Disclosure of interest**

8. (1) A member of the Authority having, directly or indirectly, by himself or his partner—

- (a) an interest in a company or undertaking with which the Authority proposes to make a contract; or
- (b) an interest in a contract or matter under discussion by the Authority, shall disclose to the Authority the fact of his interest and its nature.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the Authority and, unless specifically authorized by the chairman, such member shall take no part in the deliberation or decision of the Authority relating to the contract or matter.

**Validity of acts and proceedings**

**9.** No act done or proceeding taken under this Constitution shall be questioned on the ground of—

- (a) a vacancy in the membership of, or a defect in the constitution of, the Authority;
  - (b) a contravention by a member of the Authority of paragraph 8; or
  - (c) an omission, a defect or an irregularity not affecting the merit of the case.
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## LAWS OF MALAYSIA

### Act 30

## UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971

### LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A80	Universities and University Colleges (Amendment) Act 1971	24-09-1971
Act A295	Universities and University Colleges (Amendment) Act 1975	13-05-1975
Act A550	Universities and University Colleges (Amendment) Act 1983	20-02-1983
Act A946	Universities and University Colleges (Amendment) Act 1996	*01-10-1996
Act A1342	Universities and University Colleges (Amendment) Act 2009	01-02-2009
Act A1433	Universities and University Colleges (Amendment) Act 2012	01-08-2012

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\* *NOTE*—Para 2, P.U.(B)428/1996 — the Minister suspends the operation of the whole of Act A946 in respect of all Universities and University Colleges established under the Universities and University Colleges Act 1971.  
—*See also* P.U.(B)102/1998 and P.U.(B)163/1998—the Minister revokes the suspension of operation of the whole of Act A946 in respect of the Universities mentioned in it.

# LAWS OF MALAYSIA

## Act 30

### UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971

#### LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A946	01-10-1996
	Act A1342	01-02-2009
	Act A1433	01-08-2012
3	Act A946	01-10-1996
4A	Act A1342	01-02-2009
4B	Act A1342	01-02-2009
4C	Act A1433	01-08-2012
4D	Act A1433	01-08-2012
5	Act A550	20-02-1983
	Act A946	01-10-1996
	Act A1342	01-02-2009
5A	Act A550	20-02-1983
	Act A946	01-10-1996
	Act A1342	01-02-2009
	Act A1433	01-08-2012
6	Act A80	24-09-1971
	Act A1342	01-02-2009
7	Act A946	01-10-1996
8	Act A946	01-10-1996
10	Act A946	01-10-1996
11	Act A80	24-09-1971

Section	Amending authority	In force from
12	Act A1342	01-02-2009
15	Act A295 Act A1342 Act A1433	13-05-1975 01-02-2009 01-08-2012
15A–15C	Act A295 Act A1342	13-05-1975 01-02-2009
15D	Act A295 Act A946 Act A1342	13-05-1975 01-10-1996 01-02-2009
16	Act A295 Act A946 Act A1342	13-05-1975 01-10-1996 01-02-2009
16A	Act A295 Act A946 Act A1342	13-05-1975 01-10-1996 01-02-2009
16B	Act A295 Act A946 Act A1433	13-05-1975 01-10-1996 01-08-2012
16C	Act A295 Act A1342	13-05-1975 01-02-2009
16D	Act A946 Act A1342	01-10-1996 01-02-2009
19	Act A946 Act A1342	01-10-1996 01-02-2009
20	Act A1342	01-02-2009
22	Act A295 Act A946 Act A1342	13-05-1975 01-10-1996 01-02-2009
22A	Act A1433	01-08-2012
22B	Act A1433	01-08-2012
23	Act A946 Act A1342	01-10-1996 01-02-2009



Section	Amending authority	In force from
24	Act A946 Act A1342	01-10-1996 01-02-2009
24A–24D	Act A946 Act A1342	01-10-1996 01-02-2009
24E	Act A1433	01-08-2012
26	Act A946 Act A1342	01-10-1996 01-02-2009
First Schedule	Act A80 Act A295 Act A550 Act A946 Act A1342 Act A1433	24-09-1971 13-05-1975 20-02-1983 01-10-1996 01-02-2009 01-08-2012
Second Schedule	Act A946 Act A1342 Act A1433	01-10-1996 01-02-2009 01-08-2012

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