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**UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971**

**CONSTITUTION OF THE UNIVERSITI MALAYSIA PERLIS**

**P.U.(A)468/2010**

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# **UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971**

## **CONSTITUTION OF THE UNIVERSITI MALAYSIA PERLIS**

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**UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971**

**THE CONSTITUTION OF THE UNIVERSITI MALAYSIA PERLIS**

IN exercise of the powers conferred by section 8 of the Universities and University Colleges Act 1971 [Act 30] the Yang di-Pertuan Agong appoints 1 January 2011 as the date on which the provisions of the Constitution of the Universiti Malaysia Perlis established under the Universiti Malaysia Perlis (Incorporation) Order 2007 [P.U.(A)23/2007] as prescribed hereunder shall have effect.

**Citation**

1. This Constitution may be cited as **The Constitution of the Universiti Malaysia Perlis.**

**Interpretation**

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

“Act” means the Universities and University Colleges Act 1971;

“Alumni of the University” means the Alumni of the University constituted in accordance with section 29;

“teacher” means a person appointed to be a teacher 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;

“Convocation” means a Convocation held in accordance with section 52;

“Chair” means the post of professor as holder of a chair;

“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 other office created by statute or otherwise;

“employees of the University” means any person employed by the University under this Constitution and any statute and includes an officer and teacher;

“Guild of Graduates” means the Guild constituted in accordance with section 29;

“Authority” means any of the Authorities of the University referred to in section 16, and includes any Authority established by statute;

“statute”, “rules” and “regulations” means statute, rules and regulations made in accordance with this Constitution.

“University” means the Universiti Malaysia Perlis

(2) References in this Constitution to a section, subsection, paragraph and subparagraph are references to a section, subsection, paragraph and subparagraph of this Constitution.

## **PART I**

### **THE UNIVERSITY**

#### **Establishing the University as a body corporate**

3. (1) The Universiti Malaysia Perlis is the same body corporate established and incorporated under the Universiti Malaysia Perlis (Incorporation) Order 2007 [P.U.(A) 23/2007] and the Constitution of Universiti Malaysia Perlis [P.U.(A)25/2007].

(2) Notwithstanding the repeal of the Constitution of the Universiti Malaysia Perlis by section 63, the body corporate established under the repealed Constitution under the name of “Universiti Malaysia Perlis” and the Chancellor, Vice Chancellor, Board and Senate constituted therein shall continue to be in existence under the subject to the provisions of this Constitution.

(3) The Universiti Malaysia Perlis shall continue to have perpetual succession, and continue to have 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 or 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 the University**

4. (1) Subject to the provisions of this Constitution, the University shall 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 admit students from within or outside Malaysia for any course of study approved by the University;
- (c) to confer degrees, diplomas, certificates and other academic distinctions including external degrees, diplomas, certificates and other academic distinctions upon persons who have followed any of the approved courses of study and have satisfied such other requirements as may be prescribed by rules;
- (d) to recognize the degrees and diplomas of other institutions of higher learning, for the purpose of admission to the courses of study 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;
- (e) to confer degrees upon teachers of the University who have satisfied such requirements as may be prescribed by rules;
- (f) to confer honorary degrees on persons who have contributed to the advancement or dissemination of knowledge or who have rendered distinguished public service;
- (g) to grant certificates to persons who have attained proficiency in any branch of knowledge;
- (h) to institute chairs, lectureships, and other posts and offices, and to make appointments thereto;
- (i) to establish a University printing press and to publish books and other matter;

- (j) to erect, equip and maintain libraries, laboratories, museums, lecture halls, halls of residence and all other buildings required for the purposes of the University, within or outside Malaysia;
- (k) to institute and award fellowship, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance towards the advancement and dissemination of knowledge;
- (l) 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;
- (m) to grant loans or advances to the employees of the University;
- (n) to grant loans or financial assistance to deserving students on such terms and conditions as may be approved by the Board;
- (o) to conduct research and to commercialize the research outcome and findings;
- (p) to enter into contracts and to establish such trusts as may be required for the purposes of the University and to appoint such employees of the University for such purposes;
- (q) 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;

- (r) to regulate the conditions of service of the employees of the University, including schemes of service, salary scales, secondment, transfer, leave and discipline;
- (s) to establish pension or superannuation or provident fund schemes for the benefit of the employees of the University, and to enter into arrangements with other organizations or persons for the establishment of such schemes;
- (t) to regulate and provide for the residence, welfare and discipline of the employees of the University;
- (u) to demand and receive such fees as may be prescribed by rules;  
and
- (v) to do all such acts and things, whether or not incidental to the powers aforesaid as may be requisite in order to further improve the 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 Malaysia'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),(e),(g),(k) and (o) which shall be exercised by the Senate.

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

5. (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 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) any 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 or 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 syndicate of persons constituted for carrying on business in Malaysia or elsewhere;
    - (ii) the Federal or State Government;
    - (iii) a sovereign ruler;
    - (vi) commissions; or
    - (vii) 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 and 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 6 shall apply to a corporation established under paragraph (1)(c).

**Provisions relating to corporations**

6. (1) The Board shall, on or before the date on which any corporation is established under paragraph 5 (1)(c), prescribe by regulations-

- (a) the purposes and object 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 right 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 the order had been enacted under this Constitution.

(3) The Board may at any time amend, revoke or add to, any regulations 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) Orders made under this section shall be published in the *Gazette*.

- (8) Every corporation established under paragraph 5(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 or made anew by the corporation as 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 with the letters "UNIVERSITI MALAYSIA PERLIS" may be used as its common seal.

(12) The common seal, or the stamp referred to in subsection (11) shall be kept 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 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 shall 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**

7. 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.

**Distinction of race and creed prohibited**

8. Subject to Article 153 of the Federal Constitution, membership of the University, whether as a student or employee of the University, 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 person to be admitted to such membership or to be awarded any degree or diploma of the University, nor shall any fellowship, scholarship, 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**

9. (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.

(4) Where the instrument referred to in subsection (3) is the scroll of 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 or an officer authorized by the Vice-Chancellor.

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

(6) Any document or instrument which, if executed by a person not being a body corporate, will not be required 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 any officer or staff generally or specially authorized by the Board.

**PART II**  
**OFFICERS OF THE UNIVERSITY**

**The Chancellor**

10. (1) The 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, rules and regulations.

(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, by 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-Chancellor**

11. (1) The Chancellor may appoint, on the advice of the Minister, such persons to be Pro-Chancellor 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 regulations, he may authorize any of the Pro-Chancellor 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**

12. (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 Act and after consultation with the Board.

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

(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) 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, any statute, rules and regulations.

(5) The term 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.

(6) 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 on the advice of the committee appointed under section 4A of the Act and after consultation with the Vice Chancellor, and any fit and proper person may be so appointed either from within or outside 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.

(7) 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 functions of his office, the Deputy Vice-Chancellor or, if there are 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 absence or disability of the Deputy Vice-Chancellor or all the Deputy Vice-Chancellors (if there are more than one) the Minister shall make such temporary arrangements as he think fit for the exercise of functions.

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

13. (1) Where there is a Branch Campus, there shall be a head of the Branch Campus who shall be appointed by the Minister, on the advice of the committee appointed under section 4A of the Act and 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 and Chief Librarian and Legal Adviser**

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

(2) The posts of Registrar, Bursar, Chief Librarian and Legal Adviser shall also be known by such other names as may be prescribed by Board.

(3) The Registrar, Bursar, Chief Librarian and Legal Adviser shall be appointed on the advice of the Selection Committee.

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

(5) A person appointed as the Registrar, Bursar and 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, Registrar, Bursar and Legal Adviser shall be eligible for reappointment.

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

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

#### **Other officers**

15. The University may appoint other officers as may be prescribed by statute.

### **PART III THE UNIVERSITY AUTHORITIES**

#### **The Authorities**

16. (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 Student Welfare Committee, the Students' Complaints 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, duties and procedure of the Authorities shall be prescribed by statute.

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

### **The Board of Directors**

17. 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 22(1)(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**

18. (1) The appointment of the members of the Board, except the Vice-Chancellor, shall be made by the Minister for a period not exceeding three years and upon expiry of such period the members of the Board shall be eligible for reappointment.

(2) The term of the member appointed under paragraph 17(1)(e) shall be for the duration of his membership in the Senate.

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

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

(5) 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**

19. (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 the 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**

20. (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 or regulations conferred on some other Authority, or body or 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**

21. (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.

## **Senate**

22. (1) The Senate shall consist of-

- (a) the Vice Chancellor, who shall be the Chairman;
- (b) all Deputy Vice Chancellors;
- (c) all Deans of the Faculties and all heads of the Branch Campuses, School. Centres, Academies and Institutes; of the University;

- (d) not more than twenty full-time 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.

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

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

(4) 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.

(5) 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.

(6) In addition to the functions and powers under subsection 4(3) and subsection (5), the Senate shall perform the following functions and exercise the following powers :

- (a) to set up Faculties, Schools, Centres, Academies and Institutes, and department, 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 teaching and learning, examination, research, scholarship and training conducted in, by or from the University;
- (d) to ensure educational standards in the course 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 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 form 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.

(7) 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.

(8) The Senate shall consider any matter transmitted to it by the Board under subsection 20(2).

(9) 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 3.

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

23. (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-Chancellor;
- (c) the Registrar;
- (d) the Bursar;
- (e) the Chief Librarian;
- (f) the Legal Adviser; and
- (g) 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**

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

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

(3) A Faculty, School, Centre, an Academy and 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, rules and regulations.

(4) The Vice Chancellor shall, after the consultation with the teacher 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 the chairman of the Faculty and shall exercise such other functions as may be vested in him

by statute, rules and regulations; 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.

(5) The Vice Chancellor shall, after the consultation with the teacher of each School, Centre, Academy and Institute, appoint a head of a School, Centre, Academy and Institute and may appoint at least one deputy head. The Board shall be informed of the appointments as soon as may be. The head and deputy head shall be styled by such title as may be prescribed by statute, rules and regulations; and if owing to his absence on leave or for any other reason the head is unable to perform the duties of his office, it shall be lawful for the deputy head or any other senior officer appointed by the Vice Chancellor to perform the duties of the head for such time as such disability may continue.

(6) A person appointed under subsection (4) or (5), as the case may be, shall be appointed for a period not exceeding four years, but shall be eligible for reappointment.

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

### **The Studies Committee**

25. A Studies Committee may be appointed by the Senate for 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 and Institute, or to the Senate, as the case may require.

**The Selection Committee**

26. (1) The Selection Committee for the purposes of an appointment to a chair and appointment and promotion to the post of senior professors, professors and officers referred to in section 14 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 and 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 14, 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 a Deputy Vice-Chancellor or a senior officer for whatever reason, by a member elected by the members present at the meeting.

(4) In the absence of the Deputy Vice Chancellor or the senior officer mentioned in subsection (3), the Deputy Vice Chancellor or the senior officer shall, for the purpose of the meeting in which he presides under subsection (3) and the decision made thereat, be deemed to have attended the meeting of the Selection Committee.

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

27. Deleted

**The Student Welfare Committee**

28. (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**

28A. (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 powers 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**

29. (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 associations 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 Union shall be governed and administered in accordance with its constitutions and rules made by it and no such constitutions 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 Union 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 teachers or officers.

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

30. (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 re-election 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 also 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**

31. (1) An 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 an Authority, other than the Board, shall be determined by statute.

### **Majority**

32. (1) Subject to the provisions of this Constitution and to any statutes, rules and 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 matter shall have and may exercise a casting vote.

### **Disputes**

33. (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**

34. 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 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 for the admission and of residence and welfare of students;
- (f) the management of the library;
- (g) the management of a Branch Campus situated outside Malaysia;
- (h) all other matters which under this Constitution may be regulated by statute;  
and

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

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

35. (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 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 or revocation of 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.

## Rules

36. Subject to the provisions of this Constitution and the statutes, 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, degrees and diploma courses of the University and to residence in the University;
- (e) the method 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 welfare of students;
- (h) the fees to be charged for courses of study, for residence, for admission to examination, for degrees, diplomas, certificates and other academic distinctions and 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, activity not specifically provided for in this Constitution or by statutes;

- (j) the constitution, powers and duties of any committee or other body not specifically provided for in this Constitution or by statutes;
- (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 this Part of this Constitution.

### **Procedure on making, amending or revoking rules**

37. (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 paragraph 36 (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**

38. (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 and syllabuses of examinations.

(5) Regulations may be made by an Authority if it is so empowered by this Constitution, statute or rules.

### **Publications of statutes, rules and regulations**

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

(2) Every statute, rules and regulations of the University as amended from time to time or revoked 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 regulations containing only instructions to examiners or invigilators; or

(b) any rules or regulations which the Board resolves not to publish.

### **Constitution, Inconsistencies between the statutes, etc**

40. 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 regulations being inconsistent with the provisions of this Constitution or any statute or rules,

then the provisions of this 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**

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

#### **Preparation of estimates**

42. 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**

43. (1) For the purpose 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 University 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 financial 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**

44. (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 the provisions of 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**

45. Where additional financial provision is required in any financial 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**

46. (1) The Board shall not incur any expenditure which has not been included in any of the approved estimates:

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

- (a) to one item of annually recurrent expenditure to another item of annually recurrent expenditure; or



- (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 48.

### **Form of estimates**

47. 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.**

48. (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 or 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 donor 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**

49. All property or moneys given for any specific purposes shall be applied and administered in accordance with the purposes for which such property or moneys may have been given and shall be separately accounted for.

**Form of contracts**

50. Any contract involving the expenditure of the University shall be in writing and signed on behalf of the University by any 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.

**Audit**

51. (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**

46. (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 the Pro-Chancellor, authorized for this purpose by the Chancellor, the Vice-Chancellor shall preside over Convocation.

### **Appointment of employees of the University**

53. (1) All persons employed or to be employed by the University as senior professors, professors and officers referred to in section 14, 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 statute or rules, be appointed by the University.

(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 statutes, 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**

54. (1) Notwithstanding sections 26 and 53, 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 the 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 and conditions 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 regulations made thereunder.

### **All appointments to be subject to the Act and any subsidiary legislation thereunder**

55. Notwithstanding sections 53 and 54 and any other provision of this Constitution, every person employed by the University, including Professors appointed under section 54, shall hold office subject to the provisions of the Act 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**

56. 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' Union and the Students' Representative Council**

51. (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").

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

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

- (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 Branch Campus or the Dean of the Faculty or 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; and
- (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 in the SRC, as may be determined by the Vice Chancellor, being, in any case, not be more than half of the number of representatives elected under paragraph (a).

(4) 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 amongst the members of the SRC.

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

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

(7) The SRC may 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.

(8) 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.

(9) 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.

(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 financial statement 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 financial statement 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 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 a diploma, not being 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 outside Malaysia;

“examination” includes any manner or method of assessment which resulted in a mark or a grade for a specific course or part of the specific course.

- (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**

58. (1) Notwithstanding section 57, 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 57(4), (5),(6),(7) (8),(9),(12) and (13) shall apply *mutatis mutandis* to a student body established under this section as they apply to the the SRC.

**Acts *ultra vires* this Constitution or the constitution or student body.**

59. (1) If the Union or the SRC or a student body established under section 58 conducts itself in a manner which in the opinion of the Vice-Chancellor 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 regulations of the University, the Vice-Chancellor 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 member of the Union or the SRC of the said student body, as the case may be, shall be liable any other disciplinary punishment.

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

**Powers of delegation**

60. (1) Whereby the provisions of this Constitution or any statute, rules or regulations 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 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 the grounds of misconduct.**

61. (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 by 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 willfully giving any officer, employees 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 Minister**

62. 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.

**Repeal**

63. The Constitution of the Universiti Malaysia Perlis which is gazette vide P.U.(A)25/2007 is repealed.

## **PART VII**

### **SAVINGS AND TRANSITIONAL PROVISIONS**

#### **Interpretation**

64. In this Part –

“Authority” means Authorities of the University which is established under the repealed Constitution;

“repealed Constitution” means the Constitution of the Universiti Malaysia Perlis which is gazette vide P.U.(A)25/2007 and is repealed under section 63 of this Constitution.

“appointed date” means the date on which this Constitution shall have effect.

#### **Validity of actions by the University**

65. Any instrument, deed, title, document, bond, agreement and working arrangement executed by the Authority under repealed Constitution shall, on the appointed date be deemed to have been made under this Constitution and continue to be in force and have effect.

#### **Rights, etc., of Authority not affected**

66. (1) All rights, privileges, liabilities , duties and obligations of the Authority under the repealed Constitution shall, on the appointed date, develop upon and be deemed to be rights, privileges, liabilities , duties and obligations of the Authority under this Constitution.

(2) All undertaking given by, and matters pending before the Authority under the repealed Constitution shall, on the appointed date, be undertaken by or continued before, as the case may be, the Authority under this Constitution.

(3) All existing liabilities by or behalf or for the purpose of the Authority under the repealed Constitution shall, on the appointed date, be enforced against the Authority under this Constitution.

### **Delegated powers**

67. All powers delegated under the repealed Constitution shall, on the appointed date, in so far as the delegation is consistent with this Constitution, be deemed to have been delegated under this Constitution.

### **Saving of statutes, etc.**

68. All statutes, rules, regulations, declaration, order, forms and authorization letters or made by the University before the appointed date shall remain in force, in so far as statutes, rules, regulations, declaration, order, forms and authorization letters are consistent with, or until replaced or revoked by, the provisions of this Constitution.

### **Continuance of service**

69. Subject to this Constitution, all persons who immediately before the appointed date where appointed, or employed, by the University under the repealed Constitution shall, on and after the date be deemed to be appointed, or employed, by the University under this Constitution.

### **Students of the University**

70. All students who immediately before the appointed date were admitted to follow courses of study at the University under the repealed Constitution and, on the appointed date are following such courses of study shall on the appointed date, be deemed to have been admitted under this Constitution.

**Continuance of the Union and other student bodies**

71. (1) The Union and student bodies which are established under the repealed Constitution shall, on the appointed date, be deemed to be established under this Constitution.

(2) Students who are members of the Union and students bodies under the repealed Constitution shall, on the appointed date, in so far as eligible to be registered student under subsection 57(14) of this Constitution, remains as a member of the Union and student bodies.

(3) Members elected to hold office in the Union and other student bodies under the repealed Constitution shall, on the appointed date, be deemed to hold office in the Union and student bodies under this Constitution.

**SCHEDULE**  
**[Subsection 16(3)]**

**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 the 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 an 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 Constitution, another person may be appointed to fill the vacancy for the remainder of the terms for which the member was appointed.

**Allowance**

5. Members of the Authority, other than the Board, may be paid such allowance as the Board may determine.

**Authority may invite others to meeting**

6. (1) An 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 is partner-

(a) an interest in a company or an 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.

P.U. (A) 468/2010

Made 16 December 2010

[KPT.U.(S)100/1/2/1 Jld.6; PN(PU2]75P/III]

By Command

DATO' SERI MOHAMED KHALED BIN NORDIN

*Minister of Higher Education*