

UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971
UNIVERSITIES AND UNIVERSITY COLLEGES
(CONSTITUTION OF THE UNIVERSITI SAINS MALAYSIA) (AMENDMENT)
ORDER 2024

ARRANGEMENT OF SECTIONS

Section

1. Citation
2. Interpretation

PART I
THE UNIVERSITY

3. Continuing existence of the University as body corporate
4. Powers of the University
5. Additional powers of the University
6. Provisions relating to corporations
7. Conduct of study, *etc.*, in association, *etc.*, with any university
8. Distinction of race and creed prohibited
9. The seal of the University

PART II
THE PATRON OF THE UNIVERSITY

10. The Patron

PART III
THE OFFICERS OF THE UNIVERSITY

11. The Chancellor

Section

12. The Pro-Chancellors
13. The Vice-Chancellor and Deputy Vice-Chancellor
14. Head of a Branch Campus
15. Registrar, Bursar, Chief Librarian, Legal Adviser, Complaints Officer and Internal Auditor
16. Deans, heads and other officers

PART IV
THE UNIVERSITY AUTHORITIES

17. The Authorities
18. The Board of Governors
19. Provisions relating to the Board
20. Temporary exercise of functions of Chairman
21. Functions and powers of the Board
22. Advisory Group of Eminent Persons
23. Committees of the Board
24. The Senate
25. Committees of the Senate
26. Joint Committee of the Board and the Senate
27. Management Committee of the University
28. Management Committee of the Branch Campus
29. The Faculty, School, Institute, Academic Centre, Research Centre and Academy
30. Academic Council of the Faculty, *etc.*
31. Management Committee of the Faculty, *etc.*
32. Studies Committee
33. Selection Committee
34. DELETED – P.U.(A) 383/2012
35. Student Welfare Committee
- 35A. Students' Complaints Committee
36. Alumni of the University

Section

- 37. Term of office of members of Authorities
- 38. Meetings
- 39. Majority
- 40. Disputes

PART V

STATUTES, RULES AND REGULATIONS

- 41. Statutes
- 42. Procedure on making, amending or revoking statutes
- 43. Rules
- 44. Procedure on making, amending or revoking rules
- 45. Board may adopt regulations, *etc.*
- 46. Regulations
- 47. Publication of statutes, rules and regulations
- 48. Constitution, inconsistencies between the statutes, *etc.*

PART VI

FINANCIAL PROVISIONS

- 49. Income and earnings other than grants-in-aid
- 50. Standing Finance Committee
- 51. Preparation of estimate
- 52. Financial year
- 53. Annual estimates
- 54. Supplementary estimates
- 55. No expenditure to be incurred unless included in the estimates
- 56. Form of estimates
- 57. Power of the Board to seek funds, accept gifts, *etc.*
- 58. Property given for specific purposes to be separately accounted for
- 59. Form of contracts
- 60. Audit

PART VII
STUDENT AFFAIRS AND STUDENT DEVELOPMENT

Section

61. Student affairs and student development
62. Admission of students
63. Disciplinary authority in respect of students of the University
64. Students' Consultative Assembly
65. Speaker of the Students' Consultative Assembly
66. Secretary of the Students' Consultative Assembly
67. Minutes of meetings of the Students' Consultative Assembly
68. Ordinary meetings
69. Extraordinary meetings
70. The Students' Representative Council
71. Establishment of other student bodies
72. Power to suspend member or office bearer
73. Deprivation of degree, *etc.*, on ground of misconduct

PART VIII
GENERAL PROVISIONS

74. Conferment of accelerated programme for excellence status
75. Convocation
76. Appointment of academicians and employees
77. Royal Professors
78. All appointments to be subject to the Act and subsidiary legislation thereunder
79. Powers of delegation
80. Questions as to election, *etc.*
81. Protection to officers, *etc.* who make disclosures
82. Other audits
83. Repeal

PART IX
SAVING AND TRANSITIONAL PROVISIONS

Section

- 84. Interpretation
- 85. Validity of actions by the University
- 86. Rights, *etc.*, of Authority not affected
- 87. Delegated powers
- 88. Saving of statutes, *etc.*
- 89. Continuance of service
- 90. Students of the University
- 91. Continuance of the SRC and other student bodies
- 92. Continuance of disciplinary proceeding

SCHEDULE

UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971
THE CONSTITUTION OF THE UNIVERSITI SAINS MALAYSIA

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 February 2009 as the date on which the provisions of the Constitution of the Universiti Sains Malaysia established under the University at Pulau Pinang (Incorporation) Order 1971 [*P. U. (A) 383/1971*], as prescribed hereunder shall have effect.

Citation

1. This Constitution may be cited as the **Universities and University Colleges (Constitution of the Universiti Sains Malaysia) (Amendment) Order 2024**.

Interpretation

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

“academician” means a person appointed to be an educator or researcher by the Board in accordance with this Constitution, and includes a professor, associate professor, research fellow, fellow, assistant professor, senior lecturer, lecturer, assistant lecturer, language teacher and tutor;

“Act” means the Universities and University Colleges Act 1971 [*Act 30*];

“Alumni of the University” means the Alumni of the University constituted in accordance with section 36;

“Bursar” means the chief financial officer of the University, by whatever name called, appointed under subsection 15(3);

“Students” Consultative Assembly” means the forum constituted in accordance with section 64;

“post-doctoral fellow” in the context of subsection 76(4) means a person under contract for service with the University to perform such research functions as may be prescribed by the University;

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

“Management Committee of the University” means the committee established under section 27;

“Internal Auditor” means the full-time officer of the University, appointed under subsection 15(3);

“Branch Campus” means the campus established under paragraph 12(1)(c) of the Act being the site or location which shall be in addition to the Campus at the seat of the University and having a Head of the Branch in accordance with section 14;

“Chief Librarian” means the head of the library or information resource centre of the University, by whatever name called, appointed under subsection 15(3);

“Convocation” means a Convocation held in accordance with section 75;

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

“Board” means the Board of Governors of the University constituted under section 18;

“Students’ Representative Council” means the student representative body elected in accordance with section 70;

“Officer” means the Chancellor, a Pro-Chancellor, the Vice-Chancellor, the Deputy Vice-Chancellor, the head of a Branch Campus, the Registrar, the Bursar,

the Chief Librarian, the Legal Adviser, the Complaints Officer, the Internal Auditor, the Dean of a Faculty or School, the head of an Institute, head of an Academic Centre, head of a Research Centre or head of Academy, or the holder of any office created by statute or otherwise;

“Complaints Officer” means the full-time officer of the University appointed under subsection 15(3);

“employee” means any person employed by the University under this Constitution or any statute;

“student” means a registered student, other than a student at an institution allied to the University, 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 and includes a distance-learning, off-campus, exchange and non-graduating student;

“Legal Adviser” means the principal legal officer of the University appointed under subsection 15(3);

“Patron” means the Yang di-Pertuan Agong relating to his functions under section 10;

“Registrar” means the chief administrative officer of the University, by whatever name called, appointed under subsection 15(3);

“Chairman” means the Chairman of the Board appointed under subsection 19(1);

“trainee lecturer” in the context of subsection 76(4) means a person under a contract for service with the University to undertake graduate studies under the academic training scheme for future service as an academician of the

University in accordance with the terms and conditions of the contract;

“Constitution” means the Constitution of the Universiti Sains Malaysia;

“Authority” means any of the Authorities of the University referred to in section 17, and includes any other Authority established by statutes;

“statute”, “rules” and “regulations” mean the statutes, rules and regulations, made in accordance with this Constitution;

“the University” means the Universiti Sains Malaysia.

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

PART I THE UNIVERSITY

Continuing existence of the University as body corporate

3. (1) The Universiti Sains Malaysia is the same body corporate established and incorporated under the University at Pulau Pinang (Incorporation) Order 1971 [*P.U. (A) 383/1971*] and the Constitution of the Universiti Sains Malaysia [*P.U. (A) 107/1998*].

(2) Notwithstanding the repeal of the Constitution of the Universiti Sains Malaysia by section 83, the body corporate established under the repealed Constitution under the name of “Universiti Sains Malaysia” and the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Board and the Senate constituted therein shall continue to be in existence under and subject to the provisions of this Constitution.

(3) The Universiti Sains Malaysia 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 and make anew such seal as it thinks 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 determine the qualification and criteria for admission of students to a course of study, instruction, training or research and to select applicants to such courses of study, instruction, training or research;

- (c) to recognize the degrees, diplomas, certificates and other academic distinctions 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, diplomas, certificates or other academic distinctions or on graduates of the University on such conditions as may be prescribed by rules;
- (d) to confer degrees, diplomas, certificates and other academic distinctions including external degrees, on persons who have followed courses of study approved by the University and have satisfied such other requirements as may be prescribed by rules;
- (e) to confer degrees upon academicians of the University who have satisfied such requirements as may be prescribed by rules;
- (f) to confer emeritus professorships or 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 or branches of knowledge;
- (h) to institute chairs, professorships, 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 fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance towards the advancement and dissemination of knowledge;
- (l) to regulate and control the income and earnings of the University other than grants-in-aid;
- (m) to determine, demand and receive student fees and any other fees as may be prescribed from time to time by regulations and any general directions on higher education under section 3 of the Act;
- (n) 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 the power to vary any such investment and to deposit from time to time any moneys for the time being not invested with any bank established within Malaysia either upon fixed deposit or upon current account;
- (o) to grant loans or advances to its employees;
- (p) to grant loans or financial assistance to deserving students on such terms and conditions as may be approved by the Board;
- (q) to conduct commercial research for the effective promotion, utilization and commercialization of its research findings and to register and maintain patents, trademarks and other intellectual property rights;
- (r) to enter into contracts, to appoint such employee and to

establish such trust funds, as may be required for the purposes of the University;

- (s) to establish posts and positions required for academic and support employee functions;
- (t) to regulate the conditions of service of employees of the University, including schemes of service, salary scales, incentives, promotions, secondment, transfer, leave and discipline;
- (u) 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;
- (v) to appoint and promote employees of the University and to consider appeals from any employees aggrieved by the exercise of such power to appoint and promote;
- (w) to regulate and provide for the residence and the welfare of the employees and students of the University;
- (x) subject to other written laws, to regulate the discipline of employees and students;
- (y) subject to the provisions of the Act and of this Constitution, to make, revoke or amend any statutes, rules or regulations; and
- (z) to do all such acts and things, whether or not incidental to the powers aforesaid as may be requisite in order to exercise its functions and powers under this Constitution.

(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—

- (a) the powers under paragraphs (1)(h), (i), (j), (l), (m), (n), (o), (p) and (r) to (y) shall be exercised by the Board;
- (b) the powers under paragraphs (1)(a) to (e) and (g) shall be exercised by the Senate; and
- (c) the powers under paragraphs (1)(f), (k), (q) and (z) shall be exercised jointly by the Board and 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 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) a commission; 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 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 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 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 shall be transferred to and vested in the University after payment of all liabilities.

(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) Subject to such restrictions or limitations as may be specified by the Board in each case, 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 consistent with this Constitution.

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

(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 "UNIVERSITI SAINS MALAYSIA" 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 be deemed to have been validly executed until the contrary is proved.

(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

7. (1) 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.

(2) Subsection (1) shall not apply to any short-term course or training programme provided or conducted by the University that does not lead to the award of a degree or diploma.

Distinction of race and creed prohibited

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

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

(6) Any document or instrument which is not 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 an officer or any person generally or specially authorized by the Board.

PART II

THE PATRON OF THE UNIVERSITY

The Patron

10. (1) The Yang di-Pertuan Agong shall be the Patron of the University.

(2) The Patron shall, from time to time, receive reports from the Chancellor on the realization of the vision and mission of the University.

- (3) The Patron shall be entitled, at his request, to any information concerning the University which is available to the University.

PART III THE OFFICERS OF THE UNIVERSITY

The Chancellor

11. (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, rules or regulations.

(2) The Chancellor shall be appointed by the Yang di-Pertuan Agong on the advice of the Minister for such term 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-Chancellors

12. (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 regulations, 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

13. (1) There shall be a Vice-Chancellor who shall be appointed by the Minister for a term of three years, on the advice of the committee appointed under section 4A of the Act and after consultation with the Board.

(2) Upon the expiry of the period of his appointment, the Vice-Chancellor shall be eligible for reappointment.

(3) The Minister may terminate the appointment of the Vice-Chancellor at any time and shall assign reason for such termination.

(4) 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 and shall act under the general authority and direction of the Board and the Senate.

(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 statutes, rules or regulations.

(6) 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.

(7) There shall be at least one Deputy Vice-Chancellor who shall be appointed by the Minister after consultation with the Vice-Chancellor from amongst fit and proper person from within or outside the University, for any terms and conditions determined by the Minister after consultation with the Vice-Chancellor, and the appointment, terms and conditions shall be binding on the University.

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

Head of a Branch Campus

14. (1) Where a Branch Campus is established under subsection 12(1) of the Act, there shall be a head of the Branch Campus who shall be appointed—

- (a) by the Board after consultation with the Minister, in the case of a Branch Campus within Malaysia; or
- (b) by the Minister after consultation with the Vice-Chancellor, in the case of a Branch Campus outside Malaysia.

(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 the office and other conditions of the service of the head of a Branch Campus appointed under subsection (1) shall be determined by the appointing authority 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, Legal Adviser, Complaints Officer and Internal Auditor

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

(2) The post of the Registrar, the Bursar, the Chief Librarian, the Legal Adviser, the Complaints Officer and the Internal Auditor may be known by such other names as may be determined by the Board.

(3) The Registrar, the Bursar, the Chief Librarian, the Legal Adviser, the Complaints Officer and the Internal Auditor shall be appointed by the Board on the advice of the Selection Committees.

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

(5) 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.

(6) A person appointed as the Chief Librarian, the Complaints Officer and the Internal Auditor shall hold office for a period as determined by the Board.

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

Deans, heads and other officers

16. (1) There shall be a Dean of each Faculty or School and a head of each

Institute, Academic Centre, Research Centre or Academy appointed in accordance with subsections 29(4), (5) and (6).

(2) The University may appoint such other officers as may be prescribed by statutes.

PART IV THE UNIVERSITY AUTHORITIES

The Authorities

17. (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 Institutes, the Academic Centres, the Research Centres, the Academies, 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 and procedures of the Authorities shall be prescribed by statute.

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

The Board of Governors

18. (1) The Board of Governors 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) two professors of the University elected by the Senate from amongst the members mentioned in paragraph 24(1)(d)

(f) four persons —

(i) two of whom shall be from the private sector or the professional bodies;

(ii) one person from the Alumni of the University; and

(iii) one person from within or outside 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, heads of Branch Campuses, 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

19. (1) The appointment of the members of the Board other than members appointed under paragraph 18(1)(e), shall be made by the Minister for a period of three years provided that the Minister may terminate the appointment by assigning reason for the termination.

(2) Upon the expiry of the period of the appointment, the members of the

Board shall be eligible for reappointment.

(3) The appointment of the members under paragraphs 18(1)(c), (d) and (f) shall be made by the Minister after consultation with the Chairman of the Board.

(4) The term of the members appointed under paragraph 18(1)(e) shall be for the duration of their membership in the Senate.

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

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

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

(8) The Board may, from time to time, invite a representative of an administrative employee union or association of the University, and a representative of the Students' Consultative Assembly to attend the meetings of the Board.

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

Temporary exercise of functions of Chairman

20. (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

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

Advisory Group of Eminent Persons

22. (1) The Board shall appoint a body to be known as the Advisory Group of Eminent Persons.

(2) The functions of the Advisory Group of Eminent Persons shall be to advise the University on the University's vision, mission and performance.

(3) The period and terms of appointment of the Advisory Group of Eminent Persons shall be determined by the Board.

Committees of the Board

23. (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 time and place 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 is 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.

(14) In addition to the committees appointed under other provisions of the Act, the Board shall establish committees for the following purposes:

(a) the management of the properties, assets and trusts of the University;

(b) the management and commercialization of the intellectual property of the University;

(c) to ensure the sustainability of the environment and the well being of the community;

(d) the evaluation, assessment and enhancement of the performance of the employees of the University; and

(e) the management of the University's accelerated programme for excellence.

The Senate

24. (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 or Schools and all heads of the Branch Campuses, Institutes, Academic Centres, Research Centres and Academies of the University;
- (d) full-time professors equal to the number of Deans and heads under paragraph (c), to be elected for a term of three years by all full-time professors and associate professors of the University in accordance with subsection (12); and
- (e) not more than five persons from the University to be appointed 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 meeting or part of the meeting of the Senate and to have access to any parts of the minutes of the meeting as approved by the Senate.

(3) In the absence of the Vice-Chancellor, the Deputy Vice-Chancellor in charge of academic affairs shall preside at any meeting of the Senate and in the absence of the Vice-Chancellor and the Deputy Vice-Chancellor in charge of academic affairs, any one of the Deputy Vice-Chancellors elected by the Senate shall preside the 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 Registrar shall be the Secretary of the Senate.

(6) The quorum of the Senate shall be one-third of the total members eligible to vote.

(7) 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.

(8) In addition to the functions and powers under paragraphs 4(3)(b) and (c) and subsection (7), the Senate shall perform the following functions and exercise the following powers:

- (a) to set up Faculties, Schools, Institutes, Academic Centres, Research Centres and Academies and departments, units or bodies under such Faculties, Schools, Institutes, Academic Centres, Research Centres and Academies;
- (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 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.

(9) In the performance of its duties, functions and responsibilities, the Senate may delegate any of its duties, functions and responsibilities to its members and may establish any committees consisting of its members to assist it in the performance of its duties, functions and responsibilities.

(10) The Senate shall consider any matter transmitted to it by the Board under subsection 21(2).

(11) 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 40.

(12) For the purpose of election to the Senate under paragraph 24(1)(d), the Vice-Chancellor may, from time to time, create academic clusters; assign any Faculty, School, Institute, Academic Centre, Research Centre and Academy to a cluster and allocate the number of Senate seats that shall be held by each cluster.

Committees of the Senate

25. The Senate shall establish committees for the following purposes:

- (a) the enhancement of pedagogy and training;

- (b) the evaluation and assessment of courses;
- (c) the promotion of research and publication;
- (d) the fostering of links with industry, community, institution or organization within or outside Malaysia; and
- (e) the management and overseeing of franchise programmes.

Joint Committee of the Board and Senate

26. (1) The University may establish a Joint Committee of the Board and Senate to assist in the performance of their functions pertaining to research, development and commercialization of research.

(2) Subject to the provisions of this Constitution, the composition and powers of the Joint Committee of the Board and Senate shall be prescribed by statutes.

Management Committee of the University

27. (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) all heads of Branch Campuses;
- (d) the Registrar;
- (e) the Bursar;
- (f) the Chief Librarian;

(g) the Legal Adviser; and

(h) any other senior employees 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.

Management Committee of the Branch Campus

28. (1) The Vice-Chancellor shall appoint a Management Committee of the Branch Campus for each Branch Campus.

(2) The Management Committee of the Branch Campus shall consist of the head of the Branch Campus as chairman and such other members as appointed by the Vice-Chancellor.

(3) The Management Committee of the Branch Campus shall advise the head of the Branch Campus on the administrative and management functions and on the implementation of the decisions of the University.

The Faculty, School, Institute, Academic Centre, Research Centre and Academy

29. (1) The University shall be divided into such number and names of—

(a) Faculties, Schools, Institutes, Academic Centres, Research Centres and Academies, by whatever name called, as may be determined by the Senate; and

(b) such number and names of non-academic centres, by whatever name called, as may be set up by the Board.

(2) The University may, upon consultation with the Studies Committee, set up departments or other units or bodies in respect of Faculties, Schools,

Institutes, Academic Centres, Research Centres and Academies.

(3) A Faculty, School, an Institute, an Academic Centre, a Research Centre and an Academy shall be responsible to the Senate for the organization of instruction and research in the subject of study within the purview of the Faculty, School, Institute, Academic Centre, Research Centre or Academy, as the case may be, and may exercise such other functions as may be conferred on it by statute, rules or regulations.

(4) The Vice-Chancellor shall, after consultation with the academic employee of each Faculty or School, appoint a Dean in respect of each Faculty or School and at least one Deputy Dean and the Board shall be informed of the appointments as soon as may be.

(5) The Dean shall be chairman of the Faculty or School and shall exercise such other functions as may be vested in him by statute, rules or 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 academician appointed by the Vice-Chancellor to perform such duties of the Dean for such time as such disability may continue.

(6) The Vice-Chancellor shall, after consultation with the academic employee of each Institute, Academic Centre, Research Centre and Academy have power to appoint a person to be head of an Institute, an Academic Centre, Research Centre or an Academy, and such head shall be styled by such title as may be prescribed by statute, rules or regulations; and if owing to his absence on leave or for any other reason, the head of an Institute, an Academic Centre, Research Centre or an Academy is unable to perform his duties, the Vice-Chancellor may, except as otherwise provided by statute appoint any senior academician to perform such duties for such time as such disability shall continue.

(7) The Vice-Chancellor shall, after consultation with the employee of each non-academic centre, have power to appoint a person to be head of such a

centre and such head shall be styled by such title as may be determined by the Board; and if, owing to his absence or for any other reason, the head of the centre is unable to perform his duties the Vice-Chancellor may appoint any senior officer to perform such duties for such time as such disability shall continue.

(8) A Dean, a Deputy Dean of a Faculty or School, head of an Institute, an Academic Centre, a Research Centre or an Academy and head of a non-academic centre appointed under subsection (4), (5), (6) or (7) as the case may be, shall be appointed for a period not exceeding three years, but shall be eligible for reappointment.

(9) Notwithstanding subsection (8), the Vice-Chancellor may terminate any appointment made under subsection (4), (5), (6) or (7) at any time during the term of such appointment by assigning reason for such termination.

Academic Council of the Faculty, etc.

30. (1) Each Faculty, School, Institute, Academic Centre, Research Centre and Academy shall establish an Academic Council consisting of—

- (a) the Dean of a Faculty or School, or head of an Institute, Academic Centre, Research Centre and Academy as the chairman;
- (b) all Deputy Deans and chairman of academic or research programmes; and
- (c) all full-time academicians of the Faculty, School, Institute, Academic Centre, Research Centre and Academy.

(2) The quorum of the Academic Council shall be one-third of the members of the Academic Council.

(3) The Academic Council may from time to time invite any person, including any student, to attend the meeting or part of the meeting of the

Academic Council and to have access to any parts of the minutes of the meeting as permitted by the Academic Council.

(4) The Academic Council shall advise and assist the Senate on the functions of the latter under this Constitution.

Management Committee of the Faculty, *etc.*

31. (1) The Vice-Chancellor shall appoint a Management Committee for each Faculty, School, Institute, Academic Centre, Research Centre and Academy.

(2) The Management Committee of the Faculty, School, Institute, Academic Centre, Research Centre and Academy shall consist of the Dean of a Faculty or School or head of an Institute, Academic Centre, Research Centre or Academy as chairman and such other members of the Faculty, School, Institute, Academic Centre, Research Centre or Academy as may be appointed by the Vice-Chancellor.

(3) The Management Committee of the Faculty, School, Institute, Academic Centre, Research Centre and Academy shall advise the Dean of the Faculty or School or head of the Institute, Academic Centre, Research Centre or Academy on his administrative and management functions and on the implementation of the decisions of the University.

Studies Committee

32. 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, Institute, Academic Centre, Research Centre and Academy; and
- (b) to consider proposals referred to it by the Senate for the establishment of a new Faculty, School, Institute, Academic Centre, Research Centre or Academy,

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

Selection Committee

33. (1) A Selection Committee for purposes of appointment to a chair and the appointment or promotion to the post of senior professors and professors 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 School or head of the Institute, Academic Centre, Research Centre and Academy to which the chair or the professor will be allocated; and
- (d) two members of the Senate appointed by the Senate.

(2) A Selection Committee for purposes of appointment or promotion to the post of Registrar, Bursar, Chief Librarian, Legal Adviser, Complaints Officer and Internal Auditor shall consist of—

- (a) the Vice-Chancellor, who shall be the chairman;
- (b) two members of the Board appointed by the Board; and
- (c) two members of the Senate appointed by the Senate.

(3) A Selection Committee for recommending appointment or promotion of academicians other than those mentioned in subsection (1) shall consist of—

- (a) the Deputy Vice-Chancellor in charge of academic affairs or in his

absence for any reason, any other Deputy Vice-Chancellor appointed by the Board, who shall be the chairman;

- (b) two members of the Senate appointed by the Senate; and
- (c) the Dean of the Faculty or School or head of the Institute, Academic Centre, Research Centre and Academy to which the academician will be allocated.

(4) A Selection Committee for recommending appointment or promotion of University employees in the management and professional group shall consist of—

- (a) the Registrar, who shall be the chairman; and
- (b) three officers of the University appointed by the Board.

(5) A Selection Committee for recommending appointment or promotion of University employees in the support group shall consist of—

- (a) the Registrar, who shall be the chairman; and
- (b) three employees of the University appointed by the Board.

(6) The chairman of a committee shall appoint a secretary from amongst the employees of the University.

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

Employee Welfare Committee

34. DELETED – P.U.(A) 383/2012

Student Welfare Committee

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

- (a) the Vice-Chancellor, who shall be the chairman;
- (b) a member of the Board appointed by the Board;
- (c) the Deputy Vice-Chancellor charged with the responsibility of student affairs and student development;
- (d) two members elected by the Students' Consultative Assembly; and
- (e) such other members as may be appointed by the Board.

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

Students' Complaints Committee

35A. (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 powers in

conducting investigations or inquiries as to any complaint made by a student in the manner as may be prescribed by statute.

Alumni of the University

36. (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 Alumni of the University.

(2) 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 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

37. (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, other than *ex-officio* member, 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 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 qualified.

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

Meetings

38. (1) The Authority shall meet 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 them to preside over the meeting.

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

Majority

39. (1) Subject to the provisions of this Constitution and to any statute, 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 of the Authority 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

40. (1) Any disputes 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 figure 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 shall bind the parties to the dispute.

PART V

STATUTES, RULES AND REGULATIONS

Statutes

41. 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 procedures of the Authorities;
- (c) the conferment of emeritus professorships;
- (d) the determination of the degrees, diplomas, certificates and other academic distinctions to be conferred by the University;
- (e) the management of a Branch Campus, Faculty, School, Institute, Academic Centre, Research Centre and Academy;

- (f) all other matters which under this Constitution may be regulated by statute; and
- (g) matters incidental to or consequential upon any of the matters aforesaid.

Procedure on making, amending or revoking statutes

42. (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 School or the head of an Institute, an Academic Centre, a Research Centre and an Academy in relation to academic matters;
- (b) the composition, powers, duties and procedure of the Senate, a Faculty, a School, an Institute, an Academic Centre, a Research Centre, an Academy or a Studies Committee;
- (c) the determination of degrees, diplomas and other academic distinctions to be conferred by the University; and
- (d) 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

43. 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 regulations 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.

Procedure on making, amending or revoking rules

44. (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 43(a), (b), (c) and (d); 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 any observations or proposals for amendment, and no such rules shall be made until the Senate has agreed to the terms of the draft.

Board may adopt regulations, etc.

45. (1) Subject to any written law, the Board may adopt with such modifications as it deems fit any regulations, rules, circulars or directives enacted or issued by the Federal Government.

(2) Any regulations, rules, circulars or directives adopted under subsection (1) may, from time to time, be amended or revoked by the Board accordingly.

Regulations

46. (1) The Authorities of the University may make regulations for their 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 or School, an Institute, an Academic Centre, a Research Centre, an Academy, 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 mode of assessment.

Publication of statutes, rules and regulations

47. (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 statute, 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 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.

48. In the event of—

- (a) any statute being inconsistent with the provisions of this Constitution;
- (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 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 VI
FINANCIAL PROVISIONS

Income and earnings other than grants-in-aid

49. Other than grants-in-aid to the University from Parliament under section 11 of the Act—

- (a) all grants, gifts, testamentary dispositions, subventions, legacies and endowments;
- (b) income derived from any movable or immovable properties including rental, lease and derivative income;
- (c) all profits and earnings from investment in land or securities;
- (d) all income from research and consultancy;
- (e) all royalties and earnings from patents, trademarks and other

intellectual property;

- (f) all income and profits from equity participation, partnership, joint ventures, undertakings or other forms of cooperation or arrangements under section 5;
- (g) all fees demanded and received from licensing, technology transfer and commercialization;
- (h) all fees received from students;
- (i) all alumni funds; and
- (j) any income created, generated, earned or received by the University by its own efforts, initiative and enterprise,

shall be assigned to one or more special accounts managed and administered by the University in accordance with any rules prescribed by the Board.

Standing Finance Committee

50. (1) The Board shall appoint a Standing Finance Committee for regulating and controlling the finances of the University.

(2) The terms of reference of the Standing Finance Committee shall be determined by the Board.

Preparation of estimates

51. 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

52. (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 University shall, as soon as may be, be balanced for the preceding financial year and an annual financial 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

53. (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

54. 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

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

(2) Subject to the provisions of the Act and this Constitution, the Board may—

- (a) transfer all or any part of the moneys assigned to one item of annually recurrent expenditure to another item of annually recurrent expenditure;
- (b) transfer all or any part of the moneys assigned to one item of capital expenditure to another item of capital expenditure;
- (c) with the approval of the Minister in accordance with subsection 11(2) of the Act, transfer any moneys appropriated to and not applied for the purpose of the annually recurrent expenditure of the University to capital expenditure;
- (d) transfer any balance of annually recurrent expenditure to an item or items of annually recurrent expenditure of the following year; and
- (e) transfer any balance of capital expenditure to an item or items of capital expenditure of the following year.

(3) Subsections (1) and (2) 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 57.

Form of estimates

56. 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 funds, accept gifts, etc.

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

(2) Register 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

58. 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

59. Any contract involving the expenditure of the University shall be in writing, 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

60. (1) The accounts of the University shall be audited annually by an external auditor appointed by the Board.

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

(3) In addition to the powers under subsection (1), the Board shall appoint an Internal Auditor for conducting an audit on the finances and management of the University.

(4) The Internal Auditor shall investigate any matter referred by the Board, the Vice-Chancellor or any committee of the Board and shall report directly to the Board.

(5) The terms of reference and the terms and conditions of services of the Internal Auditor shall be prescribed by the Board.

PART VII

STUDENT AFFAIRS AND STUDENT DEVELOPMENT

Student affairs and student development

61. (1) The Vice-Chancellor shall designate a Deputy Vice-Chancellor to be in charge of student affairs and student development.

(2) The Deputy Vice-Chancellor shall be responsible for such matters of

student welfare and student development as may be determined by the Vice-Chancellor.

Admission of students

62. (1) 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.

(2) The Minister may, from time to time, refer to the University for its consideration, students as have been awarded Federal or State scholarships, loans or other similar financial assistance from public funds.

Disciplinary authority in respect of students of the University

63. (1) The disciplinary authority of the University in respect of every student of the University shall be the Student Disciplinary Committee established by the Board.

(2) The Student Disciplinary Committee which 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 of the Act.

(2A) The Student Disciplinary Committee shall comprise at least three members consisting of the Deputy Vice-Chancellor as the chairman and the employees of the University appointed by the Board.

(3) DELETED – P.U.(A) 274 / 2024

(4) The Student Disciplinary Committee 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.

(5) A student of the University shall have the right to be represented by an employee or another student of the University in any disciplinary proceeding of first instance taken against him.

(6) A student of the University shall be allowed to make a written or an oral representation in any disciplinary proceeding of first instance taken against him.

(7) The decision of the Student Disciplinary Committee 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.

(8) Any student of the University who is dissatisfied with the decision of the Student Disciplinary Committee as the case may be, under subsection (7) 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 (9).

(9) The Board shall establish a Student Disciplinary Appeal Committee to hear and determine any appeal submitted by a student under subsection (8).

(10) 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.

(11) The Board shall appoint one of its members referred to in subsection (10) to be the chairman of the Student Disciplinary Appeal Committee.

(12) No member of the Student Disciplinary Committee shall be a member of the Student Disciplinary Appeal Committee.

(13) A student of the University who has submitted an appeal under subsection (8) shall be allowed to make a written representation in any

proceedings before the Student Disciplinary Appeal Committee.

(14) The Student Disciplinary Appeal Committee hearing an appeal under subsection (9) shall decide on the appeal within sixty days from the date of receipt of the appeal.

(15) 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.

Students' Consultative Assembly

64. (1) There shall be a Students' Consultative Assembly which shall consist of the following:

- (a) the Students' Representative Council elected in accordance with section 70; and
- (b) representatives of student bodies elected to the Students' Consultative Assembly in accordance with subsection 71(2).

(2) Any meeting of the Students' Consultative Assembly shall be open to any registered student of the University, other than external students.

(3) The role of the Students' Consultative Assembly shall be to provide a forum for consultation between students and their representatives on all matters of student welfare and student development and to facilitate answerability and accountability through question and answer sessions, debates and motions on the floor of the Students' Consultative Assembly.

(4) The Board may, by regulations, prescribe procedures for the meeting of the Students' Consultative Assembly, the quorum, debates and motions and the filing of written and oral questions by students to their representatives.

Speaker of the Students' Consultative Assembly

65. The Students' Consultative Assembly shall, at its first meeting, elect a Speaker and a Deputy Speaker who are either members of the Student Representative Council under subsection 70(5) or elected representatives of a student body under subsection 71(2).

Secretary of the Students' Consultative Assembly

66. The Secretary of the Student Representative Council shall also be the Secretary of the Students' Consultative Assembly.

Minutes of meetings of the Students' Consultative Assembly

67. (1) It shall be the duty of the Secretary of the Students' Consultative Assembly to record the minutes of the meetings and to submit such minutes to the Speaker.

(2) Upon the Speaker's confirmation and signature, the minutes of the meeting shall be submitted to the Vice-Chancellor for his consideration.

(3) The minutes of the meeting shall be open for inspection by any registered student.

Ordinary meetings

68. The Students' Consultative Assembly shall meet at least twice in every academic year on a date, at a time and place to be determined by the President of the Students' Representative Council.

Extraordinary meetings

69. (1) If there is a request in writing for an extraordinary meeting of the Students' Consultative Assembly by not less than two thousand registered students of the University, the Vice-Chancellor shall, within fourteen days of the presentation of such request, convene an extraordinary meeting of the Students' Consultative Assembly.

(2) The notice of any extraordinary meeting shall specify the object of the meeting and no other matters than those specified in the notice shall be discussed at the meeting.

The Students' Representative Council

70. (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 (referred to as "the Union" in this Constitution).

(2) Every registered student of the University, other than an external student, shall be eligible to contest a seat in the Students' Representative Council (referred to as "the SRC" in this Constitution) and in any other student body unless he is disqualified by virtue of subsections (9) and (10).

(3) The Board may make regulations for the conduct of elections to the SRC and for all matters related to the elections.

(4) The term of office of the members of the SRC and its office-bearers shall be one academic year from the date of their election under subsection (5).

(4A) Notwithstanding subsection (4), the Board may reduce or extend the period of membership of the SRC and its office-bearers.

(5) No later than forty five days after the commencement of the academic year, the Union shall elect, by secret ballot conducted by officers appointed by the Vice- Chancellor for that purpose, a SRC in the following manner:

(a) the registered students of each Branch Campus, Faculty or School, Institute, Academic Centre, Research Centre and Academy shall elect such number of registered students to be their representatives on the SRC as may be determined by the Vice-Chancellor; and

(b) the registered students as a whole shall elect such number of

registered students to be their representatives on 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).

(6) 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.

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

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

(9) 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.

(10) Any student who has satisfied the requirements determined by the University immediately prior to any proposed election to or by the SRC or to or by any other student organization or body, shall be qualified for contesting or being elected at such election.

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

(a) to foster a spirit of community life among the students of the University;

- (b)* subject to the direction of the Vice-Chancellor, to organize and supervise, student welfare activities in the University including the provision of 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 studying conditions of the students of the University;
- (d)* to participate in any meeting of the Students' Consultative Assembly;
- (e)* 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
- (f)* to undertake such other activities as may be determined by the Vice-Chancellor from time to time.

(12) DELETED – P.U.(A) 274 / 2024

(12A) The University may establish any fund or own any property to be managed or maintained by the SRC in accordance with the financial procedure of the University.

(12B) Notwithstanding subsection (12A), the SRC may, subject to any written law, establish, manage or maintain any fund in the manner as may be prescribed in the regulations made by the Board.”; and

(13) 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 shall be audited by a person appointed by the Vice-Chancellor and shall be submitted by the SRC to the Vice-Chancellor for his approval.

(13A) For the purposes of section 15A of the Act, the Board may make regulations to prescribe the manner for the making or organizing of or the taking part in the collection of money or the receiving of money or other contributions by the SRC.

(14) 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.

(15) For the purpose of this section—

“academic year” means such period as may be determined by the Senate;

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

“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; and

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

(16) A registered student shall cease to be a registered student under this part—

(a) upon the publication of the results of the final examination for such course of study, if he passes such examination; or

(b) 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 section.

Establishment of other student bodies

71. (1) Notwithstanding section 70, 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) Student bodies established under subsection (1) shall in their annual general meetings elect their office-bearers. The heads of these student bodies shall elect from amongst themselves by secret ballot conducted by any officer appointed by the Vice-Chancellor for that purpose, such number of representatives to the Students' Consultative Assembly as may be determined by the Vice-Chancellor, being in any case, not more than half of the number of representatives elected under paragraph 70(5)(a).

(3) Subsections 70(2), (3), (4), (6), (7), (8), (9), (10), (12), (12A), (12B), (13), (13A), (14) (15) and (16) shall apply *mutatis mutandis* to a student body established under this section as the subsections apply to the SRC.

Power to suspend member or office bearer

72. (1) If a member of the SRC or an office bearer of a student body established under section 71 conducts himself 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 or the constitution of the SRC or the constitution of any student body, or any statute, rules or regulations of the University, the Vice-Chancellor may, after giving to the member or the office bearer, as the case may be, an opportunity to make a written representation—

- (a) suspend the member of the SRC or the office bearer of the student body from his post; and

- (b) institute disciplinary proceeding against the said member of the SRC or the office bearer.

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

Deprivation of degree, etc., on ground of misconduct

73. (1) If the Senate 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 Senate, after giving to the graduate or the person concerned an opportunity of making representation, to deprive him 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, 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.

PART VIII

GENERAL PROVISIONS

Conferment of accelerated programme for excellence status

74. (1) The conferment of accelerated programme for excellence status on the University by the Minister shall be subject to such conditions as the Minister thinks fit.

(2) The University under the accelerated programme for excellence shall be known as an APEX University.

(3) To further the University's status as an APEX University, the Minister shall provide such assistance as he thinks fit.

Convocation

75. (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.

Appointments of academicians and employees

76. (1) All persons employed or to be employed by the University as academicians and all officers under section 15 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 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 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 contract for service with any person including a post-doctoral fellow and a

trainee lecturer if it is in the opinion of the Board expedient so to do.

Royal Professors

77. (1) Notwithstanding sections 33 and 76, 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 regulations made thereunder.

All appointments to be subject to the Act and subsidiary legislation thereunder

78. Notwithstanding sections 33, 76 and 77 or any other provision of this Constitution, every person employed by the University, including professors appointed under section 77, 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 that effect.

Powers of delegation

79. (1) Where by 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 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 statute, rules or regulations.

Questions as to election, etc.

80. If any question arises whether any person has been duly elected, appointed or nominated 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 Authority or person responsible for the election, appointment or nomination and the decision of the Authority or person shall be final.

Protection to officers, etc., who make disclosures

81. (1) Except as required by any written law or an order of the court, a member of the Board, the Vice-Chancellor, an employee, agent or student of the University shall not disclose any information in respect of the University which is not published in pursuance of this Act.

(2) Subsection (1) shall not apply to an employee, agent or student of

the University who—

- (a) discloses or threatens to disclose to a public authority, an Authority of the University or a superior, any activity, policy or practice of the University or an employee of the University, that the employee, agent or student reasonably and in good faith believes is in violation of any law or arouses reasonable suspicion of misconduct, fraud or corruption; or
- (b) in good faith provides information to or testifies before any public authority conducting an investigation, hearing or inquiry.

(3) The officer or agent who makes any disclosure under subsection (2) shall not be subject to any dismissal, termination, suspension, demotion, disciplinary action or discrimination or suffer any loss of employment or livelihood.

(4) No student shall be liable to any disciplinary action or suffer any detriment for any disclosure made or information supplied by him under subsection (2).

Other audits

82. Notwithstanding the audits under section 60, the Board may, after consultation with the Vice-Chancellor, on matters within its functions and powers, give directions for any other audit to be carried out on any matters it thinks fit.

Repeal

83. The Constitution of the Universiti Sains Malaysia which is gazetted vide *P.U. (A) 220/2011* on 1 July 2011 is repealed.

PART IX
SAVING AND TRANSITIONAL PROVISIONS

Interpretation

84. In this Part—

“repealed Constitution” means the Constitution of the Universiti Sains Malaysia gazetted vide *P.U.(A)107/1998* and repealed under section 83 of this Constitution;

“Authority” means Authority of the University established under the repealed Constitution; and

“appointed date” means the date on which this Constitution shall come into operation.

Validity of actions by the University

85. Any instrument, deed, title, document, bond, agreement and working arrangement executed by the Board under the 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

86. (1) All rights, privileges, liabilities, duties and obligations of the Authority under the repealed Constitution shall, on the appointed date, devolve 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, by the Authority under this Constitution.

(3) All existing liabilities incurred by or on behalf of or for the purposes of

the Authority under the repealed Constitution shall, on the appointed date, be enforced against the Authority under this Constitution.

Delegated powers

87. 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.

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

Continuance of service

89. Subject to this Constitution, all persons who, immediately before the appointed date, were appointed or employed by the University under the repealed Constitution shall, on and after that date, be deemed to be appointed or employed by the University under this Constitution on the same terms and conditions as under the repealed Constitution.

Students of the University

90. 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 SRC and other student bodies

91. (1) The SRC and student bodies which were 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 SRC and student bodies under the repealed Constitution shall, on the appointed date, in so far as eligible to be registered student under section 70 of this Constitution, remain as a member of the SRC and student bodies by whatever name called.

(3) Members elected to hold office in the SRC and other student bodies under the repealed Constitution shall, on the appointed date, be deemed to hold office in the SRC and other student bodies, by whatever name called, under this Constitution and shall hold office till the date on which new elections are held under subsection 70(5) or 71(2) of this Constitution.

Continuance of disciplinary proceeding

92. Where on the coming into operation of this Constitution, a disciplinary proceeding against a student of the University is pending, the proceeding shall be continued under and in conformity with the provisions of the law applicable at the time of the commencement of the disciplinary proceeding.

SCHEDULE

[Subsection 17(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 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;

(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 Constitution, 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 Board 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) may 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 of the Authority, 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.

Made 1 October 2024

[KPT.PUU(S).100-1/21/1(11); PN(PU2)75B/IV]

By Command

DATO' SERI DIRAJA DR. ZAMBRY BIN ABD

KADIR

Minister of Higher Education