

THE UNIVERSITY OF TECHNOLOGY, JAMAICA
ACT

ARRANGEMENT OF SECTIONS

Preliminary

1. Short title.
2. Interpretation.

PART I. *Establishment of University of Technology, Jamaica*

3. Establishment of University of Technology, Jamaica.

Objects and Functions of University

4. Objects and functions of University.

Visitor

5. Visitor.

Policy directions

6. Ministerial directions.

General Provisions for Staff

7. Appointment of officers and employees.

PART II. *Financial Provisions, Accounts and Reports*

8. Funds and resources of the University.
9. Expenses of the University.
10. Pensions, gratuities and other retiring benefits.
11. Power to invest moneys.
12. Borrowing powers.
13. Power of Minister of Finance to guarantee loans to University.

Accounts and Audit

14. Accounts and audits.

Reports and Estimates

15. Annual reports and estimates.
16. Power of Minister to require returns.

Exemption from Taxation

17. Exemption from taxes and duties.
18. Recovery of debts.

PART III. General*Seal*

19. Authentication of seal and documents.

Rules

20. Rules.

Statutes

21. Statutes.

Ordinances

22. Ordinances.

PART IV. Saving and Transitional Provisions

23. Saving of rights of staff, students and graduates.
24. Transfer of money, property, liability, etc.

SCHEDULES.

THE UNIVERSITY OF TECHNOLOGY, JAMAICA ^{Act}
27 of 1999.
ACT

[1st September, 1995.]

Preliminary

1. This Act may be cited as the University of Technology, ^{Short title.}
Jamaica Act.

2. In this Act—

^{Interpreta-}
^{tion.}

“Academic Board” means the Academic Board of the
University established under Article 12 of the
Charter;

“academic staff” means—

(a) all persons who are full-time employees of the
University and are employed as Professors,
Readers, Principal Lecturers, Senior Lecturers
and Lecturers; and

(b) other persons or categories of persons holding
research and other appointments as may be
designated for this purpose by the Council on
the recommendation of the Academic Board;

“administrative and technical staff” means all persons
who are full-time employees of the University
who—

(a) are not members of the academic staff;
and

(b) hold such appointments as may be deter-
mined by the Council;

“ancillary staff” means all persons who are full-time
employees of the University and who are not

**First
Schedule.**

members of the academic staff or the administrative and technical staff;

“Charter” means the Charter of the University set out in the First Schedule;

“Charter Day” means the 1st day of September, 1995;

“Council” means the Council of the University established under Article 11 of the Charter;

“Deans” means the Deans of the faculties and holders of other appointments as may be determined by the Council;

“faculties” means the faculties of the University established under Statute XIV of the Statutes;

“former institution” means the College of Arts, Science and Technology established under the College of Arts, Science and Technology Scheme (Approval) Order, 1986;

“full-time employees” means the members of the academic, administrative and technical, or ancillary, staff of the University who are notified by the Council that they are full-time employees;

“functions” includes powers and duties, but does not include the exercise of the privileges of membership of a body;

“non-academic staff” means the full-time employees of the University who are not academic staff;

“non-professional academic staff” means the academic staff excluding the professors;

“officers” means the Chancellor, the Pro-Chancellor, the President, the Vice-presidents, the Honorary Treasurer, the Registrar, the Chief Business and Finance Officer, the University Librarian, and

holders of other appointments as may be determined by the Council;

“Ordinances” means the ordinances made under section 22;

“professors” means the holders of established or personal chairs, but does not include associate or assistant professors;

“Statutes” means the statutes of the University specified in the Second Schedule as are from time to time approved in accordance with the provisions of this Act;

Second
Schedule.

“students” means persons registered by the University as candidates for degrees, diplomas, certificates or other academic distinctions or awards and such other persons as the Academic Board may, from time to time, determine;

“University” means the University of Technology, Jamaica.

PART I. *Establishment of University of Technology, Jamaica*

3.—(1) There is hereby constituted a University to be known as the “University of Technology, Jamaica”.

Establish-
ment of
University
of Techno-
logy,
Jamaica.

(2) The University shall be a body corporate to which section 28 of the Interpretation Act shall apply.

(3) The provisions of the Charter shall have effect as to the objects and functions of the University, its main offices and its members and constituent parts.

(4) The Charter may be amended in accordance with the procedure specified therein.

Objects and Functions of University

Objects and
functions of
University.

4. The University shall be a teaching, research and examining body and shall carry out the functions necessary to achieve the objects set out in Article 2 of the Charter.

Visitor

Visitor.

5. The Governor-General or the person for the time being performing the role and functions of Governor-General shall be the Visitor of the University, who in the exercise of the visitorial authority, may, from time to time and in such manner as he shall think fit—

- (a) direct an inspection of the University, its buildings, laboratories and general work, equipment and of the examination, teaching and other activities of the University by such person or persons as he may appoint in that behalf; and
- (b) hear matters referred to him by the Council.

Policy Directions

Ministerial
directions.

6.—(1) The Minister may, on the recommendation of the Council give to the University such directions of a general character as to the policy to be followed by the University in the performance of its functions as appear to the Minister to be necessary in the public interest and the University shall give effect thereto.

(2) The Council shall consult with the Academic Board before any recommendation is made pursuant to subsection (1).

General Provisions for Staff

Appoint-
ment of
officers and
employees.

7.—(1) The University shall appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, such officers and employees, including the officers specified in the Charter, as the University deems necessary for the proper carrying out of its functions:

Provided that no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister.

(2) For the purposes of subsection (1) the “prescribed rate” means such rate as the Minister may, by order, prescribe.

(3) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any public officer in the service of the Government to any office within the University, and any public officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance and in relation to any other rights as a public officer, be treated as continuing in the service of the Government.

PART II. *Financial Provisions, Accounts and Reports*

8. The funds and resources of the University shall consist of—

Funds and
resources
of the
University.

- (a) sums which may from time to time be placed at the disposal of the University by Parliament;
- (b) sums payable to the University by way of fees or subscriptions or contributions; and
- (c) all other moneys and other property which may in any manner become payable to or vested in the University in respect of any matter incidental to its functions.

9.—(1) The expenses of the University (including the remuneration of the staff thereof and members of the University) shall be defrayed out of the income of the University and from sums provided for that purpose by Parliament.

Expenses
of the
University.

(2) In this section “income” includes interest or dividends earned or obtained on loans or investments made by the University.

Pensions,
gratuities
and other
retiring
benefits.

10. It shall be lawful for the University, with the approval of the Minister—

(a) to enter into arrangements respecting schemes, whether by way of insurance policies or otherwise; and

(b) to make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to employees of the University and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such employees.

Power to
invest
moneys.

11. All moneys of the University, not immediately required to be expended for the purpose of meeting any of the obligations or discharging any of the functions of the University, may be invested in such securities as the Council may consider appropriate and the University may sell all or any of such securities.

Borrowing
powers.

12.—(1) Subject to the provisions of subsection (2), the University may borrow such sums as may be required by it for meeting any of its obligations or for discharging any of its functions.

(2) The power of the University to borrow shall, as to the amount, as to the source of borrowing, and as to the terms on which the borrowing may be effected, be exercisable only with the approval of the Minister responsible for finance and any such approval may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

13.—(1) With the approval of the House of Representatives signified by resolution, the Minister responsible for finance may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal and the payment of interest and charges on any authorized borrowing of the University.

Power of
Minister of
Finance to
guarantee
loans to
University.

(2) Where the Minister responsible for finance is satisfied that there has been a default in the repayment of any principal moneys guaranteed under the provisions of this section or in the payment of interest or charges so guaranteed he shall direct the repayment or, as the case may be, the payment, out of the Consolidated Fund of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Fund.

(3) The University shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payment of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respect different sums and as respects interest for different periods.

Accounts and Audit

14.—(1) The University shall keep proper accounts and other records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to established accounting principles.

Accounts
and audit.

(2) The Council shall appoint an auditor.

(3) The Auditor-General shall be entitled to examine the accounts of the University.

Reports and Estimates

Annual
reports and
estimates.

15.—(1) The University shall, within six months after the end of each financial year or within such longer period as the Minister may in special circumstances approve, cause to be made and transmitted to the Minister a report dealing generally with the activities of the University during the preceding financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid in the House of Representatives and the Senate.

(3) The University shall, in each financial year, before a date specified by the Minister, submit to the Minister for his approval, estimates of income and expenditure for the ensuing financial year.

Power of
Minister
to require
returns.

16. The University shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the University and shall afford him facilities for verifying such information in such manner and at such times as he may reasonably require.

Exemption from Taxation

Exemption
from taxes
and duties.

17.—(1) The income of the University shall be exempt from income tax.

(2) The University shall be exempt from liability to stamp duty in respect of any instrument executed by it or on its behalf.

(3) Any transfer by the University of any property belonging to it or of any right or interest created in, over,

or otherwise with respect to any such property shall be exempt from transfer tax.

(4) No customs duty, general consumption tax or other similar impost shall be payable upon any article imported into Jamaica or taken out of bond in Jamaica by the University and shown to the satisfaction of the Commissioner of Customs to be required for the use of the University in the performance of its functions.

18. Without prejudice to any other method of recovery, any debt due to the University may be recovered, as a civil debt.

Recovery
of debts.

PART III. *General*

Seal

19.—(1) The seal of the University shall be authenticated by the signature of the Registrar and any other member of the University authorized to act in that behalf or any officer of the University so authorized and shall be judicially and officially noticed.

Authenti-
cation of
seal and
documents.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the University may be signified under the hand of the Pro-Chancellor or any member or officer of the University authorized to act in that behalf.

Rules

20. The Minister may, on the recommendation of the Council, after consultation with the Academic Board, make rules generally for the better carrying into effect of the provisions of this Act and without prejudice to the generality of the foregoing, the rules may provide for the keeping of

Rules.

such records by the University as the Minister may require for any purpose connected with the provisions of this Act.

Statutes

Statutes.

21.—(1) The Council may, in accordance with the Charter, make Statutes for the University and without prejudice to the generality of the foregoing, the Statutes may prescribe, or regulate, as the case may be—

- (a) the status, election or appointment, continuance in office and functions of the officers of the University;
- (b) the constitution, functions and business of the Council, the Academic Board and the Alumni Association; and
- (c) such other matters as the Council thinks fit, with respect to, or for the governance of the University, its members and constituent parts or otherwise in relation thereto for the furtherance of the goals of the University.

(2) The Statutes may direct that any of the matters prescribed or regulated by Statutes, as authorized or directed in this Charter, be further prescribed or regulated by Ordinance, Regulations or decisions made by the Council, or the Academic Board:

Provided that any such further Ordinances or Regulations or decisions shall not be repugnant to the provisions of the Charter or of the Statutes.

Second
Schedule.

(3) Until amended in accordance with the Charter, the Statutes set out in the Second Schedule shall be the Statutes of the University.

Ordinances

Ordinances.

22.—(1) Subject to the provisions of the Charter and the Statutes, the Council may make Ordinances for the purposes

of furthering the objects of the University and for the good order and governance of the University.

(2) Ordinances dealing with any matter for which the Academic Board is responsible shall not be made, amended or repealed except after consultation with the Academic Board.

PART IV. *Saving and Transitional Provisions*

23.—(1) Unless and until other arrangements are made with the approval of the Minister, all officers and servants holding office or serving under the former institution immediately before Charter Day, shall, from and after that date, hold under the University the like respective offices or employment and by the same tenure and, as far as is practicable, upon similar terms as before Charter Day.

Saving of
rights of
staff,
students
and
graduates.

(2) Subject to this Act and the Statutes, students who enrolled for or embarked on courses of study in the former institution and who had not completed such courses on or before Charter Day, shall enjoy all rights and privileges as students of the University, and shall have their degrees, diplomas, certificates or other academic distinctions validated or awarded by the University.

(3) Subject to the provisions of this Act, graduates or holders of diplomas, certificates or other academic distinctions in the former institution shall enjoy all rights and privileges as if these awards had been granted by the University.

(4) Every person who, immediately before Charter Day, was a member of the Council or the Academic Board of the former institution, shall be deemed to be a member of the same body in the University for a maximum period of two years from Charter Day whether or not that person meets the requirements of those bodies as set out in the Statutes.

(5) Persons who, prior to Charter Day, held offices in the former institution which are equivalent to the offices provided for in the University shall continue to hold such offices in the University until the expiration of the term for which such persons were originally appointed.

Transfer
of money,
property,
liability,
etc.

24.—(1) All money and property vested in the former institution upon trust or as an endowment for any scholarship or any other purpose shall, unless the terms of any trust governing the same otherwise provide, vest in the University, without conveyance or assignment, and shall be used for a like purpose.

(2) Any property purchased by, belonging to, or vested in, the former institution, and all interests, rights and easements into or out of the said property, shall, without conveyance, assignment or transfer, belong to and be vested in the University, subject to all or any trusts and to all debts, liabilities and obligations affecting the same.

(3) All liabilities of the former institution are hereby deemed to be liabilities of the University.

FIRST SCHEDULE (Sections 2 and 7)

CHARTER OF UNIVERSITY OF TECHNOLOGY, JAMAICA

Constitution and Functions of the University

Constitu-
tion and
incorpora-
tion.

1. This Charter constitutes and incorporates in Jamaica, a University bearing the name and style of the "University of Technology, Jamaica" (hereinafter referred to as "The University") which shall continue to have perpetual succession and a common seal with power to create its own visual identity, whether through the acquisition of an emblem or otherwise.

Objects of
University.

2. The objects of the University shall be—

- (a) to advance education and development of technology through a variety of patterns, levels and modes of study and by a diversity of means by encouraging and developing learning and creativity for sustainable development for the benefit of the people of Jamaica, the Caribbean and elsewhere;

- (b) to preserve, advance and disseminate knowledge and culture through teaching, scholarship and research;
- (c) to make available the results of such research and service; and
- (d) to promote wisdom and understanding by the example and influence of corporate life.

3.—(1) Subject to the provisions of this Charter and the Statutes, the University shall have the following powers—

Functions of
University.

- (a) to provide full-time and part-time instruction, leading to awards and qualifications or otherwise;
- (b) to make provision for research and research training for the preservation and advancement of knowledge in such manner and through such media as the University may determine;
- (c) to prescribe the conditions under which persons may be admitted as students of the University or of any particular course of study within the University, or to the use and enjoyment of any resources and facilities provided by the University;
- (d) to provide the means in so far as is practicable to enable physically challenged persons to undertake courses of study and or research in the University;
- (e) to collaborate with other institutions, including institutions of further and higher education, in the provision of educational opportunities;
- (f) to grant and confer, under conditions laid down by the University, degrees and other academic distinctions and to grant diplomas, certificates or other distinctions to persons who pursue courses of study or research approved by the University and attain the prescribed standards in such examinations, tests or other assessment as shall be prescribed by the University;
- (g) to grant and confer degrees or other academic distinctions on other persons under such conditions as are prescribed by the Statutes;
- (h) to grant and confer honorary degrees on approved persons;
- (i) to accept the examinations passed and periods of study and research spent by students of the University at other universities or places of learning or elsewhere as equivalent to such examinations and periods of study or research of the University as may be determined by the Academic Board and to withdraw such acceptance at any time;
- (j) to provide a range of courses of study, academic, professional, technical or otherwise, at higher degree, degree and non-degree levels, leading as appropriate to qualifications awarded by the University or by national or professional bodies;
- (k) to facilitate consultancy and related activities;

- (l) to provide, for members of the University and others, on or off the campus, access to the courses of study of the University and to its educational, social, cultural and recreational resources;
- (m) for what the Council, on the recommendation of the Academic Board, shall deem to be good cause, to deprive any person of any degree, diploma, certificate or other distinction granted to or conferred on that person by the University;
- (n) to admit to the privileges of the University or to recognize for any purpose, in whole or in part, any college or other institution or the employees or students thereof, on such terms and conditions as may, from time to time, be prescribed in the Statutes or by Ordinances;
- (o) to institute and award fellowships, studentships, scholarships, exhibitions, bursaries, prizes and other aids to study and research;
- (p) to provide for the printing, recording, broadcasting, publication, transference through electronic media and distribution of works of scholarship, research reports, teaching material and other works;
- (q) to institute such offices as the University may require;
- (r) to appoint persons to and remove them from such offices and employment, and to prescribe their conditions of service;
- (s) to enter into any agreement for the incorporation within or association with the University or any other institution and for taking over, in whole or in part, its rights, property, privileges and liabilities and for any other educational purposes not repugnant to this Act;
- (t) to demand and receive fees, subscriptions and deposits, impose charges, accept legacies, endowments, bequests and other gifts, to procure and receive contributions to the funds of the University and to raise money in such other manner as the University may think fit;
- (u) to maintain, manage, administer, dispose of and, save as herein-after provided, to invest all property, money, assets and rights of the University to mortgage, to lend, to borrow and to enter into engagements and to accept obligations and liabilities in all respects without any restriction whatsoever, and in the same manner as individuals may manage their own affairs;
- (v) to establish, hire, lease, maintain, administer, govern, license and supervise places or residence, recreation and study for officers, staff, students and guests of the University;
- (w) to make provision for the welfare of officers, staff and students of the University, of persons formerly in any such category, and of spouses, widows, widowers, and dependants of such

persons including provisions for the payment of money, pensions, or other payments or benefits, and to subscribe to benevolent and other funds for the benefit of such persons;

- (x) to give guarantees for the payment of any sum or sums of money or the performance of any contract or obligation by any company, body, society or person if it is in the interests of the University to do so, and in accordance with the provisions of the Statutes;
- (y) to act as trustees or managers of any property, legacy, endowment, bequest or gift for purposes of education or research or otherwise in furtherance of the work and welfare of the University.

(2) In carrying out its functions, the University may—

- (a) make arrangements for the erection, furnishing and equipping of buildings and the provision of goods and services for the University; and
- (b) to such an extent as may be deemed expedient and consistent with the objects of the University, to sell or provide for reward or otherwise, goods and services for its members and their families, its guests and servants.

(3) Without prejudice to the generality of paragraph (2), the University may—

- (a) establish or assist financially or otherwise, under such terms and conditions as the University may determine, any body, institution, organization, company or association, the objects of which are compatible with the objects of the University and the meeting of the material needs of the University;
- (b) join or co-operate with—
 - (i) any other university or other place of learning;
 - (ii) any department of Government; or
 - (iii) any authority or other public or private body, institution, organization, company or association,

having in view or promoting any activity the same as, or similar or related to, or which can provide a service for, any activity of the University, for such purposes as may be agreed upon or as may be provided for or permitted by law, being purposes consistent with the provisions of this Charter and in such manner as may be authorized by the Statutes, Ordinances and Regulations;

- (c) provide academic, professional or other related services (including research, design, development, testing, instructional and advisory services) for any body referred to in paragraph (b) (i), (ii) or (iii); and

- (d) do all such other acts as may be requisite to further the objects of the University.

The Officers of the University Chancellor

Chancellor. 4.—(1) There shall be a Chancellor of the University who shall be the Head of the University and shall preside over at least one meeting of the Council in each year.

(2) The Chancellor shall have power to confer degrees, diplomas, certificates and other academic distinctions and awards.

Pro-Chancellor

Pro-Chancellor. 5. There shall be a Pro-Chancellor of the University who shall—

- (a) subject to this Charter, preside over the meetings of the Council; and
- (b) in the absence of the Chancellor, or during a vacancy in the office of the Chancellor, exercise and perform all the functions and duties of the Chancellor except the conferring of degrees and award of diplomas, certificates and other academic distinctions.

President

President. 6.—(1) There shall be a President of the University who shall be the chief academic and administrative officer of the University and shall preside over the meetings of the Academic Board.

(2) In the absence of the Chancellor, or during a vacancy in the office of the Chancellor, the President shall have the power to confer degrees and award diplomas, certificates and other academic distinctions.

(3) In the absence of the President, or during a vacancy in the office of the President, the Council may appoint an Acting President, who during such absence or vacancy shall exercise and perform the functions and duties of the President.

Honorary Treasurer

Honorary Treasurer. 7. There shall be an Honorary Treasurer of the University.

Vice-presidents

Vice-presidents. 8. There shall be Vice-presidents, one of whom shall be appointed by the Council and shall, subject to paragraph 12 and to the Statutes and Ordinances—

- (a) act as deputy to the President; and
- (b) exercise and perform the functions and duties of the President in the absence of the President or during a vacancy in the office of the President.

Registrar and Other Officers

9. There shall be a Registrar, a Chief Business and Finance Officer, a University Librarian and such other officers of the University as the Council may appoint from time to time. Registrar and other officers.

10. The first members of the Council and the Academic Board and the first holders of offices shall be those set out in Statute XXIII of the Statutes set out in the Second Schedule and their initial tenures shall be set out in that Statute. First office holders.

Council

11.—(1) There shall be a Council of the University which shall have the custody and use of the common seal. University Council.

(2) The Council shall have general control over the conduct of the affairs of the University and shall have all other such functions as may be conferred upon it by the Statutes.

Academic Board

12. There shall be an Academic Board of the University which shall, subject to the powers of the President and Council as provided in this Charter, have responsibility for the academic affairs of the University, both in teaching and in research, and for the regulation and superintendence of the education of the students of the University as may be prescribed in the Statutes. Academic Board.

Other Bodies

13. There shall be constituted, subject to the provisions of this Charter, the Statutes and Ordinances, such other bodies as the Council and the Academic Board may, from time to time, consider necessary for the organization of teaching and research and of other work, duties and activities of the University. Other bodies.

Alumni Association

14. There shall be an Alumni Association of the University. Alumni Association.

Students Organization

15. There shall be an organization of students of the University whose constitution and functions shall be prescribed by the Statutes and Ordinances. Students organization.

Amendment of Statutes

16. The Council may, by special resolution (as defined in Article 22 of this Charter) amend the Statutes, provided that no Statute shall be repugnant to the provisions of this Charter. Amendment of Statutes.

Regulations

Regulations. 17.—(1) Subject to the provisions of this Charter and of the Statutes and Ordinances, the Academic Board may, with the approval of the Council, make such regulations as it considers necessary or desirable for the purpose of carrying out the academic functions of the University.

(2) Regulations made under paragraph (1) may revoke or amend, or add to Regulations for the time being in force.

Standing Orders

Standing orders. 18. Subject to the provisions of this Charter, the Statutes and Ordinances, the Council, the Academic Board, the Alumni Association and any other body, institution, organization, company or association established in furtherance of the objects of this Charter shall have power to control and regulate their proceedings by standing orders or in whatever other manner they may each think fit and that power shall include the power to revoke, amend or add to any standing order or other arrangements made by them.

Individual Rights

Individual rights. 19.—(1) No person shall be excluded by reason of religious beliefs, political opinions, race or sex from admission as members or employees of the University or from office or employment therein or from any advantage or privilege thereof.

(2) Preference shall not be given to, or advantage withheld from any person on grounds of religious beliefs, political opinion, race or sex.

Dividend for Members

Dividend for members. 20. The University may make a dividend or division unto or between any of its members in such form, whether by way of prize, reward, special grant, or otherwise as it thinks fit.

Amendment of Charter

Amendment of Charter. 21. The Council may, at any time, after consultation with the Academic Board, seek to amend, add to or revoke any of the provisions of this Charter by special resolution and such amendment, addition or revocation shall have effect when approved by the Minister.

Special Resolution

Special resolution. 22. For the purposes of Article 21—

- (a) a “special resolution” means a resolution passed at one meeting of the Council and confirmed at a subsequent meeting;
- (b) notices of such meetings shall be given to each member of the Council not less than fourteen days before the proposed date of the meetings; and
- (c) the resolution shall be passed at each meeting of the Council by a majority of not less than three-quarters of those present and voting.

Avoidance of Conflict

23. In case of conflict—

- (a) the provisions of this Charter shall prevail over those of the Statutes, Ordinances and Regulations;
- (b) the provisions of the Statutes shall prevail over those of the Ordinances and Regulations; and
- (c) the provisions of the Ordinances shall prevail over those of the Regulations.

Avoidance
of conflict.

Benevolent Construction

24. This Charter shall be construed benevolently and in every case most favourably to the University and the promotion of its objects and functions.

Benevolent
construc-
tion.

SECOND SCHEDULE (Sections 2 and 21)

STATUTES OF THE UNIVERSITY OF TECHNOLOGY, JAMAICA

STATUTE I

The Members of the University

1. The following persons shall be members of the University—

- (a) members of the Council and the Academic Board;
- (b) all other members of the full-time academic, administrative and technical staff and ancillary staff;
- (c) the holders of such appointments with the University as may be designated for the purpose, by Ordinances;
- (d) the students;
- (e) all such other persons as the Council may, by Ordinance, declare to be members.

Members of
University.

STATUTE II

The Chancellor

(1) The First Chancellor and his successors shall be appointed by the Minister on the nomination of the Council.

The
Chancellor.

(2) Subject to these Statutes, the Chancellor shall hold office for seven years and shall be eligible for reappointment thereafter.

(3) The Chancellor may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the Council and his resignation shall take effect from the date specified therein or, where no date is so specified, from the date of the receipt of the instrument.

STATUTE III

The Pro-Chancellor

The Pro-Chancellor.

(1) The Minister shall, on the recommendation of the Council, appoint the successors to the first Pro-Chancellor, which successors shall not be employees or students of the University.

(2) Subject to these Statutes, the successors to the first Pro-Chancellor shall hold office for a period not exceeding four years as the Council may determine and shall be eligible for reappointment.

(3) The functions of the Pro-Chancellor, subject to the provisions of the Charter and these Statutes, shall be determined by the Council.

(4) The Pro-Chancellor may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the Council.

STATUTE IV

The President

The President.

(1) The President shall be appointed by the Council after consideration of the report of a joint committee of the Council and the Academic Board consisting of such members of the Council (not exceeding four in number and not being members of the Academic Board) as may be appointed by the Council and an equal number of members of the Academic Board, appointed by the Academic Board, together with the Pro-Chancellor who shall be the Chairman and an *ex officio* member.

(2) The President shall hold office for such period, not exceeding ten years, and under such terms and conditions as may, from time to time, be determined by the Council.

(3) The President shall be eligible for reappointment.

(4) The President shall ensure that efficiency and good order is promoted and maintained within the University and may take such steps as are necessary to safeguard the interests of the University.

(5) The President may suspend any student, or any other person studying at the University from any or all studies at the University, and may exclude any student or other person studying at the University, or who is a candidate for an examination to be conducted at or under the auspices of the University from the University or any part of the University and its precincts and other premises owned or occupied by the University for such period as the President may determine but not lasting beyond the conclusion of disciplinary proceedings (including an appeal, if any) in respect of that student or other person; and any such suspension or exclusion shall be reported by the President to the next meeting of the Council and the Academic Board.

(6) The President may delegate any of his functions and may withdraw any such delegation at any time.

STATUTE V

The Honorary Treasurer

(1) The Council shall appoint the Honorary Treasurer who shall not be an employee or a student of the University. The Honorary Treasurer.

(2) The Honorary Treasurer shall hold office for such period, not exceeding four years, or such shorter period as the Council shall determine and shall be eligible for re-appointment.

(3) The Honorary Treasurer shall perform such functions as the Council may determine.

(4) The Honorary Treasurer may, at any time, resign his office by instrument in writing addressed to the Council.

STATUTE VI

The Vice-presidents

(1) The Council shall appoint Vice-presidents on the recommendation of the President after consultation with the Academic Board. The Vice-presidents.

(2) A Vice-president shall hold office for such period, not exceeding five years, and under such terms and conditions as may, from time to time, be determined by the Council and shall be eligible for re-appointment.

(3) The Council, after consultation with the Academic Board, shall determine the number and functions of the Vice-presidents.

(4) A Vice-president shall not be precluded from holding other posts within the University.

STATUTE VII

The Registrar

(1) Subject to section 7 of the Act, the Registrar shall be appointed by the Council. The Registrar.

(1) Subject to section 7 of the Act, the Registrar shall be appointed Registrar shall hold office for such period and upon such terms and conditions as may be determined by the Council.

(3) The Registrar shall act as Secretary to the Council, the Academic Board and to the Board of each Faculty and of any Standing, Special or Advisory Committee set up by the Council, the Academic Board and the Board of the Faculties, respectively.

(4) The Registrar—

- (a) shall be responsible for the custody of the Common Seal and for impressing it upon or affixing it to documents in accordance with these Statutes and the Ordinances;
- (b) shall be the custodian of the records of the University; and
- (c) shall have such other duties as the Council may determine.

(5) In the absence of the Registrar or during a vacancy in the office of Registrar, the deputy Registrar shall act in his place.

STATUTE VIII

The Chief Business and Finance Officer

The Chief
Business
and Finance
Officer.

(1) Subject to section 7 of the Act, the Chief Business and Finance Officer shall be appointed by the Council.

(2) Subject to section 7 of the Act and to the Statutes, the Chief Business and Finance Officer shall hold office for such period and upon such terms and conditions as may be determined by the Council.

(3) The Chief Business and Finance Officer shall receive, on behalf of the University, all moneys and property payable or deliverable to the University and his receipt shall be sufficient discharge for the same.

(4) The Chief Business and Finance Officer shall be responsible to the President for the general administration and control of the financial and business affairs of the University and shall have such other duties as the Council may determine.

(5) The Chief Business and Finance Officer shall be present at meetings of the Council (although not a member) and shall submit regular reports to the Council on the financial affairs of the University.

STATUTE IX

The University Librarian

The
University
Librarian.

(1) Subject to section 7 of the Act, the University Librarian shall be appointed by the Council.

(2) Subject to section 7 of the Act and to these Statutes, the University Librarian shall hold office for such period and upon such terms and conditions as may be determined by the Council.

(3) The University Librarian shall be responsible for the organization and operation of the library services of the University and shall carry out such other duties as the Council may determine.

STATUTE X

Academic and Other Appointments

(1) Subject to these Statutes and the Ordinances, the Council may make such other appointments (whether paid or honorary) as it thinks fit.

Academic
and other
appoint-
ments.

(2) Unless otherwise provided by these Statutes, or in his conditions of appointment, a person holding an honorary appointment may resign his office by instrument in writing addressed to the Council and his resignation shall take effect from the date of the receipt of the instrument by the Council.

STATUTE XI

The Auditor

(1) The Council shall appoint an auditor who shall be a member of the Institute of Chartered Accountants or a registered Public Accountant, as defined in the Public Accountancy Act.

Appoint-
ment of
Auditor.

(2) No person shall be appointed or remain Auditor who is, or anyone of whose partners is, a member of the Council or an employee of the University.

(3) The Auditor shall hold office for one year and shall be eligible for reappointment and shall receive such remuneration as may be determined by the Council.

(4) The Auditor shall provide an Auditor's report to the Council at least once in the year, and shall, in addition, arrange for the Auditor-General to receive an annual report and statement of accounts.

(5) The Auditor shall have a right of access to books, records, accounts and vouchers of the University and shall be entitled to require from the University such information and explanations as he considers necessary for the performance of his duties.

STATUTE XII

The Council

1. The Council of the University shall consist of—

(a) the following *ex officio* members—

- (i) the Chancellor;
- (ii) the Pro-Chancellor;
- (iii) the President;
- (iv) the Honorary Treasurer;
- (v) a Vice-president;
- (vi) the President of the Alumni Association; and
- (vii) the President of the Students' Union;

Constitu-
tion of
Council.

- (b) the following persons (hereinafter referred to as nominated members) that is to say—
- (i) one person nominated by the Prime Minister;
 - (ii) two persons nominated by the Minister of Education;
 - (iii) one person nominated by the Chancellor;
 - (iv) one person nominated by an appropriate private sector organization, as determined by the Council;
 - (v) one person nominated by an organization representing the Professional Bodies of Jamaica, as determined by the Council after consultation with the University;
 - (vi) one person nominated by the University of the West Indies, or such other university in the Caribbean, as the Council may determine;
 - (vii) one person nominated by the Association of Caribbean Tertiary Institutions or similar body;
 - (viii) one person nominated by the Community College Council of Jamaica;
 - (ix) one person nominated by the organization recognized by the University as representing academic staff;
 - (x) one person nominated by the organization recognized by the University as representing administrative staff; and
 - (xi) one person nominated by the organization recognized by the University as representing technical and ancillary staff;
- (c) the following persons (hereinafter referred to as elected members)—
- (i) one person elected by the Deans;
 - (ii) one person elected by the professors, readers and principal lecturers,
elected in the manner prescribed by the Ordinances;
- (d) three co-opted members nominated by the Council, not being employees or students

**Appoint-
ment of
members.**

2. The nominated, elected and co-opted members of the Council shall be appointed by the Minister by instrument in writing for the period specified in that instrument.

Chairman.

3. The Pro-Chancellor shall be chairman of the Council.

**Deputy
chairman.**

4.—(1) The members of the Council shall appoint one of their number to be deputy chairman.

(2) In the case of absence or inability of the chairman, the deputy chairman shall perform the functions of the chairman.

(3) In the case of the absence or inability to act of both the chairman and deputy chairman, the members of the Council shall appoint one of their number to perform the functions of the chairman, or the deputy chairman, as the case might be.

5. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*. Gazetting of appointments.

6.—(1) Every member of the Council shall be eligible for re-nomination or reappointment. Tenure of office.

(2) Any casual vacancy occurring by death, resignation or otherwise in the nominated, elected or co-opted membership of the Council shall be filled in the same manner as the previous member, by the appointment of another such member who shall, subject to the provisions of these Statutes—

- (a) hold office for the remainder of the period for which the previous member was appointed;
- (b) be subject to the same rules and conditions in all respects as the previous member would have been subject to if no vacancy had arisen.

7. Nominated, elected and co-opted members of the Council shall automatically cease to be members of the Council if they fail to attend three successive ordinary meetings of the Council without providing a satisfactory explanation to the Council for their non-attendance. Termination of membership.

8. The Council may, on the application of any nominated, elected or co-opted member, grant to such member leave of absence for any period not exceeding six months. Grant of leave of absence.

9.—(1) A nominated, elected or co-opted member of the Council, other than the chairman, may, at any time resign his office by instrument in writing addressed to the Council and transmitted through the chairman, and from the date of receipt by the chairman of such instrument, the member shall cease to be a member of the Council. Resignation of members.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Council and his resignation shall take effect from the date of the receipt of the instrument by the Council.

10.—(1) The Council shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Council may determine. Procedure at meetings.

(2) The chairman may, at any time, call a special meeting of the Council and such meeting shall be held within seven days of a written request for that purpose addressed to him by any three members of the Council.

(3) The chairman or, in the case of the inability to act of the chairman, the deputy chairman shall preside at the meetings of the Council and in the absence of both the chairman and the deputy chairman from any meeting, the members of the Council present, shall elect one of their number to preside at that meeting and when so presiding the chairman, the deputy chairman or the member elected, as the case might be, shall have an original and a casting vote in any case where the voting is equal.

(4) The quorum of the Council shall be eight.

(5) Subject to the provisions of these Statutes, the Council may regulate its proceedings.

(6) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

Remunera-
tion of
members.

11. There shall be paid to the chairman, the deputy chairman and other members of the Council, such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Council may determine.

Appoint-
ment of
committee.

12.—(1) The Council may, with the concurrence of the Academic Board—

- (a) appoint committees for special purposes connected with the functions of the University and which, in the opinion of the Council, would be better regulated and managed by means of committees;
- (b) appoint joint committees of the Council and the Academic Board.

(2) Subject to these Statutes, the chairman of the Council, or in his absence, the deputy chairman, shall be an *ex officio* member of all committees of the Council and of all joint committees of the Council and the Academic Board.

(3) The number of members of a committee appointed under sub-paragraph (1), the terms of appointment of such members, the quorum of the committee and the area within which the committee is to exercise authority shall be determined by the Council.

(4) The Council shall determine, by Ordinance or otherwise, the constitution and procedure of any joint committee of the Council and the Academic Board.

(5) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

(6) The Council may, at any time, suspend or dissolve any committee.

13.—(1) Every seventh year, the Council shall appoint a committee to examine whether, and the extent to which, the University is fulfilling its functions. Septennial committee.

(2) The members of the committee mentioned in sub-paragraph (1) shall not be employees or students of the University, and not more than one-third shall be members of the Council.

(3) The report of the committee shall be considered by the Council and the Academic Board.

14.—(1) Subject to the provisions of this Statute, the Council may, by instrument in writing, delegate to any member, committee, officer or employee of the University any function exercisable by the Council under this Act, other than the power of delegation. Power to delegate.

(2) A delegation under this paragraph—

(a) may be made subject to such conditions, qualifications and exceptions as may be specified in the instrument; and

(b) is revocable by the Council, and such delegation shall not prevent the exercise by the Council of the delegated function.

15.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Council in respect of any act done *bona fide* in pursuance or execution or intended execution of this Statute. Protection of members.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph, the University shall be liable to the extent that it would be if the said member were an employee or an agent of the University.

16. A member of the Council who is directly or indirectly interested in any matter which is being dealt with by the Council— Disclosure of interest.

(a) shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council; and

(b) shall not be present during the deliberation of the Council on the matter or take part in the decision of the Council with respect thereto.

Office of
member
not public
office.

17. The office of the chairman, deputy chairman, or member of the Council shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

STATUTE XIII

The Academic Board

The
Academic
Board.

- (1) The Academic Board shall consist of—
 - (a) the following *ex officio* members—
 - (i) the President, who shall be the chairman thereof;
 - (ii) the Vice-presidents;
 - (iii) the University Librarian;
 - (iv) the Deans of the Faculties; and
 - (v) the President of the Students' Union, or his nominee.
 - (b) not more than two persons nominated by the President (hereinafter referred to as nominated members);
 - (c) the following persons (hereinafter referred to as elected members)—
 - (i) three professors, elected by the professors of the University;
 - (ii) one member of the academic staff of each Faculty or such other academic unit determined by the Council on the recommendation of the Board, elected by the academic staff of the Faculty or academic unit;
 - (d) two co-opted members, not being members of the academic staff, co-opted with the consent of the Council to be members of the Academic Board;
 - (e) the elected members shall be elected in the manner prescribed by the Ordinances.
- (2) The appointment of the nominated, elected and co-opted members shall be evidenced by instrument in writing signed by the chairman of the Council for the following periods—
 - (a) in the case of nominated and elected members, a period of four years;
 - (b) in the case of co-opted members, such period, not exceeding four years, as may, in each case, be determined by the Council.
- (3) An elected or co-opted member who has served for two consecutive full periods of four years shall not be eligible for re-election or further co-option until one year has elapsed.
- (4) A casual vacancy among the elected members shall be filled as soon as conveniently possible by the body which elected the member whose place has become vacant and the person elected to

fill the vacancy shall be a member for the unexpired portion of his predecessor's term of office.

(5) Subject to the Charter and these Statutes, the Academic Board shall—

- (a) determine the conditions under which—
 - (i) persons shall be admitted to the University and to any particular course of study or research therein;
 - (ii) students may be permitted to continue their studies;
 - (iii) periods and courses of study or research examinations completed at other universities or institutions may be recognized for the purposes of the University;
- (b) determine procedures for courses of study leading to awards of either the University or any professional body;
- (c) promote, direct and regulate the research and the intra-mural and extra-mural teaching of the University;
- (d) regulate the conduct of examinations leading to degrees and other academic awards;
- (e) appoint internal and external examiners;
- (f) grant degrees, diplomas, certificates and other academic distinctions;
- (g) determine the formalities attaching to the conferment of degrees, diplomas, certificates or other distinctions;
- (h) determine the functions of members of the academic staff, subject to the terms and conditions of appointment of each member of the academic staff;
- (i) prescribe and regulate the use of academic dress in the University.

(6) (a) The Academic Board may confer honorary degrees on the recommendation of a joint committee of the Council and the Academic Board.

(b) A committee appointed under paragraph (a) shall consist of—

- (i) members of the Council who are not members of the Academic Board, as appointed by the Council;
- (ii) an equal number of members of the Academic Board, appointed by the Academic Board;
- (iii) a chairman who shall be the chairman of the Council; and
- (iv) the President.

(7) The Academic Board may hold discussions with and make recommendations to the Council on any matter relating to the University.

(8) Except as may otherwise be provided by the Act, and subject to these Statutes, the Academic Board may determine all matters relating to its constitution and procedure.

(9) The Academic Board may appoint a standing committee of the Academic Board with responsibility for arranging and expediting the business of the Academic Board and exercising such functions of the Academic Board as may be prescribed by Ordinances.

(10) Any such standing committee of the Academic Board shall be established and constituted by Ordinances.

(11) The Academic Board may establish, whether from within its own membership or otherwise, such other committees as it may think fit and may suspend or dissolve any such committee at any time.

(12) Subject to the Act and these Statutes, the Academic Board may delegate, upon such conditions as it may determine and may revoke the delegation of any of its functions to joint committees of the Council and the Academic Board, committees of the Academic Board, the Board of the Faculties, the President or any other officer of the University so, however, that any delegation of function shall be explicit and a matter of record.

(13) The President and the Vice-president or any of the Vice-presidents, as determined at any time by the President, shall be *ex officio* members of all committees of the Academic Board.

(14) The constitution and procedure of any committee of the Academic Board may be prescribed in such manner as the Academic Board may think fit.

STATUTE XIV

The Faculties

The Deans. 1.—(1) There shall be such Faculties of the University as may be prescribed by the Ordinances.

(2) The Council shall appoint such person, on the recommendation of an appointments committee, to be the Dean of each Faculty.

(3) Each Faculty Board shall be chaired by the Dean of the Faculty.

(4) A Dean shall hold office for such period, not exceeding four years, as the Council, after consultation with the Academic Board, may determine and shall be eligible for reappointment.

(5) A vacancy in the office of Dean shall be advertised internally in the University, so, however, that if the Council so determines, after consultation with the Academic Board, the office may be advertised externally.

(6) A Dean may, at any time, resign his office by instrument in writing addressed to the Council.

2. Each Faculty shall have a Board, which shall consist of—

The Faculty Board.

- (a) the President;
- (b) the Vice-presidents;
- (c) the University Librarian or his representative;
- (d) the Dean of the Faculty;
- (e) such members of the academic staff as may be appointed in such manner as may be prescribed in the Ordinances;
- (f) a student appointed by the Students' Union;
- (g) one person nominated by the Alumni Association and approved by the Academic Board;
- (h) such persons, not exceeding three (whether or not members of the University) as the University may co-opt, with the consent of the Academic Board.

3. Each Faculty Board shall have the following functions—

Functions of Faculty Board.

- (a) to advise and report to the Academic Board on all matters relating to the organization of education, teaching and research in the subjects, including curricula and examinations, of the Faculty;
- (b) to consider the progress and conduct of students in the Faculty and to report to the Academic Board thereon;
- (c) to recommend to the Academic Board, examiners for appointment or nomination;
- (d) to consult with the Boards of the other Faculties on matters of mutual interest or concern;
- (e) to deal with any matter which may be referred to it by the Academic Board; and
- (f) to carry out any functions which may be prescribed by the Ordinances.

4. Subject to the Charter and these Statutes, all other matters relating to the constitution and procedure of each Faculty Board shall be prescribed in the Ordinances.

5.—(1) The Board of each Faculty may establish committees to advise and report on such matters as may be determined by the University.

Faculty committees.

(2) Any such committee may include members of the academic staff of other Faculties and other persons, whether members of the University or not.

(3) Any committee established under this Statute may be so composed and constituted as to be a joint committee of two or more faculties.

UNIVERSITY OF TECHNOLOGY, JAMAICA

(4) The Dean of each Faculty shall be an *ex officio* member of all committees established by that Faculty Board.

(5) Committees established under this Statute may at any time be suspended or dissolved by any of the Boards by which they were established.

STATUTE XV

Committees for the Appointment of Deans of Faculties

Composi-
tion of
Committee
for the
appointment
of Deans.

(1) Committees for the appointment of Deans of Faculties shall include—

- (a) the President who shall be chairman;
- (b) the Vice-presidents;
- (c) one member of the Council not being a member of the staff or a student, appointed by the Council;
- (d) a Dean of another Faculty appointed by the Council; and
- (e) such members of the academic staff of the Faculty as may be determined by Ordinances.

(2) In the event of a committee being unable to make a recommendation, the Council shall be empowered to act.

STATUTE XVI

The Congregation

The Congre-
gation.

(1) For the purpose of conferring degrees and other academic distinctions, there shall be held from time to time, a meeting of the University, which shall be called a Congregation.

(2) A Congregation shall be presided over by the Chancellor, or in his absence, the President.

(3) The procedure for summoning a Congregation for the presentation of graduates and for the conferring of degrees and other academic distinctions *in absentia* and all other matters relating to a Congregation, shall be determined by the Academic Board.

STATUTE XVII

The Alumni Association

Alumni
Association.

(1) The Alumni Association of the University shall consist of the following persons, namely—

- (a) the graduates, including honorary graduates, and holders of diplomas and such other academic distinctions, awarded by the previous institution or by the University, or by national or professional bodies as may be prescribed by the University;

- (b) such other persons holding appointments in the University as may be invited to membership by the Alumni Association.

(2) Ordinances may prescribe and regulate any matters relating to the Alumni Association.

(3) The Alumni Association may—

- (a) elect its own President who shall preside at its meetings;
- (b) discuss and declare an opinion on any matter relating to the University.

STATUTE XVIII

Student Matters

1.—(1) The Students' Union, established under section 15 of the Charter, shall— Student matters.

- (a) promote the interests of the students and represent them in all matters affecting their interests;
- (b) afford a recognized means of communication between the students and the authorities of the University;
- (c) promote social intercourse and unity of spirit and feeling among the students; and
- (d) bring the students into closer relations with the students of other universities and institutions of higher and further education.

(2) Subject to the provisions of the Ordinances, the Students' Union shall have the power to manage its own affairs.

(3) Student members of the bodies established by or under the Charter, the Statutes, the Ordinances or Regulations shall not participate in the consideration by those bodies of reserved areas of business.

(4) Papers for consideration at any meeting referred to in subparagraph (3), minutes and other records relating to such matters shall not, at any time, be available to a student member.

(5) For the purpose of this paragraph, "reserved areas of business" includes appointments, promotions and other matters affecting the personal affairs of individual employees of the University and the admission and academic assessment of individual students.

2.—(1) The Chairman of the meeting may decide in any case of doubt whether the matter is one to which this Statute applies and his decision shall be final. Chairman to determine relevance of issues.

(2) In the exercise of its responsibility for the discipline of students and of other persons, the Council shall have power to make Ordinances, which Ordinances may include provision for—

- (a) rules relating to discipline;

- (b) the procedure to be followed where there is an allegation of a breach of discipline;
 - (c) punishment of a breach of discipline by—
 - (i) expulsion of students;
 - (ii) the temporary exclusion of students or other persons from the University or any part of its precincts or any other premises owned or occupied by the University;
 - (iii) the imposition of fines;
 - (d) appeals to the Council by students or other persons.
- (3) For the purpose of this paragraph, "discipline" shall not include action taken in consequence of academic performance, responsibility for which shall fall within the powers of the Academic Board.

STATUTE XIX

Retirement and Resignation from Office and Employment

Retirement
and resigna-
tion from
office.

(1) A member of the University who is in the employment of the University shall retire from office or employment on the 30th day of September next after the date on which he attains the age of retirement which shall be specified in the Ordinances, unless the Council, with the concurrence of the Academic Board, shall request any such member to continue in office or employment for such period as it shall from time to time determine, but not exceeding five years in all, after which retirement shall be compulsory.

(2) Members of the University who are in the employment of the University may resign their appointment in such manner and on giving such notice as may be prescribed in these Statutes and the Ordinances.

STATUTE XX

Validation

Validation.

No act or resolution of the Council, the Academic Board or any other board, committee or body of the University, constituted in accordance with these Statutes, however designated, shall be invalid by reason only of any vacancy in the body doing or passing it or by reason of any want of qualification by, or invalidity in the selection or appointment of any *de facto* member of the body, whether present or absent.

STATUTE XXI

Removal from Office of Chancellor, Pro-Chancellor, Honorary Treasurer and Members of Council who are not Employees

Grounds
for
removal
from office.

1. The Chancellor, the Pro-Chancellor, the Honorary Treasurer and any other member of the Council who is not an employee may be

removed from office or membership of any body within the University for good cause.

2. No person shall be removed from office under this Statute unless he has been given a reasonable opportunity of being heard in person by the Council and to be accompanied by a friend who shall also have the right to be heard and if it is not satisfactorily resolved, the person may have a right to appeal to the Visitor. Due process.

3. In this Statute "good cause" means—

- (a) conviction for an offence which may be deemed by the Council to be such as to render the person convicted unfit for the execution of the duties of the office; or
- (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office; or
- (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office, whether such failure results from physical or mental incapacity or otherwise.

STATUTE XXII

Removal from Office and Employment and Discipline of Staff

(1) The Council may from time to time, prescribe by Ordinances, Ordinances
the rights, privileges and rules governing the employment of—

- (a) academic staff;
- (b) administrative and technical staff; and
- (c) ancillary staff.

(2) In providing for these matters, the Council shall ensure that the procedures provide for the hearing of staff grievances and appeals.

(3) Academic staff shall have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial opinions without placing themselves in jeopardy of losing their jobs or privileges.

(4) Subject to the provisions of this Statute the University, in pursuance of its objects, may—

- (a) terminate the employment of the President or other officers of the University and any other member of staff by reason of good cause or redundancy;
- (b) prescribe by Ordinances the rights of staff, including—
 - (i) the establishment of grievance procedures and the procedures to be used when dismissal proceedings are invoked; and

(ii) the establishment of procedures to be used in disciplining staff in matters falling short of good cause.

(5) The procedures mentioned in sub-paragraph (i) shall provide for appropriate warnings to be given to staff, for hearings and appeals at different levels, and for the establishment, where necessary, of disciplinary tribunals and the procedures to be used by such bodies.

(6) In the exercise of the powers under this Statute, the principles of natural justice shall be observed.

(7) In this Statute "good cause" has the same meaning prescribed in paragraph 3 of Statute XXI.

STATUTE XXIII

Transitional Arrangements

(1) A person who, immediately before Charter Day, was an employee of the former institution, whether as a full-time or part-time employee, or on a fixed term contract, shall be employed by the University without diminution in pay and as nearly as practicable upon the same terms and conditions as governed his appointment immediately before Charter Day so, however, that after Charter Day, he shall be employed subject to the Charter and these Statutes.

(2) Subject to Statute XXII, the tenure of employment of any person employed to the University shall not suffer any detriment.

(3) A student who embarks on a course of study in the former institution and who had not completed such course of study before Charter Day shall enjoy such rights and privileges as a student of the University and shall have his degree, diploma, certificate or other academic distinctions validated and awarded by the University.

(4) (a) Notwithstanding the provisions of Statute XII and Statute XIII, a person who, immediately before Charter Day, was a member of the Council or the Academic Board, respectively, of the previous institution, shall be deemed to be a member of the same body in the University for a period not exceeding two years from Charter Day.

(b) The Council and the Academic Board shall take all reasonable steps to ensure that the requirements for membership of such bodies are met, not later than two years after Charter Day.

(5) Subject to paragraph (4) of Statute XXII, a person who was the holder of an office in the former institution shall continue to hold the equivalent office in the University until the expiration of the term for which he was originally appointed.

(6) The terms of sub-paragraph (w) of paragraph (1) of Article 3 of the Charter shall apply equally to officers, staff and students of the former institution, to persons formerly in any such category and to spouses, widows, widowers and dependants of such persons.

(7) Where there is conflict between the provisions of this Statute and any other Statute the provisions of this Statute shall prevail.