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UNIVERSITIES AND UNIVERSITY COLLEGES
ACT 1971

THE CONSTITUTION OF THE UNIVERSITI MALAYSIA
SARAWAK

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SCHEDULE

UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971

THE CONSTITUTION OF THE UNIVERSITI MALAYSIA SARAWAK

IN pursuance of the powers conferred under section 8 of the Universities and University Colleges Act 1971, the Yang di-Pertuan Agong appoints 23 April 1998 as the date on which the provisions of the Constitution of the Universiti Malaysia Sarawak established under the Universiti Malaysia Sarawak (Incorporation) Order 1992 as prescribed hereunder shall have effect. Act 30.
P.U. (A) 543/92.

1. This constitution may be cited as the **Constitution of the Universiti Malaysia Sarawak.** Citation.

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

“Authority” means any of the Authorities of the University referred to in section 15, and includes any other Authority established by Statute;

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

“Chairman” means the Chairman of the Board appointed under paragraph 16(a);

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

“officer” means the Chancellor, Pro-Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, Dean and Deputy Dean of a Faculty, School, Centre, director and deputy director of an Institute, head of an academic unit, Registrar, Bursar, Chief Librarian and holder of any other office created by this Constitution and any Statute, or otherwise;

“regulations“, “rules” and “Statute” means the regulations, rules and Statute made in accordance with this Constitution;

“SRC” and “Union” means Students’ Representative Council and Students’ Union of the Universiti Malaysia Sarawak;

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

“University” means the Universiti Malaysia Sarawak.

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

PART I

THE UNIVERSITY

Establishing of
University as body
corporate.

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

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

The common seal
of University.

4. (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 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) Notwithstanding subsection (3)—

- (a) in the case of the scroll of a degree, diploma and other higher degree, the common seal of the University shall be affixed to it in the presence of the Vice-Chancellor and an officer authorized by the Vice-Chancellor; and**
- (b) in the case of the scroll of a certificate and other academic distinction, the common seal of the University shall be affixed to it in the presence of an officer authorized by the Vice-Chancellor.**

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

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

5. Subject to the provision of Article 153 of the Federal Constitution, membership of the University, whether as an officer, teacher or student, shall be open to all persons irrespective of sex, race, religion, nationality or class; and no test of religious belief or profession shall be adopted or imposed in order to entitle any person to be admitted to such membership or to be awarded any degree, diploma, certificate or other academic distinction of the University, nor shall any fellowship, scholarship, exhibition, bursary, medal, prize or other distinction or award be limited to persons of any particular sex, race, religion, nationality or class if the cost of the same is met from the general funds of the University.

Distinction of race and creed prohibited.

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

Powers of University

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

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- (d)** to confer degrees upon teachers of the University who have satisfied such requirements as may be prescribed by rules;
 - (e)** to confer honorary degrees on persons who have contributed to the advancement or dissemination of knowledge or who have rendered distinguished public service;
 - (f)** to grant certificates to persons who have attained proficiency in any branch or branches of knowledge;
 - (g)** to institute Chairs, professorships, lectureships, and other posts and offices, and to make appointments thereto;
 - (h)** to establish a University printing press and to publish books and other matters;
 - (i)** to erect, equip and maintain libraries, laboratories, museums, lecture halls, halls of residence and all other buildings required for the purposes of the University, whether in Malaysia or elsewhere;
 - (j)** to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions and awards and other forms of assistance towards the advancement and dissemination of knowledge;
 - (k)** to invest in land or securities (whether authorized as trustee investments or not) such funds as may be vested in it for the purpose of endowment, whether for general or special purposes, or such other funds as may not be immediately required for current expenditure, with power from time to time to vary any such investment and to deposit any moneys for the time being uninvested with any bank established in Malaysia either upon fixed deposit or upon current account;
 - (l)** to grant loans or advances to the employees of the University;
 - (m)** to grant loans or financial assistance to deserving students on such terms and conditions as may be approved by the Board;
 - (n)** to conduct commercial research for the effective promotion and utilisation of its research findings;
 - (o)** to enter into contracts and to establish trusts as may be required for the purposes of the University and to appoint such staff for such purposes;
 - (p)** to appoint and promote employees of the University;
 - (q)** to establish posts and positions required for academic and support staff functions;
 - (r)** to regulate the conditions of service of the employees of the University, including schemes of service, salary scales, leave and discipline;

- (s) to establish pension or superannuation or provident fund schemes for the benefit of the employees of the University, and to enter into arrangements with other organisations or persons for the establishment of such schemes;
- (t) to provide for and regulate the residence of the employees and students of the University, and ensure their welfare;
- (u) to regulate the discipline of students;
- (v) to demand and receive such fees as may from time to time be prescribed by rules; and
- (w) to do all such acts and things, whether or not incidental to the powers aforesaid, as may be requisite in order to further improve the instruction, research, finance, administration, welfare and discipline, in the University.

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

7. (1) The University may, with the approval of the Minister of Finance—

Additional
powers of
University.

- (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) any enterprise, company, private undertaking or syndicate of persons constituted for carrying on business in Malaysia or elsewhere;
 - (ii) the Federal or State Government;
 - (iii) any public body or authority;
 - (iv) any commission; or
 - (v) any person;
- (b) establish or promote the establishment of companies under the Companies Act 1965 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 University would be beneficial and advantageous to the University;

Act 125.

- (d) borrow, at such rate of interest and for such period and upon such terms as the University 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 by charging, mortgaging, pledging or otherwise creating liens over its property, movable or immovable, upon such terms as the University may deem expedient;
- (f) acquire and hold for investment shares, stocks, debentures, debenture stocks, bonds, obligations and securities issued or guaranteed by—
 - (i) any enterprise, company, private undertaking or syndicate of persons constituted for carrying on business in Malaysia or elsewhere;
 - (ii) the Federal or State Government;
 - (iii) any public body or authority;
 - (iv) any commission; or
 - (v) any person;
- (g) acquire shares, stocks, debentures, debenture stocks, bonds, obligations and 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) The provisions of section 8 shall apply to a corporation established under paragraph (1)(c).

Provisions relating to corporations.

8. (1) The University shall, on or before the date on which any corporation is established under paragraph 7(1)(c), prescribe by order—

- (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 right of control of the University over such corporation.

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

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

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

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

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

(7) Orders made under this section shall be approved by the Minister and published in the *Gazette*.

(8) Every corporation established under paragraph 7(1)(c)—

(a) shall be a body corporate by such name as the University shall give to such corporation;

(b) shall have perpetual succession;

(c) shall have a common seal;

(d) may sue and be sued in its corporate name;

(e) may enter into contracts;

(f) may hold, and deal in or with, any movable or immovable property; and

(g) may do all other matters and things incidental or appertaining to a body corporate not inconsistent with this Constitution and the order under which it is established,

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

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

(10) The common seal may from time to time be broken, changed, altered or made anew by the corporation as the corporation, with the approval of the University, thinks fit.

(11) Until a common seal is provided by the corporation under subsection (9), a stamp bearing the name of the corporation encircling the letters "UNIVERSITI MALAYSIA SARAWAK" may be used as its common seal.

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

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

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

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

Conduct of courses
of study, etc. in
association, etc.
with any
University.

9. 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 education institution or organisation within or outside Malaysia.

PART II

OFFICERS OF THE UNIVERSITY

The Chancellor.

10. (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 and regulations.

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

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

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

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

(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.

12. (1) There shall be a Vice-Chancellor who shall be appointed by the Minister, after consultation with the Board. The Vice-Chancellor and Deputy Vice-Chancellor.

(2) The Vice-Chancellor shall be the chief executive and academic officer of the University.

(3) It shall be the duty of the Vice-Chancellor to see that the provisions of this Constitution and the Statutes, rules and regulations are observed, and he shall have all such powers as may be necessary for this purpose and, in particular, to ensure that every Authority keeps within its powers and terms of reference.

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

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

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

(7) If for any substantial period the Vice-Chancellor is unable by reason of illness, leave of absence or any other cause, to exercise any of the duties, powers and functions of his office, the Deputy Vice-Chancellor or, if there are more than one Deputy Vice-Chancellor, such one of them as may be nominated by the Minister shall exercise such duties, powers and functions; and in the event of the absence

or disability of the Deputy Vice-Chancellor or all the Deputy Vice-Chancellors (if there be more than one) the Minister shall make such temporary arrangements as he thinks fit for the exercise of such duties, powers and functions.

Registrar, Bursar
and Chief
Librarian.

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

(2) The posts of Registrar, Bursar and Chief Librarian shall also be known by such other name as may be prescribed by Statute.

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

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

Employment.

14. The University shall employ officers, teachers and staff appointed under this Constitution and any Statute.

PART III

THE UNIVERSITY AUTHORITIES

The Authorities.

15. (1) The Authorities of the University shall be the Board, the Senate, the Faculties, the Schools, the Centres, the Institutes, the academic units, the Academic Planning Committee, the Selection Committees, the Student Development Committee and such other bodies as may be prescribed by Statute as Authorities of the University.

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

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

The Board of
Directors.

16. The Board of Directors of the University shall consist of—

(a) a Chairman;

(b) the Vice-Chancellor;

(c) two persons or their representatives, to represent the Government;

(d) one person to represent the community at the place where the University is located; and

(e) not more than three persons who because of their knowledge or experience would in the opinion of the Minister, be of assistance to the Board, at least one of whom shall be from the private sector.

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

Provisions relating to the Board.

(2) The Secretary of the Board, who may or may not be a member of the Board, shall be appointed by the Chairman.

(3) The Chairman and three other members of the Board shall constitute a quorum for any meeting of the Board.

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

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

18. (1) The Minister may appoint any member of the Board 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.

Temporary exercise of functions of Chairman.

(2) Subject to subsection (1), where the Chairman is unable to preside at a meeting of the Board, the members present at that meeting shall elect one of their number to preside at the meeting.

(3) A member appointed as the Chairman under subsection (1) or elected to preside at a meeting under subsection (2) shall, during the period in which he is exercising the functions of the Chairman or presiding at the meeting, as the case may be, be deemed to be the Chairman.

19. (1) The Board shall be the executive 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 officer of the University.

Powers of the Board.

(2) No resolution shall be passed by the Board relating to any matter within the powers of the Senate, unless the Senate has first been given the opportunity of recording and transmitting to the Board its opinion thereon.

20. (1) The Senate shall consist of—

Senate.

(a) the Vice-Chancellor, who shall be the chairman;

(b) all Deputy Vice-Chancellors;

(c) all Deans of the Faculties, Schools, Centres and all directors of Institutes; and

(d) not more than twenty professors to be determined by the Vice-Chancellor.

(2) The Vice Chancellor may, from time to time, co-opt any other person to become members of the Senate or to attend meetings of the Senate, in accordance with the Statute regulating the composition of the Senate and subject to any directions issued by the Minister.

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

(4) 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 be responsible for the general direction of instruction, research and examination, and the determination and award of degrees, diplomas, certificates and other academic distinctions.

(5) The Senate may delegate any of its duties, functions and responsibilities to any of its members or a committee consisting of its members or any other Authority.

Faculty, School,
Centre, Institute
and academic
unit.

21. (1) The University shall be divided into such number and names of Faculties, Schools, Centres, and Institutes or other academic units as may be prescribed by Statute.

(2) The University may, upon consultation with the Academic Planning Committee, develop an academic programme or set up any academic units.

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

(4) The Vice-Chancellor shall appoint a Dean in respect of each Faculty, School and Centre, and may appoint one or more Deputy Dean. The Dean shall be chairman of the Faculty, School or Centre, and shall exercise such duties as may be vested in him by Statute, rules and regulations and such other functions as may be imposed on him from time to time; and if owing to his absence on leave or for any other reason a Dean is unable to perform the duties of his office, it shall be lawful for the Deputy Dean, or if there be more than one Deputy Dean then the Deputy Dean nominated by the Vice-Chancellor, or any teacher of the Faculty, School or Centre, nominated by the Vice-Chancellor, to perform such duties of the Dean for such time as such disability may continue.

(5) The Vice-Chancellor shall appoint a director and may appoint one or more deputy director in respect of each Institute. The director shall be chairman of the Institute and shall exercise such functions as may be vested in him by Statute, rules and regulations and such functions as may be imposed on him from time to time; and if owing

to his absence on leave or for any other reason a director is unable to perform the duties of his office, it shall be lawful for the deputy director, or if there be more than one deputy directors than the deputy director nominated by the Vice-Chancellor, or a teacher of the Institute nominated by the Vice-Chancellor, to perform such duties of the director for such time as such disability may continue.

(6) The Vice-Chancellor shall appoint a head and may appoint one or more deputy head in respect of each academic unit. The head shall be chairman of the academic unit and shall exercise such functions as may be imposed on him from time to time; and if owing to his absence on leave or for any other reason a head is unable to perform the duties of his office, it shall be lawful for the deputy head, or if there be more than one deputy heads than the deputy head nominated by the Vice-Chancellor, or a teacher of the academic unit nominated by the Vice-Chancellor, to perform such duties of the head for such time as such disability may continue.

(7) A Dean, a Deputy Dean, a director, a deputy director and a head appointed under subsections (4), (5) and (6), as the case may be, shall be appointed for a period not exceeding four years but shall be eligible for re-appointment.

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

22. An Academic Planning Committee may be appointed by the Senate for the following purposes: Academic Planning Committee.

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

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

23. (1) The Selection Committee for the purposes of an appointment to a Chair, and appointment and promotion to the posts of senior professors and professors shall consist of— Selection Committee.

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

(3) Notwithstanding the provision of subsection 27(2), meetings of the Selection Committees under subsections (1) and (2) shall be convened and presided by the Vice-Chancellor.

(4) Whenever it is decided by the Board to fill an appointment or to promote to a post through selection by a Selection Committee, other than that provided for in subsections (1) and (2), the Vice-Chancellor may appoint different Selection Committees in respect of different appointments and the Selection Committee convened for that purpose shall be presided by a Deputy Vice-Chancellor or any other officer.

(5) In the absence of the Deputy Vice-Chancellor or the officer mentioned in subsection (4), the Selection Committee shall be presided by a member of such Selection Committee elected by the members present at the meeting.

(6) There shall be appointed alternate members for each member of the Selection Committees under subsections (1), (2) and (4), except for the chairman, the Dean of a Faculty, a School, a Centre, and the director of an Institute.

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

Student
Development
Committee.

24. (1) There shall be established a Student Development Committee which shall consist of the Vice-Chancellor and such other persons as may be appointed by the Board.

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

Union and
Alumni of
University.

25. (1) Subject to the approval of the Board, it shall be lawful for not less than thirty graduates of the University to form and establish associations to be known as the Union and the Alumni of the University.

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

(3) Nothing in this section shall be construed as constituting the Union and the Alumni of the University to be Authorities 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 or non-academic staff.

Term of office
of members of
Authorities.

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

Provided that—

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

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

27. (1) The Authority shall meet as and when required to do so by the chairman of the Authority. Meetings.

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

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

28. (1) Subject to the provisions of this Constitution and any Statutes, rules and regulations, a question at any meeting of any Authority shall be decided by a majority of the votes of the members present. Majority.

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

PART IV

STATUTES, RULES AND REGULATIONS

29. Subject to the provisions of this Constitution, Statutes may be made to deal with the following matters: Statutes.

- (a) the powers and duties of the officers of the University;
- (b) the establishment, composition, powers, duties and procedure of Authorities, other than the Board;
- (c) the methods of appointment and the conditions of service of the officers and teachers of the University, except in relation to their discipline;
- (d) the determination of the degrees, diplomas, certificates and other academic distinctions to be conferred by the University;
- (e) the conditions for the admission, residence and welfare of students;

- (f) the management of the library or information resource centre;
- (g) all other matters which under this Constitution may be regulated by Statute; and
- (h) matters incidental to or consequential upon any of the matters aforesaid.

Procedure on making, amending and revoking Statutes.

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

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

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

- (a) the powers and duties of the Dean of a Faculty, a School and a Centre, the director of an Institute or the head of an academic unit;
- (b) the establishment, composition, powers, duties and procedure of Authorities, other than the Board;
- (c) the determination of degrees, diplomas, certificates and other academic distinctions to be conferred by the University;
- (d) the methods of appointment and the conditions of service of teachers;
- (e) the conditions for the admission, residence and welfare of students;
- (f) the management of the library or information resource centre; and
- (g) all other matters within the jurisdiction of the Senate under this Constitution or any Statute,

shall not be submitted to the Chancellor until it has been referred to the Senate and the Senate has reported to the Board its observations thereon.

Rules.

31. Subject to the provisions of this Constitution and the Statutes, rules may be made for the following matters:

- (a) the principles governing the award of degrees, diplomas, certificates and other academic distinctions;
- (b) the number and scope of examinations;
- (c) the appointment, powers, duties, remuneration and conditions of service of examiners and the conduct of examinations;

- (d) the admission of students to the examinations, degrees, diplomas, certificates and other academic courses of the University;
- (e) the methods of appointment and the conditions of service of the employees of the University, other than officers and teachers except in relation to their discipline;
- (f) the establishment and regulation of pension, superannuation and provident fund schemes for the benefit of the employees of the University or any section of them;
- (g) the conditions of residence and welfare of students;
- (h) the fees to be charged for courses of study, residence, admission to examination for degrees, diplomas, certificates and other academic distinctions and any other fees that may be levied by the University;
- (i) the management of the lecture halls, libraries, information resource centre, laboratories, research institutes, halls of residence, and all branches of University activity not specifically provided for in this Constitution or by Statutes;
- (j) the establishment, composition, powers, duties and procedure of any committee or other body not specifically provided for in this Constitution or by Statutes;
- (k) all matters which by this Constitution or any Statute may be prescribed by rules; and
- (l) all matters within the powers of the University and not otherwise provided for by this Part of this Constitution.

32. (1) The Board may, subject to the provisions of this section, make, amend and revoke any rules.

Procedure on making, amending and revoking rules.

(2) The draft of any rules dealing with—

- (a) any matter referred to in paragraphs (a), (b), (c), (d), (g) and (i) of section 31; and
- (b) any matter within the jurisdiction of the Senate,

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

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

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

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

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

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

Publication of Statutes, rules and regulations.

34. (1) When any new Statutes or rules are made, or a Statute or rules are amended or revoked, every such new Statute and rules and amendment and revocation of a Statute and rules shall be published in the *Gazette* and in such other manner as the Board may direct.

(2) Every new Statutes, rules and regulations and the Statutes, rules and regulations as amended from time to time or revoked shall be published in book form at such intervals as the Board may direct, and copies shall be made available for purchase at a reasonable price by members of the public.

(3) Nothing in this section shall apply to—

- (a) any rules and regulations containing only instructions to examiners or invigilators; and
- (b) any rules and regulations which the Board resolves not to publish.

Inconsistencies between the Constitution, Statutes, rules and regulations.

35. 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 rules or regulations,

then the provisions of this Constitution, Statute, rules or regulations, as the case may be, shall prevail in that order of priority, and such Statute, rules or regulations, as the case may be, shall to the extent of the inconsistency be void.

PART V

FINANCIAL PROVISIONS

Standing Finance Committee.

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

37. 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.

Preparation of estimates.

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

Financial year.

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

(3) The annual statement or extract 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.

39. (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.

Annual estimates.

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

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

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

Supplementary estimates.

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

No expenditure to be incurred unless included in the estimated.

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

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

(2) The provision of subsection (1) shall not apply to—

- (a) moneys deposited with the University by any person, where by the conditions of such deposit such moneys has become repayable;
- (b) moneys collected and credited to the funds of the University in error;
- (c) moneys payable by the University under any judgement 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 43.

Form of estimate.

42. 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 accept gifts.

43. (1) The Board may, on behalf of the University, accept by way of grant, gift, testamentary disposition, subventions, legacies, or otherwise, property and moneys in aid of the finances of the University on such conditions as it may determine.

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

Property given for specific purposes to be separately accounted for.

44. 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.

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

Audit.

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

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

PART VI

GENERAL PROVISIONS

47. (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. Convocation.

(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 the Convocation.

48. (1) All persons employed or who are to be employed by the University— Appointment by the Board, University Management and office authorized by the University Management.

(a) as the Registrar, Bursar and Chief Librarian, and for all Chairs, senior professors and professors, shall be appointed by the Board on the advice of the respective Selection Committee;

(b) as teachers, except for Chairs, senior professors and professors, shall be appointed by the University Management on the advice of the respective Selection Committee;

(c) other than those mentioned in paragraphs (a) and (b), subject to any Statute or rules, shall be appointed by an officer authorized by the University Management; and

(d) for a period of one year or less, shall be appointed by an officer authorized by the University Management.

(2) Every person employed by the University shall hold office on such terms and conditions as may be specified by the Board or as may be prescribed by Statutes and rules in respect of appointments which are regulated by Statutes and rules, and the terms and conditions to be so specified or prescribed, as the case may be, shall 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.

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

(4) In this section, "University Management" means the University Management of the Universiti Malaysia Sarawak, which includes the Vice-Chancellor, all the Deputy Vice-Chancellors, the Registrar, the Bursar, the Chief Librarian and other officers so authorized by the Vice-Chancellor and with the approval of the Board.

Royal Professors.

49. (1) Notwithstanding the provisions of sections 23 and 48, 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 and conditions of his appointment and to any direction by the Chancellor, shall have all the powers and perform all the duties conferred or imposed upon professors by this Constitution and any Statute, rules and regulations.

All appointments to be subject to the Universities and University Colleges Act 1971. Act 30.

50. Notwithstanding the provisions of this Constitution, every person employed by the University, including Royal Professors appointed under section 49, shall hold office subject to the provisions of the Universities and University Colleges Act 1971 and any subsidiary legislation made thereunder, including rules made under section 16c thereof, and the terms and conditions of their employment or appointment shall be deemed to include a provision to this effect.

Admission of students.

51. A student shall not be admitted to the University to a course of study for a degree, diploma, certificate or other academic distinction unless he shall have satisfied such requirements as may be prescribed by rules or specified by an Authority:

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

The Students' Union and the Students' Representative Council.

52. (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 Universiti Malaysia Sarawak ("the Union").

(2) The Union shall elect a Students' Representative Council ("the SRC") in the following manner:

(a) the registered students of each Faculty, School, Centre and Institute shall elect by secret ballot conducted by the Dean of the Faculty, School or Centre, or the director of the Institute, as the case may be, such uniform number, as may be determined by the Vice-Chancellor, of registered students of the respective Faculty, School, Centre, and Institute to be representatives in the SRC; and

(b) the registered students as a whole shall elect by secret ballot conducted by any officer appointed by the Vice-Chancellor for that purpose such number of registered students to be representatives in the SRC as may be determined by the Vice-Chancellor, being, in any case, not more than half of the number of representatives elected under paragraph (a).

(3) The SRC shall elect from among its members a President, a Vice-President, a Secretary and a Treasurer, who shall be its only office-bearers, unless otherwise authorized in writing by the Vice-Chancellor; the office-bearers so authorized by the Vice-Chancellor shall be elected by the SRC from among the members of the SRC.

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

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

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

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

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

(9) Nothing in this section shall preclude any graduate, who is registered as a student for a higher degree or a post-graduate diploma, from becoming an associate member of the Union.

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

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

(11) The constitution of the Union and any amendment or revocation thereof shall be approved by the Board and shall not have effect until so approved.

(12) The SRC may maintain a fund of the Union which shall consist of subscriptions paid by members of the Union, as may be determined in the constitution of the Union, and donations received from person and organizations approved by the Board.

(13) The fund of the Union shall be expended in accordance with subsection (14) and the provisions of the constitution of the Union and no payment from the fund shall be made unless written claims are made and supported by receipts and vouchers.

(14) The fund of the Union may be expended for payment of administrative costs of the Union, including audit of its account, and for any payment connected with or arising out of the carrying out of its objects and functions as specified in subsection (10).

(15) Nothing contained in subsections (12), (13) and (14) shall entitle the Union or the SRC or any of its members or office bearers to apply the fund of the Union, whether directly or indirectly, for the promotion of the objects of a political party or a trade union body or an organization to which it is not affiliated.

(16) The Treasurer shall keep proper accounts of the income and expenditure of the fund of the Union and not later than three months after the end of every financial year, being a financial year as prescribed in the constitution of the Union, a copy of the said accounts which shall be audited by a person appointed by the Board and remunerated by the Union shall be submitted by the SRC to the Board for approval.

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

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

(11) The constitution of the Union and any amendment or revocation thereof shall be approved by the Board and shall not have effect until so approved.

(12) The SRC may maintain a fund of the Union which shall consist of subscriptions paid by members of the Union, as may be determined in the constitution of the Union, and donations received from person and organizations approved by the Board.

(13) The fund of the Union shall be expended in accordance with subsection (14) and the provisions of the constitution of the Union and no payment from the fund shall be made unless written claims are made and supported by receipts and vouchers.

(14) The fund of the Union may be expended for payment of administrative costs of the Union, including audit of its account, and for any payment connected with or arising out of the carrying out of its objects and functions as specified in subsection (10).

(15) Nothing contained in subsections (12), (13) and (14) shall entitle the Union or the SRC or any of its members or office bearers to apply the fund of the Union, whether directly or indirectly, for the promotion of the objects of a political party or a trade union body or an organization to which it is not affiliated.

(16) The Treasurer shall keep proper accounts of the income and expenditure of the fund of the Union and not later than three months after the end of every financial year, being a financial year as prescribed in the constitution of the Union, a copy of the said accounts which shall be audited by a person appointed by the Board and remunerated by the Union shall be submitted by the SRC to the Board for approval.

(17) 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.

(18) For the purpose of this section "registered student" means a student who is following a course of study in the University for a degree or a diploma, not being a post-graduate diploma, and includes a student who is a holder of a diploma and is following a course of study for a degree:

Provided that a student shall cease to be a registered student within the meaning of this subsection—

- (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 subsection.

53. (1) Notwithstanding section 52, it shall be lawful for not less than ten students of the University, with the prior approval of the Board and subject to such terms and conditions as the Board 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.

Establishment of other student bodies.

(2) The provisions of subsections (3) to (8), (11) to (17) of section 52 shall apply *mutatis mutandis* to a student body established under this section as they apply to the Union and the SRC.

54. (1) If the Union or the SRC or a student body established under section 53 conducts itself in a manner which in the opinion of the Board is detrimental or prejudicial to the well-being or reputation of the University or acts in contravention of the Constitution of the University or its own constitution, or any Statute, rules or regulations, the Board may suspend or dissolve the Union or the SRC or the said student body, as the case may be; and without prejudice to any liability that may arise under any other written law in force, every member of the SRC or office bearers of the student body, as the case may be, shall be liable to dismissal from the University or to any other disciplinary punishment that may be inflicted upon him.

Acts ultra vires this Constitution and the constitution of the Union or student body.

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

Act 30.

**Powers of
delegation.**

55. (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 specified in such instrument, delegate the exercise of such powers or the performance of such duties to any other Authority or any committee or 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, amend, revoke or approve Statutes, rules or regulations.

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

56. (1) If any member of an Authority, or any graduate of the University, or any person who has been conferred a degree, diploma, certificate or other academic distinction from the University, is convicted by a court of law of any heinous offence whether within or without Malaysia, or is in the opinion of the Board guilty of scandalous conduct, it shall be lawful for the Chancellor, on the recommendation of not less than two-thirds of all the members of the Board—

(a) in respect of a member of an Authority, to remove him from membership of the Authority; or

(b) in respect of a graduate of the University, to deprive him of any degree, diploma, certificate or other academic distinction conferred upon him by the University.

(2) Scandalous conduct in subsection (1) include—

(a) in respect of a member of an Authority, wilfully giving any information or document which is false or misleading in any material particular to an institution from which he has been awarded, if any, any degree, diploma, certificate or other academic distinction for the purpose of obtaining such degree, diploma, certificate or other academic distinction; and

(b) in respect of a graduate of the University or a person who has been awarded a degree, diploma, certificate or other academic distinction from the University, wilfully giving any information or document which is false or misleading in any material particular to the University for the purpose of obtaining such degree, diploma, certificate or other academic distinction.

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

Disputes as to elections determined by Minister.

PART VII

TRANSITIONAL PROVISIONS

58. In this Part—

Interpretation for the purposes of this Part.

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

“Authority” does not include the Board;

“Council” means the Interim Council of the University appointed under paragraph 4(1) of the repealed Transitional Provisions;

“repealed Transitional Provisions” means the Universiti Malaysia Sarawak Transitional Provisions 1993.

P.U. (B) 61/93.

59. All lands, property and assets that immediately before the appointed date were vested in or reserved for the purposes of the University under the repealed Transitional Provisions or any person acting on its behalf shall, on the appointed date, vest in or be reserved for the purposes of the University under this Constitution or any person acting on its behalf without any conveyance, assignment, or transfer whatsoever.

Vesting of lands, property and assets.

60. (1) All references to the Council in any written law, or in any instrument, deed, title, document, bond, agreement and working arrangement made under the repealed Transitional Provisions and subsisting immediately before the appointed date shall, on the appointed date, be construed as references to the Board.

Change of executive authority of University.

(2) The instrument, deed, title, document, bond, agreement and working arrangement referred to in subsection (1) shall, on the appointed date—

(a) be deemed to have been made under this Constitution; and

(b) continue to be in force and have effect.

61. (1) All rights, privileges, liabilities, duties and obligations of the Council under the repealed Transitional Provisions shall, on the appointed date, devolve upon and be deemed to be rights, privileges, liabilities, duties and obligations of the Board under this Constitution.

Rights, etc. of Council not affected.

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

(3) All existing liabilities incurred by or on behalf of or for the purposes of the Council under the repealed Transitional Provisions shall, on the appointed date, be enforced against the Board.

Delegated powers. 62. All powers delegated under the repealed Transitional Provisions shall on the appointed date, in so far as the delegation is not inconsistent with this Constitution, be deemed to have been delegated under this Constitution.

Saving of proclamations, etc. 63. All proclamations, orders, notices, forms and authorization letters issued or made under the repealed Transitional Provisions shall remain in force, in so far as they are not inconsistent with, or until replaced or revoked by, the provisions of this Constitution.

Continuance of service. 64. Subject to the provisions of this Constitution, all persons who immediately before the appointed date were appointed or employed by the University under the repealed Transitional Provisions shall on and after that date, be deemed to be appointed or employed as such by the University under this Constitution upon the same terms and conditions as were applicable to them immediately before the appointed date.

Registrar, Bursar, Librarian. 65. (1) All references to the Registrar, Bursar, Librarian and Director of Development and Estate Management in any instrument, deed, title, document, bond, agreement and working arrangement subsisting immediately before the appointed date shall, on the appointed date, be deemed to be references to the Registrar, Bursar, Chief Librarian and Director of Development and Estate Management, respectively or such other names as prescribed under subsection 13(2).

(2) All undertaking given by and matters pending before the Registrar, Bursar, Librarian and Director of Development and Estate Management under the repealed Transitional Provisions shall, on the appointed date, be undertaken by or continued before, as the case may be, the Registrar, Bursar, Chief Librarian and Director of Development and Estate Management, respectively or such other names as may be prescribed under subsection 13(2), under this Constitution.

Students undergoing courses of study at the University. 66. All students who immediately before the appointed date were admitted to undergo courses of study at the University under the repealed Transitional Provisions and on that date are still undergoing such courses of study shall on the appointed date, be deemed to have been admitted under this Constitution.

Continuance of the Students' Union and student bodies. 67. (1) The Students' Union of the Universiti Malaysia Sarawak and student bodies established under the repealed Transitional Provisions shall, on the appointed date, be deemed to have been established under this Constitution.

(2) Students who are members of the Students' Union of the Universiti Malaysia Sarawak under the repealed Transitional Provisions shall, on the appointed date, in so far as they qualify as registered students under subsection 52(18) of this Constitution, continue to be members of the Union.

(3) Members elected to hold office in the Union under of the repealed Transitional Provisions shall, on the appointed date, be deemed to have been elected as members of the Students' Representative Council under this Constitution.

(4) All property and assets that immediately before the appointed date were vested in or reserved for the purposes of the Union or any student body under the repealed Transitional Provisions or any person acting on its behalf and the fund of the Union established and maintained, under the repealed Transitional Provisions shall, on the appointed date, vest in or be reserved for the purposes of the Union or such student body under this Constitution or any person acting on its behalf without any conveyance, assignment or transfer whatsoever, or deemed to have been established and maintained, as the case may be, under this Constitution.

(5) All rights, privileges, liabilities, duties and obligations of the Union or student body under the repealed Transitional Provisions shall, on the appointed date, devolve upon and be deemed to be, in so far as they are not inconsistent with this Constitution, the rights, privileges, liabilities, duties and obligations of the Union or such student body under this Constitution.

68. The Universiti Malaysia Sarawak Transitional Provisions 1993 as published in *P.U.(B) 61/93* on 25 February 1993 are repealed. Repeal.

SCHEDULE

(Subsection 15(3))

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

(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 Constitution; or
- (iv) any other offence punishable with imprisonment for more than two years;

(b) if he becomes a bankrupt; or

(c) if he has been found or declared to be of unsound mind or has otherwise become incapable of managing his affairs.

**Cessation from
being a member.**

- 2. A member of an Authority shall cease to be a member—**
- (a) if he fails to attend three consecutive meetings of the Authority without leave of the chairman of the Authority;**
 - or**
 - (b) if his appointment is revoked or he resigns.**

Resignation.

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

**Filling of
vacancies.**

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

Allowance.

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

**Authority may
invite others to
meetings.**

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

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

Minutes.

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

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

(3) Every meeting of an 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 an Authority having, directly or indirectly, by himself or his partner—**

(a) an interest in a company or an undertaking with which the Authority proposes to make a contract or any arrangement;

or

(b) an interest in a contract, arrangement or matter under discussion by the Authority,

shall disclose to the Authority the fact of his interest and its nature.

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

9. No act done or proceeding taken or decision made by an Authority shall be questioned on the ground of—

Validity of acts
and proceedings.

- (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 the provision in paragraph 8; or
- (c) an omission, a defect or an irregularity not affecting the merit of the case.

Made 13 April 1998.

[KP (PUU) S 10075/07/2/ Jld. II; PN (PU²) 75-R.]

By Command,

DATO' SRI MOHD NAJIB BIN TUN HAJI ABDUL RAZAK,
Minister of Education