



GENDER, RELIGION, NATION, AND AGE EQUALITY AND PROTECTION POLICY FOR UNIMAS CITIZENS

1.0 INTRODUCTION

- 1.1** The implementation and course of business at Universiti Malaysia Sarawak (UNIMAS) is based on the law, which is the Federal Constitution 1957, and is followed by compliance with subsidiary laws such as the Universities & Colleges Act (AUKU) 1971, which includes the Constitution of Universiti Malaysia Sarawak (1998), and the Statutory Bodies [Discipline & Surcharge] Act 2000 (Act 605).
- 1.2** All UNIMAS regulations, policies, and procedures must be consistent with and not in conflict with the Federal Constitution of 1957. If any UNIMAS rules, policies, or procedures are in conflict with or contradict the Constitution, the rules, policies, or procedures will be repealed.

2.0 BACKGROUND

- 2.1** The Constitution is important in terms of integration, nationality, nationalism, patriotism, and democracy, which are implemented through Vision 2020, Islam Hadhari, and the notion of 1 Malaysia. The Federal Constitution is the Federation's fundamental and paramount law, and any law passed after Hari Merdeka that is inconsistent with the Constitution is void to the degree of that inconsistency, as are state laws or regulations, or state government policies.
- 2.2** The Constitution is divided into two (2) types: written (the form of the Constitution that is collected and made into one document) and unwritten (all constitutional concepts that are not collected in one document, such as customary law).

3.0 A STATEMENT OF POLICY

- 3.1** UNIMAS is one of twenty (20) Public Institutions of Higher Education (IPTA) and a Federal Statutory Body to ensure that certain Federal Government policies, such as those that protect the rights of multi-racial, religious, age, and gender communities equally and protect the community from any injustice and bias, are implemented more effectively.
- 3.2** The establishment of UNIMAS is governed by the Body Act, which incorporates it (via the Incorporation Law) and functions in accordance with the University & University College Act (AUKU) 1971, including the Constitution of Universiti Malaysia Sarawak (1998), and the Statutory Bodies Act [Discipline & Surcharge] 2000 (Act 605), together with its amendments, as the main law. In practice, UNIMAS is still subject to Government (Federal Authority) rules.



3.3 UNIMAS places a high emphasis on the notion of equality rights in order to combat discrimination and injustice against people and to uphold human rights. Religion, ethnicity, descent, location of birth, and gender are all examples of the right to equality. This is one of the fundamental liberties entrenched in the Federal Constitution.

4.0 DEFINITION

Referring to this Policy, unless the meaning of another context is required;

"Religion" refers to faith in God and His characteristics and power, as well as acceptance of His teachings and commands and faith in the Almighty.

"Act" means an Act or an Act of Parliament used in conjunction with legislation, which means a law made by Parliament.

"Statutory Body" means a body, by whatever name called, incorporated by federal law for the purposes of the Federal Government, but excluding local authorities;

"Policy" means the basis, core, guide, regulation or a form of action plan to achieve objectives for the benefit of the country, agency, unit, specific party or society;

"Discrimination" means the act of discriminating against something (because of race, skin color and others:

"F/I/B/P" means Center of Responsibility such as Faculty, Institute, Division or Centre;

"Right" means ownership, ownership - power over something or to do something (determined by religious laws, customs, etc.)

"Higher Education Institution" means an educational institution that provides higher education leading to the award of a diploma, degree or equivalent.

"Gender" means sex (whether male or female);



"**Campus**" means the UNIMAS campus which includes all institutions, buildings and university dormitories;

"**Race**" means a group of people as part of a large nation or tribe;

"**Equality**" means the nature or condition of being equal or equal (to each other): questioning rights and responsibilities, justice;

"**Officer**" means a person employed on a permanent, temporary or contractual basis by a statutory body, and paid an emolument by that statutory body, and includes a person seconded to any subsidiary corporation or company of that statutory body or any statutory body which other or any Ministry, department or agency of the Federal Government or any department or agency of the Government of any State or any company in which the Federal Government or the Government of any State has an interest;

"**Lesson**" means anything learned or taught;

"**Quality Education**" means an education system that is based on a balanced education curriculum between morals (ethics and moral values) and knowledge (knowledge and skills); to produce a young generation that has the skills to compete in the labor market and become a driver for the development of the country's economy;

"**Higher Education**" means education provided by a higher education institution;

"**Federal Constitution**" means the main law of the Federation and any law passed after Independence Day which is inconsistent with this Constitution, is invalid to the extent of such inconsistency or state laws or regulations, state government policy;

"**University Constitution**" means the Constitution of the University of Malaysia Sarawak;

"**Incorporation Law**" means the federal law by which a statutory body is incorporated.



5.0 PURPOSE

- 5.1** This policy serves as a foundation, core, guidance, rule, or action plan to ensure that no discrimination occurs and that equal rights and protection are provided to all UNIMAS citizens, regardless of gender, religion, ethnicity, or age. Everyone, including UNIMAS citizens, has the right to be free of any discrimination that may lead to dissatisfaction, division, or strife among races, nationalities, or others, posing threats to UNIMAS and the country.
- 5.2** In the context of UNIMAS, in order to achieve this purpose, UNIMAS has created and intends to execute this Policy in order to guarantee and assure that the quality Education given by UNIMAS can be attained and enjoyed by all levels of society, without any restrictions or hurdles. In keeping with this objective, UNIMAS is committed to strategically and innovatively developing, disseminating, and using knowledge to improve the quality of the nation's culture and the prosperity of its society.

6.0 IN THE CONTEXT OF UNIMAS, THE RIGHT TO EQUALITY AND PROTECTION

- 6.1** The equal rights and protection given to UNIMAS citizens include the right and protection from any type of discrimination or one-sided treatment against citizens solely on the grounds of religion, race, descent, place of birth, residence or gender in any law or in the appointment to any position or job, profession, career under a public authority unless it is allowed in the Constitution.
- 6.2** In the 1957 Federal Constitution, it has provided for fundamental freedoms under article 5(1) which states that, "No one shall be deprived of his life or deprived of his liberty except in accordance with the law."

6.2.1 THE LEGAL RIGHT TO EQUALITY AND PROTECTION

- 6.2.1.1** Article 8(1) state that all people are equal before the law and are entitled to equal legal protection. The emphasized principle is that this right is not absolute and is still subject to the law.
- 6.2.1.2** Furthermore, equal rights are granted under Article 8 (1) Equality of the same Constitution, which declares that all people are equal under the law and are entitled to equal protection under the law.
- 6.2.1.3** UNIMAS does not practice a discrimination policy in which all rules, policies, and policies have the value of equality that maintains the concept of "Natural Justice" which is the right to be heard (right to be heard) and protection from biased



treatment (rules against bias) which includes protection in terms of safety, welfare, and justice in terms of imposing a punishment commensurate with the offence on the perpetrator and others.

6.2.2 EQUALITY IN ENJOYING QUALITY EDUCATION

6.2.2.1 UNIMAS provides the community with equality to obtain quality education as provided for in the 1957 Federal Constitution, recommendations in the Malaysia Education Blueprint (2013-2025), and the Malaysian Education Development Plan (2013-2025) to ensure that everyone, regardless of age, gender, religion, or race, is given space and opportunity to obtain quality education.

6.2.2.2 The right to a quality education at UNIMAS free of prejudice and bias is guaranteed by the articles of the Federal Constitution of 1957, which guarantees the right to access and enjoy education. This right is referred to in Article 12 (1)(a) of the relevant Constitution, as follows:

12. (1) Without prejudice to the generality of Article 8, no citizen shall be discriminated against solely on the basis of religion, race, descent, or place of birth—(a) in the administration of any educational institution maintained by a public authority, including admission of pupils or students or payment of fees;

6.2.2.3 UNIMAS employs the concept of openness in the admission and recruitment of students to pursue the education offered at UNIMAS to students of all races, regardless of religion, age, or gender, in order to produce a skilled young generation that is competitive in the labour market and a driver of economic development.

7.0 EXCEPTIONS

7.1 This policy is in full effect at UNIMAS, unless the circumstances and suitability need a different meaning based on physical and mental conditions, health level, ability and academic qualifications, and citizenship.

7.2 This exception is designed to protect any person at UNIMAS in terms of personal safety, preventing bodily harm, measuring and determining competences that correspond to skills and expertise, as well as steps to ensure Malaysian citizens' well-being and harmony.



8.0 STATEMENT OF PROHIBITION AND RESTRICTION

8.1 Except as stipulated in Article 7 above, no one may be impeded, prevented, or banned from enjoying and receiving the protection of the right to equality, unless his own negligence causes his right to be nullified, neglected, or denied.

8.2 Any violation of this Policy may result in disciplinary action against UNIMAS or any person working with it for violating the provisions below; -

- i. Article 5: Personal Freedom and Article 8: Equality in the 1957 Federal Constitution;
- ii. Section 5 under the First Schedule, Universities and University Colleges Act 1971 and in Section 8 of the Universiti Malaysia Sarawak Constitution 1998 regarding differences due to race and creed are prohibited; and
- iii. Disciplinary action for Breach of Order under the Statutory Bodies (Discipline and Surcharge) Act 2000 (Act 605); on any Statutory Body staff found guilty and convicted of the said violation, where the violation causes harm and tarnishes the image of UNIMAS.

9.0 AMENDMENTS AND REVISIONS

This Policy on Equality and Protection of UNIMAS Citizens in Terms of Gender, Religion, Race, and Age is subject to change from time to time in accordance with changes in Malaysian Law, namely the 1957 Federal Constitution, the University and University College Act (AUKU) 1971 (Amendment) 2009 and 2012), the Constitution of Universiti Malaysia Sarawak 1998 (Amendment 2010 and 2012), or Government Policies extended through circulars, circular letters, or regulations that are issued by the Malaysian Government.

10.0 SOURCES OF LEGAL REFERENCE

10.1 The Federal Constitution of 1957.

10.2 The Universities and University Colleges Act (AUKU) of 1971 was amended in 2009 and 2012.

10.3 Universiti Malaysia Sarawak Constitution 1998 (Amended 2010 and 2012).

10.4 Act 605 of 2000, Statutory Bodies (Discipline and Surcharge).

11.0 EFFECTIVE DATE AND APPLICATION

The Universiti Malaysia Sarawak (UNIMAS) Equality and Protection Policy for UNIMAS Citizens in Terms of Gender, Religion, Race, and Age becomes fully effective on the day it is authorised by the Universiti Malaysia Sarawak (UNIMAS) Board of Directors Meeting 57th Bill.01/2020 on 10 Jan 2020.