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THE UNIVERSITY OF HULL

**RATIONALE FOR THE PROVISION OF
STUDENT PERSONNEL SERVICES IN
MALAYSIAN UNIVERSITIES**

being a thesis submitted for the Degree of
Doctor of Philosophy

in the University of Hull

by

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ABSTRACT

This study attempts to examine the situational specific dynamics of the administration of Student Personnel Services in Malaysian Universities in response to the various issues raised in literature. Literature in the field of Student Personnel Services has tended to discuss mainly the importance of educational pursuit and student personal development as the main rationale for its provision. However, this study found that there are other various influential factors operating within a university environment which contribute to the creation and expansion of the services. Factors such as the origin of the university, the political, economic, social and cultural environment and legal requirement of the country contribute to the development of the services. This study, therefore strongly suggests a reconsideration of arrangement of the services provision to suit indigenous needs.

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LIST OF ABBREVIATIONS

ABIM	Angkatan Bella Islam Malaysia
AKTA	Akta Universiti dan Kolej Universiti
BMB	Barisan Mahasiswa Bersatu
CUS	Canadian Union of Students
GPMS	Gabungan Pelajar Melayu Semenanjung
IIEP	Ilahwai Pelajar
IIU	International Islamic University
ITM	Institut Teknologi Mara
KOMSOMOL	An agency responsible to instill the value of Communist Party of Russia to young people
MPP	Majlis Perwakilan Pelajar
MTM	Majlis Tertinggi Mahasiswa
NC	Naib Canselor
NUAUS	National Union of Australian Students
NUS	National Union of Students (Britain)
PALAPES	Pasukan Latihan Pegawai Simpanan
PKPIM	Persatuan Kebangsaan Pelajar Islam Malaysia
PMIUPM	Persatuan Mahasiswa Islam Universiti Pertanian Malaysia
PMUPM	Persatuan Mahasiswa Universiti Pertanian Malaysia
PNEF	Federation Nationale des Etudiants de France
PSD	Public Service Department
SFS	Swedish Nationale Union of Students
TNC	Timbalan Naib Canselor

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ABIM	Angkatan Bella Islam Malaysia
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PKPIM	Persatuan Kebangsaan Pelajar Islam Malaysia
PMIUPM	Persatuan Mahasiswa Islam Unversiti Pertanian Malaysia
PMUPM	Persatuan Mahasiswa Universiti Pertanian Malaysia
PNEF	Federation Nationale des Etudiants de France
PSD	Public Service Department
SFS	Swedish Nationale Union of Students
TNC	Timbalan Naib Canselor

UGEC	The Union Generale des Etudiants de Quebec
UIA	Universiti Islam Antarabangsa
UKM	Universiti Kebangsaan Malaysia
UM	Universiti Malaya
UNEF	Union of French Students
UPM	Universiti Pertanian Malaysia
USM	Universiti Sains Malaysia
UTM	Universiti Teknologi Malaysia
UUM	Universiti Utara Malaysia
VC	Vice Chancellor
VDS	The Verband Deutscher Studenten Shaften
ZENGAKUREN	Zen Ninon Gakusei Jidukai no Rengo

CHAPTER ONE

INTRODUCTION

1.1 INTRODUCTION TO THE RESEARCH

Historically, the organization of student affairs was treated as a subdivision of academic affairs within institutions of higher education (Mueller, 1961; Brown, 1989). However, it later developed very rapidly into a discipline in its own right, known as the field of Student Personnel Services. Begun as an effort aimed at providing facilities for learning at school, it later grew into an indispensable component of educational institution at all levels, including higher education. Scholars were attracted to carry out in-depth studies from various perspectives, and many research findings have been documented, especially in the United States of America. The services have grown in sophistication, and their development is widely accepted as having a strong association with the development of scholarship in universities.

Inevitably, to discuss this subject one needs to refer to American literature because the term 'Student Personnel Services' itself has been defined more in American literature than in others. This is not to say that the concept of Student Personnel Services is necessarily American in origin. The concepts of College and Hall of Residence, major components of what is today known as Student Personnel Services, have existed in the UK almost as long as its ancient Universities.

This study attempts to explore the rationale for the provision of Student Personnel Services in Malaysian Universities. Despite the increasing allocation of finance and manpower to such services, and the fact that this field is now offered as a topic for post-graduate specialization in some Malaysian Universities, there is still a shortage of literature. Such literature as is available on the theory and practice of this field, is exclusively derived from the West, especially the United States. This study therefore aims to provide some understanding of the provision of Student Personnel Services in Eastern countries, with particular reference to Malaysia.

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APPENDIX 1

PERSONALITIES INVOLVED IN THE ELITE INTERVIEWS

1. The Present New Deputy Vice Chancellor of Student Affairs, UPM (September 1991-present).
2. The former Deputy Vice Chancellor of Students Affairs, UPM (1984-1988)
3. The former Deputy Vice Chancellor of Students Affairs, UPM (1988-September, 1991).
4. Deputy Registrar of Student Affairs of UKM in his capacity as the pioneer administrative officer assigned to the services since its inception in 1975 until present.
5. The Deputy Registrar of Students Affairs, UPM
6. The Chief Assistant Registrar, UPM
7. The Senior Assistant Registrar and the Head of Cultural Unit of the HEP, UPM
8. The Senior Assistant Registrar and the Head of Religious Unit of the HEP, UPM.
9. The Senior Assistant Registrar and the Head of Students' Housing and Accommodation Unit.
10. The Assistant Registrar and the Head of Financial Aids Unit.
11. The Deputy Dean of the Faculty of Agriculture in charge of students' activities and learning (The other Deputy Dean being in charge of research) who is also the former President of Academic Staff Association (PPA).
12. The President of General Staff Association (KEPERTAMA).
13. A focus group discussion involving current and the former Principals of Residential Colleges. The group participants were as follows:
 - a. Mahfor Haroun, the former Principal of the Second College.
 - b. Associate Professor Dr. Idris Abdol, the Principal of the Third College.
 - c. Dr. Gizan Salleh, the Principal of the Fourth College.
 - d. Dr. Hassan Mad, the former Principal of the Fourth College.
 - e. Haji Yaacob Ibrahim, the Principal of the Fifth College.
 - f. Rahmat Ismail, the Principal of the Seventh College.
 - g. Haji Ali Yaacob, the Principal of the Ninth College or the Pendita Zaaba College (the youngest college in UPM).

14. Student Personnel Staff of other Universities:
 - a. The Deputy Registrar of UTM
 - b. The Deputy Registrar of USM
 - c. The Chief Assistant Registrar of UUM
 - d. The former Dean of Foundation Studies of UUM.
15. Haji Abdul Aziz Shamsudin, the Political Secretary to the Prime Minister.

APPENDIX 2

NAMES OF STUDENT LEADERS INVOLVED IN FOCUS GROUP DISCUSSIONS

1. Abd. Wahab Hj Sapawi, the President of the Forth Residential College's Student Council and the President of the *Gabungan Pelajar Sarawak* (Sarawak Students Alliance).
2. Ayub Abdul Rahman, the Treasurer of the MPP and an active member of the *Kelab Patriotik* (Patriotic Club) of the Tun Perak College.
3. Azizah Lochman, the Assistant Publication Secretary of the HELWA.
4. Idham Arif Hj Alias, President of two academic associations, namely the Student Association of Science Faculty and Mathematic Students' Association.
5. Khairuddin Taib, the President of the PMIUPM.
6. Mahmud Jaafar, the President of the Engineering Students' Association.
7. Mohd Ghazali Hamzah, the President of the MPP.
8. Nasran Omar, the President of the Red Crescent (Red Cross).
9. Niam Phang Siew Chung, the President of the *Ikatan Kristian*.
10. Raja Hasni Raja Hassan, the Honorary Secretary of the HELWA.
11. Rohati Mat Nor, the Publicity Secretary of the HELWA.
12. Shahrman Hasan Aziz, the President of the Pendita Zaaba College.
13. Shamsiana Taspirin, one of the Publication Secretaries of the HELWA.
14. Siti Khairani Alias, the Executive Committee member of the PMIUPM.
15. Taha Ahmad, the Secretary General of the MPP.
16. Zainuddin Yaacob, the Executive Committee member of the PMIUPM.
17. Zainun Ismail, one of the Publication Secretaries of the HELWA.

APPENDIX 2.1

PARTICIPANTS OF FOCUS GROUP DISCUSSIONS

1. The Students Representative Council (MPP)

Majlis Perwakilan Pelajar or Student Representative Council, which is also known as the '*Persatuan Mahasiswa Universiti Pertanian Malaysia*' (UPM Students' Union) or PMUPM, is the main student body, representing all registered students in UPM. Membership is automatic to all matriculated students.

2. Muslim Student Union

Persatuan Mahasiswa Islam UPM (UPM Muslim Students Union) or PMIUPM, is the second largest student body on UPM campus, as it represents the Muslim students, who are the majority. Politically, PMIUPM is more powerful than the PMUPM itself, and is strongly influential on the latter's policy and leadership.

3. Women's group

'Halehwal Wanita MPP' or HELWA (Women's Affairs Section of the UPM Students Representative Council). Although women students on Malaysian campuses are commonly seen as passive groups, close observers of student politics find that often, women students determine the direction of campus politics. No student political group that aspires to hold political power on campus can afford to ignore the voting power of women students.

4. Academic Associations

Academic associations represent students in the various faculties or courses of studies. Students' leaders of these groups who participated in the focus group discussion were the Presidents of Science Faculty Student Association, Mathematic Association, Engineering Student Association and Biotechnology Faculty Student Association.

5. Representatives of Residential Colleges.

Except for the Second and Fifth College, all colleges were represented by either their Presidents or Deputy Presidents.

6. Religious Association

There are five religious associations registered with the HEP-UPM namely the PMIUPM, *Persatuan Ikatan Kristian*, *Persatuan Katolik*, *Persatuan Hindu* and *Persatuan Buddhist* (UPM Annual Report 1984/85). In the discussion, only the Catholic Association and The *Ikatan Kristian* were represented.

7. Interest groups

Uniform and sports group could be regarded as activity-based groups. Those represented in the discussion were The Red Crescent, the Scout and the Rugby Club.

8. Unregistered Associations

There also exist unregistered associations that for various reasons are recognized and assisted by the HEP. They are two groups of students from the two Malaysian states on the island of Borneo, Sarawak and Sabah. Since UPM's policy is not to allow the establishment of any state-based students' association, these two groups were not granted registration. However, they have their own informal committees to look after the welfare of students from the said states. The HEP treats them informally as a special case and helps them organize various activities. In the group discussion, only Sarawak group was represented.

APPENDIX 3 The Boarding Schools

1. The former Traditional Elitist English Medium Boarding School

Boarding Schools in this category include the Maktab Melayu Kuala Kangsar (MCKK), Kolej Tunku Khursiah (TKC), Sekolah Tuanku Abdul Rahman (STAR), and Sekolah Dato Abdul Razak (SDAR). Although the elements of elitism, such as their code of conduct, are still maintained, admissions are no longer confined to the children of the Malay '*bangsawan*' (people of the palace), are also opened to other Malay pupils who have scored very good results in the relevant examinations (UPSR or Primary School Evaluation Test or SRP or Lower Certificate of Education).

2. The Military College

The Military College is a Boarding School established to cater for pupils who have scored good grades in the *Sijil Rendah Pelajaran* (Lower Certificate of Education) examination. Although the original idea of its establishment was to train potential army officers, many graduates of this school instead choose to continue their academic careers. However, for two or four years of their stay in the college they are exposed to military life and training.

3. The pioneer Malay Medium Boarding Schools

These schools were established in the early sixties to cater for good candidates from Malay Medium Schools to study science in Form Four. Examples include the Sekolah Alam Shah, Kuala Lumpur, Sekolah Menengah Sultan Abdul Halim Jitra, in the State of Kedah and Sekolah Menengah Sri Putri (initially known as the Sekolah Menengah Kolam Air) in Kuala Lumpur. The linkage between these schools and the local Universities appears to be; many products of these schools now hold posts as University lecturers or administrators.

4. Sekolah Menengah Teknik (Technical Secondary Schools)

Another Federal Government's effort to train candidates for University education in science and technical area was to establish this type of school in various states, in the 1960s.

5. Sekolah Menengah Sains (Science Secondary Schools)

This type of school was also established by the Federal Government as a step to increase the number of *Bumiputera* in Science stream.

6. Sekolah Menengah Vokasional (Vocational Secondary School)

This type of school was initially created to cater for those who failed in their *Sijil Rendah Pelajaran* to proceed to Form Four in the field of Vocational Technical Education. Their certificate SPVM (Malaysian Certificate of Education), until the late eighties, was not recognized as equivalent to SPM (Malaysian Certificate of Education) for the purpose of admission to Diploma programmes in the Universities. Although initially these schools all boarding schools, today there are also 'vocational day schools'.

7. States Religious Boarding Schools

These are not Federal Government establishments, but were created by certain state governments. They initially took pupils who obtained good passes in Islamic Knowledge, but later their function was also realigned to include that of preparing good *Bumiputera* candidates for University admission. Examples include Sekolah Izzuddin Shah and Sekolah Menengah Taayah, both in the State of Perak.

8. Sekolah Menengah Agama (Religious Secondary School)

These schools were created in the 1980s. Although their name has religious connotations, they are actually ordinary boarding schools teaching all academic subjects. They are part of the Federal Government's plan to help prepare *Bumiputra* candidates for University.

9. Maktab Rendah Sains MARA or MRSM (MARA Junior Science College)

This type of school was established by a statutory body whose function is to look after the interest of the economics of the *Bumiputera*, *Majlis Amanah Rakyat* (The People's Trust Council). These schools, initially used English as the medium of instruction and emulated Western style (especially American secondary education, with more freedom given to the students to manage themselves independently. Students of these schools did not wear uniform. Lessons, were called 'lectures'. Even in architecture designs and landscaping' they are distinct from other schools in Malaysia. Many of the products of these schools were sent to Universities overseas, especially to the USA, to do professional courses. With the current political climate of students 'discipline', the old concept is fading and these school are now just like any other government boarding school.

APPENDIX 4

[Arrangement of Sections]

4

ACT 30

PART IV

UNIVERSITY COLLEGES

Section

19. Prohibition on establishing University Colleges.
20. Incorporation and establishment of a University College.
21. Constitution of a University College.
22. Application of provisions of Part III to this Part.

PART V

GENERAL

23. Offence of establishing a University or University College.
24. Certain prohibitions in respect of "University" or "University College".
25. Existing Universities.
26. Exemption.
27. Repeal.

SCHEDULE.

LAWS OF MALAYSIA

Act 30

UNIVERSITIES AND UNIVERSITY COLLEGES
ACT, 1971

An Act to provide for the establishment, maintenance and administration of Universities and University Colleges and for other matters connected therewith.

[30th April, 1971.]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the Authority of the same, as follows:

PART I

PRELIMINARY

1. This Act may be cited as the Universities and University Colleges Act, 1971. Short title.

2. In this Act—

Interpreta-
tion.

“Campus” in any context relating to a University or University College means the Campus of the University or University College;

“Chancellor” in any context relating to a University means the Chancellor of the University;

“Constitution” in any context relating to a University or a University College means the Constitution of the University or University College;

“Faculty” in any context relating to a University means the Faculty, school or institute of the University and in any context relating to the Campus of the University includes any part of the Faculty, school or institute designed to such campus;

“Higher Education” includes University and University College education;

"Higher Educational Institution" means any University or University College established under this Act;

"Minister" means the Minister responsible for Education;

"Pro-Chancellor" in any context relating to a University means a Pro-Chancellor of that University;

"Senate" in any context relating to a University means the Senate of that University;

"University Council" in any context relating to a University means the Council of the University constituted in accordance with the Constitution of the University;

"University" or "University College" means a higher educational institution having the status of a University or University College respectively;

"University or University College education" means the education provided by a University or University College;

"Vice-Chancellor" in any context relating to a University means the Vice-Chancellor of that University.

PART II

HIGHER EDUCATION

Responsibility of Minister.

3. The Minister shall, subject to the provisions of this Act, be responsible for the general direction of higher education and the administration of this Act.

Power of Minister to appoint person or body to investigate.

4. For the purpose of enabling more effective discharge of the Minister's responsibility for higher education and the administration of this Act, the Minister may, from time to time, appoint any person or body to investigate into any of the activities or the administration of any higher educational institution and to report to him the result of such investigation with recommendations relating thereto.

PART III

UNIVERSITIES

Prohibition on establishing Universities.

5. No higher educational institution with the status of a University shall be established except in accordance with the provisions of this Act.

UNIVERSITIES AND UNIVERSITY COLLEGES

7

6. (1) If, the Yang di-Pertuan Agong is satisfied that it is expedient in the national interest that a University should be established, he may by order—

Incorporation and establishment of a University.

(a) declare that there shall be established a higher educational institution having the status of a University, which shall be a body corporate, for the purpose of providing, promoting and developing higher education in all such branches of learning as shall be specified in the order;

(b) assign a name and style to that University; and

(c) specify the location of the site which shall be the seat of that University.

(2) An Order made under subsection (1) (hereinafter referred to as the "Incorporation Order") shall, at the next meeting of the House of Representatives, be laid on the table of the House and shall, at the expiration of ten days from being so laid or such extended period as the House of Representatives may by resolution direct, cease to have effect if and in so far as it is not confirmed by a resolution passed by the House of Representatives within the said ten days or, if such period has been extended, within such extended period.

7. (1) Upon the coming into force of the Incorporation Order made under section 6, a higher educational institution having the status of a University, with the name and style assigned to it by the Order, shall be deemed to have been established, and by which name the Chancellor, the Vice-Chancellor and the members for the time being of the University Council and the Senate shall be deemed to have been constituted a body corporate with perpetual succession and with full power and authority by and in such name—

Effect of Incorporation Order and general powers of a higher educational institution which is a University.

(a) to sue and be sued in all courts;

(b) to have and use a common seal and to alter the same at its pleasure;

(c) to purchase any immovable or movable property and to take, accept and hold any such property which may become vested in it by virtue of any such purchase or by any grant or donation, lease, testamentary disposition or otherwise;

(d) to sell, lease, exchange or otherwise dispose of any such property not inconsistent with any condition

or restriction as may be imposed by the Constitution; and

(e) to exercise, discharge and perform all such powers, duties and functions as may be conferred or imposed on the University by this Act or the Constitution.

(2) The powers conferred on a University by subsection (1) shall, unless otherwise expressly provided by this Act or the Constitution, be exercised by the University Council.

Constitution
of a
University.

8. (1) The Constitution of a University shall contain provisions for all the matters set out in the Schedule to this Act.

(2) If at any time the Constitution does not contain provisions set out in the Schedule to this Act, the University Council shall take such steps as may be necessary for giving effect to the provisions aforesaid or for removing the inconsistent provisions in the Constitution.

(3) Without prejudice to subsection (2), the Yang di-Pertuan Agong may, at any time, amend the Constitution so as to bring it into accord with the provisions of the Schedule to this Act.

(4) The provisions of the Constitution shall take effect from such date as may be appointed by the Yang di-Pertuan Agong and shall have the force of law within the Federation.

(5) Anything done or appointment made for and on behalf of the University prior to the date of the coming into force of the Constitution shall, on and after that date, be deemed to be made for by or on behalf of the University.

University
to keep
office as an
address for
service in
Federation.

9. (1) Every University shall keep and maintain an office situated within the Federation, which shall be its address for service for all writs, complaints, notices, pleadings, orders, summonses, warrants or other proceedings and written communications of all kinds.

(2) All writs, complaints, notices, pleadings, orders, summonses, warrants or other proceedings or other written communications shall, if left at the office kept and maintained under subsection (1), be deemed duly served upon or delivered to a University or such officer or authority to whom they may have been addressed, in all proceedings before any Court in the Federation.

10. Every University shall keep at the office mentioned in section 9 a copy of each current Statute, Act, Regulation or other documents required to be published under this Act or the Constitution, and shall keep the same available at all reasonable hours for inspection by the public and, where any books or copies of documents are, under this Act or the Constitution, required to be available for purchase by the public, such books or copies shall be kept available for purchase at such office or at some other place within the Federation as the University may think fit.

Copies of Statutes, etc., to be kept at office of University.

11. (1) Parliament may from time to time provide grants-in-aid to a University.

Grants-in-aid and accounts.

(2) All moneys paid to a University under subsection (1) shall be applied or expended by the University for all or any of the purposes of the University in accordance with the estimates approved under the provisions of the Constitution:

Provided that any such moneys appropriated to and not applied for the purposes of the annually recurrent expenditure of the University may, with the approval of the Minister, be applied to capital expenditure.

(3) A copy of the accounts of the University for each financial year shall be prepared and submitted for audit before 30th July immediately following the financial year; and the accounts together with the report of the auditor shall be submitted to the Minister.

(4) The Minister shall cause a copy of the audited accounts of the University to be laid on the table of the House of Representatives.

12. (1) The Yang di-Pertuan Agong may, by order published in the *Gazette* (hereinafter referred to as "a Campus Order")—

Establishment of Campus of a University.

- (a) establish a Campus of the University;
- (b) assign a suitable name or designation to the Campus;
- (c) specify the site or location of the Campus, being the site or location which shall be in addition to the Campus at the seat of the University;
- (d) assign a Faculty or Faculties to the Campus;
- (e) specify the department or departments of study comprised in such Faculty or Faculties; and

(f) prescribe such other matters as may be necessary or expedient for giving effect to the Campus Order.

(2) The Yang di-Pertuan Agong may at any time, amend, vary or revoke a Campus Order by a subsequent order published in the *Gazette*.

Acquisition of land for purposes of the University.

13. (1) When any immovable property, not being State land or reserved land or land vested in State or in the Federation or occupied or used by the Federation or a public authority for Federal purposes, is needed for the purposes of a University and cannot be acquired by agreement, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose for the time being in force in the State in which such property is situated, and any declaration required under any such written law that such land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the University, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) Expenses and compensation in respect of any immovable property acquired under subsection (1) shall be paid by the University.

(3) All immovable property acquired under this section shall vest in the University, and an entry to that effect in the appropriate register shall be made by proper registering authority.

Exemption from estate duty.

14. No estate duty shall be payable in respect of the amount of any bequest to a University, and the value of the property passing on the death of a deceased shall be deemed not to include the amount of such bequest for the purpose of fixing the rate of estate duty.

Prohibition on Students' activities.

15. (1) No Students' Council, Faculty Students' organisation or any body or group of students of a University shall have any affiliation with, or shall do anything which can be construed as expressing support, sympathy or opposition to any political party or trade union established and registered under the law relating to the registration of societies or trade unions or to any unlawful group or body of individuals.

(2) No person while he is a student of the University shall be an office bearer in a political party or trade union

established and registered under the law relating to registration of societies or trade unions.

(3) Any person who contravenes the provisions of subsection (1) or subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand dollars or six months' imprisonment or to both such fine and imprisonment.

16. If any Faculty Students' organisation, Students' Council or Students' body of a University conducts itself in a manner which the University Council considers detrimental or prejudicial to the well-being of a University, or violates any provision of this Act or rules or regulations made thereunder, the University Council may suspend or dissolve such organisation, Council or body.

Power of University Council in relation to Students' organisations.

17. The Constitution may establish a provident fund scheme for its employees and the following provisions shall apply to any such provident scheme—

Constitution to provide protection of benefits under provident fund scheme.

- (a) no assurance on the life of any contributor under any provident scheme and no moneys or other benefits received under such assurance or in any other manner under any such scheme shall be capable of being taken in execution or otherwise garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever against the contributor or his estate unless the University in its discretion shall have assigned such assurance, moneys or other benefits to the contributor for his absolute use and benefit or, in the case of his death, to his legal personal representative;
- (b) subject to any discretionary trusts or powers as to the application thereof vested by any Act or rules relating thereto in the University or other person administering the provident scheme, all moneys and benefits arising from any such provident scheme shall be deemed to be impressed with a trust in favour of the objects entitled thereto under the will or intestacy of any deceased contributor;
- (c) no donation or contribution to a fund established under a provident scheme or interest thereon shall be assignable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the University;

- (d) no such donation or contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution or interest pass to the Official Assignee on the bankruptcy of such contributor, but, if such contributor is adjudicated a bankrupt or is declared insolvent by judgement of the court, such donation or contribution or interest shall, subject to the provisions of this Act and of the Constitution and of any Act or rules relating thereto, be deemed to be impressed with a trust in favour of the persons entitled thereto on the death of the contributor;
- (e) the bankruptcy of a contributor shall not effect the making of deductions from the salary of the contributor in accordance with any Act or rules relating thereto, but such deductions shall continue to be made notwithstanding the provisions of any written law, and the portion of salary so deducted shall be deemed not to form part of his after-acquired property;
- (f) subject to the provisions of any Act or rules relating thereto, all moneys payable or paid out of any fund established under a provident scheme on the death of a contributor shall be deemed to be impressed with a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in such form as may be prescribed under the scheme, but shall not be deemed to form part of his estate or be subject to the payment of his debts.

Transitional provisions.

18. The Yang di-Pertuan Agong may in respect of the Constitution provide such transitional provisions as he may deem necessary or expedient for the purpose of achieving the objects of the University.

PART IV

UNIVERSITY COLLEGES

Prohibition on establishing University Colleges.

19. No higher educational institution with the status of a University College shall be established except in accordance with the provisions of this Act.

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20. If, the Yang di-Pertuan Agong is satisfied that it is expedient in the national interest that a University College should be established, he may by order—

Incorporation and establishment of a University College.

- (a) declare that there shall be established a higher educational institution having the status of a University College, which shall be a body corporate for the purpose of providing, in accordance with the provisions of this Act and the Constitution of the University College, higher education in specified branches of learning;
- (b) assign a name to that University College; and
- (c) specify the location of the site which shall be the seat of that University College.

21. (1) The Yang di-Pertuan Agong may by regulations prescribe the Constitution of a University College.

Constitution of a University College.

(2) The Yang di-Pertuan Agong may at any time amend the Constitution of a University College.

(3) The provisions of the Constitution of a University College shall take effect from such date as may be appointed by the Yang di-Pertuan Agong and shall have the force of law within the Federation.

(4) Anything done or appointment made for and on behalf of the University College prior to the date of the coming into force of the Constitution shall, on and after that date, be deemed to be made for, by or on behalf of the University College.

22. The provisions of subsection (2) of section 6, sections 7, 9, 10, 11, 13, 14, 15, 16 and 17 applicable to a University established under this Act shall *mutatis mutandis* apply to a University College established or deemed to be established under this Act subject to the following modifications, that is to say—

Application of provisions of Part III to this Part.

- (a) reference to "University" shall be read as reference to "University College";
- (b) reference to "Chancellor" and "Vice-Chancellor" shall be read as reference to the appropriate authorities of the University College;
- (c) reference to "Pro-Chancellor" shall be deleted; and

(d) such other modifications as may be necessary or expedient for giving effect to the provision of this section.

PART V
GENERAL

Offence of establishing a University or University College.

23. (1) No person shall establish, form or promote or do anything or carry on any activities for the purpose of establishing or forming or promoting the establishment or formation of a University or University College otherwise than in accordance with the provisions of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine of ten thousand dollars or to imprisonment for a term of five years or to both.

Certain prohibitions in respect of "University" or "University College".

24. (1) No person shall establish, manage or maintain a higher educational institution with the status of "University" or "University College" unless it is a higher educational institution established in accordance with the provisions of this Act.

(2) No higher educational institution or person shall issue to or confer on any person any degree or diploma purporting to be degree or diploma issued or conferred by a University or University College unless the issue or conferment is in accordance with the provisions of this Act.

(3) Any person who contravenes subsection (1) or subsection (2) shall be guilty of an offence and shall on conviction be liable to a fine of five thousand dollars or to imprisonment for a term of three years or to both.

Existing Universities. 44/61.

25. (1) The University of Malaya established under the University of Malaya Act, 1961, shall be deemed to be a University established under this Act.

44/61.

(2) The University of Malaya Act, 1961, shall, subject to the provisions of this Act, continue in force for the purpose of that University.

Exemption.

26. The Yang di-Pertuan Agong may, with respect to any university, by order exempt, vary or add to any of the provisions of the Schedule.

Repeal.

27. The Emergency (Essential Powers) Ordinance No. 74, 1971 is hereby repealed.

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SCHEDULE

(Section 8)

CONSTITUTION

1. This Constitution may be cited as the Constitution of the University of..... *Citation.*

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

“Act” means any Act made in accordance with this Constitution or any Statute;

“Authority” means any of the Authorities of the University referred to in section 12, and includes any Authority established by Statute;

“Chair” means the post of professor;

“Convocation” means a Convocation held in accordance with section 44;

“Council” means the Council of the University constituted in accordance with section 15;

“Court” means the Court of the University constituted in accordance with section 13;

“Faculty” means a Faculty established under section 18;

“Foundation Day” means the date on which the Incorporation Order made by the Yang di-Pertuan Agong under section 6 of the Universities and University Colleges Act, 1971 comes into force;

“Guild of Graduates” means the Guild constituted in accordance with section 22;

“Institution” means a department, school or other body established under section 18;

“Officer” means the Chancellor, a Pro-Chancellor, the Vice-Chancellor, the Deputy Vice-Chancellor, the Dean of a Faculty, the Registrar, the Bursar, the Librarian, or the holder or any office created by Statute;

“Senate” means the Senate of the University constituted in accordance with section 17;

“Statute” means any Statute made in accordance with this Constitution;

“Teacher” means a person appointed to be a teacher by the Council in accordance with this Constitution, and includes a Professor, Reader, Senior Lecturer, Lecturer and Assistant Lecturer;

“The University” means the University of.....

(2) References in this Constitution to a section are reference to a section 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..... by which name and style the Chancellor, the Pro-Chancellors, the Vice-Chancellor, and the members for the time being of the Court, the Council and the 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 and make anew such seal as it shall think fit;
- (c) for the purposes of this Constitution, and subject to the Statutes, Acts 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, Acts and Regulations, all powers and duties conferred or imposed upon the University by such provisions.

Powers of
University.

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

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

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- (g) to institute chairs, lectureships, and other posts and offices, and to make appointments thereto;
 - (h) to establish a University printing press and to publish books and other matter;
 - (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 the Federation or elsewhere;
 - (j) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance towards the advancement and dissemination of knowledge;
 - (k) to invest in land or securities (whether authorised 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 enter into contracts, to appoint such staff and to establish such trusts, as may be required for the purposes of the University;
 - (m) to appoint, promote and discipline officers, teachers and staff of the University;
 - (n) to regulate the conditions of service of the staff of the University, including schemes of service, salary scales, leave and discipline;
 - (o) to establish pension or superannuation or provident fund schemes for the benefit of its employees, and to enter into arrangements with other organisations or persons for the establishment of such schemes;
 - (p) to regulate and provide for the residence of officers, teachers, staff and students of the University and the welfare and discipline of teachers, staff and students;
 - (q) to demand and receive such fees as may from time to time be prescribed by Act; and
 - (r) to do all such acts and things, whether or not incidental to the powers aforesaid as may be requisite in order to further 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 the Federation's foreign relations, that it is necessary to confer an honorary degree upon a foreign dignitary, on the direction by the Yang di-Pertuan Agong the University shall confer such degree as stated in the direction.

3. 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

Distinctions
of race
and creed
prohibited.

or imposed in order to entitle any persons to be admitted to such membership or to be awarded any degree or diploma of the University, nor shall any fellowship, scholarships, exhibition, bursary, medal, prize or other distinction or award be limited to persons of any particular race, religion, nationality or class if the cost of the same is met from the general funds of the University.

The seal
of the
University.

3. (1) The common seal of the University shall be such seal as may be approved by the Chancellor on the recommendation of the Council and such seal may in like manner from time to time be broken, changed, altered and made anew.

(2) The common seal of the University shall be kept in the custody of the Vice-Chancellor.

(3) The common seal of the University shall not be affixed to any instrument except in the presence of—

(a) The Vice-Chancellor; and

(b) one other member of the Council,

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

(5) Any document or instrument which (if executed by a person not being a body corporate) will not require to be under seal may in like manner be executed by the University provided that such document or instrument shall be executed on behalf of the University by an officer or any person generally or specially authorised by the Council on their behalf and provided further that the name of such officer or person so authorised is duly gazetted.

PART II

THE OFFICERS OF THE UNIVERSITY

The
Chancellor.

7. (1) There shall be a Chancellor who shall be the Head of the University and shall preside when present at—

(a) meetings of the Court;

(b) meetings of the Council; and

(c) 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, Act or Regulation.

(2) The Chancellor shall hold office for a period of seven years from the date of his appointment, or until he shall by writing under his hand addressed to the Council earlier resign his office, or until he shall be removed for good cause by the Court.

(3) The Chancellor shall be appointed by the Court on the nomination of the Council in accordance with such procedure as may be prescribed by Statute.

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

8. (1) The Chancellor may appoint such persons to be Pro-Chancellors as he may consider proper. The Pro-Chancellor.

(2) If for any reason the Chancellor is unable to exercise any of his functions under this Constitution or any Statute, Act or Regulation, he may authorise 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.

9. (1) There shall be a Vice-Chancellor who shall be appointed by the Council. The Vice-Chancellor and Deputy Vice-Chancellor.

(2) In making an appointment under subsection (1) the Council shall act on the advice of a Committee consisting of—

- (a) a Chairman appointed by the Chancellor;
- (b) two persons elected by the Council from among its own members;
- (c) two persons elected by the Senate from among its own members; and
- (d) non-voting assessors, not exceeding two in number (who need not be present at meetings of the Committee) appointed by the Council after consultation with the Senate.

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

(4) It shall be the duty of the Vice-Chancellor to see that the provisions of this Constitution and the Statutes, Acts 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 or committee keeps within its powers or terms of reference.

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

(6) The power of the Vice-Chancellor to exercise general supervision over welfare and discipline in the University shall include the power—

- (a) to suspend a member of the staff (academic or non-academic) from exercising his function or office for a period not exceeding two months or for such longer period as may be approved by the Council;
- (b) to suspend a student from the use of the University facilities for a period not exceeding an academic term or for such longer period as may be approved by the Council; and
- (c) to fine summarily a student not exceeding \$25. The moneys collected from the fine shall be used for the student welfare at the discretion of the Vice-Chancellor.

(7) The terms of office and other conditions of service of the Vice-Chancellor shall be determined by the Council, and shall be embodied in a contract under the seal of the University.

(8) There may be one or more than one Deputy Vice-Chancellor who shall be appointed by the Council after consultation with the Senate for such period as the Council after consultation with the Senate may determine, or as may be prescribed by Act.

(9) 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 functions of his office, the Deputy Vice-Chancellor shall exercise such functions; and in the event of the absence or disability of the Deputy Vice-Chancellor the Council shall make such temporary arrangements as it may think fit for the exercise of such functions.

Registrar,
Bursar and
Librarian.

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

(2) The Registrar, the Bursar and the Librarian shall be appointed by the Council on the advice of the Board of Selection.

(3) Subject to the provisions of this Constitution, the terms of office and other conditions of appointment of the Registrar, the Bursar and the Librarian shall be determined by the Council.

Other
officers.

11. The University may appoint such other officers or servants as may be prescribed by Statute.

PART III

THE UNIVERSITY AUTHORITIES

The
Authorities.

12. (1) The Authorities of the University shall be the Court, the Council, the Senate, the Faculties, the Institutions, the Boards of Studies, the Board of Selection, the Board of Student Welfare, and such other bodies as may be prescribed by Statute as Authorities of the University.

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

The Court.

13. The Court shall consist of—

(a) the Chancellor;

(b) the Pro-Chancellors;

(c) the Vice-Chancellor;

(d) the Vice-Chancellors of all the Universities established in the Federation and the Vice-Chancellor of such other University, at the discretion of the University;

(e) the members for the time being of the Council;

(f) the members for the time being of the Senate;

(g) eight persons appointed by the Yang di-Pertuan Agong;

(h) one person appointed by each Ruler or Governor of a State;

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- (i) one or more persons appointed by the head of state of any country, at the discretion of the University;
 - (j) such representatives of the Guild of Graduates as may be prescribed by Statute;
 - (k) such representatives of the Federal and State Legislatures and local authorities as may be prescribed by Statute;
 - (l) such representatives of organisations engaged in teaching or research, learned societies, hospitals and educational institutions as may be prescribed by Statute;
 - (m) not more than thirty persons appointed by the Chancellor on the recommendation of the Vice-Chancellor being persons representative of professional, commercial, industrial, cultural and other organisations in the Federation; and
 - (n) the President and the Secretary for the time being of the Students' Representative Council.
14. The Court shall, subject to the provisions of this Constitution, have power— Powers of the Court.
- (a) to receive an annual report on the University from the Vice-Chancellor;
 - (b) to receive such special reports as the Council may submit to Court;
 - (c) to receive the audited annual accounts of the University;
 - (d) to pass such resolutions relating to any reports or accounts submitted to the Court as the Court may think fit;
 - (e) to receive copies of all Statutes;
 - (f) to pass such resolutions relating to any Statute received by the Court as the Court may think fit; and
 - (g) to exercise such other functions as may be conferred on the Court by Statute.
15. (1) The Council shall consist of— Council.
- (a) the Vice-Chancellor;
 - (b) three persons appointed by the Yang di-Pertuan Agong;
 - (c) two persons appointed by the Conference of Rulers;
 - (d) one person appointed by the Ruler or Governor of the State in which the University is situated;
 - (e) two persons appointed by the Chancellor;
 - (f) two persons elected by the Court from among its own members;
 - (g) one person (not being a Dean of a Faculty) elected by the Senate from among its own members in such manner as may be prescribed by Statute;
 - (h) one Dean elected in rotation in such manner as may be prescribed by Statute; and
 - (i) if and when a Guild of Graduates is established, two persons ordinarily resident in the Federation, elected by the Guild of Graduates from among its own members;

(2) Subject to subsection (4), the Council shall from time to time elect one of its members to be Chairman and one to be Deputy Chairman, and shall transact no business while the office of Chairman is vacant other than the election of a Chairman.

(3) During any absence of the Chairman from any sitting, the Deputy Chairman or, if he also is absent, subject to subsection (4) such other member as may be elected by the members present, shall sit as Chairman of the Council.

(4) No member of the Council who is a member of the staff or a student of the University shall be eligible for election or to sit as Chairman or Deputy Chairman of the Council:

Provided that if at any time there shall be no member of the Council so eligible or, although so eligible, willing to accept office or sit as Chairman or Deputy Chairman, then during any period of such ineligibility or unwillingness the provisions of this subsection shall cease to apply to the Council.

(5) The Chairman and Deputy Chairman shall vacate the chair on ceasing to be a member of the Council or on becoming disqualified for sitting as Chairman and Deputy Chairman.

(6) A Deputy Vice-Chancellor, if not a member of the Council under paragraph (g) or (h) of subsection (1) may attend meetings of the Council but shall have no vote.

Powers of
the Council.

16. The Council 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, Acts and Regulations conferred on some other Authority or body or on some officer of the University:

Provided that—

- (a) no resolution shall be passed by the Council 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 Council its opinion thereon;
- (b) no member of the Council who is a member of the academic staff (other than the Vice-Chancellor and a Dean) shall take part in the proceedings of the Council when it is holding discussions or making decisions on the appointment, promotion and other matters relating to the service of a member of the academic staff; and
- (c) no member of the Council who is a student shall take part in the proceedings of the Council when it is holding discussions or making decisions on the appointment, promotion and other matters relating to the service of a member of the academic staff and on the discipline of a student.

The Senate.

17. (1) The Senate shall consist of—
- (a) the Vice-Chancellor, who shall be Chairman;
 - (b) the Deputy Vice-Chancellor;
 - (c) the professors of the University; and

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(d) such other members of the academic staff not exceeding ten (of whom at least three shall be lecturers on the permanent establishment) appointed by the Chancellor.

(2) The Senate shall be the academic body of the University and, subject to the provisions of this Constitution, the Statutes, Acts and Regulations, shall have the control and general direction of instruction, research and examination, and the award of degrees, diplomas and certificates.

(3) In the performance of its duties, functions and responsibilities, the Senate may delegate any of its duties, functions and responsibilities to its members of a committee consisting of its members.

18. (1) The University shall be divided into such number and names of Faculties, Institutions and Schools as may be prescribed by Statute.

The Faculties,
Institutions
and Schools.

(2) A Faculty, Institution or School shall be responsible to the Senate for the organisation of instruction in the subject of study within the purview of the Faculty, Institution or School, as the case may be, and may exercise such other functions as may be conferred on it by Statute, Act or Regulation.

(3) A Faculty shall elect from among its members a Dean and at least one Deputy Dean. The Dean shall be chairman of the Faculty and shall exercise such other functions as may be vested in him by Statute, Act, or Regulation; and if owing to his absence on leave or for any other reason the Dean is unable to perform the duties of his office, it shall be lawful for the Deputy Dean to perform such duties of the Dean for such time as such disability may continue.

(4) Subject to the provisions of any Statute, the Vice-Chancellor shall have power to appoint a person to be head of an Institution or School, and such head shall be styled by such title as may be prescribed by Statute, Act or Regulation; and if owing to absence on leave or for any other reason the head of an Institution or School is unable to perform his duties, the Vice-Chancellor may, except as otherwise provided by Statute, appoint any person to perform such duties for such time as such disability shall continue.

19. A Board of Studies may be appointed by the Senate for either of the following purposes—

The Board
of Studies.

(a) to deal with matters pertaining to one or more faculties or Institutions or Schools;

(b) to consider proposals referred to it by the Senate for the establishment of a new Faculty, Institution or School; and

in either case to report thereon to a Faculty or Faculties or to an Institution or Institutions or School or Schools or to the Senate as the case may require.

20. (1) There shall be a Board of Selection which, subject to any Statute, shall consist of—

The Board
of Selection.

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

(b) two members of the Council appointed by the Council;

(c) the Dean or head of the Faculty, Institution or School or the Deans or heads of the Faculties, Institutions or Schools (if any) to which the Chair will be allocated; and

(d) two members of the Senate appointed by the Senate.

(2) Save as provided in subsection (3) the Board of Selection shall be convened and presided by the Vice-Chancellor.

(3) Whenever it is decided to fill an appointment other than that to a Chair, the Board of Selection convened for that purpose shall be presided by the Deputy Vice-Chancellor, or, in his absence, by a member elected by the members present at the meeting.

(4) Where the Deputy Vice-Chancellor is not a member of the Board of Selection, he shall for the purpose of the meeting in which he presides under subsection (3) and the decision made thereat, be deemed to be a member of the Board of Selection.

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

The Board of Student Welfare.

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

(2) The Board of Student Welfare shall have such powers as may be prescribed by Statute.

Guild of Graduates.

22. (1) Subject to the approval of the Council, it shall be lawful for not less than thirty graduates of the University to form and establish an association to be known as the Guild of Graduates.

(2) The Guild of Graduates shall be governed and administered in accordance with its constitution and rules made by it and no such constitution and rules so made or any amendments thereto shall come into force unless and until approval thereof shall have first been obtained from the Council.

(3) Nothing in this section shall be construed as constituting the Guild of Graduates to be an Authority of the University or as conferring any power thereon to elect as its representatives to the Council persons who are for the time being employed by the University as members of its academic and non-academic staff.

Term of office of members of Authorities.

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

Provided that—

(a) where the person is elected or appointed because he holds an office or is a member of some other Authority or body, he shall cease to be a member of the Authority if before the expiry of his term of office he ceases to hold such office or to be a member of such Authority or body; and

(b) a person who retires at the end of his term of office shall be eligible for re-election or reappointment if he is otherwise qualified.

UNIVERSITIES AND UNIVERSITY COLLEGES 25

(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.

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

24. (1) Subject to the provisions of this Constitution and to any Statutes, Acts or Regulations, a question at any meeting of any Authority shall be decided by a majority of the votes of the members present.

(2) The Chairman and every member shall have and may exercise one vote each, but in the event of an equality of votes the Chairman shall have and may exercise a second or casting vote.

PART IV

STATUTES, ACTS AND REGULATIONS

25. Subject to the provisions of this Constitutions, Statutes may be made to deal with any or all of the following matters—

- (a) the powers and duties of the officers of the University;
- (b) the composition, powers, duties and procedure of the Authorities of the University;
- (c) the methods of appointment and the conditions of service of the officers and teachers of the University;
- (d) the determination of the degrees, diplomas and other academic distinctions to be conferred by the University;
- (e) the conditions of admission and of residence and the discipline and welfare of students;
- (f) the management of the library;
- (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.

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

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

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

- (a) the powers and duties of the Dean of a Faculty or the Head of an Institution or school;
- (b) the composition, powers, duties and procedure of the Senate, a Faculty, an Institution, a School, a Board of Studies, a Board of Selection, or the Board of Student Welfare;
- (c) the determination of degrees, diplomas, and other academic distinctions to be conferred by the University;

Procedure
on making,
amending
or revoking
statutes.

- (d) the methods of appointment and the conditions of service of teachers;
- (e) the conditions of residence and the welfare and discipline of students;
- (f) the management of the library; and
- (g) all other matters within the jurisdiction of all 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 Council its observations thereon.

(4) Every Statute made under this section shall be laid on the table at the next meeting of the Court then following the making of such Statute.

27. Subject to the provisions of this Constitution and the Statute, Acts may be made for all or any of the following matters—

- (a) the principles governing the award of degrees, diplomas and other academic distinctions;
- (b) the number and scope of examinations;
- (c) the appointment, powers, duties, remuneration and conditions of service of examiners and the conduct of examinations;
- (d) the admission of students to the examinations, degree and diploma courses of the University and to residence in the University;
- (e) the methods of appointment and the conditions of service of persons in the employment of the University;
- (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 the welfare and discipline of students;
- (h) the fees to be charged for courses of study, for residence, for admission to examination, for degrees and diplomas, and any other fees that may be levied by the University;
- (i) the management of the lecture halls, the laboratories, research institutes, halls of residence, and all branches of University activity not specifically provided for in this Constitution or by Statute;
- (j) the constitution, powers and duties of any Board, committee or other body not specifically provided for in this Constitution or by Statute;
- (k) all matters which by this Constitution or any Statute may be prescribed by Act; and
- (l) all matters within the powers of the University and not otherwise provided for by this Part of this Constitution.

Procedure
on making,
amending
or revoking
Acts.

28. (1) The Council may, subject to the provisions of this section, make, amend or revoke any Act.

UNIVERSITIES AND UNIVERSITY COLLEGES

27

(2) The draft of any Act dealing with—

(a) any matter referred to in paragraphs (a), (b), (c), (d), (e) and (f) of section 27; or

(b) any matter within the jurisdiction of the Senate,

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

29. (1) The Court, the Council and the Senate may each make regulations for its own procedure. Regulations

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

(3) The Senate may make regulations for the procedure of a Faculty, Institution, School or Board of Studies, or of any other board or committee subject to the jurisdiction of the Senate.

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

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

30. (1) When any new Statute or Act is made, amended or revoked every such Statute, Act, amendment or revocation shall within one month after the same shall have been made or done be published in the *Gazette* and in such other manner as the Council may direct. Publications of Statutes, Acts and Regulations.

(2) The Statutes, Acts and Regulations of the University as amended from time to time shall be published in book form at such intervals as the Council 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 Act or Regulation containing only instructions to examiners or invigilators; or

(b) any Act or Regulation which the Council resolves not to publish.

31. In the event of—

(a) any Statute being inconsistent with the provisions of this Constitution; or

(b) any Act being inconsistent with the provisions of this Constitution or any Statute; or

(c) any regulation being inconsistent with the provisions of this Constitution or any Statute or Act.

then the provisions of the Constitution, Statute or Act, as the case may be, shall prevail, and such Statute, Act or Regulations, as the case may be, shall to the extent of the inconsistency be void. Constitution, Inconsistencies between the Statutes, etc.

PART V

FINANCIAL PROVISIONS

- Standing Finance Committee.** 32. The Council shall appoint a Standing Finance Committee for regulating and controlling the finances of the University.
- Preparation of Estimates.** 33. It shall be the duty of such officer or officers of the University as may be prescribed by Statute to prepare for the consideration of the Vice-Chancellor the estimates of income and expenditure of the University for each financial year.
- Financial year.** 34. (1) For the purposes of this Part the financial year shall be the calendar year or such other period as the Council may determine.
(2) The accounts of the Council shall, as soon as may be, be balanced for the preceding financial year and an annual statement or abstract thereof shall be prepared.
(3) The annual statement or abstract referred to in subsection (2) shall be prepared in such form and shall contain such information as the Council may from time to time direct.
- Annual Estimates.** 35. (1) The Council 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 Council thereon, to the Minister.
(2) Before the date fixed for the meeting of the Council for the purpose of approving such estimates the Standing Finance Committee shall prepare draft estimates for submission to the Council, and the copy of such estimates shall be delivered to each member of the Council not less than seven days before the date fixed for such meeting.
(3) The Council may, subject to the provisions of subsection (1), in its discretion approve, modify or reject all or any of the items appearing in such draft estimates or refer any item back to the Standing Finance Committee for its consideration or add any item thereto.
- Supplementary Estimates.** 36. Where additional financial provision is required in any year the Council may from time to time approve supplementary estimates for the purpose of showing the sources from which any additional expenditure incurred by it may be met.
- No expenditure to be incurred unless included in the Estimates.** 37. (1) The Council shall not incur any expenditure which has not been included in any approved estimates:
Provided that subject to the provisions of this Constitution the Council 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;
(b) to one item of capital expenditure to another item of capital expenditure.

UNIVERSITIES AND UNIVERSITY COLLEGES 29

- (2) The provisions of subsection (1) shall not apply to—
 - (a) moneys deposited with the University by any person, wherever by the conditions of such deposit any such sum has become repayable;
 - (b) moneys collected and credited to the Funds of the University in error;
 - (c) moneys payable by the University under any judgment or order of court;
 - (d) moneys expended by the University in instituting or defending legal proceedings; and
 - (e) expenditure arising out of any property or moneys referred to in section 39.

38. The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct, and shall show in separate parts the annually recurrent expenditure and the capital expenditure of the University.

Form of Estimates.

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

Power of the Council to accept gifts.

(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.

40. 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.

Property given for specific purposes to be separately accounted for.

41. Any contract involving the expenditure by the University of more than five thousand dollars shall be in writing, signed on behalf of the University by a person acting under the express or implied authority of the University:

Form of contracts.

Provided that any contract (other than a contract referred to in subsection (3) of section 45) involving expenditure by the University of more than ten thousand dollars, and any contract which if made between private persons would be required by law to be under seal shall be executed by affixing thereto the common seal of the University.

42. No dividend or bonus shall be paid and no gift or division of money shall be made by or on behalf of the University to or among any of its members except by way of prize, reward or special grant or under any provident scheme.

Dividends prohibited.

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

Audits.

(2) The audited accounts, with any observation made thereon by the auditors, shall be presented to the Court at its next meeting.

PART VI

GENERAL PROVISIONS

- Convocation. 44. (1) A Convocation for the conferment of degrees shall be held annually, or as often as the Chancellor may direct, on such date as may be approved by the Chancellor.
- (2) In the absence of the Chancellor or of a Pro-Chancellor, authorised for this purpose by the Chancellor, the Vice-Chancellor shall preside over Convocation.
- (3) The procedure of Convocation shall be prescribed by Act, but no such Act shall be made until the Chancellor has been consulted about its terms.
- Appointments of teachers and employees. 45. (1) All persons employed or to be employed by the University as teachers, the Registrar, the Bursar or the Librarian, shall be appointed as such by the Council on the advice of the Board of Selection.
- (2) All persons employed or to be employed by the University other than those mentioned in subsection (1) shall, subject to any Act, be appointed by the Council.
- (3) Every person employed by the University shall hold office on such terms and conditions as may be prescribed by the Council and the terms and conditions to be so prescribed shall be deemed to include a provision—
- (a) in relation to teaching, examining, invigilating and other similar duties, that his employment is subject to the provisions of this Constitution and to the provisions of all Statutes, Acts 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 Statute, Acts and Regulations in force on the date of the commencement of his employment.
- (4) Nothing in this section shall prevent the Council from entering into a special contractual arrangement with a person to be so employed by the University if it is in the opinion of the Council expedient so to do. /
- Royal Professors. 46. (1) Notwithstanding the provisions of section 20 and 45, the Yang di-Pertuan Agong may, after consultation with the Chancellor, from time to time appoint persons of exceptional academic distinction to be professors of the University:
- Provided that the number of persons so appointed shall not at any time exceed three in number.
- (2) Any person appointed under subsection (1) shall be known as a Royal Professor and—
- (a) shall hold office upon such terms and conditions as the Chancellor with the approval of the Yang di-Pertuan Agong may deem appropriate; and
 - (b) subject to the terms of his appointment and to any direction by the Chancellor, shall have all the powers and perform all the duties conferred or imposed upon professors by this Constitution, and any Statute, Act and Regulation made thereunder.

UNIVERSITIES AND UNIVERSITY COLLEGES 31

47. A student shall not be admitted to the University to a course of study for a degree unless he (hereinafter in this Part referred to as a "matriculated student") shall have satisfied such requirements as may be prescribed by Act: Admission
of Students.

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

48. (1) There is hereby established a body to be known as the University of Students' Representative Council (hereinafter referred to as "the SRC") consisting of all matriculated students of the University who have not been conferred a degree. The students'
Representative
Council.

(2) Subject to subsection (3), the Constitution of the SRC and any amendment or revocation thereof shall be approved by the Council or by such other authority as may be authorised for this purpose by Statute and shall have no effect until so approved.

(3) Nothing in this section shall empower the Council or the authority referred to in subsection (2) to approve the Constitution of the SRC or any amendment thereof where the Constitution does not contain the provisions of the following subsections.

(4) The SRC shall have a President, a Vice-President, a Secretary and a Treasurer, who shall be its office bearers.

(5) Except as provided in subsection (6) every member of the SRC shall be eligible to be elected to hold office in the SRC.

(6) No graduand shall be eligible to be elected to hold office in the SRC, but if a member of the SRC who is holding office therein has become a graduand he may continue to hold the office until a degree shall have in fact been conferred upon him. For the purpose of this section a "graduand" means a matriculated student who has passed the final examination held by the University for his course of studies but has not yet been conferred a degree.

(7) Nothing in this section shall preclude any graduate, who is a registered student, from becoming an associate member of the SRC.

(8) 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 an Act made by the Council for the purpose, be appointed to undertake student welfare activities in the University;

- (e) to assist the University authorities to maintain discipline among students;
- (f) to represent students who are accused in disciplinary inquiries; and
- (g) to undertake such other activities as may be determined by the Council from time to time.

(9) The fund of the SRC shall consist of subscriptions paid by members and donations received from persons or organisations approved by the Council. The said fund shall not be expended except only for the objects stated in subsection (10) and approved by the resolution passed by the SRC in accordance with its Constitution; and no payment shall be made unless the particulars requiring payment shall (except where from the nature of the case a receipt is not obtainable) be vouched for by a bill stating the particulars and by a receipt.

(10) The fund of the SRC may be expended for payment of administrative costs of the SRC including audit of its accounts and for any payment connected with or arising out of the carrying out by the SRC of any of the objects specified in subsection (8):

Provided that nothing herein contained shall entitle the SRC or any office bearer thereof to apply the fund of the SRC either directly or indirectly for the promotion of the objects of a political party or a trade union body or for the promotion of the objects of any organization to which it is not affiliated.

(11) The Treasurer shall keep proper accounts of income and expenditure of the fund of the SRC and not later than three months after the end of every financial year as defined by the Constitution of the SRC a copy of the said accounts which shall be audited by a person appointed by the Council and remunerated by the SRC shall be submitted by the SRC for approval to the Council.

(12) 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.

Establishment
of other
student
bodies.

49. (1) Notwithstanding section 48, it shall be lawful for not less than ten students, subjects to the following subsections and the approval of the Council, to establish a body (hereinafter referred to as "a student body") consisting of students of the University for the promotion of a specific object or interest within the University.

(2) The provisions of section 48 shall *mutatis mutandis* apply to a student body established under this section as they apply to the SRC:

Provided that nothing in this section or section 48 shall prevent the SRC from giving such contributions or grants as it may deem necessary.

No affiliation
with bodies
outside the
University.

50. The SRC and a student body established under section 49 shall have no affiliation with any political party or a trade union body or other organisation registered or incorporated under any written law in force relating thereto:

Provided that—

- (a) the Council may permit the SRC or any student body established under section 49 to affiliate with another student body registered under any law relating to the registration of societies; and

UNIVERSITIES AND UNIVERSITY COLLEGES 33

(b) the Minister may permit the SRC or any student body established under section 49 to affiliate with any international student body.

51. If the SRC or a student body established under section 49 conducts itself in a manner which in the opinion of the Council 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, Act or Regulation of the University, the Council may suspend or dissolve the SRC or the said student body, as the case may be; and without prejudice to any liability that may arise under any other written law in force, every office bearer of the SRC or the said 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 which
violate the
Constitution
of the SRC
or a student
body.

52. (1) Where by the provisions of this Constitution or any Statute, Act or Regulation any officer or authority is empowered to exercise any power or perform any duty, such officer or authority may by instrument in writing subject to the provisions of this section and to such conditions and restrictions as may be prescribed in such instrument, delegate the exercise of such powers or the performance of such duties to any authority or to any committee or to any person described therein by name or office.

Powers of
delegation.

(2) A delegation under this section may be revoked at any time by the officer or authority making such delegation.

(3) No delegation of any power or duty under this section shall affect the exercise of such power or the performance of such duty by the officer or Authority making such delegation.

(4) Nothing in this section shall apply to any power to make or approve Statutes, Acts or Regulations.

53. If any member of an Authority, or any graduate of the University, or any person who has received a diploma or other academic distinction from the University, is convicted by a court of law of any heinous offence whether within or without the Federation, or is in the opinion of the Council 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 Council—

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

(a) to remove him from membership of the Authority; or

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

54. 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 Chancellor, whose decision thereon shall be final.

Disputes as
to elections,
determined
by the
Chancellor.

Amendment
of certain
provisions
of the
Constitution.

55. (1) The Yang di-Pertuan Agong may, at the request of the Council submitted through the Chancellor, by order amend any of the following provisions of the Constitutions—

- (a) section 13 (the Court);
- (b) section 15 (the Council);
- (c) section 32 to 38 (Standing Finance Committee, Preparation of Estimates, Financial Period, Estimates, Supplementary Estimates, incurring of expenditure and Form of Estimates);
- (d) the proviso to subsection (1) of section 46 (the number of royal professors);

and may by such order make any further amendments incidental to or consequential upon the exercise of such power of amendment.

(2) A copy of every order made under subsection (1) shall be published in the *Gazette* and laid before Parliament as soon as possible after it has been made.

UNIVERSITIES AND UNIVERSITY COLLEGES ACT, 1971

(Section 6)

UNIVERSITI PERTANIAN MALAYSIA (INCORPORATION) ORDER, 1971

WHEREAS section 6 of the Universities and University Colleges Act, 1971 provides that the Yang di-Pertuan Agong, may, if he is satisfied that it is expedient in the national interest that a University should be established, by order establish the University in accordance with subsection (1) of that section; Act 30.

AND WHEREAS the Yang di-Pertuan Agong is satisfied that a University should be established;

NOW THEREFORE by virtue of the powers conferred upon him by section 6 (1) of the Act, the Yang di-Pertuan Agong hereby makes the following order:

1. This order may be cited as the Universiti Pertanian Malaysia (Incorporation) Order, 1971. Citation.

2. (a) There shall be a higher educational institution having the status of a University, which shall be a body corporate, for the purpose of providing, promoting and developing, higher education in the fields of Agriculture, Forestry, Veterinary Science, Natural Sciences, Engineering Sciences, Technology, Social Sciences, Humanities and Education as well as to provide for research and the accumulation and advancement of knowledge and the dissemination of such knowledge in the aforesaid fields of study; Incorporation.

(b) The aforesaid higher educational institution shall be known by the name and style "Universiti Pertanian Malaysia"; and

(c) The site of the aforesaid Universiti Pertanian Malaysia (which shall be the seats of the University) shall be located at lot Nos. 3261, 290, 1698, 2580, 5379, GN. 2399 and AA/5/63 in the Mukim of Petaling, in the District of Kuala Lumpur, in the State of Selangor and at lot Nos. 6306, 5664, 5269, 5270, 7128 and 7407 in the Mukim of Kajang, in the District of Ulu Langat, in the State of Selangor.

Made this 4th day of October, 1971.
[K.P. Sulit 10030 Jld. II; PN. (PU².)75.]

By Command,

HUSSEIN ONN,
Minister of Education

UNIVERSITIES AND UNIVERSITY COLLEGES ACT 1971

(Section 8)

CONSTITUTION OF THE UNIVERSITY AGRICULTURE MALAYSIA

P.U.(A) 38771. IN pursuance of the powers conferred by section 8 of the Universities and University Colleges Act 1971, the Yang di-Pertuan Agong has appointed the 1st day of January 1977 as the date on which the provisions of the Constitution of the University Agriculture Malaysia established under the Universiti Pertanian Malaysia (Incorporation) Order 1971, as specified in the Schedule to the Act as exempted, varied or added by virtue of section 26 of the Universities and University Colleges Act 1971, shall be deemed to have effect.

Transitional provision to cease to have effect.
P.U.(A) 40771

The Transitional Provisions as provided for by the Yang di-Pertuan Agong pursuant to section 18 of the Universities and University Colleges Act 1971, with respect to the University vide P.U. (A) 40771 shall cease to have effect.

Citation. 1. This Constitution may be cited as the Constitution of the University Agriculture Malaysia.

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

"Act" means any Act made in accordance with this constitution or any Statute;

"Faculty" means a Faculty established under section 18;

"Teacher" means a person appointed to be a teacher by the Council in accordance with this Constitution, and includes a Professor, Reader, Associate Professor, Lecturer and Assistant Lecturer;

"Foundation Day" means the 4th day of October 1971, the date on which the Incorporation Order made by the Yang di-Pertuan Agong under section 6 of the Universities and University Colleges Act 1971 comes into force;

"Court" means the Court of the University constituted in accordance with section 13;

"Convocation" means a Convocation held in accordance with section 44;

"Council" means the Council of the University constituted in accordance with section 15;

"Officer" means the Chancellor, Pro-Chancellor, the Vice-Chancellor, the Deputy Vice-Chancellor, the Dean of a Faculty, the Registrar, the Bursar, the Chief Librarian, the Director of Farms, or the holder of any office created by Statute;

"Regulation" means any regulation made by any Authority or officer or other body of the University in accordance with the provisions of this Constitution of any Statute or Act;

"Guild of Graduates" means the Guild constituted in accordance with section 22;

"Authority" means any of the Authorities of the University referred to in section 12, and includes any Authority established by Statute;

"Centre" means a Centre established under section 18;

"Senate" means the Senate of the University constituted in accordance with section 17;

"Statute" means any Statute made in accordance with this Constitution;

"The University" means Universiti Pertanian Malaysia;

"Institution" means a department or other body established under section 18.

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

PART 1

THE UNIVERSITY

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

Establishing
of Univer-
sity as body
corporate.

- (a) to sue and be sued in all courts;
- (b) to have and use a common seal and from time to time to break, change, alter and make anew such seal as it shall think fit;
- (c) for the purposes of this Constitution, and subject to the Statutes, Acts 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, Acts and Regulations, all powers and duties conferred or imposed upon the University by such provisions.

4. (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 and diplomas including external degrees and diplomas upon persons who have followed courses of study approved by the University and have satisfied such other requirements as may be prescribed by Act;
- (c) to recognize the degrees and diplomas 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 or diplomas or on graduates of the University on such conditions as may be prescribed by Act;
- (d) to confer degrees upon teachers of the University who have satisfied such requirements as may be prescribed by Act;
- (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 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 matter;
- (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 the Federation or elsewhere;
- (j) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance towards the advancement and dissemination of knowledge;
- (k) to invest in land or securities (whether authorised as trustee investment or not) such funds as may be vested in it for the purposes 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 enter into contracts, to appoint such staff and to establish such trusts, as may be required for the purposes of the University;

- (m) to appoint, promote and discipline officers, teachers and staff of the University;
- (n) to regulate the conditions of service of the staff of the University, including schemes of service, salary scales, leave and discipline;
- (o) to establish pension or superannuation or provident fund schemes for the benefit of its employees, and to enter into arrangements with other organisations or persons for the establishment of such schemes;
- (p) to regulate and provide for the residence of officers, teachers, staff and students of the University and the welfare and discipline of teachers, staff and students;
- (q) to demand and receive such fees as may from time to time be prescribed by Act; and
- (r) to do all such acts and things, whether or not incidental to the powers aforesaid as may be requisite in order to further 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 the Federation'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.

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 persons to be admitted to such membership or to be awarded any degree or diploma of the University, nor shall any fellowship, scholarship, exhibition, bursary, medal, prize or other distinction or award be limited to persons of any particular race, religion, nationality or class if the cost of the same is met from the general funds of the University.

Distinctions of race and creed prohibited.

6. (1) The common seal of the University shall be such seal as may be approved by the Chancellor on the recommendation of the Council and such seal may in like manner from time to time be broken, changed, altered and made anew.

The seal of the University.

(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 other than a degree, diploma or certificate except in the presence of —

- (a) The Vice-Chancellor; and
- (b) one other member of the Council,

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) The common seal of the University shall be affixed to a degree, diploma or certificate in the presence of—

- (a) The Vice-Chancellor; and
- (b) the Registrar,

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.

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

(6) Any document or instrument which (if executed by a person not being a body corporate) will not require to be under seal may in like manner be executed by the University provided that such document or instrument shall be executed on behalf of the University by an officer or any person generally or a specially authorised by the Council on their behalf and provided further that the name of such officer or person so authorised is duly gazetted.

PART II

THE OFFICERS OF THE UNIVERSITY

Chancellor. 7 (1) There shall be a Chancellor who shall be the Head of the University and shall preside when present at—

- (a) meetings of the Court;
- (b) meetings of the Council; and
- (c) 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, Act or Regulation.

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

(3) The Chancellor may be 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.

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