

University of Fiji

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TABLE OF AMENDMENTS

University of Fiji Act 2011 (No 26 of 2011)¹ commenced on 1 August 2011, as amended by:

Amending Legislation	Date of Commencement
Revised Edition of the Laws (Consequential Amendments) Act 2016 (No 31 of 2016)	1 December 2016

¹ This was promulgated as Decree 26 of 2011. In accordance with section 3 of the Interpretation Act 1967, the word "Decree" used with reference to any such "Decree" in the title or provisions of any written law or in any document or legal proceeding may be replaced with the word "Act".

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF THE UNIVERSITY OF FIJI

PART 1 — PRELIMINARY

[UNF 1] Short title and commencement

1 This Act may be cited as the University of Fiji Act 2011 and shall come into force on a date appointed by the Minister by notice in the Gazette.

[UNF 2] Objective of the Act

2 The objective of this Act is to bring the University of Fiji which hitherto has been operating through Shiksha (Fiji) Ltd under the Companies Act 2015, to be under an Act, to serve the post-secondary educational needs of the communities of Fiji and any other global communities that may wish to receive tertiary education at the University.

[s 2 am Act 31 of 2016 s 222, opn 1 Dec 2016]

[UNF 3] Interpretation

3 In this Act, unless the context otherwise requires—

academic staff means professors, associate professors, the University librarian, senior lecturers, lecturers and assistant lecturers of the University and includes such other persons and categories of persons as the Council shall on the recommendation of Senate determine;

academic unit means schools, departments, centres, institutes and other academic divisions requiring specific budget allocation;

Chancellor means the chancellor of the University appointed under section 8 of this Act;

conviction means a conviction for any offence committed under the Crimes Act 2009 which the Council considers to be such as to render the person concerned unfit for the execution of the duties of his or her office;

Council means the council of the University established under section 12;

elected member means a member of the Council elected under section 13(3) or a member of Senate elected under section 26(3);

land of the University includes any land and buildings owned by the Sabha;

Minister means the Minister responsible for education;

Ministry means the ministry of education;

Permanent Secretary means the permanent secretary responsible for education;

Pro-Chancellor means the pro-chancellor of the University appointed under section 9;

Registrar means the registrar of the University appointed under section 11(2);

Sabha means the Arya Pratinidhi Sabha of Fiji;

Senate means the senate of the University established under section 25;

staff means all categories of persons in the employment of the University unless the category of staff is otherwise specified;

student means a person who is enrolled full-time or part-time at the University;

Students Association means the organisation of students established by section 37(1);

University means The University of Fiji;

Vice-Chancellor means the vice-chancellor of the University appointed under section 10(8); and

year means a calendar year.

[The next page is 745,401]

PART 2 — ESTABLISHMENT OF THE UNIVERSITY

[UNF 4] Establishment of the University

4 (1) The establishment and operation of the existing University, with the name and style of the “The University of Fiji”, is hereby established to provide higher education for the members of the communities of Fiji and members of any other global communities who may wish to receive a tertiary education, is hereby reaffirmed.

(2) The University is owned by the Sabha and has been operating since 2005.

(3) The University shall be a body corporate with perpetual succession and a common seal by the name and style of “The University of Fiji” with power and capacity in that name to undertake the following—

- (a) with the consent of the Sabha, to sue and to take or seek any other form of action of law or in equity;
- (b) to take, purchase, hold, charge, sell, exchange, lease or otherwise dispose of expendable or any moveable property of any description;
- (c) to enter into contracts, to appoint agents and attorneys, to engage consultants, to fix charges and other terms for services and other facilities it supplies; and
- (d) subject to the written laws of Fiji and this Act, to perform such other acts as are deemed necessary or desirable for the attainment of its objectives.

(4) The University may exercise any one or more of its powers inside or outside Fiji.

[UNF 5] Objective of the University

5 (1) The objective of the University shall be to promote scholarship, research, free inquiry and academic excellence, and in this process to create, disseminate, maintain and advance knowledge by teaching and other means to provide appropriate levels of education and training for the welfare and needs of the communities mentioned in section 4(1).

(2) The University shall provide education and training at the post-secondary levels, consistent with national and international standards of teaching, research and other academic activities in similar institutions of higher learning.

[UNF 6] Powers of the University

6 The University shall have power to—

- (a) provide for and encourage the creation, advancement and dissemination of knowledge, through scholarship, research and teaching and by such other means as the University may think fit to such standards as the University from time to time determines;
- (b) subject to any legal requirements of the appropriate authority provide through programmes and courses of study and otherwise instruction and training at such levels and by such means as the University may think appropriate;
- (c) participate in community engagement through the application of knowledge created and advanced at the University to society, industry and Government in a congenial environment;
- (d) institute, grant and confer degrees, diplomas, certificates and other distinctions and awards of study approved by the University to those who have qualified for such grants in accordance with the requirements of the University;

- (e) revoke or deprive any persons of degrees, diplomas, certificates or other distinctions or awards granted or conferred by the University on reasons that the University shall consider to be good cause;
- (f) confer distinctions including honorary degrees on approved persons, according to requirements established by the University;
- (g) determine and accept where appropriate examinations passed and periods of study spent at other universities and institutions as equivalent to such examinations and periods of study in the University as the University may determine and to revoke such acceptance at any time;
- (h) institute professorships, associate professorships and lectureships and other offices of any kind as the University may consider appropriate;
- (i) appoint persons to and to remove them from such offices instituted, to prescribe the conditions of service of staff and to provide for their discipline;
- (j) accord the status of members of the academic staff of the University to such persons for such purposes and periods as the University may from time to time determine;
- (k) prescribe the conditions under which persons or categories of persons shall be admitted as students to the University;
- (l) make standing orders for the discipline of students;
- (m) establish awards such as fellowships, scholarships, prizes and other assistance for study and research;
- (n) provide facilities, resources and institutional governance structures that ensure the integrity of the University's academic and research programmes, and promote the well-being of the University's staff, students and other persons undertaking study and research at the University;
- (o) affiliate, associate or cooperate with other institutions or bodies with regard to matters pertaining to the well-being of the University and other academic institutions as may be appropriate in particular institutions;
- (p) enter into any agreement for the incorporation in the University of any other institution or body and in consultation with and approval of the Sabha, for taking over the rights, properties and liabilities thereof;
- (q) enter into any agreement for the academic association with the University of any other institution or body;
- (r) make provision for consultancy, research, design, development, testing and advisory services and for the dissemination of the same in such manner as the University may determine including entering into arrangements with other institutions, bodies or companies as the University may consider desirable and to determine, charge and collect fees for such services;
- (s) determine, demand and collect fees;
- (t) raise money and procure contributions to the funds of the University in such manner and for such purposes as the University may from time to time think fit;
- (u) provide facilities and buildings, to maintain, manage, deal with, dispose of and subject to this Act, enter into engagements and to accept obligations and liabilities in all respects and in the same manner as an individual may manage his or her own affairs, subject to the approval of the Sabha;
- (v) manage any property, legacy, endowment, bequest or gift held in furtherance of the objects of the University, and to invest any funds of the University following the appropriate guidelines as approved by the Council;
- (w) establish a code of conduct for its operations at various levels; and

- (x) subject to consultation with the Sabha, do all such other acts and things whether incidental to the powers aforesaid or not as the University may consider necessary or expedient in order to further its objects.

PART 3 — OFFICERS OF THE UNIVERSITY

[UNF 7] Officers of the University

7 (1) The officers of the University are—

- (a) The Chancellor;
- (b) The Pro-Chancellor;
- (c) The Vice-Chancellor; and
- (d) The Registrar.

(2) The Council may appoint such other officers as it may think fit, with such duties and terms and conditions as it may determine.

[UNF 8] The Chancellor

8 (1) There shall be a Chancellor of the University, who shall be the titular head of the University and who shall confer University degrees and award diplomas and certificates.

(2) The Chancellor shall be appointed by the Council in consultation with the Senate and with the approval of the Sabha, and shall hold office for terms of up to 3 years.

(3) The successor of the first Chancellor shall be appointed by the Council, after consultation with the Senate and approval of the Sabha, and shall hold office for terms of 3 years.

(4) The term of the Chancellor may be renewed by the Council for further periods of 3 years.

(5) Any vacancy arising in the office of the Chancellor shall be filled by the Council in accordance with subsection (3).

[UNF 9] The Pro-Chancellor

9 (1) There shall be a Pro-Chancellor who shall be appointed by the Council.

(2) The Pro-Chancellor shall hold office for a period of 3 years.

(3) The Pro-Chancellor shall be eligible for reappointment but shall not hold office for more than 2 consecutive terms.

(4) If a person who is not a member of the Council is appointed to be the Pro-Chancellor, he or she shall on appointment become a member of the Council.

(5) The Pro-Chancellor shall be the Chair of the University Council and preside over its meetings.

(6) In the absence of the Chancellor or during a vacancy in the office of the Chancellor, the Pro-Chancellor shall exercise all the functions of the Chancellor.

(7) The Pro-Chancellor may resign by written notice to the Council.

(8) The Pro-Chancellor may be removed by resolution of the Council.

(9) The Pro-Chancellor shall be an *ex officio* member of all bodies of the University.

[UNF 10] The Vice-Chancellor

10 (1) The Vice-Chancellor is the chief executive officer of the University and may exercise the powers and perform the functions conferred on the Vice-Chancellor by this Act or by the Council.

(2) The Vice-Chancellor shall have a general responsibility to the Council for managing the University, and for maintaining and promoting the efficiency and good order of the University.

(3) The Vice-Chancellor shall report to each meeting of the Council on the working of the University.

(4) The Vice-Chancellor shall preside over meetings of the Senate.

(5) The Vice-Chancellor shall be an *ex officio* member of Council as provided in section 13(1)(b) and all the committees of Senate unless specifically provided otherwise in this Act.

(6) The Vice-Chancellor shall be empowered to draw up standing orders in the interest of good governance, ethical standards and good name of the University for endorsement by the Council, and in emergencies, take action on behalf of the Council.

(7) The Vice-Chancellor shall hold office for such period and under such terms and conditions as the Council may determine.

(8) The Vice-Chancellor shall be appointed by the Council on the recommendation of a joint committee of the Council and the Senate established for the purpose by the Council.

(9) The Vice-Chancellor may resign by giving due written notice to the Pro-Chancellor.

(10) The Vice-Chancellor may for good cause refuse to admit or readmit a person as a student of the University. The Vice-Chancellor shall report any such refusal to admit or to readmit to the Senate at its next meeting.

For the purpose of this subsection "good cause" with reference to the Vice-Chancellor's refusal to admit or readmit a person as a student of the University includes—

- (a) conviction of an offence which would render the person to be unfit as a student or a member of the university community of students and staff;
- (b) falsification, forgery or misrepresentation of information tendered by the person to support his or her application for admission as a student; and
- (c) the person has not yet served the full period of exclusion imposed on him or her by this or another university.

(11) Subject to this Act and the standing orders made thereunder, the Vice-Chancellor may suspend any person from any programme or course of study or from the use of any facilities, teaching materials or services, or exclude or authorise the exclusion of any person from any part of the University or premises in use by it. The Vice-Chancellor shall report any such suspension or exclusion to the Senate at its next meeting which shall then consider what further action needs to be taken.

(12) The Vice-Chancellor shall keep the Pro-Chancellor informed of all important developments at the University.

[UNF 11] Registrar

11 (1) The Registrar shall hold office for such period and on such terms and conditions as the Council determines.

(2) The Registrar shall be appointed by the Council on the recommendation of a committee established by the Council.

(3) The Registrar will be the secretary of the Council and the Senate and will be responsible for the administration of the University or such aspects of the administration as the Vice-Chancellor may from time to time determine.

PART 4 — THE COUNCIL

[UNF 12] Establishment of the Council

12 There is hereby established a Council of the University.

[UNF 13] Membership of the Council

13 The Council shall consist of the following persons—

(1) 2 *ex officio* members—

- (a) The Pro-Chancellor; and
- (b) The Vice-Chancellor.

(2) 15 appointed members—

- (a) 7 persons appointed by the Sabha;
- (b) 6 or any such number of persons as deemed necessary, representing the stakeholders in the provision of post-primary education in Fiji, to be appointed by the body they represent;
- (c) the Permanent Secretary or his or her representative;
- (d) one Professor appointed by the Senate; and
- (e) one registered student appointed by the executive of the Students Association in accordance with the relevant regulation.

(3) One elected member—

one non-professorial member of the academic staff elected by the non-professorial academic staff members.

(4) Co-opted members—

Co-opted members being such number of persons, not exceeding 6 who shall be co-opted by the Council after consultation with the Sabha, who shall be persons of commercial, academic and professional eminence. At least one of the members co-opted by the Council shall be a graduate of the University.

[UNF 14] Term of office of Council members

14 (1) The *ex officio* members shall hold office for as long as they continue to occupy the positions by virtue of which they became members.

(2) The term of members co-opted by the Council under section 13(4) shall be for such term not exceeding 3 years, as the Council shall determine in each case at the time the co-option is made but no co-opted member may serve for a continuous period in excess of 6 years.

(3) Members of staff appointed or elected under section 13(2)(d) and 13(3) shall hold office for a term of 3 years unless they cease to be members of staff.

(4) Student appointed under section 13(2)(e) shall be a member for a term of one year unless he or she ceases to be a student of the University before the expiry of the term.

(5) The Council shall call for representatives from the body empowered to make the appointment to the Council.

(6) If a body empowered to appoint a person to the Council has not made the appointment by the date determined by the Council or by a reminder letter given to the body that body shall forfeit the right to be on the Council for that term.

[UNF 15] Powers, duties and functions of the Council

15 (1) The Council may do all things necessary or require them to be done for its functions and for this purpose—

- (a) shall be the executive governing body of the University and shall be responsible for the management and administration of the revenue and property of the University;
 - (b) subject to the powers, duties and functions of the Senate as provided in this Act, the Council shall have general control over the conduct of the affairs of the University including disciplinary matters and may exercise on behalf of the University all powers conferred on the University by this Act;
 - (c) shall have the custody, control and disposition of all movable and expendable property, funds, fees and investments of the University excluding investments in real property. However in the event of liquidation and subject to the written laws of Fiji, all assets of the University shall vest in the Sabha;
 - (d) shall strive to ensure that the University attains the highest standards of excellence in education, teaching and learning, training and research;
 - (e) shall require the preparation and revisions of the strategic plan of the University and funding needs to enable the University to meet the objectives for which the University was established;
 - (f) shall ensure that the University is managed in accordance with the law, the general principles of good governance and the existing social policies of the Sabha;
 - (g) may engage in such joint venture activities as will enable the University to improve its provision of facilities, including the provision of halls of residence for students;
 - (h) shall determine all fees to be paid or charges to be levied, in respect of programmes and courses or otherwise;
 - (i) shall, for the purposes of responsible, effective and efficient use of resources, establish policies and procedures for the coordination of activities of the University and for accountability;
 - (j) shall have the custody of the seal of the University, and regulate the use of the seal;
 - (k) subject to this Act, may prescribe or regulate the status, appointment and continuance in office of the Vice-Chancellor and other officers of the University; and
 - (l) shall refer to the Senate any matter which the Council considers to bear directly on the academic responsibilities of the Senate.
- (2) Subject to this Act the Council, in addition to all other powers vested in it, shall have the following specific powers, functions and duties—
- (a) establish standing orders for the conduct of the business of the Council. In the absence of any such standing orders made under this subsection, the Council shall conduct its business as it deems fit;
 - (b) advise the Minister in the making of Regulations in accordance to the provisions of this Act;
 - (c) appoint the co-opted members of Council under section 13(4);
 - (d) be the employing authority for all staff in the University;
 - (e) establish all posts in the University;
 - (f) determine the salary structure, conditions of appointment and service, procedures for the appointment and remuneration of all staff of the University, and make provisions for their discipline;

- (g) provide for the welfare of all persons in the employment of the University;
- (h) after considering the views of the Senate establish any academic unit and to define its respective organisation, constitution and functions;
- (i) on the recommendation of the Senate, to institute degrees, diplomas, certificates and other academic distinctions or awards;
- (j) on the recommendation of Senate to approve new programmes of study and the structure of such programmes;
- (k) on the recommendation of a joint committee of the Senate and the Council, to grant any specific academic distinction including honorary degrees;
- (l) to comment or make recommendations on any standing orders relating to any programme or course of study submitted by the Senate to the Council;
- (m) on the recommendation of the Senate, to institute or accept awards such as fellowships, scholarships, student prizes and other assistance to study and research;
- (n) after consultation with the Senate, to provide as appropriate for the welfare of the students;
- (o) to review the work of the University and, subject to the powers, duties and functions of the Senate, take such steps as it considers appropriate for the purpose of advancing the interests of the University, maintaining its efficiency, encouraging teaching, the pursuit of learning and the provision of research;
- (p) after consultation with the Senate, to determine the terms and conditions under which any institution or body may affiliate to the University or the terms and conditions of any association or cooperation between the University and any institution or body, or, after the like consultation, to enter into any agreement for the incorporation in the University of any institution or body;
- (q) with the concurrence of the Senate, to revoke, for what the Council shall consider to be a good cause, any degree, diploma, certificate or other distinction or award conferred by the University and entitling the holder thereof to be a member of the University;
- (r) to select a seal, arms and insignia for the University and to have the custody and use of the seal;
- (s) to prescribe forms of official and academic dress; and
- (t) carry out any activity and do such other things as appear to the Council necessary or expedient for furthering the interests of the University and the provisions of this Act.

[UNF 16] Council to promote University's interests

16 The Council shall act in a manner that promotes the interests of the University.

[UNF 17] Delegation

17 (1) Subject to this Act, there shall be constituted such other institutions or bodies and such committees as the Council may from time to time consider necessary or expedient for the administration of the affairs of the University.

(2) The Council subject to subsection (4) may by resolution delegate any of its powers, duties and functions to—

- (a) such institutions, bodies or committees constituted under subsection (1);
- (b) the Pro-Chancellor;
- (c) the Vice-Chancellor;
- (d) an appropriately qualified member of the Council; and
- (e) an appropriately qualified committee that includes one or more members of

Council, provided that the delegate shall be appropriate to the nature of the power, duty or function to be delegated.

(3) No delegation may prevent the Council from performing any of the functions or exercising any of the powers it has delegated. All such delegation is revocable at will by the Council.

(4) The Council shall not delegate its power to make University standing orders and policies except those which the Senate is empowered by this Act to make.

[UNF 18] Vacation of office

18 (1) A member of Council may resign by written notice to the Pro-Chancellor.

(2) The office of an appointed, elected or co-opted member becomes vacant if the—

(a) member dies; or

(b) elected member ceases to be an eligible person for the body that elected the person.

(3) The Council may, by resolution of at least two-third majority of the members present and voting, remove a member of Council as a member, for "good cause" as defined in subsection (4).

(4) For the purposes of this section "good cause" with reference to removal from office includes—

(a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the execution of the duties of his or her office; or

(b) the person was duly declared bankrupt in accordance with section 20(a); or

(c) any physical or mental incapacity which the Council considers to be such as to render the person concerned unfit to continue to hold office, or

(d) conduct of a nature which the Council considers to be such as to render the person concerned unfit to continue to hold his or her office; or

(e) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to perform the duties of this office or to comply with the conditions of his or her office; or

(f) the member is absent without seeking leave from the Pro-Chancellor from 3 consecutive meetings of the Council.

(5) The Council may not remove a member of the Council without the member being given prior written notice of its intention and an opportunity of being heard by the Council in person.

(6) The member of Council removed will be notified through writing by the Pro-Chancellor conveying Council's resolution with the reasons for the removal.

[UNF 19] Casual vacancy

19 (1) If the office of a member becomes vacant before the end of the member's term, the Council shall call for a replacement from the body which appointed or elected that member.

(2) A person appointed or elected to fill a casual vacancy in the office of a member shall be appointed or elected for the balance of the term of office of the person's predecessor.

[UNF 20] Ineligibility for membership of Council

20 A person is not eligible to become a member if the person—

(a) was duly declared bankrupt by the courts; or

- (b) has been duly convicted of a criminal offence.

[UNF 21] Member's duties and obligations

21 (1) A member has the duty of ensuring that the Council performs its functions and exercises its powers appropriately, effectively and efficiently.

(2) In performing the duty, a member shall—

- (a) act honestly and in the best interests of the University;
- (b) exercise reasonable skill, care and diligence;
- (c) disclose to the Pro-Chancellor any conflict that may arise between the member's personal interests and the matter being considered or about to be considered by the Council; and
- (d) not make improper use of his or her position as a member, or of information acquired because of his or her position as a member, to gain, directly or indirectly, an advantage for the member or another person.

[UNF 22] Meetings of the Council

22 (1) The Pro-Chancellor shall preside at meetings of the Council.

(2) In the absence of the Pro-Chancellor from a meeting of the Council or if the office is vacant, the members present shall elect a member to preside at the meeting.

[UNF 23] Conduct of meetings

23 (1) A quorum exists at a meeting of the Council if at least 50% of its members are present.

(2) The Council may otherwise regulate its proceedings as it considers appropriate.

(3) Subject to the quorum requirement, no decision of the Council or act done in pursuance to subsections (1) and (2) shall be invalid by reason of vacancy in the office of a member of the Council or on the ground of any defect in the election, nomination or appointment of any such member.

(4) All decisions of Council shall be determined in accordance with the provision of section 41(5).

[UNF 24] Protection of members of the Council

24 No action, suit or other proceeding shall be instituted against any member of the Council personally in respect of any act done in good faith and without gross negligence or made by the member in execution or intended execution of any function of the Council under this Act.

PART 5 — THE SENATE

[UNF 25] Establishment of the University Senate

25 There shall be a Senate of the University.

[UNF 26] Membership of the Senate

26 The Senate shall consist of the following persons—

(1) *ex officio* members—

- (a) Vice-Chancellor who shall be the Chairperson;
- (b) Pro-Chancellor;
- (c) deans; and
- (d) professors.

(2) appointed members—

- (a) heads of departments;
- (b) directors of centres;
- (c) University librarian;
- (d) director of foundation studies;
- (e) heads of such other academic units as the Council on the recommendation of the Senate, may from time to time determine; and
- (f) one member of the executive from the Students Association appointed by the executives of the Students Association.

(3) one elected member—

one non-professorial member of the academic staff elected by the non-professorial academic staff.

[UNF 27] Term of office of Senate members

27 (1) The *ex officio* and appointed members of the Senate shall hold office for the period they occupy the positions by virtue of which they become members.

(2) Elected members of the Senate shall hold office for a term of 3 years and shall be eligible for re-election.

[UNF 28] Powers, duties and functions of the Senate

28 (1) The Senate shall be the academic authority of the University and shall, subject to the powers, duties and functions of the Council as provided by this Act, be responsible to the Council for the teaching and learning, consultancy, research and other academic work of the University, for ensuring the quality of such teaching, research and other work, and for the regulation and superintendence of the education, training and discipline of the students.

(2) The Senate shall, subject to this Act, have the following powers and duties to—

- (a) regulate and control all teaching programmes and courses of study and conditions under which persons may qualify for the various degrees, diplomas, certificates and other distinctions and awards of the University in accordance with its recommendation to standing orders approved by Council;
- (b) make recommendations to the Council for the institution of degrees, diplomas, certificates and other distinctions and awards;

- (c) regulate and control the admission of persons and categories of persons to the University for the purpose of pursuing any programmes or courses of study and to regulate and control their continuance in those programmes or courses of study;
- (d) where examinations, or other methods of assessment are necessary under requirements prescribed by the Senate for the granting of degrees, diplomas, certificates and other distinctions and awards, to regulate such examinations and methods of assessment and to appoint examiners, assessors and moderators, whether internal or external;
- (e) accept examinations passed and period of study spent at other Universities or other institutions as equivalent to such examinations and period of study in the University as the Senate may determine and to revoke such acceptance at any time;
- (f) accept courses of study in any other institution or body, which in the opinion of the Senate possess the means of affording the proper instruction for such courses, as equivalent to such programmes or courses of study in the University as the Senate may determine;
- (g) grant degrees, diplomas and certificates and other distinctions and awards to persons who have pursued a course of study approved by the Senate and have qualified for such grant in terms of requirements prescribed by the Senate;
- (h) determine what formalities shall attach to the conferment of degrees, diplomas and certificates and other distinction and awards;
- (i) regulate the use of academic dress in the University;
- (j) make recommendations to the Council on the institution or acceptance of awards such as fellowships, scholarships, bursaries, prizes and other assistance for study and research;
- (k) be responsible for the general administration of the University library;
- (l) review annually the academic organisation and development of the University with special reference to the effectiveness of the work of the University in relation to its mission and arising from such review, to take action within its competence, including reporting and making recommendations to the Council;
- (m) make recommendations to the Council on the establishment or discontinuance of any centre, institute, school or any other academic unit of the University;
- (n) review from time to time the duties of all academic staff;
- (o) make recommendations to the Council on any matter pertinent to the University and its affairs;
- (p) recommend to the Council appropriate provision for the personal development and well-being of the students;
- (q) advise and assist the Students Association and other organisations of the students, as it thinks appropriate;
- (r) regulate the discipline of the students of the University in accordance with standing orders to be made by the Council after consultation with the Senate;
- (s) expel, subject to an appeal by the student to Council, any student guilty of grave misconduct after giving the student an opportunity to appear personally and to be heard by a Discipline Committee of the Senate to be established by the Senate;
- (t) propose to the Council new standing orders which the Council may consider for approval;
- (u) express an opinion on any matter pertinent to the University and its affairs;
- (v) appoint members of the Senate to be members of the Council in accordance with section 13(2)(d); and

- (w) generally to exercise all such powers, duties and functions as are or may be conferred on the Senate by this Act including the power to make standing orders in the exercise of the powers and duties expressly set out in the standing orders and of all other powers, duties and functions of the Senate.

[UNF 29] Meetings of the Senate

29 (1) The Senate shall be chaired by the Vice-Chancellor as provided in section 10(4).

(2) The Senate shall meet at least 3 times in a year.

(3) A quorum for all meetings of the Senate shall be one-half of its total membership or such greater number of members as the Senate may from time to time determine.

(4) All decisions of the Senate shall be determined in accordance with the provisions of section 41(5).

[UNF 30] Delegation of powers to Committees or persons

30 (1) The Senate may from time to time establish standing or special committees which may include persons who are not members of Senate.

(2) The Senate may delegate any of its powers and duties including any powers, duties and functions which it has by delegation from the Council to any committee or person established under subsection (1).

(3) The committee or person may without confirmation by the Senate, exercise those powers or perform those duties as the Senate could itself have performed them provided that the Council may prohibit, or impose conditions in respect of the delegation by the Senate of any power or duty that is delegated to the Senate by the Council.

(4) No delegation may prevent the Senate from performing any of the functions or exercising any of the powers it has delegated. All such delegation is revocable at will by the Senate.

(5) The Vice-Chancellor shall be a member of all the committees of the Senate in accordance with section 10(5).

[UNF 31] Senate to bring matters to the Council

31 The Senate shall bring before the Council any matter coming before it which the Senate considers to have financial implications or in any way to affect the general well-being of the University or its relationship with persons or bodies outside the University.

PART 6 — ACADEMIC STRUCTURE

[UNF 32] Academic structure of the University

32 (1) There shall be schools in the University as the Council shall approve on the recommendation of the Senate.

(2) There shall be established within the schools, such departments and other academic units as the Council shall from time to time approve on the recommendation of the Senate.

(3) There may be such other academic units and other organisations of academic staff as the Council may approve on the recommendation of the Senate.

(4) The Council on the recommendation of the Senate shall appoint a member of the academic staff as the academic and/or administrative head of each—

(a) school; or

(b) any other academic unit or organisation.

established under this Act, for such term as the Council, on the recommendation of the Senate, shall from time to time determine.

(5) The functions and duties of the heads of school or the heads of any other academic unit or organisation appointed under subsection (4) shall be as the Council, on the recommendation of the Senate, from time to time determine.

PART 7 — FINANCES

[UNF 33] Funding of the University

33 (1) The funding of the University may be derived from—

- (a) monies allocated by the Government to finance the University;
- (b) income earned by the University through fees and levies, and other activities;
- (c) donations or contributions from sources approved by the Council;
- (d) monies borrowed; and
- (e) interest on investments.

(2) The Vice-Chancellor shall be the principal accounting officer of the University.

(3) The Council may raise money and procure contributions to the funds of the University in such manner and for such purposes as the Council from time to time thinks fit.

[UNF 34] Budget

34 (1) The Council shall approve annually the budget of the University for the ensuing financial year.

(2) The Council shall ensure that the University operates within its budget, and under no circumstance becomes insolvent or financially unsustainable.

[UNF 35] University's financial year

35 The University's financial year shall be the calendar year.

[UNF 36] Auditing of accounts and annual reports

36 (1) The Council shall cause proper accounts of the financial affairs of the University to be maintained and audited by an independent registered auditor.

(2) The Council shall appoint one or more persons as an independent auditor or auditors who shall hold office for such period and at such remuneration, as the Council shall determine.

(3) No person shall be appointed an auditor who is—

- (a) or any of whose partner is a member of the Council;
- (b) a staff member of the University;
- (c) not a qualified accountant;
- (d) not of high standing;
- (e) not registered in Fiji; or
- (f) not in the active practice of his or her profession.

(4) An auditor may be eligible for reappointment.

(5) The auditor shall have the right of access at all reasonable times to such books, records, accounts and vouchers of the University and shall be entitled to require from the officers of the University such information and explanations as may be necessary for the performance of his or her duties.

(6) If the office of any auditor becomes vacant, by death or resignation or from any other cause, before the expiration of his or her term of office, the Council shall fill the vacancy as soon as practicable thereafter.

(7) An auditor may resign by written notice to the Pro-Chancellor.

(8) The Council shall prepare an annual report of the University for its operations for the preceding year and shall submit such report, including its audited financial statements to the Sabha before the 30 April in each year which must then be forwarded to the Ministry.

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PART 8 — MISCELLANEOUS

[UNF 37] Student body

37 (1) There shall be an organisation of students of the University to be known as the The University of Fiji Students Association.

(2) The Students Association shall operate under standing orders and policies approved by Council on the recommendations of the Senate.

(3) The Senate shall make its recommendations to Council after having consulted the Students Association.

(4) The University shall not be liable for debts, liabilities and other obligations incurred by or for any act done or omitted to be done by any organisation of the students.

[UNF 38] Minister to make University regulations

38 Subject to the provisions of this Act, the Minister may with the advice of the Council make regulations in accordance with this Act.

[UNF 39] Non-discrimination

39 No person shall be discriminated against on the basis of religion, ethnicity, gender, political beliefs or any disability (except where it is necessary to discriminate to help the person with the disability), to prevent such person from being entitled—

- (a) to be admitted as a member, professor, teacher or student of the University; or
- (b) to hold office therein; or
- (c) to graduate; or
- (d) to hold any advantage or privilege attached.

[UNF 40] Academic freedom

40 In the performance of its functions, the Council and Sabha shall act in ways that are consistent with promoting academic freedom and enhancing the objects of the University.

[UNF 41] Procedure applicable to the Council, Senate and Committees

41 (1) Subsections 2 to 6 shall, except where other provisions are expressly stated in other parts of this Act, apply to the Council, the Senate or any committee of either the Council or Senate.

(2) Any appointed or elected member required by this Act to possess any qualification shall be deemed to have vacated his or her office if the person no longer has that qualification.

(3) Any appointed, elected or co-opted member may resign their office.

(4) Any appointed, elected or co-opted member is eligible for reappointment or re-election in accordance with this Act.

(5) Every matter shall be determined by the majority of the members present and voting. In the case of equality of votes, the person presiding at the meeting shall have a casting vote, whether or not the person voted on the motion.

(6) Subject to this Act, the Council may make standing orders to regulate its proceedings or those of the Senate or any of the committees of Council or Senate.

[UNF 42] Service of notices and documents

42 (1) Any notice or document required by or for the purposes of this Act, to be given or sent to a member of Council, Senate, staff or student or graduate of the University may be given or sent either personally or by post or courier or by electronic means to the person's address on record entered in the records of the University.

(2) Where a notice or document is sent by post, service thereof will be deemed to have been properly effected by addressing and posting a letter containing the notice or document, and shall be deemed to have been effected at the time at which the letter would in ordinary course be delivered.

[UNF 43] Direct control

43 (1) The Sabha as the owner of the University as provided in section 4(2) shall have the right to intervene and take direct control of the University's management should the Council be found to be contravening the provisions of this Act.

(2) The Sabha shall thereafter reconstitute a new Council to take charge of the administration of the University.

[The next page is 746,801]

PART 9 — TRANSITIONAL AND SAVING PROVISIONS

[UNF 44] University to operate under this Act

44 (1) After the commencement of this Act, the University shall cease to operate as an entity of Shiksha (Fiji) Ltd under the Companies Act 2015 and shall continue to operate as “The University of Fiji” as provided for under section 4(1) and as an entity of the Sabha as provided in section 4(2).

[subs (1) am Act 31 of 2016 s 222, opn 1 Dec 2016]

(2) All existing standing orders approved by the Council shall continue to be in force and the existing Council shall continue to function after the commencement of this Act as at present on the terms and conditions on which it was appointed unless revoked.

[UNF 45] Officers of the University continue in their positions

45 Officers of the University appointed before the commencement of this Act shall continue to hold office on the terms and conditions on which they were appointed.

[UNF 46] Employees to continue as University employees

46 On the commencement of this Act, all employees of The University of Fiji shall be deemed to be employees of the University on the existing terms and conditions on which each such person was employed prior to the commencement of this Act.

[UNF 47] Staff rights and entitlements to continue

47 All rights, including leave entitlements accrued or accruing to a staff member of the former entity up to the commencement of this Act, shall be maintained by the staff member after the commencement date of this Act.

[UNF 48] Students rights and entitlements to continue

48 All existing rights of students to their programmes of study and courses shall be maintained after the commencement of this Act.

[UNF 49] Act not binding on State

49 This Act is not binding on the State.