THE CHARter OF THE UNIVERSITY

AT THE COURT AT BUCKINGHAM PALACE
THE 4TH DAY OF FEBRUARY 1970
PRESENT
THE QUEEN’S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS there was this day read at the Board the Draft of a Charter for constituting a Body Corporate under the name and style of “The University of the South Pacific”.

HER MAJESTY, having taken the said Draft into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it hereby ordered, that the Right Honourable Michael Stewart, one of her Majesty’s Principal Secretaries of State, do cause a Warrant to be Prepared for her Majesty’s Royal Signature, for passing under the Great Seal a Charter in conformity with the said Draft, which is hereunto annexed.

W. G. AGNEW

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS Our Principal Secretary of State for Foreign and Commonwealth Affairs has on behalf of the Interim Council of the University of the South Pacific and in accordance with the wishes of the Governments of the British Solomon Islands, Fiji and the Gilbert and Ellice Islands and after consulting Our High Commissioner for the Western Pacific as regards the interests of the people of the New Hebrides, represented unto Us that it is expedient that We should constitute and found a University of the South Pacific for the maintenance, advancement and dissemination of knowledge by teaching, consultancy and research and otherwise and for the provision at appropriate levels of education and training responsive to the well-being and needs of the communities of the South Pacific and should grant a Charter with such provisions in that behalf as shall seem to Us right and suitable:

AND WHEREAS the Governments of the Cook Islands, the Republic of Nauru, Niue, the Tokelau Islands, the Kingdom of Tonga, and the Independent State of Western Samoa have also expressed the wish that such a University should be established.

NOW THEREFORE KNOW YE that We by virtue of Our Prerogative Royal in respect of Fiji and of Our especial grace, certain knowledge and mere motion have willed and ordained and by these Presents do for Us, Our Heirs and Successors will and ordain as follows:-

1. There shall be and is hereby constituted and founded for the communities of the South Pacific a University with the name and style of “The University of the South Pacific” (in this Our Charter referred to as “the University”).

2. The Chancellor, the Pro-Chancellor, the Vice-Chancellor and all other persons who are for the time being members of the University pursuant to this our Charter and the Statutes of the University are hereby constituted and henceforth for ever shall be one Body Politic and Corporate with perpetual succession and a Common Seal by the name and style of “The University of the South Pacific” with power and capacity in
that name to sue and be sued, to take, purchase, hold, charge, sell, exchange, demise or otherwise dispose of real and personal property, to invest, lend or borrow money, and, subject to this Our Charter, to perform such other acts as by law Bodies Corporate that are created by Charter may do; and the University shall have the constitution and powers and be subject to the provisions in this Our Charter prescribed or contained.

3. The objects of the University shall be the maintenance, advancement and dissemination of knowledge by teaching, consultancy and research and otherwise and the provision at appropriate levels of education and training responsive to the well-being and needs of the communities of the South Pacific.

4. The University shall, subject to this Our Charter and the Statutes, have the following powers:-

(a) To institute Professorships, Readerships and Lectureships and other offices of any kind and whether academic or not as the University may consider appropriate; to appoint persons to and to remove them from such offices and to prescribe their conditions of service and to provide for their discipline.

(b) To 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.

(c) To prescribe in the Statutes, Ordinances or Regulations the conditions under which persons and categories of persons shall be admitted to the University for the purpose of pursuing any programme of course of study therein.

(d) To provide through programmes and courses of study and otherwise instruction and training at such levels and by such means, including extramural tuition, as the University may think fit and to make provision for consultancy and research and for the maintenance, advancement and dissemination of knowledge in such manner as the University may determine.

(e) To institute awards such as Fellowships, Scholarships, Bursaries, Studentships, Prizes and other aids to study and research.

(f) To accept examinations passed and periods of study spent at other universities and other institutions or bodies 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.

(g) To grant and confer, under conditions laid down in the Statutes, Ordinances or Regulations, Degrees, Diplomas, Certificates and other distinctions or awards of study approved by the University and have qualified for such grant in accordance with the requirements of the University.

(h) To confer distinctions including Honorary Degrees on approved persons: provided that all such distinctions shall be conferred subject to any provisions which are or may be made in reference thereto in the Statutes, Ordinances or Regulations.
(i) On what the University shall consider to be good cause, to deprive persons of or revoke any Degrees, Diplomas, Certificates or other distinctions or awards granted or conferred by the University.

(j) To make provision for research, design, development, testing and advisory services and, with these objects, to enter into such arrangements with other institutions or bodies as the University may consider desirable and to charge to the users of those services such fees as the University may consider appropriate.

(k) To provide for the discipline of the students of the University.

(l) For the better provision of education, training, consultancy and research for the communities of the South Pacific, to affiliate, associate with or co-operate with other institutions or bodies, to appoint one or more representatives thereto, to recognize selected members of the staff thereof as members of the academic staff of the University, to admit selected members of the academic staff of the University, to admit selected members thereof to any of the privileges of the University, and to accept attendance to courses of study therein for the purposes of programmes and courses of study in the University (in all cases upon such terms and conditions as the University may from time to time determine); and to revoke or terminate at any time any such affiliation, association, co-operation, appointment, recognition, admission or acceptance.

(m) To enter into any agreement for the incorporation in the University of any other institution or body and for taking over the rights, properties, liabilities and engagements thereof.

(n) To provide for such printing and publication as the University may consider appropriate to the furtherance of its objects.

(o) To determine, demand and receive fees.

(p) To provide buildings, to maintain, manage, deal with, dispose of and, subject to this Our Charter and the Statutes, to invest all the property, money, assets and rights of the University and to enter into engagements and to accept obligations and liabilities in all respects without any restriction whatsoever and in the same manner as an individual may manage his own affairs.

(q) To establish and maintain and to administer and govern institutions for the residence of students and to license and supervise such institutions and other places of residence whether or not maintained by the University.

(r) To 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.

(s) To act as trustee or manager of any property, legacy, endowment, bequest or gift held in furtherance of the objects of the University; and to invest any funds representing the same in accordance with the Statutes.

(t) To give guarantees for the payment of any sum or sums of money or the performance of any contract or obligation by any company, body, society or
person if the University considers it to be expedient and consistent with its objects to do so.

(u) To provide for reward or otherwise, to the extent that the University may consider expedient and consistent with its objects, goods and services (including, without limiting the generality of the foregoing, residential accommodation) for members of the University and their families, guests and servants and, where appropriate for members of the public.

(v) To pay travelling allowances and expenses to the Chancellor and to any member of the Council or the Senate or any committee of the Council or the Senate in respect of any travel arising out of and in the course of the exercise of his powers or the performance of his duties and functions as Chancellor or member as aforesaid.

(w) To enter into contracts of insurance insuring the Chancellor and any member of the Council or the Senate or any committee of the Council or the Senate against loss from personal accident arising out of and in the course of the exercise of his powers or the performance of his duties and functions as Chancellor or member as aforesaid, and to pay the premiums payable in respect of those contracts.

(x) As appropriate, to continue and expand the work and activities hitherto carried on by the Interim Council of the University of the South Pacific.

(y) To take over from the Interim Council of the University of the South Pacific its rights, properties, liabilities and engagements.

(z) To do all such other acts and things whether incidental to the powers aforesaid or not as the University may consider to be necessary or expedient in order to further its objects.

5. There shall be a Chancellor of the University who shall be the titular head of the University.

6. There shall be a Pro-Chancellor of the University, who shall be Chairman of the Council and preside over its meetings. In the absence of the Chancellor or during a vacancy in the office of Chancellor, the Pro-Chancellor shall exercise and perform, subject to the Statutes, all the functions of the Chancellor except that of conferring Degrees.

7. There shall be a Vice-Chancellor of the University, who shall be the chief academic and administrative officer of the University and preside over meetings of the Senate, and who shall, in the absence of the Chancellor or during a vacancy in the office of Chancellor, confer Degrees.

8. There shall be a Deputy Vice-Chancellor of the University who shall, subject to the Statutes, exercise and perform such of the powers, duties and functions of the Vice-Chancellor as the Vice-Chancellor or, if the Vice-Chancellor should be incapacitated, the Council may delegate to him.
9. There shall be a Registrar of the University who shall be responsible, under the
direction of the Vice-Chancellor, for the administration of the University or such
aspects of that administration as the Council may from time to time determine.

10. There shall be such other officers of the University as the Council may from time to
time determine.

11. The first Chancellor, Pro-Chancellor, Vice-Chancellor and Registrar shall be the
persons named in the First Schedule to this Our Charter.

12. There shall be a Court of Convocation of the University. The membership and
powers of the Court of Convocation shall be defined in the Statutes and Ordinances.

13. There shall be a Council of the University (in this Our Charter referred to as “the
Council”) which, subject to this Our Charter and the Statutes, shall be the executive
governing body of the University. The Council shall have the custody and use of the
Common Seal and shall be responsible for the management and administration of the
revenue and property of the University. Subject to the powers, duties and functions of
the Senate as provided in this Our Charter and Statutes, the Council shall have general
control over the conduct of the affairs of the University, and may exercise on behalf
of the University all powers conferred on the University by this Our Charter, and shall
have all such other powers, duties and functions as may be conferred upon it by the
Statutes.

14. There shall be a Senate of the University (in this Our Charter referred to as “the
Senate”) which, subject to the powers, duties and functions of the Council as provided
in this Our Charter and the Statutes, shall be responsible for the teaching, research and
other academic work of the University and for the regulation and superintendence of
the education, training and discipline of the students of the University.

15.(1) Subject to this Our Charter and the Statutes, there shall be constituted such other
institutions or bodies and such committees as the Council and the Senate or either of
them may from time to time consider necessary or expedient for the administration
of the affairs of the University.

(2) Subject as aforesaid, the Council and the Senate may delegate to an agent (as
hereinafter defined) any of its powers, duties and functions, including any powers,
duties and functions which it has by delegation from any other institution, body or
person; and the agent may, without confirmation by the Council or the Senate,
exercise those powers or perform those duties or functions in like manner and with
the same effect as the Council or the Senate could itself have exercised or
performed them: provided that an agent of the Council shall report to the Council on
the exercise of any power or the performance of any duty or function which has
been delegated by the Council to that agent under this paragraph. For the purposes
of this paragraph an agent may be any one or more of the following, namely: any
institution or body or committee constituted under paragraph (1) of this Article, the
Senate or any person.

(3) Every delegation made under paragraph (2) of this Article shall be revocable at will,
and no such delegation shall prevent the exercise of any power or the performance
of any duty or function by the Council or the Senate.
(4) Unless and until any such delegation is revoked, it shall continue in force according to its tenor.

16. (1) There shall be an organization of the students of the University.

(2) The University shall in no way be liable for the debts, liabilities and other obligations incurred or for any act done or omitted to be done by such organization of the students.

17. Subject to this Our Charter, the Statutes may prescribe or regulate as the case may be:

(a) The status, appointment and continuance in office of the Chancellor, Pro-Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, Registrar and other officers of the University.

(b) The constitution, powers, duties and functions (as the case may be) of the Council and the Senate.

(c) All such other matters as the Council may think fit and meet with respect to or for the governing of the University, its members and constituent parts or otherwise for the promotion of the objects of this Our Charter.

18.(1) The Statutes set out in the Second Schedule to this Our Charter shall be the first Statutes of the University and shall remain in force except insofar as they are added to, amended or repealed in the manner prescribed in paragraph (2) of this Article.

(2) The Council may by Special Resolution make Statutes which may add to, amend or repeal the Statutes for the time being in force: provided that no such Statutes shall have effect until approved by the Lords of Our Most Honourable Privy Council, of which approval a Certificate under the hand of the Clerk of Our said Privy Council shall be conclusive evidence.

19. Subject to this Our Charter and the Statutes, the Council may make Ordinances and the Senate may make Regulations to direct and regulate the University and its authorities and members. The power to make Ordinances and Regulations shall include the power to add to, amend or repeal Ordinances and Regulations theretofore made.

20. The Statutes may direct that any of the matters authorized or directed in this Our Charter to be prescribed or regulated by Statute shall be further prescribed or regulated by Ordinance or Regulation: provided that any such further prescription or regulation shall not be repugnant to this Our Charter or the Statutes.

21. (1) It shall be the duty of the Council to refer to the Senate any matter which the Council considers to bear directly on the academic responsibilities of the Senate and which has not been previously considered by the Senate or which, in the opinion of the Council, ought to be dealt with by the Senate.

(2) It shall be the duty of the Senate to bring before the Council any matters coming before the Senate 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.
Ordinances

22. No religious, ethnic or political test shall be imposed upon any person in order to entitle him to be admitted as a member, professor, teacher or student of the University or to hold office therein, or to graduate thereat or to hold any advantage or privilege thereof.

23. Men and women shall be equally eligible for any office or appointment in the University or for membership of any institution, body or committee of the University, and all Degrees, Diplomas, Certificates, and other distinctions or awards and all programmes and courses of study in the University shall be open to men and women alike.

24. The University shall not make any dividend, gift, division or bonus in money unto or between any of its members except by way of prize, award or special grant.

25. (1) The Council may at any time add to, amend or repeal this Our Charter by a Special Resolution and such addition, amendment or repeal shall, when allowed by Us, Our Heirs or Successors in Council, become effectual so that this Our Charter shall thenceforth continue and operate as so added to, amended or repealed in manner aforesaid.

(2) This Article shall apply to this Our Charter as added to, amended or repealed in manner aforesaid.

26. (1) For the purpose of this Our Charter, a “Special Resolution” means a Resolution passed at one meeting of the Council by a majority of not less than three-fourths of those present and voting, of which meeting notice has been given to each member of the Council not less than fourteen days before the meeting is held, and confirmed by a Resolution passed by a like majority at the next subsequent meeting of the Council of which meeting like notice has been given and which is held not less than one calendar month after the former meeting.

(2) Except in the case of the Resolution required to be passed at the first of the two meetings referred to in paragraph (1) of this Article, a Resolution shall be deemed to have been passed at a meeting of the Council if it is passed without a meeting in accordance with a procedure to be prescribed by the Statutes under which the Resolution is circulated to all members for the time being of the Council and approved by the signature of not less than three-fourths of those members including such number of members from countries in the South Pacific other than Fiji as is specified in the said Statutes: provided that any member of the Council may be notice to the University require that the Resolution be not passed except at a meeting of the Council.

27. We reserve unto Ourself, Our Heirs and Successors, the right, on representation from the Council made in pursuance of a resolution passed by a simple majority of the members of the Council present and voting, to appoint by Order in Council a Visitor of the University for such period and with such duties as We, Our Heirs and Successors, shall see fit and his decision on matters within his jurisdiction shall be final.
Ordinances

28. Our Royal Will and Pleasure in that this Our Charter shall ever be construed benevolently and in every case most favourably to the University and the promotion of the objects of this Our Charter.

IN WITNESS whereof We have caused these Our letters to be made Patent.
WITNESS Ourself at Westminster the tenth day of February in the nineteenth year of Our Reign.

DOBSON
BY WARRANT UNDER THE QUEEN’S SIGN MANUAL
THE FIRST SCHEDULE
FIRST OFFICERS OF THE UNIVERSITY

Chancellor
His Majesty King Taufa’ahau Tupou IV,

Pro-Chancellor
Masiofo Fetaimalemau Mata’afa.

Vice-Chancellor
Colin Campbell Aikman, Esq., L.L.M. (N.Z.), Ph.D. (Lond.).

Registrar

THE SECOND SCHEDULE
STATUTES OF THE UNIVERSITY

DEFINITIONS
1. (1) In these statutes, unless the context otherwise requires:--
“The University” means the University of the South Pacific.
“The Charter” means the Charter of the University.
“The appointed day” means the date upon which the Charter becomes of force and
effect.
“The Council” means the Council of the University.
“The Executive Committee” means the Executive Committee of the Council.
“The Senate” means the Senate of the University.
“The Court of Convocation” or “The Court” means the Court of Convocation of the
University.
“The academic staff” means Professors, Librarian, Readers and Lecturers of the
University; and include such other persons and categories of persons as the Council,
on the recommendation of the Senate, shall determine.
“Ordinances” means Ordinances made pursuant to the Charter or these Statutes.
“Regulations” means Regulations made pursuant to the Charter or these Statutes.
“The Students Association” means the Students Association of the University or such
other organization of the students of the University as is recognized by the Council
and the Senate for the purpose of these Statutes.
“Year” means a calendar year.

(2) Words importing the masculine shall include the feminine, words in the singular shall
include the plural and, unless the context otherwise requires, words in the plural shall
include the singular.

(3) Words defined in the Charter or these Statutes shall have the same meaning in the
Ordinances and Regulations unless the context otherwise requires.

THE MEMBERS OF THE UNIVERSITY
2. (1) The following persons shall be members of the University:--
These officers of the University, namely:--
The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Deputy Vice-
Chancellor and the Registrar.
The Members of the Council.
The Members of the Senate.
The Members of the academic staff.
Ordinances

Such administrative and library officers as the Council may determine on the recommendation of the Senate.
The Graduates of the University.
The holders of such Diplomas granted by the University as the Council, after consultation with the Senate, shall approve for the purposes of this paragraph.
The students of the University.

(2) The Council, after consultation with the Senate, shall have the power to declare such other persons and categories of persons members of the University as the Council may think fit.

THE CHANCELLOR

3. (1) The first Chancellor shall hold office from the appointed day until the thirtieth day of June 1973 or until earlier resignation.

(2) The successors to the first Chancellor shall be appointed by the Council, after consultation with the Senate, and shall hold office for a term of three years or until earlier resignation.

(3) The Chancellor shall be eligible for re-appointment after the lapse of a period of three years from the date on which he ceased to hold office.

(4) If the office of Chancellor becomes vacant, by death or resignation or from any other cause, before the expiration of his term of office, the vacancy shall be filled at the next meeting of the Council or at any subsequent meeting. Notwithstanding paragraph (2) of this Statute, the person so appointed shall hold office until the thirtieth day of June immediately following the lapse of a period of three years from the date on which the Council made the appointment or until earlier resignation.

(5) The Chancellor may resign by writing addressed to the Council.

THE PRO-CHANCELLOR

4. (1) The first Pro-Chancellor shall hold office from the appointed day until the thirtieth day of June 1973 or until earlier resignation, and shall be eligible for re-appointment. The Pro-Chancellor shall be the Chairman of the Council.

(2) The successors to the first Pro-Chancellor shall be appointed by the Council and shall hold office for a term of three years or until earlier resignation, and shall be eligible for re-appointment: provided that the Council may, on the appointment or re-appointment of any Pro-Chancellor, specify that his term of office shall be shorter than the said period of three years: provided also that, upon any person, including the first Pro-Chancellor, completing two consecutive terms as Pro-Chancellor, (not including a term for which he has been appointed under paragraph (4) of this Statute, he shall not be eligible for re-appointment until after the lapse of a period of three years from the date on which he ceased to hold office as Pro-Chancellor.

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

(4) If the office of the Pro-Chancellor becomes vacant, by death or resignation or from any other cause, before the expiration of his term of office, the vacancy shall be
filled at the next meeting of the Council or at any subsequent meeting for the remainder of that term.

(5) The Pro-Chancellor may resign by writing addressed to the Council.

THE VICE-CHANCELLOR

5. 1) The first Vice-Chancellor shall hold office from the appointed day.

(2) The Vice-Chancellor shall hold office for such period and under such terms and conditions as may from time to time be determined by the Council.

(3) The successors to the first Vice-Chancellor shall be appointed by the Council in each case on the recommendation of a Joint Committee of the Council and the Senate to be established by the Council.

(4) The Vice-Chancellor shall have a general responsibility to the Council for maintaining and promoting the efficiency and good order of the University. He shall make a report annually to the Council on the working of the University.

(5) The Vice-Chancellor may without assigning any reason refuse to admit any person as a student of the University. The Vice-Chancellor shall report any such refusal to admit to the Senate at its next meeting.

(6) Subject to these Statutes and any Ordinances and Regulations and made thereunder, the Vice-Chancellor may without assigning any reason:-

(a) suspend any person from any programme or course of study or from the use of any facilities, teaching materials or services.

(b) exclude or authorize 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 the matter in relation to the Ordinances required under paragraph (1) (xxi) of Statute 17.

(7) The Vice-Chancellor may resign by writing addressed to the Council.

THE DEPUTY VICE-CHANCELLOR

6. (1) The Deputy Vice-Chancellor shall be appointed by the Council after consultation with the Senate from among the academic staff.

(2) The Deputy Vice-Chancellor shall hold office for such period, not exceeding three years, as the Council shall determine at the time the appointment is made, and shall be eligible for re-appointment.

(3) The Deputy Vice-Chancellor may resign by writing addressed to the Council.

THE REGISTRAR

7. (1) The first Registrar shall hold office from the appointed day.

(2) The Registrar shall hold office for such period and upon such terms and conditions as may from time to time be determined by the Council.

(3) The successors to the first Registrar shall be appointed by the Council after consultation with the Senate.
The Registrar shall act as Secretary of the Council and the Senate and shall, under the direction of the Vice-Chancellor, be responsible for the administration of the University or such aspects of that administration as the Council may from time to time determine.

OTHER OFFICERS
8. The Council may appoint such other officers as it may think fit with such duties, at such remuneration and upon such terms and conditions as the Council may think fit.

THE AUDITOR OR AUDITORS
9. (1) The Council shall appoint one or more persons as Auditor or Auditors who shall hold office for such period and at such remuneration as the Council shall determine.

(2) No person shall be appointed Auditor -
   (a) who is or any of whose partners is a member of the Council or staff of the University, or
   (b) who is not a qualified Accountant or an Auditor of high standing, and in the active practice of his profession.

(3) An Auditor shall be eligible for re-appointment.

(4) Each 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 duties.

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

(6) An Auditor may resign by writing addressed to the Council.

COURT OF CONVOCATION
10. (1) The Court of Convocation shall consist of:-
   (a) Every person who is a Graduate of the University.
   (b) Every other person who is the holder of a Diploma or Certificate granted by the University, being a Diploma or Certificate approved for the purposes of this paragraph by the Council after consultation with the Senate.
   (c) Such other persons and categories of persons, which may include persons and categories of persons who are not Graduates of the University or of any other University, as the Council, after consultation with the Senate, may determine.

(2) The Registrar of the University shall be the Registrar of the Court of Convocation and shall keep a Register containing the names of all persons who are members of the Court. The Council shall prescribe by Ordinance conditions for entry upon and removal from the Register and the annual or other fee or composition therefore which shall be required for registration of members of the Court. The Register shall be conclusive proof that any person whose name appears therein at the time of claiming
to vote in the Court or in any election by the Court is entitled to vote and that any
person whose name does not appear therein is not so entitled.

(3) The Court of Convocation shall have the following powers:-

(a) To elect members of the Council under paragraph (1)(c)(i) of Statute 11.
(b) To appoint a Chairman.
(c) To make rules for the conduct of its business.
(d) On its own motion, or the request of the Council, to discuss and
pronounce an opinion on any matter pertinent to the University and its
affairs.
(e) To address questions to the Council on any matter pertinent to the
University and its affairs.

(4) The first meeting of the Court of Convocation shall be convened by the Council at
any time when the Council thinks fit, or when twenty or more members of the Court
by writing under their hands require that such meeting shall be convened. Any
subsequent meetings shall be convened in accordance with rules of the Court or, in
the absence of such rules, by the Council as it shall determine.

The Council
11. (1) The Council shall consist of the following persons, namely:-

(a) Ex-officio Members, being -

(i) The Pro-Chancellor.
(ii) The Vice-Chancellor.
(iii) The Deputy Vice-Chancellor.
(iv) The Pro Vice-Chancellors.

(b) Appointed Members, being -

(i) One person to be appointed by the Government of the Commonwealth of Australia.
(ii) One person to be appointed by the Government of the Cook Islands.
(iii) Five persons to be appointed by the Government of Fiji.
(iv) One person to be appointed by the Government of Kiribati.
(v) One person to be appointed by the Government of the Republic of Marshall Islands.
(vi) One person to be appointed by the Government of the Republic of Nauru.
(vii) One person to be appointed by the Government of New Zealand.
(viii) One person to be appointed by the Government of Niue.
(ix) One person to be appointed by the Government of Solomon Islands.

(x) One person to be appointed by the Government of Tokelau.

(xi) One person to be appointed by the Government of the Kingdom of Tonga.

(xii) One person to be appointed by the Government of Tuvalu.

(xiii) One person to be appointed by the Lords of Her Majesty’s Most Honourable Privy Council.

(xiv) One person to be appointed by the Government of the Republic of Vanuatu.

(xv) Two persons to be appointed by the Government of the Independent State of Samoa.

(xvi) One person to be appointed by the South Pacific Bureau for Economic Co-operation.

(xvii) One person to be appointed by the South Pacific Commission.

(xviii) One person to be appointed by the American Council of Education.

(xix) One or more persons, as may be determined by the Council after consultation with the Senate, from each institution or body affiliated to, associated with or co-operating with the University and approved for the purposes of this paragraph by the Council after consultation with the Senate, to be appointed in each case by the Governing Body of that institution or body from persons who shall not include any member of that Governing Body appointed thereto by the University.

(xx) Such number of persons, not exceeding six, as is determined from time to time by the Council after consultation with the Senate, to be appointed by the Senate from its professorial members: provided that not more than four members shall be appointed under this paragraph unless and until the Council, after consultation with the Senate, considers that an additional appointment is necessary to obtain desirable balance in the membership of the Council.

(c) Elected Members, being -

(i) Three persons, resident in a member country of the University, at least one of whom shall be from a member country other than Fiji, who shall be elected by members of the Court of Convocation in accordance with an ordinance to be made by the Council: provided that no person who is a full-time member of the staff of the University, as defined by Ordinance, or a
registered student of the University shall be eligible to be elected under this paragraph.

(ii) Two persons, being members of the academic staff who are not Professors, to be elected by the academic staff other than the Professors.

(iii) Two persons, each of whom shall be at the time of his election a registered student of the University, to be elected by the Executive of the Students Association: provided that the Council, after consultation with the Senate, may authorize the election of an additional person, who shall be at the time of his election a student of the University or of an institution or body affiliated to, associated with or co-operating with the University, to be elected in such manner as the Council shall determine. Every election as aforesaid shall be conducted in accordance with procedures to be determined by the Council.

(d) Co-opted Members, being such number of persons, not exceeding seven, as is determined from time to time by the Council after consultation with the Senate, to be co-opted by the Council. In co-opting members under this paragraph the Council shall have regard to the desirability of including in the membership of the Council persons from the South Pacific with experience in agriculture, commerce, industry, the professions or religion.

(2) Ex-officio members of the Council shall hold office for so long as they continue to occupy the positions by virtue of which they became members.

(3) Members of the Council appointed under paragraph (1)(b) or elected under paragraph (1)(c)(i) of this Statute shall hold office for a term of three years.

(4) Members of the Council elected under paragraph (1)(c)(ii) or (1)(c)(iii) of this Statute shall hold office for a term of two years: provided that a member of the Council elected under paragraph (1)(c)(iii) shall cease to be a member if he ceases to be a student otherwise than by becoming eligible for the grant of a Degree, Certificate or other distinction or award of the University.

(5) Members of the Council co-opted by the Council under paragraph (1)(d) of this Statute shall hold office for such term, not exceeding three years, as the Council shall determine in each case at the time the co-option is made: provided that no co-opted member may serve for a continuous period exceeding nine years.

(6) The term of office of members of the Council, other than ex-officio members, shall commence or shall be deemed to have commenced on the first day of July in the year in which they are appointed, elected or co-opted.

THE VICE-CHAIRMAN OF THE COUNCIL

12. The Council may appoint from among its own members a Vice-Chairman not being a member of the academic staff or a salaried officer of the University. He shall hold
office for a term of three years, but he shall vacate office if he ceases to be a member of the Council. The Vice-Chairman shall be eligible for re-appointment.

POWERS OF THE COUNCIL

13. (1) Subject to the Charter and these Statutes, the Council shall, in addition to all other powers vested in it, have the following powers, duties and functions:

(i) To appoint the Pro-Chancellor and to appoint the Vice-Chairman of the Council.

(ii) After consultation with the Senate, to appoint the Chancellor.

(iii) On the recommendation of a Joint Committee of the Council and the Senate, to appoint the Vice-Chancellor.

(iv) After consultation with the Senate, to appoint the Deputy Vice-Chancellor.

(v) To co-opt members of the Council under paragraph (1)(d) of Statute 11.

(vi) To make Statutes.

(vii) On the recommendation of the Senate, to authorize the creation of academic posts in the University.

(viii) After consultation with the Senate, to suspend or abolish, any academic post except any post created by these Statutes.

(ix) To determine the salary structure applicable to the academic staff and their other conditions of service and to provide for their discipline.

(x) On the recommendation of the Senate, to approve the procedures for the appointment of members of the academic staff and, on the like recommendation, to appoint members of that staff.

(xi) To determine the salary structure applicable to the staff of the University, other than the academic staff, and their other conditions of service and to provide for their discipline.

(xii) To approve procedures for the appointment of members of the staff of the University, other than the academic staff, and to appoint members of that staff.

(xiii) To provide for the welfare of all persons in the employment of the University or formerly in the employment of the University or of the Interim Council of the University of the South Pacific and the dependants of such persons.

(xiv) To make such provision as the Council thinks fit for schemes of insurance, superannuation, pensions or retirement benefits for all persons in the employment of the University and their dependants.

(xv) After consultation with the Senate, to establish or discontinue any School, institution or other section of the University.
(xvi) On the recommendation of the Senate, to institute Degrees, Diplomas, Certificates and other academic distinctions or awards.

(xvii) To comment or make recommendations on any Regulations relating to any programme or course of study submitted by the Senate to the Council.

(xviii) On the recommendation of the Senate, to institute or accept awards such as Fellowships, Scholarships, Bursaries, Student Prizes and other aids to study and research.

(xix) After consultation with the Senate, to provide as appropriate for the personal development, discipline and well-being of the students.

(xx) To review the work of the University, including its extramural activities, and, subject to the powers, duties and functions of the Senate, to take such steps as it considers appropriate for promoting the objects of the University and maintaining its efficiency.

(xxii) 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 co-operation 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.

(xxiii) To foster close associations with educational, commercial, professional, research and other appropriate organizations.

(xxiv) With the concurrence of the Senate, to revoke, for what the Council shall consider to be 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.

(xxv) To require the preparation and periodic revision of plants for the academic and physical development of the University to enable it to meet the objectives for which it is established.

(xxvi) To provide and maintain the buildings, premises, furniture, apparatus, services and other means needed for carrying on the work of the University.

(xxvii) To govern, manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of the University, and for that purpose to appoint Bankers and other officers or agents whom it may consider expedient to appoint.

(xxviii) To invest any moneys belonging to the University in such stocks, funds, fully paid shares or securities as the Council shall from time to time think fit or in the purchase of freehold or leasehold property: provided that, in the case of moneys held by the University as trustee, the powers conferred by this paragraph
shall be exercised subject to the provisions of any law that may apply relating to investment by trustees.

(xxiv) On behalf of the University, to acquire, buy, sell and exchange real and personal property, and to lease and accept leases thereof.

(xxx) To give guarantees for the payment of any sum or sums of money or the performance of any contract or obligation by any company, body, society or person as the Council shall think fit.

(xxxi) To borrow money on behalf of the University and for that purpose, if the Council thinks fit, to mortgage or charge all or any part of the property of the University, whether real or personal, and to give such other security as the Council shall think fit.

(xxxii) To enter into, vary, carry out or cancel contracts on behalf of the University.

(xxxiii) To select a Seal, Arms and Insignia for the University and to have the custody and use of the Seal.

(xxxiv) To prescribe forms of official and academic dress.

(xxxv) Generally to exercise all such powers, duties and functions as are or may be conferred on the Council by the Charter and these Statutes, including the power to make Ordinances in the exercise of the powers, duties and functions expressly set out in this Statute and of all other powers, duties and functions vested in the Council.

(2) In all the foregoing, before determining any questions which the Council considers to bear directly on the academic responsibilities of the Senate and which has not been previously considered by the Senate, the Council shall ask the Senate for recommendation or report thereon and shall take into account any such recommendation or report.

COMMITTEES OF THE COUNCIL

14. (1) The Council may establish an Executive Committee of the Council which may act for the Council between its meetings in such matters as may be referred to it under paragraph (4) of this Statute or delegated to it under paragraph (5) of this Statute: provided that, in establishing the Executive Committee, the Council shall ensure that its membership shall include not fewer than four members of the Council being members from countries in the South Pacific other than Fiji appointed under any of paragraphs (1)(b)(ii), (iv), (v), (vi), (viii), (ix), (x), (xi), (xii), (xv) and (xix) of Statute 11 or elected under paragraph (1)(c)(i) of Statute 11 or co-opted under paragraph (1)(d) of Statute 11, in these Statutes hereinafter referred to as “Regional Members of the Council”. A quorum for all meetings of the Executive Committee shall be such number of members as the Council shall from time to time determine, which number shall include not fewer than two Regional Members of the Council.
(2) The Council may from time to time establish such other standing or special committees as it may think fit.

(3) It shall not be necessary that any person appointed to be a member of any standing or special committee established under paragraph (2) of this Statute or to whom any delegation is made under paragraph (4) of this Statute shall be a member of the Council.

(4) The Council may delegate any of its powers, duties and functions, including any powers, duties and functions which it has by delegation from any other body or person, to the Executive Committee or to any other committee established under paragraph (2) of this Statute or to the Senate or to any person; and the Executive Committee, committee, Senate, or person may, without confirmation by the Council, exercise those powers or perform those duties or functions in like manner and with the same effect as the Council could itself have exercised or performed them: provided that the Executive Committee, committee, Senate or person shall report to the Council on the exercise of any power and the performance of any duty or function which the Council has delegated thereto.

(5) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power or the performance of any duty or function by the Council.

(6) Unless and until any such delegation is revoked, it shall continue in force according to its tenor.

(7) Unless otherwise specifically provided in these Statutes, the Pro-Chancellor and the Vice-Chancellor shall be ex-officio members of the Executive Committee and of all other committees of the Council. In the absence of the Pro-Chancellor or the Vice-Chancellor, the Vice-Chairman or the Deputy Vice-Chancellor respectively shall deputize for him on the Executive Committee and such other committees.

MEETINGS OF THE COUNCIL

15.(1) The Council shall meet at least once each year. A special meeting may be convened at any time on the written request of the Pro-Chancellor or of fifteen members of the Council. A quorum for all meetings of the Council shall be fifteen members, of whom not fewer than five shall be Regional Members of the Council.

(2) At the discretion of the Pro-Chancellor (or the Vice-Chairman acting in his stead), and subject to the provisions of the Charter relating to Special Resolutions, anything that may be done by a Resolution passed at a meeting of the Council may be done by the Council without a meeting by means of a Resolution signed by the number of members of the Council specified in paragraph (3) of this Statute: provided that, subject to the said paragraph (3), any member of the Council (or his duly authorized agent) may, by notice to the Registrar, require that any matter be deferred for consideration at the next meeting of the Executive Committee, in which event the matter shall be so deferred. The Executive Committee may determine the matter or refer it to the Council.

(3) For the purpose of paragraph (2) of this Statute, a Resolution shall be signed by all the members of the Council: provided that it shall be sufficient if such a Resolution is
signed by fifteen of those members, of whom not fewer than five shall be Regional Members of the Council, and if -

(a) a copy of the Resolution has been posted or delivered to every other member of the Council at his last known address; and

(b) each of those other members has failed, within six weeks after the copy has been so posted or delivered to him, to sign the Resolution or to notify the Registrar that he requires the matter to be deferred for consideration at the next meeting of the Executive Committee.

(4) Every Resolution passed under paragraph (2) of this Statute shall be reported to the Council at its next meeting.

THE SENATE

16. (1) The Senate shall consist of the following persons, namely:

(a) Ex-officio members being:

(i) The Vice-Chancellor (who shall be Chairman of the Senate).

(ii) The Deputy Vice-Chancellor.

(iii) The Pro Vice-Chancellors.

(iv) The Heads of Schools.

(v) The Director of Extension Services.

(vi) The Professors.

(vii) The Librarian.

(b) Appointed members being:

(i) The heads of such disciplines or academic activities as the Council, on the recommendation of the Senate, may from time to time determine.

(ii) Such other persons, from institutions and bodies affiliated to or otherwise associated with or cooperating with the University and represented on the Council of the University as shall be determined by the Council after consultation with the Senate, to be appointed by the Council.

(iii) Such other persons, not exceeding two, as shall from time to time be determined by the Council on the recommendation of the Senate, to be appointed by the Council.

(c) Elected members being:

(i) Such number of members of the academic staff (other than the ex-officio members of the Senate and any members appointed under paragraph (1)(b)(ii) and (iii) of this Statute) as are required to make the total number of members of the academic staff as aforesaid on the Senate the required proportion of the total membership of the Senate, and for the purposes of this paragraph the required proportion shall be one-third or such proportion as may, from time to time be determined
by the Council after consultation with the Senate. Excluding the ex-
officio members listed under paragraph (1)(a) of this Statute members
of the Senate who are citizens of countries in the University region
shall be in no less proportion on the Senate than the proportion of such
citizens on the academic staff of the University. Members to whom
this paragraph applies shall be elected in such manner and in
accordance with such procedures as are prescribed by the Council by
Ordinance.

(ii) Such other persons and categories of persons (not being members of
the academic staff and not exceeding one-sixth of the total
membership of the Senate) as shall be determined by the Council from
time to time after consultation with the Senate, to be elected in such
manner and in accordance with such procedures as are prescribed by
the Council by Ordinance.

(2) Ex-officio members of the Senate shall hold office for so long as they
continue to occupy the positions by virtue of which they became members.

(3) A member of the Senate appointed under paragraph (1)(b)(i) of this Statute
shall remain in office until the Council, having regard to the provisions of that
paragraph, determines that his appointment shall cease.

(4) Other appointed or elected members of the Senate shall hold office for a term
of three years.

POWERS OF THE SENATE

17. (1) The Senate shall be the academic authority of the University and shall, subject to
the powers, duties and functions referred to the Council by the Charter and these
Statutes, take such measures and act in such manner as shall appear to it best
calculated to promote the teaching, consultancy, research and other academic work
of the University. The Senate shall, subject to the Charter and these Statutes, in
addition to all other powers vested in it, have the following powers, duties and
functions:

(i) To regulate and control all teaching programmes and courses of study and
the conditions under which persons may qualify of the various Degrees,
Diplomas, Certificates and other distinctions and awards, of the
University: provided that Regulations relating to any programme or
course of study shall be referred to the Council for comment and that any
comment or recommendation that the Council may make shall receive
consideration by the Senate.

(ii) To recommend to the Council the institution of Degrees, Diplomas,
Certificates and other distinctions and awards.

(iii) To 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.
(iv) Where examinations, tests 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, tests and methods of assessment and to appoint examiners, assessors and moderators, whether internal or external.

(v) To accept examinations passed and periods of study spent at other Universities or other institutions or bodies as equivalent to such examinations and periods of study in the University as the Senate may determine and to revoke such acceptance at any time.

(vi) To accept courses of study in any other institution or body, which in the opinion of the Senate possesses 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.

(vii) To grant Degrees, Diplomas, 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.

(viii) To grant academic distinctions including Honorary Degrees: provided that an Honorary Degree shall not be granted to any person except on the recommendation of a Joint Committee of the Senate and the Council to be established by the Senate.

(ix) To determine what formalities shall attach to the conferment of Degrees, Diplomas, Certificates and other distinctions and awards.

(x) To regulate the use of academic dress in the University.

(xi) To recommend to the Council the terms and conditions under which any institution or body may affiliate to the University, the terms and conditions of any association or cooperation between the University and any institution or body, or the terms of any agreement for the incorporation in the University of any institution or body.

(xii) To recommend to the Council the institution or acceptance of awards such as Fellowships, Scholarships, Bursaries, Studentships, Prizes and other aids to study and research.

(xiii) To be responsible for the general administration of the University Library.

(xiv) To supervise the extramural activities of the University.

(xv) Annually to review, consequent upon any enquiries which it may think fit to make, the academic organization and development of the University, with special reference to the effectiveness of the work of the University in relation to its objects including that of providing at appropriate levels education and training responsible to the well-being and needs of the communities of the South Pacific; and arising from
such review, to take any action within its competence, including reporting and making recommendations to the Council.

(xvi) Whether or not consequent upon the annual review of the academic organization and development of the University, to recommend to the Council the establishment or discontinuance of any School, institution or body for the University, and the creation, suspension or abolition of any academic post.

(xvii) To review from time to time the duties of all members of the academic staff.

(xviii) To make recommendations to the Council on any matter pertinent to the University and its affairs.

(xix) To recommend to the Council appropriate provision for the personal development and well-being of the students.

(xx) To take such steps as it thinks appropriate to advise and assist the Students Association and other organizations of the students.

(xi) To regulate the discipline of the students of the University in accordance with Ordinances to be made by the Council after consultation with the Senate.

(xxii) Subject to an appeal to the Council, to expel any student guilty of grave misconduct after giving him an opportunity to appear personally and to be heard by a committee of the Senate to be established under the Ordinances made under paragraph (1)(xxi) of this Statute.

(xxiii) To propose to the Council new Statutes or Ordinances which it shall be the duty of the Council to reconsider.

(xxiv) To express an opinion on any matter pertinent to the University and its affairs.

(xxv) To appoint members of the Senate to be members of the Council under paragraph (1)(b)(xvi) of Statute 11.

(xxvi) Generally to exercise all such powers, duties and functions as are or may be conferred on the Senate by the Charter and these Statutes, including the power to make Regulations in the exercise of the powers, duties and functions herein before expressly set out in this Statute and of all other powers, duties and functions of the Senate.

(2) A quorum for all meetings of the Senate shall be five members or such greater number of members as the Senate may from time to time determine.

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

(4) The Senate may delegate any of its powers, duties and functions, including any powers, duties and functions which it has by delegation from the Council or any other body of person to any committee established under paragraph (3) of this Statute or to any person; and the committee or person may, without
confirmation by the Senate, exercise those powers or perform those duties or functions in like manner and with the same effect as the Senate could itself have exercised or performed them; provided that the Council may prohibit, or impose conditions in respect of, the delegation by the Senate of any power, duty or function that is delegated to the Senate by the Council.

(5) Every such delegation shall be revocable at will and no such delegation shall prevent the exercise of any power or the performance of any duty or function by the Senate.

(6) Unless and until any such delegation is revoked, it shall continue in force according to its tenor.

(7) Unless otherwise specifically provided in these Statutes, the Vice-Chancellor shall be ex-officio member of all committees of the Senate. In the absence of the Vice-Chancellor, the Deputy Vice-Chancellor may deputize for him on such committees.

**ACADEMIC STRUCTURE OF THE UNIVERSITY**

18. (1) (a) There shall be Schools in the University as the Council shall approve. The Constitution of each School and its academic and administrative organisation shall be as the Senate shall from time to time determine.

(b) There shall be established within the Schools such Departments as the Senate shall from time to time determine.

(c) There shall be an Extension Services division of the University.

(d) There shall be such Institutes of the University as the Council after consultation with the Senate shall from time to time determine.

(e) There shall be such Centres of the University as the Council after consultation with the Senate shall from time to time determine.

(f) There may be such Units and other organisations of academic staff as the Vice-Chancellor may determine.

(2) Subject to these Statutes, the Council on the recommendation of the Senate shall appoint a member of the academic staff as the Head of each School for such term as the Council shall from time to time determine. The functions and duties of the Head of each School shall be as the Senate shall from time to time determine.

**REMOVAL OF MEMBERS OF THE COUNCIL**

19. (1) Any member of the Council (other than the members of the staff of the University) may be removed from office by the Council for good cause. No person shall be removed from office by the Council under this paragraph unless he has been given a reasonable opportunity of being heard by the Council.

(2) “Good cause” when used in reference to removal from office means:-

(a) conviction of any offence which the Council considers to be such as to render the person concerned unfit for the execution of the duties of his office; or
(b) any physical or mental incapacity which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or

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

(d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to perform the duties of his office or to comply with the conditions of tenure of his office.

DISCIPLINE OF STAFF
20. The Vice-Chancellor, Deputy Vice-Chancellor, the Registrar, the members of the academic staff, and the holders of any other posts specified for this purpose by the Council from time to time, after consultation with the Senate, may be disciplined or removed from office in accordance with Ordinances made by the Council.

RETIREMENT OF STAFF
21. The Council may, subject to consultation from time to time with the Senate and such other bodies as the Council may consider appropriate, determine the age at which members of the staff shall retire from office.

PROCEDURE
22. The following provisions shall, except where other provision is expressly made in the Charter or these Statutes, apply to the Council, the Executive Committee, the Senate and any committee of either the Council or the Senate (which bodies are in this Statute called “the specified bodies”) and each of them:-

(a) Any appointed, elected or co-opted member and the Chairman (other than ex-officio Chairman) may resign his office.

(b) Any appointed, elected or co-opted member and the Chairman (other than ex-officio Chairman) shall be eligible for re-appointment or re-election.

(c) Any appointed or elected member who is required by these Statutes to possess any qualification shall be deemed to have vacated his Office if he ceases to possess that qualification.

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

(e) Any of the specified bodies may determine the time and place of its meetings and the procedure to be followed thereat, and may make Standing Orders for the purpose of regulating its procedure.

(f) Any casual vacancy occurring in any of the specified bodies by resignation, incapacity or death among its appointed or elected members or by the removal of any such member under Statute 19 or occurring under paragraph (g) of this Statute shall be filled as soon as practicable by the appointment or election of
a member in the same manner as in the case of the member whose office has become vacant. A member of any of the specified bodies who is appointed or elected to fill a casual vacancy shall hold office for the remainder of the term of the member whose office has become vacant.

(g) If any member of the Council under any paragraphs (1)(b)(ii), (iv), (v), (vi), (viii), (ix), (x), (xi), (xii), (xiv) and (xv) of Statute 11 becomes the Pro-Chancellor, a casual vacancy shall arise in respect of the office previously held by him.

(h) Notwithstanding anything to the contrary in these Statutes every appointed or elected member of the specified bodies shall, unless his office becomes vacant on any of the grounds specified in paragraph (f) or (g) of this Statute, continue to hold office until his successor takes office.

(i) The proceedings of any of the specified bodies shall not be invalidated by any vacancy in its number, by any defect in the appointment or qualification of any of its members or, in respect of the Senate, by the number of members required to be elected under paragraph (1)(c)(i) of Statute 16 not being for the time being in the proportion determined by the Council under that paragraph.

SERVICE OF NOTICES AND DOCUMENTS
23. (1) Any notice or document required by or for the purpose of these Statutes to be given or sent to a member of the University may be given or sent either personally or by sending it by post to him at his address as entered in the records of the University: provided that Air Mail shall be used for any notice or document sent by post unless there is no advantage in so doing.

(2) Where a notice or document is sent by post, service thereof shall 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 the ordinary course be delivered.

INTERPRETATION OF STATUTES
24. These Statutes shall be interpreted in such manner as not to conflict with the Charter.

GENERAL SAVING OF REGULATIONS, ETC., OF THE INTERIM COUNCIL OF THE UNIVERSITY OF THE SOUTH PACIFIC
25. All Regulations, rulings, and decisions, and all acts of authority of the Interim Council of the University of the South Pacific or of its Chairman or of any committee thereof or of the Vice-Chancellor Designate or of any officer appointed by the said Interim Council, so far as they were subsisting immediately before the appointed day and are applicable to any person or body connected or associated with the University, shall continue to apply to that person or body with full force and effect except so far as they are repealed, replaced or amended by the Charter or these Statutes or by appropriate acts of authority of the Council or the Senate of the University or of the Vice-Chancellor or of any officer thereof.
COURT OF CONVOCATION ORDINANCE

1. Definitions
For the purpose of this Ordinance
(a) Persons whose names are on the Register of the Court of Convocation shall be members of the Court;
(b) the ‘Registrar’ shall mean the Registrar of the University;
(c) ‘the countries in the South Pacific’ shall mean the member countries of the University.

2. The Register of the Court of Convocation
(1)(a) The names of the following shall be placed without fee on the Register of the Court of Convocation:
   (i) graduates of the University;
   (ii) holders of diplomas and certificates granted by the University.
(b) The Registrar shall maintain two Registers. One shall be the Active Register and shall have the names of members whose current addresses are known. The other shall be Inactive Register and shall have the names of those members whose current addresses are not known.
(c) The Registrar shall transfer the names of members from the Active to the Inactive Register if he is satisfied that he is not in possession of accurate postal addresses of those members.
(d) Members whose names have been removed from the Active Register may apply to have their names reinstated in that Register provided they supply such particulars as the Registrar shall require.
(e) Members whose names have been transferred to the Inactive Register shall not receive any communication from the Registrar nor shall they be able to participate in the election of the members of the Council.
(2) Persons whose names are placed on the Register of the Court of Convocation shall notify the Registrar of such particulars, and of subsequent changes in such particulars, as he shall from time to time require.
(3) The Registrar shall remove from the Register the name of any person placed thereon if that person is dead.

3. Election by the Court of Members of the Council
(1) In the event of a vacancy or vacancies occurring in the number of members of the Council required to be elected by members of the Court under paragraph (1)(c)(i) of Statute 11, the Registrar shall invite each member of the Court to nominate in writing to him, by a date to be determined on each occasion by him, one person in respect of each vacancy to stand for election to the Council, provided
   (a) that each such person --
(i) is a member of the Court of Convocation but is neither a registered student of the University nor employed by the University as a full-time member of its staff,

(ii) indicates in writing to the Registrar his willingness to stand for election; and

(iii) if there is only the one vacancy and the two serving Elected Members of the Council elected by the Court are both from Fiji, is from a country in the University Region other than Fiji; and

(b) that each nomination is supported in writing by two members of the Court in addition to the member of the Court making the nomination.

(2) The Registrar shall prepare a ballot paper comprising in alphabetical order the names of all persons duly nominated in accordance with paragraph (1) of this section. In the event of persons from Fiji or from countries of the University Region other than Fiji being eligible to stand for election to the particular vacancy or vacancies occurring, the ballot paper shall indicate which of the persons standing are from Fiji and which are from countries in the University Region other than Fiji. The ballot paper shall also indicate the names of serving Elected Members of the Council elected by the Court indicating whether they are from Fiji or from countries in the University Region other than Fiji. The ballot paper shall indicate the number of vacancies.

(3) The Registrar shall send the ballot paper to each member of the Court of Convocation indicating the latest date, which he shall determine on each occasion, by which the ballot paper shall be returned into his hands for the votes therein to be recorded to be counted in the election. Ballot papers which are returned into the hands of the Registrar after this date shall not be valid.

(4) The ballot papers shall bear numbers. Only the Registrar shall know the ascription of such numbers to the body of persons entitled to vote in the election.

(5) Each member of the Court voting shall record his vote by placing crosses against the names of candidates to such number as there are vacancies. Voting shall be by simple non-transferable ballot.

(6) The vote shall be counted by the Registrar, or his representative, who shall declare in writing to members of the Court the names in alphabetical order of those elected by the casting for them of the highest number of votes, except that:

(a) if there are two vacancies and the serving Elected Member is from Fiji, the Registrar shall declare elected the person who is from a country in the University Region other than Fiji for whom the highest number of votes was cast, and the one other person in accordance with the foregoing terms of this paragraph.

(b) If there are three vacancies, the Registrar shall declare elected the person who is from a country in the University Region other than Fiji for whom the highest number of votes was cast, and two other persons in accordance with the foregoing terms of this paragraph.
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(7) The number of votes cast shall not be revealed. In the event of a tie the result of the election shall be decided between those tying by lot drawn in the presence of the Vice-Chancellor and the Registrar.

(8) The election shall not be invalidated by any defect in the procedure.
ordinances

ORDINANCE FOR THE DISCIPLINE OF ACADEMIC AND COMPARABLE ADMINISTRATIVE, LIBRARY AND TECHNICAL STAFF (1986)

1. Interpretation and Application

(1) Definitions

In this Ordinance, unless the context otherwise requires:

(a) A member of staff shall mean the Vice-Chancellor, the Deputy Vice-Chancellor, the Registrar and any person who is a member of the Academic and Comparable Administrative, Library and Technical Staff of the University as defined by the Council from time to time.

(b) Disciplinary action shall mean any action by the University that condemns or penalizes a member of staff for misconduct.

(c) Misconduct on the part of a member of staff shall mean

(i) breach of the terms of service or neglect of his University duties; or

(ii) misconduct inconsistent with the fulfillment of the express or implied condition of his contract of service; or

(iii) wilful neglect of his University duties amounting to failure to discharge the same in accordance with proper academic care and responsibility; or

(iv) misconduct so seriously in breach of the said conditions that by standards of fairness and justice the University should not be bound to continue the employment or being conduct the commission of which constitutes a serious impediment to a staff member carrying out his University duties or to others carrying out their University duties.

(d) Gross misconduct shall mean misconduct of a grave nature.

(2) Application

(a) Where an allegation is made that a member of staff has committed an act of misconduct, the allegation shall be investigated and dealt with in accordance with provisions of this Ordinance.

(b) Proof of the conviction of a staff member of a crime by a court of competent jurisdiction shall be accepted as being proof beyond reasonable doubt of the commission of that crime. In such a case the Staff Conduct Committee shall only determine the penalty.

(3) Service of Notices

(a) Any notice or document required by or for the purpose of this Ordinance to be given or sent to a member of staff may be given or sent either personally or by sending it by post to him at his address as entered in the records of the University: provided that air mail shall be
used for any notice or document sent by post unless there is no advantage in so doing.

(b) Where a notice or document is sent by post, service thereof shall 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 the ordinary course be delivered.

(4) Suspension

The Vice-Chancellor may at any time suspend any staff member from office if, in his judgement, the circumstances so require. In that event, the procedures set out in this ordinance shall be initiated within fourteen days of the suspensions, and a report made to the Pro-Chancellor.

2. Preliminary Investigation

(1) Allegation Against Member of Staff

(a) Where the Vice-Chancellor receives an allegation of misconduct in writing, which in his opinion is serious enough to require disciplinary investigation, he may, within fourteen days, refer it to a Preliminary Committee to be constituted by him.

(b) The Vice-Chancellor, of his own motion, whenever he is aware of circumstances, which, in his opinion, are serious enough to require disciplinary investigation, shall normally refer these to a Preliminary Committee unless there are circumstances of special urgency, in which case he may refer the complaint direct to the Staff Conduct Committee.

(c) If, in the opinion of the Vice-Chancellor, no preliminary investigation is required, he may formulate a charge and refer the complaint direct to the Staff Conduct Committee.

(2) The Preliminary Committee

(a) The Preliminary Committee shall consist of: a Pro Vice-Chancellor or if not available a nominee of the Vice-Chancellor (chairman); a member nominated by the Vice-Chancellor; a nominee of the President of the appropriate staff union.

(b) The Preliminary Committee, having considered the evidence before it, including any oral evidence it may choose to hear, shall report its determination confidentially to the Vice-Chancellor.

(i) whether the matter should be further investigated, in which case it shall formulate a charge against the staff member and communicate it to the Vice-Chancellor who shall within fourteen days refer it and the allegation to a Staff Conduct Committee and at the same time inform the staff member concerned; or

(ii) whether no further action should be taken.
3. Investigation of Charges

(1) **The Staff Conduct Committee shall on receipt of the charge investigate the same and determine**

(i) which, if any, of the allegations in the charge have been proved beyond reasonable doubt;

(ii) whether such allegations as are proved constitute misconduct or gross misconduct and impose the appropriate penalty.

(2) **Composition of the Staff Conduct Committee**

(a) A Staff Conduct Committee shall consist of the following persons appointed by the Vice-Chancellor;

   A Chairman who shall normally be a Pro Vice-Chancellor;

   the president of the appropriate staff union or his nominee or a member nominated by the Chairman of the Committee where no union exists;

   one professor;

   one non-professorial member of the Senate, or, in the case of a member of comparable staff, another such staff member;

   a member of Council nominated by the Chairman of the Council.

Provided that:

(i) none of the above is the accused or a witness, and

(ii) no person who is a member of the Preliminary Committee or who has taken part in a prior investigation of any matters referred to in the allegation shall be a member of the Staff Conduct Committee.

(b) The Committee may, if it thinks appropriate, appoint a legal practitioner, who shall not be a member of the Committee, to assist the Committee upon matters of procedure or law and who may, if the Committee wishes, question the persons giving evidence before it.

(c) The Registrar shall appoint a Secretary to the Staff Conduct Committee who shall make all the arrangements for the meetings.

(3) **Procedure at Hearing of Charge**

(a) The Staff Conduct Committee shall conduct the inquiry in accordance with the following rules:

(i) The staff member shall be entitled to be assisted or represented by such agent as he desires, whether a legal practitioner or otherwise.

(ii) The staff member and his agent shall have the right to be present at all hearings of the Committee.

(iii) Reasonable notice of each hearing subsequent to the day fixed for the commencement of the enquiry shall be given to the staff member.
(iv) The Committee shall investigate the charge and shall have the right to call witnesses and to question any witness. Evidence in support of the charge shall be put before the Committee only during the hearing.

(v) Any hearing shall be adjourned to a later date at the request of the staff member if the Committee considers that his grounds for requesting the adjournment are reasonable.

(vi) The staff member shall have the right to call witnesses and to question any witness.

(vii) The staff member shall be entitled to see and to comment upon any document submitted to the Committee by way of evidence and shall be furnished with a copy of any such document as soon as practicable. The staff member shall also be furnished with a summary of the proceedings as soon as is possible and of such parts of the evidence as he may request.

(viii) All proceedings of the Committee shall be held in camera.

(ix) No person except the members of the Committee shall be present during its deliberation after the evidence has been presented.

(x) The members of the Community shall treat the proceedings, report and all matters relating thereto as confidential.

(4) Penalties

(a) The Staff Conduct Committee may impose upon the staff member one or more of the following penalties:

(i) deferment of training leave
(ii) cancellation or deferment of study leave
(iii) withholding of increment
(iv) placing on a lower point of the salary scale
(v) reprimand
(vi) transfer to other duties
(vii) demotion
(viii) dismissal

(b) The Committee may in determining the penalty take into consideration any costs incurred by the staff member.

(5) Report of the Staff Conduct Committee

(a) The report of the Staff Conduct Committee shall be signed by the Chairman of the Committee.

(b) The report, which may include, together with the findings which the Committee is required by foregoing rules to make, any dissenting view which it sees fit to propose, shall be sent to the Vice-Chancellor.
(c) The full report of the Committee shall be made available to the staff member on request.

(d) A report on the imposition of the penalty by the Staff Conduct Committee shall be made to the Council.

4. NOTICE OF DISMISSAL

If the Staff Conduct Committee decides to dismiss the staff member, the notice of dismissal to the staff member shall set the effective date of dismissal 21 days from the date of notice and it shall also inform the staff member that he may resign his position within the same period of time i.e. 21 days or on such other terms as are acceptable to the University. Where a staff member resigns his position as provided in this clause, the notice of dismissal shall not take effect.

5. APPEAL

(a) An appeal shall lie to the Council from any decision of the Staff Conduct Committee. The Council may delegate its powers, with the exception of Housing, to a Committee or its own members.

(b) Such appeal which shall be in writing and shall state the grounds of the appeal, may be lodged by the staff member concerned or by the University within twenty-one days of being notified of the Committee’s decision and shall be heard and determined by the Council. When an appeal has been made against the decision of the Staff Conduct Committee to dismiss the staff member, the notice of dismissal shall be held in abeyance until it is heard and decided on; at the same time the staff member shall be suspended from duty without salary or any of the benefits provided under his terms of service.

(c) The hearing of an appeal shall be conducted on the basis of the report of the Staff Conduct Committee provided that the Council may, if it thinks fit, allow additional evidence to be submitted and permit the staff member to address it.

(d) An appeal shall be allowed by the Council if it considers that the decision of the Staff Conduct Committee was based upon a wrong principle or upon an erroneous understanding of the facts or the law, and that a substantial injustice has thereby occurred.

(e) If the appeal is allowed, the decision of the Staff Conduct Committee may be amended, or reversed, or the case may be remitted to the Staff Conduct Committee for further consideration. In the event of the decision of the Staff Conduct Committee being reversed by the Council, the staff member shall be paid his salaries/allowances withheld and all benefits he is entitled to shall be restored.

(f) The Council may make such order for costs of proceedings as it thinks appropriate having regard to all the circumstances.

Approved by the Council at its 22nd meeting held on 6 and 7 May 1986.
ORDINANCE TO GOVERN THE ELECTION OF THE MEMBERS OF THE ACADEMIC STAFF TO THE SENATE (1986)

1. For the purpose of this Ordinance

(a) the members who may be elected under the provisions of Statute 16(1)(c)(i) shall be members of the academic staff, as defined by the Council from time to time, other than the ex-officio members of the Senate and any members appointed under paragraph (1)(b) of Statute 16.

(b) the electorate for such election shall be the members of the academic staff, as defined by the Council from time to time, other than the ex-officio members and members appointed under paragraph (1)(b)(ii) of Statute 16.

(c) (i) that the number of members elected under Statute 16(1)(c)(i) shall be such as to make the number of the academic staff on the Senate (excluding (1)(a), (1)(b)(ii) and (1)(b)(iii) of Statute 16) one third, or such proportion as to allow the regional staff to be on the Senate in proportion to their members on the academic staff of the University.

(ii) that the total number of members elected under Statute 16(1)(b)(i) shall have among them regional staff in such numbers as to make the total number of regional staff on the Senate (including (1)(b) and (1)(c) but excluding (1)(a) of Statute 16) no less than the proportion of their numbers on the academic staff of the University in the relation to the total membership of the Senate (excluding (1)(a) of Statute 16).

(d) the members of the academic staff who are citizens of countries in the University region shall be referred to as regional staff.

2. In the event of a vacancy or vacancies occurring in the number of members of the Senate required to be elected by the members of the academic staff under Statute 16(1)(c)(i), the Registrar shall determine:

(a) whether the number of members on the Senate as defined in paragraph (1)(c)(i) of this Ordinance is in accordance with the requirement of that paragraph;

(b) whether the members of the Senate who are regional staff are in such proportion on the Senate as the proportion of such staff on the academic staff of the University as defined in paragraph 1(c)(ii) of this Ordinance; and shall, indicate how many persons are to be elected and whether the person or persons to be elected shall be members of the regional staff of the University. Subsequent changes in the proportion of such members of the academic staff on the Senate shall be disregarded.

3. If at the time of a vacancy or vacancies occurring in the number of members required to be elected under Statute 16(1)(c)(i):

(a) the regional staff are not on the Senate in proportion to their numbers on the academic staff, the regional staff shall be eligible for election to such number of vacancies as would bring their numbers on the Senate in proportion to their numbers on the academic staff of the University as defined in paragraph
1(c)(ii) of this Ordinance, the remaining positions being filled by election from all the academic staff, including the regional staff, of the University.

(b) the regional staff are on the Senate in such proportion as the proportion of such staff on the academic staff of the University, all the members of the academic staff as defined in paragraph 1(a) of this Ordinance shall be eligible for election.

4. The Registrar shall invite each member of the academic staff as defined in paragraph 1(b) of this Ordinance to nominate in writing to him, by a date to be determined on each occasion by him, one person in respect of each vacancy to stand for election to the Senate provided that each such person indicates in writing to the Registrar his willingness to stand for election and that each nomination is supported in writing by another member of such staff.

5. The Registrar shall prepare a ballot paper comprising in alphabetical order the names of all persons duly nominated in accordance with paragraph 4 of this Ordinance. In the event of regional staff and those from outside the region being eligible to stand for election to the particular vacancy or vacancies occurring, the ballot paper shall indicate which of the persons standing are regional staff. The ballot paper shall also indicate the number of vacancies and how many regional staff are to be elected.

6. The Registrar shall send the ballot paper to each member of the academic staff as defined in paragraph 1(b) of this Ordinance indicating the latest date, which he shall determine on each occasion, by which the ballot paper shall be returned into his hands for the votes therein to be recorded to be counted in the election. Ballot papers which are returned into the hands of the Registrar after this date shall not be valid.

7. The ballot papers shall bear numbers. Only the Registrar shall know the ascription of such numbers to the body of persons entitled to vote in the election.

8. Each member of the academic staff as defined in paragraph 1(b) of this Ordinance voting shall record his vote by placing crosses against the names of candidates to such number, no more no less, as there are vacancies. Voting shall be by simple non-transferable ballot.

9. The vote shall be counted by the Registrar, or his representative, who shall declare the names in alphabetical order of those elected by the casting for them of the highest number of votes, except that if the vacancies are to be filled by both regional and non-regional members of staff, the Registrar shall declare elected the regional staff members for whom the highest number of votes was cast and the other persons in accordance with the foregoing terms of this paragraph.

10. In the event of a tie the result of the election shall be decided between those tying by lot drawn in the presence of the Vice-Chancellor and the Registrar.

11. The election shall not be invalidated by any defect in the procedure.

Approved by the Council at its 22nd meeting held on 6 and 7 May 1986.
ORDINANCE COVERING REPRESENTATION OF STUDENTS ON THE SENATE

1. There shall be five student representatives on the Senate under Statute 16(1)(c)(ii).

2. The President of the University of the South Pacific Students’ Association, or, in the absence of the President, or, if the President is elected on the Senate under the provision of Clause 3 of this Ordinance, the Vice-President of that Association shall be one of the five student representatives on the Senate.

3. The remaining four student representatives shall be elected, one from the student membership of the Board of Studies of each of the School of Agriculture, the School of Humanities, the School of Pure and Applied Sciences and the School of Social and Economic Development.

4. Students shall not be eligible for election to the Senate unless they have passed or are currently enrolled for at least one 300-level course.

5. The student representative elected from each School shall be elected by the student members of the Board concerned in accordance with such procedure as shall be determined in the case of each School by the Head of School acting in consultation with the Registrar.

6. The student representatives shall hold office as members of the Senate for a term of three years, but they shall cease to be members of the Senate if they cease to occupy the positions of virtue by which they became members.
AN ORDINANCE TO REGULATE THE CONDUCT OF ELECTIONS OF STUDENTS TO THE COUNCIL

1. For the purpose of this Ordinance the Executive of the Students Association referred to in paragraph (1)(c)(iii) of Statute 11 shall be the Student Council referred to in the University Students Association constitution.

2. When a vacancy occurs a ballot paper shall be drawn up, to be tabled at a meeting of the Student Council as decided by the President of the Association or in his absence the Vice-President, comprising the names of all members of the Student Council eligible to be elected to fill the vacancy.

3. If at the time of a vacancy the other member of the Council elected by the Student Council is a person from Fiji, only students from countries other than Fiji shall be eligible to stand for election; if he is a person from a country other than Fiji, only students from Fiji shall be eligible to stand, and if there are two vacancies at the same time the ballot paper shall be divided into two parts, one part comprising students from Fiji and the other part students from countries other than Fiji.

4. The election shall be carried out at a meeting of the Student Council.

5. At the meeting at which the election is to be carried out, before the election is held:
   
   (a) the name shall be deleted from the ballot paper of any eligible member of the Student Council who indicates that he does not wish to stand for election; and
   
   (b) the name shall be added to the ballot paper of any eligible currently registered student not being a member of the Student Council who is nominated by any two members of the Student Council and who has indicated to them in writing his willingness to stand for election.

6. The election shall then be carried out by simple secret ballot, each member of the Student Council present voting by placing one cross, or in the event of there being two vacancies, two crosses, one in each part of the ballot paper, against the name or names of his choice. There shall be no voting by proxy or other form of notification.

7. The votes shall be counted at the meeting by a member of the administrative staff of the University nominated by the Registrar for the purpose, and by a person not being a candidate in the election nominated by the President of the Students Association, who shall notify the Chairman of the Student Council of the name or names of those elected by the casting for them of the highest number of votes.

8. If there are two vacancies, the Student Council shall, by arrangement with the students elected or by lot, declare one person elected for a term of two years and the other for a term of one year.

9. The Student Council shall notify the Registrar of the name or names of the student or students elected, and their terms of service, and shall post the results of the election on the Association notice board.

10. In any matter regarding the conduct of the election the decision of the Registrar shall be final.
ORDINANCE TO PROVIDE FOR DISCIPLINE OF STUDENTS

1. Senate
Senate shall exercise a general supervision over the discipline of students of the University, and may make regulations for the discipline of students of the University both within and outside campus subject to the terms of this Ordinance and any other Ordinances made to the Council.

2. Vice-Chancellor
The Vice-Chancellor may, if he believes upon reasonable grounds that a student has committed a disciplinary offence within or outside the campus of the University:

(a) suspend any student from any programme or course of study or from the use of any facilities, teaching materials or services;

(b) exclude or authorise the exclusion of any student from any part of the University or premises used by it;

provided that the Vice-Chancellor shall report any such suspension or exclusion to the Senate as soon as possible.

3. Pro Vice-Chancellor
A Pro Vice-Chancellor may, with regard to any student of the University present on that campus, exercise all or any of the powers of the Vice-Chancellor under this Ordinance except those which the Vice-Chancellor has expressly directed shall not be exercisable by that Pro Vice-Chancellor. Provided that the Pro Vice-Chancellor shall report any action taken by him under this clause to the Senate as soon as practicable.

4. Provost
The Provost may suspend or exclude any student from residence on the Laucala Campus of the University if he believes on reasonable grounds that such student has committed a disciplinary offence in relation to a Hall of Residence or its occupants or that the continued residence of that student on the Laucala Campus will be severely prejudicial to the quiet enjoyment of the privilege of residence by other students: provided that the Provost shall report any such exclusion or suspension to the Registrar as soon as practicable to be dealt with in accordance with the procedure laid down in the Disciplinary Regulations.

5. Head of School
A Head of School may, if he believes on reasonable grounds that a student has committed a disciplinary offence in relation to the School or students or staff of the School, exclude a student from attendance at any class or lecture in the School for a period not exceeding one week: provided that the Head of School shall report to the Registrar such exclusion as soon as possible to be dealt with in accordance with the procedure laid down in the Discipline Regulations.

6. Librarian
The Librarian, if he believes on reasonable grounds that a student has committed a disciplinary offence in relation to the Library or persons using the Library, exclude the student from the Library for a period not exceeding one week: provided that the Librarian shall report
to the Registrar such exclusion as soon as practicable to be dealt with in accordance with the procedure laid down in the Discipline Regulations.

7. Teaching Staff

A member of the teaching staff of the University may, if he believes on reasonable grounds that a student has committed a disciplinary offence in relation to a class, exclude that student for a period of one day from that class: provided that the staff member shall report such exclusion to the Head of his School and the Registrar as soon as practicable to be dealt with in accordance with the procedure laid down in the Discipline Regulations.

8. Discipline Committee

The Discipline Committee of each Campus shall exercise disciplinary control over the conduct of students of that campus in accordance with Regulations made by the Senate provided that the Discipline Committee shall report its decisions to the Senate as soon as practicable.

9. Discipline Appeals Committee

There shall be a Discipline Appeals Committee for the University which shall have authority to hear such appeals, and shall be so composed, and follow such procedures as Senate shall by regulation prescribe: provided that the Discipline Appeals Committee shall report its decisions to the Senate as soon as practicable.

10. Exercise of Powers

   (a) The powers conferred by this Ordinance to discipline students shall be exercised so far as practicable to ensure that any student who is believed to have committed a disciplinary offence shall be allowed a reasonable opportunity to make representation before a decision is made to take disciplinary action against him.

   (b) The power conferred by each clause of this Ordinance may be exercised against a student notwithstanding that power conferred by another clause has been or is likely to be exercised against that same student: provided that any penalty already imposed shall be taken into account when determining whether disciplinary action should be taken against the same student, and if so, what penalty should be imposed.

11. Disciplinary Offence

A Disciplinary Offence means a breach of any provisions of the Charter and Statutes of the University, Ordinances of the Council, Regulations of the Senate, Regulations of Halls of Residence or of the Campus, and any other conduct which is or tends to be subversive of discipline or which tends to bring discredit to the University, its staff or its students.

12. Operation of Ordinance

This Ordinance shall be deemed to have been made on 1 March, 1980 and shall be deemed to take effect from that day.
ORDINANCE ON THE PAYMENT OF FEES, RESIDENTIAL CHARGES AND OTHER DEBTS

1. A student shall pay:
   (a) the tuition fee on registration at the beginning of each semester;
   (b) any accommodation charges on registration at the beginning of each semester or on the first day his/her occupation commences if this begins on a date later or earlier than the beginning of the semester;
   (c) the mandatory deposits and the Students’ Association fee on registration at the beginning of each academic year;
   (d) any other debt to the University on the day on which such debt is incurred.

2. The Bursar may allow an application from a student who is unable to pay the tuition fee on registration at the beginning of the semester to pay the tuition fee by instalments provided the student furnishes to the Bursar such evidence and gives such written undertaking as the Bursar may require. Where a student is under the age of 21 years such undertaking shall be given by his parent or guardian.

3. Having satisfied himself as to the financial standing of the student or of his parent or guardian the Bursar shall make the following arrangements for the payment of the tuition fee in instalments:
   (a) the student shall pay half the tuition fee due for that semester on registration and the remainder by not more than two instalments, the final payment being made by a date determined by the Bursar which shall be not later than one month prior to the beginning of the end-of-semester examinations;
   (b) the Bursar shall report to the Registrar the name of any student whose tuition fee has not been paid in full by the date determined by him and the Registrar shall cancel the registration of the student;
   (c) a student, whose registration has been cancelled,
      (i) shall be liable for the payment of the tuition fee, on a monthly pro-rata basis, up to the date of the cancellation of his registration;
      (ii) shall not without the written authority of the Registrar enter the campus, or use any of the facilities of the University or attend classes from the date of the cancellation of his registration; and
      (iii) shall not be permitted to return to the University or to enrol for any of the courses offered by the University (including Extension and Summer Schools courses) until the arrears of tuition fee referred to in sub-clause (i) of this sub-clause have been paid in full.

4. No degree, diploma, certificate or other qualifications of the University shall be granted to any student who is in debt to the University or who has in his/her possession any property of the University.
STANDING ORDERS OF THE COUNCIL

1. Meetings of the Council

The Council shall normally meet twice a year in May and in October. Where possible, the May meeting shall be held in a member country of the University other than Fiji.

2. Special Meetings

2.1 A special meeting of the Council may be convened at any time on the written request of the Pro-Chancellor or upon receipt of a requisition in writing stating the business to be transacted addressed to the Registrar by any 15 members of the Council.

2.2 All members of the Council may attend a special meeting. The Pro-Chancellor, however, may require the attendance of other staff members of the University, who, because of the nature of the business to be discussed, have in his/her opinion, some special knowledge of advantage to the Council.

3. Notice of Meeting

The agenda for all meetings of the Council shall be given to each member of the Council entitled thereto not less than ten (10) clear working days before the day assigned. Business to be transacted at any meeting shall be specified in the agenda and except with the leave of the Council no other business shall be transacted.

4. Quorum of the Council

4.1 A quorum for all meetings of the Council shall be fifteen members of whom not fewer than five shall be regional members of the Council.

4.2 The chair shall be taken by the person entitled to do so at the time specified or as soon thereafter as a quorum (including the Chair) is present. If after 15 minutes from the time specified fewer than a quorum are present the Chair shall declare the meeting adjourned.

The adjournment may be:
(a) sine die, i.e. for an unspecified period of indefinite duration; or
(b) for an unspecified period not exceeding a given maximum; or
(c) until a date specified, or for a fixed interval of time; or
(d) to another place; or
(e) for a given time and to a named place.

4.3 It is the responsibility of the Secretary at any time during the course of the meeting to inform the Chair that a quorum does not appear to be present and the Chair shall forthwith direct a count of members. If fewer than the quorum are then found to be present, the Chair shall declare the meeting adjourned. Options for adjournment shall be as in 4.2(a)-(e) above.
5. Chair and Secretary

5.1 The Pro Chancellor shall be Chair of the Council. In the absence of the Pro Chancellor, the Vice-Chair of Council shall take the Chair and, in the absence of both, the members present shall elect from amongst themselves a person to take the Chair at that meeting. The person so elected shall have all the powers of the Chair. The Registrar or his/her deputy shall take the chair for the purpose of conducting an election required by this order.

5.2 The Registrar shall be the Secretary of the Council and shall keep the minutes of all business transacted by it. At every ordinary meeting of the Council minutes of previous meetings not hitherto confirmed shall be submitted for confirmation as a correct record before any other business is transacted.

6. Functions and Powers of the Chair

The Chair shall have the following functions and powers:

(a) informing himself/herself as to the business and objects of the meeting;
(b) to determine that the meeting is properly constituted and a quorum is present;
(c) to decide who it is that is entitled to address the meeting;
(d) to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with respect to any question which is properly put before the meeting;
(e) to confine the discussion within the scope of the meeting and reasonable limit of time;
(f) to decide whether proposed motions and amendments are in order;
(g) to decode and rule on point of order and any other incidental matter which requires decision at the time;
(h) to regulate discussion in the meeting;
(i) to adjourn the meeting where prevailing circumstance justify such an action; and
(j) to declare the meeting closed.

7. Appointment of Committees

7.1 The Council may from time to time establish such other standing, joint or special committees which may include persons who may not be members of the Council as it may think fit.

7.2 The Council may delegate any of its powers, duties and functions to any committee established under 7.1 above or any other body or person and any such committee or person may, without confirmation by the Council, exercise those powers or perform those duties or function in like manner and with the same effect as the Council could itself have exercised or performed them:
provided that all such committees or persons shall report to the Council on the exercise of any powers and the performance of any duty or function which the Council was delegated thereto.

7.3 When appointing Committees, Council may determine an appropriate quorum for each Committee.

7.4 The list of all such committees and their delegated powers shall be placed before the Council at its October meeting every two years for approval.

8. Organisation of Business

8.1 Subject to the provisions of these orders, a member wishing to initiate any matter for discussion must give notice of his/her motion in writing to the Registrar not less than five clear working days before the meeting at which he/she wishes the matter to be considered.

8.2 The items for the agenda shall be drawn up by the Secretary of the Council and approved by the Chair.

8.3 Items for the agenda shall be arranged in the following order, but the Chair, with the leave of the Council, may take the business in any order:

- Minutes
- Vice-Chancellor’s Report
- Financial Matters
- Staffing Matters
- Academic Matters
- Student Matters
- General Matters

9. Procedure at Meetings

9.1 Subject to the provisions of these Orders, all business of the Council shall be decided by resolution moved and seconded by members of the Council and a simple majority of the members present and voting at any meeting shall be sufficient to carry any resolution or amendment.

9.2 The following motions or resolutions shall not require to be seconded:

(a) Motions of which due notice has been given;
(b) Resolutions to the Council of any committee of the Council;
(c) Motions moved from the Chair; and
(d) Motions relating to the order of business.

9.3 Notice shall not be required of amendments to motions but all amendments must be seconded.

9.4 Any motion (other than a motion not required to be seconded by virtue of these Orders) and any amendment which is not seconded shall not be discussed and shall not be entered in the minutes unless the Council specifically so resolves.
9.5 The debate on any motion may be interrupted by the raising of a question of order or by a motion for the reading of any document relevant to the matter. Such question or motion shall not be required to be seconded.

9.6 The debate on any motion may be superseded by a motion -

(i) that the Council adjourn; or

(ii) that the question be put; or

(iii) that the Council proceed to the next business;

provided that if such motion be not carried the previous business shall be resumed forthwith.

9.7 If any question of order be raised it shall be dealt with by the Chair before any further considerations of the motion before the Council.

9.8 If an amendment to a motion under consideration is proposed and seconded, the debate thenceforth shall be addressed to the amendment and not the original motion. No amendment may be proposed to an amendment motion, but a member may give notice of his/her intention to move a further amendment to the original motion at the conclusion of the debate on the first amendment. If an amendment on being put to the vote is carried, any further debate shall be on the original motion as amended (which shall be deemed to be the original motion for the purposes of Standing Order 9.10) unless a further amendment is moved and seconded.

9.9 Every member when speaking shall address the Chair.

9.10 The proposer of the original motion shall be at liberty to reply to the debate before the motion is put to the vote.

9.11 No motion or amendment shall be proposed except with the leave of the Council if it is the same in substance as any question which during the same meeting has already been resolved by the Council.

9.12 After a motion or amendment has been moved and seconded it shall not be withdrawn without the leave of the Council.

9.13 Every question before the Council shall be decided by a majority of the valid votes recorded thereon.

9.14 At every meeting of the Council the Chair shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

9.15 Voting shall be by voices and the Chair shall declare the result of the voting. Unless a division is called for, his declaration of result shall be final.

9.16 If a division is called for by any member the Chair shall call for a show of hands and shall declare the result thereof, provided however that if any member requests a secret ballot instead of a show of hands, the question before the meeting shall be determined by secret ballot. This shall be conducted by the Secretary, who shall declare the result of the ballot.
9.17 If a member who has voted against a resolution or has abstained from voting thereon requests that this fact be recorded in the minutes it shall be recorded accordingly.

9.18 When a question is decided by a show of hands the division list shall be recorded in the minutes if any member so requests before or immediately after the vote is taken.

9.19 Except with the approval of the meeting no member shall speak on a motion in which he/she has an interest that is personal to himself/herself; and the Chair may request a member with such an interest to leave the meeting during the discussion of that motion.

9.20 Unsuccessful motions or amendments shall not be recorded in the minutes unless desired by some members present.

9.21 No resolution of the Council shall be rescinded or varied until 12 months have elapsed since it was passed except with the consent two-thirds of those present and voting.

9.22 The Chair may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

9.23 Except by leave of at least two-thirds of the members present at any ordinary meeting of the Council, business shall not be taken at that meeting after the meeting has been in progress for three hours.

9.24 These Orders or any of them may be suspended by resolution supported by not less than three quarters of the members present.

9.25 These Orders or any of them may be added, rescinded or varied by resolution of the Council moved and agreed to in accordance with these Orders.

9.26 These Orders shall be read subject to and in accordance with the University Charter and Statutes.

Standing Orders of the Council - Revised May 1999