

**KEMENTERIAN PENDIDIKAN TINGGI**  
**JABATAN PENDIDIKAN TINGGI**



**PRIVATE HIGHER EDUCATIONAL INSTITUTIONS ACT 1996**

**THE CONSTITUTION OF  
KOLEJ UNIVERSITI YAYASAN PELAJARAN JOHOR  
2025**



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## PART 1

### PRELIMINARY

#### Citation

1.1 This Constitution may be cited as the Constitution of the Kolej Universiti Yayasan Pelajaran Johor

#### Interpretation

1.2 In this Constitution, unless the context otherwise requires-

“Act” means the Private Higher Educational Institutions Act 1996 [Act 555];

“Affiliation” includes twinning programmes;

“Alumni of the University College” means the Alumni of the University College constituted in accordance with **section 10.3**;

“Appointed date” means the date on which this Constitution shall have effect,



“Authority” means any of the Authorities of the University College referred to in **section 4.1**;

“Board of Directors” means the Board of Directors of the Company;

“Board of Governors” means the Board of Governors of the University College constituted under **section 4.2**;

“Branch Campus” means a branch of a private higher educational institution with the status of a University or a University College excluding a branch of a foreign University or a University College that is established under the Act;

“Chair” means the post of professor however styled;

“Chancellor” means the Chancellor of the University College appointed under **section 5.1**;



"Chief Executive" means the Chief Executive of the University College appointed under **section 6.1**;

"Chief Financial Officer" means an officer in charge for the financial affairs of the University College appointed under **section 6.4**;

"Company" means Kolej Yayasan Pelajaran Johor Sdn. Bhd. incorporated under the Companies Act 2016 [Act 777];

"Convocation" means Convocation held in accordance with **section 10.2**;

"Constitution" means the Constitution of the University College;

"Course of study" means either a single course or a set of related courses leading to the award of a certificate, diploma or degree upon the successful completion thereof;

"Employee" means any person employed by the University College;



"Executive Management Committee of the University College" means the committee constituted in accordance with **section 4.5**;

"External student" means a student registered at a Campus outside Malaysia or who is pursuing a short term, part-time, distance learning, exchange or allied programmed, whether in or outside Malaysia;

"Higher education" means instruction or training on or teaching of a course of study leading to the award of a certificate, diploma or degree upon the successful completion thereof;

"Minister" means the Minister charged with the responsibility for higher education;

"Officer" means the Chief Executive, Deputy Chief Executive, head of a Branch Campus, Dean of a Faculty, head of a School, a Registrar, Chief Financial Officer, Chief Librarian, Legal Adviser, Counselor or the holder of any office as determined



by the Board of Governors;

"Pro-Chancellor" means the Pro-Chancellor of the University College appointed under **section 5.2**;

"Registrar" for the purpose of this Constitution means the Registrar of the University College;

"Registrar General" means the Registrar General of Private Higher Educational Institutions appointed under subsection 3(1) of the Act;

"Rules" means the rules of the University College made in accordance with **section 8.3**;

"Repealed Constitution" means the Constitution of the Kolej Yayasan Pelajaran Johor which is approved by the Registrar General on 14 January 2017 and is repealed under **section 11.9** of this Constitution;



"Senate" means the Senate of the University College constituted under **section 4.4**;

"SRC" means the Students' Representative Council referred to in **section 7.4**;

"Student" means a registered student, other than a student at an institution allied to the University College, who is following a course of study, instruction, training or research of any description at the preparatory, under-graduate, post- graduate or post- doctoral level on a full time or part-time basis in, by or from the University College and includes a distance- learning, off-campus, exchange and non-graduating student or online learning;

"Students' Union" means the Students' Union of the University College constituted in accordance with **subsection 7.4(1)**;



"Teacher" means a person employed by the University College to be a teacher and includes an academic staff, senior professor, professor, associate professor, assistant professor, senior lecturer, lecturer, assistant lecturer and tutor; and

"University College" means the Kolej Universiti Yayasan Pelajaran Johor

"PHEIs" means Private Higher Educational Institutions



## **PART 2 COMPANY**

### **Incorporation of the Company**

**2.1** (1) For the purposes of establishing and managing the University College, there has been incorporated a company in Malaysia under the Companies Act 2016 with the name and style of Kolej Yayasan Pelajaran Johor Sdn. Bhd with its registered office at KM 16, Jalan Kulai – Kota Tinggi, 81900 Kota Tinggi, Johor.

(2) The Company incorporated under subsection (1) shall be managed by the Board of Directors in strict accordance with the requirements of the Act and the Companies Act 2016, and shall have powers as prescribed under Memorandum and Articles of Association of the Company.

## **PART 3 UNIVERSITY COLLEGE**



### **Establishment and registration of the University College**

**3.1** (1) There shall be established a private higher educational institution with the name and style of the Kolej Universiti Yayasan Pelajaran Johor which has been approved by the Minister under section 10 and has been approved by the Registral General under section 10 and 24 of the Act.

(2) The University College established under subsection (1) shall, within three years from the date of the approval of its establishment, be registered in accordance with section 24 of the Act, and its registration shall be renewed in accordance with section 24A of the Act.

### **Primary object of the University College**

**3.2** The primary object for which the University College is established is to provide higher education and take any action incidental thereto in accordance with all provisions of the Act and this Constitution.



## **Powers of the University College**

**3.3** Subject to the provisions of the Act and this Constitution, and subject further to the conditions for the approval of the University College's establishment and registration, the University shall have the following powers:

- (a) to provide courses of instruction, to hold examinations, to make provision for research, and to take such other steps as may appear necessary or desirable for the advancement and dissemination of knowledge;
- (b) to admit students from within or outside Malaysia for any course of study;
- (c) to confer certificates, diplomas and degrees upon and other academic distinction persons who have successfully completed courses of study approved by the University College and have satisfied such other requirements as may be prescribed by the University College;
- (d) to recognize all relevant qualifications, including degrees and diplomas of other institutions of higher learning, for the purpose of admission to the courses of study, and examinations of the University College on such conditions as may be prescribed by the University College;
- (e) to confer emeritus professorships or honorary degrees on persons who have contributed to the advancement or dissemination of knowledge or who have rendered distinguished public service;
- (f) to grant certificates to persons who have attained proficiency in any branch of knowledge;
- (g) to institute chairs, lectureships, and other posts and offices;
- (h) to establish a University College printing press and to publish books and other matter;



- (i) to erect, equip and maintain facilities of the institutions include facilities of teaching and learning and all other buildings required for the purposes of the University College and the present educational environment in Malaysia;
- (j) to institute and award fellowships, scholarships, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance towards the advancement and dissemination of knowledge;
- (k) to grant loans or advances to its employees on such terms and conditions as may be approved by the board of Directors;
- (l) to grant loans or financial assistance to deserving students on such terms and conditions as may be approved by the board of Directors;
- (m) to conduct commercial research, to promote, utilize and commercialize its research findings and to register and maintain patents, trademarks, other intellectual property rights;
- (n) to regulate and provide for the residence of employees and students of the University College and the welfare and discipline of employees and students;
- (o) to demand and receive student fees and any other fees as may from time to time be prescribed by the University College; and
- (p) to do all such acts and things, whether or not incidental to the powers aforesaid as may be requisite in order to further instruction, research, finance, administration, welfare and discipline in the University College.



### **Establishment of branch or affiliation, etc., with other higher educational institutions**

**3.4** (1) The University College may, with the prior approval of the Minister under section 18 of the Act before-

- (a) establishes a branch;
- (b) a branch campus affiliates, associates or collaborates with other higher educational institutions, whether private or public.

### **Change of premises**

**3.5** The University College may-

- (a) with the prior approval of the Registrar General under section 28 of the Act, move, add or renovate its premises to such place as determined by the Board of Governors; and
- (b) with the prior approval of the Registrar General under regulation 10 of the Private Higher Educational Institutions (Registration) Regulations 1997 [P.U.(A) 544/97], move, add or renovate its premises as determined by the Board of Governors and approved by the Board of Directors.



### **Conduct a course of study and affiliation, etc.**

**3.6** The University College may, with the prior approval of the Registrar General in accordance with section 38 of the Act-

- (a) conduct a course of study or training programme; and
- (b) conduct a course of study or training programme jointly or in affiliation, association or collaboration with any higher educational institution, whether public or private, or professional body, within or outside Malaysia.



### **Membership of the University College**

**3.7** (1) Subject to the provision of Article 153 of the Federal Constitution, membership of the University College, whether as an officer, employee, academic staff, teacher or student, shall be open to all persons irrespective of sex, race, religion, nationality or class.

(2) No test of religious belief or profession shall be adopted or imposed in order to entitle any person to be admitted to such membership or to be awarded any degree, diploma or certificate nor shall any fellowship, scholarship, exhibition, bursary, medal, prize, other distinction or award be limited to persons of any particular race, religion, nationality or class.

### **Seal of the University College**

**3.8** (1) The common seal of the University College shall be such seal as may be approved by the Board of Governors on the recommendation of the Chief Executive and such seal may in like manner from time to time be broken, changed, altered and made anew.



(2) The common seal of the University College shall be kept in the custody of the Chief Executive.

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

(a) the Chief Executive; and

(b) one other member of the Board of Governors,

who shall sign their names to the instrument in token of such presence; and such signature shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the University College.



(4) Where the instrument referred to in subsection (3) is the scroll of a degree, diploma, certificate or other academic distinction, the common seal of the University College shall be affixed to it in the presence of the Chief Executive or an officer authorized by the Chief Executive.

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

(6) Any document or instrument which is not required to be under seal may be executed by the University College provided that such document or instrument is executed on behalf of the University College by an officer or any person generally or specially authorized by the Chief Executive.



## PART 4

### AUTHORITIES OF THE UNIVERSITY COLLEGE

#### Authorities

**4.1** (1) The Authorities of the University College shall be the Board of Director, Board of Governors, Senate, Executive Management Committee of the University College, Faculties, Schools, Selection Committee, Employee Welfare Committee, Student Welfare Committee and such other bodies as may be determined by the Board of Governors.

(2) Subject to the provisions of this Constitution, the provisions of the Schedule shall apply to members of an Authority. In the event of any disputes relating to the application of the Schedule to any member of an Authority, the Board of Governors shall make the final decision except where the dispute involves members of the Board of Governors, where the Board of Directors shall make the final decision.

#### Board of Governors

**4.2** (1) The Board of Governors shall consist of-

- (a) A chairman who shall be appointed by the company \*(shall not member of Board of Directors)
- (b) members of the Board of Directors (any numbers of Board of Directors as suggested by chairman or any relevant numbers);
- (c) the Chief Executive;
- (d) any numbers of professor of the University College elected by the Senate; and
- (e) two persons from within or outside the University College who, in the opinion of the Senate have the knowledge and experience which would be of assistance to the Board of Governors.



(2) The Board of Governors shall appoint such number of persons to be ex-officio members of the Board of Governors but such members shall not be entitled to vote at the meetings of the Board of Governors.

(3) The Registrar shall be the Secretary of the Board of Governors.

(4) Appointment of the chairman and members of the Board of Governors, except the Chief Executive, shall be made in any necessary term. All members of the Board of Governors shall be eligible for reappointment.

(5) The Chairman of the Board of Governors shall not be appointed from among the chairman or a member of the Board of Directors, or the chief executive or managing director of the Company.

(6) The quorum for any meeting of the Board of Governors shall be two-third of the total members of the Board of Governors including the Chairman and Chief Executive, but shall not include ex-officio members of the Board of Governors.

(7) Subject to this Constitution, the Board of Governors may determine its own procedure to conduct the meeting or appointments of members.



### **Functions and powers of the Board of Governors**

**4.3** (1) The Board of Governors may exercise the powers conferred on the University College as stated in this Constitution or the rules conferred on some other Authority, body or on some other officer of the University College.

(2) No resolution shall be passed by the Board of Governors relating to any matter within the powers of the Senate, but the Board of Governors may transmit to the Senate the Board of Governors' opinion on any matter within the powers of the Senate, for the Senate's consideration.

(3) In addition to the functions and powers under subsection (1), the Board of Governors shall-



- (a) provide strategic planning-oversight of the educational character and mission of the University College;
- (b) promote efficient and effective management and provide overall review of University College operations;
- (c) develop links with the community, corporate sector and industry;
- (d) foster global linkages and internationalization in relation to higher education and research; and
- (e) ensure the implementation of the University College's Constitution, laws and policies and to ensure that every Authority, officer or committee keeps within its or his powers and terms of reference.

## **Senate**

### **4.4 (1) The Senate shall consist of-**

- (a) the Chief Executive, who shall be the chairman;
- (b) all Deputy Chief Executives;
- (c) all Deans of the Faculties;
- (d) all Heads of the Branch Campuses or Schools of the University College; and
- (e) any number of full-time professors or associate professors in the opinion of Chief Executive to be elected.

(2) The Senate may from time to time invite any person, including student representatives and student council and they are not entitled to vote at the meetings of the Senate.



- (3) In the absence of the Chief Executive, the Deputy Chief Executive in charge of academic affairs shall preside at any meeting of the Senate.
- (4) The Registrar, Chief Financial Officer and Chief Librarian, shall be ex-officio members but shall not be entitled to vote at the meetings of the Senate.
- (5) The Registrar shall be the Secretary of the Senate.
- (6) The quorum of the Senate shall be two-third of the total members eligible to vote.
- (7) The Senate shall be the highest academic body of the University College and, subject to the provisions of the Act, this Constitution and the rules, shall have the control and general direction of instruction, research and examination, and the award of degrees, diplomas, certificates and other academic distinctions.
- (8) In addition to the functions and powers under subsection 6 and subsection 7, the Senate shall perform the following functions and exercise the following powers:
- (i) to set up Faculties and Schools, and departments, units or bodies under such Faculties and Schools;
  - (ii) to confer honorary degrees on persons who have contributed to the advancement or dissemination of knowledge, or who have rendered distinguished public service;
  - (iii) to formulate policies or any matters related to academic and quality of education;
  - (iv) to determine the feasibility or otherwise of any proposal in respect of any curriculum or course of study conducted or to be conducted in, by or from the University College;
  - (v) to determine the qualifications required for admission into any



course of study provided in, by or from the University College;

(vi) to regulate the conduct of assessments and examinations, confirm examination's results and determine appeals;

(vii) to draft policies for the protection of academic freedom and professional excellence;

(viii) to do all things expedient or necessary for or incidental to the performance of its functions under this Constitution; and

(ix) to regulate the quality of academic services, resources and practices so as to be in compliance with the quality, policy and standard determine by the relevant regulatory authority.

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



(10) The Senate shall consider any matter transmitted to it by the Board of Governors under subsection 4.3 (2).

### **Executive Management Committee of the University**

**4.5** (1) The Executive Management Committee of the University College shall consist of-

(1) the Chief Executive, who shall be the chairman;

(2) all Deputy Chief Executives;

(3) at least one \*Head of Branch Campuses appointed by Board of Governors, after consultation with the Chief Executive;

(4) the Registrar;



- (5) the Chief Financial Officer;
- (6) the Legal Adviser;
- (7) the Counsellor; and
- (8) such other officers of the University College appointed by the Chief Executive.

(2) Secretary of Management Committee shall be appointed by the Chairman of the Executive Management Committee of the University College.

(3) The Executive Management Committee of the University College shall advise the Chief Executive on his administrative and management functions, including matters pertaining to any faculty or school.

(4) In the absence of the Chairman of Executive Management Committee of the university college, any Deputy Chief Executive appointed by chairman shall preside at any meeting of the Executive Management Committee meeting.



## **Faculty and School**

**4.6** (1) The University College may consist of any number and names of Faculties or Schools or any term as may be determined by the Senate.

(2) A Faculty or School or any term as may be determined by the Senate shall be responsible to the Senate for the organization of instruction in the subject of study within the purview of the Faculty or School.

(3) The appointment of dean of faculty or head of school, or equivalent position, in respect of each faculty may be determined according to its own procedure upon consultation with the Senate.

(4) A person appointed under subsection (3) shall be appointed for, at any



reasonable period but shall be eligible for reappointment.

### **Selection Committee**

**4.7** (1) The University College may form a Selection Committee or may determine its own procedure for recommending the appointment or promotion of:

- (a) the post of senior professor and professor;
- (b) registrar, chief financial officer, chief librarian, legal adviser, counsellor;
- (c) teachers or academician; or
- (d) other employees

(2) The appointment for purposes of subsection 1(a) shall be made in strict accordance to with the guidelines issued by the Registrar General.

### **Employee Welfare Committee**

**4.8** (1) The Employee Welfare Committee shall consist of-

- (a) the Chief Executive, who shall be the chairman;
- (b) the Registrar;
- (c) the Chief Financial Officer;
- (d) a member from each registered employee union or employee
- (e) association of the University College; and
- (f) such other officers of the University College appointed by the Chief Executive.



(2) The Employee Welfare Committee shall have such functions relating to the welfare of the employees as may be prescribed by the rules.

### **Student Welfare Committee**

**4.9** (1) The Student Welfare Committee shall consist of-



- (a) the Chief Executive, who shall be the chairman;
- (b) the Deputy Chief Executive in charge of student affairs;
- (c) two members elected by the Student Representative Council (SRC); and
- (d) such other members as may be appointed by the Chief Executive.

(2) The Student Welfare Committee shall have such functions as may be prescribed by the rules.

### **Student Protection Scheme**

**4.10** University College shall have an appropriate student protection scheme to ensure the continuity of students' study program in case of the closure of the private higher education institution



### **Term of office of members of Authorities**

**4.11** (1) Except as may be prescribed by this Constitution, the term of office of a person elected or appointed to be a member of an Authority, otherwise than ex-officio, shall be at least two years but not exceeding four years.

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

### **Meetings**

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

(2) Subject to the provisions of this Constitution, the chairman shall preside at a meeting of the Authority and in his absence, the members of the Authority shall elect one of their members to preside over the meeting.



(3) The quorum of a meeting of the Authority, other than the Board of Governors and Senate, shall be determined by the Authority.

### **Majority**

**4.13** (1) Subject to the provisions of this Constitution, any decision and question at any meeting of any Authority shall be decided by a majority of the votes of the members present.

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



## PART 5

### CHANCELLOR AND PRO-CHANCELLOR

#### **Chancellor And Pro-Chancellor**

**5.1** The appointment of Chancellor and Pro Chancellor is depending on the necessity of the institutions.

**5.2** The University College may determined the appointment of Chancellor and Pro-Chancellor by its own procedure.



## PART 6

### EMPLOYEES OF THE UNIVERSITY COLLEGE

#### Appointment of employees of the University College

**6.1** (1) All persons employed or to be employed by the University College as senior professor, professor, teachers, the Registrar, the Chief Financial Officer, the Chief Librarian, the Legal Advisor or the Counsellor or any employees, may be appointed as such by the Board of Directors on the advice and recommendation of the Chief Executive or Board of Governors or Selection Committee by its own procedure determined by University College.

(2) Every person employed by the University College under subsection (1) shall hold office on such terms and conditions as may be prescribed by the Executive Management Committee or by its own procedure determined by the University College.

#### Chief Executive

**6.2** (1) There shall be a Chief Executive who shall be appointed by the Board of Directors amongst a person, whether from within or outside the University College who has a highly academic distinction and managerial skills.



(2) Name of such person appointed as the Chief Executive under subsection (1) shall be submitted to the Registrar General for the registration in accordance with section 31 of the Act and any other regulations made by the Minister under section 32 and 88 of the Act and other criteria as prescribed in guidelines issued by the RegistrarGeneral.

(3) The Board of Directors may determine the appointment and termination, with reasonable justification, of Chief Executive by its own procedure including the terms of office and other cond

(4) itions of service of the Chief Executive.

(5) The Chief Executive appointed under subsection (1) shall not be the chairman of the Board of Directors.



(6) The post of the Chief Executive may be known as Vice-Chancellor, President, and Rector or by such other names as may be determined by the Board of Directors and such names shall be notified to the Registrar General.

(7) The Chief Executive shall be responsible for the overall administrative, academic and management functions of the University College and shall exercise all functions and duties provided in the Act, including general supervision over the arrangements for instruction, research, finance, administration, day to day affairs, welfare and discipline in the University College, and shall act under the general authority and direction of the Board of Governors and the Senate.

(8) If there is no such Chief Executive appointed under subsection (1), the Registrar General may appoint for a temporary period any person to be the Chief Executive in accordance with subsections 37(4) and (5) of the Act.

### **Deputy Chief Executive**

**6.3** (1) There may be at least one Deputy Chief Executive or any post who shall be appointed by the Board of Directors by its own procedure including the terms of office and other conditions of service of the Deputy Chief Executive, after consultation with the Chief Executive.

(2) The post of the Deputy Chief Executive may be known as Deputy Vice-Chancellor, Vice-President and Deputy Rector or by such other names as may be determined by the Board of Directors.

(3) The terms of office and other conditions of service of the Deputy Chief Executive shall be determined by the Board of Directors.

(4) The Deputy Chief Executive shall assist the Chief Executive and shall perform his functions and discharge his duties under the direction and control of the Chief Executive.

(5) If for any substantial period the Chief Executive is unable, by reason of illness, leave of absence or any other cause, to exercise any of the functions of his office, the



Deputy Chief Executive or, if there is more than one Deputy Chief Executive, then any one Deputy Chief Executive who is nominated by the Board of Directors, shall exercise such functions; and in the event of the absence or disability of the Deputy Chief Executive or all the Deputy Chief Executives, if there be more than one, the Board of Directors shall make such temporary arrangements as it may think fit for the exercise of such functions.

(6) Any nomination or any arrangement made by the Board of Directors under subsection (5) shall be notified to the Registrar General as soon as practicable.

### **Head of a Branch Campus**

**6.4** (1) Where there is a Branch Campus, there shall be a head of the Branch Campus who shall be appointed by the Board of Directors, after consultation with the Chief Executive.

(2) The post of the head of the Branch Campus may be known by such other names as may be determined by the Board of Directors.

(3) The terms of the office and other conditions of service of the head of the Branch Campus appointed under subsection (1) shall be determined by the Board of Directors.

(4) The head of the Branch Campus shall be the principal executive, administrative and academic officer of the Branch Campus and shall perform his functions and discharge his duties under the direction and control of the Chief Executive.

### **Registrar, Chief Financial Officer, Chief Librarian, Legal Adviser and Counsellor**

**6.5** (1) There may be a Registrar, Chief Financial Officer, Chief Librarian, Legal Adviser and Counsellor who may be appointed by the Board of Governors on the advice and recommendation of the Selection Committee as under 4.7 (1).

(2) The post of the Registrar, Chief Financial Officer, Chief Librarian, Legal Adviser and Counsellor may be known by such other names as may be determined by the Board of Directors on the advice and recommendation of the Selection Committee.



(3) The terms of office and other conditions of appointment of the Registrar, Chief Financial Officer, Chief Librarian, Legal Adviser and Counsellor may be determined by the Board of Directors on the advice and recommendation of the Selection Committee.

(4) The Registrar, Chief Financial Officer, Chief Librarian, Legal Adviser and Counsellor may have such powers and duties as may be assigned to him by the Board of Directors and shall perform his functions and discharge his duties under the direction and control of the Chief Executive.

### **Discipline of officers and employees of the University College**

**6.6** (1) The Board of Director shall have disciplinary authority over employees of the University College and shall exercise disciplinary control in respect of all such persons in accordance with this Constitution and any rules made under section 8.2.

(2) The Board of Directors may establish different disciplinary committees for different categories of employees.

(3) The composition of the disciplinary committee established under subsection (2) shall be determined by the Board of Governors.

(4) A disciplinary committee shall exercise its powers in all matters relating to the discipline of every employee placed under its jurisdiction.

(5) An employee who is a member of a disciplinary committee shall not be lower in rank than any employee over whom the disciplinary committee has disciplinary authority.

(6) In any case where a member of a disciplinary committee is himself a complainant in any disciplinary proceedings before the disciplinary committee, he shall not be present in such proceedings and the Board of Governors shall appoint any other person to participate in such proceedings.

(7) Subsection (5) shall apply to any other person appointed to a disciplinary



committee under subsection (6).

(8) In the exercise of its disciplinary functions and powers, a disciplinary committee shall have the power to take disciplinary action and impose any disciplinary punishment or any combination of two or more of the disciplinary punishments provided under the rules made under section 8.2.

(9) A disciplinary committee shall have no jurisdiction in respect of the Chancellor and Pro-Chancellors.

(10) Any employee who is dissatisfied with the decision of a disciplinary committee may, within thirty days from the date of the service of the decision on him, appeal in writing against such decision to the Board of Directors.

(11) When the Board of Directors considers any appeal under subsection (10), members of the disciplinary committee against whose decision the appeal is made shall not be present or in any way participate in any proceedings relating to that appeal.

(12) The Board of Directors shall have the power to confirm, reverse or vary the decision of the disciplinary committee or give such directions on the appeal as it deems fit and proper.

(13) The decision of the Board of Directors upon an appeal shall be final.



## PART 7

### STUDENTS OF THE UNIVERSITY COLLEGE

#### **Admission of students**

**7.1** A student shall not be admitted to the University College to a course of study for a degree or diploma or certificate unless he shall have satisfied such requirements as may be determined by the Senate and admission requirement under section 40 of the Act 555 approved by the Registrar General.

#### **Discipline and conduct of students**

**7.2** (1) The Chief Executive shall be responsible for the discipline and conduct of students of the University College and shall comply with and give effect to directions issued by the Registrar General under section 46 of the Act.

(2) The discipline and conduct of the students shall be dealt with in accordance with Part VIII of the Act and section 8.2 of the constitution.

#### **Student or students' organization, body or group associating with societies, etc.**

**7.3** (1) A student of the University College may become a member of any society, organization, body or group of persons, in or outside Malaysia, including any political party, other than-

(a) any unlawful society, organization, body or group of persons, whether in or outside Malaysia;

(b) any society, organization, body or group of persons, not being a political party, which the Registrar General determines and has specified in writing to the Chief Executive to be unsuitable to the interests and well-being of the students or the University College; or

(2) A student of the University College and any society, organization, body or group of students of the University College which is established by, under or in accordance with the Constitution may have any affiliation, association or other dealing with any society, organization, body or group of persons, whether or not it is established



under any written law, whether it is in or outside the University College, and whether it is in or outside Malaysia, other than-

(a) any unlawful organization, body or group of persons, whether in or outside Malaysia; or

(b) any organization, body or group of persons which the Registrar General determines and has specified in writing to the Chief Executive to be unsuitable to the interests and well-being of the students or the University College.

(3) It shall be the responsibility of the Chief Executive to communicate to the students of the University College, and the organizations, body or group of students of the University College, the names of the organization, body or group of persons specified by the Registrar General under paragraphs (1)(b) and (2)(b) to be unsuitable to the interests and well-being of the students or the University College.

(4) No student of the University College and no organization, body or group of students of the University College which is established by, under or in accordance with the Constitution, shall express or do anything which may reasonably be construed as expressing support for or sympathy with or opposition to-

(a) any unlawful organization, body or group of persons, whether in or outside Malaysia; or

(b) any organization, body or group of persons specified by the Registrar General under paragraphs (1)(b) and (2)(b) to be unsuitable to the interests and well-being of the students or the University College.

(5) Notwithstanding subsection (4), a student of the University College shall not be prevented from-

(a) making a statement on an academic matter which relates to a subject on which he is engaged in study or research; or



(b) expressing himself on the subject referred to in paragraph (a) at a seminar, symposium or similar occasion that is not organized or sponsored by any political party, whether in or outside Malaysia, any unlawful organization, body or group of persons whether in or outside or Malaysia, or any organization, body or group of persons specified by the Registrar General under paragraphs (1)(b) and (2)(b) to be unsuitable to the interests and well-being of the students or the University College.

(6) Any student of the University College who breaches subsection (1) or (4) shall be liable to disciplinary action.

(7) Any organization, body or group of students of the University College which breaches subsection (2) or (4) shall be dealt with in accordance with section 49 of the Act.

### **Students' Union and Student Representative Council (SRC)**

**7.4** (1) The students of the University College shall together constitute a body to be known as the Students' Union.



(2) The Chief Executive Officer may make rules for the conduct of elections to the SRC and for all matters related to it.

(3) Students' Union shall elect a 'Student Representative Council'.

(4) The objects and functions of the SRC shall be:

(a) to foster a spirit of corporate life among the students of the University College;

(b) to organize and supervise, subject to the direction of the Chief Executive, student welfare facilities in the University College including recreational facilities, spiritual and religious activities, and the supply of meals and refreshments;



(c) to make representations to the Chief Executive on all matters relating to, or connected with, the living and working conditions of the students of the University College;

(d) to be represented on anybody which may, in accordance with rules made by the Chief Executive Officer for the purpose, be appointed to undertake student welfare activities in the University College; and

(e) to undertake such other activities as may be determined by the Executive Management Committee of the University College from time to time.

(5) Validity of a registered student shall cease under this section-

(a) If the student withdraws for any reason without completing the course of study.

(b) if the student is terminated due to disciplinary action.



(6) The election of the SRC may be determined by the Chief Executive of the University College in such manner as they deem appropriate.

### **Establishment of other student bodies**

**7.5** (1) Notwithstanding section 7.4, it shall be lawful for not less than twenty students of the University College with the prior approval of the Chief Executive and subject to such terms and conditions as the Chief Executive may specify, to establish a student body consisting of students of the University College for the promotion of a specific object or interest within the University College.

(2) Student bodies established under subsection (1) shall in their annual general meetings elect their office-bearers.



**Power to suspend or dissolve students' association, etc.**

**7.6** The Chief Executive shall, subject to the directions issued by the Registrar General under section 49 of the Act, suspend or dissolve any students' society, association, organization, body or group-

(a) if such society, association, organization, body or group conducts itself in a manner detrimental or prejudicial to—

- (i) the safety and security of Malaysia;
- (ii) public order; or
- (iii) the safety and security of the University College; or
- (iv) the interest of students; or

(b) if such society, association, organization, body or group violates any provision of any written law.



## PART 8

### CONSTITUTION AND RULES

#### **Constitution of the University College**

**8.1** (1) Subject to the prior approval of the Registrar General under section 30 of the Act, the Board of Directors may amend any provision of this Constitution that might be fit the purpose with the diversification of the university college accord with the provisions of the Act.

(2) Where at any time the Constitution contains any provision which is inconsistent with the provisions of the Act, the Registrar General may order the Board of Governors to amend the Constitution so as to bring it into accord with the provisions of the Act.

(3) The provisions of the Constitution shall take effect from such date as it is approved by the Registrar General.

#### **Disciplinary rules**

**8.2** (1) The Board of Directors shall have the power to make such disciplinary rules as it deems necessary or expedient to provide for the discipline of the employees and students of the University College, and such disciplinary rules shall be published in a manner as determined by the Board of Directors.

(2) The disciplinary rules made under this section shall prescribe the procedures for disciplinary proceedings and disciplinary appeal proceedings.

#### **Power to make rules**

**8.3** (1) Subject to the provisions of the Act and of this Constitution and without prejudice to its power to make rules under any other provision of this Constitution, the Board of Directors may make rules for or in respect of all or any of the following matters:

- (a) the powers, functions and duties of the employees of the University College;



- (b) the powers, functions and duties of the Authorities of the University College;
- (c) the powers, functions and duties of any committee or other body not specifically provided for in this Constitution;
- (d) the student accommodation;
- (e) the discipline of employees;
- (f) the discipline of students;
- (g) the welfare of employees;
- (h) the fees to be charged for courses of study, for residence, for admission to examination, for degrees, diplomas, certificates and other academic distinctions and any other fees that may be levied by the University College;
- (i) fee refund policy for students;
- (j) management policy for international students;
- (k) the quality management of a Branch Campus, Faculty and School;
- (l) the management of the lecture halls, library, information resources, laboratories, research institutes, halls of residence, and other service facilities of the University College;
- (m) matters incidental to or consequential upon any of the matters aforesaid; and
- (n) any other matter within its power which the Board of Governors deems expedient or necessary for the purposes of this Constitution.



(2) Subject to the provisions of the Act and of this Constitution and without prejudice to its power to make rules under any other provision of this Constitution, the Senate may make rules for or in respect of all or any of the following matters:

- (a) the determination of the degrees, diplomas, certificates and other academic distinctions to be conferred by the University College;
- (b) the conditions of admission of students;
- (c) matters incidental to or consequential upon any of the matters aforesaid; and
- (d) any other matter within its power which the Senate deems expedient or necessary for the purposes of this Constitution.

(3) Any rules made under subsections (1) and (2) may be revoked or amended by the Board of Governors or the Senate, as the case may be.

(4) Any rules made, amended or revoked under subsections (1) and (2) shall be published in a manner as determined by the Board of Directors or the Senate, as the case may be and necessary be made available and accessible to the employees, authorities, committee and students or public.



### **Inconsistencies between Act, Constitution and rules**

#### **8.4 In the event of-**

- (a) Any provisions of this Constitution being inconsistent with the provisions of the Act; or
- (b) any rules being inconsistent with the provisions of the Act or this Constitution,

then the provisions of the Act or this Constitution, as the case may be, shall prevail, and such provisions of this Constitution or the rules, as the case may be, shall to the extent of the inconsistency be void.



## **PART 9**

### **FINANCE**

#### **Power of the Board of Directors to regulate and control finances**

**9.1** The Board of Directors shall have powers in regulating, controlling and managing the finances of the University College.

#### **Power to seek funds, accept gifts, etc**

**9.2** (1) The Board of Directors or Board of Governors may on behalf of the University College have a power to seek funds for academic and research activities of the University College and accept by way of grants, gifts, testamentary dispositions, subventions, legacies or otherwise, property and moneys in aid of the finances of the University College on such conditions as it may determine.

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



#### **Financial assistance fund**

**9.3** (1) A fund may be established by the Board of Directors to provide financial assistance for the students or for any academic purposes of the University College.

(2) The procedure for managing such fund established under subsection (1) shall be determined by the Board of Directors.

#### **Fee Refund**

**9.4** The University College must have a fee refund policy that is accessible to the public.



## PART 10

### GENERAL PROVISIONS

#### **Academic Integrity**

**10.1** Everyone in the University College community which includes but not limited to students, lecturers, researchers and administrators of University College are expected to hold the highest standards of academic honesty and integrity.

#### **Convocation**

**10.2** (1) A Convocation for the conferment of completion course of study shall be held annually, or as often as the Board of Governors may direct, on such date as may be approved by the Board of Directors.

(2) In the absence of the Chancellor or of a Pro- Chancellor (if any), authorized for this purpose by the Chancellor, the Chairman of the Board of Governors or the Chief Executive shall preside over Convocation.



#### **Alumni of the University**

**10.3** (1) Subject to the approval of the Board of Governors, it shall be lawful for not less than thirty graduates of the University College to form and establish an association to be known as the Alumni of the University College.

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

(3) Nothing in this section shall be construed as constituting the Alumni of the University College to be an Authority of the University College.

#### **Powers of delegation**

**10.4** (1) Subject to the provisions of the Act, where by the provisions of this Constitution or any rules any officer or Authority is empowered to exercise any power



or perform any duty, such officer or Authority may by instrument in writing subject to the provisions of this section and to such conditions and restrictions as may be prescribed in such instrument, delegate the exercise of such powers or the performance of such duties to any Authority or to any committee or to any person described therein by name or office.

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

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

(4) Nothing in this section shall apply to any power to make or approve rules.

(5) Notwithstanding any delegation made under this section the officer or authorities making such delegation shall continue to be responsible for the performance of its duties as provided under the Act, Constitution or rules.



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

**10.5** (1) If the Senate is of the opinion that any graduate of the University College or any person who has received a degree, diploma, certificate or other academic distinction from the University College is guilty of scandalous conduct, it shall be lawful for the Chief Executive as the chairman of Senate on the recommendation of not less than two-thirds of all members of the Senate, after giving to the graduate or the person concerned an opportunity of being heard, to deprive of any degree, diploma, certificate or other academic distinction conferred upon him by the University College.

(2) Scandalous conduct in subsection (1) includes conducting oneself in a fraudulent or dishonest manner in obtaining a degree, diploma, certificate or other academic distinction from the University College.

### **Audited annual report**

**10.6** The Chief Executive shall submit to the Registrar General audited annual reports of the Company in relation to the University College in accordance with paragraph 33(b)



of the Act within 60 days after the audited financial statements and report have been circulated to shareholders.

### **Institution in Association**

**10.7** (1) All PHEIs must be a member of any association related to higher education that are legally registered in Malaysia.

(2) The registration under subsection (1) shall be made within six month from the date of the approval of its establishment.

### **Disputes**

**10.8** Any disputes between the Authorities of the University College on the scope and extent of the powers, functions or jurisdiction of such Authorities may be referred by either party to the Board of Governors and its decision is final.



## PART 11

### SAVINGS AND TRANSITIONAL PROVISIONS

#### **Validity of actions by the Company or University College**

**11.1** Any instrument, deed, title, document, bond, agreement and working arrangement executed by the Company or University College under repealed Constitution shall, on the appointed date be deemed to have been made under this Constitution and continue to be in force and have effect.

*\*Section 11.2, 11.3, 11.4, 11.5, 11.6, 11.7 & 11.8 only applies if the repeal process occurs*

#### **Rights, etc., of the Company or University College not affected**

**11.2** (1) All rights, privileges, liabilities, duties and obligations of the Company or University College under the repealed Constitution shall, on the appointed date, devolve upon and be deemed to be rights, privileges, liabilities, duties and obligations of the Company or University College under this Constitution.

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

(3) All existing liabilities incurred by or on behalf of or for the purposes of the Company or University College under the repealed Constitution shall, on the appointed date, be forced against the Company or University College under this Constitution.

#### **Delegated powers**

**11.3** All powers delegated under the repealed Constitution shall, on the appointed date, in so far as the delegation is consistent with this Constitution, be deemed to have been delegated under this Constitution.

#### **Saving of Statutes, etc.**

**11.4** All statutes, rules, regulations, declaration, order, notices, forms and authorization letters issued or made by the Company or University College before the



appointed date shall remain in force, in so far as statutes, rules, regulations, declaration, order, notices, forms and authorization letters are consistent with, or until replaced or revoked by, the provisions of this Constitution.

### **Continuance of service**

**11.5** Subject to this Constitution, all persons who immediately before the appointed date were appointed, or employed, by the Company or University College under the repealed Constitution shall, on and after that date be deemed to be appointed, or employed, by the Company or University College under this Constitution.

### **Students of the University College**

**11.6** All students who immediately before the appointed date were admitted to follow courses of study at the University College under the repealed Constitution and, on the appointed date are following such courses of study shall on the appointed date, be deemed to have been admitted under this Constitution

### **Continuance of the SRC and other student bodies**

**11.7** (1) The SRC and student bodies which were established under the repealed Constitution shall, on the appointed date, be deemed to be established under this Constitution.

(2) Students who are members of the SRC and student bodies under the repealed Constitution shall, on the appointed date, in so far as eligible to be registered student under section 7.4 of this Constitution, remain as a member of the SRC and student bodies by whatever name called.

(3) Members elected to hold office in the SRC and other student bodies under the repealed Constitution shall, on the appointed date, be deemed to hold office in the SRC and other student bodies, by whatever name called, under this Constitution and shall hold office till the date on which new elections are held under subsection 7.5(2) of this Constitution.



## **Continuance of disciplinary proceeding**

**11.8** Where on the coming into operation of this Constitution, a disciplinary proceeding against a student of the University College is pending, the proceeding shall be continued under and in conformity with the provisions of the law and disciplinary rules applicable at the time of the commencement of the disciplinary proceeding.

## **Repeal**

**11.9** The Constitution of the Kolej Yayasan Pelajaran Johor which is approved by the Registrar General on 14 January 2021 is repealed.

## **SCHEDULE**

[Subsection 4.1(2) of the Constitution]

## **Disqualification**

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

(a) if there has been proved against him, or he has been convicted on a charge in respect of-

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under a law relating to corruption; or

(iii) any other offence punishable with imprisonment for more than two years;

(b) if he is or becomes a bankrupt;

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

(d) If he acts in a manner which is detrimental to the interest of Malaysia, the public or the students.



### **Cessation from being a member**

2. A member of an Authority shall cease to be a member-
- (a) if he fails to attend three consecutive meetings of the Authority without leave of the chairman of the Authority; or
  - (b) if his appointment is revoked or he resigns; or
  - (c) if he is disqualified under paragraph 1.

### **Resignation**

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

### **Filling of vacancies**

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



### **Allowance**

5. Members of the Authority may be paid such allowance as the Board of Directors may determine.

### **Authority may invite others to meetings**

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

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

### **Minutes**

7. The Authority shall maintain and keep minutes of all its meetings in a proper form.

### **Disclosure of interest**

8. (1) A member of the Authority having, directly or indirectly,-



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

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

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

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

### **Validity of acts and proceedings**

9. No act done or proceeding taken under this Constitution shall be questioned on the ground of a vacancy in the membership of, or a defect in the constitution of, the Authority.

