

THE UNIVERSITÉ DES MASCAREIGNES BILL

(No. III of 2012)

Explanatory Memorandum

The object of this Bill is to provide for the establishment of the Université des Mascareignes.

2. The Université des Mascareignes will take over the functions of the Institut Supérieur de Technologie and the Swami Dayanand Institute of Management. The objects of the Université des Mascareignes shall, *inter alia*, be to –

- (a) provide tertiary education, and develop and promote excellence in life, natural, applied and social sciences and humanities;
- (b) conduct programmes and courses in those fields;
- (c) provide research, development, consultancy and other services in those fields to industrial or commercial organisations, public bodies or individuals;
- (d) serve as a centre for fostering co-operation, partnership and exchange of ideas between the academic community on the one hand and the public and private sectors on the other;
- (e) develop into an institution of excellence in teaching, training, scholarship, research, consultancy and other services with emphasis on its areas of operation.

DR. R. JEETAH

*Minister of Tertiary Education,
Science, Research and Technology*

24 April 2012

THE UNIVERSITÉ DES MASCAREIGNES BILL
(No. III of 2012)

ARRANGEMENT OF CLAUSES

Clause

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A BILL

To provide for the establishment of the Université des Mascareignes and for related matters

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Université des Mascareignes Act 2012.

2. Interpretation

In this Act –

"Academic Council" means the Academic Council referred to in section 14;

"academic staff" means persons who hold office at the Université des Mascareignes to teach or to do research;

"Board" means the Board of Governors referred to in section 9;

"Committee" means a committee set up under section 13;

"Convocation" means the Convocation of the Université des Mascareignes referred to in section 16;

"Dean" means the Head of a Faculty;

"Department" means a Department of a Faculty;

"Director-General" means the Director-General referred to in section 17;

"Faculty" means a Faculty of the Université des Mascareignes referred to in section 15;

"Faculty Board" means a Faculty Board referred to in section 15(4);

"general staff" means persons who hold office at the Université des Mascareignes to perform administrative, secretarial, clerical, technical or manual work;

"Head of Finance" means the Head of Finance referred to in section 20;

"Head of Information Services" means the Head of Information Services referred to in section 21;

"Head of International Affairs, Student Welfare and Support" means the Head of International Affairs, Student Welfare and Support referred to in section 22;

"Head of Projects, Estates and Endowments" means the Head of Projects, Estates and Endowments referred to in section 23;

"Head of Quality Assurance" means the Head of Quality Assurance referred to in section 24;

"Head of Research, Consultancy and Innovation" means the Head of Research, Consultancy and Innovation referred to in section 25;

"Minister" means the Minister to whom responsibility for the subject of tertiary education is assigned;

"Planning and Finance Committee" means the Planning and Finance Committee set up under section 13;

"President" means the President of the Board appointed under section 9(1)(a);

"Registrar" means the Registrar of the Université des Mascareignes referred to in section 18;

"regulations" means regulations made by the Academic Council in accordance with section 36;

"Staff Committee" means the Staff Committee set up under section 13;

"Statutes" means the Statutes of the Université des Mascareignes, set out in the Schedule;

"student" means a person admitted to the Université des Mascareignes to follow a course of study or undertake research;

"Tertiary Education Commission" means the Tertiary Education Commission established under section 3 of the Tertiary Education Commission Act;

"tertiary education institution" has the same meaning as in the Tertiary Education Commission Act;

"Université des Mascareignes" means the Université des Mascareignes established under section 3.

PART II – UNIVERSITÉ DES MASCAREIGNES

3. Establishment of Université des Mascareignes

(1) There is established for the purposes of this Act the Université des Mascareignes.

(2) The Université des Mascareignes shall be a body corporate.

4. Objects of Université des Mascareignes

The objects of the Université des Mascareignes shall be to –

- (a) provide tertiary education, and develop and promote excellence in life, natural, applied and social sciences and humanities;
- (b) foster and encourage the advancement of knowledge and skills, and their application to research, development, consultancy and other fields, through industry, the services sector, commerce and the public sector;
- (c) provide research, development, consultancy and other services for industrial or commercial organisations, public bodies or individuals;
- (d) serve as a centre for fostering co-operation, partnership and exchange of ideas between the academic community on the one hand and the public and private sectors on the other;
- (e) promote entrepreneurship among its students;
- (f) give a regional and international dimension to its teaching, research, consultancy, development, service and other activities;
- (g) develop into an institution of excellence in teaching, training, scholarship, research, consultancy and other services, with emphasis on its areas of operation.

5. Functions of Université des Mascareignes

The Université des Mascareignes shall have such functions as are necessary to attain its objects most effectively and shall, in particular –

- (a) conduct programmes and courses of study for degrees, diplomas, certificates and other academic distinctions;

- (b) hold examinations and confer degrees, diplomas, certificates and other academic distinctions, whether on its own or jointly with any other tertiary education institution, on persons who have successfully pursued a course of study or conducted research in accordance with the Statutes;
- (c) institute and award scholarships, prizes and medals, and confer such other awards for recognition as it may deem fit;
- (d) safeguard and market the intellectual property rights and products of the Université des Mascareignes;
- (e) establish exchange programmes and courses with any other institution;
- (f) co-operate with other institutions having objects wholly or partly similar to those of the Université des Mascareignes;
- (g) exploit commercially for its benefit the services and resources of the Université des Mascareignes;
- (h) determine standards and specify conditions for the admission of students to courses of study at the Université des Mascareignes, which may include examination, evaluation or any other method of testing;
- (i) advise the Minister on all matters pertaining to the Université des Mascareignes;
- (j) do all such things as may be necessary for, or incidental or conducive to, the attainment of its objects and the performance of its functions, including such other functions as may be assigned to it.

6. Powers of Université des Mascareignes

The Université des Mascareignes shall have such powers as are necessary to attain its objects and discharge its functions most effectively and may, in particular –

- (a) admit students to its programmes and courses;
- (b) fix and levy fees or charges;
- (c) receive grants and donations;
- (d) operate in partnership with other institutions;

- (e) manage, in such manner as it may determine, any property belonging to or vested in it;
- (f) enter, in such manner as it may determine, into agreements with any other institution, including an agreement providing for the incorporation within the Université des Mascareignes of any other institution.

7. Admission of students

(1) Subject to subsection (2), the Université des Mascareignes shall be open to all persons.

(2) Nothing in subsection (1) shall require the Université des Mascareignes to –

- (a) admit to any course of study or research any person who does not possess the prescribed academic qualification or standard;
- (b) retain on its roll a student whose academic record is below the minimum standard required for the award of a degree, diploma, certificate or other academic distinction; or
- (c) admit or retain any student whose conduct is prejudicial to its interests, or the rights and privileges of other students or of the staff of the Université des Mascareignes.

8. Inquiries

(1) Subject to subsection (2), the Prime Minister may, in respect of any matter connected with the Université des Mascareignes, institute an inquiry to be made by such person as he may appoint, in such manner as he may determine.

(2) Where the Prime Minister decides to institute an inquiry under subsection (1), he shall, in every case, give notice to the President of his intention to cause an inquiry to be made and the Board shall be entitled to be represented at such inquiry.

(3) The Prime Minister –

- (a) shall communicate his views to the Board with reference to the result of any such inquiry;

- (b) may, after ascertaining the opinion of the Board thereon, advise the Université des Mascareignes regarding the action to be taken and fix a time limit for taking such action.

(4) The Board shall, within the time fixed under subsection (3)(b), report to the Prime Minister the action taken or proposed to be taken on any advice tendered under subsection (3)(b).

(5) Where the Board does not take action within the time fixed under subsection (3)(b), or the action taken by the Board is, in the opinion of the Prime Minister, not satisfactory, the Prime Minister may, after considering any explanation offered or representation made by the Board, issue such directions as he thinks fit and the Board shall comply with any such directions.

PART III – ADMINISTRATION

9. Board of Governors

(1) There shall be a Board of Governors of the Université des Mascareignes which shall consist of –

- (a) a President, to be appointed by the Prime Minister;
- (b) a Director-General, to be appointed by the Prime Minister on the recommendation of the Minister;
- (c) 5 persons, to be appointed by the Prime Minister on the recommendation of the Minister, out of whom 3 shall come from the private sector;
- (d) one person elected by and from the academic staff;
- (e) one person elected by and from the general staff; and
- (f) one person elected by and from the students.

(2) The persons appointed under subsection (1)(c) shall include –

- (a) one person with substantial industrial experience;
- (b) one person with qualifications and experience in financial matters; and
- (c) one person who has substantial knowledge and experience in tertiary education and training.

10. Functions and powers of Board

(1) The Board shall be the governing body having the direction and superintendence of the Université des Mascareignes and its principal responsibilities shall include –

- (a) devising or approving strategic plans and major policies for the Université des Mascareignes;
- (b) overseeing its management and development;
- (c) monitoring and reviewing its operations; and
- (d) providing rigorous accountability standards in its various operations.

(2) The Board may –

- (a) on behalf of the Université des Mascareignes –
 - (i) confer degrees, diplomas, certificates, other academic distinctions and honorary degrees;
 - (ii) appoint the academic and general staff;
 - (iii) manage and control its affairs, property and finance;
 - (iv) enter into any contract or other arrangement;
 - (v) with the Minister's approval, amend the Statutes by regulations;
 - (vi) institute or discontinue courses of study;
 - (vii) take any decision on a question of policy; and
- (b) do all such things as may be necessary for, or incidental or conducive to, the performance of its functions under subsection (1).

11. President of Board

The President shall –

- (a) preside at every meeting of the Board and any Convocation;
- (b) ensure that the decisions taken by the Board are implemented; and

- (c) exercise such other powers and perform such other functions as may be assigned to him by this Act or the Statutes.

12. Term of office of members of Board

(1) The term of office of every appointed or elected member of the Board shall be 3 years and the member shall be eligible for a further appointment or election for not more than one term of 3 years.

(2) Where a member of the Board, who is elected –

- (a) by the academic staff, ceases to be a member of the academic staff;
- (b) by the general staff, ceases to be a member of the general staff; or
- (c) by the students, ceases to be a student,

that member's office shall become vacant and, subject to subsection (5), be filled by way of a fresh election.

(3) (a) The President may resign his office by writing to the Prime Minister.

(b) Any other appointed or elected member of the Board may resign his office by writing to the President.

(c) Any vacancy caused by the resignation of a member of the Board shall, subject to subsection (5), be filled by a fresh appointment or election, as the case may be.

(4) The term of office of a member appointed or elected to fill a vacancy shall continue for the remainder of the term of the member in whose place he has been appointed or elected.

(5) Where a vacancy occurs less than 3 months before the expiry of a member's term of office, the Board may determine that the office shall be left vacant for the remainder of the term.

13. Committees

(1) The Board shall set up a Planning and Finance Committee, a Staff Committee and such other committees as it may determine to assist the Board in the performance of its functions.

(2) The composition, functions and the procedure for the convening and holding of meetings of every such Committee shall be such as are provided for in the Statutes.

PART IV – ACADEMIC STRUCTURE

14. Academic Council

(1) There shall be an Academic Council which shall –

- (a) be the principal academic body of the Université des Mascareignes;
- (b) have control and general regulation of teaching, examination and research; and
- (c) be responsible for the maintenance of appropriate standards in such matters.

(2) The constitution of the Academic Council, the term of office of its members, its powers and functions and the procedure to be observed for the convening and holding of its meetings shall be such as are provided for in the Statutes.

15. Faculties

(1) The Université des Mascareignes shall comprise the following Faculties –

- (a) a Faculty of Sustainable Development and Engineering;
- (b) a Faculty of Business and Management;
- (c) a Faculty of Information and Communication Technology; and
- (d) such other Faculties or other academic units as may be provided for in the Statutes.

(2) (a) The Faculty of Sustainable Development and Engineering shall consist of –

- (i) a Department of Electromechanical and Automation Engineering;
- (ii) a Department of Applied Electrical and Electronic Engineering;

- (iii) a Department of Civil and Environmental Engineering; and
 - (iv) such other Department as may be provided for in the Statutes.
- (b) The Faculty of Business and Management shall consist of –
- (i) a Department of Management;
 - (ii) a Department of Banking and Finance; and
 - (iii) such other Department as may be provided for in the Statutes.
- (c) The Faculty of Information and Communication Technology shall consist of –
- (i) a Department of Software Engineering;
 - (ii) a Department of Applied Computer Science; and
 - (iii) such other Department as may be provided for in the Statutes.

(3) The Statutes may provide for the setting up of other Faculties and Departments of teaching and research, with appropriate assignment of subjects.

(4) There shall be a Faculty Board for each Faculty, the constitution and functions of which shall be such as are provided for in the Statutes.

16. Convocation

There shall be a Convocation, the procedure for which shall be such as is provided for in the Statutes.

PART V – OFFICERS OF UNIVERSITÉ DES MASCAREIGNES

17. Director-General

There shall be a Director-General who shall –

- (a) be the principal executive and academic officer of the Université des Mascareignes;
- (b) hold office on such terms and conditions as are provided for in the Statutes.

18. Registrar

There shall be a Registrar of the Université des Mascareignes who shall be –

- (a) the principal administrative officer of the Université des Mascareignes; and
- (b) appointed and hold office on such terms and conditions as are provided for in the Statutes.

19. Deans of Faculties

There shall be, for each Faculty, a Dean who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

20. Head of Finance

There shall be a Head of Finance who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

21. Head of Information Services

There shall be a Head of Information Services who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

22. Head of International Affairs, Student Welfare and Support

There shall be a Head of International Affairs, Student Welfare and Support who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

23. Head of Projects, Estates and Endowments

There shall be a Head of Projects, Estates and Endowments who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

24. Head of Quality Assurance

There shall be a Head of Quality Assurance who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

25. Head of Research, Consultancy and Innovation

There shall be a Head of Research, Consultancy and Innovation who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

PART VI – FINANCIAL PROVISIONS AND ACCOUNTS

26. General Fund

The Board shall set up a General Fund –

- (a) into which shall be paid –
 - (i) any grant, donation, gift and contribution received by it;
 - (ii) any fee, charge, rental or interest; and
 - (iii) any other sum which may lawfully accrue to it;
- (b) out of which all payments required to be made by the Board on behalf of the Université des Mascareignes shall be effected.

27. Execution of documents

(1) Subject to subsection (2), no deed, instrument, contract or other document shall be executed or signed by or on behalf of the Université des Mascareignes unless it is signed by the President or, in his absence, by a member elected by the Board.

(2) No cheque shall be signed by or on behalf of the Université des Mascareignes unless it is signed by the –

- (a) President or, in his absence, by a member elected by the Board; and
- (b) Director-General, or in his absence, by the officer appointed to act on his behalf.

28. Donation

Article 910 of the Code Civil Mauricien shall not apply to the Université des Mascareignes.

29. Transfer of property and borrowing

(1) The Université des Mascareignes shall not, except with the approval of the Minister –

- (a) sell or exchange any property or make any donation; or
- (b) borrow any money, and any borrowing shall be for the purposes of this Act.

(2) The Government may, subject to such terms and conditions as it may determine, guarantee the performance of any obligation undertaken by the Université des Mascareignes pursuant to any agreement entered into for the purpose of subsection (1)(b).

30. Exemptions

Notwithstanding any other enactment, the Université des Mascareignes shall be exempt from payment of any –

- (a) licence duty; and
- (b) registration duty in respect of any document executed or signed by or on behalf of the Université des Mascareignes under which it is a beneficiary.

31. Estimates

(1) The Board shall submit to the Minister, not later than 30 September in every year, an estimate of the income and expenditure of the Université des Mascareignes for the next financial year for his approval.

(2) Where the Minister gives his approval under subsection (1), the Minister may –

- (a) approve only part of the expenditure under any item; and
- (b) direct the Board to amend the estimate in respect of any item in such manner as he may determine.

32. Annual report

(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance sheet, in such form and manner as may be required by the Tertiary Education Commission, which may demand the production of books, accounts, connected vouchers and other documents and papers and inspect the offices of the Université des Mascareignes.

(2) The Board shall, not later than 4 months after the end of a financial year, submit to the Minister an annual report together with an audited statement of accounts on the operations of the Université des Mascareignes in respect of that financial year.

(3) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Université des Mascareignes before the Assembly.

(4) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

PART VII – MISCELLANEOUS

33. Seal of Université des Mascareignes

The Université des Mascareignes shall have a seal which shall—

- (a) be kept in such custody as the Council may direct and be used only with the approval of the Council;
- (b) be judicially noticed by every Court and, unless the contrary is proved, be presumed to have been duly affixed to any document of the Université des Mascareignes.

34. Legal proceedings

The Université des Mascareignes shall act and sue, and be sued, implead or be impleaded under its corporate name, and service of any judicial process shall be effected by or on the Registrar.

35. Statutes

The Statutes may provide for all or any of the following matters –

- (a) the holding of a Convocation to confer degrees, diplomas, certificates and other academic distinctions;
- (b) the conferment of honorary degrees;
- (c) the establishment of Faculties or other academic units;
- (d) the fees to be charged for courses of study and for admission to examinations for degrees, diplomas, certificates and other academic distinctions;
- (e) the institution of fellowships, scholarships, medals and awards;
- (f) the manner of appointment and the terms and conditions of the staff of the Université des Mascareignes, other than the Director-General;
- (g) the constitution, powers and functions, and the procedure at meetings of, the Board, the Academic Council, the Planning and Finance Committee, the Staff Committee and other committees, the quorum at such meetings and the procedure to be followed in the conduct of their business;

- (h) affiliation with other institutions that would assist in attaining any of the objects of the Université des Mascareignes;
- (i) the implementation of a Student Charter;
- (j) the operation of associations of students and alumni;
- (k) the conduct of a ballot for the election of members of the Board;
- (l) the manner in which the Statutes may be amended;
- (m) any other matter which by this Act is to be or may be provided for in the Statutes.

36. Regulations

(1) Subject to subsection (2), the Academic Council may, for the purposes of this Act, make regulations which shall come into operation on such date as the Academic Council may fix.

(2) (a) Any regulations made under subsection (1) shall be –

- (i) submitted, as soon as they are made, to the Board;
- (ii) considered by the Board at its next meeting.

(b) The Board may, by resolution passed by a majority of not less than two-thirds of the members present at that meeting, modify or cancel any such regulations and those regulations shall, from the date of such resolution, have effect in such modified form or be of no effect, as the case may be.

(3) The regulations may provide for –

- (a) the admission of students;
- (b) the courses of study including industrial training leading to degrees, diplomas, certificates and other academic distinctions;
- (c) the conditions on which students shall be admitted to courses of study leading to degrees, diplomas, certificates and other academic distinctions;
- (d) the conduct of examinations and the conditions on which students shall be admitted to such examinations;

- (e) the manner in which exemptions relating to the admission of students to examinations may be given;
- (f) the conditions and mode of appointment and duties of examining bodies and examiners;
- (g) the equivalence of examinations and qualifications of any other institution or examination board for the purposes of admitting a student;
- (h) the assessment, evaluation and grading of students' performance;
- (i) the award of degrees, diplomas, certificates and other academic distinctions;
- (j) the maintenance of discipline among the academic staff and the students;
- (k) the fees to be charged for courses of study, research and practical training and for admission to the examinations for degrees, diplomas, certificates and other academic distinctions;
- (l) the use of and access to any place of learning or research or resource centre;
- (m) academic dress; and
- (n) any other matter which, by this Act or the Statutes, is to be or may be provided for in the regulations.

37. Consequential amendments

(1) The Public Procurement Act is amended, in Part II of the Schedule, by inserting, in the appropriate alphabetical order, the following new item –

Université des Mascareignes

(2) (a) Subject to subsections (2) and (3), the Statutory Bodies (Accounts and Audit) Act is amended, in Part III of the Schedule, by inserting, in the appropriate alphabetical order, the following new item –

Université des Mascareignes

(b) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 31

December next following shall be deemed to be the first financial year of the Université des Mascareignes.

(c) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Université des Mascareignes.

(3) The Tertiary Education Commission Act is amended, in the Schedule, by inserting, in the appropriate alphabetical order, the following new item –

Université des Mascareignes

(4) The University of Mauritius Act is amended, in section 3(3), by inserting, after the words “Mauritius Act”, the words “and the Université des Mascareignes Act 2012”.

38. Transitional provisions

(1) In this section –

“IST” means the Institut Supérieur de Technologie operating under the aegis of the UTM;

“SDIM” means the Swami Dayanand Institute of Management operating under the aegis of the UTM;

“UTM” means the University of Technology, Mauritius established under section 3 of the University of Technology, Mauritius Act.

(2) Notwithstanding any other enactment, the IST and the SDIM shall, at the commencement of this Act, integrate the Université des Mascareignes.

(3) Notwithstanding any other enactment, every person employed by the IST or the SDIM shall be dealt with in accordance with this section.

(4) Every person who, at the commencement of this Act, is employed on the permanent and pensionable establishment of the IST or the SDIM shall be entitled to be transferred to the permanent and pensionable establishment of the Université des Mascareignes on terms and conditions which shall be not less favourable than those of his previous employment.

(5) The period of service of every person employed on the permanent and pensionable establishment of the IST or the SDIM, who is transferred to the Université des Mascareignes under subsection (4), shall be deemed to be an unbroken period of service with the Université des Mascareignes.

(6) No person employed on the permanent and pensionable establishment of the IST or the SDIM shall, on account of his transfer to the Université des Mascareignes or any resulting change in his job title, be entitled

to claim that his employment has been terminated or adversely affected in breach of any other enactment.

(7) Any person employed on the permanent and pensionable establishment of the IST or the SDIM who does not accept to be transferred to the Université des Mascareignes may –

- (a) at his request, be redeployed, so far as is practicable, to a statutory body, where vacancies in similar positions are available; or
- (b) opt for retirement on the ground of abolition of office and be paid pension benefits in accordance with the Statutory Bodies Pension Funds Act.

(8) (a) Any person employed on the permanent and pensionable establishment of the IST or the SDIM, against whom disciplinary proceedings are pending at the commencement of this Act –

- (i) who is not interdicted, shall be transferred to the permanent and pensionable establishment of the Université des Mascareignes on terms and conditions which shall be not less favourable than those of his previous employment;
- (ii) who is interdicted, shall be transferred to the permanent and pensionable establishment of the Université des Mascareignes, where following the completion of the disciplinary proceedings, he is reinstated in the office he held at the time of his interdiction; and
- (iii) where, upon the reinstatement under subparagraph (ii), no vacancy exists at the Université des Mascareignes, that person shall be deemed to have retired on ground of abolition of office and he shall be paid all his pension benefits.

(b) For the purposes of paragraph (a)(iii), the date of retirement on ground of abolition of office shall be deemed to be the date of the commencement of this Act.

(9) Any disciplinary inquiry, investigation or proceedings, pending or in process at the commencement of this Act, against any person employed on the permanent and pensionable establishment of the IST or the SDIM, shall be taken up, continued or completed by the supervising officer of the Ministry, and any

resulting order or decision shall have the same force and effect as if made by the IST or the SDIM, as the case may be.

(10) Notwithstanding any other enactment, the contract of every person employed on a fixed term performance contract at the IST or the SDIM shall, at the commencement of this Act, be deemed to have been made by the Université des Mascareignes.

(11) Any disciplinary inquiry, investigation or proceedings, pending or in process at the commencement of this Act, against any person employed on a fixed term performance contract at the IST or the SDIM, shall be taken up, continued or completed by the Board and any resulting order or decision shall have the same force and effect as if made by the IST or the SDIM, as the case may be.

(12) The assets of the IST or the SDIM vested in the Ministry responsible for the subject of human resources shall, at the commencement of this Act, be vested in the Université des Mascareignes.

(13) All rights of, and obligations and liabilities subsisting against, the IST or the SDIM shall, at the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Université des Mascareignes.

(14) Every person who, at the commencement of this Act, is registered for training purposes at the IST or the SDIM shall be deemed to be a student of the Université des Mascareignes.

(15) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

39. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

SCHEDULE
[Sections 2 and 35]

STATUTES OF THE UNIVERSITÉ DES MASCAREIGNES

1. Amendment of Statutes

(1) Subject to this paragraph, the Board may, with the approval of the Minister, amend the Statutes.

(2) Where an amendment of the Statutes is not approved by the Minister, he shall remit the matter to the Board for further consideration.

(3) (a) Where an amendment of the Statutes is approved by the Minister, the Board shall cause it to be published in the *Gazette*.

(b) The amendment of the Statutes shall come into operation on the date it is published in the *Gazette* or on such later date as may be specified in the amendment.

2. Meetings of Board

(1) The Board shall meet as often as necessary but at least once every month.

(2) At a meeting of the Board, 6 members shall constitute a quorum and no business may be transacted at a meeting of the Board unless there is a quorum.

(3) (a) The President shall preside at a meeting of the Board.

(b) Where the President is absent from a meeting of the Board, the members present shall elect, from among themselves, another member to preside that meeting.

(4) (a) Where any member, or any person related to the member by blood or marriage, has a pecuniary or other material interest in relation to any matter before a meeting of the Board, that member –

(i) shall disclose the nature of the interest before or at the meeting of the Board convened to discuss that matter; and

(ii) shall not take part in any deliberations of the meeting of the Board relating to that matter.

(b) A disclosure of interest made under sub-subparagraph (a)(i) shall be recorded in the minutes of proceedings of the meeting of the Board by the Secretary to the Board.

(5) Each member present at a meeting of the Board shall be entitled to one vote on a matter arising for decision at the meeting and the person presiding at the meeting shall, in the event of an equality of votes, have a casting vote.

(6) A decision carried by a majority of the votes cast by the members present and voting at a meeting shall be a decision of the Board.

(7) The Board shall regulate its meetings and proceedings in such manner as it may determine.

3. Director-General

(1) The Director-General shall –

- (a) hold office for a period of 5 years renewable for any further period and on such terms and conditions as the Board may determine;
- (b) in the absence of the President, preside at a Convocation;
- (c) exercise control over the affairs of the Université des Mascareignes;
- (d) act in accordance with such directives as he may receive from the Board;
- (e) ensure the faithful observance of the provisions of this Act, the Statutes and the regulations.

(2) The Director-General may, with the approval of the Board, delegate his powers and functions to such officer as he may determine.

(3) In the absence of the Director-General, the Board may appoint a member or another person, other than a member, to act as Acting Director-General.

(4) The Acting Director-General appointed under subparagraph (3) shall exercise the powers and perform the functions of the Director-General.

4. Registrar

(1) The Board shall appoint, on the recommendation of the Staff Committee, a Registrar on such terms and conditions as it may determine.

- (2) In the exercise of his functions, the Registrar –
- (a) (i) shall act as Secretary to the Board, the Staff Committee, the Academic Council and the Faculty Boards;
 - (ii) shall give notice of every meeting of the Board, the Staff Committee, the Academic Council and the Faculty Boards to the members;
 - (iii) shall prepare and attend every meeting of the Board, the Staff Committee, the Academic Council and the Faculty Boards;
 - (iv) shall keep minutes of proceedings of any meeting of the Board, the Staff Committee, the Academic Council and the Faculty Boards; and
 - (v) may take part in the deliberations of a meeting of the Board, the Staff Committee, the Academic Council and the Faculty Boards, but shall have no right to vote;
- (b) shall conduct the official correspondence of the Board and the Academic Council;
- (c) shall perform such other functions as may be specified in the Statutes or regulations made under this Act, or such other functions as may be conferred by the Board or the Director-General.

(3) The Registrar may delegate any of his functions to any other member of the staff.

5. Academic Council

- (1) The Academic Council shall consist of –
- (a) the Director-General;
 - (b) the Deans;
 - (c) the Executive Director of the Tertiary Education Commission or his representative;
 - (d) the Head of every other university or his representative;

- (e) the Head of Information Services;
- (f) the Head of Quality Assurance;
- (g) 3 persons appointed by the Board;
- (h) one person elected by and from the academic staff of each Faculty;
- (i) one person elected by and from the students;
- (j) one member of the Board, other than the President, appointed by the Board.

(2) The Director-General shall be the Chairperson, and the Registrar shall be the secretary, of the Academic Council.

(3) The term of office of the members of the Academic Council referred to in subparagraph (1)(g) to (i) shall be 2 years and every such member shall be eligible for reappointment or re-election for one more term of 2 years.

(4) A person shall cease to be a member of the Academic Council upon –

- (a) the completion of his term of office;
- (b) his resignation;
- (c) his ceasing to be a member of the academic staff of a Faculty, a student or a member of the Board, as the case may be.

(5) Where a vacancy occurs in the membership of the Academic Council not later than 3 months before the end of the member's term of office, the vacancy shall be filled by a person who shall hold office for the remainder of the term of office of the member in whose place he has been appointed or elected.

(6) Half of the members of the Academic Council shall form a quorum.

(7) The member of the Academic Council elected by and from the students shall not participate in the deliberations of the Academic Council on any matter pertaining to examinations and staffing.

(8) The Academic Council may regulate its meetings and proceedings in such manner as it may determine.

(9) The powers and functions of the Academic Council shall, in addition to those set out in this Act, be to –

- (a) advise the Board on –
 - (i) all academic matters including the control, general direction and management of any research or resource centre or other teaching and research facility;
 - (ii) the institution, alteration, suspension or suppression of teaching posts and the qualifications and experience of the academic staff;
- (b) formulate, modify or revise schemes for the constitution or reconstitution of Faculties and Departments;
- (c) make recommendations to the Board relating to –
 - (i) postgraduate teaching and research;
 - (ii) the qualifications to be presented for teaching;
 - (iii) the conferment of honorary degrees or other distinctions;
 - (iv) the institution and award of fellowships, scholarships, prizes and medals;
 - (v) the promotion of collaboration between the economic and public sectors and the Université des Mascareignes;
- (d) review and act upon the proposals of any Faculty Board in formulating rules, regulations, syllabi and methods of evaluation, introducing new courses and modifying existing ones;
- (e) assess and make recommendations in relation to standards of facilities, equipment, apparatus and maintenance required for each Faculty and Department;
- (f) appoint external examiners;
- (g) issue instructions to examiners;
- (h) approve the results of examinations and the award of degrees, diplomas, certificates and other academic

distinctions in accordance with the Statutes and the regulations;

- (i) report to the Board on any matter referred to it by the Board.

6. Planning and Finance Committee

(1) The Planning and Finance Committee shall consist of –

- (a) a chairperson and 3 other members, other than the President, chosen by the Board from among its members;
- (b) the Director-General;
- (c) the Head of Finance, who shall be the secretary.

(2) The Planning and Finance Committee shall make recommendations to the Board on –

- (a) the financial position of the Université des Mascareignes from time to time;
- (b) immediate, medium and long term plans of the Université des Mascareignes, taking into account the present and future needs of the country;
- (c) all other matters relating to planning and finance;
- (d) such other matters on which it may be requested by the Board to report.

(3) The Planning and Finance Committee shall meet at least 3 times a year.

7. Staff Committee

(1) The Staff Committee shall consist of –

- (a) a chairperson and 3 other members, other than the President, chosen by the Board from among its members;
- (b) the Director-General;
- (c) such other persons as may, in the opinion of the Staff Committee, be co-opted to assist in its deliberations.

(2) The Staff Committee shall make recommendations to the Board for appointments to any office in the Université des Mascareignes, other than that of Director-General.

(3) The Staff Committee shall, in addition –

(a) be responsible for staff matters, including conditions of service, criteria for the appointment, promotion, transfer of staff, discipline, welfare, staff development and training programmes; and

(b) appoint a Disciplinary Committee.

8. Research, Consultancy and Innovation Committee

(1) The Research, Consultancy and Innovation Committee shall consist of –

(a) a chairperson and 3 other members, other than the President, chosen by the Board from among its members;

(b) the Director-General;

(c) the Head of Research, Consultancy and Innovation who shall be the secretary;

(d) such other persons as may, in the opinion of the Research, Consultancy and Innovation Committee, be co-opted to assist in its deliberations.

(2) The Research, Consultancy and Innovation Committee shall make recommendations to the Board for promotion of research, consultancy and innovation and other services for industrial, commercial organisations, public bodies or individuals.

(3) The Research, Consultancy and Innovation Committee shall, in addition, be responsible for the generation of funds out of research, consultancy and innovation services.

9. Convocation procedure

(1) Degrees, diplomas, certificates and other academic distinctions upon persons entitled to receive them shall be conferred by the President at a Convocation.

(2) A Convocation may be held on such date and time as the Board may determine.

(3) The President or, in his absence, the Director-General shall declare each Convocation open and closed.

(4) The proceedings of any Convocation shall otherwise be determined by the Board on the recommendation of the Academic Council.

10. Faculties

(1) The Board may, on the recommendation of the Academic Council, set up such Faculties or other academic units as it may determine in addition to those provided for in this Act.

(2) Every Faculty or other academic unit referred to in subparagraph (1) shall comprise of such Departments or other units as the Faculty Board may determine to which such courses of study as may be deemed appropriate shall be allocated.

(3) Every Faculty Board shall consist of –

- (a) the Dean;
- (b) the Head of Information Services or a person nominated by him;
- (c) the Head of Quality Assurance or a person nominated by him;
- (d) the Heads of Departments of the Faculty;
- (e) such other members of the academic staff as may be co-opted for such period as the Faculty Board may in each case determine;
- (f) one person elected by and from the students of the Faculty;
- (g) 3 persons appointed by the Board from outside the Université des Mascareignes with experience in the areas of operation of the Faculty.

(4) The functions of a Faculty Board shall be to –

- (a) coordinate the teaching and research work in the Faculty;
- (b) recommend to the Academic Council –
 - (i) regulations for schemes of instruction, study and research allocated to the Faculty;

- (ii) names of external examiners;
 - (iii) students for the award of degrees, diplomas, certificates and other academic distinctions in the subjects of the Faculty;
- (c) consider schemes for the advancement of the standards of teaching and research, and submit such proposals to the Academic Council;
 - (d) promote research within the Faculty and submit reports on research to the Academic Council;
 - (e) perform such other functions which may be provided for in this Act, the Statutes or the regulations and consider all such matters as may be referred to it by the Academic Council or the Director-General.
- (5) Half the members of the Faculty Board shall form a quorum.
- (6) (a) Meetings of a Faculty Board shall be Ordinary or Special.
- (b) Ordinary meetings shall be held at least once monthly.
- (c) Special meetings may be called by the Dean or shall be called at the suggestion of the Director-General or on a written request from at least one-fifth of the members of the Faculty Board.
- (7) The minutes of proceedings of each Faculty Board shall be circulated to the members of the Academic Council for information.

11. Deans of Faculties

- (1) Every Dean shall be appointed by the Board on the recommendation of the Staff Committee, on such terms and conditions as the Board may determine, for a period of 3 years and he may be eligible for re-appointment.
- (2) A Dean shall –
- (a) be the chairman of the Faculty Board;
 - (b) coordinate and generally supervise the teaching and research work in the Faculty through the Heads of Departments;
 - (c) maintain discipline through the Heads of Departments;

- (d) arrange for examinations in respect of the students of the Faculty in accordance with such directions as may be given by the Academic Council;
- (e) select persons to be registered as students for following schemes of instruction, study or research allocated to the Faculty;
- (f) have the right to be present and to speak at any meeting of any committees of the Faculty, but shall not have the right to vote unless he is a member thereof;
- (g) perform such other academic or administrative duties as may be assigned to him by the Board, the Academic Council or the Director-General.

12. Head of Finance

(1) The Board shall appoint, on such terms and conditions as it may determine, a Head of Finance on the recommendation of the Staff Committee.

(2) The functions of the Head of Finance shall be to –

- (a) prepare for the consideration of the Board the estimates of income and expenditure of the Université des Mascareignes for each financial year;
- (b) collect all fees and other monies due to the Université des Mascareignes, give receipts and account for all sums so received in such form as the Board may from time to time direct;
- (c) exercise general supervision over the funds and advise the Board as regards its financial policy;
- (d) arrange for the annual and any special auditing of the accounts;
- (e) call for explanations for any unauthorised expenditure or other financial irregularity and suggest disciplinary action against persons at fault;
- (f) call from any office or unit any information or return that he may consider necessary for the performance of his functions;

- (g) perform such other financial functions as may be assigned to him by the Board or the Director-General, or as may be provided for in the Statutes.

13. Head of Information Services

(1) The Board shall, on such terms and conditions as it may determine, appoint a Head of Information Services on the recommendation of the Staff Committee.

(2) The functions of the Head of Information Services shall include responsibility for –

- (a) the provision of information resources in printed and electronic form to support the staff and students in teaching, learning, research and consultancy;
- (b) the provision of an information technology infrastructure to support the staff and students in teaching, learning, research and consultancy;
- (c) the provision of appropriate methods of access to the information resources and the information technology infrastructure by the staff and students;
- (d) the security of the information resources and the information technology infrastructure;
- (e) advising the Board on –
 - (i) appropriate rules and regulations to govern access to the information resources and the information technology infrastructure by the staff and students;
 - (ii) appropriate technical standards to be adopted for the information technology infrastructure;
- (f) such other function as may be assigned to him by the Board, the Director-General or as may be provided for in the Statutes.

14. Head of International Affairs, Student Welfare and Support

(1) The Board shall, on such terms and conditions as it may determine, appoint a Head of International Affairs, Student Welfare and Support on the recommendation of the Staff Committee.

(2) The functions of the Head of International Affairs, Student Welfare and Support shall be to –

- (a) promote, lead and manage international activities;
- (b) assume the responsibilities for the recruitment of international students, fund raising and alumni relations;
- (c) generate and optimise business development opportunities;
- (d) be responsible for the welfare of both local and international students;
- (e) provide guidance and assistance on all student affairs;
- (f) perform such other function as may be assigned to him by the Board, the Director-General or as may be provided for in the Statutes.

15. Head of Projects, Estates and Endowment

(1) The Board shall, on such terms and conditions as it may determine, appoint a Head of Projects, Estates and Endowment on the recommendation of the Staff Committee.

(2) The functions of the Head of Projects, Estates and Endowments shall be to –

- (a) determine the strategic orientation and assume the operational responsibility for the development and management of the Université des Mascareignes's estates and facilities, services, health, safety and security;
- (b) drive and implement the energy-saving and carbon reduction strategy of the Université des Mascareignes;
- (c) manage and ensure the rigorous implementation of capital projects;
- (d) receive and manage endowment funds and such other funds as may be directed from time to time by the Board;
- (e) manage and optimise all funds and property of the Université des Mascareignes in ventures which are sound, ethical and viable;
- (f) perform such other function as may be assigned to him by the Board, the Director-General or as may be provided for in the Statutes.

16. Head of Quality Assurance

(1) The Board shall, on such terms and conditions as it may determine, appoint a Head of Quality Assurance on the recommendation of the Staff Committee.

- (2) The functions of the Head of Quality Assurance shall be to –
- (a) contribute to the formulation of the Université des Mascareignes's quality assurance policies and practices and oversee their implementation and monitoring across the Université des Mascareignes;
 - (b) provide leadership for quality assurance and good practices to the Université des Mascareignes;
 - (c) lead, coordinate and support quality assurance across the Université des Mascareignes;
 - (d) perform such other function as may be assigned to him by the Board, the Director-General or as may be provided for in the Statutes.

17. Head of Research, Consultancy and Innovation

(1) The Board shall, on such terms and conditions as it may determine, appoint a Head of Research, Consultancy and Innovation on the recommendation of the Staff Committee.

- (2) The functions of the Head of Consultancy Services shall be to –
- (a) implement and assist in the development of the consultancy and technology transfer of the Université des Mascareignes;
 - (b) work closely with the academic and other units for the marketing of the skills and expertise of the Université des Mascareignes;
 - (c) communicate the skills and expertise of the Université des Mascareignes to industry, commerce and public sector agencies.

18. Conduct of ballots

(1) The elections to membership on any of the bodies referred to in this Act or the Statutes shall be carried out at an appropriate time fixed by the Registrar during semester time.

(2) For every election, a returning officer shall be designated by the Registrar.

(3) Any person entitled to be nominated and to vote in any election referred to in subparagraph (1) shall be an eligible person.

(4) (a) Not less than 4 weeks before the date of an election, the Registrar shall invite persons entitled to vote in that election to submit nominations of persons eligible to stand for election in writing.

(b) Nominations shall be in the hands of the Registrar not less than 3 weeks before the date of the election.

(5) (a) If the number of valid nominations exceeds the number of vacancies, there shall be an election.

(b) Voting shall be by secret ballot and shall be organised by the Registrar.

(6) (a) Electors shall vote by placing the same number of crosses on the ballot paper as there are vacancies.

(b) Ballot papers with more or fewer crosses shall be invalid.

(c) Counting shall be done by the returning officer who shall also announce the result.

(7) (a) In the event of a tie, the returning officer shall decide by lot between the candidates tying, without disclosing, that there has been a tie.

(b) The returning officer shall not disclose the number of votes cast, either in whole or for any candidate.

19. Association of students

(1) Where any students wish to form an association which is to be recognised by the Board as representative of their interests, they shall be required to forward to the Board a copy of the proposed rules of the association for approval.

(2) Where any rules referred to in subparagraph (1) are approved, every subsequent amendment thereof shall also be required to be forwarded to the Board for approval.
