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UNIVERSITY COLLEGE LAW

(2005 Revision)

Law 6 of 1987 consolidated with Law 17 of 1998 and 17 of 2004.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted (as the Community College of the Cayman Islands Law, 1987 and previously revised as the Community College Law)-

Law 6 of 1987-25th February, 1987
Law 17 of 1998-9th October, 1998
Law 17 of 2004-26th July, 2004.

Consolidated and revised this 12th day of July, 2005.

Note (not forming part of the Law): This revision replaces the Community College Law (1999 Revision) which should now be discarded.

UNIVERSITY COLLEGE LAW

(2005 Revision)

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UNIVERSITY COLLEGE LAW

(2005 Revision)

1. This Law may be cited as the University College Law (2005 Revision). Short title

2. In this Law- Definitions

“Board” means the Board of Governors established under section 3(2);

“chairman” means the chairman of the Board appointed by the Governor under section 3(5);

“College” means the University College of the Cayman Islands established under section 3(1);

“Dean” means the head of a faculty of the College;

“Governor”, except in section 8(1), means the Governor in Cabinet

“Minister” means the Member of Cabinet responsible for education matters;

“member” means a member of the Board, and includes the chairman and a temporary member;

“President” means the President of the College appointed by the Board under section 16(1);

“secretary” means the secretary of the Board appointed by the Governor under section 3(13); and

“Vice President” means a Vice President of the College appointed by the Board under section 17.

3. (1) There is established a body corporate called the University College of the Cayman Islands which shall have perpetual succession and a common seal and, for the purpose of carrying out its functions under this Law, may buy, sell, hold, deal and otherwise acquire and dispose of land and other property of whatsoever nature and may sue and be sued in its corporate name. Establishment of College

(2) The government, management and control of the College is vested in the Board of Governors appointed in accordance with subsection (3).

(3) The Board shall consist of the President, who shall be a member *ex-officio*, and the following other members appointed by the Governor -

- (a) the Financial Secretary or his nominee;
- (b) a representative of the Minister;

- (c) six members selected from lists to be obtained from bodies representing financial, industrial, commercial or other institutions and from professional organisations;
- (d) if the Governor considers it desirable, not more than two members, called honorary members, from outside the Islands who have, in the opinion of the Governor, appropriate academic qualifications or experience (such two members not being entitled to a vote at meetings of the Board); and
- (e) two other members, one of whom shall be from the College Faculty,

and all members mentioned in paragraphs (a) to (e) shall, subject to subsection (14), be appointed for three years and be eligible for re-appointment. The Governor shall fill any vacancy which arises in the Board.

(4) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

(5) The Governor shall appoint two of the members listed in paragraph (c) or (e) of subsection (3) to be the chairman and deputy chairman respectively.

(6) The Governor may appoint a person to be a temporary member to act for a member whom he is satisfied is incapacitated by reason of illness, absence from the Islands or other sufficient cause from performing the duties of his office, during such incapacity. A temporary member so appointed shall, while he acts as such, be deemed for all purposes to be a member of the Board.

(7) The Governor shall cause every appointment, removal, resignation or death of a member to be gazetted.

(8) The seal of the College shall be authenticated by the chairman or a member authorised by the chairman in that behalf, and by the secretary. All documents not required by law to be under seal may be signed by the chairman, by any member authorised by the chairman in that behalf or by the secretary. The seal shall be judicially noted.

(9) The Board shall meet at least four times in every calendar year. The chairman shall call a special meeting within seven days of the receipt by him of a requisition for that purpose addressed to him by any three members.

(10) The chairman or, in his absence, the deputy chairman shall preside at all meetings of the Board.

(11) Six members of the Board shall form a quorum at a meeting.

(12) Decisions of the Board at a meeting shall be arrived at by a majority vote; the chairman at a meeting having a casting vote in the event of a tie but not an original vote.

(13) The Governor, on the recommendation of the Board, shall appoint the secretary of the Board, who shall be present at all meetings and shall take minutes of the business transacted. A copy of all minutes shall be transmitted to the Minister immediately they have been confirmed.

(14) Any member, other than a public officer, may resign his office by giving notice in writing to the Governor, but the resignation shall not take effect until such notice has been received.

(15) Subject to this Law and any regulations made under it, the Board has the power to regulate its own procedures, including the manner in which matters subject to the determination of the Board are to be determined.

4. (1) The College shall be a tertiary and adult education institution with the following functions - Functions of College

- (a) to provide full and part-time education and training to persons of the age of sixteen years and over, except that persons below this age may be admitted to the College in special circumstances approved by the Board;
- (b) to provide educational services, including teaching and research, relevant to the needs of the Islands and of the highest educational standards required and expected of an institution at this level;
- (c) to grant diplomas, certificates and other awards;
- (d) to enter into association or affiliation with universities, colleges and other relevant institutions within or outside the Islands for the fulfilment of its functions; and
- (e) such functions as are for the time being conferred on it by virtue of this Law or any other law or regulations made thereunder,

and nothing in this Law relating to the College shall be construed as derogating from any power exercisable by virtue of this or any other law to make regulations conferring any further function on the College.

(2) The College shall have the power to carry on any activity which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions.

5. The College shall pay to each member, in respect of his office, such, if any, remuneration and allowances as the Governor may determine and to the chairman, in respect of his office, such, if any, remuneration and allowances (in Remuneration of members)

addition to any remuneration or allowances to which he may be entitled in respect of his office as a member) as may be so determined.

Setting-up loan by Government

6. Such money as has been lent to the College by the Government, with the approval of the Standing Finance Committee of the Legislative Assembly, to enable the College to commence its functions, shall be repaid by the College at such times and by such methods as the Financial Secretary may, with the approval of the said Standing Finance Committee, determine.

Balancing revenue and expenditure

7. It is the duty of the Board to exercise and perform its functions so as to ensure that, taking one year with another, its revenues are sufficient to meet all sums properly chargeable to the College, including, without prejudice to the generality of that expression, provisions in respect of any general directions under section 15.

Secondment of public officers

8. (1) The Governor, in his discretion and subject to such conditions as he may impose, may approve the secondment of any public officer for service with the College.

(2) Any public officer seconded under subsection (1) shall, in relation to salary, pension, gratuity and the like and to other rights and to discipline, be treated as if he was not so seconded.

Liability of members

9. Neither the College nor any member of the Board or employee of the College shall be liable in damages for anything done or omitted in the discharge of their respective functions under this Law unless it is shown that the act or omission was in bad faith.

Loans, grants and guarantees

10. (1) The Government may make loans and grants to the College out of such sums and on such conditions as may be approved by the Legislative Assembly.

(2) With the approval of the Legislative Assembly, the Financial Secretary may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and of interest on any authorised borrowings of the College made otherwise than by way of loan under subsection (1).

(3) Where the Financial Secretary is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under subsection (2), he shall, with the prior approval of the Standing Finance Committee of the Legislative Assembly, direct the repayment out of the revenue of the Islands of the amount in respect of which there has been such default.

Accounts, book-keeping and reporting

11. (1) The Board shall keep such books and records of account and in such form and manner as the Financial Secretary may direct.

(2) Within the period of four months after the end of each academic year the Board shall prepare and submit to the Auditor General in respect of that academic year -

- (a) a statement of assets and liabilities of the College as at the close of the academic year;
- (b) a statement of revenue and expenditure by the College during the academic year; and
- (c) such other statements as may be specified by the Financial Secretary.

(3) On receipt of the statements referred to in subsection (2), the Auditor General shall examine and audit the statements and shall certify the statements, subject to such report, if any, which he may think fit.

(4) The Auditor General shall, within a period of seven months after the end of the academic year to which they relate, return to the Board the certified statements together with his report, if any.

(5) On receipt from the Auditor General of the certified statements and his report, if any, the Board shall prepare and submit to the Minister and the Financial Secretary a report of the financial activities of the College during the academic year to which the certified statements relate, which report shall include a copy of the certified statements and of the Auditor General's report, if any.

(6) The report of the Board together with a copy of the certified statements and the Auditor General's report, if any, shall be laid by the Minister on the table of the Legislative Assembly as soon as practicable after he receives it.

12. (1) The College shall maintain a reserve fund to meet future anticipated liabilities and commitments in respect of its obligations under this Law. Reserve fund

(2) The management of the reserve fund, the sums to be carried from time to time on the credit thereof, and the application thereof, shall be as the Board may determine:

Provided that -

- (a) no part of the reserve fund shall be applied otherwise than for the functions of the College; and
- (b) the power of the Minister to give general directions to the Board shall extend to the giving of directions as to any matter relating to the establishment or management of the reserve fund, the carrying of funds on the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

- Powers of Board
13. (1) The Board shall have power -
- (a) subject to any directions under section 15, to control and exercise general supervision of the affairs, functions, purposes, policy and property of the College;
 - (b) to admit and provide for the welfare, academic progress and discipline of students;
 - (c) subject to section 16(1), to appoint such academic, administrative and other staff as appears to the Board to be necessary, on such terms and conditions (including salary, allowances and other remuneration, promotion and discipline) as the Board may determine;
 - (d) to determine courses of study and admission standards;
 - (e) to conduct examinations and make rules for maintaining academic integrity;
 - (f) to award diplomas, certificates, and other academic distinctions;
 - (g) to award degrees and administer bursaries and scholarships tenable at the College or elsewhere;
 - (h) to receive, on behalf of the College, donations, grants or other moneys;
 - (i) to make rules for the remuneration of staff and other members of the College;
 - (j) to create or abolish such departments or academic programmes within the College as the Board may consider necessary or expedient;
 - (k) to enter into agreements or arrangements on behalf of the College with other institutions of further or higher education for the provision of instruction, or the granting of degrees, diplomas, certificates and other distinctions; and
 - (l) to make rules for furthering the work and interests of the College.
- (2) Subject to the approval of the Minister, the Board shall have the power to -
- (a) acquire and dispose of real property;
 - (b) fix fees; and
 - (c) determine the annual budget for the College.
- Annual report
14. The Board shall submit to the Minister an annual report on the work of the College.
- General directions
15. The Minister, after consultation with the Board, may give general directions as to the policy to be followed by the Board concerning the functioning of the College:

Provided that such directions shall not apply to -

- (a) subject to section 16(1), the appointment, termination of appointment, promotion or discipline of members of the staff; and
- (b) the admission, evaluation, discipline, academic promotion, certification or award of particular students.

16. (1) There shall be a President of the College who shall be appointed by the Board with the prior approval of the Minister. President

(2) The President shall be the head of the College and shall-

- (a) supervise the academic work of the College;
- (b) supervise and direct the academic, administrative and other staff of the College;
- (c) present to the Board an annual Report on the work of the College; and
- (d) perform such other duties as may be assigned or delegated by the Board.

(3) Disciplinary action may not be taken against the President by the Board except with the prior approval of the Minister.

(4) In the temporary absence of the President, and in the absence or in the case of non-appointment of a Vice President, the Board shall appoint one of the Deans of the College to act as President; and such an appointment shall not exceed six months without the prior approval of the Minister.

17. The Board may appoint up to two Vice Presidents, one of whom shall be designated to act for the President when the President is away, and who shall perform such other duties as may be assigned to him by the Board or the President. Vice Presidents

18. (1) Subject to the approval of the Governor, there is vested in the College all such equipment and other goods the property of the Government used for the purposes of or in connection with post-secondary or adult education prior to the 13th April 1987, which are recorded in an inventory prepared at the direction of the Financial Secretary, approved by the Board and entered as assets in the accounts of the College. Vesting of property

(2) Subject to the approval of the Governor, all land with the buildings and works thereon and all equipment and other goods the property of the Government, which, at any time after the 13th April 1987, may be considered necessary by the Board for carrying out the functions of the College shall vest in the College.

- Administrative, etc.,
Committee
19. (1) There shall be an Administrative and Academic Committee of the College, established in accordance with the Schedule.
- (2) The Administrative and Academic Committee shall have responsibility for considering, approving or submitting for approval by the Board, as required, recommendations on all matters pertaining to the functioning of the College, including -
- (a) curriculum policy, development and implementation;
 - (b) appointment, promotion and discipline of staff;
 - (c) admission and discipline of students;
 - (d) examinations and certification;
 - (e) award of bursaries and scholarships;
 - (f) planning, budgeting and other financial matters; and
 - (g) such other matters as may be referred to it by the Board or by the President.

- Regulations
20. The Governor, on the recommendation of the Board, may make regulations for the better carrying out of its duties and powers under this Law, and may (without prejudice to the generality of the foregoing words) by such regulations provide for -
- (a) the safety or well-being of persons and the care of property connected with the undertakings of the College;
 - (b) the regulation of commercial transactions, including trading, in or upon any premises the property of the College; and
 - (c) any other matter which may appear to the Governor to be necessary or expedient for the purposes of giving due effect to this Law.

SCHEDULE

(Section 19(1))

Constitution and Procedure of the Administrative and Academic Committee

1. The Administrative and Academic Committee shall comprise-
- (a) the President, as chairman;
 - (b) the Vice President or Vice Presidents appointed under section 17;
 - (c) three members of the Board, as determined by the Board;
 - (d) the Heads of Departments;
 - (e) the Deans of the College;
 - (f) a Faculty member elected by the Faculty; and

- (g) subject to paragraph 2, a student representative elected by students.
2. The President may require the student representative on the Committee to withdraw when matters pertaining to examinations are to be considered.
 3. The Committee may also include such senior members of the academic or administrative staff as the Board may decide.
 4. The Committee may invite other members of the College or persons outside the College to attend its meetings on an *ad hoc* or regular basis, for the purpose of giving advice to the Committee on matters within their competence:

Provided that such persons shall not have the right to vote in the proceedings of the Committee.
 5. The powers of the Committee shall not be affected by any vacancy in their number.
 6. A quorum of the Committee shall be not less than fifty per cent of the total members.
 7. The President shall assign a member of the administrative or academic staff of the College to be secretary of the Committee.
 8. Subject to this Schedule, the Committee shall have the power to make rules to regulate its own procedure and the conduct of its meetings.

Publication in consolidated and revised form authorised by the Governor in Cabinet this 12th day of July, 2005.

Carmena Watler
Clerk of Cabinet

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