

ABILL

ENTITLED

AN ACT to Repeal the *Caribbean Maritime Institute Act*; to establish and incorporate a university at the national and international level to be called the Caribbean Maritime University to advance education, training and research in the area of maritime studies, with particular focus on the development of capacity building in various aspects of shipping, logistics and related fields, the certification of seafarers, the promotion of awareness of maritime safety and security, the protection of the marine environment and the promotion of efficiency in international shipping, for the benefit of the people of Jamaica, the Caribbean and the wider international community.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I—*Preliminary*

Short title
and
commence-
ment.

1. This Act may be cited as the *Caribbean Maritime University Act, 2016*, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Interpretation.

2. In this Act—

“Academic Board” means the Academic Board of the University established under Article 8 of the Charter;

“academic staff” means—

- (a) all persons who are full-time employees of the University and are employed as Professors, University Readers, Senior Lecturers, Lecturers and Assistant Lecturers; and
- (b) such persons or categories of persons holding research and other appointments as may be designated as academic staff by the Council, on the recommendation of the Academic Board;

“administrative and technical staff” means all persons who are full-time employees of the University who—

- (a) are not members of the academic staff; and
- (b) hold appointments to offices as may be determined by the Council as being administrative or technical offices;

“Alumni Association” means the Alumni Association of the University referred to in Article 10 of the Charter;

“ancillary staff” means all persons who are full-time employees of the University and who are not members of the academic staff or the administrative and technical staff;

First Schedule.

“Charter” means the Charter of the University set out in the First Schedule;

“Charter Day” means the day appointed by the Minister by notice published in the *Gazette* for the coming into operation of this Act;

“Council” means the Council of the University established under Article 7 of the Charter;

“Dean” means the Dean of a faculty or the Dean of a campus of the University, as determined by the Council;

“faculty” means a faculty of the University established under Statute XII of the Statutes;

“former institution” means the Caribbean Maritime Institute which immediately before Charter Day was established by section 3 of the *Caribbean Maritime Institute Act*, which is repealed by section 19;

“full-time employees” means the members of the academic staff, administrative and technical staff and ancillary staff of the University who are appointed by or under the authority of the Council as full-time employees;

“functions” includes powers and duties;

“members of the University” means the members of the University set out in Statute I of the Statutes;

“officers” means the President, the Vice-Presidents, the Treasurer, the University Bursar, the Registrar, the University Librarian, and the holders of such other appointments as may be determined by the Council to be officers of the University;

“Ordinances” means the Ordinances of the University made under section 18;

“President” means the President of the University appointed under section 6 and referred to in Statute II of the Statutes;

“Professor” means the holder of an established or a personal chair, but does not include an associate or an Assistant Professor;

“Registrar” means the Registrar of the University appointed under section 6 and referred to in Statute V of the Statutes;

“Statutes” means the Statutes of the University referred to in section 17;

“student” means—

- (a) a person who is registered by the University during the current academic year as a candidate for a degree, diploma, certificate or other academic or professional qualification, distinction or award of the University; and
- (b) such other person or category of persons as may be approved by the Council, on the recommendation of the Academic Board, as qualifying for the status of student;

“Treasurer” means the Treasurer of the University appointed under section 6 and referred to in Statute IV of the Statutes;

“University” means the Caribbean Maritime University established by section 3;

“University Bursar” means the University Bursar appointed under section 6 and referred to in Statute VI of the Statutes;

“University Librarian” means the University Librarian appointed under section 6 and referred to in Statute VII of the Statutes;

“Vice-President” means a Vice-President of the University appointed under section 6 and referred to in Statute III of the Statutes.

PART II—*Establishment of Caribbean Maritime University*

Establishment
of Caribbean
Maritime
University.

3.—(1) There is hereby established, for the purposes of this Act, a university to be known as the Caribbean Maritime University.

(2) The University shall be a body corporate to which section 28 of the *Interpretation Act* shall apply.

4.—(1) The University shall be a teaching, research and examining body.

Objects and functions of the University.

(2) The provisions of the Charter shall have effect as to the objects and functions, respectively, of the University, its main offices, the members of the University and constituent parts.

5.—(1) The Minister may, after consultation with the Council, give to the University such directions of a general character as to the policy to be followed by the University in the performance of its functions as appears to the Minister to be necessary in the public interest; and the University shall give effect to the directions.

Ministerial directions.

(2) The Council may, after consultation with the Academic Board, make recommendations to the Minister on matters of policy.

6.—(1) Subject to subsection (2), the Council shall appoint and employ, or may authorize the appointment and employment of, at such remuneration and on such terms and conditions as it thinks fit, such officers and academic staff, administrative and technical staff, ancillary staff and other employees of the University as the Council considers necessary for the purposes of the University.

Appointment of officers and employees.

(2) No remuneration in excess of the prescribed rate shall be assigned to any post, without the prior approval of the Minister responsible for the public service after consultation with the Minister.

(3) The Governor-General may, on the recommendation of the Public Services Commission, and subject to such conditions as the Public Services Commission may recommend, approve the appointment of any public officer in the service of the Government to any office within the University, and any public officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance and in relation to any other rights as a public officer, be treated as continuing in the service of the Government.

(4) For the purposes of subsection (2), the “prescribed rate” means such rate as the Minister responsible for the public service may, by order, prescribe.

PART III—*Financial Provisions, Accounts
and Reports*

Funds and
resources of
the
University.

7. The funds and resources of the University shall consist of—
- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of Jamaica;
 - (b) such sums as may be contributed by the Port Authority established by section 4 of the *Port Authority Act*, and the Shipping Association of Jamaica;
 - (c) fees paid by students of the University;
 - (d) such sums as may be contributed by any regional or international body;
 - (e) such sums as may be collected by the University pursuant to its fundraising efforts;
 - (f) all other sums which the University is authorized to collect under this Act; and
 - (g) all other sums or property which may in any manner become payable to or vested in the University.

Expenses of
the
University.

8. The expenses of the University shall be defrayed out of the funds and resources of the University.

Pensions and
gratuities.

9. The University may, with the approval of the Minister—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or otherwise; and
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to employees of the University and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such employees.

Power to
invest
money.

10. All moneys of the University, not immediately required to be expended for the purpose of meeting any of the obligations or discharging

any of the functions of the University, may, subject to the approval of the Minister responsible for finance, be invested in such securities or other investments as the Council may consider appropriate and the University may, with the prior approval of the Council, sell all or any of such securities or other investments.

11.—(1) Subject to the provisions of subsection (2), the University may borrow such sums as may be required by it for meeting any of its obligations or for discharging any of its functions. Borrowing powers.

(2) The power of the University to borrow shall be exercisable only with the prior written approval of the Minister responsible for finance, as to the amount, the sources of borrowing and the terms on which the borrowing may be effected, and an approval given in any respect for the purposes of this subsection may be general or limited to a particular borrowing or otherwise, or may be unconditional or subject to conditions.

12. Subject to the provisions of the *Public Debt Management Act*, the Minister responsible for finance may guarantee, in such manner and on such conditions as the Minister thinks fit, the repayment of the principal and the payment of interest on any authorized borrowings of the University pursuant to section 11(2). Power of Minister of finance to guarantee loans to the University.

13.—(1) The University shall keep proper accounts and other records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to established accounting principles and the provisions of the *Financial Administration and Audit Act*. Accounts and audit.

(2) The Council shall appoint an auditor, in accordance with Statute IX of the Statutes, who shall audit the accounts of the University annually.

(3) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records in relation to the functions of the University.

14.—(1) The University shall, within four months after the end of each financial year or within such longer period as the Minister may Annual report.

in special circumstances approve, cause to be made and transmitted to the Minister—

- (a) a statement of its accounts audited in accordance with section 13(2); and
- (b) a report dealing generally with the activities and policies of the University during that financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be tabled in the Houses of Parliament.

Exemption
from taxes
and duties.

15.—(1) The University shall be exempt from the payment of income tax and property tax.

(2) The University shall be exempt from stamp duty payable by it on an instrument executed by or on behalf of the University; however, any such exemption shall not exceed fifty *per cent* of the total stamp duty payable on the instrument.

(3) Any transfer by the University of any property belonging to it or of any right or interest created in, over or otherwise with respect to any such property, shall be exempt from transfer tax.

(4) Subject to subsection (5), no customs duty or other impost shall be payable upon any article imported into Jamaica, or taken out of bond in Jamaica by the University and shown to the satisfaction of the Commissioner of Customs to be required for the use of the University in the performance of its functions.

(5) The exemptions and benefits conferred upon public educational institutions by or under the *General Consumption Tax Act* shall be enjoyed by the University.

PART IV—*General*

Regulations.

16. The Minister may, on the recommendation of the Council, make regulations generally for the better carrying into effect of the provisions of this Act.

17.—(1) Until amended in accordance with subsection (2), the Statutes set out in the Second Schedule shall be the Statutes of the University. Statues.
Second
Schedule.

(2) The Council may, by special resolution, as defined in Article 16 of the Charter, amend the Statutes in accordance with Article 15 of the Charter.

18.—(1) Subject to the provisions of this Act, the Charter and the Statutes, the Council may make Ordinances for the purposes of furthering the objects of the University and for the good order and governance of the University. Power of
Council to
make
Ordinances.

(2) Ordinances dealing with any matter for which the Academic Board exercises its functions shall not be made, amended or repealed except after consultation with the Academic Board.

(3) No Ordinance shall be made that is repugnant to the provisions of this Act, the Charter or the Statutes.

19. The *Caribbean Maritime Institute Act* is repealed. Repeal.

PART V—*Transitional Provisions*

20.—(1) Unless and until other arrangements are made with the approval of the Minister and immediately before Charter Day, all officers and employees holding office or serving under the former institution shall, from and after Charter Day, hold under the University the like respective offices or employment and by the same tenure and, as far as is practicable, upon similar terms. Transitional
arrangements
generally.

(2) Subject to the provisions of this Act, the Charter and the statutes, students who are enrolled for or have embarked on courses of study in the former institution and who have not completed such courses on or before Charter Day shall enjoy all rights and privileges as students of the university and shall have their degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards, issued or validated by the University.

(3) Subject to the provisions of this Act, the Charter and the Statutes, graduates or holders of degrees, diplomas, certificates or other

academic or professional qualifications, distinctions or awards issued by the former institution shall enjoy all rights and privileges as if those degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards, had been granted by the University.

(4) Every person who, immediately before Charter Day, was a member of the Board of Directors of the former institution, shall be deemed to be a member of the Council of the University until the expiration of the term for which the member was appointed.

(5) Every person who, immediately before Charter Day, was a member of the Academic Board of the former institution, shall be deemed to be a member of the Academic Board of the University until the expiration of the term for which the member was appointed.

(6) Subject to subsection (8), all persons who, prior to Charter Day, held offices in the former institution which are equivalent to the offices provided for in the University shall continue to hold such offices in the University until the expiration of the term for which such persons were appointed.

(7) Where, on Charter Day, a person continues to hold an office pursuant to subsection (6), and the Council considers that the academic or professional qualifications applicable to that office exceed the academic or professional qualifications held by the person, the Council may require the person to undertake further study and achieve the required academic or professional qualifications within such time frame as the Council may determine.

(8) Where a person referred to in subsection (7) fails to achieve the required academic or professional qualifications within the time frame determined by the Council or such longer time frame as the Council may allow, the person shall no longer be eligible to hold the office.

Transfer of
money,
property,
liability, etc.

21.—(1) All money and property vested in the former institution upon trust or as an endowment for any scholarship or any other purpose shall, unless the terms of any trust governing the same otherwise provide, vest in the University as from Charter Day, without conveyance or assignment, and shall be used for a like purpose.

(2) Any property belonging to, or vested in, the former institution, and all interests, rights and easements into or out of the said property, shall as from Charter Day, without conveyance, assignment or transfer, belong to and be vested in and transferred to the University, subject to any trusts, debts, liabilities and obligations affecting the same.

(3) All rights and liabilities of the former institution are deemed to be rights and liabilities of the University.

22. All rules, procedures, codes, manuals and guidelines made, adopted or utilized by the former institution in the governance or management of its activities and operations shall remain in force as if duly made as Ordinances under this Act, until varied or revoked by Ordinances made in accordance with this Act. Savings of existing procedues, etc.

FIRST SCHEDULE (Section 2)

Charter of the Caribbean Maritime University

Objects of
the
University.

1. The objects of the University shall be to—
- (a) advance education, training and research in the area of maritime studies, with particular focus on the development of capacity building in various aspects of shipping, logistics and related fields, the certification of seafarers, the promotion of awareness of maritime safety and security, the protection of the marine environment and the promotion of efficiency in international shipping, for the benefit of the people of Jamaica, the Caribbean and the wider international maritime community;
 - (b) promote advanced knowledge by providing institutional and research facilities in such branches of learning as it may deem fit and to make provisions for integrated courses in science and technology and allied disciplines, in the educational programmes of the University;
 - (c) take appropriate measures for promoting innovations in the teaching and learning process, inter-disciplinary studies and research, and to pay special attention to the promotion of educational and economic interests and welfare of the people of Jamaica; and
 - (d) extend the benefits of knowledge and skills for development of individuals and society by associating the University with local, regional and national issues of development.

Function of
the
University.

- 2.—(1) Subject to the provisions of this Charter and the Statutes, the University shall have the following functions, to—
- (a) provide full-time and part-time instruction leading to awards and qualifications or otherwise;
 - (b) prescribe the conditions under which persons may be admitted as students of the University or of any particular course of study within the University, or to the use and enjoyment of any resources and facilities provided by the University;

- (c) provide the means, in so far as is practicable, to enable physically challenged persons to undertake courses of study or research in the University;
- (d) collaborate with other institutions, including institutions of further and higher education, in the provision of educational opportunities;
- (e) grant and confer, under conditions laid down by the University, degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards to persons who pursue courses of study or research approved by the University and attain the prescribed standards in such examinations, tests or other assessment as shall be prescribed by the University;
- (f) grant and confer honorary degrees on approved persons in accordance with Statute XI (7);
- (g) institute and award fellowships, studentships, scholarships, exhibitions, bursaries, prizes and other aids to study and research;
- (h) provide a resource centre for the development of the maritime industry and the maintenance of a vibrant shipping industry in the Caribbean;
- (i) accept the examinations passed and periods of study and research spent by students of the University at other universities or places of learning or elsewhere as equivalent to such examinations and periods of study or research of the University as may be determined by the Academic Board and to withdraw such acceptance at any time;
- (j) establish, hire, lease, maintain, administer, govern, license and supervise places of residence, recreation and study for students of the University; and
- (k) demand and receive fees, subscriptions and deposits, impose charges, accept legacies, endowments, bequests and gifts, to procure and receive contributions to the funds of the University and to raise money in such other manner as the University may think fit.

(2) In carrying out its functions, the University may—

- (a) make arrangements for the acquisition of real estate and the construction, furnishing and equipping of buildings, and the provision of goods and services for the University; and
- (b) to such an extent as may be deemed expedient and consistent with the objects of the University, sell or provide for reward or otherwise, goods and services for its members and their families, its guests and employees.

(3) Without prejudice to the generality of paragraph (2), the University may—

- (a) establish or assist financially or otherwise, under such terms and conditions as the University may determine, any body, institution, organization, company or association, the objects of which are compatible with the objects of the University and the meeting of the material needs of the University;
- (b) join or cooperate with—
 - (i) any other university or other place of learning;
 - (ii) any department of Government; or
 - (iii) any authority or other public or private body, institution, organization, company or association,

having in view or promoting any activity the same as, or similar or related to, or which can provide a service for any activity of the University, for such purposes as may be agreed upon or as may be provided for or permitted by law, being purposes consistent with the provisions of this Charter and in such manner as may be authorized by the Statutes, Ordinances and other regulations;

- (c) provide academic, professional or other related services (including research, design, development, testing, instructional and advisory services) for any body referred to in paragraph (b) (i), (ii) or (iii); and

- (d) do all such other acts as may be necessary to further the objects of the University.

3.—(1) There shall be a President of the University who shall be the head of the University and the chief academic and administrative officer of the University. President.

(2) The President shall preside over the meetings of the Academic Board.

4. There shall be Vice-Presidents, one of whom shall— Vice-Presidents.

(a) be deputy to the President; and

(b) exercise and perform the functions and duties of the President in the absence of the President or during a vacancy in the office of the President.

5. There shall be a Treasurer of the University, who shall be the chief financial officer of the University. Treasurer.

6. There shall be a Registrar, University Bursar, University Librarian and such other officers of the University as the Council may appoint from time to time. Registrar and other officers.

7. There shall be a Council of the University, which shall have general control over the conduct of the affairs of the University and shall have all other such functions as may be conferred upon it by the Statutes. University Council.

8. There shall be an Academic Board of the University, which shall, subject to the powers of the Council and the President, have responsibility for the academic affairs of the University, both in teaching and in research, and for the regulation and superintendence of the education of the students of the University. Academic Board.

9. There shall be constituted, subject to the provisions of this Charter, the Statutes and Ordinances, such other bodies as the Council and the Academic Board may, from time to time, consider necessary for the organization of teaching and research and of other work, duties and activities of the University. Other bodies of the University.

10. There shall be an organization of alumni of the University (including alumni of the former institution), to be known as the Alumni Association of the Caribbean Maritime University, which shall be constituted in accordance with Statute XIV of the Statutes. Alumni Association.

- Organization of students. 11. There shall be an organization of students of the University, which shall be known as the Students Union of the Caribbean Maritime University.
- Rules. 12. Subject to the provisions of this Act, the Charter, the Statutes and Ordinances, the Academic Board may, with the approval of the Council, make such rules as it considers necessary or desirable for the purpose of carrying out the academic functions of the University.
- Standing Orders. 13. Subject to the provisions of this Charter, the Statutes and Ordinances, the Council, the Academic Board, the Alumni Association, the Students Union and any other body, institution, organization, company or association established in furtherance of the objects of this Charter shall have power to control and regulate its proceedings by standing orders or in whatever other manner it may think fit.
- Right not to be excluded on grounds of religious beliefs, political opinion, race, colour, social class, sex, etc. 14.—(1) A person shall not be excluded by reason of religious beliefs, political opinion, race, colour, social class or sex from admission as members or employees of the University or from office or employment therein or from any advantage or privilege thereof.
(2) Preference shall not be given to or advantage withheld from any person on the grounds of religious beliefs, political opinion, race, colour, social class or sex.
- Amendment of the Charter or the Statutes. 15. The Council may, at any time, after consultation with the Academic Board, seek to amend, add to or revoke any of the provisions of this Charter or the Statutes by special resolution, and such amendment, addition or revocation shall have effect when approved by the Minister.
- Special resolution. 16. In Article 15—
(a) a “special resolution” means a resolution passed at one meeting of the Council and confirmed at a subsequent meeting, and complying with paragraphs (b) and (c);
(b) notices of such meetings shall be given to each member of the Council not less than fourteen days before the proposed date of the meetings; and
(c) the resolution shall be passed and confirmed at the respective meetings of the Council by a majority of not less than three-quarters of those present.

17. In case of conflict—

Dispute.

- (a) the provisions of this Charter shall prevail over those of the Statutes, Ordinances and rules referred to in Article 12;
- (b) the provisions of the Statutes shall prevail over those of the Ordinances and rules referred to in Article 12; and
- (c) the provisions of the Ordinances shall prevail over those of the rules referred to in Article 12.

18. This Charter shall be construed benevolently, and in every case most favourably, to the University and the promotion of its objects and functions.

Benevolent construction.

19.—(1) The seal of the University shall be authenticated by the signature of the Registrar and any other officer of the University authorized to act in that behalf.

Authentication of seal and documents.

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

(3) All documents, other than those required by law to be under seal, made by, and all decisions of the University may be signified under the hand of the President or any other officer of the University authorized by the Council or the Statutes to act in that behalf.

SECOND SCHEDULE (Sections 2 and 17)

Statutes of the Caribbean Maritime University

STATUTE I

The Members of the University

Members of University.

The following persons shall be members of the University—

- (a) members of the Council;
- (b) members of the Academic Board;
- (c) all other members of the academic staff, administrative and technical staff and ancillary staff;
- (d) the holders of such appointments with the University as may be designated for the purpose by the Council;
- (e) the students;
- (f) all such other persons as the Council may, by Ordinance, declare to be members.

STATUTE II

The President

Appointment. 1. The President shall be appointed by the Minister on the nomination of the Council.

Tenure. 2. The President shall hold office for such period, not exceeding ten years, and on such terms and conditions as may, from time to time, be determined by the Council.

Eligibility for re-appointment. 3. The President shall be eligible for reappointment.

Functions. 4. The President shall ensure that efficiency and good order is promoted and maintained at the University and may take such steps as are necessary to safeguard the interests of the University.

Suspension. 5. The President may, in accordance with such disciplinary procedures as may have been approved by the Council, suspend any student, or any other person studying at the University from any or all studies at the University, and may exclude any student or other person studying at the University, or who is a candidate for an examination to be conducted at or under the auspices of the University from the University or any part of the University and its precincts and other premises owned or occupied by the University for such period as the President may determine.

6. The President may delegate any of his functions (other than the power of delegation) and may withdraw any such delegation at any time.

STATUTE III

The Vice-Presidents

1. The Council shall, on the recommendation of the President, after consultation with the Academic Board, appoint, in accordance with section 6 of the Act, such number of Vice-Presidents as may be necessary, to carry out the functions of the University as the Council may determine. Appointment.

2. A Vice-President shall hold office for such period, not exceeding five years, and on such terms and conditions as may, from time to time, be determined by the Council, and shall be eligible for reappointment. Tenure.

3. A Vice-President shall not be precluded from holding other posts within the University (other than the President). Eligibility for other appointments.

STATUTE IV

The Treasurer

1. The Council shall appoint the Treasurer. Appointment.

2. The Treasurer shall hold office for such period, not exceeding five years, and on such terms and conditions as the Council shall determine, and shall be eligible for reappointment. Tenure.

3. The Treasurer shall perform such functions relating to finance and investment as the Council may determine, and shall report to the Council on the financial affairs of the University. Functions.

STATUTE V

The Registrar and Deputy Registrars

1. The Registrar and Deputy Registrar shall be appointed by the Council pursuant to section 6 of the Act and shall hold office for such period, not exceeding five years, and upon such terms and conditions as may be determined by the Council, and shall be eligible for reappointment. Appointment and tenure.

2.—(1) The Registrar—

(a) shall be responsible for the custody of the seal;

- (b) shall be the custodian of the records, other than accounting and financial books and records, of the University; and
- (c) shall have such other duties as the Council may determine.

(2) The Registrar shall act as Secretary to the Council, the Academic Board and to the Advisory Board of each faculty and of any Standing, Special or Advisory Committee established by the Council, the Academic Board and the Advisory Board of the faculties, respectively.

Acting appointment. 3. In the absence of the Registrar or during a vacancy in the office of Registrar, one of the Deputy Registrars shall act in the Registrar's place.

STATUTE VI

The University Bursar

Appointment. 1. The University Bursar shall be appointed by the Council in accordance with section 6 of the Act.

Tenure. 2. The University Bursar shall hold office for such period, not exceeding five years, and on such terms and conditions as may be determined by the Council and shall be eligible for reappointment.

Functions of the chief accounting officer of the University. 3.—(1) The University Bursar shall be the chief accounting officer of the University and shall have such duties as the Council may determine.

(2) The University Bursar shall submit regular reports to the Treasurer on the financial affairs of the University.

(3) The University Bursar shall be the custodian of the accounting and financial books and records of the University.

Meetings. 4. The University Bursar shall be present at meetings of the Council (although not a member) when required so to do.

STATUTE VII

The University Librarian

Appointment. 1. The University Librarian shall be appointed by the Council in accordance with section 6 of the Act.

2. The University Librarian shall hold office for such period, not exceeding five years, and upon such terms and conditions as may be determined by the Council, and shall be eligible for reappointment. Tenure.

3. The University Librarian shall be responsible for the organization and operation of the library services of the University and shall carry out such other duties as the Council may determine. The University Librarian.

STATUTE VIII

Academic and other Appointments

1. Subject to these Statutes and the Ordinances, the Council may make such other appointments (whether paid or honorary) as it thinks fit. Appointment.

2. A person appointed pursuant to paragraph (1) may resign his office by instrument, in writing, addressed to the Council and his resignation shall take effect from the date of the receipt of the instrument by the Council, unless otherwise provided by these Statutes, or in his conditions of appointment. Resignation of persons holding honorary appointments.

STATUTE IX

The Auditor

1. The Council shall appoint an auditor, who shall be a member of the Institute of Chartered Accountants of Jamaica and a registered Public Accountant, as defined in the *Public Accountancy Act*, and shall not be a member of the University. Appointment.

2. A person who is, or whose partner is, a member of the Council or an employee of the University, shall not be appointed or remain auditor. Disqualification.

3. The auditor shall hold office for one year and shall be eligible for reappointment, and shall receive such remuneration as may be determined by the Council. Tenure.

4. The auditor shall have the right of access to the books, records, accounts and vouchers of the University, and shall be entitled to require from the University such information and explanations as he considers necessary for the performance of his duties. Auditing accounts, etc.

STATUTE X

*The Council*Constitution
of Council.

1. The Council of the University shall consist of—
 - (a) the following *ex officio* members—
 - (i) the President;
 - (ii) the Vice-President who is the deputy to the President;
 - (iii) the Treasurer;
 - (iv) the President of the Alumni Association; and
 - (v) the President of the Students Union;
 - (b) the following members (hereinafter referred to as the “nominated members”) that is to say—
 - (i) two representatives of the Port Authority who shall be appointed upon the recommendation of that Authority;
 - (ii) two representatives of the Shipping Association of Jamaica who shall be appointed upon the recommendation of that body;
 - (iii) one representative of the University of the West Indies, who shall be appointed upon the recommendation of that body;
 - (iv) one representative of the University of Technology, who shall be appointed upon the recommendation of that body;
 - (v) three persons having special technical expertise in maritime matters, appointed by the Minister;
 - (vi) two persons representative of the interests of maritime or trade associations within the Caribbean region, appointed by the Minister;
 - (vii) one representative of the Government of Norway, appointed on the recommendation of the Government of Norway;

(c) the following persons (hereinafter referred to as “elected members”)—

- (i) one person elected by the Deans;
- (ii) one person elected by the Professors, University Readers and Principal Lecturers, who shall be elected in the manner prescribed by the Ordinances.

2. The nominated and elected members of the Council shall be appointed by the Minister by instrument in writing for the period specified in that instrument. Appointment of members.

3. The chairman of the Council shall be appointed by the Minister from among the nominated members of the Council. Chairman.

4.—(1) The members of the Council shall appoint one of their numbers to be deputy chairman. Deputy Chairman.

(2) In the case of absence, or inability to act, of the chairman, the deputy chairman shall perform the functions of the chairman.

(3) In the case of the absence or inability to act of both the chairman and deputy chairman, the members of the Council shall appoint one of their number to perform the functions of the chairman.

5. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*. Gazetting of appointments.

6.—(1) Subject to the provisions of these Statutes, a nominated member and an elected member shall be appointed for such period, not exceeding three years, as may be specified in the instrument of appointment. Tenure of office.

(2) Every member of the Council shall be eligible for reappointment.

(3) If any vacancy occurs in the membership of the nominated or elected members, such vacancy shall be filled by the appointment of another nominated or elected member, so, however, that, such appointment shall be made in the same manner and from the category of persons as would be required in the case of the original appointment, and subject to the provisions of these Statutes, the newly nominated or elected member shall hold office

for the remainder of the period for which the previous nominated member or elected member was appointed.

Termination
of
membership.

7. Nominated and elected members of the Council shall automatically cease to be members of the Council if they fail to attend three successive ordinary meetings of the Council without providing a satisfactory explanation to the Council for their non-attendance.

Grant of
leave of
absence.

8. The Council may, on the application of any nominated or elected member, grant to such member leave of absence for any period not exceeding twelve months.

Resignation
of members.

9.—(1) A nominated or an elected member of the Council may, at any time, resign his office by instrument in writing addressed to the Council and transmitted through the chairman, and from the date of receipt by the chairman of such instrument, the member shall cease to be a member of the Council.

(2) The chairman may, at any time, resign his office by instrument, in writing, addressed to the Minister, and such resignation shall take effect as from the date of the receipt by the Minister of that instrument.

Procedure at
meeting.

10.—(1) The Council shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Council may determine.

(2) The chairman may, at any time, call a special meeting of the Council and such meeting shall be held within seven days of a written request for that purpose addressed to him by any three members of the Council.

(3) The chairman or, in the case of the inability to act of the chairman, the deputy chairman shall preside at the meetings of the Council and in the absence of both the chairman and the deputy chairman from any meeting, the members of the Council present, shall elect one of their number to preside at that meeting and when so presiding the chairman, the deputy chairman or the member elected, as the case may be, shall have an original and a casting vote in any case where the voting is equal.

(4) The quorum of the Council shall be nine.

(5) Subject to the provisions of these Statutes, the Council may regulate its proceedings.

11. There shall be paid to the chairman, the deputy chairman and other members of the Council, such remuneration (whether by way of honorarium or fees) and such allowances as the Minister responsible for the public service may determine. Remuneration of members.

12.—(1) The Council may, with the concurrence of the Academic Board— Committees.

- (a) appoint committees for special purposes connected with the functions of the University;
- (b) appoint joint committees of the Council and the Academic Board.

(2) The number of members of a committee appointed under subparagraph (1), the terms of appointment of such members, the quorum of the committee, the chairman of the committee and the terms of reference of the committee, shall be determined by the Council.

(3) The Council shall determine, by Ordinance or otherwise, the constitution and procedure of any joint committee of the Council and the Academic Board.

(4) The Council may, at any time, suspend or dissolve any committee.

13.—(1) Subject to the provisions of this Statute, the Council may, by instrument in writing, delegate to any officer or employee of the University any function exercisable by the Council under this Act, other than the power of delegation. Power to delegate.

(2) A delegation under this paragraph—

- (a) may be made subject to such conditions, qualifications and exceptions as may be specified in the instrument;
- (b) is revocable by the Council; and
- (c) shall not prevent the exercise by the Council of the delegated function.

14.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Council in respect of any act done *bona fide* in pursuance or intended execution of the Act, the Charter, the Statutes, the Ordinances or any other regulations made under the Act. Protection of members.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph, the University

shall be liable to the extent that it would be if the member were an employee or an agent of the University.

Disclosure of interest.

15. A member of the Council who is directly or indirectly interested in any matter which is being dealt with by the Council shall—

- (a) as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council; and
- (b) not be present during the deliberation of the Council on the matter or take part in the decision of the Council with respect thereto.

Office of member not public office.

16. The office of the chairman, deputy chairman or member of the Council shall not be a public office for the purposes of Chapter V of the *Constitution of Jamaica*.

STATUTE XI

The Academic Board

Constitution.

1.—(1) The Academic Board shall consist of—

- (a) the following *ex officio* members—
 - (i) the President, who shall be the chairman thereof;
 - (ii) the Vice-Presidents;
 - (iii) the University Librarian;
 - (iv) the Deans; and
 - (v) the President of the Students Union, or his nominee.
- (b) not more than two persons nominated by the President (hereinafter referred to as “nominated members”);
- (c) the following persons (hereinafter referred to as “elected members”)—
 - (i) three Professors, elected by the Professors of the University;
 - (ii) one member of the academic staff of each faculty or such other academic unit determined by the Council on the

recommendation of the Academic Board, elected by the academic staff of the faculty or academic unit; and

- (d) two co-opted members, not being members of the academic staff, co-opted with the consent of the Council to be members of the Academic Board.

(2) The elected members shall be elected in the manner prescribed by the Ordinances.

(3) The appointment of the nominated, elected and co-opted members shall be evidenced by instrument, in writing, signed by the chairman of the Council for the following periods—

- (a) in the case of nominated and elected members, a period of four years;
- (b) in the case of co-opted members, such period, not exceeding four years, as may, in each case, be determined by the Council.

(4) An elected member or co-opted member who has served for two consecutive full periods of four years shall not be eligible for re-election or further co-option until one year has elapsed.

(5) A casual vacancy among the elected members shall be filled, as soon as conveniently possible, by the body which elected the member whose place has become vacant and the person elected to fill the vacancy shall be a member for the unexpired portion of his predecessor's term of office.

(6) Subject to the Act, the Charter and these Statutes, the Academic Board shall—

- (a) determine the conditions under which—
 - (i) persons shall be admitted to the University and to any particular course of study or research therein;
 - (ii) students may be permitted to continue their studies;
 - (iii) periods and courses of study or research examinations completed at other universities or institutions may be recognized for the purposes of the University;

- (b) determine procedures for courses of study leading to degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards of either the University or any professional body;
- (c) promote, direct and regulate the research and the intra-mural and extra-mural teaching of the University;
- (d) regulate the conduct of examinations leading to degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards;
- (e) appoint internal and external examiners;
- (f) grant degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards;
- (g) determine the formalities attaching to the conferment of degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards;
- (h) determine the functions of members of the academic staff, subject to the terms and conditions of appointment of each member of the academic staff;
- (i) prescribe and regulate the use of academic dress in the University.

(7) The University may confer honorary degrees on the recommendation of a joint committee of the Council and the Academic Board.

(8) A joint committee appointed under paragraph (7) shall consist of —

- (a) members of the Council who are not members of the Academic Board, as appointed by the Council;
- (b) an equal number of members of the Academic Board, appointed by the Academic Board;
- (c) the chairman of the Council, who shall also be chairman of the joint committee; and
- (d) the President.

(9) The Academic Board may hold discussions with and make recommendations to the Council on any matter relating to the University.

(10) Except as may otherwise be provided by the Act, and subject to these Statutes, the Academic Board may determine all matters relating to its constitution and procedure.

(11) The Academic Board may appoint a standing committee of the Academic Board with responsibility for arranging and expediting the business of the Academic Board and exercising such functions of the Academic Board as may be prescribed by Ordinances.

(12) Any such standing committee of the Academic Board shall be established and constituted by Ordinances.

(13) The Academic Board may establish, whether from within its own membership or including persons who are not members of the Academic Board, such other committees as it may think fit, and may suspend or dissolve any such committee at any time.

(14) Subject to the Act, the Charter and these Statutes, the Academic Board may, in writing, delegate, upon such conditions as it may determine, and may revoke the delegation of, any of its functions, to joint committees of the Council and the Academic Board, committees of the Academic Board, the Advisory Board of the faculties, the President or any other officer.

(15) The constitution and procedure of any committee of the Academic Board may be prescribed in such manner as the Academic Board may think fit.

STATUTE XII

The Faculties

1. There shall be such faculties of the University as may be determined by the Council.

Establishment
of faculties.

2.—(1) The Council shall appoint a Dean of each faculty.

Appointment
of Deans.

(2) A Dean shall hold office for such period, not exceeding four years, and on such terms and conditions as the Council, after consultation with the Academic Board may determine, and shall be eligible for reappointment.

(3) A Dean may, at any time, resign office by instrument, in writing, addressed to the Council.

Faculty Board.

3.—(1) Each faculty shall have a Faculty Board, which shall consist of—

- (a) the President;
- (b) the Vice-Presidents;
- (c) the University Librarian or his representative;
- (d) the Dean of the Faculty;
- (e) such number of the academic staff as may be appointed in such manner as may be prescribed in the Ordinances;
- (f) a student appointed by the Students Union; and
- (g) such persons, not exceeding three (whether or not members of the University) as the University may co-opt, with the consent of the Academic Board.

(2) Each Faculty Board shall be chaired by the Dean of the Faculty.

(3) The functions of a Faculty Board are to—

- (a) advise and report to the Academic Board on all matters relating to the organization of education, teaching and research in the subjects, including curricula and examinations of the faculty;
- (b) promote the progress and regulate the conduct of students in the faculty and to report to the Academic Board thereon;
- (c) recommend to the Academic Board, examiners for appointment or nomination;
- (d) consult with the other Faculty Boards on matters of mutual interest or concern;
- (e) deal with any matter which may be referred to it by the Academic Board; and
- (f) carry out any functions which may be prescribed by the Ordinances.

Faculty Board to regulate own proceedings.

4. Subject to the Act, the Charter, the Statutes and the Ordinances, each Faculty Board shall regulate its own proceedings.

5.—(1) Each Faculty Board may establish committees to advise and report on such matters as may be determined by the Council. Committees.

(2) A committee established under the Statutes may include members of the academic staff of other faculties and other persons, whether members of the University or not, and may be composed and constituted as a joint committee of two or more faculties.

(3) The Dean of each faculty shall be an *ex officio* member of all committees established by that Faculty Board.

(4) Committees established under this Statute may at any time be suspended or dissolved by any of the Faculty Boards by which they were established.

STATUTE XIII

The Congregation

1. For the purpose of conferring degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards, there shall be held, from time to time, a meeting of the University, which shall be called a Congregation. Convening of Congregation.

2. A Congregation shall be presided over by the President or, in his absence, the Vice-President who is the deputy to the President. Chairman.

3. The procedure for summoning a Congregation for the presentation of graduates and for the conferring of degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards *in absentia* and all other matters relating to a Congregation, shall be determined by the Academic Board. Procedures.

STATUTE XIV

The Alumni Association

1. The Alumni Association of the Caribbean Maritime University shall consist of the graduates, including honorary graduates, and holders of degrees, diplomas, certificates or other academic or professional qualifications, distinctions or awards, issued by the former institution or by the University. Alumni Association.

2. Ordinances may provide for any matters relating to the Alumni Association. Alumni Ordinances.

3.—(1) The Alumni Association may elect its president and other officers. Election, etc.

(2) The president of the Alumni Association shall preside over the meetings of the Association.

Alumni Association may regulate its own proceedings.

4. Subject to the provisions of this Act, the Charter and these Statutes, the Alumni Association may regulate its own proceedings.

STATUTE XV

Student Matters

Student's Union.

1.—(1) The Students Union established under Article 11 of the Charter shall—

- (a) promote the interests of the students and represent them in matters affecting their interests;
- (b) afford a recognized means of communication between the students and the officers of the University;
- (c) promote collegiality amongst the students; and
- (d) encourage the students to forge cooperative relationships with the students of other universities and institutions of higher and further education.

(2) Subject to the provisions of the Act, the Charter, these Statutes and the Ordinances, the Students Union shall have the power to manage its own affairs.

Ordinances relating to discipline.

2.—(1) In the exercise of its responsibility for the discipline of students, the Council shall have power to make Ordinances, which Ordinances may include provision for—

- (a) rules relating to discipline;
- (b) the procedure to be followed where there is an allegation of a breach of discipline;
- (c) punishment of a breach of discipline by—
 - (i) expulsion of students;
 - (ii) the temporary exclusion of students or other persons from the University or any part of its precincts or any other premises owned or occupied by the University or;
 - (iii) the imposition of fines;
- (d) appeals by students.

(2) For the purpose of this paragraph, "discipline" shall not include action taken in consequence of academic performance, responsibility for which shall fall within the powers of the Academic Board.

STATUTE XVI

Retirement and Resignation from Office and Employment

1. A member of the University who is in the employment of the University shall retire from office or employment on the 30th day of September next after the date on which he attains the age of sixty-five or such other retirement age as the Council may determine, unless the Council, with the concurrence of the Academic Board, requests the member to continue in office or employment for such period as the Council may, from time to time, determine, but not exceeding five years in all, after which retirement shall be compulsory. Retirement from office.

2. A member of the University who is in the employment of the University may resign by notice in writing to the President, in accordance with his conditions of employment. Resignation of member.

STATUTE XVII

Validation

No act, resolution or other decision of the Council, the Academic Board or any other board, committee or body of the University, constituted in accordance with these Statutes, however designated, shall be invalid by reason only of any vacancy in the body doing or passing it or by reason of any want of qualification by, or invalidity in the selection or appointment of any *de facto* member of the body, whether present or absent. Validation.

STATUTE XVIII

Removal from Office of Members of Council who are not Employees

1. Any member of the Council who is not an employee may be removed from office or membership of any body within the University for good cause. Removal from office of persons other than employees.

Right to due process. 2. A person shall not be removed from office under this Statute unless the person has been given a reasonable opportunity to be heard in person by the Council and to be accompanied by a representative who shall also have the right to be heard.

Meaning of "good cause". 3. In this Statute, "good cause" means—

- (a) conviction for an offence which may be deemed by the Council to be such as to render the person unfit for the execution of the functions of the office; or
- (b) conduct constituting failure or persistent refusal or neglect or inability to perform the terms and conditions of the office.

STATUTE XIX

Removal from Office and Employment and Discipline of Staff

Staff Ordinances. 1.—(1) The Council may, from time to time, prescribe by Ordinances, the rights, privileges and rules governing the employment, discipline and termination of—

- (a) academic staff;
- (b) administrative and technical staff; and
- (c) ancillary staff.

(2) In providing for these matters, the Council shall ensure that the procedures provide for the hearing of staff grievances and appeals.

Natural justice to be observed. 2. In the exercise of powers under this Statute, the principles of natural justice shall be observed.

MEMORANDUM OF OBJECTS AND REASONS

The Caribbean Maritime Institute (the "CMI") was established by section 3 of the *Caribbean Maritime Institute Act*. However, over the years, the CMI has progressively expanded the scope of its programmes to include degrees at the undergraduate, postgraduate and doctoral levels. As a result of this expansion, the CMI has gained national, regional and international recognition by the Chartered Institute of Logistics and Transport of the United Kingdom, the International Maritime Organization (IMO), CARICOM and the World Maritime University.

Notwithstanding that the expanded programmes and growth of the CMI has caused it to be recognized and accredited internationally, in order to receive international grant funding and technical support, it is necessary to establish the Institute as a University, to have its degree programmes accredited by the University Council of Jamaica and thereby enabling CMI graduates to enjoy greater access to employment opportunities across the world and to attract more international students.

LESTER MICHAEL HENRY, M.P.
Minister of Transport and Mining

A BILL

ENTITLED

AN ACT to Repeal the *Caribbean Maritime Institute Act*, to establish and incorporate a university at the national and international level to be called the Caribbean Maritime University to advance education, training and research in the area of maritime studies, with particular focus on the development of capacity building in various aspects of shipping, logistics and related fields, the certification of seafarers, the promotion of awareness of maritime safety and security, the protection of the marine environment and the promotion of efficiency in international shipping, for the benefit of the people of Jamaica, the Caribbean and the wider international community.

As introduced by the Honourable Minister of Transport
and Mining.
