
CHAPTER 48
UNIVERSITY OF THE BAHAMAS

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CHAPTER 48

UNIVERSITY OF THE BAHAMAS

An Act to provide for the establishment of the University of The Bahamas, to vest the assets, rights and liabilities of the College of The Bahamas in the University of The Bahamas and to provide for matters connected therewith or incidental thereto. *24 of 2016*

[Assent 15th August, 2016]

[Commencement 10th November, 2016]

1. This Act may be cited as the University of The Bahamas Act. Short title.
2. In this Act — Interpretation.
 - “Academic Senate” means the body established under Article 7 of the Charter;
 - “bargaining unit” has the meaning ascribed to it in the Industrial Relations Act; Ch. 321.
 - “Board” means the Board of Trustees referred to in Article 5 of the Charter and constituted in accordance with Statute II of the Second Schedule; Second Schedule.
 - “campus” means a site, designated by the Board, whether physical or virtual, for the delivery of education by the University;
 - “Charter” means the written constitution of the University of The Bahamas set out in the First Schedule; First Schedule.
 - “financial year” means any period of twelve months beginning on 1st July in any year;
 - “former institution” means the College of The Bahamas continued under section 3 of the College of The Bahamas Act; *15 of 1995.*
 - “Minister” means the Minister responsible for education;

	“officers of the University” means the officers of the University set out in Article 6 of the Charter;
	“Ordinances” means policy decisions of the Board made pursuant to section 6;
<i>15 of 1995.</i>	“repealed Act” means the College of The Bahamas Act;
	“staff” mean employees of the University who do not have faculty rank;
Second Schedule.	“Statutes” mean the statutes of the University specified in the Second Schedule;
	“students” mean persons registered by the University as candidates for degrees, diplomas, certificates or other academic distinctions or awards and such other persons as the Academic Senate may from time to time recommend;
	“the University” means the University of The Bahamas.

PART II
ESTABLISHMENT AND GOVERNANCE OF THE
UNIVERSITY OF THE BAHAMAS

Establishment of the University of The Bahamas. <i>15 of 1995.</i>	3. (1) The educational institution known and existing as the College of The Bahamas immediately before the coming into operation of this Act and continued as a body corporate under section 3 of the College of The Bahamas Act is hereby preserved and continues in existence as a body corporate for the purposes of this Act but is to be known after this Act comes into force as the “University of The Bahamas.”
	(2) Subject to the provisions of this Act, the corporate identity and the rights and obligations of the body corporate are not affected by its change of name.
First Schedule.	(3) The Charter of the University is set out in the First Schedule and may be amended in accordance with the procedure specified therein.
Objects of the University.	4. The objects of the University are set out in Article 3 of the Charter.
Mission of the University.	5. The mission of the University is set out in Article 4 of the Charter.

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6. (1) There shall be a Board of Trustees (hereinafter referred to as “the Board”), which shall —
- Functions and powers of Board of Trustees.
- (a) be constituted in accordance with Article 5 of the Charter and have the powers set out therein;
 - (b) have the general direction and control over the conduct of the affairs of the University; and
 - (c) be free from undue influence from political, religious, or other external bodies and shall protect the institution from such influence.
- (2) The Board may, in accordance with the Charter, make the Statutes for the University and without prejudice to the generality of the foregoing, the Statutes may prescribe, or regulate, as the case may be —
- (a) the status, election or appointment, continuance in office and functions of the officers of the University;
 - (b) the constitution, functions and business of the Board and the Academic Senate; and
 - (c) such other matters as the Board deems necessary, with respect to, or for the governance of the University, its members and constituent parts or otherwise in relation thereto for the furtherance of the mission of the University.
- (3) The Statutes may direct that any of the matters prescribed or regulated by Statutes, as authorised or directed in the Charter, be further prescribed or regulated by Ordinances, or such other decisions made by the Board, provided that any such further Ordinances or other decisions shall not be repugnant to the provisions of the Charter or of the Statutes.
- (4) Unless amended in accordance with the Charter, the Statutes set out in the Second Schedule shall be the Statutes of the University. Second Schedule.
- (5) Subject to the provisions of the Charter and the Statutes, the Board may make Ordinances for the purposes of furthering the mission of the University and for the good order and governance of the University, including, but not limited to, tenure and post tenure review, faculty load, credit and contact hours, promotions, size of classes, the right of first refusal for part-time teaching and post retirement employment.

(6) Any Ordinance dealing with an academic matter for which the Academic Senate is responsible shall not be made, amended or repealed except after consultation with the Academic Senate.

Colleges, etc.
of the
University.

7. There may be established —
- (a) colleges;
 - (b) schools; and
 - (c) institutes,

of the University as authorised by the Board from time to time and situated in or on any campus.

Officers of the
University.

8. The officers of the University shall comprise of such persons appointed in accordance with the search policies of the University and pursuant to the Second Schedule.

Second
Schedule.

PART III FINANCIAL PROVISIONS

Funds and
resources of
the University.

9. (1) The funds and resources of the University shall consist of—

- (a) any money lawfully received by or made available to the University;
- (b) all other sums, which may in any manner become lawfully payable to the University in respect of any matter incidental to its mission;
- (c) any property which may become vested in the University or such sums realised in relation to the disposal thereof of such property;
- (d) any monies as are provided from time to time by Parliament, which shall be paid directly to the University.

(2) The Board of Trustees may receive and authorise the University or a foundation thereof to receive gifts, grants, donations or bequests of any property whatsoever and may either retain them for the use of the University or dispose of them in a fit and proper manner.

(3) Any monies realised from the disposal or use of any such property referred to in subsection (2) shall be credited to the account of the University.

10. (1) The expenses of the University, including salaries, shall be defrayed out of the General Account.

General and other accounts of the University.

(2) The Vice-President for Finance and Business shall keep the following accounts —

- (a) an account to be known as “the General Current Account” in which shall be recorded all deposits into and withdrawals from the General Account for application towards defraying current expenditure;
- (b) an account to be known as “the General Capital Account”, in which shall be recorded all deposits into and withdrawals from the General Account for application towards defraying capital expenditure;
- (c) an account to be known as “the Restricted Fund Account” in respect of restricted funds; and
- (d) an account to be known as “the Investment Fund Account” in respect of investment funds.

(3) No person shall establish or operate any account on behalf of or in the name of the University, or use the name of the University in connection with any account, except with the written approval of the Board and any person who receives such approval shall furnish the University with all banking statements in respect of those accounts.

11. (1) Subject to subsection (2), the Minister responsible for finance may grant subventions and, at the request of the University, make advances for the purpose of enabling the University to defray expenditure properly chargeable to the capital account, including provision of working capital.

Subventions and advances to the University.

(2) No advance shall be made under this section unless prior approval thereof has been signified by the House of Assembly in accordance with section 17 of the Financial Administration and Audit Act.

Ch. 359.

12. (1) Subject to this section, the University may borrow sums required by it for meeting any of its obligations or discharging any of its functions and may, in respect of such borrowing, issue debentures or other securities in such form as the University may determine.

Borrowing powers.

(2) Any borrowing of the University pursuant to subsection (1) shall be subject to the approval of the Board as to the amount to be borrowed, the source of the borrowing and the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(4) A person lending money to the University shall not be bound to inquire whether the borrowing of the money is within the power of the University.

Surplus funds. **13.** At the end of each financial year, any monies standing to the credit of the University (including monies for subventions or advances) and which are not required for any current purpose shall be carried to the reserve fund established under section 14.

Reserve fund. **14.** (1) The University shall establish a reserve fund.

(2) The management of the reserve fund, the sums to be carried from time to time to the credit thereof, and the application thereof, shall be as the Board may determine, but no part of the reserve fund shall be applied otherwise than for the purposes of the University.

Accounts and audit. **15.** (1) The University shall cause to be kept proper accounts and other records in relation thereto, and shall prepare in respect of each financial year a statement of accounts.

(2) The accounts of the University for each financial year shall be audited by an independent licensed auditor appointed by the Board.

(3) Within four months after the end of each financial year, the University shall submit to the Minister, a copy of the audited accounts together with any report made by the auditors on the accounts.

Reports. **16.** (1) The President shall cause to be prepared an annual report of the activities of the University no later than six months following the close of each academic year.

(2) Without prejudice to the generality of the provisions of subsection (1), such report shall be for the period under review and shall include —

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- (a) a description of the activities of the University;
 - (b) details of the programmes of study offered by the University and the enrolment of students in such programmes;
 - (c) comments on new and existing non-teaching programmes;
 - (d) information on any research carried out by the University;
 - (e) information on personnel;
 - (f) information on endowments, grants, fund-raising and entrepreneurial activity; and
 - (g) any other relevant information.
- (3) A copy of the audited statements of accounts thereon shall be attached to the report referred to in subsection (1).
- (4) The annual report shall be submitted by the Board to the Minister no later than six months of the year next following.
- (5) The Minister shall lay a copy of the annual report before each House of Parliament, together with a copy of any report made by the auditors on the accounts.
- (6) The annual report of the University shall be made available to the general public.

17. (1) The University shall establish a defined contributory pension scheme whereby both the employee (as defined in the said scheme) and the University shall be responsible for making a contribution.

Pension scheme.

(2) There shall be payable out of the Consolidated Fund in respect of an employee of the former institution with ten or more years of pensionable service at the date of the commencement of this Act, the pension, gratuity or other like allowance payable out of the Consolidated Fund in accordance with section 23A of the the Pensions Act in respect of total service under the former institution and with the University taken together and such service shall be reckoned as continuous for purposes of calculating pensions, gratuities and other like allowances.

Ch. 43.

(3) There shall be payable out of the Consolidated Fund to the University a contribution to the pension scheme established pursuant to paragraph (1) in respect of

an employee who was employed by the former institution for less than ten years at the date of the commencement of this Act, such amounts as would have been accumulated to such employee under the scheme as if the scheme had been in existence upon the date of employment.

PART IV MISCELLANEOUS

- Exemption. **18.** Notwithstanding any other law, any property, assets or service acquired by or vested in the Board or the University, whether real or personal, shall be exempt from any tax, duty or impost whatsoever levied by the Government.
- Transitional.
15 of 1995. **19.** On the date of commencement of this Act —
- Second Schedule.
- (a) the Council constituted under the College of The Bahamas Act shall continue to exist, until the Board of Trustees is fully constituted in accordance with the Second Schedule, for the purpose of providing oversight of the University transition process;
 - (b) the persons serving as the Chairman and Deputy Chairman on the Council shall continue to serve for the remainder of their appointments on the Board, except that the Deputy Chairman shall serve in the capacity of Vice-Chairman of the Board and thereafter, both persons shall be eligible for appointment to the Board;
 - (c) all money, property or other assets vested in the former institution upon trust or as an endowment for any scholarship or any other purpose shall, unless the terms of the trust governing the same otherwise provide, vest in the University without conveyance or assignment and shall be used for a like purpose;
 - (d) all liabilities of the former institution shall vest in the University without further assurance and the University shall have all powers necessary to satisfy of any of those liabilities;
 - (e) all interests, rights and easements into or out of the property owned by the former institution or other property over which the former institution held any rights, titles or interest shall without conveyance, assignment or transfer, belong to

and be vested in the University, subject to all or any trusts and to all debts, liabilities and obligations affecting the same;

- (f) every agreement, whether in writing or not, to which the former institution was a party or which affected the former institution, and whether or not of such a nature that the rights, liabilities and obligations under it could be assigned, is to have effect as if the University were a party to it or affected by it instead of the former institution and as if for every reference (however worded and whether express or implied) in it to the former institution there were substituted in respect of anything to be done on or after such date of commencement, a reference to the University, provided that where such agreement is inconsistent with the provisions of this Act, such provisions shall prevail;
- (g) every deed or bond to which the former institution was a party or which affected the former institution, and whether or not of such a nature that the rights, liabilities and obligations under it could be assigned, is to have effect as if the University were a party to it or affected by it instead of the former institution and as if for every reference (however worded and whether express or implied) in it to the former institution there were substituted in respect of anything to be done on or after such date of commencement, a reference to the University;
- (h) all actions, proceedings and causes of action to which the former institution was a party shall be continued as if the University was a party to those proceedings instead of the former institution.

20. On the date of the commencement of this Act — Savings.

- (a) the person serving as President of the former institution shall serve as President of the University and shall remain in office until the expiration of his tenure and shall serve in the capacity of President of the University subject to his existing contractual terms and conditions;

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- (b) all persons who were employed by the former institution immediately before the date of commencement shall continue to be so employed without diminution in pay or rank;
 - (c) all students enrolled in courses of study with the former institution and who have not completed such courses on or before the date of commencement of this Act, shall enjoy all rights and privileges as students of the University and shall have their diploma, certificate, degree or other academic distinction validated or awarded by the University; and
 - (d) all graduates or holders of degrees, diplomas, certificates or other academic awards and distinctions from the former institution shall enjoy all corresponding rights and privileges as an alumni of the University.

Repeal.
15 of 1995.

21. The College of The Bahamas Act is hereby repealed.

FIRST SCHEDULE (Section 3(3))

CHARTER OF THE UNIVERSITY OF THE BAHAMAS

WHEREAS, the Government, on behalf of The College of The Bahamas has represented that it is expedient that The College should be constituted and founded as a University for the advancement of learning and knowledge by teaching and research and for the provision of a University education and should grant a Charter with such provisions in that regard as it shall deem suitable:

NOW, THEREFORE, by virtue of section 3 of the University of The Bahamas Act, the educational institution known and existing as The College of The Bahamas immediately before the coming into operation of this Act is hereby preserved and continues in existence as a body corporate for the purposes of this Act but is to be known after this Act comes into force as the “University of The Bahamas”.

ARTICLE 1 - CONSTITUTION OF THE UNIVERSITY

This Charter constitutes and incorporates in the Commonwealth of The Bahamas, a University bearing the

name and style of the “University of The Bahamas” (hereinafter referred to as “the University”) which shall continue to have perpetual succession and a common seal with power to create its own visual identity, whether through the acquisition of an emblem or otherwise.

ARTICLE 2 - INTERPRETATION

2.1 In this Charter —

“**academic freedom**” means the freedom to exercise critical thinking, engage in innovation, research and teaching; but not the right to proselytise, cajole, violate the rights of others, be immune from institutional policies or violate the law;

“**Academic Senate**” means the body established under Article 7 of the Charter;

“**faculty**” means all persons who are full-time employees of the University and are employed as Professors, Associate Professors, Assistant Professors, Research Professors, Lecturers, Instructors, Counselors, Librarians, and such other persons that may be recommended by the University and approved by the Board of Trustees;

“**Trustee**” means a member of the Board of Trustees established under Article 5 of the Charter.

ARTICLE 3 - OBJECTS OF THE UNIVERSITY

3. The objects of the University shall be —

- (a) to provide education and learning through a variety of patterns, levels and modes of study and by a diversity of means;
- (b) to promote research and embrace a constantly evolving technological infrastructure consistent with the standard required and expected of a university of the highest standard;
- (c) to foster national, regional and international development by embracing technological innovation and advancing and disseminating knowledge.

ARTICLE 4 - MISSION OF THE UNIVERSITY

4. The mission of the University shall be to advance and expand access to higher education, promote academic freedom, drive national development and build character through teaching, learning, research, scholarship and service.

ARTICLE 5 - BOARD OF TRUSTEES

5.1 There shall be a Board of Trustees of the University (hereinafter referred to as “the Board”) constituted in accordance with the Statutes of the University and the Board shall have the custody and use of the common seal.

5.2 The Board, in carrying out the mission of the University, shall have general control and exercise such powers over the affairs of the University and shall exercise all other such functions as may be conferred upon it by the Statutes.

5.3 The powers referred to in Article 5.2 shall include, without imposing any limitation on those powers, the power to —

- (a) authorise or deprive the awarding of degrees, diplomas, certificates and other academic awards or distinctions and honorary degrees upon the recommendation of the Academic Senate;
- (b) create or abolish such colleges, schools and institutes within the University as the Board may consider necessary or expedient;
- (c) acquire, hold and dispose of any legal entity or business;
- (d) acquire, hold and dispose of any of the undertakings, rights, assets, or liabilities of the University;
- (e) impose tuition and room and board fees of the University;
- (f) buy, hold, lease, construct and sell any heritable or movable property, including stocks, shares, loans and intellectual property rights;
- (g) borrow, give and take security of all types;
- (h) invest University monies and assets as it sees fit;

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- (i) establish ad-hoc committees from time to time;
 - (j) own, solely or jointly, intellectual property and any discovery or invention of any type;
 - (k) sue and be sued in the name of the University;
 - (l) regulate the conflict of interest and confidentiality policies in relation to members of the University;
 - (m) delegate any of the powers, duties or functions of the Board, along with the power of sub-delegation, subject to Article 5.7.

5.4 The Board may appoint an Executive Committee which shall include the Chairman, Vice-Chairman and such other members as the Board may appoint and the Executive Committee —

- (a) may meet whenever deemed necessary or expedient;
- (b) may only exercise the powers and perform the duties delegated to it by the Board from time to time; and
- (c) must take into consideration recommendations made by a standing committee appointed under Article 5.5.

5.5. The Board shall appoint functional standing committees with appropriate representation from respective constituents; such as students, faculty, staff and alumni, which shall meet whenever deemed necessary and shall exercise the powers and perform duties delegated to them by the Board.

5.6 Pursuant to Article 5.5, the powers and duties the Board may delegate to a functional standing committee may include —

- (a) investment;
- (b) audit and financial affairs;
- (c) academic affairs;
- (d) student affairs;
- (e) nomination of trustees;
- (f) institutional advancement;
- (g) infrastructural development; and
- (h) such other powers and duties that the Board may delegate.

5.7 The Board shall not delegate any decision relating to —

- (a) the solvency of the University;
- (b) the determination of strategic direction or policy matters affecting the University;
- (c) the approval of an annual business plan and annual budget;
- (d) tuition and room and board fees;
- (e) the strategy for risk management;
- (f) the review and the monitoring of the management of the University and its performance;
- (g) the appointment and terms of the President, the University Secretary, the General Counsel, the University Ombudsman or the Chief Internal Auditor; and
- (h) the approval of the annual audited accounts of the University.

5.8 The Board shall make bye-laws specifically for, but not limited to —

- (a) governing the conduct of trustees; and
- (b) coordination of board committees.

ARTICLE 6 - OFFICERS OF THE UNIVERSITY

President

6.1 There shall be a President of the University who shall be the chief executive officer of the University, appointed by and serving at the pleasure of the Board in accordance with procedures contained in the Statutes of the University.

6.2 Upon the recommendation of the Academic Senate and the approval of the Board, the President —

- (a) shall confer degrees, diplomas, certificates, other academic distinctions and awards and honorary degrees; and
- (b) may bestow no more than two honorary doctoral degrees annually at the time of the commencement activities of the University.

Executive Vice-President

6.3 There shall be an Executive Vice-President of the University.

6.4 The Executive Vice-President shall carry out such functions as are assigned by the President.

6.5 In the absence of the President, or during a vacancy in the office of the President, the Executive Vice-President shall be the most senior officer who shall, upon authorisation of the Board, exercise and perform the functions and duties of the President.

Vice-President of Academic Affairs

6.6 There shall be a Vice-President of Academic Affairs or otherwise known as the “Provost”, who shall be the chief academic administrative officer of the University.

6.7 In the absence of the Executive Vice-President, or during a vacancy in the office of the Executive Vice-President, the Vice-President of Academic Affairs or otherwise the Provost, shall, upon authorisation of the Board, exercise and perform the functions and duties of the Executive Vice-President.

6.8 In the absence of the Vice-President of Academic Affairs or otherwise the Provost, or during a vacancy in the office, the Board, upon recommendation of the President, may appoint an Acting Vice-President who, during such absence or vacancy, shall exercise and perform the functions and duties of the Vice-President of Academic Affairs or otherwise the Provost.

Vice-President of Finance and Business

6.9 There shall be a Vice-President of Finance and Business who shall be responsible for the business and finance administration of the University.

6.10 The Vice-President of Finance and Business shall make, or cause to be made to the Board, quarterly financial reports on the fiduciary status of the University.

6.11 In the absence of the Vice-President of Finance and Business, or during a vacancy in the office, the Board, upon recommendation of the President, may appoint an Acting Vice-President who, during such absence or vacancy, shall exercise and perform the functions and duties of the Vice-President of Finance and Business.

Other Officers

6.12 There shall be such other officers as may be appointed by the Board from time to time.

ARTICLE 7 - ACADEMIC SENATE

Second Schedule.

7.1 There shall be an Academic Senate of the University (hereinafter referred to as the “Senate”) comprising officers elected from staff, faculty, students and administration in accordance with Statute X of the Second Schedule, which shall, subject to the powers of the Board, be the academic authority of the University and have responsibility for maintaining the academic standards of the University and for the regulation and superintendence of the education of the students of the University as may be prescribed in the Statutes.

7.2 All decisions of the Senate that have financial implications shall be subject to the approval of the Board and all decisions of the Board that have curriculum implications shall require consultation with the Senate.

7.3 The powers of the Senate shall include, without imposing any limitation on those powers, the power to —

- (a) regulate and ensure the quality of all teaching programmes, courses of study and the conditions under which persons may qualify for degrees, diplomas, certificates and other distinctions and awards of the University;
- (b) recommend to the Board, the institution of degrees, diplomas, certificates and other distinctions and awards;
- (c) regulate and ensure the quality of the admission of persons and categories of persons to the University for the purpose of pursuing any programmes or courses of study and to regulate and control their continuance in those programmes or courses of study;
- (d) accept courses of study from any other institution or body, which in the opinion of the Senate possesses the means of affording the proper instruction for such courses as equivalent to such programmes or courses of study in the University as the Senate may determine;

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- (e) recommend the awarding of degrees, diplomas, certificates and other distinctions and other awards to persons who have pursued a course of study approved by the Senate and who have qualified for such granting in terms of requirements prescribed by the Senate;
 - (f) recommend academic distinctions including honorary degrees;
 - (g) determine what formalities and requirements shall attach to the conferment of degrees, diplomas, certificates and other distinctions and awards;
 - (h) regulate the use of academic dress in the University;
 - (i) recommend to the Board the institution or acceptance of awards such as fellowships, scholarships, bursaries, studentships, prizes and other aids to study and research;
 - (j) approve recommendations for the operation and development of the University Libraries;
 - (k) periodically review the academic organisation and development of the University, with special reference to the effectiveness of the work of the University in relation to its mission, including that of providing at appropriate levels education and training responsive to the well-being and needs of the communities within the Bahamian archipelago;
 - (l) periodically review the duties of all faculty while being cognizant of the role of specialised groups including unions and bargaining units;
 - (m) recommend to the Board appropriate provision for the personal development and well-being of the students;
 - (n) regulate the discipline of the students of the University in accordance with Ordinances to be made by the Board;
 - (o) propose to the Board new Statutes or Ordinances, concerning academic matters, of which it shall be the duty of the Board to consider;

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- (p) express an opinion on any matter pertinent to the University and the affairs of the University and make recommendations as a result thereof;
 - (q) exercise, generally, all such powers, duties and functions as are or may be conferred on it by the Act, Charter and Statutes, including the power to make enabling policies in the exercise of the powers, duties and functions hereinbefore expressly set out and of all other powers, duties and functions of the Senate;
 - (r) establish its own governing bye-laws in accordance with the provisions of the Act;
 - (s) establish such standing committees of the Senate, chaired by a member of the Senate, with representation from staff, students, faculty and administration; and
 - (t) delegate to any standing committee consisting of members of the Senate, such powers, duties or functions assigned to it under the Act.

ARTICLE 8 - COLLEGES OF THE UNIVERSITY

8. There shall be established an undergraduate college and graduate college of the University as may be authorised by the Board.

ARTICLE 9 - ALUMNI ASSOCIATION

9.1 There shall be an alumni association of the University to be known as the “Alumni Association” which shall comprise the alumni of the University and all graduates of the former institution.

9.2 The Alumni Association shall be under the general direction of the administration of the University and shall govern its own proceedings.

ARTICLE 10 - STUDENT GOVERNMENT ASSOCIATION

10.1 There shall be an organisation of students elected by the student body to be known as the “Student Government Association”.

10.2 The Student Government Association shall be under the general direction of the administration of the University and shall govern its own proceedings.

ARTICLE 11 - STUDENT ORGANISATIONS

11. There shall be student organisations within the University whose constitution and functions shall be approved by the administration of the University.

ARTICLE 12 - FACULTY RETIREE ASSOCIATION

12. There shall be an association comprised of retired faculty of the University to be known as the “Faculty Retiree Association”.

ARTICLE 13 - OTHER BODIES

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

ARTICLE 14 - VARIATIONS*Charter*

14.1 The Board may, at any time, after consultation with the President, the Academic Senate, the Student Government Association and the Alumni Association, seek to amend, add to or revoke any of the provisions of this Charter (other than Statutes) by special resolution.

Statutes

14.2 The Board may, by special resolution, add to or amend the Statutes, provided that no Statute shall be repugnant to the provisions of this Charter.

14.3 For the purposes of this Article —

- (a) a “special resolution” means a resolution passed at one meeting of the Board and confirmed at a subsequent meeting;
- (b) notices of such meetings shall be given to each member of the Board not less than fourteen days before the proposed date of the meetings; and
- (c) the resolution shall be passed at each meeting of the Board by a majority of not less than three-quarters of those present and voting.

ARTICLE 15 - PROTECTION OF RIGHTS

15. No person shall be excluded by reason of religious beliefs, political opinions, sexual orientation, disability, age, race, ethnicity, national origin or gender from admission as a professor, associate professor, assistant professor, research professor, lecturer, librarian, or such other staff, student, or employee of the University or from office or employment therein or to pursue any course of study therein or to receive any degree or other qualification awarded by the University or from any advantage or privilege thereof.

ARTICLE 16 - CONFLICT*Conflict*

16. In case of conflict —
- (a) the provisions of this Charter shall prevail over those of the Statutes and Ordinances; and
 - (b) the provisions of the Statutes shall prevail over those of the Ordinances.

SECOND SCHEDULE (Section 6(4))**STATUTES OF THE UNIVERSITY OF THE BAHAMAS**

STATUTE I

The Members of the University

- (1) The following persons shall be members of the University —
 - (a) members of the Board;
 - (b) all members of the faculty, administration and staff;
 - (c) the holders of such appointments with the University as may be designated;
 - (d) the students;
 - (e) alumni;
 - (f) all such other persons as the Board may, by Ordinance, declare to be members.
- (2) A member of the University shall continue to be a member so long as he possesses any one of the qualifications set out in this Statute.

STATUTE II

The Board of Trustees

(1) The Board shall be fully constituted on the appointment of the nine persons referred to in paragraphs (a)-(i) and shall consist of not less than nine and not more than twenty-one members appointed by the Governor-General of whom —

- (a) one shall be the President of the University, *ex officio*;
- (b) one shall be selected by the Prime Minister;
- (c) one shall be selected by the Leader of the Opposition;
- (d) one shall be selected by the Minister responsible for finance;
- (e) one shall be selected by the Minister responsible for education;
- (f) one shall be the President of the Alumni Association, *ex officio*;
- (g) one shall be a current member of the Faculty who has been employed for five or more consecutive years and elected by the Faculty;
- (h) one shall be a staff employee, whether contracted or otherwise, elected by the staff and who is employed in either line or managerial staff for five or more consecutive years;
- (i) one shall be a full-time student of the University elected by the student body;
- (j) one shall be a member of the Alumni Association selected by the Trustees in paragraphs (1)(a)-(i);
- (k) one shall be a member of the Retired Faculty Association selected by the Trustees in paragraphs (1)(a)-(i) after consultation with retired faculty members; and
- (l) such other persons as may be appointed by the Trustees appointed under paragraphs (1)(a)-(i), with the aim of the Board having a broad range of competencies, skills and experience representing business, labour, civil and religious society, and the industrial, scientific, cultural and creative community.

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- (2) A Trustee —
 - (a) referred to in paragraphs (l)(b)-(e), (j) and (1) shall hold office for a period of four years and may be reappointed for an additional period not exceeding eight consecutive years in total;
 - (b) referred to in paragraph (l)(f), shall serve as Trustee during his term in office, which shall not exceed eight consecutive years in total;
 - (c) referred to in paragraphs (l)(g), (h) and (k), shall serve as Trustee for a period of two years and may be reappointed for an additional period not exceeding four years in total; and
 - (d) referred to in paragraph (l)(i) shall serve as Trustee for a period of one year.
 - (3) A Trustee shall automatically cease to be a Trustee in the following circumstances —
 - (a) the Trustee resigns in writing;
 - (b) the Trustee is adjudged bankrupt;
 - (c) the Trustee has become unable to continue as a Trustee by reason of physical or mental incapacity;
 - (d) the Trustee has failed to attend any meetings of the Board or of its committees for more than six months, otherwise than for a reason approved by the Board;
 - (e) two thirds of the total membership of the Board decides with good reason to remove a Trustee, other than the President.
 - (4) The Board shall appoint a Chairman and Vice-Chairman from among the Trustees, other than the President.
 - (5) Any person appointed to the office of Chairman or Vice-Chairman —
 - (a) shall hold office for a period of four years and after that until a successor is elected;
 - (b) may be eligible for reappointment, but upon reappointment must not hold office for more than four consecutive years;
 - (c) may resign from office at any time;

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- (d) may be removed from office by resolution of the Board; and
 - (e) shall cease to be the Chairman or Vice-Chairman if such person vacates office as a Trustee under this Statute.

(6) The office of Chairman, Vice-Chairman, or Trustee shall not be a public office for the purposes of the Constitution of the Commonwealth of The Bahamas.

(7) The quorum of the Board shall consist of a two-thirds majority of the members then serving as Trustees.

(8) There shall be quarterly meetings of the Board at which the Chairman shall preside and in his absence, the Vice-Chairman shall preside.

(9) If both the Chairman and Vice-Chairman are absent at a meeting, the members of the Board shall appoint a Chairman from among the Trustees present at the meeting who shall preside at that meeting.

STATUTE III

The President

(1) Subject to these Statutes, a President shall be appointed by the Board for such period as the Board may determine and on such terms and conditions as the Board considers appropriate.

(2) The President may be eligible for re-appointment.

(3) The President shall ensure that efficiency and good order is promoted and maintained within the University and may take such steps as are necessary to safeguard the interests of the University.

(4) The President may delegate, in writing, any of his functions and may, in writing, withdraw any such delegation at any time.

(5) The performance of the President shall be evaluated by the Board.

STATUTE IV

The Vice-Presidents

- (1) Every Vice-President shall be appointed by the Board for such period as the President may determine and on such terms and conditions as the President considers appropriate.
- (2) A Vice-President may be eligible for reappointment.
- (3) The performance of each Vice-President shall be evaluated by the President.

STATUTE V

University Secretary

- (1) The University Secretary (hereinafter referred to as the “Secretary”) shall be appointed by the Board and shall hold office for such period and upon such terms and conditions as may be determined by the Board.
- (2) The Secretary shall serve as Secretary to the Board.
- (3) The Secretary shall —
 - (a) be responsible for the custody of the Common Seal and for impressing it upon or affixing it to documents in accordance with these Statutes and the Ordinances;
 - (b) be the custodian of the records of the Board; and
 - (c) have other such duties as the Board may determine.
- (4) In the absence of the Secretary or during a vacancy in the office of Secretary, the Board may appoint an acting Secretary who shall perform the duties of the Secretary during such vacancy.

STATUTE VI

University Ombudsman

- (1) The University Ombudsman (here-in-after referred to as the “Ombudsman”) shall be appointed by the Board and shall hold office for such period and upon such terms and conditions as may be determined by the Board.

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- (2) The Ombudsman shall —
 - (a) be responsible for investigating complaints and resolving problems and disputes brought to the attention of the Ombudsman by an aggrieved party; and
 - (b) have such other duties as the Board may determine.

STATUTE VII

Chief Internal Auditor

(1) The Chief Internal Auditor shall be appointed by the Board and shall hold office for such period and upon such terms and conditions as may be determined by the Board.

- (2) The Chief Internal Auditor shall —
 - (a) be responsible for evaluating risk management and recommending courses of action to improve financial controls; and
 - (b) have such other duties as the Board may determine.

(3) In the absence of the Chief Internal Auditor or during a vacancy in the office of the Chief Internal Auditor, the Board may appoint an acting Chief Internal Auditor who shall perform the duties of the Chief Internal Auditor during such vacancy.

STATUTE VIII

General Counsel

(1) The General Counsel shall be appointed by the Board and shall hold office for such period and upon such terms and conditions as may be determined by the Board.

- (2) The General Counsel shall —
 - (a) be responsible for addressing legal issues arising out of the activities of the University; and
 - (b) have such other duties as the Board may determine.

(3) In the absence of the General Counsel or during a vacancy in the office of General Counsel, the Board may appoint an acting General Counsel, who shall perform the duties of the General Counsel during such vacancy.

STATUTE IX

The Registrar

The Registrar is administratively responsible for student registration and records and for the implementation of policies, regulations and standards related to the maintenance and interpretation of student records.

STATUTE X

The Academic Senate

(1) The Academic Senate (hereinafter referred to as the “Senate”) shall comprise the following persons —

- (a) the President, *ex officio*;
- (b) two persons elected by each school of the University;
- (c) two persons elected by the Continuing Education and Extension Services or any successor institution or academic unit;
- (d) two persons elected by the Culinary or Hospitality Management Unit or any successor institution or academic unit;
- (e) two persons elected by each campus outside of New Providence;
- (f) four persons elected from the faculty (two of whom shall be adjunct or part-time);
- (g) one person elected from counsellors and librarians;
- (h) eight officers of the University carrying out administrative duties who shall be appointed by the President;
- (i) four members of staff elected from the body of full-time staff; and
- (j) four students elected from the body of students.

(2) The Senate shall elect a Chairman and Secretary.

(3) A person shall qualify to be elected as a Senator if he —

- (a) does not hold office in any bargaining unit of the University;

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- (b) with the exception of student Senators, has been employed by the University for three or more consecutive years.
 - (4) Each Senator shall hold office for a period of two years, except student Senators, who shall serve for a period of one year.
 - (5) The Senate may appoint standing and *ad-hoc* committees from time to time.

STATUTE XI

The Faculty

- (1) The Faculty shall comprise —
 - (a) the President;
 - (b) Vice-President for Academic Affairs or Provost;
 - (c) Full Professors;
 - (d) Associate Professors;
 - (e) Assistant Professors;
 - (f) Research Professors;
 - (g) Lecturers;
 - (h) Instructors;
 - (i) Counselors;
 - (j) Librarians; and
 - (k) such other persons that may be recommended by the University and approved by the Board of Trustees.
- (2) For the purposes of these Statutes “Faculty” refers to individuals with professional rank, professional librarians, directors of units and other administrators with faculty rank, and to other professionally qualified persons assigned faculty status.

STATUTE XII

Validity of Acts

No act done by the Board, Senate, or any committee or other body constituted under these Statutes shall be invalid by reason of—

- (a) any vacancy in the membership thereof;

- (b) any defect in the qualifications of any member or any irregularity in his appointment or election; or
- (c) any minor irregularity, the effect of which will cause any prejudice, injustice or hardship to any person, in the convening or conduct of any meeting thereof.