TOPIC 6(III): UNIVERSITIES & UNIVERSITY COLLEGES ACT 1971

FEM 3106

DR ROJANAH BT KAHAR
THE 1971 ACT HAS BEEN AMENDED UNDER THE AMENDMENT ACT 2009

JAWATANKUASA PENGGUBAL AKTA UNIVERSITI DAN KOLEJ UNIVERSITI (PINDAAN) 2009

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KEMENTERIAN PENGAJIAN TINGGI
BACKGROUND TO THE EFFORT TO AMEND UUCA 1971

- UUCA 1971: has been enacted during the period of serial students’ demonstrations around the world.
- However, UUCA not merely a reaction to the turbulent student movement.
- There is an urgent need to establish a university governance system which is structured as a solid foundation of national higher education development.
con’t

• Many changes happen within 37 years, among which:
• Malaysia is achieving a progressive levels of economy, social and politics.
• More educated society - the social demands have increased.
• The levels of knowledge and application of ICT are increasing and the culture of seeking knowledge has been simplified.
Government is committed to make Malaysia an education hub in the region.

Effort and commitment of the KPT – to increase the status of IPTA, especially in the world ranking.

Expectations of the Malaysian for the University - not only a store of knowledge but more importantly a platform for human development.
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- All those mentioned are among the facts which led to the amendments of the UUCA 1971 - Assoc. Dr. Shad Saleem Faruqi.
- Thus, a committee has been appointed by the Minister of Higher Education to review the UUCA.
1. DISCUSSION & CONSULTATION WITH THE STAKEHOLDERS

✓ Members of Parliament
✓ Senior officers of KPT
✓ Senior officers of the Drafting Division of the Attorney General’s Chamber
✓ Chairman, Universities’ Board of Directors
✓ Vice Chancellors
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- Deputy Vice Chancellors
- Universities’ staff associations
- Legal advisers of IPTA
- SUHAKAM
- Students’ Representatives Councils
2. APPROACH

3 options:-

1. Keep AUKU as it is. OR
2. Abolish the entire AUKU and replace it with new ones. OR
3. Maintain the basic parts of the existing AUKU, but amend several bad and no longer relevant provisions.

Committee of the Minister with the consent of the Minister chose the third option.
3. BASIC PHILOSOPHY TO THE AMENDEMENT OF AUKU DEMOCRATIZATION

✓ Participation and involvement of all stakeholders in the decision making process.
✓ The expansion of student rights and freedom of association and expression.
✓ Professors to be members of the Senate (elected by Professor and Associate Professor)
✓ The expansion of the definition of 'students' to include postgraduate students.
DEVOLUTION OF POWER

- To enable the University to:
  - React faster
  - Perform each strategy quickly & effectively
- Some powers previously held by the YDPA or the Minister has been delegated to the University Board.
REMOVAL OF CRIMINAL ELEMENT IN THE DISCIPLINARY OFFENCE

✓ In accordance with the role of the University as an institution for educating, nurturing personality and noble character.

✓ Compatible with its role as protector and loco parentis to the students.

✓ Criminal elements in a disciplinary offence has been eliminated.
TRANSPARENT GOVERNANCE

- Clarify the functions and the hierarchical positions of the Authorities of the University in order to avoid conflict with each other.
- Management of the university is expressly and explicitly provided.
- Providing non-judicial mechanisms for settling disputes between the PBU or between employees of the University.
- Conform to the principle of separation of powers and check and balance.
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TRANSPARENCY AND FAIR DISCIPLINARY PROCEDURES, APPOINTMENT, PROMOTION AND RENEWAL

✓ Appeal to the Board of director on appointment, renewal and promotion.

RIGHTS TO EDUCATION

✓ Preventive detention: students do not lose their status as students as education can be continued.

✓ If not convicted of the offense as charged: has the right to return to the University.

✓ If suspended: may be admitted to other institutions.

INCLUSIVE POLICY
AMENDMENT IS CONFINED TO 3 BASIC DOMAINS

- GOVERNANCE
- STAFF
- STUDENTS
CHANGES

- Offences under the Act (previously was a criminal offense) is now only a disciplinary offense.
- Expansion of the right to association.
- Expansion of the right to freedom of speech.
- The right to education is guaranteed.
- The right to be heard.
- Right to be represented in the disciplinary hearing.
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- The right to be informed of the disciplinary decision of the reason, in writing within the prescribed period.
- Right to appeal and a decision of the appeal within the time specified.
- The extension and a description of the definition of "student" to expand voting rights.