

THE CHARTER OF THE UNIVERSITY

**AT THE COURT AT BUCKINGHAM PALACE
THE 4TH DAY OF FEBRUARY 1970
PRESENT
THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL**

WHEREAS there was this day read at the Board the Draft of a Charter for constituting a Body Corporate under the name and style of "The University of the South Pacific".

HER MAJESTY, having taken the said Draft into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it hereby ordered, that the Right Honourable Michael Stewart, one of her Majesty's Principal Secretaries of State, do cause a Warrant to be Prepared for her Majesty's Royal Signature, for passing under the Great Seal a Charter in conformity with the said Draft, which is hereunto annexed.

W. G. AGNEW

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS Our Principal Secretary of State for Foreign and Commonwealth Affairs has on behalf of the Interim Council of the University of the South Pacific and in accordance with the wishes of the Governments of the British Solomon Islands, Fiji and the Gilbert and Ellice Islands and after consulting Our High Commissioner for the Western Pacific as regards the interests of the people of the New Hebrides, represented unto Us that it is expedient that We should constitute and found a University of the South Pacific for the maintenance, advancement and dissemination of knowledge by teaching, consultancy and research and otherwise and for the provision at appropriate levels of education and training responsive to the well-being and needs of the communities of the South Pacific and should grant a Charter with such provisions in that behalf as shall seem to Us right and suitable:

AND WHEREAS the Governments of the Cook Islands, the Republic of Nauru, Niue, the Tokelau Islands, the Kingdom of Tonga, and the Independent State of Western Samoa have also expressed the wish that such a University should be established.

NOW THEREFORE KNOW YE that We by virtue of Our Prerogative Royal in respect of Fiji and of Our especial grace, certain knowledge and mere motion have willed and ordained and by these Presents do for Us, Our Heirs and Successors will and ordain as follows:-

1. There shall be and is hereby constituted and founded for the communities of the South Pacific a University with the name and style of "The University of the South Pacific" (in this Our Charter referred to as "the University").
2. The Chancellor, the Pro-Chancellor, the Vice-Chancellor and all other persons who are for the time being members of the University pursuant to this our Charter and the Statutes of the University are hereby constituted and henceforth for ever shall be one Body Politic and Corporate with perpetual succession and a Common Seal by the name and style of "The University of the South Pacific" with power and capacity in that name to sue and be sued, to take, purchase, hold, charge, sell, exchange, demise or otherwise dispose of real and personal property, to invest, lend or borrow money, and, subject to this Our Charter, to perform such

other acts as by law Bodies Corporate that are created by Charter may do; and the University shall have the constitution and powers and be subject to the provisions in this Our Charter prescribed or contained.

3. The objects of the University shall be the maintenance, advancement and dissemination of knowledge by teaching, consultancy and research and otherwise and the provision at appropriate levels of education and training responsive to the well-being and needs of the communities of the South Pacific.
4. The University shall, subject to this Our Charter and the Statutes, have the following powers:-
 - (a) To institute Professorships, Readerships and Lectureships and other offices of any kind and whether academic or not as the University may consider appropriate; to appoint persons to and to remove them from such offices and to prescribe their conditions of service and to provide for their discipline.
 - (b) To accord the status of members of the academic staff of the University to such persons for such purposes and periods as the University may from time to time determine.
 - (c) To prescribe in the Statutes, Ordinances or Regulations the conditions under which persons and categories of persons shall be admitted to the University for the purpose of pursuing any programme of course of study therein.
 - (d) To provide through programmes and courses of study and otherwise instruction and training at such levels and by such means, including extramural tuition, as the University may think fit and to make provision for consultancy and research and for the maintenance, advancement and dissemination of knowledge in such manner as the University may determine.
 - (e) To institute awards such as Fellowships, Scholarships, Bursaries, Studentships, Prizes and other aids to study and research.
 - (f) To accept examinations passed and periods of study spent at other universities and other institutions or bodies as equivalent to such examinations and periods of study in the University as the University may determine and to revoke such acceptance at any time.
 - (g) To grant and confer, under conditions laid down in the Statutes, Ordinances or Regulations, Degrees, Diplomas, Certificates and other distinctions or awards of study approved by the University and have qualified for such grant in accordance with the requirements of the University.
 - (h) To confer distinctions including Honorary Degrees on approved persons: provided that all such distinctions shall be conferred subject to any provisions which are or may be made in reference thereto in the Statutes, Ordinances or Regulations.
 - (i) On what the University shall consider to be good cause, to deprive persons of or revoke any Degrees, Diplomas, Certificates or other distinctions or awards granted or conferred by the University.
 - (j) To make provision for research, design, development, testing and advisory services and, with these objects, to enter into such arrangements with other institutions or bodies as the University may consider desirable and to charge to the users of those services such fees as the University may consider appropriate.
 - (k) To provide for the discipline of the students of the University.

- (l) For the better provision of education, training, consultancy and research for the communities of the South Pacific, to affiliate, associate with or co-operate with other institutions or bodies, to appoint one or more representatives thereto, to recognize selected members of the staff thereof as members of the academic staff of the University, to admit selected members of the academic staff of the University, to admit selected members thereof to any of the privileges of the University, and to accept attendance to courses of study therein for the purposes of programmes and courses of study in the University (in all cases upon such terms and conditions as the University may from time to time determine); and to revoke or terminate at any time any such affiliation, association, co-operation, appointment, recognition, admission or acceptance.
- (m) To enter into any agreement for the incorporation in the University of any other institution or body and for taking over the rights, properties, liabilities and engagements thereof.
- (n) To provide for such printing and publication as the University may consider appropriate to the furtherance of its objects.
- (o) To determine, demand and receive fees.
- (p) To provide buildings, to maintain, manage, deal with, dispose of and, subject to this Our Charter and the Statutes, to invest all the property, money, assets and rights of the University and to enter into engagements and to accept obligations and liabilities in all respects without any restriction whatsoever and in the same manner as an individual may manage his own affairs.
- (q) To establish and maintain and to administer and govern institutions for the residence of students and to license and supervise such institutions and other places of residence whether or not maintained by the University.
- (r) To raise money and procure contributions to the funds of the University in such manner and for such purposes as the University may from time to time think fit.
- (s) To act as trustee or manager of any property, legacy, endowment, bequest or gift held in furtherance of the objects of the University; and to invest any funds representing the same in accordance with the Statutes.
- (t) To give guarantees for the payment of any sum or sums of money or the performance of any contract or obligation by any company, body, society or person if the University considers it to be expedient and consistent with its objects to do so.
- (u) To provide for reward or otherwise, to the extent that the University may consider expedient and consistent with its objects, goods and services (including, without limiting the generality of the foregoing, residential accommodation) for members of the University and their families, guests and servants and, where appropriate for members of the public.
- (v) To pay travelling allowances and expenses to the Chancellor and to any member of the Council or the Senate or any committee of the Council or the Senate in respect of any travel arising out of and in the course of the exercise of his powers or the performance of his duties and functions as Chancellor or member as aforesaid.
- (w) To enter into contracts of insurance insuring the Chancellor and any member of the Council or the Senate or any committee of the Council or the Senate against loss from

personal accident arising out of and in the course of the exercise of his powers or the performance of his duties and functions as Chancellor or member as aforesaid, and to pay the premiums payable in respect of those contracts.

- (x) As appropriate, to continue and expand the work and activities hitherto carried on by the Interim Council of the University of the South Pacific.
 - (y) To take over from the Interim Council of the University of the South Pacific its rights, properties, liabilities and engagements.
 - (z) To do all such other acts and things whether incidental to the powers aforesaid or not as the University may consider to be necessary or expedient in order to further its objects.
5. There shall be a Chancellor of the University who shall be the titular head of the University.
 6. There shall be a Pro-Chancellor of the University, who shall be Chair of the Council and preside over its meetings. In the absence of the Chancellor or during a vacancy in the office of Chancellor, the Pro-Chancellor shall exercise and perform, subject to the Statutes, all the functions of the Chancellor.
 7. There shall be a Vice-Chancellor of the University, who shall be the chief academic and administrative officer of the University.
 8. There shall be one or more Deputy Vice-Chancellors of the University who shall, subject to the Statutes, exercise and perform such of the powers and functions of the Vice-Chancellor as the Vice-Chancellor or, if the Vice-Chancellor should be incapacitated, the Council may delegate.
 9. There shall be a Registrar of the University who shall be responsible for such aspects of the administration of the University as the Vice-Chancellor may from time to time determine.
 10. There shall be such other officers of the University as the Council may from time to time determine.
 11. The first Chancellor, Pro-Chancellor, Vice-Chancellor and Registrar shall be the persons named in the First Schedule to this Our Charter.
 12. Article 12 Deleted.
 13. (1) There shall be a Council of the University (in this Our Charter referred to as “the Council”) which, subject to this Our Charter and the Statutes, shall be the governing body of the University.

(2) The Council shall have the custody and use of the Common Seal and shall be responsible for the governance of the University.

(3) The Council shall have general control over the conduct of the affairs of the University, and may exercise on behalf of the University all powers conferred on the University by this Our Charter, and shall have all such other powers, duties and functions as may be conferred upon it by Statutes.
 14. There shall be a Senate of the University (in this Our Charter referred to as “the Senate”) which, subject to the powers, duties and functions of the Council as provided in this Our Charter and the Statutes, shall be responsible to the Council for the teaching, research and other academic work of the University, for ensuring the quality of such teaching, research and other

work, and for the regulation and oversight of the education, training and discipline of the students of the University.

15.

15.(1) Subject to this Our Charter and the Statutes, there shall be constituted such other institutions or bodies and such committees as the Council and the Senate or either of them may from time to time consider necessary or expedient for the administration of the affairs of the University.

(2) The Council and the Senate may each by resolution and written notice to the person or body delegate any of their powers, duties and functions to:

- (a) a member or sub-committee of the Council or Senate; or
- (b) the Vice-Chancellor or other employee of the University.

(3) Subsection (2) does not apply to the general power of delegation or any powers, duties or functions which this Charter or Statutes specify may not be delegated.

(4) The Statutes or the delegation itself may limit the exercise of any delegation.

(5) Unless and until any such delegation is revoked, it shall continue in force according to its tenor.

16. (1) There shall be an organization of the students of the University.

(2) The University shall in no way be liable for the debts, liabilities and other obligations incurred or for any act done or omitted to be done by such organization of the students.

17. Subject to this Our Charter, the Statutes may prescribe or regulate as the case may be:

- (a) The status, appointment and continuance in office of the Chancellor, Pro-Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, Registrar and other officers of the University.
- (b) The constitution, powers, duties and functions (as the case may be) of the Council and the Senate.
- (c) All such other matters as the Council may think fit and meet with respect to or for the governing of the University, its members and constituent parts or otherwise for the promotion of the objects of this Our Charter.

18.(1) The Statutes set out in the Second Schedule to this Our Charter shall be the first Statutes of the University and shall remain in force except insofar as they are added to, amended or repealed in the manner prescribed in paragraph (2) of this Article.

(2) The Council may by Special Resolution make Statutes which may add to, amend or repeal the Statutes for the time being in force, provided that any such addition, amendment or repeal is not repugnant to this Charter.

19. Subject to this Our Charter and the Statutes, the Council may make Ordinances and the Senate may make Regulations to direct and regulate the University and its authorities and members. The power to make Ordinances and Regulations shall include the power to add to, amend or repeal Ordinances and Regulations theretofore made.

20. The Statutes may direct that any of the matters authorized or directed in this Our Charter to be prescribed or regulated by Statute shall be further prescribed or regulated by Ordinance or

Regulation: provided that any such further prescription or regulation shall not be repugnant to this Our Charter or the Statutes.

21. (1) It shall be the duty of the Council to refer to the Senate any matter which the Council considers to bear directly on the academic responsibilities of the Senate and which has not been previously considered by the Senate or which, in the opinion of the Council, ought to be dealt with by the Senate.
- (2) It shall be the duty of the Senate to bring before the Council any matters coming before the Senate which the Senate considers to have financial implications or in any way to affect the general well-being of the University or its relationship with persons or bodies outside the University.
22. No person shall be prevented from admission as a student, from appointment as a member of staff of the University, from holding any office, advantage or privilege at the University, or from graduating from the University by reason of his or her religious or political beliefs, ethnicity or by reason of any disability that person has.
23. A) It shall be the responsibility of the University to adopt codes to ensure that the principles of academic freedom are preserved and enhanced.
- B) Men and women shall be equally eligible for any office or appointment in the University or for membership of any institution, body or committee of the University, and all Degrees, Diplomas, Certificates, and other distinctions or awards and all programmes and courses of study in the University shall be open to men and women alike.
24. The University shall not make any dividend, gift, division or bonus in money unto or between any of its members except by way of prize, award or special grant.
25. (1) The Council may at any time add to, amend or repeal this Our Charter by a Special Resolution and such addition, amendment or repeal shall, when allowed by Us, Our Heirs or Successors in Council, become effectual so that this Our Charter shall thenceforth continue and operate as so added to, amended or repealed in manner aforesaid.
- (2) This Article shall apply to this Our Charter as added to, amended or repealed in manner aforesaid.
- 26.(1) For the purpose of this Our Charter, a “Special Resolution” means a Resolution passed at one meeting of the Council by a majority of not less than three-fourths of those present and voting, of which meeting notice has been given to each member of the Council not less than fourteen days before the meeting is held, and confirmed by a Resolution passed by a like majority at the next subsequent meeting of the Council of which meeting like notice has been given and which is held not less than one calendar month after the former meeting.
- (2) Except in the case of the Resolution required to be passed at the first of the two meetings referred to in paragraph (1) of this Article, a Resolution shall be deemed to have been passed at a meeting of the Council if it is passed without a meeting in accordance with a procedure to be prescribed by the Statutes under which the Resolution is circulated to all members for the time being of the Council and approved by the signature of not less than three-fourths of those members including such number of members from countries in the South Pacific other than Fiji as is specified in the said Statutes: provided that any member of the Council may be notice to the University require that the Resolution be not passed except at a meeting of the Council.

27. The Council may by simple majority approve the appointment of a Visitor of the University for such period and with such duties as the Council determines. The Visitor's decision on matters within his or her jurisdiction shall be final.
28. Our Royal Will and Pleasure in that this Our Charter shall ever be construed benevolently and in every case most favourably to the University and the promotion of the objects of this Our Charter.

IN WITNESS whereof We have caused these Our letters to be made Patent.
WITNESS Ourselves at Westminster the tenth day of February in the nineteenth year of Our Reign.

DOBSON
BY WARRANT UNDER THE QUEEN'S SIGN MANUAL