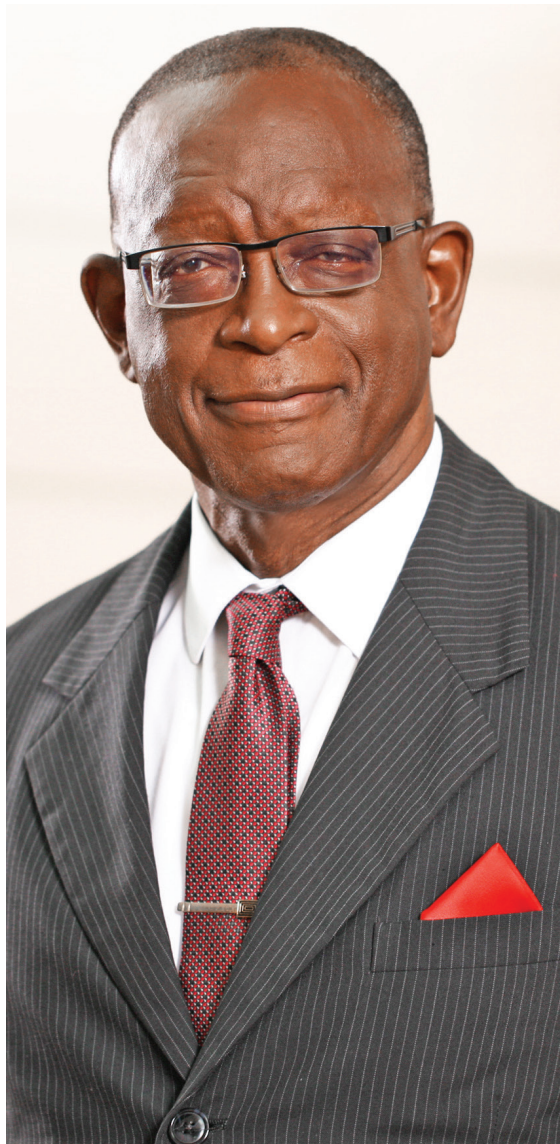




THE UNIVERSITY OF THE WEST INDIES
CAVE HILL • MONA • FIVE ISLANDS • OPEN • ST. AUGUSTINE

Procedural Rules for Lodging Petitions to the University Visitor





The Honourable Justice Rolston Fitzherbert Nelson was appointed in May 2019 as Visitor of The UWI—a position previously held by Her Majesty the Queen of England since the University’s inception.

The title of ‘Visitor’ confers on the Honourable Justice Nelson the right or duty of adjudicating over petitions of grievances submitted by staff or students of The UWI. A member of the staff or student of the University may lodge a petition with the Visitor seeking a review of a decision of the University or a decision made on behalf of the University concerning the interpretation and application of the University’s Charter, Statutes, Ordinances, Regulations and other governing instruments. Such a petition may only be lodged with the Visitor after the Petitioner has exhausted all internal avenues and/or mechanisms available to the Petitioner for the resolution of his/her grievance.



About the Honourable Justice Rolston Fitzherbert Nelson

B.A. (Oxon.) M.A. (Oxon); LL.M (Lond.)

The Honourable Justice Rolston Fitzherbert Nelson was called to the Bar at Lincoln's Inn in 1970 following his education at University of Oxford, then the University of London. In 1973, he was appointed a tutor at the Norman Manley Law School in Jamaica, and was admitted to practise at the Jamaican Bar in the same year. Two years later, in 1975, Mr. Nelson was admitted to practise at the Trinidad and Tobago Bar and began private practice in 1976. In October 1993, he was admitted to the Inner Bar as a senior counsel. Mr. Justice Nelson was sworn in directly from the Bar as Justice of Appeal of the Supreme Court of Judicature of Trinidad and Tobago in May 1999, then as Judge of the Caribbean Court of Justice on Tuesday 1 February 2005 until May 2017. As the Senior Judge, Mr. Justice Nelson served as Acting President of the Court on several occasions.

In addition to his private practice, Mr. Justice Nelson has been an Associate Tutor at the Hugh Wooding Law School since 1978. He is the author of several articles and case notes appearing in legal journals, including the British Tax Review and the Jamaica Law Journal. From 1987-1999 Mr. Justice Nelson was the editor of *The Lawyer*, the journal of the Law Association of Trinidad and Tobago, of whose every council he was an elected member since its inception until his elevation to the Bench. He was a former vice-president of the Association, and a member of the Rules Committee of Trinidad and Tobago as a nominee of the Association. He is an Honorary Distinguished Fellow of The University of the West Indies and a former Visiting Fellow of the Institute of Advanced Legal Studies in London.

Procedural Rules for Lodging Petitions to the University Visitor

PART 1: INTERPRETATION

“*Petitioner*” means a member of staff or a student of The University of the West Indies who has lodged a petition with the Visitor.

“*Staff*” means academic, senior administrative and professional staff; administrative, technical and service staff and such other persons in the employment of The University of the West Indies engaged in teaching or research or both or in the overall management of the University and/or that of its systems and/or component parts in support of the teaching, scholastic, research and/or the wider stated mission of the University but does not include persons engaged as independent contractors.

“*Student*” means a person who is registered as a student of The University of the West Indies during a current academic year for a first or higher degree, diploma, certificate or such other qualification or courses of the University as may be approved by the Senate as qualifying a person for the status of a student, but does not include a student of an affiliated institution who is registered for examinations leading to the degrees, diplomas, certificates and other academic awards of the University.

“*Visitor*” means the person appointed under the revised Article 6 Royal Charter of The University of the West Indies dated the 7th day of November 2018.

“*University*” means The University of The West Indies.

PART II: GENERAL PRINCIPLES

1. Any matter within the jurisdiction of the Visitor shall be commenced, proceeded with and disposed of by the Visitor in accordance with these Rules.
2. The Visitor will exercise his/her jurisdiction based on the principles of fairness, natural justice and confidentiality.
3. The Visitor reserves the right to vary these Rules where required in the interest of justice, including the right to extend or abridge time as the case may be.
4. The Visitor will be provided with such administrative support by the University as may be required for the efficient performance of his/her duties. In the performance of his/her duties the Visitor shall be assisted by such person(s) as he/she deems fit.



PART III: JURISDICTION

5. Any staff or student who is aggrieved by a decision of the University or a decision made on behalf of the University concerning the interpretation and application of the University's Charter, Statutes, Ordinances, Regulations and other governing instruments may apply to the Visitor for a review of the decision.
6. Any decision made before May 1, 2019 which was already being adjudicated by the previous Visitor or a delegate of the previous Visitor will not be reviewable by the Visitor.

PART IV: PETITIONS

7. A member of the staff or student of the University may lodge a petition with the Visitor seeking a review of a decision of the University or a decision made on behalf of the University concerning the interpretation and application of the University's Charter, Statutes, Ordinances, Regulations and other governing instruments.
8. A petition may only be lodged with the Visitor after the Petitioner has exhausted all internal avenues and/or mechanisms available to the Petitioner for the resolution of his/her grievance.
9. Every petition must:
 - a. be made in writing and signed by the Petitioner;
 - b. be lodged within sixty (60) working days of the decision which is subject of the Petitioner's grievance;
 - c. be addressed to:
The University Visitor
The University of the West Indies
Regional Headquarters
Kingston 7, Jamaica, W.I.
Email: thevisitor@uwi.edu
 - d. be submitted in duplicate hard copy and via email in electronic (pdf) format;
 - e. include a clear statement of the nature and grounds of the Petitioner's grievance and the steps taken to resolve same; and
 - f. be accompanied by all supporting documentation upon which the Petitioner intends to rely.
10. The Petitioner must certify on the petition that the contents are true and that all internal avenues and/or mechanisms have been exhausted.

Procedural Rules for Lodging Petitions to the University Visitor

PART V: RESPONSES

11. Upon receipt of a petition, the Visitor will provide the University Registrar and any other party named in the petition with a copy of the petition along with any relevant documentation. Both the University Registrar and any other party named in the petition will be given the opportunity to respond.
12. Every response must:
 - a. be made in writing and signed;
 - b. be lodged within (30) working days of the date of the petition;
 - c. be addressed to;
The University Visitor
The University of the West Indies
Regional Headquarters
Kingston 7, Jamaica, W.I.
Email: thevisitor@uwi.edu
be submitted in duplicate hard copy and via email in electronic (pdf) format;
 - d. include a clear statement of the reasons explaining the decision which is the subject of the Petitioner's grievance; and
 - e. be accompanied by all supporting documentation upon which the party intends to rely.

PART VI: REVIEW BY THE VISITOR

13. Upon receipt of a petition, the Visitor will determine whether the Petitioner has exhausted all internal avenues and/mechanisms available for the resolution of the dispute with the University. If the Petitioner has not exhausted all such avenues, the petition will be summarily dismissed.
14. In the cases where the Petitioner has exhausted all internal avenues and/or mechanisms, the Visitor will undertake a preliminary assessment to determine whether the matters alleged in the petition are sufficiently serious to warrant a review by the Visitor. The Visitor may seek independent advice when making such assessment. At the end of such assessment if the Visitor considers that the petition does not warrant a review, the Visitor will promptly notify the Petitioner of his/her decision.
15. A review may, at the discretion of the Visitor, include a request for written submissions, statements and/or interviews with all relevant persons including the Petitioner.



16. A review may, at the discretion of the Visitor, be conducted with or without a hearing.
17. Where the Visitor determines that there shall be a hearing of the whole or any part of the petition, the Visitor shall notify the parties of the date, place and time of the hearing.
18. Hearings can be conducted in person or via teleconference or other electronic means.
19. All hearings will be conducted by the Visitor who may be supported by Junior Counsel and/or specialist advisers and administrative personnel of his/her choice.
20. At a hearing a Petitioner may be accompanied by a friend, colleague, counsellor, trade union representative or legal adviser. As a general rule, each Petitioner will be allowed one such person to accompany them.
21. Any person (including a legal adviser) accompanying a Petitioner at a hearing will not ordinarily be permitted to address the Visitor or speak on behalf of the Petitioner. However, the Visitor may, in the interest of justice, in his or her sole discretion permit oral submissions in accordance with his or her directions.
22.
 - (a) Any person (including a Legal Adviser) accompanying a Petitioner at a hearing will not be permitted to cross-examine a person who has provided information to the Visitor.
 - (b) Upon an application by a party the Visitor may grant permission to cross-examine another party on information adduced at the hearing before the Visitor for the first time. The Visitor may allow such cross-examination in the interest of justice in his or her absolute discretion.
23. All hearings will be officially recorded by way of transcript. The transcript as certified by the Visitor will be considered final and accurate.

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PART VII: DECISIONS OF THE VISITOR

24. All petitions lodged with the Visitor shall be determined promptly within sixty (60) working days of receipt, or such further time as may be determined.
25. All decisions of the Visitor shall be issued in writing and delivered to the Petitioner, the University Registrar and any other party named in the petition. A copy of the decision will also be held in a confidential file kept at the Office of the Visitor.
26. Any action required of the University as a result of the decision of the Visitor must be initiated within ten (10) working days of receipt of the same. The University Registrar may provide a copy of the decision, or excerpt therefrom, to the relevant University officer required to take action as a result of the decision.
27. All decisions of the Visitor are final.