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**NOTICE TO PARTIES OF THE COURT'S
MEMORANDUM OF REASONS FOR JUDGMENT**

SUPREME COURT CIVIL APPEAL COA2023CV00111

BETWEEN ALEXANDER OKUONGHAE APPELLANT
AND UNIVERSITY OF TECHNOLOGY, JAMAICA RESPONDENT

TAKE NOTICE that this matter was heard by the Hon Miss Justice P Williams JA, the Hon Mr Justice Laing JA, and the Hon Mrs Justice Shelly Williams JA (Ag) on 17 and 20 November 2025, with Alexander Okuonghae appearing in person and self-represented and Matthew Royal instructed by Myers, Fletcher & Gordon for the respondent.

TAKE FURTHER NOTICE that the court's memorandum of reasons for decision, delivered orally in open court by the Hon Miss Justice P Williams JA on 20 November 2025, is as follows:

[1] On 30 September 2003, Mr Alexander Okuonghae ('the appellant') was awarded a postgraduate diploma in education by the University of Technology ('the respondent'). On 25 June 2021, he made a request for an academic record and received an email in response indicating that checks revealed an outstanding amount of US\$9,000.00. Further, he was advised that all the outstanding amounts required to request the academic record must be settled before he would be permitted to submit an application. On 28 June 2022, the appellant filed a claim in the court below for damages in the amount of US\$150,000.00 against the respondent "for the acts of wrongful conduct committed against [him] by the [respondent], in the matter of the document, Re Clearance - OARSS (online academic record request)". He claimed that the respondent proceeded to wrongfully and in bad faith to cause him to be denied in his attempt to submit his request for an academic record of his post-graduate diploma in education, which resulted in his

receipt of the information that he must settle the sum of US\$9,000.00 before the application could be submitted.

[2] On 5 October 2022, the respondent filed a notice of application seeking the following orders:

- “1. This Honourable Court does not have jurisdiction to grant the relief sought by the [appellant] as the claim falls within [sic] the exclusive jurisdiction of the Visitor of the [respondent].
2. Consequently, the [appellant’s] statement of case stands struck out.
3. Further, and in the alternative, the [appellant’s] statement of case is struck out as an abuse of process.
4. Costs to the [respondent] to be taxed summarily if not agreed.”

[3] On 27 June 2023, the application was heard by Mason J (Ag) (‘the learned judge’), and she made the following orders *inter alia*:-

- “1. This Honourable Court does not have jurisdiction to grant the relief sought by the [appellant], as the claim falls within the exclusive jurisdiction of the Visitor of the [respondent].
2. The [appellant’s] statement of case stands struck out.
- ...
5. Leave to appeal is refused.”

[4] The appellant successfully applied to this court for permission to appeal. On 29 December 2023, he filed his notice of appeal. Although the learned judge provided no reasons for the orders made, the appellant set out the findings of facts and law challenged under two headings: jurisdiction and abuse of process. Similarly, he set out his grounds of appeal under the same headings. However, since there were no orders made in relation to the issue of abuse of process, the relevant findings of facts and law being challenged, as well as the relevant grounds, are those related to the matter of jurisdiction. The appellant also sought several declarations, most of which fall outside the remit of this

court. Given the fact that the appellant is self-represented and drafted his own notice and grounds of appeal, it is to be acknowledged that what is apparent from the declarations sought is that the appellant is challenging the finding that the matter falls within the exclusive jurisdiction of the Visitor of the respondent ('the Visitor') since he was not a student or staff member of the respondent when the claim was filed. Further, he is maintaining that the relevant ordinance applied to a former student or former staff member whose dispute relates to a time when he or she was a student/staff member; and the matter of the transcript of his post-graduate diploma is not a matter related to a time when he was a student/staff at the respondent. The appellant also sought a declaration in relation to his contention that his attempt to request a transcript is an "external business transaction gone wrong". However, relevant to an appeal, the appellant sought an order that the appeal be allowed on the merits.

[5] In his submissions, the appellant developed those issues raised in his notice of appeal and identified three issues arising in the appeal on the matter of jurisdiction. The issues are as follows: -

- "1. Whether the matter of [his] attempt on 25th day of June 2021 to request a transcript of [his] Post Graduate Diploma in Education, as expressed in [his] Claim Form filed on 28th day of June 2022 in the matter of Claim No. SU 2022 CV 02021 is an internal dispute between the [respondent] and [himself], and whether the matter falls within the exclusive jurisdiction of the Visitor of the [respondent].
2. Whether Section 2.4.3, of the [respondent's] ordinance 2015/29 suggest, express or imply that the matter of [his] attempt on the 25th day of June 2021 to request a transcript of [his] Post Graduate Diploma in Education is an internal dispute, and whether the matter falls within the exclusive jurisdiction of the visitor of the [respondent].
3. Whether the learned Judge erred in judgment when she ruled that the Supreme Court does not have the jurisdiction to grant [him] the relief sought in my Claim Form filed on the 28th day of June 2022 in the matter of claim No. SU 2022 CV 02021."

[6] The appellant maintained that he was not a student at the time his claim was filed, and this matter is not an internal dispute or grievance that related to the time when he was a student/staff at the respondent. He noted that subsequent to his being awarded his post-graduate diploma in education he commenced post-graduate studies in pharmaceuticals but was deregistered from the programme on 13 April 2009. He referred to a letter he wrote to the then acting president of the respondent in which he highlighted that whilst employed at the respondent and “his employment affairs was within the remit of its visitorial authority”, there was an agreement that the amount of \$430,000.00 owed to him would be set-off against his MPhil in Pharmaceuticals’ miscellaneous and tuition fees and that there would be the approval of a 50% waiver of his tuition for that program. The respondent failed to keep this agreement. The appellant seemingly linked this failure to the assertion of wrongful conduct being committed against him with respect to the respondent’s requirement that he pay US\$9,000.00 before he would be able to submit an academic record. Hence, his claim for wrongful conduct, an unknown cause of action in this jurisprudence.

[7] In response Mr Matthew Royal (‘Mr Royal’) submitted that the standard of review applied by this court, when considering appeals from interlocutory decisions made in the court below is as set out in **The Attorney General of Jamaica v John MacKay** [2012] JMCA App 1, in which the dicta in **Hadmor Productions Limited and Others v Hamilton and Others** [1982] 1 All ER 1042 was adopted and applied. He contended that the standard had not been met in the instant appeal, and as such this court should refuse to set aside the exercise of discretion by the learned judge. Counsel further submitted that the question of whether the Supreme Court has jurisdiction over the subject matter of the claim has already been addressed in a closely comparable case, **Latoya Harriot v University of Technology Jamaica** [2022] JMCA Civ 2. The salient principles relating to the office of the visitor were reviewed by Brooks P. Notably, he emphasised that the visitor has exclusive authority over disputes concerning the payment of fees and the issue of degrees. Another significant principle arising from this authority is that the court will refrain from hearing matters that fall within the visitor’s jurisdiction,

although it will consider an application for judicial review of decisions made by the visitor. Counsel also relied on the decision of **Duke St John-Paul Foote v University of Technology Jamaica (UTECH) and Elaine Wallace** [2015] JMCA App 27A. Mr Royal concluded that the learned judge had accurately and appropriately determined that the Visitor had exclusive jurisdiction over the subject matter of the claim and was therefore correct to strike out the claim against the respondent.

[8] To succeed in this appeal, the appellant must show that the learned judge's decision was based on a misapprehension of the law or the evidence before her which renders the decision demonstrably wrong, or is so aberrant that it must be set aside on the ground that no judge regardful of his duty to act judicially would have reached it. There is no genuine dispute that the principles identified by Brooks P in **Latoya Harriot v University of Technology Jamaica** are directly applicable to the issues before the learned judge. It is well settled that matters relating to the payment of fees fall within the exclusive authority of the Visitor, and that the court will refrain from adjudicating disputes that lie within the Visitor's jurisdiction.

[9] The appellant is seeking to take his matter out of the jurisdiction of the Visitor, firstly by reliance on the fact that he was not a student at the time the claim was filed. The applicable clause of the University Ordinance 2015/29, section 2.4.3, provides that "A former student or former staff member whose grievance relates to a time when he or she was a student/staff may also petition the Visitor". The appellant was clearly not a student at the time the claim was filed. It cannot be denied that he was seeking to obtain a transcript concerning the studies he completed at a time when he was a student, and the dispute flows from financial obligations arising from that time. His relationship with the respondent as a student pursuing a postgraduate degree is what now lies as the basis of his seeking to secure the academic record of the diploma he was awarded. The sums that the respondent is maintaining must now be settled is what is required before the appellant can be permitted to submit an application for the academic record. The matter ultimately is a grievance concerned with the payment of fees related to the time the

appellant was a student. The grievance need not have arisen at the time the appellant was a student. Although there are no reasons provided for the learned judge exercising her discretion the way she did, from the material which was before her, she cannot be faulted for concluding that this was a matter within the exclusive authority of the Visitor.

[10] The appellant has also failed to demonstrate how this was an external business transaction gone wrong. He may have been, as he describes himself, an external party to the respondent at the time the claim was filed, but the requirement by the respondent that outstanding fees are settled can be viewed as an internal requirement to secure one of its services in this case, to supply a former student with a transcript of their studies.

[11] Having considered the submissions of the appellant and counsel for the respondent, we are satisfied that the appeal must be dismissed. Accordingly, we make the following orders: -

1. The appeal is dismissed.
2. Costs of this appeal to the respondent to be taxed if not agreed.