

## DEPARTMENT OF HIGHER EDUCATION AND TRAINING

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**HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)****AMENDED INSTITUTIONAL STATUTE  
UNIVERSITY OF THE WITWATERSRAND**

I, Professor HB Mkhize, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish the amended Institutional Statute of the University of the Witwatersrand set out in the Schedule hereto.

  
**Prof HB Mkhize, MP****Minister of Higher Education and Training****Date:** 13/12/2017



# UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

## STATUTE

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## PART 1 – DEFINITIONS AND INTERPRETATIONS

### Definitions

1. In this **Statute** any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No. 101 of 1997), has the meaning so assigned to it, and, unless the context otherwise indicates –
  - ‘**Act**’ means the Higher Education Act, 1997 (Act No. 101 of 1997);
  - ‘**Academic Employee**’ means any person appointed by the **Council** to a teaching or research post at **the University** and any other **Employee** designated as such by the **Council**, and includes a person in this category who is serving a probationary period in terms of his or her contract of employment;
  - ‘**Chancellor**’ means the titular head of **the University**;
  - ‘**Committee**’ means a group of people appointed to perform a specific remit assigned to it by **the University** and consisting of members drawn from a larger group;
  - ‘**Convocation**’ means a body made up of **Graduates of the University** and as further described in paragraphs 81 to 85 of this **Statute**;
  - ‘**Council**’ means the governing body of **the University**, as further described in paragraphs 4 to 16 of this **Statute**;
  - ‘**Days**’ includes Saturdays, Sundays and public holidays;
  - ‘**Dean**’ means a person appointed in terms of paragraphs 52 to 55 of this **Statute**;
  - ‘**Deputy Vice-Chancellor**’ means a person appointed in terms of paragraphs 41 to 45 of this **Statute**;
  - ‘**Division**’ means an administrative section into which **the University** has been organised;
  - ‘**Donor**’ means a person who has made a donation, which, in the opinion of the **Council**, warrants that person being recognised as a **Donor**;
  - ‘**Employee**’ means a natural person working for **the University**. The rights and duties of **Employees** are defined in terms of this **Statute** and the law;
  - ‘**Executive Director**’, as further described in paragraphs 46 to 50 of this **Statute**, means a person who performs managerial, administrative, and supervisory **Functions** as executive head of a **Division** or **Divisions of the University**;
  - ‘**Executive Management**’ means the **Vice-Chancellor and Principal**, the **Vice-Principal**, the **Deputy Vice-Chancellor** or **Deputy Vice-Chancellors**, the **Executive Director** or **Executive Directors**, the **Dean** or **Deans** and the **University Registrar** and as further described in this **Statute**;
  - ‘**Faculty**’ means a primary cluster of allied academic departments and **Schools** in a major field of knowledge. A **Faculty** can also mean the **Academic Employees** in a **Faculty**;

**'Faculty Board'** is a board that has been delegated by **Council** to govern a **Faculty** and to regulate its activities;

**'Functions'** include powers and duties and *vice versa*;

**'Graduate'** means a person upon whom a degree has been conferred by a university;

**'Minister'** means the Minister as contemplated in section 1 of the **Act**;

**'Month'** means a calendar **Month**;

**'Non-Academic Employee'** means any person appointed by the **Council**, other than an **Academic Employee**, and includes a person in this category who is serving a probationary period in terms of his or her contract of employment;

**'Officer'** means a member of the **Executive Management of the University** or a member of staff designated as an **Officer** by the **Council**;

**'Organised Employee Association'** means an association organised by and among **Employees** to represent **Employees**, or a section of **Employees**, including a trade union, recognised for this purpose by the **Council**;

**'PGA'** means the Postgraduate Students' Association of **the University**;

**'Professor'** means an **Academic Employee of the University**, including an **Employee** on the honorary staff who has been awarded the title of **Professor** by **the University**, but does not include an emeritus, adjunct, associate or assistant **Professor**, or a reader;

**'Qualification'** means a learning programme higher than grade 12 or its equivalent as contemplated under the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995) which gives rise to a formal **Qualification** recognised by the Higher Education Qualifications Sub-framework;

**'Quorum'** means the minimum number of members who must be present at a meeting to allow proceedings to be validly and effectively conducted;

**'School'** means the group of academic disciplines that form the secondary academic structure within a **Faculty**;

**'Senate'** means the **Senate** contemplated in paragraphs 19 to 26 of this **Statute**;

**'Seat of the University'**, for the purposes of paragraph 2 of this **Statute** and section 65A of the **Act**, means the physical location of **the University**;

**'SRC'** means the Students' Representative Council of **the University**, as contemplated in paragraphs 72 to 74 of **this Statute** and in section 35 of the **Act**;

**'SRC Constitution'** means the Constitution of the **SRC**;

**'Statute'** means the **Statute** of the University of the Witwatersrand, Johannesburg, as contemplated in section 32 of the **Act**;

**‘Student’** means any person registered at **the University** full-time or part-time for a degree, diploma, licentiate or certificate of **the University** or enrolled for any course or programme of instruction of **the University**, provided that a person so registered or enrolled who is also a full-time or part-time **Employee of the University** is not a **Student** for the purpose of membership of the **Council** or the **Senate**;

**‘Student Affairs’** means the structure or **Division** responsible for all **Student**-related matters;

**‘Student Forum’** means an oversight body representative of all **Student** governance structures whose composition, **Functions** and powers are set out in the **SRC Constitution**;

**‘the University’** means **the University** of the Witwatersrand, Johannesburg, established by **the University** of the Witwatersrand, Johannesburg, (Private) Act, 1921 (Act No. 15 of 1921), as referred to in section 72 of the **Act**;

**‘University Forum’**, for the purposes of paragraph 61 to 70 of this **Statute** and section 31 of the **Act**, means **the University’s** Institutional Forum;

**‘University Rules’** means **the University’s** policies, rules, regulations, procedures, standing orders, codes of conduct and guidelines as may be amended from time to time;

**‘University Registrar’** means the official who acts as custodian of the **University’s** records and who acts as the secretary to the **Council** and as referred to in paragraph 9(2) of this **Statute** and the **Senate**, and other University **Committees** as further described in paragraphs 56 to 60 of this **Statute**; and

**‘Vice-Chancellor and Principal’** means the **Vice-Chancellor and Principal** contemplated in paragraphs 31 to 35 of this **Statute** and in section 30 of the **Act**.



## PART 2 – THE UNIVERSITY

### Name, status, Seat and powers of the University

2. (1) The name of **the University** is **the University** of the Witwatersrand, Johannesburg.
- (2) **The University** is a juristic person, the activities of which is principally administered from the **Seat of the University** in Johannesburg in the Gauteng Province and, subject to the **Act**, is capable of performing such acts as juristic persons may by law perform.
- (3) The physical location of **the University** is the Registrar's Office, Solomon Mahlangu House, 1 Jan Smuts Avenue, Johannesburg, South Africa.
- (4) Notwithstanding paragraph 2(2) of this **Statute**, **the University** may not, without the concurrence of the **Minister**, dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.

### Composition

3. (1) **The University** consists of –
- (a) the **Chancellor**;
  - (b) the **Vice-Chancellor and Principal**;
  - (c) the **Vice-Principal**;
  - (d) two or more **Officers**, as the **Council** may determine, each of whom is called **Deputy Vice-Chancellor**, or such other title as the **Council** may determine, and one of whom may be the **Vice-Principal**;
  - (e) the **University Registrar**, as determined by the **Council**;
  - (f) the **Council**;
  - (g) the **Senate**;
  - (h) the **University Forum**;
  - (i) the **Convocation**;
  - (j) the **Faculties**, departments and such other academic structures of **the University** as may be determined by the **Council** in accordance with this **Statute**;
  - (k) the **Academic Employees of the University**;
  - (l) the **Employees** other than **Academic Employees of the University**;
  - (m) the **Students of the University**;
  - (n) the **Student Forum**;
  - (o) the **SRC**; and
  - (p) such other groupings and offices as may be determined by the **Council**.

- (2) No vacancy in any of the offices contemplated in paragraph 3(1) of this **Statute**, nor any deficiency in the numbers or defect in the composition of the bodies contemplated in paragraph 3(1) of this **Statute**, impairs or affects the existence of **the University** as a juristic person or any **Function** conferred by this **Statute** or the **Act** upon **the University**.

**PART 3 – GOVERNANCE STRUCTURES****COUNCIL****Functions**

4. (1) (a) The **Council** governs **the University** in terms of section 27 of the **Act** and this **Statute**, and may on such conditions as it may determine delegate any of its powers and assign any of its **Functions**, except those powers and **Functions** specified in subparagraph (2)(n) of this **Statute**.
- (b) Notwithstanding subparagraph (1)(a) of this **Statute**, the **Council** remains responsible for the exercise of the powers so delegated and performance of the **Functions** so assigned.
- (2) Without derogating from the generality of paragraph 4(1) of this **Statute**, the **Council** –
- (a) determines, after consultation with the **Senate**, the **Faculty** to which each academic department, **School** or other academic structure belongs;
- (b) determines, subject to the applicable labour laws, the conditions of service, the disciplinary provisions and the privileges and **Functions** of its **Employees**, and may, in the manner set out in the disciplinary **University Rules**, suspend or dismiss any **Employee** of **the University**;
- (c) may order an **Employee** whom it has suspended to refrain from being on any precincts under the control of **the University** and to refrain from participating in any University activity;
- (d) (i) may establish **Committees** as provided for in section 29 of the **Act** to perform any of its **Functions**, except those **Functions** specified in subparagraph (n) of this **Statute**;
- (ii) may appoint persons who are not members of the **Council** as members of such **Committees**;
- (iii) must take note of any action taken by a **Committee**, contemplated in subparagraph (d)(i) of this **Statute**, in the exercising of its delegated powers or **Functions** when such **Committee** reports to **Council** at the next meeting of the **Council**, which in the opinion of the Secretary to the **Council** is appropriate.
- (e) (i) may establish, in consultation with the **Senate**, joint **Committees** of the **Council** and the **Senate** in terms of section 29(3) of the **Act**, to perform **Functions** that are within the purview of the **Council** and the **Senate**; and

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- (ii) is not exempted from the responsibility for the exercise of the powers so delegated and performance of the **Functions** so assigned to a **Committee** under this paragraph.
- (f) may set the procedural requirements for **Committees** established in terms of subparagraph (d) and (e) of this **Statute**;
- (g) may deem a single person to be a **Committee**;
- (h) appoints all **Employees** of the **University**, but, in the case of **Academic Employees** of the **University** it may do so only after consultation with the **Senate**, and provided that the **Council** must consider the advice of the **University Forum** when selecting candidates for senior management positions and as further provided for in section 31 of the **Act**;
- (i) must, subject to the policy determined by the Minister, with the concurrence of the **Senate**, determine the language policy of the **University**;
- (j) must, after consultation with the **SRC**, establish a structure to advise on the policy for **Student** support services within the **University**;
- (k) may make **University Rules** for the better carrying out of its **Functions**;
- (l) must, when creating academic structures other than **Faculties** and departments, accord to the governance of that structure such **Functions**, status and title as it deems appropriate; and
- (m)
  - (i) determines which **Faculties**, academic departments and other academic structures exist at the **University**;
  - (ii) may, after consultation with the **Senate**, establish or disestablish any **Faculty**, academic department, **School** or other academic structure;
  - (iii) has, for the better carrying out of its **Functions**, the power to organise any portion of the **University** into an institution or body going by another name, and to set up for its governance a board or **Committee** or authority going by another name which, subject to the authority of the **Council** and the **Senate**, exercises such powers and receives such representation on the **Senate** as may be determined by this **Statute**.
- (n) notwithstanding subparagraphs (1)(a) and 2(d) of this **Statute**, may not delegate any of the following **Functions** –
  - (i) the establishment or disestablishment of **Faculties** or departments;
  - (ii) the appointment of the **Executive Management**;

- (iii) the modification of such general conditions of service or terms of appointment of the staff as may have been prescribed by the **Council**;
  - (iv) the approval of the annual estimates of revenue and expenditure;
  - (v) the adoption of the annual accounts of revenue and expenditure and the balance sheet;
  - (vi) the determination of the fees to be paid by **Students**;
  - (vii) the creation, amendment or approval of the **Statute**;
  - (viii) the power to enter into a loan or overdraft agreement;
  - (ix) the decision to embark on the construction of a permanent building or other immovable infrastructural development; and
  - (x) the purchase of immovable property or entering into the long-term lease of immovable property.
- (o) without derogating from the generality of the powers vested in it, the **Council** –
- (i) appoints all such persons as it considers necessary for the efficient conduct of **the University** and determines the title, status, powers, privileges, **Functions** and duties of any person so appointed, and such persons are subject to any disciplinary provisions that may be determined by the **Statute** and any **University Rules** made by the **Council**;
  - (ii) determines levies and collects the fees to be paid by **Students** and the boarding charges to be paid by resident **Students** and **Employees**;
  - (iii) may not repeal or amend the composition of the **Senate** without first consulting with the **Senate**;
  - (iv) may not make, repeal or amend any **University Rules** relating to the academic **Functions** of **the University** without the concurrence of the **Senate**; and
  - (v) after consultation with **Senate**, determines the admission policy of **the University**.

### Composition

5. (1) Subject to section 27(4) of the **Act**, as well as the transitional arrangements reflected in paragraph 90 of this **Statute**, the **Council** consists of –
- (a) **External members** –
- (i) five persons appointed by the Minister;
  - (ii) two persons representing the **Convocation** as determined by the **University Rules**;

- (iii) one person appointed by the Premier of the Province of Gauteng, which appointment is subject to the approval of the **Council**;
- (iv) two persons elected by persons who in terms of this **Statute**, are **Donors** in accordance with paragraph 11 of this **Statute**;
- (v) seven persons elected by the **Council** by reason of special knowledge or expertise, considerations of equity and diversity or to represent one or more constituencies, which the **Council** may consider to be under-represented, and to include two professional persons from bodies external to **the University**, as may be determined by **Council**; and
- (vi) one person from the membership of such business and labour organisations as may be determined by the **Council**;

**(b) Internal members**

- (i) the **Vice-Chancellor and Principal**;
  - (ii) the **Vice-Principal**;
  - (iii) one person appointed by the **Vice-Chancellor and Principal** for a specified period, selected from persons holding the office of **Deputy Vice-Chancellor** or **Executive Director**;
  - (iv) four members of the **Senate** elected by the **Senate**, one of whom must preferably be a non-professorial member of **Senate** or a **Dean**;
  - (v) one representative of the **Deans** of the **Faculties** or the heads of such other academic structures as may be determined by the **Council**, and elected or appointed in terms of this **Statute**;
  - (vi) one **Academic Employee**, elected by such **Employees** in accordance with paragraph 7 of this **Statute**;
  - (vii) one **Non-Academic Employee** elected by such **Employees** in accordance with paragraph 7 of this **Statute**;
  - (viii) the **SRC President** and the **PGA Chairperson**;
- (2) The **Deputy Vice-Chancellor** or **Deputy Vice-Chancellors** and **Executive Director** or **Executive Directors** not appointed to the **Council** in terms of paragraph 5(1)(b)(iii) of the **Statute**, are in attendance at **Council**.
- (3) In addition to the **SRC President** as stipulated in paragraph 5(1)(b)(viii) of this **Statute**, a second **SRC** representative is in attendance at **Council**.
- (4) The persons contemplated in paragraph 5(1) of this **Statute** are appointed to the **Council** to serve the public good.
- (5) The persons contemplated in paragraphs 5(1)(b)(iv) to (vii) of this **Statute** are elected as set out in paragraph 7 of this **Statute**.



- (6) The procedure for electing **Donor** representatives, as contemplated in paragraph 5(1)(a)(iv), is set out in the **University Rules**.
- (6) The **Council** makes an appointment in terms of paragraph 5(1)(a) of this **Statute** from such bodies, external to **the University**, as it may determine.
- (7) An appointment in terms of paragraph 5(1)(a)(vi) of this **Statute** is made by the **Council** in the following manner –
  - (a) the **Council** must call for no fewer than two nominations from such persons or bodies or persons as it considers representative of business or labour, or both;
  - (b) after receiving the nominations, the **Council** is entitled to appoint one person whom it considers fit; and
  - (c) in the event that none of the nominees meet the Council's appointment criteria, further nominations must be called for until a suitable candidate for appointment is identified and appointed.
- (8) At least 60% of the members of the **Council** must be persons who are not employed by, or **Students** of, **the University** and regard must be had to any racial and gender under-representation on the **Council** and the need to redress that.
- (9) Except as provided for in paragraph 5(1)(b) of this **Statute** –
  - (a) no **Student** or **Employee** of **the University** and no other person who receives remuneration from the University is eligible for appointment, or nomination for election, or election as a member of the **Council**; and
  - (b) a member of the **Council** who becomes a **Student** or an **Employee** of **the University** or who enters into a contract with **the University** in terms of which he or she is to receive regular remuneration from **the University** must forthwith vacate his or her seat on the **Council**.

#### **Term of office of Council members**

- 6. (1) The term of office of members of the **Council** is three years, renewable for a maximum of two additional terms, except for –
  - (a) the members referred to in paragraph 5(1)(b)(i) to (iii) of this **Statute**; and
  - (b) the members contemplated in paragraph 5(1)(b)(viii) of this **Statute**, who are elected by their constituencies within six weeks of the annual **SRC** and **PGA** elections, respectively, and holds office as follows –
    - (i) the member elected by the **SRC** holds office until 15 September the following year;
    - (ii) the member elected by the **PGA** holds office until 15 February the following year; and

- (iii) the manner of the election of the representatives is laid down in the **University Rules**.

#### **Election of Council members**

7. (1) If the vacancy is to be filled by an elected person, the Secretary to the **Council** determines a closing date for the return of voting papers and publishes notices calling for nominations for election of such office to be sent to the relevant constituency.
- (2) Nominations, in writing, must be lodged with the Secretary to the **Council** at least four weeks before the closing date for the return of voting papers. Each nomination must be signed by no fewer than two members of the particular constituency and must be accompanied by the nominee's written acceptance of the nomination.
- (3) If the number of persons nominated for an office does not exceed the number to be elected for that office, the Secretary to the **Council** declares such person or persons to be duly elected.
- (4) If more persons are nominated than are to be elected, a written notice is sent by the Secretary to the **Council** to the relevant constituency at least 14 **Days** before the closing date for the return of voting papers, together with a voting paper contemplated in subparagraphs (5) and (6) of this **Statute**.
- (5) The Secretary to the **Council** is required to draft and submit to the Executive **Committee of Council** a voting paper for its approval, in which is set out in not more than 200 words, the *curriculum vitae* of each candidate.
- (6) The Executive **Committee of Council** must determine the form and content of the voting paper.
- (7) At all elections the Secretary to the **Council** acts as returning **Officer** and is assisted by two or more scrutineers designated by the **Vice-Chancellor and Principal** or acting **Vice-Chancellor and Principal**, as contemplated in subparagraph 32(3) of this **Statute**.
- (8) At the conclusion of the election, the returning **Officer** must announce the result of the election in accordance with the **University Rules**.

#### **Termination of membership and filling of vacancies**

8. (1) A member of the **Council**, with the exception of the members contemplated in paragraph 5(1)(b)(i) to (iii) of this **Statute**, vacates his or her position on the **Council** if the member –
- (a) is absent from three consecutive meetings –
- (i) without the prior leave of the chairperson of the **Council**;

- (ii) or in the case of the chairperson, the leave of the Executive **Committee of the Council**;  
provided that the **Council** may at a meeting excuse the absence of a member from that meeting, in which event the member is, for the purposes of this **Statute**, deemed to have attended that meeting;
  - (b) having been elected or appointed by a particular constituency, is no longer a member of the constituency which he or she represents;
  - (c) resigns by giving written notice to the chairperson of the **Council**;
  - (d) is declared by a court of law to be insolvent or otherwise incapable of attending to his or her own affairs;
  - (e) is removed from an office of trust by a court of law, is convicted of an offence involving dishonesty, or is sentenced to a period of imprisonment without the option of a fine; or
  - (f) subject to subparagraph (5) of this **Statute**, is considered by a two-thirds majority of the members of **Council** present at any meeting to be acting other than in the best interests of **the University**.
- (2) Members contemplated in paragraph 5(1)(b) of this **Statute** cease to be members on resignation or termination of membership by the **Council** or retirement from their position at **the University**.
- (3) (a) Members of **Council** must participate in the deliberations of the **Council** in the best interests of **the University**.
- (b) Failure to act in the best interests of **the University** or behaviour that brings **the University** into disrepute may result in the removal from office of any member of **Council**.
- (4) (a) If it is alleged that a member is not acting in the best interests of **the University** or has engaged in conduct that brings or tends to bring **the University** into disrepute and at least one third of the members of **Council** present at any meeting resolve that steps should be taken against that member, the **Council** must instruct that a hearing by an *ad hoc* **Committee of Council** take place.
- (b) If the *ad hoc* **Committee** finds that the member has failed to act in the best interests of **the University** or has behaved in a manner that brings **the University** into disrepute, the *ad hoc* **Committee** may recommend to the **Council** that the member be removed from office.

- (5) If the member has not been appointed by the **Minister** or the Premier of the Province of Gauteng, the member may be removed from office if a majority of the members of the **Council** present at any meeting votes for his or her removal.
- (6) If the member has been appointed by the **Minister** or the Premier of the Province of Gauteng, the finding and recommendation of the *ad hoc* **Committee** must be referred to the appointing authority or body for further action.
- (7) Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the Secretary to the **Council** must notify the authority or body that has appointed or elected such member of the vacancy, and must, if in the opinion of the Chairperson to the **Council** this it is reasonably practicable, request such authority or body to appoint or elect a successor.
- (8) The Secretary to the **Council** must, if practicable, give at least 10 weeks' notice of the vacancy to the authority or body that has appointed or elected such member.
- (9) The successor holds office for the unexpired term of office of the predecessor.

#### **Office-bearers**

9. (1) The following office-bearers of the **Council** are elected from among the members of the **Council** –
  - (a) a Chairperson; and
  - (b) a Vice-Chairperson;provided that the Chairperson and Vice-Chairperson of the **Council** may not be elected from members contemplated in paragraph 5(1)(b) of this **Statute**.
- (2) The **University Registrar** appointed by the **Council** is the Secretary to the **Council**, provided that should there be more than one registrar, the **Council** will appoint one as the Secretary to the **Council**.
- (3) No person may be elected as an office-bearer unless he or she has been nominated in writing by at least three members of the **Council**.
- (4) The nominee must countersign the nomination to denote his or her acceptance of the nomination.
- (5) An office-bearer holds office for three years, unless during that time he or she resigns or ceases to be a member of the **Council**.
- (6) At least 60 **Days** before the expiry of the office-bearer's term of office, the Secretary to the **Council** must give notice of this fact to the **Council** and a successor must be elected by a majority of the members present and voting at the next meeting of the **Council**.

- (7) The retiring office-bearer is eligible for re-election for a maximum of two additional terms of office, if he or she is still a member of the **Council**.
- (8) If a vacancy occurs within the three-year period, the Secretary to the **Council** must give notice of the vacancy to the members of the **Council**.
- (9) On receipt of the notice contemplated in subparagraph (8) of this **Statute**, the **Council** must at its next meeting elect another member to act in the place of that office-bearer.
- (10) The person elected in terms of subparagraph (9) of this **Statute** holds office for the unexpired period, unless he or she resigns or ceases to be a member of the **Council**.
- (11) (a) The Chairperson presides at meetings of the **Council** and the Executive **Committee** of the **Council**.  
(b) The **Council** determines any further **Functions** of the Chairperson, as contemplated in the **University Rules**.
- (12) The Vice-Chairperson presides at meetings of the **Council** and the Executive **Committee** of the **Council** in the absence of the Chairperson.
- (13) The Vice-Chairperson performs such other **Functions** as the **Council** may determine, as contemplated in the **University Rules**.
- (14) (a) The Secretary performs those **Functions** assigned to him or her by the **Council**, as contemplated in the **University Rules**.  
(b) The **Council** may appoint any **Employee** of the **University** to assist the Secretary or to act in his or her place.
- (15) If both the Chairperson and Vice-Chairperson are absent, the **Council** elects, from among its members, a Chairperson for the meeting concerned.

#### **Council members on Senate**

- 10. (1) The **Council**, at its second ordinary meeting in any calendar year, must elect two of its members, other than persons who are already members of the **Senate**, as members of the **Senate**.
- (2) A **Council** member on the **Senate** holds office for one year from the first of July of the year in which he or she is appointed.
- (3) If such a member of the **Senate** ceases to be a member of the **Council** before the expiration of his or her term of office as a member of the **Senate**; the **Council**, at its next meeting, elects another of its members to the **Senate** for the unexpired term of office of his or her predecessor.

#### **Donors**

- 11. (1) For the purposes of paragraph 5(1)(a)(iv), a **Donor** is a person who has made a donation which, in the opinion of the **Council**, warrants that person being recognised as a **Donor**.

- (2) Every person who was a **Donor** by virtue of the repealed **Statute** remains a **Donor** for the purposes of this **Statute**.
- (3) The Secretary to the **Council** must ensure that a list of **Donors** is kept.
- (4) Whenever the **Donors** have to elect **Council** members should do so in accordance with the **University Rules**.
- (5) For the purpose of paragraph 5(1)(a)(iv) of this **Statute**, a juristic person or a body of natural persons may nominate a natural person to represent it.

#### **Ordinary meetings**

12. The ordinary meetings of the **Council** are held at least once within every quarter of the year and are held at such place and time as determined by the **Council**.

#### **Special meetings**

13. (1) The Chairperson of the **Council** may call a special meeting of the **Council**; he or she must, however, call a special meeting if requested to do so, in writing, by no fewer than eight members of the **Council**.
- (2) The purpose for holding the special meeting must be stated clearly in the written request for such meeting.
- (3) At least three **Days**' notice must be given of a special meeting, unless, in the opinion of the Chairperson, there is an emergency that warrants a shorter notice period.
- (4) No matters other than those for which the meeting has been called may be dealt with at a special meeting.

#### **Quorum and procedure at Council meetings**

14. (1) One third of the total membership of the **Council** constitutes a **Quorum**.
- (2) If a **Quorum** is not achieved –
- (a) The Chairperson may adjourn the meeting and reconvene the meeting after 30 minutes, if a **Quorum** is achieved within that time.
  - (b) If there is still no **Quorum** after 30 minutes –
    - (i) the Chairperson may order that the meeting be held at a later date;
    - (ii) the later date may not be sooner than three **Days** after the meeting was due to be held, or later than 21 **Days** after the meeting was due to be held; and
    - (iii) notice of the new date and time must be given to all members and may be done in any manner considered appropriate by the Chairperson.



- (3) Should members leave while a meeting is in progress and the **Quorum** is lost, the Chairperson may, with the consent of those remaining and present, proceed with the meeting on the understanding that any decisions reached will be subject to ratification when a **Quorum** is present, or at the next meeting at which a **Quorum** is present.
- (4) At least three **Days** before any ordinary meeting, the Secretary to the **Council** must issue to each member a written notice stating the place and the time at which the meeting is to be held and the matters to be dealt with.
- (5) (a) Any member of the **Council** may give notice in writing to the Secretary to the **Council** that he or she wishes to have a matter considered by the **Council** at an ordinary meeting of the **Council**.  
(b) The member must give at least seven **Days**' notice of such wish and must state the matter to be considered.  
(c) The Chairperson of the **Council** may, in his or her sole discretion, decide to either have the matter placed on the agenda, postpone the matter to a later meeting or refuse to place the matter on the agenda.
- (6) Any matter not on the agenda at any meeting of the **Council** may be dealt with if the majority of the members present at the meeting consider it to be desirable or urgent.
- (7) If the Chairperson and the Vice-Chairperson are absent from any meeting, the members present must elect from among themselves a chairperson for the meeting.
- (8) (a) The first act at each ordinary meeting is to read and confirm the minutes of the last preceding ordinary meeting and of any special meetings held thereafter.  
(b) The signature of the Chairperson of the meeting serves as proof of the confirmation of the minutes.
- (9) Objections to the minutes must be raised and decided before confirmation takes place.
- (10) No member may, without the leave of the Chairperson, speak more than once on any motion or amendment to a motion, but the proposer of a motion or any amendment has the right to reply.
- (11) Decisions of the **Council** are made by a majority of votes of the members present and voting, unless otherwise provided for in this **Statute**.
- (12) The Chairperson has a deliberative vote on any matter that the **Council** has to decide; in addition, the chairperson has a casting vote in the event of a vote that is evenly split.

- (13) If a ballot is held, the minutes of the meeting must reflect whether a decision was unanimous or by a majority, and if by a majority, the minutes must reflect the number of persons voting for and against any motion or amendment.
- (14) Upon the request of any member, the Chairperson may direct that the vote of such member be recorded in the minutes.
- (15) Every motion or amendment to a motion must be seconded, and if the Chairperson so directs, must be in writing, and no motion or amendment may be withdrawn without the consent of the proposer, the seconder and a majority of the members present at the meeting.
- (16) The ruling of the Chairperson on any question of order or procedure is final, unless immediately challenged by a member, in which event such ruling must be submitted to the meeting without discussion and the decision of the meeting is final.
- (17) Despite anything contained in the preceding subparagraphs, a proposal to make, amend or repeal the **Statute** or part of it may not be considered unless at least 14 **Days**' written notice of such proposal has been given to the members of the **Council** by the Secretary to the **Council**.
- (18) The **Statute** may not be made, amended or repealed unless at least two thirds of the members present and voting at the meeting vote in favour of the motion.
- (19) (a) In circumstances considered by the Chairperson to be urgent and appropriate, a decision of the **Council** may be made without calling a meeting.  
(b) The Chairperson determines how the decision taken in terms of subparagraph (a) is to be circulated to the members and the formalities of the ways in which they may respond.  
(c) If at least 20% of the members object to such procedure, the Chairperson must call a special meeting.
- (20) The **Council** may invite persons who are not members to attend meetings of the **Council**, provided that such persons may participate in discussions but may not vote.

#### **Codes of conduct, fiduciary duty and conflict of interest**

- 15. (1) Members of **Council** must act in the best interests of **the University**, including:
  - (a) Abiding by the **Council**'s Code of Conduct.



- (2) A member of the **Council** may not participate in the discussion of, or vote on any matter in which he or she has a material interest whether direct or indirect pecuniary, financial or of any other nature whatsoever, unless he or she discloses the nature and extent of his or her interest and obtains the leave of the meeting to participate in the discussion on the matter or vote on the matter, or both.
- (3) Without derogating from the common law or any other applicable law, a member who fails to make a full disclosure as contemplated in subparagraph (2) of this **Statute** is subject to the provisions of paragraph 8(3) to (6) of this **Statute**.

#### **Ruling by Chairperson**

- 16. The ruling of the Chairperson on any question of order or procedure is final, unless immediately challenged by a member, in which event such ruling must be submitted to the meeting without discussion and the decision of the meeting is final.

#### **Executive Committee and other Committees of Council**

- 17. (1) The composition, election, terms of office, **Functions** and procedures of the **Committees** are as prescribed in the **University Rules**.
- (2) The **Council** may constitute an Executive **Committee** of the **Council** in accordance with paragraph 4(2) of this **Statute**, which consists of the Chairperson of the **Council**, the **Vice-Chancellor and Principal**, the **Vice-Principal**, the **Deputy Vice-Chancellors**, and such other members of the **Council** as the **Council** may appoint to it.
- (3) The **Council** may establish other **Committees** in accordance with paragraph 4(2) of this **Statute**, whose members hold office as determined by the **Council**.
- (4) Any **Committee** appointed by the **Council** exercises the **Functions** delegated to it by **Council** resolution.
- (5) The provisions of paragraphs 12 to 14 of this **Statute** apply, with the necessary changes, to **Committee** meetings, unless otherwise provided for by the **Council**.
- (6) Office-bearers of the **Committees** are elected or appointed in the manner and for the period determined by the **Council**.
- (7) The Chairperson of a **Council Committee** may not be an **Employee** or a **Student of the University**.

#### **Council awards**

- 18. The **Council** may recognise distinguished service through awards, including Gold Medals, as prescribed in the **University Rules**.

**SENATE****Functions**

19. (1) Subject to the **Act**, the **Senate** is accountable to the **Council** for regulating all teaching, learning, research and academic **Functions of the University**, and all other **Functions** delegated or assigned to it by the **Council**.
- (2) Without derogating from the generality of subparagraph (1) of this **Statute** the organisation and superintendence of instruction and examinations, and of lectures and classes, vest in the **Senate**, and the **Senate** –
- (a) may make or amend any **University Rule** relating to the curriculum for, or to the obtaining of, any University **Qualification**, but may do so only after consulting the relevant **Faculty Board**;
  - (b) may make or amend any **University Rule** relating to the manner in which **Students** are to be examined;
  - (c) determines what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each **Qualification**;
  - (d) may make recommendations to the **Council** regarding the **Faculty** to which each academic department, **School** or other academic structure belongs;
  - (e) may make recommendations to the **Council** regarding the establishment and disestablishment of **Faculties**, academic departments, **Schools** and other academic structures;
  - (f) determines, in accordance with any relevant deed or gift, and after consultation with the **Vice-Chancellor and Principal**, the conditions applicable to any scholarships and other academic prizes;
  - (g) determines the persons to whom scholarships and academic prizes are awarded;
  - (h) may establish **Committees** to perform any of its **Functions**, may appoint persons who are not members of the **Senate** as members of such **Committees** and may for this purpose deem a single person to be a **Committee**;
  - (i) determines the **Functions** of its **Committees** as well as the procedure of meetings of these **Committees**;
  - (j) may make standing orders on procedures and delegation of powers for the better carrying out of its **Functions**;
  - (k) may delegate its **Functions**; and

- (l) must take note of any action taken by a **Committee** in exercising its delegated powers or **Functions** when such **Committee** reports its actions to the next meeting of the **Senate**, which in the opinion of the Secretary of the **Senate** is appropriate.
- (3) The **Senate** submits to the **Council** –
  - (a) such reports on its work as may be required by the **Council**; and
  - (b) recommendations on matters referred to it by the **Council**; and
  - (c) recommendations on any other matter affecting the **University** as the **Senate** considers useful.
- (4) The **Senate** may, if in its opinion it is necessary to do so for any academic purpose, require a **Student** to reside for a period, and in a place, determined by it.
- (5) The **Senate** may, in terms of the **University Rules**, cancel or refuse the registration of a **Student** in all or one or more of the courses for which the **Student** is registered or wishes to register in that year, if in the opinion of the **Senate** the academic achievement of the **Student** is such that the **Student** may not obtain credit in such course or courses.

#### Composition

20. (1) The **Senate** consists of –
- (a) the **Vice-Chancellor and Principal**;
  - (b) the **Vice-Principal**;
  - (c) the **Deputy Vice-Chancellors** and the **Executive Director** or **Executive Directors**;
  - (d) the **University Registrar**;
  - (e) two members of the **Council** elected by the **Council** in accordance with paragraph 10 of this **Statute**, provided that no person specified in paragraph 5(1)(b)(i), (ii), (iii) and (v) of this **Statute** is eligible for appointment under this subparagraph;
  - (f)
    - (i) the **Professors**, other than honorary **Professors and Professors** appointed on less than 50 percent employment contract; and
    - (ii) every **Academic Employee** who is not a **Professor** as contemplated in this subparagraph and holds office as the head or acting head of a **School**;
  - (g) **Academic Employees** other than the persons contemplated in subparagraph (f) of this **Statute**, elected by such **Employees**;
  - (h) the **Deans of Faculties** who are not members of the **Senate** in some other capacity;
  - (i) six **Non-Academic Employees** elected by such **Employees**;

- (j) five **Non-Academic Employees** by virtue of their office –
    - (i) the head of Computer and Network Services;
    - (ii) the heads of the central and academic development units;
    - (iii) the head of central Human Resources;
    - (iv) the Dean of Students Affairs;
    - (v) the University Librarian; and
  - (k) ten **Students of the University**, of whom –
    - (i) eight are elected by the **SRC**; and
    - (ii) two are elected by the **PGA**.
  - (l) any other persons as the **Council**, on the recommendation of the **Senate**, may determine.
- (2) The procedure for electing **Council** members as contemplated in paragraph 20(1)(e) of this **Statute** is set out in paragraph 10 of this **Statute**.
- (3) (a) The persons contemplated in paragraph 20(1)(g) of this **Statute** elect to the Senate that number of their members that constitutes no more than 25% of the persons who are members of the Senate in terms of paragraph 20(1)(f).
- (b) The **Senate** determines the procedure for electing these members.
- (4) The **Senate** determines the procedure for electing members in terms of paragraph 20(1)(i) of this **Statute**.
- (5) The procedure for electing **Student** representatives is determined by the constitutions of the **SRC** and the **PGA** respectively.
- (6) (a) The **Senate** may recommend to the **Council** that persons or categories of persons be appointed or elected to the **Senate** in terms of paragraph 20(1)(l) of this **Statute**.
- (b) The **Council** determines the term of office, number of representatives and manner of election or appointment of such persons or category of persons.
- (7) (a) Members of the **Senate** must participate in the deliberations of the **Senate** in the best interests of **the University**.
- (b) Failure to act in the best interests of **the University** or behaviour that brings **the University** into disrepute may result in the removal of the member from the **Senate**.

- (8) If it is alleged that a member is not acting in the best interests of **the University** or has engaged in conduct that brings or tends to bring **the University** into disrepute and not less than one third of the members of the **Senate** present at any meeting resolve that steps should be taken against that person, the **Senate** must instruct that a hearing by an *ad hoc* **Committee** of **Senate** take place.
- (9) If the *ad hoc* **Committee** finds that the member has failed to act in the best interests of **the University** or has behaved in a manner that brings **the University** into disrepute, the *ad hoc* **Committee** may recommend to the **Senate** that the member be removed from the **Senate**.
- (10) The member may be removed from the **Senate** if not less than two thirds of the members of the **Senate** present at any meeting vote for his or her removal.
- (11) Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the Secretary to the **Senate** must notify the authority or body that appointed or elected such member of the vacancy, and must, if in the opinion of the Chairperson to the **Senate** it is reasonably practicable, request such authority or body to appoint or elect a successor.
- (12) The successor holds office for the unexpired term of office of the predecessor.
- (13) A member of the **Senate** who holds office by reason of a particular qualification or status will cease to be a member of the **Senate** if he or she ceases to possess that qualification or status.
- (14) The majority of the members of **Senate** must be **Academic Employees** of **the University**.

#### **Term of office of members**

21. (1) The members contemplated in paragraph 20(1)(a) to (d) of this **Statute** remain members of **Senate** for as long as they occupy their posts.
- (2) The term of office of the members contemplated in paragraph 20(1)(e) of this **Statute** is one year.
- (3) The term of office of the members contemplated in paragraph 20(1)(f) of this **Statute** for as long as they occupy their posts.
- (4) The term of office of the members contemplated in paragraph 20(1)(g) of this **Statute** and the six **Non-Academic Employees** elected as contemplated in paragraph 20(1)(i) of this **Statute** is three years.

- (5) The term of office of the members contemplated in paragraph 20(1)(h) of this **Statute** and the six **Non-Academic Employees** appointed by virtue of their office as contemplated in paragraph 20(1)(j) of this **Statute** for as long as they occupy their posts.
- (6) The term of office of the members contemplated in paragraph 20(1)(k) of this **Statute** is one year.

#### **Office-bearers**

- 22.
- (1) The **Vice-Chancellor and Principal** is the Chairperson of the **Senate**, as contemplated in section 26(4)(a) of the **Act**.
  - (2) The **Senate** elects from among its members a Vice-Chairperson as set out in the **University Rules**.
  - (3) The **University Registrar** is the Secretary to the **Senate**, provided that should there be more than one registrar, the **Senate** will appoint one as the Secretary to the **Senate**.
  - (4) No person may be elected as an office-bearer unless he or she has been nominated in writing by not less than three members of the **Senate**.
  - (5) The nominee must countersign the nomination to denote his or her acceptance of the nomination.
  - (6) An office-bearer holds office for three years, unless during that time he or she resigns or ceases to be a member of the **Senate**.
  - (7) Not less than 60 **Days** before the expiry of the office-bearer's term of office, the Secretary to the **Senate** must give notice of this fact to the **Senate** and a successor must be elected by a majority of the members present and voting at the next meeting of the **Senate**.
  - (8) The retiring office-bearer is eligible for re-election for a maximum of two additional terms.
  - (9) If a vacancy occurs within the three-year period, the Secretary to the **Senate** must give notice of the vacancy to the members of the **Senate**.
  - (10) On receipt of this notice the **Senate** must, at its next meeting, elect another member to act in the place of that office-bearer.
  - (11) The person elected in terms of subparagraph (10) holds office for the unexpired period, unless he or she resigns or ceases to be a member of the **Senate**.
  - (12) The Chairperson presides at the meetings of the **Senate** and the meetings of the **Committees** of the **Senate** if the **Senate** considers it appropriate for him or her to do so.
  - (13) The Chairperson performs such other **Functions** as the **Senate** may determine.



- (14) In the absence of the Chairperson, the provisions of subparagraph (12) of this **Statute** apply to the Vice-Chairperson.
- (15) The Vice-Chairperson performs such other **Functions** as the **Senate** may determine, as set out in the **University Rules**.
- (16) The Secretary to the **Senate** performs those **Functions** assigned to him or her by the **Senate**, as set out in the **University Rules**.
- (17) If both the Chairperson and the Vice-Chairperson are absent, the **Senate** elects from among its members a Chairperson for the meeting concerned.

#### **Senate members of Council**

- 23. (1) The **Council** members elected by the **Senate** are elected by ballot.
- (2) In the year in which an election needs to be held it must be held at the second ordinary meeting of the **Senate**.
- (3) The **Senate** determines the method of taking the ballot.
- (4) Candidates must be nominated in writing by not less than two members of the **Senate**.
- (5) The nomination must be lodged with the Secretary to the **Senate** not less than 14 **Days** before the meeting.
- (6) The **Senate** members on the **Council** who are members of the **Council** when this **Statute** comes into operation, remain members of the **Council** until their terms of appointment, as initially determined, expire.
- (7) As each term of office ends, a member of **Senate** must be elected to fill the vacancy to fill.
- (8) The outgoing member may be re-elected for a maximum of two additional terms.

#### **Meetings**

- 24. (1) Ordinary meetings must be held at least four times in each year.
- (2) At least one meeting must be held by 30 June and at least one meeting must be held between 1 July and 30 December of each year.
- (3) The Secretary to the **Senate** determines the place and time of all ordinary meetings and ensures that meetings are administered in accordance with the **University Rules**.
- (4) One third of the total membership of the **Senate**, excluding members in abeyance, forms a **Quorum**.
- (5) The provisions in paragraphs 13 and 14(4) to (20) of this **Statute** relating to the procedure for special and ordinary meetings of the **Council** apply, with the necessary changes, to the meetings of the **Senate**.

- (7) The **Senate** may invite persons who are not members to attend meetings or parts of a meeting of the **Senate**. Such persons may be afforded speaking rights, but may not vote.
- (8) A member of the **Senate** may not participate in the discussion of, or vote on any matter in which he or she has a material interest, whether direct or indirect pecuniary, financial or of any other nature whatsoever, unless he or she first discloses the nature and extent of his or her interest and obtains the leave of the meeting to participate in the discussion on the matter or vote on the matter, or both.
- (9) Without derogating from the common law or any other applicable law, a member who fails to make a disclosure as contemplated in subparagraph (8) of this **Statute** is subject to the provisions of paragraph 20(7) to (8) of this **Statute**.

#### **Committees**

- 25. (1) The **Senate** may constitute **Committees**, which may be –
  - (a) a **Faculty Board** for each **Faculty**; and
  - (b) other **Senate Committees** as it deems necessary.
- (2) Except as otherwise provided for in the **Statute**, the composition, election, terms of office, **Functions** and procedures of **Senate Committees** are prescribed in the **University Rules**.

#### **Faculty Boards**

- 26. (1) The **Faculty Board** of every **Faculty** is a standing **Committee** of the **Senate**.
- (2) A **Faculty Board** –
  - (a) governs and regulates the activities of the **Faculty** in accordance with the **University Rules**;
  - (b) considers and recommends to the **Senate** the **Qualifications** offered by the **Faculties**;
  - (c) promotes research in the **Faculty**;
  - (d) submits recommendations to the **Senate** on matters that affect the **Faculty** as well as matters referred to it by the **Senate**;
  - (e) appoints **Committees** of the **Faculty Board**; and
  - (f) fulfils such as others **Functions** as the **University Rules** may prescribe.
- (3) The composition of a **Faculty Board** is determined by the **Senate** on recommendation of a **Faculty Board**.
- (4) The **Council** appoints a **Dean** for every **Faculty** in accordance with the **University Rules**, who is accountable to the relevant **Faculty Board** and fulfils the **Functions** as prescribed in the **University Rules**.



- (5) The **Dean** of a **Faculty** is the chairperson of the relevant **Faculty Board**.
- (6) Membership of **Faculty Boards**, terms of office, meeting procedures and other matters relating to the **Faculties** are reflected in the **University Rules**.

**PART 4 – OFFICE-BEARERS****CHANCELLOR****Accountability**

27. The **Chancellor** is accountable to the **Council**.

**Functions**

28. (1) The **Chancellor** is the titular head of **the University** and, in the name of **the University**, confers all degrees.
- (2) On the advice of **Council**, the **Chancellor** may convene a general assembly of **the University** community.
- (3) The **Chancellor** performs such other **Functions** as assigned to him or her by the **Council**.

**Election**

29. The **Chancellor** is elected by the **Convocation** in the following manner –

- (1) The Secretary to the **Convocation** fixes a closing date for the return of voting papers and sends notices calling for nominations for the election of a **Chancellor**.
- (2) The notices calling for nominations, as contemplated in subparagraph (1) of this **Statute**, are sent to all enrolled members of the **Convocation** at least nine weeks before the closing date contemplated in subparagraph (1) of this **Statute**.
- (3) Nominations in writing, accompanied by the written acceptance of such nominations, must be lodged with the Secretary to the **Convocation** at least seven weeks before the closing date contemplated in subparagraph (1) of this **Statute** and each nomination must be signed by at least four members of the **Convocation**.
- (4) If only one person is nominated, the Secretary to the **Convocation** forthwith declares that person duly elected, or where appropriate, with effect from the date on which the vacancy is to occur.
- (5) If more than one person is nominated, the Secretary to the **Convocation** must send a written notice to all enrolled members of the **Convocation** at least 30 **Days** before the closing date contemplated in subparagraph (1) of this **Statute**, together with a printed voting paper as contemplated in subparagraphs (6) and (7) of this **Statute**.
- (6) The Secretary to the **Convocation** is required to draft and submit to the Executive **Committee** of the **Convocation** a voting paper for its approval, in which is set out, in not more than 200 words, the *curriculum vitae* of each candidate.

- (7) The Executive **Committee** of the **Convocation** must determine the form and content of the voting paper.
- (8) At all elections, the Secretary to the **Convocation** acts as returning **Officer**.
- (9) The returning **Officer** may be assisted by two or more scrutineers appointed by the President of the **Convocation** or, if the President is absent or is a candidate, by the **Vice-Chancellor and Principal**, or in the absence of the **Vice-Chancellor and Principal**, by the acting **Vice-Chancellor and Principal**.
- (10) At the conclusion of the election, the returning **Officer** must announce the result of the election.
- (11) A successful candidate is elected as of the date of the election or, where appropriate, with effect from the date on which the relevant vacancy is to occur.

#### **Term of office**

- 30. (1) The **Chancellor** holds office for a period of six years, unless he or she resigns or he or she is dismissed as contemplated in subparagraph 5 of this **Statute**.
- (2) (a) A person may not be elected for more than two periods of office.  
(b) These periods of office may be consecutive.
- (3) Whenever an election to the office of **Chancellor** occurs in a year in which no elections are scheduled by the **Convocation**, the period of office of the incumbent **Chancellor** will be extended by one additional year.
- (4) If the **Chancellor** is unable, for any reason, to perform the **Functions** of his or her office, or if the office of **Chancellor** becomes vacant, the **Vice-Chancellor and Principal** or the **Vice-Principal** must perform the **Functions** of the **Chancellor**.
- (5) The **Chancellor** may be removed from office by a resolution passed by at least two thirds of the members of **Council**.
- (6) The resolution may not be passed if the **Chancellor** has not been given the opportunity to speak.

#### **VICE-CHANCELLOR AND PRINCIPAL**

##### **Accountability**

- 31. The **Vice-Chancellor and Principal** is accountable to the **Council**.

##### **Functions**

- 32. (1) Subject to the **Council's Functions** as contemplated in paragraph 4 of this **Statute** –

- (a) The **Vice-Chancellor and Principal** is responsible for the management and administration of **the University** and has all the powers necessary to perform these **Functions**, including the power to appoint acting registrars, acting heads of any academic structure, acting **Deans of Faculties**, acting heads of **School** and department, and acting chairpersons of governing **Committees**, which the **Council** may from time to time determine.
  - (b) The **Vice-Chancellor and Principal** is the chief executive **Officer** of **the University** and chairperson of the **Senate**, and is a member of all **Committees** of the **Council** and the **Senate**, and of all joint **Committees** of the **Council** and the **Senate**, except those **Committees** dealing with audit and remuneration matters.
  - (c) The **Vice-Chancellor and Principal** is responsible for the proper administration and good governance of **Student Affairs**. He is vested with the necessary powers and authority to fulfil that responsibility.
- (2) If the **Vice-Chancellor and Principal** is unable, for any reason, to perform his or her **Functions** of office, or if the office of the **Vice-Chancellor and Principal** becomes vacant, the **Vice-Principal** will become the acting **Vice-Chancellor and Principal**.
  - (3) An acting **Vice-Chancellor and Principal** has the same **Functions** as the **Vice-Chancellor and Principal**.
  - (4) The **Vice-Chancellor and Principal** may, on such conditions as he or she may determine, delegate any of his or her powers under the **Act** and assign any of his or her duties in terms of the **Act** to any other **Employee** of **the University**.

#### **Appointment**

33. The **Council** appoints the **Vice-Chancellor and Principal** in accordance with section 31(1)(a)(iii) of the **Act** and its own procedures.

#### **Discipline of the Vice-Chancellor and Principal**

34. The **Vice-Chancellor and Principal** is subject to the **University Rules** for staff discipline.

#### **Term of office**

35. (1) The **Council** determines the term of office of the **Vice-Chancellor and Principal**.
- (2) The contract between the **Council** and the **Vice-Chancellor and Principal** must provide for a reasonable period of notice to be given should either party wish to cancel the contract.
- (3) A person may be appointed for more than one term of office.

- (4) If the Office of the **Vice-Chancellor and Principal** becomes vacant, the **Council** must proceed to appoint a successor.

**VICE-PRINCIPAL****Accountability**

36. The **Vice-Principal** is accountable to the **Council** and the **Vice-Chancellor and Principal**.

**Functions**

37. (1) The **Council** determines the **Functions** of the **Vice-Principal**.  
(2) The **Vice-Principal**, in addition to the functions determined by Council, is responsible for any specific managerial, administrative and supervisory **Functions** entrusted to him or her by the **Vice-Chancellor and Principal**.  
(3) If the office of **Vice-Principal** becomes vacant, the **Council** must appoint a successor.  
(4) If the **Vice-Principal** is unable, for any reason, to perform the **Functions** of his or her office, or if the Office of **Vice-Principal** becomes vacant, the **Deputy Vice-Chancellor**, or, if there are two or more **Deputy Vice-Chancellors**, one of them appointed by the Executive **Committee** of the **Council**, becomes acting **Vice-Principal**.  
(5) An acting **Vice-Principal** has all the **Functions** of a **Vice-Principal**.

**Appointment**

38. The **Council** appoints the **Vice-Principal** after considering the recommendation of the **Vice-Chancellor and Principal**.

**Discipline of the Vice-Principal**

39. The **Vice-Principal** is subject to the **University Rules** for staff discipline.

**Term of office**

40. The **Council** determines the term of office of the **Vice-Principal**.

**DEPUTY VICE-CHANCELLOR****Accountability**

41. A **Deputy Vice-Chancellor** is accountable to the **Council** and the **Vice-Chancellor and Principal**.

**Functions**

42. (1) The **Council** determines the **Functions** of a **Deputy Vice-Chancellor**.  
(2) If a **Deputy Vice-Chancellor** is unable, for any reason, to perform the **Functions** of his or her office, or if his or her office becomes vacant, the **Council** must appoint a replacement.  
(3) If the office of **Deputy Vice-Chancellor** is vacant for six **Months** or less the **Council** may, on the recommendation of the **Vice-Chancellor and Principal**, appoint an acting **Deputy Vice-Chancellor**.

- (4) If the office of **Deputy Vice-Chancellor** is vacant for more than six **Months**, the **Council** must first consult with the **Senate** before appointing an acting **Deputy Vice-Chancellor**.

#### **Appointment**

43. The **Council** appoints a **Deputy Vice-Chancellor** in accordance with the **University Rules**.

#### **Discipline of a Deputy Vice-Chancellor**

44. A **Deputy Vice-Chancellor** is subject to the **University Rules** for staff discipline.

#### **Term of office**

45. The **Council** determines the term of office of a **Deputy Vice-Chancellor**.

### **EXECUTIVE DIRECTORS**

#### **Accountability**

46. An **Executive Director** is accountable to the **Council** and the **Vice-Chancellor and Principal**.

#### **Functions**

47. (1) The **Council** determines the **Functions** of an **Executive Director**.  
(2) If an **Executive Director** is unable, for any reason, to perform the **Functions** of his or her office, or if his or her office becomes vacant, the **Council** must appoint a replacement.  
(3) If the office of an **Executive Director** is vacant for six **Months** or less the **Council** may, on the recommendation of the **Vice-Chancellor and Principal**, appoint an acting **Executive Director**.  
(4) If the office of an **Executive Director** is vacant for more than six **Months**, the **Council** must first consult with the **Senate** before appointing an acting **Executive Director**.

#### **Appointment**

48. The **Council** may appoint one or more **Executive Directors** after consideration of the recommendations of a selection **Committee** appointed by the **Vice-Chancellor and Principal**.

#### **Discipline of an Executive Director**

49. An **Executive Director** is subject to the **University Rules** for staff discipline.

#### **Term of office**

50. The **Council** determines the term of office of an **Executive Director**.

**DEANS****Accountability**

51. A **Dean** is accountable to the **Senate**, the **Vice-Chancellor and Principal**, and the **Council**.

**Functions**

52. (1) In every **Faculty** there is a **Dean**, who is appointed to perform managerial, administrative and supervisory **Functions** as executive head of the **Faculty**.  
(2) In the temporary absence of a **Dean**, the **Vice-Chancellor and Principal** designates another suitable person to perform the **Functions** of the office.

**Appointment**

53. The **Council** appoints the **Deans** after consultation with the **Senate**.

**Discipline of the Dean**

54. A **Dean** is subject to the **University Rules** for staff discipline.

**Term of office**

55. The **Council** determines the term of office of a **Dean**.

**UNIVERSITY REGISTRAR****Accountability**

56. The **University Registrar** is accountable to the **Council** and the **Vice-Chancellor and Principal**.

**Functions**

57. (1) The **Council** determines the **Functions** of the **University Registrar**.  
(2) The **Vice-Chancellor and Principal** may entrust specific managerial, administrative and supervisory **Functions** to the **University Registrar**.  
(3) If the **University Registrar** is unable for any reason to perform any of his or her **Functions**, the **Vice-Chancellor and Principal** must appoint another **University Employee** to perform one or more of the **University Registrar's Functions** until a replacement is appointed.

**Appointment**

58. The **Council** may appoint one or more persons as the **University Registrar**.

**Discipline of a Registrar**

59. The **University Registrar** is subject to the **University Rules** for staff discipline.

**Term of office**

60. The **Council** determines the term of office of the **University Registrar**.



## PART 5 – ADVISORY BODIES

### UNIVERSITY FORUM

#### Status and role

61. The **University Forum** is the **University's** Institutional Forum, as contemplated in section 31 of the **Act**, and advises the **Council** on matters that affect the **University**.

#### Accountability

62. The **University Forum** is accountable to the **Council**, which recognises its advisory role.

#### Functions

63. (1) The **University Forum** must advise the **Council** on issues affecting the **University**, including –
- (a) the implementation of the **Act** and the national policy on higher education;
  - (b) race and gender equity policies;
  - (c) the selection of candidates for senior management positions;
  - (d) codes of conduct, mediation and dispute resolution procedures; and
  - (e) the fostering of an institutional culture that promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning.
- (2) The **University Forum** must perform such **Functions** as may be determined by the **Council**.
- (3) The **University Forum** provides the **Council** with written advice on matters affecting the **University**.
- (4) The **University Forum** considers written feedback from the **Council** on recommendations of the **University Forum** not accepted by the **Council**.

#### Composition

64. (1) The **University Forum** consists of –
- (a) a **Council** member appointed by the **Council**;
  - (b) the **Vice-Chancellor and Principal**;
  - (c) the **Vice-Principal**;
  - (d) a **Deputy Vice-Chancellor** appointed by the **Vice-Chancellor and Principal**;
  - (e) the **Dean of Student Affairs**;
  - (f) four members of the **Senate** nominated by the **Senate**;
  - (g) a representative of the **Deans**;
  - (h) five **Academic Employees**;
  - (i) seven **Non-Academic Employees**;

- (j) five **Students** –
  - (i) four of whom are nominated by the **SRC**; and
  - (ii) one of whom is nominated by the **PGA**;
- (k) not more than four other **Students** who belong to a body or bodies of **Students** of the **University** that may be nominated by the **University Forum** to make the **University Forum** more representative and inclusive of the broader **Student** population;
- (l) three members of the historically excluded or marginalised groups;
- (m) one **Donor** nominated by the Wits Foundation;
- (n) one member of the Executive **Committee** of **Convocation** nominated by it;
- (o) one person nominated by an educational organisation which has been chosen by the **University Forum**;
- (p) two representatives of organised labour associations;
- (q) two representatives of **Organised Employee Associations**; and
- (r) one member whose role in the **University** is to address issues of transformation, nominated by the **Vice-Chancellor and Principal**.

#### **Nomination/election of members**

65. The nomination, election and appointment of members are determined by the **University Rules**.

#### **Term of office of members**

66. (1) Term of office of **University Forum** members is three years or such shorter time as a member still represents her/his constituency or as determined by the **Council**.
- (2) Except for members mentioned in paragraph 64(1)(a), (b), (c), (d) and (f) of this **Statute**, no member may serve on the **University Forum** for more than three consecutive terms.
- (3) The membership of a person, who is a member by virtue of holding office in terms of the provisions of paragraph 64(1)(a) to (f) of this **Statute**, terminates if the person ceases to hold office.
- (4) The membership of any person other than those persons contemplated in paragraph 64(1)(a) to (f) of this **Statute** terminates in accordance with the provisions of paragraph 8(1) of this **Statute**, with the necessary changes to the **University Forum**.

- (5) The groups of persons from which members contemplated in paragraph 64(1)(g), (h), (k), (o) and (p) of this **Statute** are appointed or elected as determined by the **University Forum**, provided that the membership of the **University Forum** as it existed on the day this **Statute** comes into force shall continue unless and until the **University Forum** and **Council** determine otherwise.

#### **Vacancies**

67. (1) The Secretary of the **University Forum** communicates a vacancy in the **University Forum** to the person or body who elected or appointed the member.
- (2) A vacancy must be filled within twelve weeks after the **Secretary** receives notification or becomes aware of such vacancy.

#### **Office-bearers**

68. (1) The **University Forum** must triennially elect by secret ballot from among its members, a chairperson, a vice-chairperson, secretary and such other office-bearers as the **University Forum** considers necessary to best perform its **Functions**.
- (2) The Chairperson, the Vice-Chairperson, the Secretary or other office-bearers may be removed from office by a two-thirds majority decision of the **University Forum**.
- (3) If the Chairperson and the Vice-Chairperson are absent, the **University Forum** elects, from among its members, a Chairperson for the meeting concerned.
- (4) The Chairperson of the **University Forum** is accountable to the **Council**.

#### **Meetings**

69. (1) The **University Forum** must have at least four meetings a year.
- (2) The Chairperson may convene an extraordinary or emergency meeting by giving notice of such meeting and the agenda thereof.
- (3) An extraordinary or emergency meeting must be convened by the Chairperson if at least thirty percent of the members of the **University Forum** request such a meeting, provided that such request is in writing and the relevance of the matters to be discussed is regarded by the Chairperson as being sufficiently motivated.
- (4) At least seven **Days**' notice of an extraordinary or emergency meeting must be given, except with the unanimous consent of the meeting.
- (5) No business other than that which the extraordinary or emergency meeting was called for may be transacted at such meetings.

- (6) (a) The **University Forum** reaches a decision through a vote supported by the majority of the members present and voting, unless otherwise provided for in this **Statute**.
- (b) The Chairperson must state his or her opinion at the meeting.
- (7) The **Quorum** and the procedure for meetings of the **University Forum** are, with the necessary changes, the same as for the **Council**, as contained in paragraphs 12 to 14 of this **Statute**.

**Committees and task teams**

- 70. (1) The **University Forum** has the power to create **Committees** and task teams to carry out its **Functions**.
- (2) Except as otherwise provided for in the **Statute**, the composition, manner of election, terms of office, **Functions** and meeting procedures of **Committees** and task teams are as prescribed in the **University Rules**.

**PART 6 – STUDENTS GOVERNANCE****GOVERNANCE OF STUDENTS**

71. (1) **Students at the University** are represented by –
- (a) the **Student Forum**;
  - (b) the **SRC**;
  - (c) the **PGA**;
  - (d) the Wits Sports Council; and
  - (e) other **Student** administrative and governing structures, including, but not limited to –
    - (i) the Faculty Student Councils;
    - (ii) the School Student Councils; and
    - (iii) the All Residence Council.
- (2) The powers, duties, authority and functioning of the bodies contemplated in subparagraph (1) of this **Statute** are determined by the **University Rules** and the **SRC Constitution**.
- (3) Election to the bodies contemplated in subparagraph (1) of this **Statute** are governed by the **University Rules** and the **SRC Constitution**.
- (4) The **Council** must consult with the **SRC** before approving any amendments to the **SRC Constitution** or a new **SRC Constitution**.

**STUDENTS' REPRESENTATIVE COUNCIL****Accountability**

72. The **SRC** is accountable to the **Student** body/community, the **Vice-Chancellor and Principal** and the **Council**.

**Functionality**

73. (1) The **Functions** of the **SRC** and its members are determined by the **SRC Constitution**.

**Composition**

74. (1) Election to the **SRC** is determined by the electoral by-laws as contained in the **University Rules**, laid down by the **Council** after consultation with the **SRC**.
- (2) Only registered **Students** are eligible to serve on the **SRC**.
- (3) The President of the outgoing **SRC** must, in terms of the electoral by-laws, call for and give notice of an annual election of general representatives.
- (4) If the outgoing President fails to call an annual election, a person designated by the **Vice-Chancellor and Principal** may do so.
- (5) Unless the **Council** determines otherwise, the members of the **SRC** hold office for one year, the commencement of which is provided for in the **SRC Constitution**.

- (6) The **SRC** is representative of the **Student** body and the **SRC**'s composition is determined by the **University Rules**.
- (7) The **Council** may not alter the composition of the **SRC** without first consulting the **SRC**, in line with the **SRC Constitution**.

**PART 7 – OTHER STUDENT-RELATED MATTERS****ADMISSION AND REGISTRATION OF STUDENTS, AND STUDENT DISCIPLINE****Admission and registration of Students**

75. (1) A person may be permitted by the **Council** to register as a **Student** only if he or she satisfies –
- (a) The legal requirements, if any, for admission to study at **the University**;
  - or
  - (b) Any other requirements for admission that may be determined by the **Council** and laid down in the **University Rules**.
- (2) The requirements for admission of a **Student** to **Faculties** are set out in the **University Rules** and may be changed by the **Council** after consultation with the **Senate**.
- (3) A **Student** is registered for one year or for such shorter period as the **Council** may determine in general or in a particular case.
- (4) In order for a **Student** to renew his or her registration after the expiry of the period contemplated in subparagraph (3) of this **Statute**, the **Student** is required to comply with any conditions set by the **Council**.
- (5) The **Council** may refuse to allow the renewal of registration if a **Student** fails to meet the conditions contemplated in subparagraph (4) of this **Statute**.
- (6) The conditions contemplated in subparagraph (4) of this **Statute** may include the payment of outstanding fees.

**Student discipline**

76. (1) The disciplinary measures and discipline provisions applicable to the **Students** are set out in the **University Rules**, and may be changed by the **Council** after consultation with the **Senate** and the **SRC**.
- (2) (a) The **Vice-Chancellor and Principal** may, from time to time, amend monetary penalties.
- (b) Such amended penalties must be placed before the **Council** at the next ordinary meeting of the **Council**.
- (3) If the **Council** should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by the **Council** is not affected.

**QUALIFICATIONS AND HONORARY DEGREES****Degrees, diplomas, certificates and other Qualifications**

77. (1) **The University** has the power to confer in any **Faculty** a **Qualification** as it may deem expedient to confer.

- (2) No degree other than an honorary degree may be conferred by **the University** upon any person who has not attended as a **Student of the University** for the assigned period, and satisfied such other requirements as may be prescribed by or in terms of this **Statute**.
- (3) **The University** has the power to grant a **Qualification** to any person who has pursued a course of study or academic programme, and who has satisfied such other requirements as may be prescribed by or in terms of this **Statute**.
- (4) The **Council**, in consultation with the **Senate**, has the power to withdraw the conferment of any **Qualification** if the **Student** failed to satisfy the requirements of such **Qualification**, or if it was conferred in error or the recipient of such **Qualification** had committed a dishonest act in connection, directly or indirectly, with the obtaining of such **Qualification** or through **the University's Student** disciplinary structures.
- (5) To satisfy the requirements for the conferment of a **Qualification** a **Student** must satisfy the requirements of the academic programme for that **Qualification**, as prescribed in the **University Rules**.
- (6) A **Student** who otherwise qualifies for the conferment of a **Qualification** may be deemed not to have done so unless and until –
  - (a) all unpaid fees, levies, disbursements, fines and any other monies lawfully owing to **the University** are paid by the **Student**;
  - (b) any disciplinary proceedings, pending or incomplete, are completed; or
  - (c) any order made against the **Student** as a consequence of any disciplinary proceedings, is satisfied.
- (7) An academic programme may include one or more of the following:
  - (a) a course or courses;
  - (b) a half-course or half-courses;
  - (c) an attendance course or courses;
  - (d) a module or modules;
  - (e) an allocation of points reflecting the completion of all or part of the programme; and
  - (f) any other mode of study or research determined by the **Senate** with the approval of the **Council**.
- (8) An academic programme of study extends over a period to be determined by the **Senate** with the approval of the **Council**.
- (9) The **Senate** must determine the method of examination of **Students**.



**Admission to degree of master or doctor**

78. (1) Subject to the **University Rules**, any of the following persons may be admitted by the **Senate** as a candidate for the degree of master or doctor if the **Senate** is satisfied that the applicant is qualified to undertake the proposed line of study or research, or both, and is –
- (a) a **Graduate** of this or another university; or
  - (b) a person, other than a **Graduate** of a university, who has in any other manner attained a level of competence that in **Senate's** opinion is adequate for the purposes of postgraduate study or research, taking into account one or more of the following criteria –
    - (i) ability in the same discipline shown by research, writings, professional standing and reputation in the discipline;
    - (ii) the possession of some academic **Qualifications** from a university or other institution, which is not a prerequisite in itself, and the ability shown in the same way as provided for in (i) above;
    - (iii) the possession of some academic **Qualifications**, either from a university or another institution, and having shown himself or herself to be of high professional standing and experience in a cognate field;
    - (iv) any other criterion which in the opinion of the **Senate** is compelling.

**Honorary degrees**

79. (1) **The University** may, on the resolution of the **Council** and the **Senate**, confer without attendance or examination an honorary degree of master or doctor in any **Faculty** upon any person who has rendered distinguished services in the advancement of arts, science, jurisprudence or other branches of learning, or who has otherwise rendered himself or herself worthy of such a degree.
- (2) A resolution to confer an honorary degree must be passed in the **Senate** by a majority of the members voting by secret ballot and must be assented to by **Council**.
- (3) A proposal to award an honorary degree may be made by a member of the **Council** or the **Senate** or the Executive **Committee** of the **Convocation**, and must be seconded by another member of these structures.
- (5) The proposal must be communicated in writing to the **Vice-Chancellor and Principal**.
- (6) The proposal must be accompanied by a statement setting out the reasons for making it.

- (7) The award of an honorary degree to a person does not entitle that person to practise any profession or use the title to denote a certain stature or professional title.
- (8) The **Council** may withdraw the conferment of an honorary degree in accordance with the **University Rules**.

**Conferment of degrees and diplomas and the award of other Qualifications**

- 80.
- (1) A meeting of the members of **the University** called the Congregation of **the University** is convened for the purpose of conferring degrees and diplomas.
  - (2) The members of the **Council**, the **Academic Employees**, the persons upon whom degrees and diplomas are to be conferred and such other persons as the **Vice-Chancellor and Principal** may determine are invited to the Congregation of **the University**.
  - (3) Congregations of **the University** are held at least once a year, at a time or times determined by the **Council**, and are presided over by the **Chancellor**, or in his or her absence by the **Vice-Chancellor and Principal** or the **Vice-Principal**.
  - (4) The **Council** determines the procedure relating to the conferment of degrees and the academic dress to be worn, and the **Senate** determines all other matters concerning the Congregation.

**PART 8 – CONVOCATION****Role and objectives**

81. (1) The **Convocation** may state its opinion on any matter relating to **the University**, including matters referred to it by the **Council**, the **Senate** or the **University Forum**.
- (2) The **Convocation** elects **Council** members in accordance with the **University Rules**.
- (3) The **Convocation**, in cooperation with the **University Registrar**, maintains a database of its members in order to promote communication between **the University** and members, and for other suitable purposes.
- (4) The **Council** may amend the **University Rules** only after consultation with the Executive **Committee** of the **Convocation**.

**Membership**

82. (1) The **Convocation** consists of the –
- (a) **Vice-Chancellor and Principal**;
  - (b) **Vice-Principal**;
  - (c) **Deputy Vice-Chancellors**,
  - (d) **University Registrar**;
  - (e) former and present **Academic Employees** as set out in subparagraph (2) of this **Statute**; and
  - (f) all persons who are or become **Graduates of the University**.
- (2) **Academic Employees** on the permanent staff of **the University**, professors emeriti and other retired **Academic Employees** who have been on the permanent staff in continuous employment for not less than 10 years immediately prior to retirement, are members of the **Convocation**.

**Office-bearers**

83. (1) The **Convocation** elects from its members a President who acts as Chairperson of its meetings.
- (2) The manner in which the President of **Convocation** is elected is set out in the **University Rules**.
- (3) The **Functions** and period of office of the President of the **Convocation** are set out in the **University Rules**.
- (4) A Secretary to the **Convocation** is appointed as set out in the **University Rules**.

**Executive Committee**

84. All the provisions necessary for the constitution and functioning of the Executive **Committee** of the **Convocation**, as well as the election and term of office of a member of the Executive **Committee** of the **Convocation**, are set out in the **University Rules**.

**Meetings and elections**

85. (1) The procedure and **Quorum** for meetings of the **Convocation** are set out in the **University Rules**.
- (2) Meetings of the **Convocation** are summoned and held in the manner and at times and for purposes as set out in the **University Rules**.

## PART 9 – GENERAL PROVISIONS

### Issue of notices

86. (1) Written notice may be given in one or more of the following ways:
- (a) by personal service;
  - (b) by registered post to the person concerned at her/his address last known to the **University Registrar**;
  - (c) by electronic mail or similar electronic platforms to the person concerned at her/his address last known to the **University Registrar**; or
  - (d) by internal University mail.
- (2) In the event that notice is given by means of registered post, the production by **the University** of a receipt from the relevant postal authority constitutes *prima facie* evidence that the person to whom the notice is addressed is deemed to have received the notice.
- (3) The **Quorum** requirements for **Council**, as stipulated in paragraph 14 of this **Statute**, applies *mutatis mutandis* to all **Committees**, unless the **Council** decides otherwise.
- (4) The provisions regulating round-robin voting is set out in the **University Rules**.

### Numerical fractions

87. Whenever the requirements of the **Statute** or the **University Rules** have the consequence of generating a number other than a whole number, the next greater whole number is held to constitute the number in question.

### Persons in office

88. Persons holding office under the **Statute** repealed by paragraph 89 are deemed, with the necessary changes, to be holding office under the corresponding provisions of this **Statute**, unless it would be inconsistent with this **Statute** or the **Act**.

### Repeal of previous Statute

89. (1) The Combined Statute and Amendment to the Statute of the University of the Witwatersrand, Johannesburg, as published in Government Gazette No 23132 dated 15 February 2002 and Government Gazette No 26350 dated 14 May 2004, respectively, is hereby repealed with effect from the date on which this **Statute** comes into operation.

- (2) Notwithstanding subparagraph (1) of this **Statute** any structure of **the University** within the meaning of the **Act**, which existed prior to the publication of this **Statute**, continues to exist and function until the day when each new structure, reconstituted in terms of this **Statute**, becomes functional.

#### **Transitional provisions**

90. (1) The provisions of the Combined Statute and Amendment to the Statute of the University of the Witwatersrand, Johannesburg as published in Government Gazette No. 23132 dated 15 February 2002 and Government Gazette No. 26350 dated 14 May 2004 respectively will remain applicable until this **Statute** has been promulgated.
- (2) The **Council** has the power and duty to take measures to implement the provisions of this **Statute** and accompanying **University Rules** as soon as practicable after promulgation of this **Statute**.
- (3) Anything done under any provision of the Combined Statute and Amendment to the Statute of the University of the Witwatersrand, Johannesburg that was applicable to **the University** prior to the promulgation of this **Statute** is regarded to have been done under the corresponding provision of this **Statute**.
- (4) Persons who occupied posts, and structures that existed immediately prior to the approval and promulgation of this **Statute**, will continue those posts, and the structures will continue to exist, unless the post or structure is affected by the provisions of this **Statute** and/or **Council** decisions in accordance therewith. Any changes to posts or structures thus brought about by the **Statute** are subject to the **Act** and applicable labour law.
- (5) The **University Rules** that were in force prior to the promulgation of this **Statute** will continue to apply until amended or replaced.
- (6) Notwithstanding subparagraph (7) of this **Statute**, the term of office for members of structures/bodies or for persons in specific posts will expire at the time originally specified.
- (7) (a) The **Council** will, after having considered a proposal by the Executive **Committee** of **Council**, approve a process for the staggering of the terms of office of office-bearers and members of the **Council**.
- (b) This will come into operation on the first day of the year following the approval and promulgation of this **Statute**.
- (c) The process will exclude the terms of office of ex-officio members as well as the terms of office of the **Students** elected to the **Council**.

- (8) The staggering of the terms of office for **Council** as stipulated in paragraph 90(7) of this Statute applies *mutatis mutandi* to all **Committees**, unless the **Council** decides otherwise.
- (9) The existing regulations promulgated in terms of the Universities Act 1955 (Act No, 61 of 1955) which were in force at the commencement of the **Act** continue to apply until replaced by any provision of the **Statute** or any **University Rule** that may be made in terms of it.