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## GOVERNMENT NOTICE

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### DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 1037

17 December 2014

### HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)

### INSTITUTIONAL STATUTE

### NELSON MANDELA METROPOLITAN UNIVERSITY

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33(1) of the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish the Institutional Statute of the Nelson Mandela Metropolitan University set out in the Schedule hereto.



**Dr BE Nzimande, MP**  
**Minister of Higher Education and Training**  
**Date: 21/11/2014**



**STATUTE**

**OF THE**

**NELSON MANDELA**

**METROPOLITAN UNIVERSITY**

## SCHEDULE

**To introduce a Statute for the Nelson Mandela Metropolitan University to give effect to the Higher Education Act, 1997 (Act 101 of 1997), as amended, and to promote the effective governance and management of the University in respect of matters not expressly prescribed by the said Act.**

## PREAMBLE

WHEREAS the Nelson Mandela Metropolitan University has come into being through the incorporation of the Port Elizabeth Campus of the Vista University into the University of Port Elizabeth and the subsequent merger of the University of Port Elizabeth and the Port Elizabeth Technikon by notices issued in this regard by the Minister of Education in terms of Sections 24<sup>1</sup> and 23(1)<sup>2</sup>, respectively, of the Higher Education Act, 1997 (Act 101 of 1997), as amended;

and

WHEREAS it is desirable for the Nelson Mandela Metropolitan University to be a dynamic African university, recognised for its leadership in generating cutting-edge knowledge for a sustainable future by offering a diverse range of quality educational opportunities that will make a critical and constructive contribution to regional, national and global sustainability;

[and

**WHEREAS it is necessary to provide for the regulation of the Nelson Mandela Metropolitan University in compliance with the provisions of the Higher Education Act, 1997 (Act 101 of 1997), as amended.]**

THEREFORE the Council of the Nelson Mandela Metropolitan University has made this Statute in terms of section 32(1) of the Higher Education Act, 1997 (Act 101 of 1997), as amended, to ensure the effective governance and management of the University in respect of those matters not expressly prescribed by the said Act in order to achieve its goals and values.

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<sup>1</sup> Notice 1693, Government Gazette No 25737, 14 November 2003

<sup>2</sup> Notice 1701, Government Gazette No 25737, 14 November 2003

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## DEFINITIONS

### Definitions

1. In this Statute, unless the context otherwise indicates –

**“academic employee”** means any person appointed to teach or to do research at the University on such conditions as determined by the council and any other employee designated as such by the council;

**“Act”** means the Higher Education Act, 1997 (Act 101 of 1997), as amended;

**“after consultation”** means that consultation has taken place, however, the relevant body or person is not bound by opinions or proposals arising from such consultation;

**“alumni association”** means the body composed as contemplated in paragraph 53;

**“approval”** means the power to make a final decision on a matter in terms of statutory powers or delegated authority, however does not exclude ratification of such decision by the body or person who delegated the power of approval;

**“chancellor”** means the titular head of the University contemplated in paragraph 63;

**“council”** means the governing body of the University composed as contemplated in paragraph 5;

**“delegation document”** means the document on the delegation of decision-making authority, providing for the final decision-making powers in respect of governance and management matters, primarily at institutional level;

**“deputy vice-chancellor”** means an executive officer of the University contemplated in paragraph 73;

**“employee”** means any person employed by the University in accordance with its recruitment policy;

**“employer”** means the council of the University;

**“Employment Equity Act”** means the Employment Equity Act, 1998 (Act 55 of 1998);

**“executive director”** means an executive officer of the University contemplated in paragraph 76;

**“faculty board”** means a faculty board composed as contemplated in paragraph 30;

**“institutional forum”** means the body composed as contemplated in paragraph 33;

**“management”** means, for the purpose of section 31(2)(a) of the Act and for such other purposes as determined by the council, the members of the management committee and such other management positions as determined by the council;

**“management committee (MANCO)”** means the executive management structure of the University composed as contemplated in paragraph 58;

**“Minister”** means the Minister of Higher Education and Training;

**“on recommendation of”** means that a body or person can deal with a specific matter only after the input from the relevant body or person, however it is not bound by recommendations arising from such input;

**“professor”** means, for the purpose of paragraph 22(1)(l), an academic employee who has been given the title of professor by the University, but does not include an emeritus, associate, honorary, visiting or adjunct professor;

**“qualifications”** means the degrees, diplomas and certificates offered and conferred by the University as contemplated in paragraph 84(1);

**“ratification”** means to confirm a decision which has been made in terms of a delegated authority;

**“registrar”** means the registrar contemplated in section 26(4)(b) of the Act;

**“Rules”** means the institutional rules made by the council in terms of section 32(1)(b) of the Act;

**“rules of the council”** means the rules in terms of which the council conducts its activities;

**“seat of the University”** means the physical location of the University as contemplated in paragraph 2(4);

**“senate”** means the body responsible for the academic matters of the University composed as contemplated in paragraph 22;



**“senior management”** means, for the purpose of section 31(1)(a)(iii) of the Act and for such other purposes as determined by the council, the members of the management committee, the registrar, the dean of students, the executive deans of faculty, the campus head or campus heads and the senior directors of organisational units;

**“student”** means a person registered for a qualification at the University;

**“students’ representative council”** means the students’ governing body composed as contemplated in paragraph 41;

**“students’ support services council”** means the structure contemplated in paragraph 50;

**“University”** means the Nelson Mandela Metropolitan University and NMMU has the same meaning;

**“vice-chancellor”** means the vice-chancellor and principal who is the academic head and chief executive and accounting officer of the University contemplated in paragraph 67;

**“with the concurrence of”** means that the relevant bodies or persons have to reach agreement on a matter;

**“working day”** means any day of a week, excluding a Saturday, a Sunday, a public holiday, or any day declared as a holiday by NMMU in the University calendar for a specific year.

## UNIVERSITY

### Name, status and seat

2. (1) The name of the University is the Nelson Mandela Metropolitan University.

- (2) (a) The official postal address of the University is:

PO Box 7700  
Nelson Mandela Metropolitan University  
Port Elizabeth  
6031

- (b) The physical address of the University is:

Nelson Mandela Metropolitan University  
University Way  
Summerstrand  
Port Elizabeth  
6001

- (3) The University is a juristic person as contemplated in section 20(4) of the Act and, subject to the Act, is capable of performing such acts as juristic persons may perform.
- (4) Port Elizabeth is the seat of the University.
- (5) The activities of the University are principally administered at its seat and its satellite campus in George.

### **Composition**

3. (1) The University consists of –
- (a) the chancellor;
  - (b) the council;
  - (c) the senate;
  - (d) the vice-chancellor;
  - (e) one or more deputy vice-chancellors as determined by the council;
  - (f) one or more executive directors as determined by the council;
  - (g) the registrar;
  - (h) the dean of students;
  - (i) the executive deans of faculty;
  - (j) one or more campus heads as determined by the council;
  - (k) one or more senior directors of organisational units as determined by the council;
  - (l) the students' representative council;
  - (m) the institutional forum;
  - (n) the alumni association of the University;
  - (o) the students' support services council;
  - (p) the faculties, schools, departments and such other academic structures of the University as may be determined by the council;
  - (q) the academic employees of the University;
  - (r) the employees, other than academic employees, of the University;
  - (s) the students of the University; and
  - (t) such other structures and offices as may be established by the council.
- (2) No vacancy in any of the offices contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function conferred by the Act or this Statute upon the University.

# GOVERNANCE AND MANAGEMENT STRUCTURES OF UNIVERSITY

## COUNCIL

### Functions and powers

4. (1) The council governs the University in accordance with the applicable provisions of the Act, the policies and regulations issued in terms of the Act as well as the Statute and Rules of the University.
- (2) The council must perform its governance role in compliance with generally accepted governance principles and practices and with due regard to the values of the University.
- (3) Without derogating from the generality of subparagraph (1), the council –
- (a) adopts the vision, mission and value statements of the University;
  - (b) approves policies and strategic plans of the University at institutional level;
  - (c) monitors the implementation of structures and policies approved by the council;
  - (d) identifies and monitors the risks relevant to the business of the University;
  - (e) ensures that the University complies with all relevant laws and regulations;
  - (f) makes the institutional Statute and any amendments thereto with the approval of the Minister as well as Rules for the University;
  - (g) establishes the committees of the council and, after consultation with the senate, joint committees of the council and the senate;
  - (h) adopts its own rules, including the code of conduct for members of the council, in terms of which it conducts its activities;

- (i) determines, with the concurrence of the senate –
  - (i) the language policy of the University, subject to paragraph 32(1)(f);
  - (ii) the entrance requirements in respect of particular academic programmes;
  - (iii) the number of students who may be admitted for particular academic programmes; and
  - (iv) the minimum requirements for readmission to study at the University;
- (j) determines, after consultation with the senate –
  - (i) the admission policy of the University; and
  - (ii) the academic structures of the University;
- (k) establishes, after consultation with the students' representative council, a structure to advise the management committee and the council, where applicable, on the rendering of student support services;
- (l) approves, after consultation with the students' representative council –
  - (i) the tuition fees, accommodation fees and any other fees payable by the students;
  - (ii) the constitution of the students' representative council; and
  - (iii) the privileges of the students' representative council;
- (m) determines, after consultation with the senate and the students' representative council, the disciplinary measures and disciplinary procedures applicable to the students;
- (n) appoints the employees of the University, subject to sections 31(1)(a)(iii) and 34(2) of the Act;
- (o) determines the conditions of service, disciplinary provisions, functions and privileges of the employees of the University, subject to the applicable labour law;
- (p) approves the annual budget of the University;

- (q) provides the Minister with such information as the Minister prescribes in terms of section 41 of the Act;
- (r) considers the advice of the institutional forum on the matters contemplated in section 31(1)(a) of the Act;
- (s) may, subject to section 68(2) of the Act and on such conditions as it may determine, delegate any of its functions to the other internal structures, the vice-chancellor or any other employee of the University; and
- (t) must act with care, skill, diligence and in good faith in the best interests of the University.

### **Membership of council**

5. (1) The members of the council contemplated in section 27(4)(a) - (g) of the Act are –
- (a) the vice-chancellor;
  - (b) three deputy vice-chancellors designated by the vice-chancellor;
  - (c) five persons appointed by the Minister;
  - (d) two members of the senate elected by the senate in accordance with paragraph 7;
  - (e) one academic employee elected by such employees in accordance with paragraph 8;
  - (f) two students elected by the students' representative council in accordance with paragraph 9; and
  - (g) one employee, other than an academic employee, elected by such employees in accordance with paragraph 8.
- (2) At least one of the members referred to in each of subparagraphs 1(d) and (f) must be from the designated groups as contemplated in the Employment Equity Act.
- (3) The members of the council contemplated in section 27(4)(h) of the Act are –
- (a) twelve members appointed by the council in accordance with the rules;
  - (b) two members of the alumni association elected by the alumni association in accordance with paragraph 10; and
  - (c) the chairperson of the institutional forum.

- (4) (a) The members of the council must be persons –
  - (i) with knowledge and experience in fields relevant to the objects and governance of the University and public higher education institutions, in general;
  - (ii) with a good community standing; and
  - (iii) with adequate capacity to diligently discharge their duties to the council.
- (b) The appointment of the members of the council is subject to section 27(5B) of the Act.
- (5) The council, with due regard to subparagraph (4)(a)(i), determines the relevant knowledge and experience required of the members contemplated in subparagraphs (3)(a) and (b) to ensure the effective functioning of the council.
- (6) A candidate nominated in terms of subparagraphs (3)(a) and (b) -
  - (a) may not be an employee or student of the University;
  - (b) may not have a conflict of interest with the University; and
  - (c) must meet the relevant knowledge and experience requirements contemplated in subparagraph (5).
- (7) A member of the council 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.
- (8) At least 60 per cent of the members of the council must be persons who are not employees or students of the University.
- (9) A member appointed in terms of subparagraphs (1)(c) or (3)(a) and (b), who becomes a student or an employee of the University, forthwith ceases to be a member of the council.
- (10) (1) The members of the council are appointed in their personal capacity to act in the best interests of the University and not as representatives of the entities which elected them to the council.

- (2) A member of the council must, before he or she assumes office, declare –
  - (a) any business, commercial or financial activities undertaken for financial gain that may cause a conflict or possible conflict of interest with the University;
  - (b) whether he or she, has in the past, been involved in activities that could call into question his or her own reputation and/or damage the reputation of the council; and
  - (c) he or she has, in terms of current work commitments and/or other commitments, the capacity to diligently discharge his or her duties to the council.
- (11) (1) The council may –
  - (a) invite persons, who are not members of the council, to attend meetings of the council for the discussion of a particular item or items on the agenda only; or
  - (b) co-opt a person, who is not a member of the council, for a period of time as determined by the council.
- (2) The persons contemplated in subparagraph 1(a) and (b) may take part in the deliberations of council but may not vote.

#### **Nomination of candidates for Ministerial appointment to council**

- 6. (1) Whenever it is necessary for the Minister to appoint a person to the council as contemplated in section 27(4)(c) of the Act, the secretary to the council, by written notice, invites the members of the council to nominate in writing candidates to be considered for appointment by the Minister.
- (2) A nomination contemplated in subparagraph (1), together with a comprehensive curriculum vitae of the nominee, must be lodged with the secretary on a date determined by him or her.
- (3) Each nomination must be signed by at least two members of the council and countersigned by the nominee to denote his or her acceptance of the nomination.

- (4) At the ensuing meeting of the council, the council resolves by closed ballot by a majority of the members present, which nominations must be recommended to the Minister.
- (5) The provisions of paragraph 5(6) apply with the necessary changes to the nomination of candidates contemplated in subparagraph (4).
- (6) The secretary to the council submits the names of the candidates, together with all relevant documentation, to the Minister for consideration and appointment.

#### **Election of senate members to council**

7. (1) When it becomes necessary for the senate to elect one or more of its members to the council as contemplated in section 27(4)(d) of the Act, the secretary to the senate, by written notice, invites members of the senate to nominate in writing candidates for election and appointment to the council.
- (2) Each nomination must be lodged with the secretary at least two working days before the date of the meeting of the senate at which the election is to take place.
  - (3) Each nomination must be signed by two members of the senate and must be countersigned by the nominee to confirm his or her acceptance of the nomination.
  - (4) If no more candidates are nominated than the number of vacancies, the secretary declares such person or persons to be duly elected. If more candidates are nominated than the number of vacancies, an election is held at the meeting of the senate contemplated in subparagraph (2).
  - (5) The senate elects the member of senate or members of senate to the council by closed ballot by a majority of the members present at the meeting of the senate.
  - (6) If no candidate receives a majority of votes, successive rounds of voting are held.
  - (7) In each successive round of voting the candidate receiving the fewest votes in the previous round of voting is eliminated as a candidate.



**Election of employees to council**

8. (1) Whenever it is necessary for the employees of the University to elect one or more employees to the council as contemplated in section 27(4)(e) and (g) of the Act, the secretary to the council, by written notice of at least ten working days, invites all permanent employees and fixed-term contract employees as described in the Rules to nominate in writing, by a date determined in the notice, one or more candidates to be elected as members of the council.
- (2) A nomination contemplated in subparagraph (1), together with an abridged curriculum vitae of the nominee, must be lodged in electronic format with the secretary to the council.
- (3) Each nomination must be signed by at least five employees contemplated in subparagraph (1) and countersigned by the nominee to denote his or her acceptance of the nomination.
- (4) If no more candidates are nominated than the number of vacancies, the secretary to the council declares such candidate or candidates to be duly elected. If more candidates are nominated than the number of vacancies, the secretary notifies in writing the employees contemplated in subparagraph (1) of the date for the election of the employees to the council.
- (5) The manner in which the election of employees to the council takes place is determined in the Rules.

**Election of students to council**

9. (1) Whenever it is necessary for a student or students to be elected to the council as contemplated in section 27(4)(f) of the Act, the secretary to the council notifies the president of the students' representative council accordingly.
- (2) The students' representative council elects the student or students to the council by means of a closed ballot and a majority of the members present at a meeting of the students' representative council.
- (3) The president of the students' representative council submits the name or names of the student or students elected to the secretary to the council by a date determined by the secretary.

**Election of alumni association members to council**

10. (1) The council, in ensuring the effective functioning of the council, determines, in accordance with the procedure provided for in the rules, the relevant knowledge and experience required of a member of the alumni association contemplated in paragraph 5(3)(b) to be elected to the council.
- (2) Whenever it is necessary for the alumni association to elect one or more of its members to the council such person is elected in the manner determined in the constitution of the alumni association.
- (3) The provisions of paragraph 5(6) apply to the eligibility of such member or members.

**Term of office of council members**

11. (1) Unless determined otherwise by the council, the term of office of members of the council –
- (a) who are not employees or students of the University is four (4) years;
- (b) who are employees of the University, with the exception of the vice-chancellor and the deputy vice-chancellors who hold office for the duration of their employment, is three years; and
- (c) who are student members is equivalent to the term of office of the students' representative council.
- (2) A member may serve more than one term of office as a council member.
- (3) The council may, upon expiry of the term of office of a member contemplated in subparagraph (1)(a), co-opt such person as a member of the council with voting rights for a period not exceeding six months for purposes of ensuring –
- (a) continued compliance of the council's composition with the Act and this Statute; and/or
- (b) continuity in the performance of the council during such period.

**Termination of membership and filling of vacancies**

12. (1) A person ceases to be a member of the council if he or she –
- (a) resigns by giving written notice to the chairperson of the council;
  - (b) is absent from three consecutive ordinary meetings of the council without prior apology for absence having been made to the council;
  - (c) is declared insolvent by a court of law;
  - (d) is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine;
  - (e) is declared unable to attend to his or her personal affairs by a court of law; or
  - (f) ceases to be a member of the constituency which elected him or her to the council, provided that the membership of a student ceases automatically when he or she ceases to be a registered student.
- (2) The council may suspend, take disciplinary action or terminate a member's membership in the manner prescribed in the rules.
- (3) Vacancies on the council as a result of death, resignation or other causes as contemplated in subparagraphs (1) and (2) are filled as prescribed in paragraphs 5 to 10 for a new full term of the relevant office, provided that in the case of a member of the council contemplated in paragraph 5(1)(f), such member be appointed for the unexpired term of office of his or her predecessor.
- (4) In the event of a vacancy on council for any reason, the secretary to the council must forthwith notify the entity that elected the member, requesting the entity to elect a successor to the council.

**Chairperson and vice-chairperson**

13. (1) (a) When it becomes necessary the council elects a chairperson and a vice-chairperson from amongst the members contemplated in paragraph 5(1)(c), and (3)(a) and (b), who each holds office for a period of two years.
- (b) The criteria applicable to candidates for the office of chairperson are determined by the rules.

- (2) The secretary to the council, by written notice, invites the members of the council to nominate in writing candidates for the office of chairperson or vice-chairperson.
- (3) A nomination contemplated in subparagraph (2), together with a curriculum vitae of the nominee, must be lodged with the secretary to the council on a date determined by him or her.
- (4) Each nomination must be signed by at least three members of the council and countersigned by the nominee to denote his or her acceptance of the nomination.
- (5) If not more than one candidate is nominated for one of the offices, the secretary declares such person to be duly elected. If more than one candidate is nominated for one of the offices, an election is held at a meeting of the council.
- (6) The vice-chancellor officiates as chairperson for the duration of the election of the chairperson of the council.
- (7) A candidate may only be elected to the office of chairperson or vice-chairperson by closed ballot by a majority of the members present.
- (8) If no candidate receives a majority of votes, successive rounds of voting are held.
- (9) In each successive round of voting the candidate receiving the fewest votes in the previous round of voting is eliminated as a candidate.
- (10) If a vacancy occurs in the office of chairperson or vice-chairperson for any reason, the provisions of subparagraphs (1) to (9) apply with the necessary changes to the filling of such vacancy.
- (11) The person elected in terms of subparagraph (10) holds office for the unexpired period of office of his or her predecessor.
- (12) The chairperson and vice-chairperson are eligible for re-election.

**Secretary to council**

- 14. (1) The secretary to the council is the registrar as contemplated in section 26(4)(b) of the Act.
- (2) The secretary acts as electoral and compliance officer at the meetings of the council.

- (3) The secretary attends all meetings of the council and the council committees and keeps all relevant documents of the council.

### **Committees of council**

15. (1) The council appoints the following committees of the council -
- (a) an executive committee;
  - (b) a governance committee;
  - (c) a finance and facilities committee;
  - (d) a human resources and remuneration committee;
  - (e) an audit and risk committee;
  - (f) a higher education committee; and
  - (g) a nomination committee.
- (2) The council may, if deemed expedient for the effective functioning of the council, appoint committees of the council other than the committees contemplated in paragraph 15(1) and ad hoc committees of the council.
- (3) The composition and functions of the above council committees are contained in the rules of the council.

### **General provisions applicable to committees of council**

16. (1) A committee of the council contemplated in paragraph 15(1) –
- (a) may make recommendations to the council regarding the appointment of members to the respective committees;
  - (b) may, for operational reasons, co-opt a member of the council, who is not a member of the committee, on such committee for a fixed period of time as a member with voting rights, subject to the approval of the executive committee of the council;
  - (c) may appoint an ad hoc or subcommittee to perform any of its functions on its behalf, provided that –
    - (i) a committee is not divested of the responsibility for the performance of any such function assigned or delegated to the ad hoc or subcommittee; and
    - (ii) any action resulting from such assignment or delegation is subject to the approval of the committee;
  - (d) makes, in terms of its delegated authority, decisions with a view to implementation on the matters determined in the rules of the council.

- (2) The chairperson of a committee of the council may not be an employee nor a student of the University.
- (3) At least 50% of the members of a committee of the council must be persons who are not employees or students of the University.
- (4) A committee of the council may, after consultation with such committee, be dissolved by the council on the recommendation of the governance committee of the council.
- (5) The council may appoint persons, who are not members of the council as members of committees of the council, subject to section 27 of the Act.
- (6) The provisions of paragraph 5(11) apply with the necessary changes to the committees of the council.
- (7) The provisions applicable to the meetings and meetings procedure of the council and the minutes of council meetings apply with the necessary changes to the committees of the council.
- (8) The general provisions applicable to committees of council as contained in subparagraphs 16(2) to (7) are not applicable to the management committee referred to in paragraphs 57-62.
- (9) Subject to the provisions of section 68(2) of the Act, Council may, on such conditions as it may determine, delegate its powers to any other internal structure or employee of the University, on the understanding that it is not divested of responsibility for the performance of any such function delegated.

#### **Joint committees of council and senate**

- 17. (1) In accordance with section 29(3) of the Act, the council and the senate may jointly establish committees, to be known as joint committees of the council and the senate, to perform functions that are common to the council and the senate.
- (2) The composition, functions, and dissolution of a joint committee are in accordance with the Rules.
- (3) The provisions of paragraph 5(11) apply with the necessary changes to a joint committee of the council and the senate.

**Meetings of council**

18. (1) The number of meetings, the notice of the dates and venues of meetings of the council for a particular academic year are approved by the council at the last scheduled meeting of the preceding academic year; provided that at least four ordinary meetings are held during an academic year.
- (2) One half plus one of the members of the council holding office on the date of the meeting of the council constitutes a quorum for such meeting. If, for any meeting, there is no quorum, the meeting is adjourned to a date not more than seven days later, at which meeting the members present constitute a quorum.
- (3) The secretary to the council must, at least five working days before any meeting, give notice in writing to each member of the council, setting forth the business to be dealt with as well as the time and place of such a meeting.
- (4) Notice of business which a member desires to be considered at a meeting must be in writing and lodged with the secretary to the council at least ten working days before the date of the meeting, on condition that a member, after having informed the chairperson in advance of his or her intention to submit a motion of an urgent nature at the meeting, can, with the consent of at least two-thirds of the members present, submit such motion at the meeting without prior notice.
- (5) The chairperson may at his or her own instance at any time convene a special meeting of the council, and must convene such meeting at the written request of at least five members, stating the purpose of the meeting in the request, provided that members are given not less than twenty-four hours' notice of such meeting, provided further that notice may be given in any manner convenient under the circumstances.
- (6) No matters other than those for which a special meeting was called, may be transacted at such meeting, except with the consent of the meeting.
- (7) In the absence of the chairperson from any meeting of the council, the vice-chairperson of the council officiates as acting chairperson at such meeting.
- (8) In the absence of the chairperson as well as the vice-chairperson from any meeting of the council, the members present elect one of their number to preside at such meeting.

- (9) Leave of absence from meetings of the council must be tendered in advance to the secretary to the council for submission to the council.
- (10) The meetings procedure of the council is prescribed in the rules of the council.

#### **Minutes of council meetings**

- 19. (1) The secretary to the council keeps the minutes of each meeting of the council and includes such minutes in the agenda of the next council meeting when the agenda is sent out in terms of paragraph 18(3).
- (2) The minutes of all council committee meetings must be included in the agenda of the next ordinary meeting of the council following the respective committee meetings.

#### **Conflict of interest of council members and council committee members**

- 20. (1) A member of council or a member of a council committee may not have a conflict of interest with the institution.
- (2) The provisions applicable to matters of conflict of interest of members of council or members of committees of council, as contemplated in section 27(7) of the Act, are determined in the Rules.

## **SENATE**

#### **Functions and powers**

- 21. (1) In terms of section 28(1) of the Act, the senate is accountable to the council for all the teaching, learning, research and other 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), the organisation and superintendence of instruction and assessment, including examinations, and of lectures and classes, vest in the senate and the senate –
  - (a) if delegated to do so by resolution of the council, may, after consultation with the relevant faculty board –
    - (i) determine entrance requirements in respect of particular academic programmes;



- (ii) determine the number of students who may be admitted for a particular academic programme;
  - (iii) determine the minimum requirements for re-admission to study at the University;
  - (iv) make or amend any Rule relating to the curriculum for, or to the obtaining of, any degree, diploma, or certificate; and
  - (v) may make or amend any Rule relating to the manner in which students are to be assessed;
- (b) 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 degree, diploma, or certificate;
- (c) advises the council –
  - (i) on the disciplinary code and measures applicable to students; and
  - (ii) on the establishment and disestablishment of faculties, academic department, schools and other academic structures;
- (d) determines, in accordance with any relevant deed or gift, and with the concurrence of the management committee, the conditions applicable to any scholarships and other academic prizes;
- (e) determines the persons to whom scholarships and academic prizes are awarded;
- (f) may establish committees to perform any of its functions and may appoint persons who are not members of the senate as members of such committees;
- (g) determines the functions of its committees as well as the procedure of meetings of these committees;
- (h) may make standing orders on procedures for the better carrying out of its functions; and
- (i) may assign or delegate any of its functions, provided that the senate is not divested of responsibility for the performance of any such function assigned or delegated.

- (3) The senate submits to the council –
  - (a) such reports upon its work as may be required by the council;
  - (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, in terms of the Rules, cancel the registration of a student in all or one or more of the modules for which the student is registered in the year if in the opinion of the senate the academic achievement of the student is such that the student may not at the end of the year obtain credit in such module or modules, as the case may be.

### **Membership of senate**

- 22.** (1) The senate consists of –
- (a) the vice-chancellor;
  - (b) the deputy vice-chancellors;
  - (c) the registrar;
  - (d) the head of transformation monitoring and evaluation;
  - (e) the executive deans of faculty;
  - (f) the campus head or campus heads;
  - (g) the directors of school and the heads of academic department in faculties;
  - (h) the head of library services;
  - (i) the head of research management;
  - (j) the dean of teaching and learning;
  - (k) the head of academic planning;
  - (l) the professors of the University;
  - (m) the head of research capacity development;
  - (n) the head of academic administration;
  - (o) the head of the office for international education;
  - (p) the head of institutional planning;
  - (q) two members of the council who are not employees or students of the University, designated by the council;
  - (r) four members of the students' representative council designated by the students' representative council;
  - (s) one academic employee from each faculty, elected by the respective faculty boards;
  - (t) one academic employee from each campus as determined by the council, elected by the academic employees concerned;

- (u) one employee, other than an academic employee, from each faculty elected by such employees of each faculty, provided that all such employees who are located within a faculty and render a service to such faculty, irrespective of their reporting lines, are eligible for election;
  - (v) one employee, other than an academic employee, from each campus as determined by the council, elected by such employees, provided that all such employees who are located on such campus and render a service to such campus, irrespective of their reporting lines, are eligible for election;
  - (w) one black academic employee from each faculty, elected by the academic employees of each faculty;
  - (x) the chairperson of the central timetabling committee; and
  - (y) such additional members as determined by the senate on the recommendation of the executive committee of the senate and prescribed in the Rules.
- (2) The appointment of the members contemplated in subparagraph (1)(q) to (v) and (y) should take place with due regard to racial and gender representivity and such other criteria as the senate may determine.
- (3) The manner of election of the members contemplated in subparagraph (1)(q) to (w) is as determined by each entity.
- (4) The majority of senate members must be academic employees.
- (5) The provisions of paragraph 5(11) apply with the necessary changes to the senate.

#### **Term of office and filling of vacancies**

23. (1) The members appointed in terms of paragraph 22(1)(a) to (p) hold office for as long as they are employed by the University in that capacity.
- (2) The members contemplated –
- (a) in paragraph 22(1)(q) hold office for a period of two years;
  - (b) in paragraph 22(1)(r) hold office for a period of one year, provided that membership ceases automatically when a member ceases to be a member of the students' representative council;
  - (c) in paragraph 22(1)(s) to (y) are appointed for a period determined by the senate on the recommendation of the executive committee of the senate; and

(d) in paragraph (1)(q) to (y) are eligible for re-election or reappointment.

(3) The provisions of paragraph 12(3) and (4) apply with the necessary changes to the filling of vacancies on the senate.

#### **Office-bearers of senate**

24. (1) In accordance with section 26(4)(a) of the Act the vice-chancellor is the chairperson of the senate.
- (2) In the absence of the vice-chancellor from any meeting of the senate, the acting vice-chancellor contemplated in paragraph 70 presides at such meeting.
- (3) In the absence of the vice-chancellor and the acting vice-chancellor from any meeting, the secretary to the senate initiates an election for an acting chairperson for such meeting from among the members present.
- (4) The registrar acts as secretary to the senate, provided that the vice-chancellor may assign any other employee to assist the registrar in this regard.
- (5) The secretary attends all meetings, keeps all relevant documents of the senate and acts as an electoral officer at meetings of the senate.

#### **Meetings of senate**

25. (1) The provisions applicable to the meetings of the council, as contemplated in paragraph 18, apply with the necessary changes to the meetings of the senate, provided that the quorum for meetings of the senate is one-third of the membership.
- (2) Persons, who are not members of the senate, may attend meetings of the senate on such conditions as determined by the chairperson of the senate after consultation with the senate.

#### **Meetings procedure**

26. The meetings procedure of the senate is prescribed in the Rules.

#### **Minutes of senate meetings**

27. The provisions of paragraph 19 apply with the necessary changes to the minutes of senate meetings.

**Committees of senate**

28. (1) The senate appoints an executive committee of the senate and a faculty board for each faculty, as contemplated in paragraphs 29 and 30, respectively.
- (2) The senate may appoint such other committees of the senate to regulate all teaching, research and academic support functions of the University.
- (3) The composition and functions of the committees referred to in subparagraph (2) are determined by the senate and contained in the Rules.
- (4) The provisions of paragraph 5(11) apply with the necessary changes to the committees of the senate.

**Executive committee of senate**

29. (1) The executive committee of the senate consists of –
- (a) the vice-chancellor, who is the chairperson;
  - (b) the deputy vice-chancellors;
  - (c) the registrar;
  - (d) the executive deans of faculties;
  - (e) the campus head or campus heads as determined by the executive committee of the senate;
  - (f) two members of the students' representative council, elected by the students' representative council;
  - (g) two members of the senate who are academic employees, elected by the senate, with due regard to racial and gender representivity;
  - (h) the dean of teaching and learning;
  - (i) the head of academic administration;
  - (j) the head of institutional planning;
  - (k) the head of the office for international education; and
  - (l) such other members as the executive committee of the senate may determine.
- (2) The executive committee of the senate –
- (a) unless determined otherwise by the senate, makes recommendations to the senate on the reports of all the senate committees and joint management and senate committees;
  - (b) ensures overall co-ordination of academic matters;
  - (c) ensures that policy decisions of the senate are implemented;

- (d) ensures that academic standards, as prescribed by the senate, are maintained;
  - (e) makes decisions with a view to implementing on matters within its mandate in accordance with its delegated powers; and
  - (f) performs such other functions, including advisory functions, as may be determined by the senate.
- (3) The executive committee of the senate has plenary powers to act on behalf of the senate, provided that any such resolution of the committee is ratified by the senate at its next meeting.
- (4) In the absence of the vice-chancellor from any meeting of the executive committee, the acting vice-chancellor contemplated in paragraph 70 presides at such meeting.
- (5) In the absence of the vice-chancellor and the acting vice-chancellor from any meeting, the provisions of paragraph 24(3) apply with the necessary changes.

#### **Faculty boards**

30. (1) For each faculty there is a committee of the senate known as a faculty board, consisting of –
- (a) the executive dean of the faculty, who is the chairperson;
  - (b) the heads of academic departments and directors of schools, where applicable, in the faculty;
  - (c) the permanent full-time academic staff members in the faculty;
  - (d) one or more representatives of the students in the faculty, as the faculty board may determine, elected by the students concerned in accordance with the constitution of the students' representative council;
  - (e) the faculty officer or faculty officers; and
  - (f) such other persons, co-opted by the faculty board on such conditions as the faculty board may determine.
- (2) The faculty officer, designated by the executive dean, acts as secretary to the faculty board.
- (3) The faculty board –
- (a) is responsible to the senate for organising and controlling the teaching, learning, research and engagement activities of the faculty as well as the quality thereof;

- (b) makes recommendations through the executive committee of senate to senate in respect of –
    - (i) the admission and re-admission requirements for qualifications offered in the faculty;
    - (ii) the introduction, amendment and cancellation of programmes and qualifications offered;
    - (iii) the examination and promotion regulations applicable to modules, programmes and qualifications offered;
    - (iv) any other matters as may be determined by the senate, the executive committee of the senate or the faculty board;
  - (c) performs such other functions as the senate may assign or delegate to it;
  - (d) must establish a faculty management committee which acts as the executive committee of the faculty board; and
  - (e) may establish such other committees as it may determine.
- (4) In the anticipated absence of the chairperson from any meeting of the faculty board, the chairperson, after consultation with the faculty management committee contemplated in subparagraph (3)(d), appoints an acting chairperson.
- (5) If the chairperson, for whatever reason, has not appointed an acting chairperson in terms of subparagraph (4), the members present at the meeting of the faculty board elect one of their number to preside at such meeting.

**Meetings, meetings procedure and minutes of senate committee meetings**

31. (1) The provisions of paragraphs 18 and 19, respectively apply with the necessary changes to the meetings, and minutes of senate committees.
- (2) The meetings procedure of senate committees is prescribed in the Rules.

## **INSTITUTIONAL FORUM**

### **Functions of institutional forum**

- 32.** (1) The institutional forum advises 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;
  - (e) fostering of an institutional culture which promotes transformation, social cohesion and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and
  - (f) the language policy of the University.
- (2) The institutional forum performs such other functions as may be determined by the council.
- (3) The institutional forum makes, subject to the approval of the council, its own rules in terms of which it conducts its activities.

### **Membership of institutional forum**

- 33.** (1) The institutional forum as contemplated in section 31(2) of the Act consists of –
- (a) two members of the council who are not employees or students of the University;
  - (b) two members from management;
  - (c) two members of the senate;
  - (d) two members representing the academic employees;
  - (e) two members representing the employees, other than academic employees;
  - (f) two members from each representative employees' organisation;
  - (g) two students designated by the students' representative council;
  - (h) one member representing the alumni association; and
  - (i) one member appointed by the equity office of the University.



- (2) The institutional forum may co-opt one or more persons as members without voting rights for the specific purpose of assisting the institutional forum in respect of any specific project.
- (3) At least one of the members referred to in each of subparagraphs (1)(a) to (g) must be from the designated groups as contemplated in the Employment Equity Act.
- (4) The institutional forum may request the constituencies contemplated in subparagraph (1)(a) to (h) each to nominate one or more alternate members to attend meetings of the institutional forum in the anticipated absence of the respective members.
- (5) The institutional forum may, for such reasons as it may determine, invite persons who are not members of the institutional forum to attend meetings of the institutional forum, provided that such invitees may participate in the deliberations of the institutional forum but may not vote.

#### **Nomination and election of representatives**

- 34.** (1) When it is necessary to nominate a representative of any of the constituencies contemplated in paragraph 33(1)(a) to (c) and (f) to (h), the secretary to the institutional forum, by written notice, invites the constituency concerned to nominate a representative or representatives for appointment to the institutional forum by a date determined by him or her.
- (2) The manner in which representatives are nominated is determined by the respective constituencies.
  - (3) The provisions of paragraph 8 apply with the necessary changes to the election of representatives of the employees contemplated in paragraph 33(1)(d) and (e), provided that the secretary to the institutional forum performs the functions related to the election of such employees to the institutional forum.

#### **Term of office and filling of vacancies**

- 35.** (1) The term of office of –
- (a) the members contemplated in paragraph 33(1)(a) to (f) and (h) to (i) is three years; and
  - (b) the members contemplated in paragraph 33(1)(g) is equivalent to the term of office of the students' representative council.

- (2) A member must vacate his or her seat on the institutional forum if he or she ceases to be a member of the constituency which nominated or elected him or her, provided that the membership of a student contemplated in paragraph 33(1)(g) ceases automatically when he or she ceases to be a registered student.
- (3) The provisions of paragraph 12(3) and (4) apply with the necessary changes to the filling of vacancies on the institutional forum.

#### **Committees of institutional forum**

36. The institutional forum may establish committees to perform any of its functions, provided that the institutional forum is not divested of responsibility for the performance of any such function assigned or delegated to a committee, provided further that any actions resulting from such assignment or delegation are ratified by the institutional forum at its next meeting.

#### **Chairperson and vice-chairperson**

37. (1) The provisions of paragraph 13 apply with the necessary changes to the election of a chairperson and a vice-chairperson of the institutional forum, provided that the secretary of the institutional forum performs the functions related to the election of a chairperson or vice-chairperson, provided further that the vice-chancellor or his or her nominee acts for the duration of the election of a chairperson as chairperson of the meeting.
- (2) The chairperson and vice-chairperson are elected for a term of office as determined by the institutional forum, provided that they are eligible for re-election for one further term of office.
- (3) In the absence of the chairperson from any meeting of the institutional forum, the vice-chairperson acts as chairperson.
- (4) In the absence of the chairperson and the vice-chairperson from any meeting, the secretary to the institutional forum initiates an election for an acting chairperson for such meeting from among the members present.

#### **Meetings, meetings procedure and minutes of meetings**

38. (1) The provisions of paragraphs 18 and 19, respectively apply with the necessary changes to the meetings and minutes of the meetings of the institutional forum.
- (2) The meetings procedure of the institutional forum is prescribed in the Rules.

**Secretary to institutional forum**

39. An employee, designated by the registrar, acts as the secretary to the institutional forum.

**STUDENTS' REPRESENTATIVE COUNCIL****Functions and powers**

40. The students' representative council –
- (a) preserves and promotes the interests of the student community and of the University;
  - (b) carries out all duties and responsibilities as stipulated in its constitution and implements resolutions agreed upon in meetings of the students' representative council and student parliament;
  - (c) respects and upholds the constitution and the code of conduct of the students' representative council;
  - (d) protects and promotes the good image of the students' representative council and the University at all times;
  - (e) enhances unity and co-operation among students;
  - (f) may establish committees to assist the students' representative council in performing its functions;
  - (g) makes recommendations to the council on the constitution of the students' representative council and any amendments thereto, on the understanding that such constitution and any amendments thereto only have legal force and effect once approved by the council;
  - (h) elects students to the council, the senate, the institutional forum and such other internal structures as required in terms of this Statute and the Rules; and
  - (i) performs such other functions as may be determined by the council after consultation with the students' representative council and contained in the constitution of the students' representative council.

**Composition**

41. The students' representative council consists of –

- (a) the president;
- (b) the deputy president;
- (c) the secretary general;
- (d) the deputy secretary general;
- (e) the treasurer general; and
- (f) such other members as determined in the constitution of the students' representative council.

**Term of office and filling of vacancies**

42. (1) The term of office of the students' representative council is normally one calendar year.
- (2) Vacancies on the students' representative council are filled in the manner prescribed in the constitution of the students' representative council.

**Meetings and meetings procedure**

43. The provisions applicable to the meetings and meetings procedure of the students' representative council are determined in the constitution of the students' representative council.

**Committees**

44. (1) The students' representative council establishes an executive committee of the students' representative council as contemplated in paragraph 45.
- (2) The students' representative council may establish such other committees as determined by the students' representative council.
- (3) The composition and functions of the committees referred to in subparagraph (2) are prescribed in the constitution of the students' representative council.

**Executive committee of students' representative council**

45. (1) The executive committee of the students' representative council –
- (a) is responsible for the general administration of the students' representative council;

- (b) monitors the execution of the day-to-day business of the students' representative council;
  - (c) makes recommendations to the students' representative council on those matters referred to it by the students' representative council; and
  - (d) performs such other functions as determined by the students' representative council.
- (2) The executive committee consists of –
- (a) the president, who is the chairperson;
  - (b) the deputy president;
  - (c) the secretary general;
  - (d) the deputy secretary general;
  - (e) the treasurer general; and
  - (f) one additional member appointed by the students' representative council.

#### **Meetings and meetings procedure of executive committee of students' representative council**

46. The provisions applicable to the meetings and meetings procedure of the executive committee are determined in the constitution of the students' representative council.

#### **Election of members of students' representative council**

47. (1) The dean of students, after consultation with the students' representative council in office, appoints an independent electoral commission to administer the students' representative council elections in accordance with the constitution of the students' representative council.
- (2) The dean of students, after consultation with the students' representative council, appoints a chief electoral officer who is a member of the independent electoral commission and acts as chairperson of the electoral commission.
- (3) The chief electoral officer organises the election process in accordance with the relevant provisions of the constitution of the students' representative council.

#### **Nomination of candidates**

48. The nomination of candidates for the election of members of the students' representative council is as determined in the constitution of the students' representative council.

**Election procedure**

49. (1) The procedure for the election of members of the students' representative council is as determined in the constitution of the students' representative council.
- (2) The newly elected students' representative council assumes its duties with effect from the commencement of the following calendar year, provided that each member must meet the relevant requirements for assumption of office as contemplated in the constitution of the students' representative council.

**STUDENTS' SUPPORT SERVICES COUNCIL**

50. (1) In accordance with section 27(3) of the Act the council establishes a structure, known as the student support services council, to advise the management committee and the council, where applicable, on policies for student support services within the University.
- (2) The composition, functions and other matters related to the student support services council are determined in the Rules after consultation with the students' representative council.

**ALUMNI ASSOCIATION****Name of alumni association**

51. The alumni association is known as the alumni association of the Nelson Mandela Metropolitan University.

**Goals and functions of alumni association**

52. (1) The goals of the alumni association are –
- (a) to enhance the image of the alumni association both inside and outside the University community as an important stakeholder body in the University and an asset to the University to support the realisation of the University's mission and goals;
  - (b) to foster loyalty to and pride in the University among members through effective communication so that they may positively influence others;
  - (c) to provide and foster the provision of opportunities for alumni to contribute in financial and other meaningful ways to the advancement of the University;

- (d) to promote, protect and maintain the rights of the alumni association; and
  - (e) to promote the ideals and purpose of the University to constituencies and stakeholders of the University.
- (2) The alumni association performs the functions required to achieve the goals contemplated in subparagraph (1) and such other functions as determined in the constitution of the alumni association.

### **Membership of alumni association**

53. (1) The alumni association consists of –
- (a) the vice-chancellor and members of the extended management committee as contemplated in the Rules;
  - (b) persons to whom a certificate, diploma or degree, including an honorary degree, has been awarded by the University, the former University of Port Elizabeth or the former Port Elizabeth Technikon, including diplomates of the former institutions which preceded the establishment of the Port Elizabeth Technikon;
  - (c) academic employees appointed to permanent positions;
  - (d) professors emeriti and other retired academic employees of the University and the former institutions referred to in subparagraph (b);
  - (e) such other employees who were entitled to membership of the convocations of the former University of Port Elizabeth and former Port Elizabeth Technikon; and
  - (f) any person to whom the executive committee of the alumni association, upon invitation to or application by such person, has granted membership of the alumni association.

### **Office-bearers**

54. (1) The office-bearers of the alumni association are –
- (a) the president;
  - (b) the vice-president;
  - (c) the secretary; and
  - (d) the treasurer.
- (2) The office-bearers contemplated in subparagraph (1)(a), (b) and (d) are elected by the alumni association from among its members by closed ballot by a simple majority of members present at a meeting of the alumni association for a term of office of three years, provided that no person may serve in the same office for more than two consecutive terms.

- (3) The secretary referred to in subparagraph 1(c) holds office for the duration of his or her appointment as the head of alumni relations.

#### **Executive committee of alumni association**

55. The composition and functions of the executive committee of the alumni association as well as other matters pertaining to the executive committee are determined in the constitution of the alumni association.

#### **Meetings and meetings procedure**

56. The provisions regarding the meetings and meetings procedure of the alumni association are determined in the constitution of the alumni association.

### **MANAGEMENT COMMITTEE**

#### **Functions and powers**

57. (1) The management committee assists the vice-chancellor in the management and administration of the University.
- (2) The management committee, in exercising the powers delegated to it by the council, acts in accordance with and subject to the directives and requirements as determined from time to time by the council.
- (3) The management committee –
- (a) makes recommendations to the respective committees of the council regarding all matters which are subject to the approval of the council, or the committees of the council in terms of a delegated authority, unless determined otherwise in the delegation document of the University;
  - (b) ensures that the University complies with all relevant laws and regulations in respect of matters dealt with by the management committee;
  - (c) may assign or delegate any of its functions to one or more members of the management committee, or to a committee or task team appointed by the management committee, provided that any actions resulting from such assignment or delegation are ratified by the management committee at its next meeting; and
  - (d) performs such other functions as may be determined by the council.



## Composition

58. (1) The management committee consists of –
- (a) the vice-chancellor;
  - (b) the deputy vice-chancellors as determined by the council and prescribed in the Rules;
  - (c) the executive directors as determined by the council and prescribed in the Rules; and
  - (d) such other members as determined by the council and prescribed in the Rules.
- (2) The vice-chancellor may –
- (a) co-opt persons, who are not members of the management committee, as advisory members without voting rights on the management committee; and
  - (b) invite persons, who are not members of the management committee, on account of their relevant expertise to attend meetings of the management committee for the discussion of any agenda items deemed necessary by the vice-chancellor, provided that such persons may participate in the deliberations of the committee, but may not vote.

## Chairperson and acting chairperson

59. (1) The vice-chancellor acts as chairperson at the meetings of the management committee.
- (2) In the absence of the vice-chancellor from any meeting of the management committee, the acting vice-chancellor contemplated in paragraph 70 presides at such meeting.
- (3) In the absence of the vice-chancellor and the acting vice-chancellor, the provisions of paragraph 24(3) apply with the necessary changes to the appointment of an acting chairperson.

## Secretary

60. The registrar, or an employee designated by him or her, acts as secretary to the management committee.

## Committees

61. (1) The management committee establishes subcommittees to perform any of its functions, subject to the condition contemplated in paragraph (57)(3)(c).

- (2) The management committee may, after consultation with the senate, establish joint committees to perform functions that are common to the management committee and the senate.
- (3) The composition, functions, meetings procedure and dissolution of a committee contemplated in subparagraphs (1) and (2) are determined by the Rules.

### **Meetings and meetings procedure**

62. The provisions regarding the meetings, meetings procedure and attendance of meetings of the management committee as well as all other matters relating to the activities of the management committee are determined by the Rules.

## **CHANCELLOR**

### **Functions and powers**

63. (1) The chancellor is the titular head of the University with no executive powers.
- (2) The chancellor presides at all congregations of the University and confers all degrees and awards all diplomas and certificates, as contemplated in paragraph 84(3), in the name of the University.
- (3) The chancellor must at all times embody the aspirations and values of the University and actively advance the interest of the University.
- (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, or a deputy vice-chancellor designated by the vice-chancellor, performs the functions of the chancellor.

### **Term of office**

64. (1) The chancellor holds office for a period of four years and is eligible for re-election for one further term of office.
- (2) The term of office of the chancellor terminates in the event of –
- (a) death or incapacity;
  - (b) resignation; or
  - (c) removal from office by the council.

- (3) The chancellor may only be removed from office by the council by means of a resolution passed by at least two-thirds of all the members of the council and then only after the chancellor has been given the opportunity to answer to the reasons provided by the council for his or her removal.
- (4) Should a vacancy occur for any reason during the chancellor's term of office -
  - (a) a new chancellor is elected in accordance with paragraph 66; and
  - (b) the new chancellor holds office in accordance with the provisions of subparagraph (1).

#### **Criteria applicable to candidates for office of chancellor**

65. The criteria applicable to candidates for the office of chancellor are determined by the Rules.

#### **Election and appointment**

66. The chancellor is elected by the council in the manner prescribed in the Rules.

## **SENIOR MANAGEMENT**

### **VICE-CHANCELLOR**

#### **Functions and powers**

67. (1) The vice-chancellor is the academic head and chief executive and accounting officer of the University responsible for the management and administration of the University, and performs the functions as determined by the council.
- (2) The vice-chancellor may, in terms of section 68(3) of the Act, 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.
- (3) The vice-chancellor is accountable to the council in respect of all matters pertaining to his or her key performance areas as determined by the council.
- (4) The council may, if deemed necessary, assign additional functions and grant additional powers to the vice-chancellor and principal.

- (5) The vice-chancellor, by virtue of his or her office, is a member of all committees of the council and the senate, provided that the council may determine that, in compliance with generally accepted governance principles, he or she may only be a participatory member without voting rights of a specific committee or ad hoc committee of the council.

#### **Terms of appointment**

68. (1) Unless determined otherwise by the council, the vice-chancellor is appointed on a fixed-term contract basis for such period and upon such terms as the council may determine.
- (2) The council may, for reasons as determined by the council, appoint the incumbent for a further term of office.

#### **Vacation of office**

69. (1) The term of office of the vice-chancellor terminates in the event of –
- (a) death or incapacity;
  - (b) resignation; or
  - (c) removal from office by the council.
- (2) The provisions of paragraph 64(3) apply with the necessary changes to the removal of the vice-chancellor from office by the council, subject to the provisions of the disciplinary code applicable to the employees of the University.

#### **Acting vice-chancellor**

70. (1) The vice-chancellor, after consultation with the chairperson of the council, appoints an acting vice-chancellor for any period of absence of the vice-chancellor not exceeding ten working days.
- (2) If the period of absence of the vice-chancellor exceeds ten working days, the executive committee of the council appoints an acting vice-chancellor for the period concerned.
- (3) If the vice-chancellor is unable to act and has not appointed an acting vice-chancellor in terms of subparagraph (1), the executive committee of the council appoints an acting vice-chancellor for the period of absence of the vice-chancellor.
- (4) If the office of vice-chancellor becomes vacant, the council may, in a manner determined by the council, appoint an acting vice-chancellor in accordance with paragraph 72(2)(a).

**Manner of appointment**

71. The vice-chancellor is appointed by the council in the manner determined in the Rules.

**Filling of vacancy**

72. (1) At least six months before the term of office of the vice-chancellor expires or as soon as possible after a vacancy in the office of vice-chancellor occurs for a reason other than effluxion of time, the secretary to the council notifies the members of the council accordingly.
- (2) In the event of a vacancy in the office of the vice-chancellor, the council, after consulting the senate and the institutional forum –
- (a) may appoint an acting vice-chancellor to hold office until such time as a new vice-chancellor takes up his or her appointment; and
  - (b) appoints a new vice-chancellor in accordance with the procedure prescribed in the Rules.

**DEPUTY VICE-CHANCELLORS****Functions and powers**

73. (1) The council appoints one or more deputy vice-chancellors as executive officers of the University who are accountable to the vice-chancellor.
- (2) The deputy vice-chancellors perform the functions and execute the powers pertaining to their respective offices.
- (3) Unless determined otherwise by the council, the deputy vice-chancellors are, by virtue of their offices, members of all committees of the senate.

**Terms of appointment**

74. The provisions of paragraph 68 apply with the necessary changes to the terms of appointment of a deputy vice-chancellor.

**Manner of appointment**

75. A deputy vice-chancellor is appointed by the council in the manner determined in the Rules.

## **EXECUTIVE DIRECTORS**

### **Functions and powers**

76. (1) The council appoints one or more executive directors as executive officers of the University. Unless determined otherwise by the council, the executive directors are accountable to the vice-chancellor.
- (2) The executive directors perform the functions and execute the powers pertaining to their respective offices.

### **Terms of appointment**

77. The provisions of paragraph 68 apply with the necessary changes to the terms of appointment of an executive director.

### **Manner of appointment**

78. An executive director is appointed by the council in the manner determined in the Rules.

## **OTHER SENIOR MANAGEMENT POSITIONS**

79. The functions and powers, the terms of appointment and the manner of appointment of the registrar, the executive deans of faculty, the dean of students, the campus head or campus heads and the senior directors of organisational units, as the other members of senior management contemplated in paragraph 1, are in accordance with the Rules.

## **EMPLOYEES**

80. The provisions applicable to the appointment, conditions of service, performance evaluation and conduct of the employees, including matters pertaining to conflict of interest of employees as contemplated in section 34 of the Act, as well as the recognition of employee organisations are determined by the Rules.

## **STUDENTS**

81. The provisions applicable to the admission, registration and discipline of the students of the University are determined by the Rules.

## DONORS

82. The University recognises and registers all bodies or persons who donate money or equipment to the University.

## ACADEMIC FUNCTIONS OF UNIVERSITY

83. (1) The provisions applicable to the academic functions of the University, including research and the studies, instruction and assessment of students, are as determined by the council with the concurrence of the senate.
- (2) The provisions contemplated in subparagraph (1) are contained in the Rules.

## CONFERMENT OF QUALIFICATIONS

84. (1) Subject to section 7 of the Act, the University may confer the degrees, diplomas and certificates as approved by the council in accordance with sections 65B, 65C and 65D of the Act.
- (2) The degrees, diplomas and certificates contemplated in subparagraph (1) are contained in the Rules.
- (3) A meeting of the University, known as the congregation, is held at least once a year for the purpose of conferring degrees, diplomas, postgraduate certificates and such other qualifications as determined by the Rules, provided that different congregations may be held at different times and places if deemed necessary.
- (4) A qualification contemplated in subparagraph (3) may only be conferred if the vice-chancellor and registrar certify that all the prescribed requirements of the qualification have been met.
- (5) The provisions applicable to a congregation referred to in subparagraph (3) are determined by the Rules.

## HONORARY DEGREES

### Criteria

85. (1) Subject to subparagraph (2), the University may confer an honorary doctoral degree on any person from South Africa and any other country in the world who comply with one or more of the following criteria:

- (a) having made a substantial contribution to advancing the frontiers of scholarly knowledge, whether through teaching, research and/or social engagement, in any field in which the University is engaged; and
  - (b) having rendered service of excellence or distinction in wider society in fields, including but not limited to leadership, culture society, politics, education, economics, music and arts.
- (2) A person's record should be of such a nature that the conferring of an honorary doctoral degree would bring credit to the University and would not be at variance with the University's vision, mission and value statements.

### **Procedure**

86. The procedure applicable to the submission and consideration of a proposal for the conferring of an honorary doctoral degree is as determined by the council with the concurrence of the senate and prescribed in the Rules.

## **GENERAL**

### **Amendment of Statute**

87. (1) Any proposal for the drafting, amendment or repeal of any provision of this Statute must be made in accordance with the provisions of section 32(2) of the Act.
- (2) A proposal contemplated in subparagraph (1) is of force and effect only if adopted by two-thirds of all the members present at a meeting of the council.

### **Transitional provisions**

88. (1) Anything done under any provision of the Statute, which existed before this Statute came into operation, is deemed to have been done in terms of this Statute.
- (2) Persons holding office in terms of the Statute and the Rules, which existed prior to the commencement of this Statute, are deemed to hold office in terms of this Statute, unless this is inconsistent with this Statute.
- (3) Subject to subparagraph (2), the existing Rules which were in force prior to the commencement of this Statute continue to apply until replaced.



**Repeal of Statutes**

89. (1) The Statute of the Port Elizabeth Technikon, 1998 published in Government Gazette Notice No 1124 of 7 September 1998 is hereby repealed in its entirety.
- (2) The Statute of the University of Port Elizabeth, 1999 published in Government Gazette Notice No 20224 of 18 June 1999 is hereby repealed in its entirety.
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