

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 1220

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HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)

I, Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act 101 of 1997), hereby publish the Institutional Statute of the Sefako Makgatho Health Sciences University set out in the Schedule hereto.

**Dr BE Nzimande, MP****Minister of Higher Education and Training****Date:** 02/09/2016

MINISTRY OF HIGHER EDUCATION AND TRAINING**HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)****STATUTE OF THE SEFAKO MAKGATHO HEALTH SCIENCES UNIVERSITY**

The Council of the Sefako Makgatho Health Sciences University has, after consultation with the Senate and the Institutional Forum, drafted the Statute set out in the Schedule hereto in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training and which comes into operation on the date of its publication.

SCHEDULE

To introduce a new Statute for the Sefako Makgatho Health Sciences University to give effect to any law relating to the Sefako Makgatho Health Sciences University and to promote the effective and responsible management and governance of the University in respect of matters of importance and matters not expressly prescribed by any law.

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**CHAPTER 1
DEFINITIONS****1. Definitions**

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), as amended, has the meaning so assigned to it, and unless the context otherwise indicates –

“Academic department” means an academic department established by the Council on recommendation of the Senate;

“Academic employee” means any person appointed to a teaching or research post at the University and any other employee designated as such by the Council;

“Academic structure” means the Faculties, Schools and Academic Departments of the University and any other academic structure approved by the Council from time to time on recommendation of the Senate;

“Act” means the Higher Education Act, 1997 (Act No. 101 of 1997), as amended;

“Academic year” means that portion of a calendar year approved by the Council on the recommendation of the Senate, for the academic activities of the University;

“Administrative and support employee” means any person appointed by the University to perform an administrative or support function, excluding academic employees;

“Adjunct professor” means an academic employee or any other person given the status and title of adjunct professor by the University;

“Alumni” means the persons contemplated in paragraph 55 of this Statute;

“Alumni Association” means the association recognised by the Council as contemplated in paragraph 56 of this Statute;

“Associate professor” means an academic employee or any other person given the status and title of associate professor by the University;

“Chancellor” means the person appointed as the titular head of the University in accordance with section 26 of the Act;

“Charter” means a set of approved rules describing the composition, mandate and functioning of a committee of the Council or the Senate;

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“Constitution of the SRC” means the rules pertaining to student governance approved by the Council after consultation with the SRC;

“Convocation” means the body composed in accordance with paragraph 48 of this Statute;

“Council” means the governing body of the University contemplated in section 27(4) of the Act and composed in accordance with paragraph 18 of this Statute;

“Day” means a calendar day, unless a different meaning is attached thereto in this Statute;

“Dean” means a person appointed in accordance with this Statute and the Rules of the University for the Appointment of Senior Members of Staff and includes, depending on the context, the Dean of Students;

“Department” means the national department responsible for higher education and training;

“Deputy Vice-Chancellor” means a person appointed as such in accordance with this Statute and the Rules of the University and may include a person designated by the Council as the Senior Deputy Vice-Chancellor;

“Donor” means a person who or a body or entity which made a donation to the University of the monetary value or otherwise as determined by the Council from time to time;

“Due notice” means notice that has been given if a written notification has been dispatched by registered post or electronically to the last address registered with the Registrar of the person concerned, at the commencement of the period of notice required;

“Employee” means any person employed at the University;

“Employee association” means an organisation which consists of employees that are formally associated together;

“Executive Management” means the Management of the University consisting of the Vice-Chancellor, the Deputy Vice-Chancellor(s), the Registrar, the Executive Directors and any other employee appointed as such by the Council;

“Executive Official(s)” means a person or persons appointed in accordance with this Statute and the Rules for the Appointment of Senior Members of Staff to assist the Vice-Chancellor in performing his or her duties in terms of the Act and this Statute, including but not limited to Deputy Vice-Chancellor(s), the Registrar, the Chief Financial Officer, Executive Directors, Deans or persons holding equivalent positions;

“Expulsion” means the permanent expulsion of a student from the University

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and/or a residence of the University;

"Faculty" means a division of the academic structure of the University approved by the Council on recommendation of the Senate consisting of a number of schools or academic departments, as the case may be;

"Functions" includes powers and duties;

"Honorary degree" means a degree conferred upon a person by the Council in accordance with paragraph 73 of this Statute;

"Institutional Forum" means the body composed in accordance with paragraph 41 of this Statute;

"Management" means the Executive Management of the University;

"Management Committee (MANCO)" means a committee comprising the Executive Management and not more than two additional members appointed to the committee by the Vice-Chancellor from the ranks of Executive Officials;

"Ordinary membership of the Alumni Association" means the persons who obtained a degree or a diploma from the former Medical University of Southern Africa (MEDUNSA), or who obtained a degree or a diploma on or before 31 December 2014 from the University of Limpopo for a programme offered at the MEDUNSA Campus of the University of Limpopo, and who obtained membership of the Alumni Association in accordance with the Constitution of the Alumni Association as approved by the Council;

"Minister" means the Minister responsible for higher education and training;

"Members present" means the members present at a formal meeting, including the members allowed by the Chairperson to participate via video and teleconference;

"Office-bearer" means a functionary provided for in the Act, including the Vice-Chancellor, the Deputy Vice-Chancellor(s) and the Registrar;

"Professor" means an academic employee or any other person who has been given the status and title of senior professor or professor by the University, excluding extraordinary and honorary professors;

"Qualification" means any formal qualification registered on the respective sub-framework of the National Qualification Framework, including a degree, diploma or certificate approved by the Senate, the Council and the Department;

"Recognised union" means an employee organisation recognised by the University and registered as a trade union in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995), as amended;

"Registrar" means the person appointed in accordance with this Statute and the Rules for the Appointment of Senior Members of Staff;

"Representative employee organisation" means a recognised union and/or employee association, depending on the context, recognised by the Council on certain conditions as agreed in a collective and/or recognition agreement;

"Rules" means the Institutional Rules of the University approved by the Council in terms of section 32 of the Higher Education Act;

"School" means a division of the academic structure of the University as approved by the Council on recommendation of the Senate and may consist of a number of academic departments;

"Seat of the University" means the physical location of the University;

"Semester" means one half of the academic year of the University;

"Senate" means the body composed in accordance with paragraph 29 of this Statute;

"Statute" means this statute drafted as contemplated in section 32 of the Act;

"Student" means a person officially registered as either a full-time or a part-time student at the University;

"Student Representative Council" means the body composed in accordance with paragraph 67 of this Statute and SRC has the same meaning;

"Support department" means a support services department established by the Council on recommendation of the Executive Management of the University;

"Suspension" means the temporary expulsion of a student from the University and/or from a residence of the University;

"Student Services Council" means the structure established by the Council in accordance with Section 27(3) of the Act to advise the Council on the rendering of student services at the University

"The University" means the Sefako Makgatho Health Sciences University and SMU has the same meaning;

"Urgent matter" means a matter, which, if not addressed before the next ordinary or special meeting of the Council or the Senate, could cause irreversible harm or prejudice to the University, its employees or students;

"Vice-Chancellor" means the Principal of the University as contemplated in section 30 of the Act appointed in accordance with this Statute and the Rules of the University;

"Written notice" means any notice in writing and includes any notice sent as contemplated by the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), or any act that amends or replaces it.

CHAPTER 2 INSTITUTION

2. Name, seat and powers

- (1) The name of the University is the "Sefako Makgatho Health Sciences University" also officially referred to as "SMU".
- (2) The official physical address of the University is: Sefako Makgatho Health Sciences University, Molotlegi Road, Ga-Rankuwa, 0208, Pretoria, South Africa.
- (3) The official postal address of the University is: Sefako Makgatho Health Sciences University, PO Box 60, MEDUNSA, 0204, Pretoria, South Africa.
- (4) The seat of the University is in Ga-Rankuwa.
- (5) The University was established on 16 May 2014 (Government Gazette No. 37658 of 16 May 2014) as a comprehensive health sciences university.
- (6) The MEDUNSA Campus of the University of Limpopo was incorporated into the Sefako Makgatho Health Sciences University (Government Gazette No. 38086 of 10 October 2014) with effect from 1 January 2015.
- (7) The Sefako Makgatho Health Sciences University is a juristic person as contemplated in section 20 (4) of the Act.
- (8) Notwithstanding subparagraph (7), 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.
- (9) Notwithstanding subparagraph (7) and subject to the approval of the Minister in the instances contemplated in section 40 (2) and (3) of the Act, the University may only with a resolution of its Council, not taking into account any vacancy that may exist:
 - (a) enter into a loan or an overdraft agreement; or
 - (c) embark on any construction of a permanent building, or other immovable infrastructural development, or purchasing of immovable property, or long-term lease of immovable property.
- (10) The University functions in accordance with the Act, this Statute and the Rules of the University.
- (11) The University may confer degrees and honorary degrees and award diplomas and certificates.

3. Language policy

- (1) The language of tuition of the University is English.
- (2) The language of official correspondence of the University is English.
- (3) The languages of communication of the University are English and one or more of the local African languages, depending on the nature of the communication, the target groups and practicability.
- (4) The University is committed to promoting multilingualism and the development of the official languages of South Africa through its teaching and research programmes.

4. Composition of the University

- (1) The University consists of:
 - (a) Employees and students
 - (b) The following bodies and structures:
 - i The Council and its committees
 - ii The Convocation
 - iii The Senate and its committees
 - iv Such faculties, schools, academic departments and units as the Council may establish, after consultation with the Senate
 - v The Institutional Forum
 - vi The Management Committee
 - vii The Student Representative Council
 - (c) The following office-bearers
 - i The Chancellor
 - ii The Vice-Chancellor
 - iii The Deputy Vice-Chancellor(s)
 - iv The Registrar
 - v The Executive Official(s)
- (2) No vacancy in any of the offices as contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures as contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function, rights or privileges conferred by the Act or this Statute upon the University or the Council or the Senate, provided that no resolution of the Council or of the Senate shall be valid unless passed at a meeting at which a quorum was present and the rules relating to any such meeting have materially been complied with.

5. General provisions

- (1) Whenever, in terms of a provision of this Statute, a quorum or a majority of votes for any purpose is required and the actual number required at a meeting results in a numerical fraction the next greater number shall be the applicable number to constitute the required quorum or majority.
- (2) Subject to the provisions of paragraph 23 (4), once a meeting constituted in accordance with this Statute is quorate it remains quorate for as long as at least 80 per cent of the number of members constituting a quorum is present at the meeting.
- (3) In the event that a meeting is inquorate, for whatever reason, the members present may discuss, or continue to discuss, the matters on the agenda of the meeting and formulate recommendations for consideration at a quorate meeting.
- (4) An unintentional failure or omission to give notice in terms of a provision of this Statute to any person entitled to receive such notice or to send the minutes of any meeting to any person entitled to receive such minutes does not invalidate the proceedings in respect of which such notice is given or minutes are sent, provided that the failure or omission may not affect more than 10% of the persons involved.
- (5) Notwithstanding the provisions of this Statute, it is incumbent upon the Council, the Management, employees or any person authorised to take any action in terms of this Statute on behalf of the University to ensure that any administrative action contemplated, or taken, is lawful, reasonable and procedurally fair as prescribed by the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), as amended, and that any person whose rights may be adversely affected by such action, receives access to the information required to exercise or protect such rights as prescribed by the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), as amended.
- (6) Should any action taken in terms of this Statute have an adverse effect on the rights of any person, reasons for the action must be supplied to that person subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), as amended.

CHAPTER 3
OFFICE BEARERS

CHANCELLOR

6. Functions of the Chancellor

- (1) The Chancellor is the titular head of the University with no executive powers.
- (2) The Chancellor confers degrees and awards diplomas, certificates and other distinctions on behalf of the University.
- (3) In the absence of the Chancellor, degrees are conferred by the Vice-Chancellor or by a Deputy Vice-Chancellor; and diplomas and certificates are awarded by officials designated by Council.
- (4) The Chancellor performs such other functions as assigned to him or her by Council, subject to the provisions of subparagraph (1).

7. Election and appointment of the Chancellor

- (1) The Chairperson of the Council after consultation with the Vice-Chancellor, or, in his or her absence, the Vice-Chancellor, must determine the date on which a meeting of the Council must be held for the purpose of electing a Chancellor, provided that such meeting must be held within 90 days after the office of Chancellor becomes vacant.
- (2) At least 40 days before the date contemplated in subparagraph (1), the secretary to the Council must give due notice to every member of the Council of the date, place and time of the meeting contemplated in subparagraph (1) and must invite members of the Council, the Senate and the Institutional Forum to submit nominations for the office of Chancellor on a form approved by the Vice-Chancellor, provided that any member is at liberty to supplement the information on the approved form by submission of additional information.
- (3) Any member of the Council, the Senate or the Institutional Forum has the right to nominate a person, with his or her consent, for the office of Chancellor, provided that such nomination is seconded, in writing, by another member of the Council, the Senate or the Institutional Forum.
- (4) The completed nominations must reach the secretary to the Council at least 21 days before the date of the meeting contemplated in

subparagraph (1).

- (5) The secretary to the Council submits the names of the duly nominated candidates, accompanied by the prescribed documentation, as soon as possible after the closing date for nominations to the Executive Committee of the Council, who, with due observance of the eligibility requirements determined by the Council in terms of subparagraph (13), considers the eligibility of the duly nominated candidates with a view to compiling a short-list of no more than five candidates for consideration by the Council.
- (6) At least seven days before the date of the meeting contemplated in subparagraph (1), the secretary to the Council must give due notice to every member of the Council of the names and backgrounds of the duly nominated candidates, clearly indicating to the Council the candidates short-listed by the Executive Committee of the Council.
- (7) (a) The Chancellor must be elected to the office of Chancellor at a meeting of the Council by a majority of the members of the Council holding office on the date of the meeting from the list of candidates short-listed; and
(b) The election of the Chancellor must be by secret ballot.
- (8) The Council may at the meeting contemplated in subparagraph (7) (a) and before the commencement of the election process by majority vote of the members of the Council present at the meeting, add the name/s of duly nominated and eligible candidate/s to the short-list of candidates submitted to the Council by the Executive Committee.
- (9) For the purpose of electing a Chancellor, the Chairperson of the Council has an ordinary vote and a casting vote in the event of an equality of votes.
- (10) Each member of the Council has only one vote during each ballot, provided that there must be successive rounds of voting as described in subparagraph (11) if no candidate gains an absolute majority of votes at the meeting contemplated in subparagraph (7) (a) in the first ballot.
- (11) In each successive round of voting, the candidate who gains the least support in the previous ballot is eliminated as a candidate.
- (12) After the Council has elected a Chancellor, the Chairperson of the Council must announce the name of the new Chancellor.
- (13) When the office of the Chancellor becomes vacant and before the commencement of the election process as contemplated in this section,

the Council may determine the competency requirements, skills and profile of candidates eligible for election as the Chancellor.

8. Term of office

- (1) The Chancellor holds office for a period which is to be determined by the Council, but not exceeding five years, unless his or her term of office is terminated as contemplated in subparagraphs (3) to (5).
- (2) A Chancellor may be re-elected, provided that a person may not serve as Chancellor for more than two consecutive terms.
- (3) The term of office of the Chancellor is terminated in the event of –
 - (a) expiry of term of office ;
 - (b) death or incapacity;
 - (c) resignation; or
 - (d) removal from office by means of a resolution passed by at least two-thirds of the total number of serving members of the Council present at the meeting on account of misconduct, incapacity to carry out his or her official functions, or on account of any other reason recognised by law.
- (4) Removal of the Chancellor from office is subject to the processes and procedures prescribed by this Statute, the Rules and legal prescripts in general.
- (5) The resolution contemplated in subparagraph (3)(d) may not be passed without prior notice to the Chancellor of the pending motion for his or her removal and the reasons therefor, and providing him or her with a reasonable opportunity to obtain assistance, to appear in person, and to present and dispute information and arguments.
- (6) When the office of Chancellor becomes vacant the Council must, as soon as possible, elect a new Chancellor in accordance with the provisions of paragraph 7.

VICE-CHANCELLOR**9. Status**

The Vice-Chancellor of the University is *ex officio* the chief executive and accounting officer of the institution as contemplated in the Act.

10. Functions and powers of the Vice-Chancellor

- (1) The Vice-Chancellor is responsible for the management and administration of the University and, subject to the provisions of subparagraph (3), has all the powers necessary to perform these functions.
- (2) The Vice-Chancellor is, subject to the Act and the Rules, responsible for the discipline at the University.
- (3) Council must, subject to the Act, delegate to the Vice-Chancellor all the powers necessary to perform his or her functions.
- (4) The Vice-Chancellor may in turn, subject to the Rules and the approved delegation frameworks of the Council, delegate functions to other employees or the chairperson of any committee, other than the chairpersons of committees of the Council.
- (5) The Vice-Chancellor reports to the Council.
- (6) The Vice-Chancellor is, subject to the Rules, *ex officio* a member of all the committees of the Council and the Senate.
- (7) The Council may assign additional functions, and grant additional powers and privileges to the Vice-Chancellor as contemplated in section 68 (2) of the Act.
- (8) When the Vice-Chancellor is absent or unable to carry out his or her functions for a period longer than 1 working day, but not exceeding 21 working days, he or she must, subject to the Rules and in consultation with the Chairperson of the Council, delegate all or part of his or her functions to a member or members of Management, provided that in the event of a Vice-Chancellor being unable, for whatever reason, to delegate his or her functions as contemplated in this subparagraph, the Chairperson of the Council may delegate said functions to a member or members of Management and/or decide on any other appropriate measure.
- (9) Notwithstanding the provisions of subparagraph (8), the Chairperson of the Council may appoint an Acting Vice-Chancellor when a vacancy arises or when the Vice-Chancellor is temporarily absent, provided that any

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appointment for a period of more than three months may only be made after consultation with the Council, the Senate and the Institutional Forum.

- (10) The Acting Vice-Chancellor appointed in accordance with subparagraph (9) may exercise and perform all the functions and powers of the Vice-Chancellor.
- (11) The Vice-Chancellor performs the functions of the Chancellor, if the Chancellor is unable, for whatever reason, to perform the functions of his or her office, or if the office of Chancellor becomes vacant.

11. Appointment of the Vice-Chancellor

- (1) When the post of Vice-Chancellor becomes vacant, the advertising of the post, the invitation for nominations of and applications by candidates, the search for suitable candidates, the applicable criteria for the short-listing of candidates and the interviewing and appointment processes take place in the manner determined by the Council and the Rules of the University, subject to section 31(1) of the Act.
- (2) When the term of office of the Vice-Chancellor expires and he or she is available for appointment for a further term of office, the Council may on account of the proven sustainable good performance of the incumbent measured against agreed performance outcomes, decide to re-appoint the Vice-Chancellor for a further term of office only after consultation with the Senate and the Institutional Forum.
- (3) Nothing in subparagraphs (1) and (2) above prevents the Council from advertising or calling for nominations for the position of Vice-Chancellor. The incumbent may apply or be nominated, whichever is appropriate, for the position.

12. Term of office

- (1) The Vice-Chancellor is appointed by the Council for a period not exceeding five years, provided that this term may, subject to paragraph 11, be renewed for a further period not exceeding five years.
- (2) The term of Office of the Vice-Chancellor is terminated in the event of –
 - (a) expiry of term of office;
 - (b) death or incapacity;
 - (c) resignation; or
 - (d) removal from office by the Council in accordance with the Rules or any other reason recognised by law.

- (3) Removal of the Vice-Chancellor from office is subject to the processes and procedures prescribed by this Statute, the Rules and legal prescripts in general.
- (4) The resolution contemplated in subparagraph (2) (d) may not be passed without prior notice to the Vice-Chancellor of the pending motion for his or her removal and the reasons therefor, and providing him or her with a reasonable opportunity to obtain assistance, to appear in person, and to present and dispute information and arguments.

DEPUTY VICE-CHANCELLOR(S), REGISTRAR AND EXECUTIVE OFFICIAL(S)

13. Duties

The Deputy Vice-Chancellor(s), the Registrar and Executive Official(s) are responsible for assisting the Vice-Chancellor in performing his or her duties in terms of the Act and this Statute and have the powers, privileges, functions, duties and conditions of service as are determined by the Council, this Statute, the Rules as well as those delegated to them by the Vice-Chancellor.

14. Appointment and terms of office

- (1) The Deputy Vice-Chancellor(s), the Registrar and Executive Official(s) are appointed in such manner and for such periods as determined by the Council and the Rules.
- (2) Paragraph 12 (2) to (4) applies with the changes required by the context to the termination of the term of office of the Deputy Vice-Chancellor(s), Registrar and Executive Official(s).

15. Vacancies

- (1) Whenever the office of a Deputy Vice-Chancellor, the Registrar or an Executive Official becomes vacant, the Council appoints a successor in accordance with the procedures prescribed in the Rules.
- (2) The provisions of paragraph 10 (8) to (10) apply, with the changes required by the context, to the temporary delegation of responsibilities and the appointment of officials in an acting capacity.

16. Registrar

- (1) The Registrar is appointed by the Council and is, by virtue of his or her office, the secretary to the Council and the Senate, the committees of the

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Council and the Senate, and the Institutional Forum.

- (2) The Registrar is not a member of the Council.
- (3) The Registrar acts as the compliance officer of the University.
- (4) The Registrar acts as the electoral officer of the University.
- (5) The Registrar maintains the Convocation Roll of the University.
- (6) The Registrar is the holder of the records of the University.
- (7) In the absence of the Registrar, his or her powers must be exercised and his or her functions performed by a person designated by the Vice-Chancellor.
- (8) The Registrar may designate any other administrative employee to assist him or her.
- (9) Employees designated in terms of subparagraph (8) have the same fiduciary duties and obligations as the Registrar.
- (10) The Registrar provides administrative support to the governance structures of the University, which includes, but is not limited to –
 - (a) keeping the minutes of the Council and the Senate meetings;
 - (b) keeping the minutes of the meetings of all committees of the Council and the Senate; and
 - (c) keeping a register of all resolutions adopted by the Council and the Senate, and providing access to the register to members of the Council and the Senate respectively.
- (11) The Registrar is accountable to the Council through the Office of the Vice-Chancellor for his or her governance support responsibilities.
- (12) The Vice-Chancellor may assign additional functions and responsibilities to the Registrar.

CHAPTER 4 COUNCIL

17. Functions

- (1) The Council governs the University subject to the provisions of the Act, any other applicable legislation and this Statute, and may make Institutional Rules to give effect to this Statute.
- (2) The Council performs all the governance responsibilities imposed on it by the Act and this Statute with due regard to generally accepted principles and practices of good governance and the value framework of the University.
- (3) Without detracting from the generality of subparagraph (1) and (2), the Council performs its responsibilities with regard to the matters determined in section 27(2) and (3), 32(2), 34(2) and 37(1) to (4) of the Act with due compliance with its duty to consult with or to solicit the concurrence of the Senate and or the SRC, as the case may be, in the manner described in the Act.
- (4) The Council may establish committees to assist it in carrying out its duties and may, subject to the provisions of the Act and this Statute, delegate appropriate functions to its committees.
- (5) The Council may, subject to the provisions of the Act and this Statute, delegate functions to the Vice-Chancellor, with the right to delegate further, subject to applicable University policy and the Council-approved delegation frameworks.
- (6) Subject to section 34 of the Act, the Council must
 - (a) appoint people whom the Council considers necessary to manage the University effectively in accordance with the Rules, and
 - (b) after consultation with the Senate or a committee of the Senate appoint and promote academic employees.
- (7) The Council may delegate its functions in terms of subparagraph (6) (a) to a committee of the Council, with the right to delegate, provided that the Council may not delegate the appointment of the Vice-Chancellor, the Deputy Vice-Chancellor(s) and the Registrar.
- (8) The Council may delegate its functions in terms of subparagraph (6) (b) to a joint committee of the Council and the Senate, provided that the appointment and promotion of academic employees at the level of senior lecturer and below may be further delegated to the Vice-Chancellor.

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- (9) The Council must keep comprehensive records of all its activities as well as of all assets, liabilities, income, expenditure and other financial transactions as required by section 41 (1) of the Act, and must report to the Minister as contemplated in section 41 (2) of the Act.
- (10) The Council must report regularly on its activities and performance and that of its committees in accordance with its own rules and the guidelines of the Department. It is incumbent upon the Council to inform employees and students of decisions of the Council affecting them.
- (11) The Council must in instances of substantial non-attendance of the Council meetings, with or without apology (three or more meetings), by members representing specific constituencies, report such non-attendance to the relevant constituency.
- (12) No temporary vacancy impairs the capacity of the Council to perform its functions and responsibilities under the Act, this Statute and the Rules, provided that decisions of the Council will have effect only if they are taken in accordance with the prescripts set out in paragraph 23 under the heading "Meetings and meeting procedures of the Council".

18. Composition, eligibility and conduct

- (1) The Council consists of -
 - (a) the Vice-Chancellor;
 - (b) not more than three Deputy Vice-Chancellors;
 - (c) two members of the Senate, elected by the Senate;
 - (d) one academic employee, other than a member of the Senate, elected by the academic employees;
 - (e) one employee representing administrative and support employees who is not a member of the Senate, elected by the administrative and support employees;
 - (f) two student members elected by the SRC from its ranks;
 - (g) five persons appointed by the Minister in accordance with section 27 (4) (c) of the Act;
 - (h) the President of the Convocation and one additional member of the Convocation elected by the Convocation;
 - (i) two persons appointed by the Tshwane Metropolitan Municipality;
 - (j) two donors of the University;
 - (k) not more than six persons appointed by the Council on the basis of their experience and expertise with due regard to the regional

interests of the University; and

- (l) The Chairperson of the Institutional Forum.
- (2) The Council members are elected or appointed in accordance with the provisions of paragraph 20 of this Statute, provided that members contemplated in subparagraph (1) (g) to (k) may not be employees or registered students of the University and provided further that any person who has been a member of a council of a public higher education institution under circumstances contemplated in sections 49A (4) (a) and 49E of the Act and who is implicated in the report of the independent assessor contemplated in section 47 (1) (b) of the Act, is, subject to a determination of the Minister to the contrary, not eligible to serve as a member of the Council.
- (3) In accordance with the Act, at least sixty per cent of the members of the Council must be people who are not employees or students of the University.
- (4) When members are elected to or appointed on the Council, the body entitled to elect or appoint must do so with due regard to suitable representation of race, gender and disability on the Council and the provisions of subparagraph (5).
- (5) The Council may request the body contemplated in subparagraph (4) to take into account the knowledge, experience and skills as determined by the Council.
- (6) A member of the Council or a member of a committee of the Council serves on the Council in his/her personal capacity and—
 - (a) must be a person with knowledge and experience relevant to the objects and governance of the University, with adequate capacity to diligently discharge his/her duties to the Council;
 - (b) must participate in the deliberations of the Council in the best interests of the University;
 - (c) must, before he or she assumes office, declare any business, commercial or financial activities undertaken for financial gain that may raise a conflict or a possible conflict of interest with the University and whether he/she has the capacity to diligently discharge his/her duties to the Council and whether he/she has in the past been involved in any activities that could call into question his/her own reputation or that of the University;
 - (d) may not place himself or herself under any financial or other

obligation to any individual or organisation that might seek to influence the performance of any function of the Council; and

- (e) (i) may not have a conflict of interest with the University; and
- (ii) may not have a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest with the University;

- (7) Each member of the Council must annually declare his or her financial interests and fiduciary roles, which include but are not limited to official and public offices, directorships of companies, memberships of close corporations and trusteeships, in a manner determined by the Council and in accordance with section 27 (7E) (b) of the Act.

19. Term of office

- (1) The Vice-Chancellor and the Deputy Vice-Chancellor(s) are, subject to the provisions of paragraph 18 (1) (b) and 20 (9), members of the Council for as long as they remain in office.
- (2) The term of office of representatives of the SRC is the same as that of the SRC that appointed them.
- (3) The term of office of all other members of the Council is four years, provided that a member whose term of office has expired may, as an interim measure, be extended by the Council once off for a maximum period of six months should the proper constitution of the Council and the continuation of its activities so demand.
- (4) Members of the Council whose terms of office have expired may be re-elected or re-appointed, provided that members, excluding *ex officio* members, may not serve more than two consecutive terms.
- (5) A Council member's membership is terminated –
 - (a) expiry of term of office;
 - (b) upon death or incapacity;
 - (c) if the Council member fails to attend three consecutive ordinary meetings of the Council without the consent of the Chairperson of the Council;
 - (d) if the Council member is sequestered;
 - (e) if the Council member is found guilty of conduct that in the exclusive opinion of the Council is of such a nature that the member's ability to

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- exercise his or her fiduciary duties and obligations is undermined and that continued membership of the Council is not desirable;
- (f) if a Council member, who is also an employee or a student of the University, is found guilty of conduct as contemplated in subparagraph (5) (e) or found guilty of misconduct in terms of the Disciplinary Code of the University which, in the opinion of the Council, is of such a serious nature that the member's continued membership of the Council is not desirable;
 - (g) if the Council member is elected or appointed by a particular interest group and the Council member's membership of, or association with the interest group is terminated;
 - (h) if the Council rules that the continued membership of a member is undesirable due to a conflict of interest;
 - (i) if the Council member becomes a patient in an institution for mental health on a continuous basis; or
 - (j) if the Council member has transgressed the Council's Code of Conduct.
- (6) Constituencies that appointed persons to the Council shall be informed by the Registrar of any termination in accordance with subparagraph (5) (c).
- (7) Apart from the Vice-Chancellor, Deputy Vice-Chancellors, representatives of Senate, employee representatives and students appointed by the SRC to serve on the Council, no other member of the Council may be a permanent or temporary employee or a student of the University, and should this happen, such membership terminates automatically.
- (8) All Council members elected or appointed to the Council are entitled, at any time, to submit their resignations in writing to the Chairperson of the Council.

20. Election and nomination procedures

- (1) The Senate representatives on the Council are elected in accordance with the procedure prescribed in paragraph 38 of this Statute.
- (2) The academic employees of the University must elect one representative to represent them on the Council in accordance with the following provisions and process:
 - (a) The representative must be an academic employee who is not a member of the Senate.

- (b) The election must take place by secret ballot at a meeting of the academic employees convened by the Registrar for that purpose and the candidate who obtains the majority of the votes must be duly elected. The quorum for the meeting is twenty per cent of the total number of academic employees.
 - (c) Candidates for election must be duly nominated and nominations must reach the Registrar at least 14 days before the date of the election, and no person may be elected unless he or she has been nominated in writing by at least two members of the academic employees and the nominee has consented to such nomination in writing.
 - (d) Nominations must be invited by the Registrar as soon as a vacancy arises.
 - (e) The Registrar must announce the result of the election.
 - (f) The representative of the academic employees must vacate his or her position on the Council in the event that he or she, for whatever reason, becomes a member of the Senate or ceases to be an academic employee, after which the position must be filled in accordance with the procedure set out in subparagraphs (2) (a) to (e).
- (3) The administrative and support employees of the University must elect one representative to represent them on the Council in accordance with the following provisions and process:
- (a) The representative must be an administrative or support employee, who is not a member of the Senate;
 - (b) The election must take place by secret ballot at a meeting of administrative and support employees convened by the Registrar for that purpose, and the candidate who obtains the majority of the votes must be duly elected. The quorum for the meeting is twenty per cent of the total number of administrative and support employees.
 - (c) Candidates for election must be duly nominated and nominations must reach the Registrar at least 14 days before the date of the election and no person may be elected unless he or she has been nominated in writing by at least two employees from the category of administrative and support employees and the nominee has consented to such nomination in writing.
 - (d) Nominations must be invited by the Registrar as soon as there is a

vacancy.

- (e) The Registrar must announce the result of the election.
 - (f) The representative of the administrative and support employees must vacate his or her position on the Council in the event that he or she, for whatever reason, becomes a member of the Senate or cease to be a member of the administrative and support employees, after which the position must be filled in accordance with the procedure set out in subparagraphs (3) (a) to (e).
- (4) Student members on the Council are elected at a meeting of the SRC from the ranks of the SRC in accordance with the selection procedure of the SRC.
 - (5) The election of the Council members from the ranks of the University's donors must take place in accordance with paragraph 59 of this Statute.
 - (6) The members of the Council who are appointed to the Council on the basis of their expertise and experience are appointed by means of the following process controlled and supervised by the Registrar:
 - (a) The Registrar must place an advertisement in three national newspapers and on the University's website, inviting organisations, interest groups and individuals to nominate persons with expertise and experience, as determined by the Council, to serve on the Council, provided that the media invitation will include an invitation in at least one national newspaper circulating in the Gauteng Province, and provided further that if a particular round of advertisements has, in the opinion of the Council, not elicited a satisfactory response, the process may be repeated.
 - (b) The Executive Committee of the Council must, with the assistance of the Registrar, draw up a list of the most suitable nominees for recommendation to the Council, provided that the names of all nominees will be tabled at the Council meeting.
 - (c) The required number of members of the Council must be elected at an ordinary or an extraordinary meeting of the Council from the ranks of the nominees, after taking into consideration the recommendations of the Executive Committee of the Council.
 - (7) Apart from the President of the Convocation, the election of one additional member from the ranks of the members of the Convocation who is to serve on the Council must take place in accordance with the procedure prescribed in paragraph 53 of this Statute.

- (8) The process for the appointment of Council members as contemplated in paragraphs 18 (1) (c) to (e), 18 (1) (g) to (k), will be facilitated by the Registrar in his or her capacity as secretary to the Council and the Senate.
- (9) In the event of the Council appointing more than three Deputy Vice-Chancellors, the Deputy Vice-Chancellors serving on the Council must be appointed by the Vice-Chancellor. The Vice-Chancellor may revise the appointments from time to time as necessary.

21. Vacancies on the Council

- (1) Subject to the provisions of subparagraph (2), at least three months before the expiry of the term of office of appointed and elected members of the Council, the secretary to the Council must give notice in writing to whoever appointed or elected such member to enable such person or body to fill the vacancy in accordance with this Statute.
- (2) The secretary to the Council must, within seven days from the date of the constituting meeting of the SRC, give notice to the secretary of the SRC of the obligation of the SRC to appoint members to serve on the Council as contemplated in this Statute.
- (3) Casual vacancies are, with the necessary changes, filled in accordance with the processes described in paragraph 20 above, and the term of office of elected and appointed members are determined by the unexpired term of office of the vacating member of the Council.
- (4) The members of the Council elected or appointed to fill ordinary vacancies are elected for the full term of office applicable to the respective constituencies as determined in paragraph 19.

22. Chairperson and Deputy Chairperson of the Council

- (1) A Chairperson and Deputy Chairperson of the Council must be elected at the first meeting of the Council constituted in accordance with this Statute and thereafter as and when it becomes necessary.
- (2) If a vacancy occurs in the position of Chairperson or the Deputy Chairperson of the Council:
 - (a) The Council must elect a Chairperson and Deputy Chairperson from among its members, who are not employees or students of the University, and who will hold office for a period of four years, or for such shorter period as he or she may be a member of the Council.

- (b) Nominations for the Chairperson or Deputy Chairperson of the Council must be given in writing to the secretary to the Council on or before a date determined by him or her.
 - (c) 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.
 - (d) For the duration of the election of a Chairperson, the Vice-Chancellor acts as Chairperson of the meeting.
 - (e) If more than one candidate is nominated for one of the offices, voting takes place by secret ballot.
 - (f) A candidate may be elected to the office of Chairperson or Deputy Chairperson of the Council only by a majority of the members present at a meeting.
 - (g) If no candidate receives a majority of votes, successive rounds of voting take place. In each successive round of voting, the candidate receiving the least votes in the previous round of voting is eliminated as a candidate.
- (3) The Deputy Chairperson of the Council acts as the Chairperson in the absence of the Chairperson and in the absence of both the Chairperson and the Deputy Chairperson, the members present at the meeting shall elect a Chairperson from their own ranks to chair the meeting. While the Deputy Chairperson or another elected Council member acts as Chairperson, he or she is vested with all the powers and performs all the functions of the Chairperson of the Council.
- (4) The Council may determine the competency requirements, skills and profile of candidates eligible for election as the Chairperson and the Deputy Chairperson of the Council.

23. Meetings and meeting procedures of the Council

- (1) The Chairperson of the Council, after consultation with the Vice-Chancellor, must convene a meeting of the Council at least twice in each semester at a time and place determined by the Chairperson.
- (2) Subject to the provisions of the Act and this Statute, the Council determines its own meeting procedures with due observance of accepted norms and practices of fair administrative process. Should circumstances necessitate it, the Chairperson of the Council may allow members to participate in all the activities of a formal meeting of the Council, including

the voting, via video or teleconference.

- (3) Except as otherwise provided in this Statute, decisions of the Council are taken by a majority of votes of the members present at the meeting.
- (4) Fifty per cent plus one of the serving members of the Council, including the members participating via video or teleconference, constitutes a quorum, provided that at least 50 per cent of the members constituting the quorum must be external members who are not students or employees of the University.
- (5) Should a quorum of members not be present at the start of a meeting, the majority of the members present may decide to continue with the discussion of the matters on the agenda and may refer urgent matters to the Executive Committee of the Council for a decision, provided that all other conclusions reached at such a meeting will have no effect unless submitted to and approved by a properly constituted meeting of the Council.
- (6) The Council may grant observer status to persons that would allow such persons to attend a particular Council meeting or Council meetings in general. With the permission of the Chairperson of the Council a person with observer status may take part in the debates of the Council, but may not vote.
- (7) The ruling of the Chairperson on a point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting for a vote, the outcome of which is binding.
- (8) A member of the Council may not, without leave of the meeting, speak more than once on a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.
- (9) A motion or amendment must be seconded, and, if it is so directed by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (10) At least seven days before the date of an ordinary meeting, the secretary to Council must give each member written notice of the date, time and place of such a meeting. This notice will be accompanied by an agenda with supporting documentation, as applicable.
- (11) Notice of any motion for consideration must be given in writing and must be lodged with the secretary to Council at least 21 days before the date of an ordinary meeting, provided that any matter of an urgent nature may,

without prior notice, but, with the leave of the Chairperson and a majority of the members present, be considered at such a meeting.

- (12) Except as approved by a majority of members, no motion which has been rejected by the Council may be placed before it again within a period of six calendar months from the date of such rejection.
- (13) The secretary to Council must keep comprehensive minutes of each Council meeting.
- (14) The secretary to Council must keep a complete register of Council resolutions adopted and all members of the Council must have access to this register.
- (15) The first act of an ordinary meeting, after it has been constituted, must be to confirm by way of the signature of the Chairperson the correctness of the minutes of the previous meeting(s) and of any special meeting, provided that objections to the minutes of a meeting must be raised and resolved before confirmation of the minutes.
- (16) The Chairperson of the Council has an ordinary vote and, in the event of an equality of votes, also a casting vote.
- (17) If it is so requested and decided by the meeting, the number of members voting for or against any motion must be recorded and at the request of any member the Chairperson must rule that the vote of the requesting member for or against a particular decision be recorded.
- (18) Subject to the provisions of subparagraph (4) with regard to external members of the Council, where seventy five per cent of the serving members of the Council without the Chairperson convening a formal meeting have reached an agreement on a matter referred to them by letter, email, fax or via teleconference by the Chairperson and have conveyed their resolution by letter, email, fax or via teleconference, such a resolution will be equivalent to a resolution of Council and must be recorded in the minutes of the following ordinary meeting.
- (19) The views of a member of the Council, who is unable to attend a formal meeting, either in person or via video and teleconference, may be submitted to the meeting in writing, but may not count as a vote on any matter decided at the meeting.
- (20) No member of the Council may participate in the discussion of, or vote on a matter in which he or she has a direct or indirect financial, personal or other interest and which entails or may entail a conflict or possible conflict of interest with the University.

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- (21) A member of the Council must, in writing, inform the Chairperson before the meeting of a conflict or possible conflict of interest in any matter to be discussed at the meeting and is obliged to recuse him or herself from the meeting during the discussion of the matter and the voting thereon.
- (22) If a member of the Council participates in the proceedings and the voting of the Council in connection with a matter in which he or she has a direct or indirect financial, personal or other interest, the resolution of the Council on the matter is invalid.
- (23) A motion to amend or rescind a previous resolution of the Council must be carried by at least two-thirds of the members present.
- (24) Chairperson of the Council may, with at least seven days' notice, convene an extraordinary meeting of the Council notifying members of the matter(s) to be discussed. No other business may be discussed at such a meeting.
- (25) At the request of the Vice-Chancellor or at the written request of at least five members of the Council indicating the need for an extraordinary meeting and the matter(s) to be discussed, the Chairperson shall convene an extraordinary meeting, provided that no other business may be discussed at such a meeting.
- (26) An emergency meeting may be called by the Chairperson after consultation with the Vice-Chancellor, provided that members of the Council be given at least 24 hours' notice of such a meeting and provided further that notice may be given in any manner deemed expedient in the circumstances. Members must be advised of the purpose of the meeting and no other business may be discussed at such a meeting.

24. Executive Committee of the Council

- (1) The Council must establish a Committee known as the Executive Committee of the Council, which consists of –
 - (a) the Chairperson of the Council;
 - (b) the Deputy Chairperson of the Council;
 - (c) the Vice-Chancellor;
 - (d) five members of the Council, one of whom should be a representative of the Senate on the Council, one of whom should be an employee representative on the Council and three of whom should be members of the Council other than employees or students; and

- (e) a student representative on the Council.
- (2) The term of office of members of the Executive Committee of the Council elected in accordance with subparagraph (1) (d) and (e) are two and one year respectively.
- (3) Members of the Executive Committee of the Council elected in accordance with subparagraph (1) (d), whose terms of office have expired, may be re-elected for a second term.
- (4) At the request of the Chairperson of the Executive Committee or a person acting in that capacity any member of the Council may serve as a substitute member for an absent member of the Executive Committee, provided that employees may only substitute for employees and non-employees for non-employees and provided further that student members of the Council may only substitute the student representative.
- (5) The Council may determine the competency requirements, skills and profile of candidates eligible for election as members of the Executive Committee in accordance with subparagraph (1) (d).

25. Chairperson, Deputy Chairperson, Secretary and Meeting Procedures of the Executive Committee of the Council

- (1) The Chairperson of the Council is *ex officio* the Chairperson of the Executive Committee of the Council and the Deputy Chairperson of the Council is *ex officio* the Deputy Chairperson of the Executive Committee of the Council.
- (2) In the absence of the Chairperson, the Deputy Chairperson must act as the Chairperson and in the absence of both the Chairperson and the Deputy Chairperson the members present must elect a Chairperson from their own ranks to chair the meeting.
- (3) Four members of the Executive Committee constitute a quorum, two of whom must be members who are not employees.
- (4) The Executive Committee determines its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.

26. Powers and functions of the Executive Committee of the Council

- (1) When the Council is not in session, the Executive Committee of the Council assumes the authority of the Council and may perform the functions of the Council with regard to urgent matters and matters

delegated to the Executive Committee by the Council.

- (2) The Executive Committee reports regularly to the Council on its decisions and actions, provided that all decisions and actions taken by the Executive Committee in terms of subparagraph (1) must be submitted to the next meeting of the Council for ratification. Any other decision, action or recommendation of the Executive Committee of the Council may be ratified, amended or rejected by the Council.
- (3) The Council must review the delegations to the Executive Committee of the Council at least every four years.
- (4) The Registrar must keep a detailed consolidated record of all delegated powers as contemplated in subparagraph (1).
- (5) Except in instances where the Council decides differently, the Executive Committee considers all recommendations of the Senate and the committees of the Council before submitting them, with its recommendations, to the Council.
- (6) The Executive Committee may refer any matter arising from the minutes of meetings contemplated in subparagraph (5) back to the Senate or any Council committee.
- (7) The Executive Committee may refer any matter which it deems necessary to the Senate or any Council committee.
- (8) In the event that the Executive Committee is unable to consider a matter requiring the urgent attention of the Council before a meeting of the Council, the Vice-Chancellor may, in consultation with the Chairperson of the Council, submit such matter to the Council directly.
- (9) The Executive Committee of the Council may further delegate the authority granted to it by Council to a committee of the Council, the Vice-Chancellor or to an individual, except in cases where this Statute prescribes differently or the Council has explicitly ruled against further delegation.

27. Committees

- (1) Apart from the Executive Committee of the Council as contemplated in paragraph 24, the Council may establish any other committee as well as joint Council and Senate committees.
- (2) The Council should at least establish the following committees to advise the Executive Committee of the Council and the Council on the responsibilities of the Council: -

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- (a) committee(s) dealing with the provision and planning of human resources, performance management and retention of employees, as well as the remuneration of employees and members of Council;
 - (b) committee(s) dealing with the provision and planning of financial resources, including compliance with audit, risk and investment regulations and governance principles; and
 - (c) committee(s) dealing with the provision and planning of physical resources and infrastructure.
- (3) Each committee must have its own charter prescribing its composition, mandate, powers and duties. Charters approved by the Council will have the status of Rules as contemplated in section 29 (4) and 32(1) of the Act.
- (4) Committees of the Council or joint committees of the Council and the Senate decide on matters within their mandates by a majority vote of the members present at a meeting, provided that the quorum for the meeting will be fifty per cent plus one of the members appointed to the committee.
- (5) The Council may appoint persons who are not members of the Council or the Senate to committees.

CHAPTER 5

SENATE

28. Functions

- (1) The Senate conducts its business under the supervision of the Council and is accountable to the Council for all academic matters as contemplated in section 28 (1) of the Act and all other functions delegated or assigned to it by the Council. The Senate submits reports to the Council on its activities.
- (2) The functions of the Senate include the following and are executed in accordance with the Rules of the University –
 - (a) academic planning and development;
 - (b) the regulation of all activities of the University in respect of teaching and learning, research and community engagement including –
 - (i) guidelines for the appointment and promotion of academic employees;
 - (ii) guidelines for the organisation, structures and administration of teaching and learning, research and community engagement at the University;
 - (iii) management and supervision of the assessment of students; and
 - (iv) quality assurance and promotion in respect of teaching and learning, research and community engagement;
 - (c) to submit recommendations to the Council on policies and procedures relating to, *inter alia*, the following matters –
 - (i) the establishment, amalgamation or closure of faculties, academic departments, institutes, bureaux, research units and centres;
 - (ii) the introduction or discontinuation of and changes to academic programmes, subjects, modules and related matters;
 - (iii) curricula for academic programmes and the content of subjects, modules and other components of academic programmes;
 - (iv) the admission policy of the University;
 - (v) the management, operation and development of the library;
 - (vi) the conferring of degrees and awarding of diplomas, certificates and other approved qualifications of the University, including honorary degrees and awards;
 - (vii) academic dress and graduation ceremonies;

- (viii) organised student life, including student services and student discipline; and
- (ix) the suitability for appointment of candidates for the positions of Vice-Chancellor, Deputy Vice-Chancellor(s) and other Senior Members of Staff in accordance with the Rules of the University;
- (d) to determine, with the approval of the Council, the matters described in section 27(2), 32(2)(b) and 37(4) of the Act; and
- (e) the execution of any other function the Council may assign or delegate to the Senate.

29. Composition of the Senate

- (1) Subject to section 28 (1) and (4) of the Act the Senate consists of-
 - (a) The Vice-Chancellor (Chairperson);
 - (b) The Chairperson of the Council or any other external member of the Council nominated by the Chairperson of the Council;
 - (c) One external member of the Council appointed by the Council;
 - (d) The Deputy Vice-Chancellor(s);
 - (e) The Registrar;
 - (f) The Deans;
 - (g) The Deputy Deans, Heads of Academic Departments, Professors, Associate Professors and Adjunct Professors;
 - (h) The Dean of Students or a person holding an equivalent position;
 - (i) One academic employee from each faculty/school, elected by faculties/schools in accordance with the process described in paragraph 31 (2);
 - (j) Directors of centres, institutes or units with an academic function as determined by the Senate;
 - (k) Directors, or persons holding equivalent positions, of support departments and units with an academic support function as determined by the Senate, including but not limited to:
 - (i) library services;
 - (ii) research support;
 - (iii) academic support;
 - (iv) quality assurance;
 - (v) ICT services
 - (l) The Chairperson of the Institutional Forum;

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- (m) Two students elected in accordance with the process described in paragraph 31 (3); and
 - (n) Not more than three additional employees as determined by the Senate.
- (2) The majority of Senate members must be academic employees.
 - (3) The Vice-Chancellor may invite employees of the University or other individuals or groups to attend meetings of the Senate and to address the Senate on a particular matter.
 - (4) When members are elected to the Senate, the body entitled to elect must do so with due regard to suitable representation of race, gender and disability on the Senate.
 - (5) Incidental vacancies in the category of elected members are to be filled for the remainder of the previous incumbent's term of office in accordance with the applicable Rules.

30. Term of office of members of the Senate

- (1) Members of the Senate serving on the Senate in an *ex officio* capacity are members for the duration of their respective terms of office.
- (2) The term of office of representatives of the SRC coincides with that of the SRC that appointed them.
- (3) A student representative serving more than one term on the SRC may be re-elected by the SRC to serve on the Senate for another term, provided that a student representative's membership lapses automatically when he or she is no longer a registered student or is found guilty of misconduct in terms of the Disciplinary Code of the University.
- (4) The term of office of all other members of the Senate is four years, upon the expiry of which members may be re-elected.
- (5) The membership of a member of the Senate elected by a specific interest group terminates automatically when the interest group formally at a meeting contemplated in paragraph 31 withdraws its support for such a member or when such member's association with the interest group, for whatever reason, comes to an end.

31. Election and nomination procedures

- (1) With the exception of the *ex officio* members of the Senate and the members appointed by the Senate, the Registrar must facilitate the

arrangements for the nomination and election of members in accordance with this Statute.

- (2) The Registrar must arrange and administer the election of one academic employee from each faculty/school in the following manner:
 - (a) Within a reasonable period before the election date of members as contemplated in paragraph 29 (1) (i) of the Statute, the Registrar must request the dean(s) of the faculty(ies)/school(s) involved to facilitate the election of one academic employee at a meeting of the faculty/school board to serve on the Senate for a period of four years.
 - (b) Faculty/school representatives must be academic employees who are not already members of the Senate.
 - (c) Faculties/schools elect members to the Senate by means of a secret ballot and candidates obtaining a majority of the votes of the members present at the meeting are elected to the Senate.
 - (d) Candidates for election as faculty/school representatives must be duly nominated and nominations must reach the dean of the faculty/school at least 14 days before the date of the meeting during which the election will take place, and no person may be elected unless he or she has been nominated in writing by at least two members of the academic employees and has consented to such a nomination in writing.
 - (e) The deans must submit the names of the elected members from their respective faculties to the Registrar and the Registrar must announce the results of the election(s).
 - (f) When a member contemplated in subparagraph (2) vacates his or her office, or becomes a member of the Senate in another capacity, the position must be filled in accordance with the procedures set out in subparagraphs (2) (a) to (e).
- (3) Student members of the Senate are elected at a properly constituted meeting of the SRC in accordance with the following provisions and process:
 - (a) The Registrar notifies the President of the SRC whenever it is necessary for student representatives to be elected to the Senate, as contemplated in section 28 (2) (f) of the Act and paragraph 29 (1) (m) of the Statute.
 - (b) The SRC must elect two representatives to the Senate from its ranks by means of a secret ballot and members obtaining a majority of the

votes of the members present at the meeting are elected to the Senate.

- (c) The president of the SRC submits the names of the members elected to the Registrar.
- (d) When a member contemplated in subparagraph (3) for any reason vacates his or her office, the provisions in subparagraphs (a) to (c) apply.

32. Chairperson, Deputy Chairperson and Secretary

- (1) The Vice-Chancellor is the Chairperson of the Senate.
- (2) The Deputy Chairperson of the Senate is elected from the ranks of the Deputy Vice-Chancellors and the provisions of paragraph 22 (2) (d) to (g) relating to the election of the Deputy Chairperson of the Council apply, with the necessary changes, to the election of the Deputy Chairperson of the Senate.
- (3) The Deputy Chairperson holds office for two years and may be re-elected.
- (4) In the absence of the Chairperson, the Deputy Chairperson of the Senate acts as Chairperson and if both the Chairperson and the Deputy Chairperson are absent, the members present must elect a Chairperson from their ranks to chair the meeting.
- (5) If the office of Deputy Chairperson becomes vacant the Senate must elect a successor for a full term.
- (6) The Registrar is the secretary to the Senate.
- (7) The secretary to the Senate must –
 - (a) act as secretary to all committees and joint committees of the Senate;
 - (b) keep the minutes of the meetings of the Senate and its committees and distribute copies of the minutes together with the agenda of the next meeting of the Senate to members; and
 - (c) keep a register of resolutions adopted by the Senate, the Executive Committee of the Senate and the Senate Committees and all members of these bodies must have access to this register.
- (8) The Vice-Chancellor may designate an employee to assist the Registrar with his or her duties as the secretary to the Senate or to act in his or her place. Such designated employee will have the same fiduciary duties and obligations as the Registrar.

33. Meetings of the Senate

- (1) The Chairperson must convene a meeting of the Senate at least twice in each semester. Should circumstances necessitate it, the Chairperson of the Senate may allow members of the Senate who are not able to attend the meeting in person to participate in all the activities of a formal meeting of the Senate, including the voting, via video or teleconference.
- (2) Fifty per cent plus one of the serving members of the Senate, including the members participating via video or teleconference, constitutes a quorum.
- (3) Should a quorum of members not be present at the start of a meeting, the majority of the members present may decide to continue with the discussion of the matters on the agenda and may refer urgent matters to the Council or the Executive Committee of the Senate, as appropriate, for a decision, provided that all other conclusions reached at such a meeting will have no effect unless it is submitted to and approved by a properly constituted meeting of the Senate.
- (4) The Senate may grant observer status to persons that would allow such persons to attend a particular Senate meeting or Senate meetings in general. With the permission of the Chairperson a person with observer status may take part in the debates of the Senate, but may not vote.
- (5) The secretary to Senate must notify each member of the Senate in writing of the date, time and venue of a meeting at least seven days before the meeting. Such notice must be accompanied by an agenda and supporting documentation as appropriate.
- (6) Members who wish to place additional matters for discussion on the agenda must submit such matters in writing through the correct channels to the secretary to Senate at least 14 days before the date of the meeting as published in the official University calendar.
- (7) Urgent matters may be placed on the agenda for discussion or finalisation during a meeting with the approval of the majority of the members present at a meeting.
- (8) The first act of an ordinary meeting, after it has been constituted, must be to confirm by way of the signature of the Chairperson the correctness of the minutes of the previous meeting(s) and of any special meeting, provided that objections to the minutes must be raised and resolved before confirmation of the minutes.

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- (9) A member may not, without the leave of the Chairperson, speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.
- (10) A motion or an amendment thereto must be seconded and, if requested by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (11) The ruling of the Chairperson on any matter of order or procedure is binding unless immediately challenged by a member, in which event the ruling must be submitted without discussion to the meeting for a vote, the outcome of which is binding.
- (12) Notice of a motion to amend or rescind a Rule, or to amend or rescind a previous resolution of the Senate, must be given at a meeting preceding the meeting at which the amendment or rescission is tabled, provided that no such notice is required if the proposal to amend or rescind a Rule or to amend or rescind a previous resolution of the Senate, as the case may be, has been made by a committee of the Senate and provided further the minutes of the meeting of the relevant committee were issued in time to have been received by the members of the Senate at least three working days before the meeting at which its recommendation is to be considered.
- (13) In the absence of a Senate resolution to the contrary, the Senate reaches its decisions through a majority vote by the members present.
- (14) Members vote by a show of hands unless the Senate decides on voting in a particular matter by way of a secret ballot.
- (15) The Chairperson of the meeting has an ordinary and a casting vote in the event of a tie of votes.
- (16) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, or, at the request of any member, the Chairperson must direct that the vote of such a member be recorded.
- (17) The Chairperson may, with at least 24 hours' notice, convene an extraordinary meeting of the Senate notifying members of the matter(s) to be discussed. If requested to do so by at least 25 members, the Chairperson must convene an extraordinary meeting, provided that the request is in writing and the matters for discussion are of an urgent nature. No matter other than that of which notice was given may be discussed at an extraordinary meeting.

34. Executive Committee of the Senate

- (1) Senate must establish a committee known as the Executive Committee of the Senate, and the provisions of paragraph 33 apply with the necessary changes to the meetings of such a committee.
- (2) The Executive Committee of the Senate consists of the –
 - (a) Vice-Chancellor (Chairperson);
 - (b) Deputy Vice-Chancellor(s);
 - (c) Registrar
 - (d) Deans of the faculties/schools;
 - (e) Two members of the Senate who are academic employees elected by the Senate; and
 - (f) A student representative on the Senate.
- (3) The Vice-Chancellor may invite officials and employees of the University to attend meetings of the Executive Committee of the Senate and to address the Committee on a particular matter.
- (4) The Committee Officer nominated by the Registrar acts as the Secretary to the Executive Committee of the Senate.

35. Meetings procedures of the Executive Committee of the Senate

- (1) The Executive Committee of the Senate determines its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process. Should circumstances necessitate it, the Chairperson of the Executive Committee of the Senate may allow members of the Committee from the satellite campuses of the University to participate in all the activities of a formal meeting of the Committee, including the voting, via video or teleconference.
- (2) Fifty per cent plus one of all the members of the Executive Committee of the Senate, including the members participating via video and teleconference, constitutes a quorum.
- (3) The Executive Committee of the Senate meets as determined by the Vice-Chancellor, but must meet before each meeting (except extraordinary meetings) of the Senate to co-ordinate and supervise the activities of the Senate committees and to consider reports from such committees with a view to preparing appropriate recommendations to the Senate for its consideration.

- (4) The Executive Committee of the Senate meets four times per annum for ordinary meetings, provided that, if deemed necessary by the Vice-Chancellor, additional meetings may be convened.

36. Powers and functions of the Executive Committee of the Senate

- (1) When the Senate is not in session, the Executive Committee of the Senate assumes the authority of the Senate and performs the functions of the Senate with regard to urgent academic matters and matters delegated to the Executive Committee by the Senate.
- (2) Without limiting the powers and functions of the Executive Committee of the Senate as determined in subparagraph (1) in any way, the Executive Committee of Senate:
 - (a) Makes recommendations to the Senate on reports of all Senate committees and Joint Management and Senate committees;
 - (b) Ensures overall coordination of academic matters;
 - (c) Ensures that the policy decisions of the Senate are implemented;
 - (d) Ensures that academic standards, as determined by the Senate, is maintained; and
 - (e) Makes decisions with a view to executing its mandate and performing such other functions including advisory functions as may be determined by the Senate.
- (3) The Executive Committee of the Senate reports regularly to the Senate on the decisions and actions of the Committee, provided that all decisions and actions taken by the Executive Committee of the Senate in terms of subparagraph (1) must be reported to the next meeting of the Senate for ratification. Any other decision, action or recommendation of the Executive Committee of the Senate must be ratified, amended or rejected by the Senate.
- (4) The Senate must revise the delegations to the Executive Committee of the Senate at least every four years.
- (5) The Registrar must keep a detailed consolidated register of all delegated powers as contemplated in subparagraph (1) and (2) and all members of these bodies must have access to this register.
- (6) The Executive Committee of the Senate may further delegate the authority granted to it by the Senate as contemplated in subparagraph (1) and (2) to a committee of the Senate or to an individual, except in cases where this Statute or the Rules prescribes differently or the Senate has

explicitly ruled against further delegation.

37. Committees of the Senate

- (1) The Senate may establish and prescribe the composition and functioning of committees to advise the Senate and the Executive Committee of the Senate, which may include committees with the following mandates:
 - (a) To advise the Senate on the execution of its mandate with regard to teaching and learning, research and community engagement;
 - (b) To advise the Council on behalf of the Senate on the appointment of academic employees;
 - (c) To plan, prepare and implement the academic time-table and related matters;
 - (d) To draft, amend and implement the Rules and policies pertaining to academic programmes (admission, assessment, exclusion etc.), quality assurance, internationalisation and related matters;
 - (e) To deal with student discipline and codes of conduct; and
 - (f) To award prizes, grants etc.
- (2) Except where a member of the Senate acts *ex officio* as the chairperson of a Senate Committee, the Senate must nominate and elect members and chairpersons of committees.
- (3) The Senate may, when appropriate, appoint a person who is not a member of the Senate or an employee to serve on a committee.
- (4) The Executive Committee of the Senate, in consultation with the respective committees, is responsible for the preparation of charters for the Senate Committees for approval by the Senate.
- (5) Each faculty/school must have a faculty/school board constituted in accordance with the Rules.
- (6) Faculty/school boards function as committees of the Senate.
- (7) The dean of the faculty/school is the chairperson of the faculty/school board *ex officio*.
- (8) A faculty/school board of a particular faculty consists of the academic employees appointed in that faculty/school with the rank of lecturer and higher as well as those academic employees of other faculties/schools participating through the offering of modules and/or subjects in the academic programme(s) of that faculty/school nominated by their respective faculty/school boards. The chairperson of the faculty/school board may invite other employees, as necessitated by the agenda of the

board and/or the broader interests of the faculty/school, to attend meetings of the board and to participate in deliberations.

- (9) The provisions of paragraphs 29 (2), 30, 33 (1) to (17) and 37 (1) to (3) are, with the necessary changes, applicable to the composition and functioning of faculty/school boards.
- (10) Subject to the overriding authority of the Senate and the Council the functions of faculty/school boards include the following:
 - (a) to develop appropriate academic programmes, research focus areas and community engagement programmes and related policies for the faculties/schools aligned with the strategic objectives of the University.
 - (b) to develop and submit to the Senate or committees of the Senate faculty rules pertaining to their academic programme offering and subject contents, admission to such programmes, progress and completion requirements for students in the various programmes, assessment and examination criteria and outcomes, and related matters.
 - (c) to determine the focus areas of postgraduate research programmes and to enhance the relevance and quality thereof and to submit to the Senate or a committee of the Senate, policies and strategies pertaining to postgraduate training, research, research capacity and infrastructure.
 - (d) to develop appropriate community engagement projects as an integral part of the programme contents of its academic programmes in support of and aligned with institutional strategic imperatives.
 - (e) to appoint and monitor the functioning of faculty/school committees.
 - (f) to report regularly to the Senate on the activities of the faculty/school and its employees and the performance of its students.
 - (g) to perform such other functions as Senate may assign to faculty/school boards.
- (11) In the absence of the dean, the acting dean or a deputy dean must act as the Chairperson, provided that if the dean, acting dean and a deputy dean are all absent, the members present at the meeting of the faculty/school board must elect a chairperson from its ranks to chair the meeting.
- (12) Each faculty/school may have an Advisory Committee appointed in accordance with the Rules.

38. Representatives of the Senate on the Council

- (1) The Senate must elect two representatives from its ranks to serve on the Council for a term of four years.
- (2) Members of the Senate who are members of the Council in a different capacity are not eligible for election.
- (3) The Registrar must notify all members of the Senate in writing of the need to elect a representative or representatives of the Senate to the Council at least seven days before a meeting of the Senate.
- (4) A person will be a candidate for election if he or she is nominated before or during a meeting of the Senate by at least two members, and indicates verbally or in writing, that he or she accepts the nomination.
- (5) Members of the Senate, whose terms of office on Council have expired, may be re-elected.
- (6) The election will take place by means of a secret ballot and the candidate(s) receiving the support of the majority of the members present at the meeting are elected.
- (7) If no candidate receives a majority of votes, successive rounds of voting will take place.
- (8) In each successive round of voting the candidate receiving the lowest number of votes will be eliminated as a candidate.
- (9) After the Senate has elected its representatives, the names of the elected candidate(s) are announced by the Chairperson.
- (10) Incidental vacancies are filled as described in subparagraph (1) to (9) above with the necessary changes, for a full term of office.

CHAPTER 6

MANAGEMENT COMMITTEE (MANCO)

39. Management Committee (MANCO)

- (1) The MANCO is a consultative and advisory committee as defined in this Statute assisting the Vice-Chancellor in the planning and execution of the management and administration of the University in accordance with this Statute and the Rules.
- (2) The Vice-Chancellor is the Chairperson of MANCO.
- (3) MANCO determines its own meeting procedures with due observance of the accepted norms and practices of fair administrative process.
- (4) The advice of MANCO takes effect only after written confirmation thereof by the Vice-Chancellor, who may reject or amend it.
- (5) The Vice-Chancellor may invite individuals who are not members of MANCO to attend meetings of MANCO.
- (6) MANCO may appoint committees to advise MANCO on the matters determined in the terms of reference of such committees.

CHAPTER 7 INSTITUTIONAL FORUM

40. Functions

- (1) In accordance with section 31(1) of the Act, the Institutional Forum must advise the Council on the following matters affecting the University –
 - (a) the implementation of the Act and national policy on higher education;
 - (b) the formulation of race and gender equity policies;
 - (c) the suitability for appointment of candidates for senior management positions;
 - (d) codes of conduct;
 - (e) mediation and dispute resolution procedures;
 - (f) the formulation of policy for fostering an institutional culture characterised by tolerance for diversity of opinion, respect for fundamental human rights and the promotion and protection of high academic standards.
- (2) The advice given by the Institutional Forum must be submitted in writing by the Chairperson of the Institutional Forum to the Council via the office of the Vice-Chancellor.
- (3) The Council must consider the advice given by the Institutional Forum and provide written reasons if the advice is not accepted.
- (4) The Institutional Forum must perform such additional advisory functions as the Council may delegate or award to it.
- (5) The Council may, after consultation with the Institutional Forum, revoke or amend the extended advisory mandate of the Institutional Forum as determined in subparagraph (4).

41. Composition

- (1) The Institutional Forum of the University as contemplated in section 31 (2) of the Act consists of –
 - (a) two representatives of the Management Committee appointed by the Vice-Chancellor;
 - (b) two representatives of the Council, elected by the Council;
 - (c) two representatives of the Senate, elected by the Senate;
 - (d) two representatives of the academic employees elected by the academic employees;
 - (e) two representatives of administrative and support employees elected

- by the administrative and support employees;
- (f) two representatives of students appointed by the SRC;
 - (g) two representatives of the recognised trade union(s) appointed by the union(s); and
 - (h) a maximum of three employee or student members, appointed by the Vice-Chancellor after consultation with the Institutional Forum –
 - (i) on the basis of their expertise and experience; or
 - (ii) in order to represent a specific interest group or groups on campus not already represented in the Institutional Forum.
- (2) A student or an employee who had been found guilty of serious misconduct by a disciplinary committee of the University may not be a member of the Institutional Forum.
- (3) When members are elected to the Institutional Forum, the body entitled to elect must do so with due regard to the suitable representation of race, gender and disability in the Forum.
- (4) The quorum for meetings of constituencies as contemplated in subparagraph (1) (d) to (e) is twenty per cent of the total number of the members of the relevant constituency.

42. Term of office

- (1) The term of office of members of the Institutional Forum is two years, with the exception of members appointed by the SRC and the student members appointed in terms of paragraph 41 (1) (h).
- (2) The term of office of SRC members correspond with the term of office of the SRC that appointed them.
- (3) The term of office of student members appointed in accordance with paragraph 41 (1) (h) is for the academic year in which they were appointed.
- (4) A member may be re-elected or reappointed for a second term.

43. Election procedures

- (1) The Registrar facilitates the processes in terms of which representatives contemplated in paragraph 41 must be appointed or elected by the various constituencies.
- (2) When members are elected or appointed as contemplated in paragraph 41 the body entitled to elect or appoint shall do so in accordance with its own internal appointment or election procedures. All appointments to the

Institutional Forum must be made with sensitivity for the gender and race profile of the Forum.

- (3) Representatives from the recognised trade union(s) must be elected from the ranks of the employees of the University by members of the said union(s), provided that, should the University recognise more than one union, the representatives must be elected at a joint meeting of the recognised unions chaired by the Registrar and provided further that not any of the recognised unions, where more than one union has been recognised, will have more than one representative elected to the Institutional Forum.
- (4) Membership of the Institutional Forum terminates when a member –
 - (a) resigns;
 - (b) ceases to be an employee;
 - (c) is absent from three consecutive meetings of the Institutional Forum without, in the view of the Institutional Forum, a valid reason;
 - (d) is insolvent;
 - (e) is incapable of performing his or her functions;
 - (f) is found guilty of serious misconduct;
 - (g) is convicted of an offence and is sentenced to imprisonment without the option of a fine;
 - (h) a student member deregister as a student; or
 - (i) is elected or appointed by a specific interest group and the interest group at a formal meeting as contemplated in subparagraph (2) withdraws its support for such a member or when such a member's association with the interest group, for whatever reason, is suspended or comes to an end.
- (5) When a vacancy occurs, the secretary to the Institutional Forum must inform the Registrar, who must request the constituency concerned to fill the vacancy in accordance with this Statute and perform any other duty imposed on him or her by this Statute. The term of office of such a member will be for a full term or the unexpired term of office of the previous incumbent, depending on the circumstances.

44. Chairperson, Deputy Chairperson and Secretary

- (1) The Institutional Forum must elect a Chairperson and a Deputy Chairperson from its ranks, provided that the Chairperson and Deputy Chairperson may not be from the same constituency.

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- (2) The Chairperson of the Institutional Forum is an *ex officio* member of Senate.
- (3) The term of office of the Chairperson and the Deputy Chairperson is two years or of a lesser duration depending on their membership of the Institutional Forum.
- (4) If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum must elect a successor at its next meeting for a full term.
- (5) The Chairperson of the Institutional Forum reports to the Institutional Forum the decision of Council on the advice submitted by the Institutional Forum to the Council.
- (6) The Registrar is the secretary of the Institutional Forum and he/she may designate an employee to assist him or her in the execution of his or her tasks or to act in his or her place.

45. Meetings of the Institutional Forum

- (1) The Chairperson must convene a meeting of the Institutional Forum at least twice in each semester.
- (2) Subject to the provisions of this Statute, the Institutional Forum determines its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (3) A quorum consists of fifty per cent plus one of the total number of serving members of the Institutional Forum.
- (4) In the absence of the Chairperson the Deputy Chairperson acts as Chairperson and in the absence of both the Chairperson and the Deputy Chairperson, the members present at a meeting of the Institutional Forum elect a member to chair the meeting.
- (5) A written notice must be issued by the secretary to each member of the Institutional Forum at least seven days before any ordinary meeting, indicating the time, date and place of such meeting. Such notice must be accompanied by an agenda and supporting documentation as appropriate.
- (6) Members who wish to place additional matters on the agenda must send a written request in this regard to the secretary at least five days before the date of the meeting and must provide the secretary with the documentation the member wishes to submit to the Institutional Forum.

- (7) The secretary must keep the minutes of the meetings and a register of the decisions of the Institutional Forum and all members of the Institutional Forum must have access to this register.
- (8) The first act of an ordinary meeting, after it has been constituted, is to confirm by way of the signature of the Chairperson the correctness of the minutes of the preceding ordinary meeting and of any extraordinary meeting(s), provided that any objection to the minutes must be raised and resolved before such confirmation of the minutes.
- (9) A member may not, without the permission of the Chairperson, speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.
- (10) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, and at the request of any member, the Chairperson must direct that the vote of such member be recorded.
- (11) A motion or an amendment must be seconded and, if it is so directed by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and seconder.
- (12) The ruling of the Chairperson on any matter of order or procedure is binding unless immediately challenged by a member, in which event such ruling shall without further discussion be submitted to the meeting for a vote, the outcome of which is binding.
- (13) The Chairperson may convene an extraordinary meeting with four days' notice, stating the reason for the urgent meeting and the matter(s) for discussion.
- (14) When requested by at least one fifth of the members of the Institutional Forum, the Chairperson must convene an extraordinary meeting, provided that the request is in writing and the matters for discussion are stated. Not less than 24 hours' notice must be given of such a meeting.
- (15) No matter other than that of which notice had been given may be considered.
- (16) (a) Subject to the provisions of paragraph 47 of this Statute, all matters must be decided by a majority of votes of the members present at the meeting;
 - (b) The Chairperson has an ordinary vote on every matter and, in the case of an equality of votes, also a casting vote; and
 - (c) Whenever the Chairperson so rules, voting must take place by

means of a secret ballot.

46. Executive Committee of the Institutional Forum

- (1) The Institutional Forum must appoint an Executive Committee to manage and administer the Institutional Forum on a day to day basis.
- (2) The Executive Committee of the Institutional Forum is constituted as follows—
 - (a) the Chairperson of the Institutional Forum;
 - (b) the Deputy Chairperson of the Institutional Forum;
 - (c) three other members of which at least one must be a member of Senate and at least one a student, provided that no constituency may have more than one member on the Executive Committee; and
 - (d) the secretary to the Institutional Forum.
- (3) The Executive Committee of the Institutional Forum determines its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (4) The quorum for a meeting of the Executive Committee of the Institutional Forum is fifty per cent plus one of the serving members.
- (5) The term of office of the members referred to in subparagraph (2) (c) corresponds with their respective terms of office as members of the Institutional Forum but may not exceed two years. Members may be reappointed.
- (6) The Secretary, or an employee designated by him or her, is responsible for the administrative services that the Executive Committee may require.

47. Decision making

- (1) If the majority of the members present at a meeting vote either in favour of or against a specific proposal, the Institutional Forum has taken an advisory decision.
- (2) When the Institutional Forum has taken an advisory decision a member(s) holding a minority view will be entitled to formulate their view and to submit it to the Council in writing through mediation of the office of the Chairperson of the Institutional Forum.
- (3) If the Council requests the Institutional Forum to advise the Council on a specific matter and the Institutional Forum is not able to take an advisory decision as contemplated in subparagraph (1), the Executive Committee of the Institutional Forum, in conjunction with the members of the Institutional

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Forum, must compile a summary of the various opinions expressed at the Institutional Forum and submit the summary to the Council.

CHAPTER 8 CONVOCATION

48. Membership

- (1) The Convocation consists of –
 - (a) all persons who have obtained a qualification from the University, as approved by the Senate and the Council;
 - (b) all the persons, other than persons referred to in subparagraph (c), who immediately before the commencement of this Statute were members of the Convocation of the University;
 - (c) the Vice-Chancellor, the Deputy Vice-Chancellor(s), the Executive Officials, the Registrar, the deans of faculties/schools, the academic employees on the staff establishment of the University, professors emeriti, retired employees and such other persons as the Council may determine; and
 - (d) all persons who obtained Ordinary Membership of the Alumni Association and who are not members of the Convocation by virtue of subparagraph (a) to (c).
- (2) The functions of the Convocation are to –
 - (a) facilitate liaison between the University and its former students and academic employees;
 - (b) create networks and canvass support for the strategic objectives of the University, and
 - (c) organise former students and academic employees members of the University with a view to facilitating representation of this constituency on appropriate governance structures.
- (3) The Registrar of the University must keep the official roll of the Convocation (the members' list) and a member is required to register his or her name and address with the Registrar and notify him or her of any change of address.
- (4) The official roll of the Convocation is conclusive evidence of membership of the Convocation and only a person whose name appears on the roll at the time of his or her claiming the right to vote as a member of the Convocation is entitled to do so.
- (5) The Registrar must remove a member's name from the members' list as soon as practicable after notice of the resignation or death of a member.

49. President, Vice-President and Secretary of the Convocation

- (1) The President and the Vice-President of the Convocation are elected by the Convocation from among its ranks at a general meeting and hold office from the close of the meeting at which they are elected until the close of the next general meeting.
- (2) In case of death or resignation of a President, the Vice-President acts as President until a successor has been elected at the next general meeting of the Convocation.
- (3) The provisions of paragraph 22 relating to the election of the Chairperson and the Deputy Chairperson of the Council apply, with the necessary changes, to the election of a President and a Vice-President of the Convocation.
- (4) The Convocation must elect a secretary to the Convocation from among its members by means of a secret ballot and such person must obtain a majority of the votes of the members present at a meeting of the Convocation. The Vice-Chancellor may appoint an employee of the University to assist the secretary or to act in his or her place when necessary.
- (5) Employees of the University are not eligible as candidates for the President, Vice-President or Secretary of the Convocation.

50. Meetings and meeting procedures

- (1) The Convocation must hold at least one general meeting every three years.
- (2) The secretary must give due notice of such a meeting to every member at least eight weeks before the meeting.
- (3) Notice of any motion or matter for discussion at a meeting must be given to the secretary in writing one month before the date of the general meeting.
- (4) The President may with the approval of the meeting allow any motion of which due notice has not been given in terms of subparagraph (3) to be discussed and action to be taken thereon.
- (5) Extraordinary meetings of the Convocation may be called by the President at any time and must be called by the secretary on receipt of a written request signed by at least 100 members stating, in the form of specific motions, the matters to be considered at such a meeting. The meeting must be convened within two months of receipt of such request.

- (6) The secretary must give due notice of extraordinary meetings of the Convocation to each member at least 14 days before the day determined for such a meeting, stating the date, place and time of the meeting. The notice must be accompanied by an agenda and supporting documentation where applicable.
- (7) The Convocation determines its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (8) The first act of each meeting after its constitution by the reading of the notice calling such meeting must be to confirm by way of the signature of the President the correctness of the minutes of the previous meeting and of any other meetings held subsequently, provided that any objections to the minutes must be raised and resolved before confirmation of the minutes.
- (9) A member may not without the leave of the meeting speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment have the right of reply.
- (10) A motion or amendment must be seconded, and, if it is so directed by the President, be in writing and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (11) The ruling of the President on any matter of order or procedure is binding unless immediately challenged by a member, in which case it must be submitted without further discussion to the meeting for a vote, the outcome of which will be binding.

51. Executive Committee of the Convocation

- (1) The Executive Committee of the Convocation consists of the President, the Vice-President, the Secretary and a maximum of two additional members elected by the general meeting of the Convocation.
- (2) The Executive Committee of the Convocation meets at least once a semester to attend to the affairs of the Convocation in consultation with the University Management.
- (3) The provisions of paragraph 49 will, with the necessary changes, apply to the election, and arrangements in the case of death or resignation of the additional members elected to the Executive Committee of the Convocation.
- (4) The Executive Committee of the Convocation determines its own meeting procedures with due observance of generally accepted norms and

practices of fair administrative process.

- (5) The Executive Committee of the Convocation is accountable to the general meeting of the Convocation and reports regularly on its activities between meetings.
- (6) Executive Officials of the University are not eligible to serve on the Executive Committee of the Convocation.

52. Quorum

- (1) Subject to the provisions of this Statute, 100 members form a quorum, but if a meeting is adjourned owing to failure to reach a quorum, a special meeting must be convened within eight weeks and the members present at such a meeting will be deemed to form a quorum.
- (2) Notwithstanding the failure to reach a quorum at a general meeting, the meeting may proceed with the election of office bearers and other formal business, provided that no decisions can be taken on motions put to such a meeting.
- (3) All matters must be decided by a majority of votes of the members present at the meeting.
- (4) The President has an ordinary vote on every matter and, in the case of an equality of votes, also a casting vote.
- (5) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, and at the request of any member the President must direct that the vote of such member be recorded.

53. Election of member of the Convocation to the Council

Whenever it becomes necessary for the Convocation to elect a member to Council as contemplated in paragraph 18 (1) (h) of the Statute, the vacancy must be filled by the Convocation in the following manner –

- (1) In the case of a casual vacancy, the Registrar must within 30 days from the occurrence of the vacancy, invite the written nomination of persons to be elected by members of the Convocation by means of an appropriate notice published in three editions of at least one daily newspaper published in a local African language and one published in English. Nominations must be signed by at least five members and by the nominee, indicating his or her acceptance of the nomination.
- (2) In the case of a vacancy occurring by passage of time, the Registrar must, at least three months before the expiry of the term of office of such

member, invite the written nomination of persons to be elected by members of the Convocation by means of an appropriate notice published in three editions of at least one daily newspaper published in a local African language and one published in English. Nominations must be signed by at least five members and by the nominee, indicating his or her acceptance of the nomination.

- (3) Nominations must be lodged with the Registrar within six weeks of the date of the notice, and the names of the persons nominated must be published by the Registrar in three editions of at least one daily newspaper published in a local African language and one published in English.
- (4) If only one person has been nominated, the person so nominated will be considered duly elected and the Registrar will announce the name of the elected member.
- (5) If more than one person has been nominated, the Registrar must, as soon as is feasible after the publication of the names of the persons nominated, post to every member a printed voting paper containing the names of the candidates arranged in alphabetical order. The voting paper must be returned by a voter in the special envelope provided for this purpose and must reach the Registrar not later than the date specified on the voting paper, which date must not be less than 21 days after the date of issue thereof. The above voting procedures may be complemented or replaced by an electronic voting procedure and protocol approved by the external auditors of the University.
- (6) A voting paper which is not completed in accordance with the instructions printed thereon will be deemed to be invalid.
- (7) The Registrar must act as returning officer and must be assisted by two observers appointed by the President, or, in his or her absence, by the Vice-Chancellor.

54. Submission of resolutions to the Council and the Senate

A copy of all resolutions and statements of the Convocation, duly certified by the President and by the secretary of the Convocation, must be sent to the Chairperson of the Council and to the Chairperson of the Senate for the information of the Council and the Senate.

CHAPTER 9

ALUMNI

55. Alumni

Persons who obtained a degree or diploma from the University, or the former Medical University of South Africa (MEDUNSA), or who obtained a degree or diploma from the University of Limpopo offered at the MEDUNSA Campus of the University of Limpopo, are regarded as alumni of the University and eligible to become a member of the Alumni Association.

56. Alumni Association

- (1) The Council of the University may grant recognition to an association referred to as the Alumni Association of the University, established in accordance with a constitution approved by the Council.
- (2) The aim of the Alumni Association, among others, must be to assist the University in its endeavours to establish support networks and mobilise resources.
- (3) Alumni must inform the secretary to the Association of his or her wish to join the Alumni Association.
- (4) The spouse of a member of the Alumni Association may upon application in accordance with the provisions of the constitution of the Alumni Association acquire associate membership.
- (5) Donors of the University who are not eligible in terms of paragraph 55 may upon application in accordance with the provisions of the constitution of the Alumni Association acquire associate membership.
- (6) Associate members have the rights and privileges as determined in the constitution of the Alumni Association.
- (7) The Alumni Association may establish or recognise different chapters and regions with a view to ensuring that all sectors and interest groups are appropriately catered for by the Association.
- (8) Chapters and regions determine their own procedures and programmes.

CHAPTER 10

DONORS

57. Donors

The University may receive monies, equipment or services of any sort from donors to assist the University in providing quality education, research and community engagement.

58. Qualification as donor

- (1) Any person or entity, who is not an organ of state or a representative thereof and who has made a particular donation to the University, will be deemed to be a donor, provided that if a donation is made by a juristic person, the representative of such juristic person will represent the donor as applicable and provided further that only donors who have donated more than the minimum amount as contemplated in subparagraph (2) will for a period of five years be entitled to elect two members of Council.
- (2) The donation referred to in subparagraph (1), whether in the form of money, either in one sum or in a number of lesser sums, or as property, either in one asset or a number of assets, or as money and property together, must not be less than an amount or valued at not less than an amount fixed from time to time by the Council.
- (3) At any given time the official list of donors of the University as kept by the Registrar serves as conclusive proof of the names and addresses of the persons who are entitled to take part in the election of the representatives of the Donors to the Council of the University.

59. Election of representatives of donors to the Council

- (1) The Registrar must call for written nominations of persons to be elected from the ranks of the University's donors in the printed and/or electronic media, as appropriate.
- (2) Nominations must be signed by at least two proposers and by the nominee, indicating his or her acceptance of the nomination.
- (3) Nominations must be lodged with the Registrar at least four weeks before the election.
- (4) If the number of persons nominated does not exceed the number of vacancies, the persons so nominated will be considered duly elected and the Registrar must announce the names of the members.

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- (5) If the number of persons nominated exceeds the number of vacancies, the Registrar must submit the nominations to the Council.
- (6) The Council will elect the required number of donors from the nominations received by the Registrar by a majority of votes of the members of the Council present at a properly constituted meeting.

CHAPTER 11

EMPLOYEES

60. Appointment

- (1) Subject to section 34 of the Act, the Council appoints employees according to the human resource policies and procedures of the University as approved by the Council from time to time.
- (2) An employee must in writing-
 - (a) before he or she assumes office, declare any business that may raise a conflict or possible conflict of interest with the University; and
 - (b) notify the University of any conflict or possible conflict of interest before the University procures any goods or services from the employee or an organisation within which the employee holds an interest.
- (3) An employee may not conduct business directly or indirectly with the University that entails or may entail a conflict of interest with the University unless the Council of the University is of the opinion that-
 - (a) the goods, product or service in question are unique;
 - (b) the supplier is a sole provider; and
 - (c) it is in the best interest of the University.
- (4) An employee may not on behalf of the University contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.
- (5) Contracting referred in subparagraph (4) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subparagraph (1).

61. Conditions of employment

The conditions of employment of employees, including the determination and review of remuneration, and the undertaking of private work, are approved by the Council in accordance with the relevant University policy and subject to relevant labour legislation.

62. Evaluation

All employees of the University are subject to continuous evaluation of their performance in accordance with a performance management system as approved by the Council from time to time and such evaluation may, with the

approval of the relevant committee of the Council, institutionally be tied to remuneration.

63. Employee discipline

Subject to the provisions of the relevant labour legislation and codes of good practice, employees of the University must subscribe to the institutional code of conduct, the disciplinary code and procedure and the grievance procedure as approved by the Council.

64. Representative employee organisations

The Council may enter into appropriate recognition agreements with registered trade unions and employee associations with a view to recognising such entities as representatives of employees in University processes determining conditions of employment and remuneration levels and adjustments thereto.

CHAPTER 12

STUDENTS

65. Admission and registration of students

- (1) A person may be permitted by the Council to register as a student only if he or she satisfies the legal requirements to study at the University and satisfies any other requirements that may be determined by the Council and the Senate. This includes requirements with regard to the admission of students from other universities and countries as well as the exemption from examinations and the recognition of credits.
- (2) Upon registration and signing of the official registration form, whether for a degree, diploma, certificate or for one or more subjects or modules of such degrees, diplomas or certificates, a student subscribes to the Rules of the University.
- (3) The University must inform students and employees of the Rules regarding admission through the appropriate University publications and the electronic media.
- (4) The requirements for admission of a student to the various faculties and academic entities are set out in the applicable faculty or University Rules and may be amended by the Council after consultation with the Senate.
- (5) Specific admission requirements may be set for number-restricted courses or programmes.
- (6) A student is registered for one year at a time or for such shorter period as the Council may determine in general or in a particular case.
- (7) In order for a student to renew his or her registration after the expiry of the period as contemplated in subparagraph (6), the student is required to comply with the re-admission criteria as determined by the Senate and approved by the Council. The determination of criteria by the Senate takes place after consultation with the faculty/school boards.
- (8) The Senate may refuse to allow the renewal of the registration of a student if a student fails to meet the conditions as contemplated in subparagraph (7).
- (9) The criteria as contemplated in subparagraph (7) may include the payment of outstanding fees, minimum academic performance and compliance with approved codes of conduct.

66. Student organisations and activities

Subject to the provisions of the Act and this Statute, the Student Representative Council may recognise student organisations and their activities at the University on such terms and conditions as may be determined by the Council from time to time after consultation with the Student representative Council, and the Council and the Vice-Chancellor may at any time, after furnishing reasons, withdraw such recognition.

67. Student Representative Council (SRC)

- (1) The Council of the University must recognise the Student Representative Council (SRC) and its subdivisions constituted in accordance with section 35 of the Act and the Rules as the representative bodies of students in student governance and related matters. The constitution of the SRC as approved by the Council has the status of Rules of the University.
- (2) In matters that may affect them, the students of the University are represented by the SRC acting in accordance with its statutory mandate and the Rules.
- (3) Only students registered for an academic programme approved by the Senate and the Council may be elected as members of the SRC, provided that no student employed for 25 or more hours per week may serve as a member of the SRC, provided further that the Council may, on the recommendation of the Senate, prescribe the minimum academic status and performance standard for students to serve on the SRC.
- (4) Unless the Vice-Chancellor rules differently with regard to contraventions not resulting in the suspension of the enrolment or the residence accommodation of a student, no student who has been found guilty of contravening the Disciplinary Code or any other approved code of conduct of the University will be eligible to serve on the SRC and a serving member of the SRC found guilty of a transgression, regardless of the disciplinary measure resulting therefrom, will automatically vacate his or her position.
- (5) The SRC must be composed with due regard to suitable representation of race, gender and disability.
- (6) The election of SRC members must be democratic and transparent.
- (7) The term of office of the members of the SRC is one year from the date of their election.
- (8) The privileges of members of the SRC are determined by the Council and may be revoked by the Council.

- (9) The SRC is composed and functions in accordance with its Constitution and the provisions of this Statute and the Rules.
- (10) The SRC Constitution or any amendment thereof must be approved by the Council, after consultation with the SRC.
- (11) If the Council is of the opinion that the SRC is inoperative or unable to function properly, the Council may, after following due process as contemplated in paragraph 5(5) and (6) and consulting the current SRC, if practicable:
 - (a) amend the SRC Constitution as necessary; or
 - (b) revoke the SRC Constitution, disband the serving SRC and make interim arrangements, subject to the Act and this Statute, for the functioning of the SRC; and/or
 - (c) initiate a process to have a new SRC Constitution drafted and/or a new SRC elected.

68. Student discipline

- (1) Registered students are subject to the disciplinary measures and procedures applicable to students as determined by this Statute and the Rules.
- (2) The disciplinary measures and provisions applicable to students as described in the Rules and contemplated by section 36 of the Act, may be changed by the Council after consultation with the Senate and the SRC as provided for in section 32 (2) (d) of the Act.
- (3) If the Vice-Chancellor, who is the chief disciplinary officer of the University, is of the opinion that the circumstances of a specific case warrant it, he or she may perform some or all of the actions performed by the Registrar in terms of the Disciplinary Code or, alternatively, he or she may delegate the authority to perform these functions to another employee or an independent external person.
- (4) The definition of misconduct, the composition of the various disciplinary committees and their duties, the procedures followed during a disciplinary hearing and the various penalties that may be imposed, as well as the lodging of an appeal must be set out in the Rules and made available to all students.
- (5) Where a student has been found guilty of misconduct and the disciplinary measure applied by the University leads to suspension or termination of his or her studies at the University, or his or her expulsion from a University

residence, the student concerned will forfeit all claims to a refund or a rebate on fees paid or payable to the University.

69. Fees

- (1) The Council determines, after consultation with the Executive Management and the SRC, the fees, levies and fines payable by students to the University.
- (2) The Council determines the conditions for admission to examinations and registration at the University for students owing the University outstanding fees, levies, fines or any other amount due and payable to the University.
- (3) The Council will defer the issuing of a certificate pertaining to a degree, diploma, certificate or qualification until the payment of outstanding fees, levies, fines or any other amount due and payable to the University.

70. Awards, bursaries and loans

The Council determines the policy and procedure regarding student financial aid.

71. Student Services Council

- (1) The composition, mandate and functioning of the Student Services Council are determined in the Rules.

CHAPTER 13
DEGREES, DIPLOMAS AND CERTIFICATES

72. Degrees, diplomas and certificates

- (1) Subject to the provisions of the Act and this Statute, the University may confer degrees and award diplomas and certificates in accordance with approved qualifications.
- (2) Save as is provided by this Statute, no degree, diploma or certificate may be conferred or awarded by the University upon any person who has not attained, through the assessment processes of the University, the prescribed standard of proficiency.
- (3) Subject to the provisions of subparagraph (4), the Council may, in consultation with the Senate, withdraw and revoke any degree, diploma, certificate or qualification that was awarded:
 - (a) on the basis of a material error on the part of the University, provided that such withdrawal and revocation may only take place within a period not exceeding two years after the conferment; or
 - (b) as the result of a fraudulent or dishonest act by the recipient in connection with obtaining such degree, diploma, certificate or qualification.
- (4)
 - (a) Prior to the Council withdrawing and revoking the conferment of a degree, diploma, certificate or qualification, the recipient must be:
 - (i) informed of the fact that a withdrawal and revocation is being considered;
 - (ii) provided with relevant information justifying the intention of the Council; and
 - (iii) provided with an opportunity to obtain assistance and to represent and dispute information and arguments and to make representations.
 - (b) In the event that the withdrawal and revocation relates to circumstances contemplated in subparagraph (3) (b), the University must report the matter for criminal investigation.
- (5) The Council may withhold the conferment of a degree, diploma, certificate or qualification pending the outcome of disciplinary proceedings against the recipient.

73. Honorary degrees

- (1) The University may, by resolution of the Council and the Senate and without examination, confer an honorary doctorate it deems appropriate upon any person whom the University may deem worthy of such a degree, provided that the holder of such a degree which has been conferred *honoris causa*, shall not, by the fact that he or she has been admitted thereto, be entitled to practise any profession.
- (2) A proposal to confer an honorary degree must be submitted in writing to the Registrar by a member of the Council, the Senate or the Convocation. Such proposal must be seconded by at least five members of the relevant constituency, must be in writing and must reach the Registrar on or before the date published in the University calendar, accompanied by a detailed statement indicating the reasons for the proposed conferment.
- (3) The Registrar must refer such proposals to the Honorary Degrees Committee, which consists of the Vice-Chancellor, Deputy Vice-Chancellor(s), deans of the faculties, members of the Council on the Senate and three members of the Senate appointed by the Senate.
- (4) The names of the candidates recommended by the Honorary Degrees Committee are submitted to the Senate, accompanied by the *curriculum vitae* ("CV") of the candidates and an appropriate statement describing the reasons for the proposal.
- (5) Without discussion of the candidates or their CVs, the Senate votes by way of a secret ballot on the conferment or not of an honorary degree on the candidate.
- (6) The chairperson of the Senate has an ordinary vote on each resolution and, in the case of an equality of votes, a casting vote.
- (7) The name(s) of the candidate(s) who obtained an ordinary majority of the votes of the members of the Senate present at the meeting is submitted to the Council.
- (8) Without discussing the candidate, the Council votes by way of a secret ballot on the candidate(s) recommended by the Senate, provided that the Council may not discuss the candidates or their CVs or consider any proposal not recommended by the Senate.
- (9) The honorary degree will be awarded to the candidate who has obtained a majority vote of the members of the Council present at a meeting of the Council, provided that no posthumous nominations will be accepted.

74. Congregation and conferring of degrees and awarding of diplomas and certificates

- (1) Degrees are conferred and diplomas and certificates awarded at a congregation (meeting) of the University.
- (2) A congregation is presided over by the Chancellor or, in his or her absence, the Vice-Chancellor, or in his or her absence, a Deputy Vice-Chancellor.
- (3) A congregation must be held at least once a year at such a time and place as may be determined by the Vice-Chancellor on the recommendation of Senate.
- (4) The procedure for the presentation of candidates, the conferring of degrees, the awarding of diplomas and certificates, the wearing of academic dress and all other matters regarding congregations not provided for in this Statute, are determined by Senate and approved by the Council.
- (5) No person may receive a degree, diploma or certificate, other than an honorary degree, unless the Senate or a committee of the Senate certifies that such person has satisfied all the requirements for such a degree, diploma or certificate.

CHAPTER 14

AMENDMENT OF THE STATUTE AND DISPUTE RESOLUTION

75. The Statute

- (1) No motion to adopt, amend or rescind any provision of this Statute is of force and effect unless approved by at least 75 per cent of all members present at a meeting of the Council.
- (2) Amendments to the Statute will take effect only after approval by the Minister and the publication thereof in the Government Gazette as contemplated in section 33 (1) and (2) of the Act.

76. Dispute resolution

- (1) Any dispute pertaining to the interpretation and application of this Statute must be referred to the Vice-Chancellor for a determination. The Vice-Chancellor may request the information he or she deems necessary to decide on the matter and may also seek legal advice.
- (2) Aggrieved parties may request the Council to review the determination of the Vice-Chancellor in terms of subparagraph (1). The determination of the Council after reviewing the matter is final and binding.

CHAPTER 15

TRANSITIONAL PROVISIONS

77. Transitional provisions

- (1) Persons holding an office in terms of the Standard Institutional Statute published in the Government Gazette No. 2365 of 27 March 2002 are deemed to hold office under the corresponding provisions of this Statute, unless it is inconsistent with the Act or this Statute, provided that the terms of office of such persons will, subject to the provisions of subparagraph (2) to (4) and (6), be determined in accordance with the provisions of this Statute and commence on the effective date of this Statute.
- (2) The terms of office of the representatives of the SRC on the Council, the Senate and the Institutional Forum, and the student members appointed by the Vice-Chancellor on the Institutional Forum, will remain the same as that of the SRC that elected them, or for the academic year in which they were appointed, as applicable.
- (3) The continued membership of the Council and the terms of office of the members appointed by the Minister will be determined by him/her.
- (4) At the first meeting of the Council constituted in accordance with paragraph 18 (1) of this Statute it must be decided by lot which six of the members of the Council who are not students, employees or Ministerial appointees hold office for an initial period of three years.
- (5) Notwithstanding the provisions of the Standard Institutional Statute and this Statute, at the last meeting of the Council constituted in terms of paragraph 9 (1) of the Standard Institutional Statute, it must be decided by lot which members of the Council, who served in terms of paragraph 9 (1) (e), (g), (h), (i) and (j) of the Standard Institutional Statute, 2002, and who declared their availability to serve on the Council constituted in terms of this Statute, will serve on the Council in terms of paragraph 18 (1) (d), (e), (h) and (k).
- (6) Members of the Council constituted in terms of paragraph 9 (1) of the Standard Institutional Statute not elected by lot to serve on the Council, as contemplated in subparagraph (5), may serve on the Council as co-opted members, with voting rights, for the remainder of their terms of office, provided that the total number of voting members of the Council may not exceed thirty. Should the membership of the Council as a result of the membership of the co-opted members exceed thirty, it must be decided by lot which of the co-opted members will enjoy voting rights.

- (7) Any constituent part of the University which existed immediately prior to the publication of this Statute continues to exist and function in terms of this Statute, should it be necessary, until the day prior to the day when a new structure, reconstituted in terms of this Statute, becomes functional.
- (8) As a transitional measure, the Council has the competence for a period of not more than two years to take any appropriate step to ensure the substantive implementation of the prescripts of the Act and this Statute, in particular, to appoint in accordance with its own procedures the required number of suitably qualified persons to the Council and the Senate in the relevant categories, in instances where the constituencies mentioned in paragraph 18 (1) and 29 (1) have not been constituted, or not been able to comply substantively with the prescripts of the Act and this Statute.
- (9) Rules in force prior to the commencement of this Statute continue to apply until replaced.
- (10) Any action, including a delegation of powers and functions to any functionary, committee or body, taken in terms of the Statute that existed prior to the commencement of this Statute is deemed to have been taken in terms of the corresponding provision of this Statute. Where there is no corresponding provision, such action will be referred to the Council or the Minister, whichever is appropriate.
- (11) The continuing membership of the Senate of associate and adjunct professors, serving only in that capacity on the Senate, will be reconsidered by the Council, after consultation with the Senate, within six years from the effective date of this Statute, with due consideration of the size and functionality of the Senate.