

## DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 211

10 MARCH 2017

**HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)****INSTITUTIONAL STATUTE: UNIVERSITY OF LIMPOPO**

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



**Dr BE Nzimande, MP**

**Minister of Higher Education and Training**

Date:

03/02/2017

**HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)**  
**UNIVERSITY OF LIMPOPO**  
**STATUTE**

The Council of the University of Limpopo, has made the Statute set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training which comes into operation on the date of its publication.

**SCHEDULE**

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

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## 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 same meaning so assigned to it, and unless the context otherwise indicates:

**"Absolute Majority"** means 75% of the total number voting in the body concerned;

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

**"Academic Employee"** means any person appointed to teach or to do research at the University and any other employee designated as such by the Council of the University;

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

**"Administrative and support employees"** means any person appointed by the University to perform an administrative or support function, excluding Academic Employees;

**"Associate professor"** means an Academic Employee or any other person given the status and title of associate professor by the University;

**"Certificate"** means a qualification of the University awarded to a student on completion of the work prescribed for the certificate by the Senate in accordance with the applicable provisions of the National Qualifications Framework Act, No 67 of 2008, as amended;

**"Chancellor"** means the person contemplated in paragraph 5 of this Statute and Section 26(1) of the Act;

**"Charter"** means a set of approved Rules describing the composition, mandate and functioning of a committee of Council or Senate;

**"Convocation"** means the convocation of the University contemplated in paragraphs 51 to 56 and Section 26(2)g of the Act;

**"Council"** means the Council of the University contemplated in paragraph 22 of this Statute and Section 27 of the Act;

**"Days"** means calendar days;

**"Executive Dean"** means a person appointed in accordance with this Statute and the Rules of the University for appointment of senior members of staff;

**"Degree"** means a qualification of the University conferred upon a Student on completion of a Programme of study prescribed for the degree by the Senate in accordance with the applicable provisions of the National Qualifications Framework Act, No 67 of 2008, as amended;

**"Department"** means the national department responsible for higher education and training;

**"Deputy-Vice Chancellor"** means a person appointed in accordance with this Statute and the Rules of the University for the Appointment of the senior members of staff;

**"Diploma"** means a qualification of the University awarded to a Student on completion of a Programme of study prescribed for the diploma by the Senate in accordance with the applicable provisions of the National Qualifications Framework Act, No 67 of 2008, as amended;

**"Donor"** means a person, body or entity who has made a donation to the University, which, in the opinion of the Council, warrants that person, body or entity being recognised as a donor as contemplated in paragraph 62 of this Statute;

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

**"Employee"** means any person employed at the University;

**"Examination"** means any test or assessment including any written or oral assessments;

**"Executive Officials"** 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 and Principal in performing his or her duties in terms of the Act and this Statute, including but not limited to Deputy Vice-Chancellor(s), Registrar, Executive Deans, Chief Financial Officer (CFO), Executive Directors, Directors of Schools, Head of Departments or persons holding equivalent positions;

**"Faculty"** means a planned cluster of learning Programmes, Qualifications, curricula or modules, so clustered for the purposes of effective management and enhancement of the quality of the academic Programmes of the University and includes the personnel appointed to perform the tasks pertaining to the work in the faculty;

**"Functions"** includes powers and duties and *vice versa*;

**"Graduate"** means a person upon whom a degree has been conferred;

**"Institutional forum"** means the institutional forum contemplated in paragraph 48 of this Statute and Section 31 of the Act;

**"Majority"** means half the total number of members plus one of the voting body concerned (50%+1);

**"Minister"** means the Minister of Higher Education and Training;

**"Office bearer"** means a functionary provided for in the Act or determined by the Council;

**"Postgraduate student"** means any student who is registered for any Qualification for which the minimum admission requirement is a Bachelor's degree or equivalent;

**"Professor"** means an Academic Employee who has been given the title of professor by the University or by another University, excluding an emeritus professor, associate, adjunct or assistant professor, extraordinary and honorary professors;

**"Programme"** a purposeful and structured set of learning experiences that leads to a Qualification;

**"Qualification"** means any formal registered qualification in a respective framework and includes Certificate, a Diploma or a Degree;

**"Recognised Union"** means an employee organization of the University and registered in accordance with the Labour Relations 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 the officer contemplated in paragraph 18 of this Statute and Section 26(4)b of the Act;

**"Rules"** means the institutional rules of the University made in terms of section 32 of the Act and this Statute;

**"Semester"** means one half of the Academic Year of the University;

**"Seat of the University"** means the seat contemplated in paragraph 2(2) of this Statute and Section 65A of the Act;

**"Senate"** means the Senate of the University contemplated in paragraph 36 of this Statute;

**"Senior Management"** means the Vice-Chancellor and Principal, Deputy Vice-Chancellors, the Registrar, the Executive Deans of Faculties and the administrative positions equivalent to the positions of the Executive Deans of Faculties.

**"SRC"** means the Student Representative Council of the University contemplated in paragraph 57 of this Statute and Section 35 of the Act;

**"Statute"** means this Statute as contemplated in Section 32 of the Act;

**"Student"** means any person who registered as a student at the University;

**"the University"** means the University of Limpopo.

**“Urgent matter”** means a matter which has a potential to cause irreversible harm or prejudice to the University, its Employees or Students;

**“Vice-Chancellor and Principal”** means the person appointed as such in accordance with this Statute and the Rules for the appointment of the Vice-Chancellor and Principal;

**“Written Notice”** means any notice in writing and includes any notice sent as contemplated by Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), or any act that amends or replaces it.

## UNIVERSITY

### 2. Name, Status, Seat and Powers of University

- (1) The name of the University is the University of Limpopo.
- (2) The Seat of the University is Turfloop Campus, Mankweng, in the Polokwane Municipality.
  - (a) The University also conducts academic activities at its satellite campuses.
  - (b) The official address of the University is:

University of Limpopo  
Mankweng Township, Turfloop  
Limpopo Province  
Private Bag X1106  
Sovenga  
0727

- (3) The University is a juristic person as contemplated in Section 20(4) of the Act and is capable of performing all functions in relation thereto.
- (4) Notwithstanding subparagraph (3), 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.
- (5) The University may confer Degrees and honorary degrees, Diplomas and Certificates in its own name as contemplated in Section 65B and 65C of the Act.

### 3. Language Policy

- (1) The language of tuition of the University is English, except where a particular language is taught, in which event that language is also used.
- (2) The languages of communication of the University are as provided for in the Language Policy of the University.
- (3) The University is committed to promoting multilingualism and the academic development of the official languages of South Africa through its Programmes.

### 4. Composition of the University

- (1) The University shall consist of:
  - (a) Chancellor;
  - (b) Council;
  - (c) Senate;
  - (d) Vice-Chancellor and Principal;
  - (e) Deputy Vice-Chancellor(s);
  - (f) Registrar;
  - (g) Executive Deans,
  - (h) Directors of Schools;
  - (i) Heads of Academic Departments;
  - (j) Convocation;
  - (k) Institutional Forum;
  - (l) Faculties, the Schools, and such other academic structures of the University as may be determined by Council;
  - (m) Academic Employees of the University;
  - (n) Administrative and support Employees of the University;
  - (o) Student Representative Council;
  - (p) Students of the University;
  - (q) the various support services and such other offices, bodies or structures as may be established by the Council; and

- (r) all the University's property and assets.
- (2) No vacancy in any of the officers contemplated in subparagraph (1) nor any vacancy or deficiency in the number or defect in the composition of the bodies contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function, rights or privileges conferred by this Statute or by the Act upon the University or the Council or the Senate, provided that no resolution of Council or of 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 this Statute, a quorum or a Majority of votes for any purpose is required and the actual number required at meeting results in a numerical fraction, the next greater number shall be the applicable number to constitute the required quorum or Majority.
- (2) Once a meeting constituted in accordance with this Statute is quorate it remains quorate for the duration of the meeting.
- (3) 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.

## CHANCELLOR

## 6. Powers, Duties and Functions

- (1) The Chancellor is the titular head of the University with no executive powers.
- (2) The Chancellor presides at all congregations of the University and confers all Degrees and awards all Diplomas and Certificates in the name of the University.
- (3) In the absence of the Chancellor, Degrees shall be conferred by the Vice-Chancellor and Principal or by the Deputy Vice-Chancellor; and Diplomas and Certificates shall be awarded by officials designated to do so by the Council.
- (4) The Chancellor performs such other functions as assigned to him or her by the Council,

subject to the provisions of subparagraph (1).

- (5) The Chancellor must at all times embody the aspirations and values of the University and actively advance the interests of the University.

## 7. Election and Appointment of the Chancellor

- (1) The Chancellor is elected by the Council in the following manner-
- (a) The Chairperson of the Council after consultation with the Vice-Chancellor and Principal, or in his or her absence, the Vice-Chancellor and Principal must determine the date on which a meeting of the Council is to 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.
  - (b) At least 40 Days before the date contemplated in subparagraph (1)(a), the Secretary to the Council gives Due Notice to the members of Council of the date, time and venue for the meeting contemplated in subparagraph (1)(a).
  - (c) The Secretary to the Council must invite office bearers and structures contemplated in paragraph 4(1) to submit nominations for the office of the Chancellor.
  - (d) The nominations contemplated in subparagraph (1)(c) must reach the Secretary to the Council at least 20 Days before the meeting contemplated in subparagraph (1)(b).
  - (e) The nominations contemplated in subparagraph (1)(c) must be in writing and must include the nominee's written consent and a succinct curriculum vitae.
  - (f) The Secretary to the Council must, within five Days after the closing date for nominations, give Due Notice to every member of Council and the Institutional Forum of the nominations received and the background of the duly nominated candidates.
  - (g) A special meeting of the Institutional Forum must be held before the meeting contemplated in subparagraph (1)(b) for purposes of considering the nominations and advising the Council prior to the Council meeting on the appointment of a candidate to the office of Chancellor;
  - (h) The Chancellor must be elected by secret ballot by a Majority of the members of Council holding office and present on the date of the meeting contemplated in

- subparagraph (1)(b).
- (i) For the purposes of electing a Chancellor, the Chairperson of Council has an ordinary vote only and does not have a casting vote in the event of an equality of votes.
  - (j) Each member of Council has only one vote during each ballot, provided that there must be a series of ballots if no candidate gains a Majority of votes as contemplated in subparagraph (1)(h) in the first ballot.
  - (j) In each successive round of voting, the candidate who gains the least support in the previous ballot is eliminated as a candidate.
- (2) After the Council has elected a Chancellor, the name of the new Chancellor is announced by the Chairperson of the Council.

## 8. Term of office of the Chancellor

- (1) The Chancellor shall be elected for a period to be determined by the Council, but not exceeding five years, unless he or she tenders a resignation in writing to the Council or vacates office for any other reason before the end of his or her term of office.
- (2) The Chancellor may be re-elected, provided that a person may not serve as Chancellor for more than two consecutive terms.
- (3) The Chancellor may be removed 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 of the office, or on account of any other reason which the Council may deem justifiable.
- (4) The resolution contemplated in subparagraph (3) may not be passed without prior notice to the Chancellor of the pending motion for his or her removal and the reasons therefore, and providing him or her with a reasonable opportunity to reply.
- (5) The term of office of the Chancellor terminates in the event of-
  - (a) death or incapacity;
  - (b) resignation;
  - (c) expiry of term of office; or
  - (d) removal from office by Council as contemplated in subparagraph 8(3) of this Statute.

- (6) If the office of the Chancellor becomes vacant, Council must as soon as possible, elect a new Chancellor in accordance with the provisions of paragraph 7.

#### 9. Absence of the Chancellor

If the Chancellor is absent or unable to perform his or her duties for any other reason, the Vice-Chancellor and Principal temporarily performs those powers, duties and functions.

### VICE-CHANCELLOR AND PRINCIPAL

#### 10. Status, Powers, Duties and Functions

- (1) The Vice-Chancellor and Principal of the University is its chief executive and accounting officer as contemplated in Section 26(4)a of the Act.
- (2) The Vice-Chancellor and Principal is responsible for the discipline, academic, administration and management of the University and, subject to the provisions of subparagraph (3), has all the powers necessary to perform these functions.
- (3) The Council shall delegate to the Vice-Chancellor and Principal all the powers necessary to perform his or her functions.
- (4) The Vice-Chancellor and Principal may in turn, subject to the Rules and the approved delegation frameworks of Council, delegate functions to other Employees or the Chairperson of any committee;
- (5) The Vice-Chancellor and Principal reports to Council.
- (6) The Vice-Chancellor and Principal is, subject to the Rules, *ex officio* a member of both Council and Senate and all their respective committees excluding the Audit Committee.
- (7) The Vice-Chancellor and Principal serves as chairperson of Senate;
- (8) The Council may assign additional functions, and grant additional powers and privileges to the Vice-Chancellor and Principal as contemplated in Section 68(2) of the Act.
- (9) When the Vice-Chancellor and Principal is absent or unable to carry out his or her duties, he or she may delegate all or part of his or her powers and duties to Executive Officials as contemplated in Section 68(3) of the Act.
- (10) An acting Vice-Chancellor and Principal must be appointed by the Vice-Chancellor and Principal for periods of absence of the Vice-Chancellor and Principal and such acting

Vice-Chancellor and Principal has the same functions of the Vice-Chancellor and Principal;

- (11) In the event of a Vice-Chancellor and Principal being unable, for whatever reason, to delegate his or her functions, Council may delegate said functions to an Executive Official(s) and/or decide on any other appropriate measure.
- (12) The Vice-Chancellor and Principal has the power to appoint acting officers subject to the Rules and the terms of this Statute.

## **11. Appointment of Vice-Chancellor and Principal**

- (1) Subject to Section 31(1)(a) (iii) of the Act, the advertising of the post of Vice-Chancellor and Principal, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes are determined by Council and Rules of the University.
- (2) Council shall, subject to the Rules and Section 31(1) of the Act, appoint the Vice-Chancellor and Principal.
- (3) When the term of office of the Vice-Chancellor and Principal expires and he or she is available for appointment for a further term of office, 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 and Principal for a further term of office only after consultation with Senate and the Institutional Forum.
- (4) Nothing in subparagraphs (1) to (3) above prevents Council from advertising or calling for nominations for the position of Vice-Chancellor and Principal. The incumbent may apply or be nominated, whichever is appropriate, for the position.

## **12. Term of office of the Vice-Chancellor and Principal**

- (1) The Vice-Chancellor and Principal is appointed by Council and holds office for a period not exceeding 5 (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 the Office of the Vice-Chancellor and Principal is terminated in the event of-
  - (a) expiry of the term of office;

- (b) death or incapacity;
- (c) resignation; or
- (d) removal from office by Council in accordance with the Rules or any other reason recognized by law.

- (3) Removal of the Vice-Chancellor and Principal from office is subject to the processes and procedures prescribed by applicable law and the Rules.
- (4) The resolution contemplated in subparagraph (2)(d) may not be passed without prior notice to the Vice-Chancellor and Principal of the pending motion for his or her removal and the reasons therefore, and providing him or her with a reasonable opportunity to reply.

### **13. Delegation of Duties**

The Vice-Chancellor and Principal may delegate any of the powers assigned to him or her by the Council or the Senate to any Executive Official of the University, except where the Council or the Senate decides otherwise.

### **14. Accountability**

The Vice-Chancellor and Principal is accountable to the Council in respect of the management and administration of the University and to the Senate in respect of academic matters.

## **DEPUTY VICE-CHANCELLORS**

### **15. Powers, Duties and Functions**

- (1) The Deputy Vice-Chancellor, is responsible for assisting the Vice-Chancellor and Principal in performing his or her duties in terms of the Act and this Statute and have the powers, privileges, functions and duties conferred upon him or her by Council, this Statute, and the Rules and delegated to him or her by the Vice-Chancellor and Principal.
- (2) A Deputy Vice-Chancellor is a member of Council and the Senate and their committees except that the Council may on good cause determine that one or more Deputy Vice-

Chancellors should not be a member of a committee of the Council or a joint committee of the Council and the Senate.

- (3) A Deputy Vice-Chancellor may delegate any of the powers assigned to him or her by Council to any Executive Official of the University, except where Council decides otherwise.
- (4) A Deputy Vice-Chancellor is accountable to the Vice-Chancellor and Principal and Council.

## **16. Appointment of Deputy Vice-Chancellors**

Subject to the Act, the advertising of the post of Deputy Vice-Chancellor, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment process are determined by Council and the Rules.

## **17. Term of office of the Deputy Vice-Chancellors**

- (1) The Deputy Vice-Chancellors are appointed for a five-year term of office.
- (2) The term of office contemplated in subparagraph (1) above can be renewed for such periods as determined by Council and the Rules.
- (3) Paragraph 12(2) applies with the necessary changes to the termination of the term of office of the Deputy Vice-Chancellor.
- (4) An acting Deputy Vice-Chancellor must be appointed by the Vice-Chancellor and Principal for periods of absence of the Deputy Vice-Chancellor or when the Deputy Vice-Chancellor is unable to perform his or her duties and such acting Deputy Vice-Chancellor has the same powers, duties and functions of the Deputy Vice-Chancellor. If the Vice-Chancellor and Principal is unable for whatsoever reason to appoint an acting Deputy Vice-Chancellor then Council will appoint same.

## REGISTRAR

### 18. Powers, Duties and Functions

- (1) The Registrar is, by virtue of his or her office, the secretary to Council, Senate, Institutional Forum and Convocation and the committees of Council and Senate and acts as the compliance officer of the University.
- (2) The Registrar is the custodian of the Rules of the University.
- (3) The office of the Registrar is the repository of all records of the University.
- (4) The Registrar acts as returning officer at all meetings of Council, Senate, Institutional Forum and Convocation.
- (5) The Registrar may designate any other administrative staff member to assist him or her.
- (6) Employees designated in terms of subparagraph (5) shall have the same fiduciary duties and obligations as the Registrar.
- (7) The Registrar provides administrative support to the governance structures of the University, which includes, but is not limited to-
  - (a) keeping the minutes of Council; Senate, Convocation and Institutional Forum meetings;
  - (b) keeping the minutes of the meetings of all committees of Council; Senate; Convocation and Institutional Forum; and
  - (c) keeping a register of all resolutions adopted by Council; Senate; Convocation and Institutional Forum, and providing access to the register to members of Council and Senate respectively.
- (8) The Registrar is accountable for his or her governance support responsibilities to Council.
- (9) The Vice-Chancellor and Principal may assign additional functions and responsibilities to the Registrar.

### 19. Appointment of Registrar

- (1) The Registrar is appointed for a five-year term of office.
- (2) The term of office contemplated in subparagraph (1) above can be renewed for such periods

as determined by Council and the Rules.

## 20. Absence of Registrar

An acting Registrar must be appointed by the Vice-Chancellor and Principal for periods of absence of the Registrar or when the Registrar is unable to perform his or her duties and such acting Registrar has the same powers, duties and functions of the Registrar. If the Vice-Chancellor and Principal is unable for whatsoever reason to appoint an acting Registrar then the Council will appoint same.

## 21. Term of office of Registrar

The term of office of the Registrar is terminated in the event of-

- (a) expiry of terms of office ;
- (b) death or incapacity;
- (c) resignation; or
- (d) removal from office by Council in accordance with the Rules or any other reason recognised by law.

## COUNCIL

## 22. Powers, Duties and Functions

- (1) Subject to the provisions of the Act or, any other applicable legislation and this Statute-
  - (a) Council governs the University.
  - (b) Council shall perform all the governance responsibilities imposed on it by the Act and this Statute.
  - (c) Without derogating from the generality of subparagraph (b) above, Council is responsible for governance and policy-making at the University, as well as to monitor compliance therewith and, particularly, to lay down guidelines relating to –
    - strategic governance;
    - financial governance;

- the appointment and conditions of service of staff, subject to subparagraph (4) to (6);
  - a positive academic atmosphere;
  - disciplinary matters regarding staff and Students;
  - the language policy of the University with concurrence with Senate, as required by Section 27(2) of the Act;
  - the admission policies of the University in consultation with Senate as required by Section 37 (1) of the Act; and
  - the approval of the Rules of the University
- (d) Council members must participate in the deliberations of Council in good faith and with due care and skill in the best interest of the University.
- (e) Council is accountable to the Minister in terms of the provisions of Section 41 of the Act.
- (f) Council adopts the University's strategic plan and monitors the realisation thereof.
- (g) Council may establish any other committees as well as joint Council and Senate committees.
- (h) Council may establish, in consultation with Senate, joint committees of Council and Senate in terms of Section 29 of the Act to perform functions that are common to Council and Senate.
- (2) 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 functions to its committees.
- (3) Council may, subject to the provisions of Section 68(2) of the Act and this Statute, delegate any of its powers or functions, but it is not divested of the responsibility for the performance of any function delegated or assigned.
- (4) Subject to Section 34 of the Act, Council appoints employees of the university.
- (5) Council may delegate its functions in terms of subparagraph 4(a) to a committee of Council, provided that Council may not delegate the appointment of the Vice-Chancellor and Principal, the Deputy Vice-Chancellor(s) and the Registrar.
- (6) Council may delegate its functions in terms of subparagraph (4)(b) to a joint committee of Council and 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 and Principal.
- (7) In terms of Section 27(7) of the Act, a member of Council or a member of a committee

of Council –

- (a) must be a person with knowledge and experience relevant to the objects and governance of the University;
  - (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;
  - (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;
    - (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;
    - (iii) must, before the meeting and in writing, inform the Chairperson of that meeting of that conflict or possible conflict of interest.
- (8) Each member of Council shall 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 Council and in accordance with Section 27(7) of the Act
- (9) Council shall 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 shall report to the Minister as contemplated in Section 41(2) of the Act.
- (10) Council, after consultation with the Student Representative Council, shall make provision in the Rules of the University for appropriate structures to advise Council on the rendering of Student services at the University.
- (11) Council shall report regularly on its activities and performance and that of its committees in accordance with its own rules and guidelines from the Department. It is incumbent upon Council to inform Employees and Students of decisions of Council affecting them.
- (12) Council shall in instances of substantial non-attendances of Council meetings, with or

without apology (three or more meetings), by members representing specific constituencies, report such non-attendance to the relevant constituency.

- (13) No temporary vacancy impairs the capacity of Council to perform its functions and responsibilities under the Act, this Statute and the Rules, provided that decisions of Council will have effect only if they are taken in accordance with the prescripts set out in paragraph 26 under the heading "Office Bearers, Quorum, Procedures and Meeting Procedures".

### 23. Composition of Council

- (1) The Council, as contemplated in Section 27 of the Act, consists of-
- (a) Vice-Chancellor and Principal;
  - (b) Deputy Vice-Chancellors;
  - (c) two members of the Senate elected by the Senate;
  - (d) one academic employee who is not a member of the Senate elected by the academic employees;
  - (e) one Administrative and support employee who is not a member of Senate elected by such Administrative and support employees;
  - (f) two Students who are members of the SRC, elected by the SRC;
  - (g) President of the Convocation and one additional member of the Convocation elected by the Convocation;
  - (h) not more than five persons appointed by the Minister in accordance with Section 27(4)(c) of the Act;
  - (i) ten members with a broad spectrum of competencies in fields such as education, business, finance, law, marketing, information and communication technology, human resource management and organised labour.
- (2) No staff and no Student may be elected or hold an appointment under subparagraph 1(g) to (i) as reflected in the Statute;
- (3) A person elected or appointed under subparagraph 1(g) to (i) who becomes a Student or staff member forthwith ceases to be a member of the Council.
- (4) The Registrar is the secretary to Council.
- (5) At least 60% of the members of the Council must be persons who are not staff or Students as contemplated in Section 27(6) of the Act.

- (6) Council members are elected or appointed in accordance with the provisions of paragraph 25 of this Statute.
- (7) When members are elected to or appointed on Council, the body entitled to elect or appoint shall do so with sensitivity for the race and gender profile of Council.

#### 24. Term of Office

- (1) The Vice-Chancellor and Principal and the Deputy Vice-Chancellors are members of 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 Ministerial appointees is five years.
- (4) The term of office of all other members of Council is four years, provided that a member whose term of office has expired may, as an interim measure, be extended by Council once off for a maximum period of six months should Council be of the opinion that special circumstances so demand.
- (5) Members of 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 three consecutive terms.
- (6) A Council member's membership is terminated –
  - (a) Through expiry of term of office;
  - (b) Upon death or incapacity;
  - (c) If the Council member fails to attend three consecutive ordinary meetings of Council without the consent of the Chairperson of Council;
  - (d) If the Council member is sequestered;
  - (e) If the Council member is found guilty of conduct that in the exclusive opinion of Council is of such a nature that the member's ability to exercise his or her fiduciary duties and obligations is undermined and that continued membership of Council is not desirable;
  - (f) If a Council member, who is also a member of staff 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 Council, is of such a serious nature that the member's continued membership of Council is not desirable;

- (g) If Council rules that the continued membership of a member is undesirable due to conflict of interest;
  - (h) If the Council member becomes a patient in an institution for mental health on a continuous basis; or
  - (i) If the Council member has transgressed Council's Code of Conduct.
- (7) Apart from the Vice-Chancellor and Principal, Deputy Vice-Chancellors, representatives of Senate, employee representatives and Students appointed by the SRC to serve on Council, no other member of Council shall be a permanent or temporary member of staff or a Student of the University, and should this happen, such Council member's membership of Council terminates automatically.
- (8) All Council members elected or appointed to Council are entitled, at any time, to submit their resignations in writing to the Chairperson of Council.

## 25. Election and Nomination Procedures

- (1) The Senate representatives on Council shall be elected in accordance with the procedure prescribed in the Rules.
- (2) The Academic Employees of the University must elect one representative to represent them on Council in accordance with the following provisions and process:
  - (a) The representative must be an Academic Employee who is not a member of 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 percent 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 shall announce the result of the election.
  - (f) The representative of the Academic Employees must vacate his or her position on

Council in the event that he or she, for whatever reason, becomes a member of Senate or ceases to be an Academic Employee, whereafter the position must be filled in accordance with the procedure set out in subparagraphs (2)(a) to (e).

- (3) The Administrative and support staff of the University must elect one representative to represent them on 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 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 percent 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 shall announce the result of the election.
  - (f) The representative of the administrative and support employees must vacate his or her position on Council in the event that he or she, for whatever reason, becomes a member of Senate or ceases to be a member of the administrative and support employees, whereafter the position must be filled in accordance with the procedure set out in subparagraphs (3)(a) to (e).
- (4) Student members on Council shall be elected at a meeting of the SRC from the ranks of the SRC in accordance with the selection procedure of the SRC.
- (5) The members of Council who are appointed to Council on the basis of their expertise and experience shall be appointed by means of the following process controlled and supervised by the Registrar:
- (a) The Registrar shall place an advertisement in three newspapers (one provincial

and two national) and on the University's website, inviting organisations, interest groups and individuals to nominate persons with expertise and experience, as determined by Council, to serve on Council, provided that if a particular round of advertisements has, in the opinion of Council, not elicited a satisfactory response, the process may be repeated.

- (b) The Nominations Committee of Council must, with the assistance of the Registrar, draw up a list of the most suitable nominees for recommendation to Council, provided that the names of all nominees will be tabled at the Council meeting.
  - (c) The required number of members of Council shall be elected at ordinary or an extraordinary meeting of Council from the ranks of the nominees, after taking into consideration the recommendations of the Nominations Committee of Council.
- (6) 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 Council shall take place in accordance with the procedure prescribed in Rules of this Statute.
- (7) The process for the appointment of Council members shall be facilitated by the Registrar in his or her capacity either as Registrar or as secretary to Council and Senate.

## **26. Office Bearers, Quorum, Procedures and Meeting Procedures**

- (1) A Chairperson and Deputy Chairperson of Council shall be elected at the first meeting of Council constituted in accordance with this Statute and thereafter as and when it becomes necessary.
- (2) At such a meeting those present and voting, elect by secret ballot a Chairperson and a Deputy Chairperson of Council from the external members of the Council duly nominated.
- (3) In the absence of the Chairperson, the Deputy Chairperson exercises all the powers vested in the Chairperson.
- (4) If the Chairperson and the Deputy Chairperson are absent from a meeting, the members present at such a meeting elect one of the external members to preside at such meeting.
- (5) If a vacancy occurs in the position of Chairperson or Deputy Chairperson of Council, Council shall 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 Council.

- (6) Nominations for the Chairperson or Deputy Chairperson of Council must be given in writing to the secretary to Council on or before a date determined by him or her.
- (7) Each nomination must be signed by at least three members of Council and countersigned by the nominee to denote his or her acceptance of the nomination.
  - (a) For the duration of the election of a Chairperson, the Vice-Chancellor acts as Chairperson of the meeting.
  - (b) If more than one candidate is nominated for one of the office, voting takes place by secret ballot.
  - (c) A candidate may be elected to the office of Chairperson or Deputy Chairperson of Council only by a Majority of the members present at a meeting.
  - (d) 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.
- (8) A Chairperson of the Council is eligible for re-election but may not serve for more than two (2) consecutive terms.
- (9) Quorum-
  - (a) The quorum at all meetings of the Council shall consist of at least 50% + 1 of the total number of serving members of Council.
  - (b) The quorum of the executive committee of the Council may not be less than 50% + 1, of whom 60% shall be external members.
- (10) The Chairperson of Council, after consultation with the Vice-Chancellor and Principal, shall convene a meeting of Council at least four times a year at a time and place determined by the Chairperson.
- (11) Council shall determine its own meeting procedures with due observance of accepted norms and practices of fair administrative process.
- (12) Except as otherwise provided in this Statute, decisions of Council are taken by a Majority of votes of the members present at the meeting.
- (13) 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 Council for a decision,

- provided that all other conclusions reached at such a meeting shall have no effect unless submitted to and approved by a properly constituted meeting of Council.
- (14) The Council may grant observer status to persons that would allow such person to attend a particular Council meeting or Council meetings in general. With the permission of the Chairperson of Council a person with observer status may take part in the debates of Council, but may not vote.
  - (15) 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.
  - (16) A member of 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.
  - (17) 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.
  - (18) At least seven Days before the date of an ordinary meeting, the secretary to Council shall 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.
  - (19) 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.
  - (20) Except as approved by a Majority of members, no motion which has been rejected by Council may be placed before it again within a period of six calendar months from the date of such rejection.
  - (21) The secretary to Council shall keep comprehensive minutes of each Council meeting.
  - (22) The secretary to Council must keep a complete register of Council resolutions adopted and all members of Council must have access to this register.
  - (23) 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.
  - (24) Subject to the provisions of paragraph 7(i) of this Statute, the Chairperson of Council has an ordinary vote and, in the event of an equality of votes, also a casting vote.

- (25) 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.
- (26) Where two thirds of the serving members of 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.
- (27) The views of a member of Council who is unable to attend a formal meeting may be submitted to the meeting in writing, but may not count as a vote on any matter decided at the meeting.
- (28) No member of 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.
- (29) A member of 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.
- (30) If a member of Council participates in the proceedings and the voting of Council in connection with a matter in which he or she has a direct or indirect, financial, personal or other interest, the resolution of Council on the matter is invalid.
- (31) A motion to amend or rescind a previous resolution of Council must be carried by at least two-thirds of the members present.
- (32) A motion to approve, amend or repeal the Statute or a Rule of the University must be adopted by at least two thirds of the serving members of Council.
- (33) Chairperson of Council may, with at least seven Days' notice, convene an extraordinary meeting of Council notifying members of the matter(s) to be discussed. No other business may be discussed at such meeting.
- (34) At the request of the Vice-Chancellor and Principal or at the written request of at least five members of 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 meeting.
- (35) An emergency meeting may be called by the Chairperson after consultation with the Vice-

Chancellor and Principal, provided that members of 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 meeting.

## **27. Conflict of Interest of Council Members**

- (1) A member of Council may not have a conflict of interest with the University.
- (2) A member of Council who has 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 must, before or during such meeting, declare the interest.
- (3) Any person may, in writing, inform the Chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a Council member of which such person may be aware.
- (4) The member is obliged to recuse him or herself from the meeting during the discussion of the matter and the voting thereon.

## **28. Committees of Council**

- (1) The Council determines the composition, election, terms of office, functions and procedures of standing committees and any of its other committee in terms of Rules.
- (2) The Council appoints such committees as may be required.
- (3) The Committees of Council amongst others are as follows:
  - a) Executive Committee of Council;
  - b) Audit Committee of Council;
  - c) Finance Committee of Council;
  - d) Human Resources Committee of Council;
  - e) Joint Tender and Physical Planning Committee; and
  - f) Information and Communication Technology Committee of Council.
- (4) Apart from the Committees of Council as contemplated in subparagraph 3, Council may establish any other committee as well as joint Council and Senate committees.
- (5) Each Committee shall have its own Charter prescribing its composition, mandate,

powers and duties. Charters approved by Council will have the status of Rules as contemplated in Section 29(4) of the Act.

- (6) Committees of Council or joint committees of Council and 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 percent plus one of the members appointed to the committee.
- (7) Council may appoint persons who are not members of Council or Senate to committees.

## 29. Executive Committee of Council

- (1) The Council must establish a committee known as the "Executive Committee of Council" which comprises the following-
  - (a) Chairperson of Council (who is also the Chairperson of its Executive Committee);
  - (b) Deputy Chairperson of Council;
  - (c) Vice-Chancellor and Principal;
  - (d) Deputy Vice-Chancellors; and
  - (e) Chairpersons of all the Standing Committees of Council.
- (8) The Executive Committee of Council gives advice to Council on any matter which the Executive Committee deems expedient for the efficient and effective governance of the University.
- (9) The Executive Committee of Council makes decisions on matters in accordance with powers delegated to it by Council.
- (10) The Executive Committee of Council may dispose of urgent business on behalf of Council, but all business so disposed of must be ratified at the first ensuing ordinary meeting of Council.

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

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

**31. Powers and functions of the Executive Committee of Council**

- (1) When Council is not in session, the Executive Committee of Council assumes the authority of Council and may perform the functions of Council with regard to Urgent matters and matters delegated to the Executive Committee by Council.
- (2) The Executive Committee reports regularly to Council on its decisions and actions, provided that all decisions and actions taken by the Executive Committee in terms of subparagraph (1) shall be submitted to the next meeting of Council for ratification. Any other decision, action or recommendation of the Executive Committee of Council may be ratified, amended or rejected by Council.
- (3) Council shall review the delegations to the Executive Committee of Council at least every four years.
- (4) The Registrar shall keep a detailed consolidated record of all delegated powers as contemplated in subparagraph (1).
- (5) The Executive Committee considers all recommendations of Senate and the committees of Council before submitting them, with its recommendations, to Council.
- (6) The Executive Committee may refer any matter arising from the minutes of meetings contemplated in subparagraph (5) back to Senate or any Council committee.

- (7) The Executive Committee may refer any matter which it deems necessary to Senate or any Council committee.
- (8) Matters requiring the urgent attention of Council, as determined by the Vice-Chancellor and Principal, may be submitted to Council directly.
- (9) The Executive Committee deals with any other matter delegated to it by Council.
- (10) The Executive Committee of Council may further delegate the authority granted to it by Council to a committee of Council, the Vice-Chancellor and Principal or to an individual, except in cases where this Statute prescribes differently or Council has explicitly ruled against further delegation.

### **32. Dissolution of Council**

- (1) Should there be no quorum at three consecutive ordinary Council meetings the Council is deemed to be dissolved and must be reconstituted.
- (2) If 75% or more of the members of Council resign at a meeting of Council it is deemed that Council has resigned and a new Council must be constituted.

### **33. Amendment of the Statute**

- (1) No motion to draft, amend or rescind this Statute or a Rule is of force and effect unless adopted by not less than 75% of all members of Council present at the meeting at which notice of such agenda item has been given.
- (2) Any motion to draft, amend or rescind this Statute or a Rule must be in accordance with the provisions of Section 32 of the Act.

## **SENATE**

### **34. Powers, Duties and Functions**

- (1) Subject to the provisions of the Act, the Senate is accountable to Council for regulating all teaching, learning, research and academic functions of the University as

contemplated in Section 28(1) of the Act and all other functions delegated or assigned to it by Council.

(2) Without derogating from the generality of subparagraph (1), the organisation and superintendence of instruction and Examinations and of lectures and classes vest in the Senate and the Senate may -

- (a) if so delegated by Council, make or amend any Rule relating to the curriculum, or to the obtaining of any University Degree, Diploma, Certificate or other qualification including the requirements for academic admission, but may do so only after consulting the relevant Faculty board;
- (b) if so delegated by Council, make or amend any Rule relating to the manner in which Students are to be assessed, including but not limited to the appointment of assessors for all assessments and the overseeing and control of the implementation of Rules and assessments;
- (c) make recommendations to Council in regard to the introduction of Programmes, Degrees, Diplomas, Certificates or other qualifications and their discontinuation;
- (d) make recommendations to Council regarding the school, Faculty or other overarching structure in which each academic Programme should be placed;
- (e) make recommendations to Council regarding the establishment and dissolution of Faculties, schools and other academic structures;
- (f) make recommendations to Council on awarding the rank of professor emeritus or honorary professor in terms of the applicable Rules;
- (g) in terms of the Rules, cancel the registration of a Student in all or one or more of the courses or modules for which the Student is registered in that year if in the opinion of the Senate the academic achievement of the Student is such that the Student may not at the end of the year obtain credit in such course or courses or module or modules;
- (h) submit to Council –
  - (i) such reports upon its work as may be required by Council;
  - (ii) recommendations on matters referred to it by Council; and
  - (iii) recommendations on any other matter affecting the University, as the Senate considers necessary or significant.

(3) In carrying out its responsibility for organising and controlling the teaching, *curricula*,

*syllabi*, assessment or evaluation, research and community engagement of the University, the Senate may –

- (a) determine what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each Degree, Diploma and Certificate.;
- (b) oversee and control the teaching, research and community engagement activities of members of the academic staff and Students;
- (c) decide the conditions, where applicable, in accordance with the relevant bequest or deed or gift, for the award of prizes, scholarships and bursaries; and
- (d) ensure that any action taken by a committee established by Senate in the exercise of delegated powers or functions is reported by such committee to the next ordinary meeting of Senate which in the opinion of the secretary of Senate is appropriate.

### 35. Composition of Senate

(1) Senate consists of-

- (a) Vice-Chancellor and Principal, who is the chairperson;
- (b) Deputy Vice-Chancellors;
- (c) Registrar;
- (d) Executive Deans;
- (e) Directors of Schools;
- (f) all Heads of Academic Departments;
- (g) all Professors, other than associate, adjunct, emeritus and honorary Professors;
- (h) University Librarian;
- (i) Head of Institutional planning;
- (j) Head of Research Administration and Development;
- (k) Head of Quality Assurance;
- (l) Head of Information and Communication Technology;
- (m) Head of Students Affairs;

- (n) Head of the Centre for Academic Excellence;
- (o) Assistant to the Vice-Chancellor and Principal;
- (p) an Academic Employee from each Faculty elected by the Academic Employees of each Faculty who are not members of Senate;
- (q) a administrative and support employee from each Faculty elected by the non-academic employees of each Faculty;
- (r) two members of Council designated by the Council who are not employees or Students of the University;
- (s) two Students appointed by the SRC; and
- (t) such additional members as approved by the Senate.

(2) Members -

- (a) elected under subparagraphs 1 (a) – (o), hold office for as long as they are employed by the University in that capacity.
- (b) described in (r) are elected in terms of the Rules determined by Council;
- (b) described in (s) are appointed and elected in terms of the SRC constitution; and
- (c) described in (t) are elected in terms of the Rules determined by Senate.

### 36. Term of office and manner of appointment of members of Senate

- (1) Members of Senate serving on Senate in an *ex officio* capacity are members for the duration of their respective terms of office.
- (2) With the exception of the *ex officio* members of Senate and the members appointed by Senate, the Registrar shall facilitate the arrangements for the nomination and election of members in accordance with this Statute.
- (3) The Registrar shall arrange and administer the election of one academic staff member from each Faculty in the following manner:
  - (a) Within a reasonable period before the election date as contemplated in paragraph 35 of the Statute, the Registrar shall request the Executive Dean of the Faculty involved to arrange/facilitate the election of one Academic Employee at a meeting

- of the Faculty board to serve on Senate for a period of four years.
- (b) Faculty representatives must be Academic Employees who are not already members of Senate.
  - (c) Faculties elect members to Senate by means of a secret ballot and candidates obtaining a Majority of the votes of the members present at the meeting shall be elected to Senate.
  - (d) Candidates for election as Faculty representatives must be duly nominated and nominations must reach the Executive Dean of the Faculty 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 nomination in writing.
  - (e) The Executive Deans shall submit the names of the elected members from their respective Faculties to the Registrar and the Registrar shall announce the results of the election(s).
  - (f) When a member contemplated in subparagraph (3) vacates his or her office, or becomes a member of Senate in another capacity, the position must be filled in accordance with the procedures set out in subparagraphs (3)(a) to (e).
- (4) Student members of 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 Senate, as contemplated in Section 28(2)(f) of the Act and paragraph 36(1)(s) of the Statute.
  - (b) The SRC must elect two representatives to Senate from its ranks by means of a secret ballot and members obtains a Majority of the votes of the members present at the meeting shall be elected to Senate.
  - (c) The President of the SRC submits the names of the members elected to the Registrar.
  - (d) When a member contemplated in subparagraph (4) for any reason vacates his or her office, the provisions in subparagraphs (a) to (c) shall apply.
- (5) The position of a member of the Senate who holds office by reason of a particular office or status ceases to be a member of Senate if he or she-

- (a) is on long leave;
- (b) vacates his or her membership of Senate for any reason.

(6) The term of office of the members of Senate is:

- (a) Members of Senate serving on Senate in an *ex officio* capacity are members for the duration of their respective terms of office.
- (b) The term of office of representatives of the SRC shall coincide with that of the SRC that appointed them;
- (c) A Student representative serving more than one term on the SRC may be re-elected by the SRC to serve on 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.
- (d) The term of office of all other members of Senate shall be four years, upon the expiry of which members may be re-elected.
- (e) The membership of a member of Senate elected by a specific interest group terminates automatically when the interest group formally at a meeting contemplated in paragraph 36 withdraws its support for such a member or when such member's association with the interest group, for whatever reason, comes to an end.

### 37. Office Bearers, Quorum, Procedures

- (1) The Vice-Chancellor and Principal is the Chairperson of Senate contemplated by Section 26 (4)(a) of the Act.
- (2) The Deputy-Chairperson of Senate is the Deputy Vice-Chancellor designated by the Senate as such.
- (3) The Registrar is the secretary to Senate
- (4) The Chairperson presides at the meetings of Senate and the meetings of the sub-committees of the Senate.
- (5) The Chairperson performs such other functions as Senate may determine.
- (6) In the absence of the Chairperson, the provisions of subparagraph (4) apply to the Deputy-Chairperson.

- (7) The secretary performs those functions assigned to him or her by Senate.
- (8) If both the Chairperson and Deputy-Chairperson are absent, Senate elects from among its members a chairperson for the meeting concerned.
- (9) Quorum-
  - (a) The quorum at an ordinary meeting of the Senate is 50% +1;
  - (b) The quorum at a special meeting of the Senate is 50% +1;
  - (c) The quorum of the executive committee and the subcommittees of the Senate is 50% +1.

### **38. Ordinary and Special Meetings**

- (1) Ordinary meetings are held on dates prescribed by the Senate, provided that there must be at least four ordinary meetings of Senate each calendar year.
- (2) Special meetings must be held-
  - (a) when called by the Chairperson; or
  - (b) when a written request for a special meeting, stating the object of the meeting, is received by the Registrar, as Secretariat of Senate, from at least 30 members of the Senate.
- (3) The Registrar must give at least three Days' notice to each member of each special meeting of the Senate, setting out the place, date and time of the meeting, and the agenda for the meeting.
- (4) No other business may be dealt with at a special meeting.

### **39. Executive Committee of Senate**

- (1) The composition of the Executive Committee of the Senate is-
  - (a) Vice-Chancellor and Principal;
  - (b) Deputy Vice-Chancellors;
  - (c) Registrar;

- (d) Executive Deans;
  - (e) University Librarian;
  - (f) Head of Institutional Planning
  - (g) Head of Research Administration and Development;
  - (h) Two academic members of the Senate elected by the Senate;
  - (i) Head of the Centre of Academic Excellence;
  - (j) Head of Quality Assurance;
  - (k) Assistant to the Vice-Chancellor and Principal;
  - (l) Such additional members as approved by the Senate;
- (2) The Executive Committee of Senate makes decisions on matters in accordance with powers delegated to it by Senate.
- (3) The Executive Committee meets to consider issues of concern to Senate and any other matters delegated to it when Senate is not in session.
- (4) The Executive Committee of Senate may dispose of urgent business on behalf of Senate, but all business so disposed of must be ratified or reviewed at the first ensuing ordinary meeting of Senate.
- (5) The Executive Committee of Senate gives advice to Senate on any matter which the Executive Committee deems expedient for the efficient governance of the University.
- (6) The Executive Committee of Senate-
- (a) coordinates all academic matters;
  - (b) recommends academic policy to the Senate;
  - (c) ensures that decisions of the Senate are implemented;
  - (d) ensures that academic standards prescribed by the Senate are maintained;
  - (e) considers matters referred by Faculty boards or Faculty committees and makes decisions in accordance with its delegated powers; and
  - (f) advises the Senate on academic and related matters at the request of the Senate.

#### 40. Other committees of Senate

- (1) The Senate appoints such other committees as may be required and such committees in terms of resolution of Senate.
- (2) The composition, term of office and functions of the committees contemplated in subparagraph (1) are determined by the Senate in accordance with the nature and functions of such committees.

### FACULTY BOARD

#### 41. Powers, Duties and Functions of Faculty Board

- (1) The Faculty board-
  - (a) is a committee of Senate;
  - (b) is responsible for organizing the teaching, *curricula, syllabi*, examinations, research and community engagement of the Faculty;
  - (c) makes proposals to Senate for Rules prescribing the requirements for each Programme, Degree, Diploma and Certificate offered in the Faculty, including the requirements for admission and readmission;
  - (d) advises the Dean of the Faculty on policy for resource allocation in the Faculty;
  - (e) carries out such functions as Senate delegates or assigns to it;
  - (f) is accountable to Senate for its work and tables minutes of its meetings before Senate; and
  - (g) by resolution establishes committees of the Faculty and appoints members of such committees.

#### 42. Composition of Faculty Board

The composition of each Faculty board as determined by the Senate except that such Faculty board may include-

- (a) Executive Dean (chairperson);
- (b) Vice-Chancellor and Principal (*ex officio*);

- (c) Deputy Vice-Chancellors (*ex officio*);
- (d) Registrar (*ex officio*);
- (e) Executive Deans from other Faculties (*ex officio*);
- (f) Directors of Schools in the Faculty;
- (g) Heads of Academic Departments in the Faculty
- (h) representatives from related schools in other Faculties as approved by Senate;
- (i) such other persons who because of their duties, functions and expertise may contribute to the faculty as determined from time to time by the Faculty board with the approval of Senate; and
- (j) the Senior Administrative Officer of the Faculty who is the secretary of the Faculty board without a vote.
- (k) Chairperson of each Faculty Students' Council.

#### **43. Attendance of Faculty Board meetings by non-members**

Notwithstanding the foregoing, any academic member of the Faculty who wishes to attend a Faculty board meeting must notify the secretary and may be allowed to speak on a particular item with the permission of the chairperson but does not have the right to vote.

#### **44. Ordinary meeting, special meetings, quorum and procedure**

- (1) Ordinary meetings are held on dates prescribed by Senate.
- (2) During each semester of the Academic Year at least two ordinary meetings of the Faculty board must be held.
- (3) Special meetings are held.
  - (a) when called by the Executive Dean; or
  - (b) when a written request for a special meeting, stating the objective of the meeting, is received by the Executive Dean from at least ten members of the Faculty board.
- (4) The quorum at all meetings of Faculty board is 50% plus 1 except that, for this purpose,

the members of the Faculty board on leave on the date of any meeting do not count among those present or in the membership.

- (5) The Executive Dean of the Faculty is the chairperson of the Faculty board and presides at all meetings of the Faculty board.
- (6) In the absence of the Executive Dean, the acting Executive Dean presides.
- (7) The code of conduct, procedure and debate for meetings of a Faculty board and its committees are as determined by Senate.

#### **45. Committees of Faculty Boards**

Faculty boards may appoint committees including the Faculty Executive Committee in accordance with the provisions determined by the Senate from time to time.

### **INSTITUTIONAL FORUM**

#### **46. Functions of Institutional Forum**

- (1) The Institutional Forum advises Council on issues affecting the University, including-
  - (a) the implementation of the Act and the national policy on higher education;
  - (b) policy regarding race, gender and employment equity;
  - (c) the appointment of candidates for senior management positions;
  - (d) codes of conduct, mediation and dispute resolution procedures;
  - (e) fostering of a University culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and community engagement at the University; and
  - (f) the language policy of the University.
- (2) The Institutional Forum performs such other advisory functions as may be determined by Council.

#### 47. Composition of Institutional Forum

- (1) The Institutional Forum consists of the following-
  - (a) two (2) members of Council who are not employees or Students of the University;
  - (b) two (2) members from Executive management;
  - (c) two (2) members of Senate who are not members of the Council;
  - (d) two (2) members of the academic staff who are not members of Senate or the Council;
  - (e) two (2) members of the support staff who are not members of the Senate or Council;
  - (f) two (2) members of the SRC who are not members of Senate or Council; and
  - (g) one (1) member from each of the recognised employee associations; and
  - (h) one (1) member from the Convocation.
- (2) Nomination of representatives must be transparent and democratic and each constituency must follow the procedure within its own constituency and submit the names of its representatives to the Registrar.
- (3) If a Student or an employee had been found guilty of serious misconduct by a disciplinary committee of the University he or she may not be a member of the Institutional Forum.
- (4) The term of office of members of the Institutional Forum is as determined by the Rules.

#### 48. Committees of Institutional Forum

The Institutional Forum may appoint committees in accordance with its Rules.

## CONVOCATION

### 49. Powers, Duties and Functions

- (1) The Convocation -
  - (a) may discuss and state its opinion on any matter relating to the University, including matters which may be referred to it by the Council;
  - (b) assist the University through their skills, experience and expertise; and
  - (c) assume office in the University as may be provided for in this Statute.
- (2) A chapter of Convocation may be established in different geographical areas provided such chapter complies with the Statute and Rules applicable to Convocation.

### 50. Membership and Roll

- (1) The Registrar keeps the roll and contact details of Convocation.
- (2) The Convocation of the University consists of the –
  - (a) graduates of the University;
  - (b) executive management committee of the University;
  - (c) academic staff of the University;
  - (d) Professors emeriti;
  - (e) Other retired Academic Employees; and
  - (f) And such persons as the Council may determine.

### 51. Executive Committee of Convocation

- (1) The Executive Committee of the Convocation consists of the President, the Deputy-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 twice a year to attend to the affairs of the Convocation in consultation with the University Management.

- (3) The Executive Committee of the Convocation determines its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (4) 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. Meetings of Convocation

- (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 (8) weeks before a 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 has been 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 be given Due Notice of extraordinary meetings of the Convocation to each member at least 14 Days before the determined for such a meeting, stating the date, place and the time of the meeting. The notice shall be accompanied by an agenda and supporting documentation where applicable.
- (7) The Convocation shall determine its own meeting procedures with due observations of generally accepted norms and practices of fair administrative process.
- (8) The first act of each meeting after its consultation 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 the confirmation of the minutes.
- (9) A member may not without the leave of the meeting speak more than once amendment

have the right of reply.

- (10) A motion or amendments 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.

### **53. Changes of Rules of Convocation**

The Council may change the Rules of Convocation after consultation with the Executive Committee of Convocation.

### **54. Committees**

Subject to the provisions of this Statute, the Executive Committee of Convocation has the authority to establish committees as it may deem fit.

## **STUDENT REPRESENTATIVE COUNCIL (SRC)**

### **55. Authority and Status**

- (1) The SRC is a structure established in terms of Section 35 of the Act in respect of the administration of affairs pertaining to the Student body at the University.
- (2) The SRC is not a juristic person and is not the bearer of its own rights, except that it exists as a structure according to the provisions of the Act and this Statute, with powers delegated from the University irrespective of changes in its membership.
- (3) The Council recognises the SRC as the body elected by the Students to represent their general interests.

### **56. Functions, composition and term of office of the SRC**

The SRC is subject to the provisions of the Act, this Statute, the Rules and the SRC constitution. The functions, composition and term of office of the SRC is set out in the SRC constitution as approved by the Council.

**57. Privileges of members of the SRC**

- (1) Any privileges or concessions to members of the SRC are prescribed by the Council.
- (2) Such privileges or concessions are published for information to Students.
- (3) The privileges of members of the Student's Representative Council are determined by the Council through appropriate management structures, and after consultation with the SRC.

**58. Transitional provisions**

- (1) Where the SRC fails to operate for any reason whatsoever or where the SRC membership has been reduced to less than a number stipulated in the SRC constitution, the Council may determine whether -
  - (a) to hold a new SRC election; or
  - (b) to create a transitional SRC to continue in office until the next SRC elections would ordinarily be held, or such earlier period as it may determine.
- (2) A transitional SRC consists of such members as set out in the SRC Constitution.
- (3) A transitional SRC constituted in terms of subparagraph 59(1)(b) administers the affairs of the SRC until the election of a new SRC.

**59. Alteration of the composition of the SRC**

Subject to the provisions of 59(1) the Council may not alter the composition of the SRC or the SRC constitution without consultation with the SRC.

## DONORS

### 60. Recognition and listing of Donors

- (1) 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
- (2) 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, shall be deemed to be a Donor, provided that if a donation is made by a juristic person shall represent the Donor as applicable and provided further that only Donors who have donated more than the minimum amount as contemplated 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, shall not be less than an amount or valued at not less than an amount fixed from time to time by Council.

## STUDENT ADMINISTRATION

61. Admission and registration of Students are determined by the Rules.

### 62. 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 Senate and the SRC as provided for in Section 32(2)(d) of the Act.
- (3) If the Vice-Chancellor and Principal, 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 of 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 procedure followed during a disciplinary hearing and the various penalties that may be imposed, as well as the lodging of an appeal shall 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 shall forfeit all claims to a refund or a rebate on fees paid or payable to the University.

### **63. Fees, Bursaries and Loans**

- (1) Council determines, after consultation with the SRC, the fees, levies and fines payable by Students to the University.
- (2) Council shall determine the conditions for admission to Examinations and registration at the University, as well as the award or conferral of Qualifications to Students owing the University outstanding fees, levies or fines.
- (3) Council shall determine the policy and procedure for the application for, as well as award and repayment of internal bursaries and loans.

## **DEGREES, DIPLOMAS AND CERTIFICATES**

**64. The award of Degrees, Diplomas and Certificates are determined by the Institutional Rules.**

## **HONORARY DEGREES**

### **65. Conferring of honorary degrees**

- (1) The University may, on the resolution of the Senate and the Council, confer, without attendance or Examination, an honorary degree or master or doctor in any Faculty upon any person who has rendered distinguished service or made a contribution to learning or achievement.

- (2) A deceased person may be awarded an honorary degree posthumously.
- (3) The award of an honorary degree does not entitle the recipient to practice a profession or use the title inappropriately.
- (4) The procedure adopted by Senate and Council to confer an honorary degree is determined by Rules.

## EMPLOYEES OF THE UNIVERSITY

### 66. Appointment and conditions of service of employees

- (1) Subject to Section 34 of the Act, Council appoints employees according to the human resource policies and procedures of the University as approved by 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 organization 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) The 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).

## GENERAL PROVISIONS

**67. Code of conduct, procedure of meetings, committees and electoral and appointment framework are determined by the Institutional Rules.**

**68. Making, amending or repealing of the Statute or a Rule**

- (1) Subject to the Act, and in particular the provisions of Paragraph 30(1) and 30(2) thereof, the Council has the power, in consultation with the Senate, to make, amend or repeal the Statute or any Rule, in order to give effect to any law relating to the University, and for the general and effective governance and control of the University.
- (2) The Registrar maintains a register of Rules which register may be open for inspection by any member of the University or public.

**69. Transitional provisions**

- (1) Notwithstanding paragraph 4 of this Statute, any structure of the University within the meaning of the Act, which existed prior to the publication of this Statute, continues to exist and function until the day when each new structure, constituted in terms of this Statute, becomes operational.

**70. Repeal of the previous Statute**

- (1) The Statute applicable to the University published under Government Notice No. 542, Government Gazette No. 33489 of 27 August 2010, is hereby repealed.

**END**