

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 251

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HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**INSTITUTIONAL STATUTE
SOL PLAATJE UNIVERSITY**

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



Dr BE Nzimande, MP

Minister of Higher Education and Training

Date: 14/02/2017

MINISTRY OF HIGHER EDUCATION AND TRAINING**HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)****STATUTE OF SOL PLAATJE UNIVERSITY**

The Council of the Sol Plaatje 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 Sol Plaatje University to give effect to any law relating to the Sol Plaatje University 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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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 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 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;

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

“**administrative and support employee**” 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;

“**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;

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

“**Council**” means the body composed in accordance with paragraph 19 of this Statute;

“**day**” refers to working and/or calendar days;

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

“**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;

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

“**employee**” means any person employed at the University;

“**Executive Management**” means the Management of the University consisting of the Vice-Chancellor and Principal, the Deputy Vice-Chancellor(s), the University Registrar 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 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), the University Registrar, Chief Operating Officer, Chief Financial Officer, Executive Directors, Deans or persons holding equivalent positions;

“**expulsion**” means the permanent expulsion of a student from the University and/or a residence of the University;

“**functions**” includes powers and duties;

“**Institutional Forum**” means the body composed in accordance with paragraph 41 of this Statute;

“**Management Committee (MANCO)**” means a committee comprising the Vice-Chancellor and Principal (Chairperson), the Deputy Vice-Chancellor(s), the University Registrar, the Chief Operating Officer, the Chief Financial Officer, the Executive Directors and additional members appointed to the committee by the Vice-Chancellor and Principal from the ranks of Executive Officials;

“**Management**” means the Executive Management of the University;

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

“**Minister**” means the Minister responsible for Higher Education and Training;

“**office-bearer**” means a functionary provided for in the Act, including the Vice-Chancellor and Principal, the Deputy Vice-Chancellor(s) and the University Registrar;

“**person with a disability**” means a person with a disability as defined in the Employment Equity Act, 1998 (Act 55 of 1998), as amended;

“**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;

“**recognised union**” means an employee organisation recognised by the University and registered in accordance with the Labour Relations Act, 1995 (Act 66 of 1995), as amended;

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

“**semester**” means one half of the academic year of the University;

“**Senate**” means the body composed in accordance with paragraph 30 of this Statute;

“**SRC**” and “**Student Representative Council**” means the body composed in accordance with paragraph 61 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;

“**suspension**” means the temporary expulsion of a student from the University and/or from a residence of the University;

“**the University**” means the Sol Plaatje University;

“**University Registrar**” means the person appointed in accordance with this Statute and the Rules for the appointment of senior members of staff;

“**urgent matter**” means a matter, which has the potential to cause irreversible harm or prejudice to the University, its employees or students;

“**Vice-Chancellor and Principal**” 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.

CHAPTER 2 INSTITUTION

2. Name, Seat and Powers

- (1) The name of the University is “Sol Plaatje University” also officially referred to as “SPU”.
- (2) The seat of the University is: Luka Jantjie House, North Campus, Chapel Street, Kimberley, 8300, South Africa.
- (3) The official postal address of the University is: Sol Plaatje University, Private Bag 5008, Kimberley 8300, South Africa.
- (4) The University is established (Government Gazette No. 36771 of 23 August 2013) with a campus at Kimberley, situated within the Sol Plaatje Local Municipality, and conducts its academic activities within the area of jurisdiction of the Frances Baard District Municipality or its successors in title.
- (5) The Sol Plaatje University is a comprehensive tertiary educational institution established in terms of the Act and is a juristic person as contemplated in section 20(4) of the Act.
- (6) The University functions in accordance with the Act, the Statute and the Rules of the University.
- (7) The University may confer degrees and honorary degrees and award diplomas and certificates.
- (8) The University may receive monies, equipment or services of any sort from donors to assist the University in the execution of its mandate.

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 English and one or more of the local languages, depending on the nature of communication, the target groups and practicability.
- (3) 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) All its property and assets
 - (c) The following 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 Student Representative Council
 - (vii) the Management Committee
 - (d) The following office-bearers:
 - (i) the Chancellor
 - (ii) the Vice-Chancellor and Principal
 - (iii) the Deputy Vice-Chancellor(s)
 - (iv) the University 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 will 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) 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, as amended, and that any person whose rights may be adversely affected by such action, receives access to the information required for the exercise or protection of such rights as prescribed by the Promotion of Access to Information Act, 2000, as amended.

- (2) 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, 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 all degrees and awards all diplomas and certificates on behalf of the University.
- (3) In the absence of the Chancellor, degrees will be conferred by the Vice-Chancellor and Principal or by a Deputy Vice-Chancellor; and diplomas and certificates will be awarded by officials designated by Council.
- (4) The Chancellor will perform 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 and Principal, or, in his or her absence, the Vice-Chancellor and Principal 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 Council is constituted or the office of Chancellor becomes vacant, whichever is applicable.
- (2) At least 40 working 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 and the Senate to submit nominations for the office of Chancellor on a form approved by the Vice-Chancellor and Principal, 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 or the Senate 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 or the Senate.
- (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) 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.
- (6)
 - (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; and
 - (b) The election of the Chancellor must be by secret ballot.
- (7) 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.
- (8) Each member of the Council has only one vote during each ballot, provided that there must be successive rounds of voting as described in paragraph 7 (9) if no candidate gains a majority of votes as contemplated in subparagraph 6(a) in the first ballot.
- (9) In each successive round of voting, the candidate who gains the least support in the previous ballot is eliminated as a candidate.
- (10) After the Council has elected a Chancellor, the Chairperson of the Council must announce the name of the new 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), (4) and (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) Without limiting the generality of subparagraph (4) 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) If 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 AND PRINCIPAL

9. Status

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

10. Functions of the Vice-Chancellor and Principal

- (1) The Vice-Chancellor and Principal is responsible for the management and administration of the University and has all the powers necessary to perform these functions.
- (2) The Vice-Chancellor and Principal is responsible for the discipline at the University.
- (3) Council must 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 the Council, delegate functions to other employees or the chairperson of any committee.
- (5) The Vice-Chancellor and Principal reports to the Council.
- (6) The Vice-Chancellor and Principal is, subject to charters of the respective committees, 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 and Principal, subject to the provisions of section 68(2) of the Act.
- (8) When the Vice-Chancellor and Principal is absent or unable to carry out his or her functions, he or she may, 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 and Principal being unable, for whatever reason, to delegate his or her functions, the Council may delegate said functions to a member or members of Management and/or decide on any other

appropriate measure.

- (9) The Vice-Chancellor and Principal 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 and Principal

- (1) When the post of Vice-Chancellor and Principal 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) The Council appoints the Vice-Chancellor and Principal, subject to the Rules and section 31(1) of the Act.
- (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, 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 and Principal for a further term of office only after consultation with the Senate and the Institutional Forum.
- (4) Nothing in subparagraphs (1) to (3) above prevents the 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

- (1) The Vice-Chancellor and Principal is appointed by the Council for a period not exceeding five years, provided that this term may, subject to paragraph 11, be renewed once for a further period not exceeding five years.
- (2) The term of Office of the Vice-Chancellor and Principal 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 due to misconduct or any other reason recognised by law.
- (3) Removal of the Vice-Chancellor and Principal from office is subject to the processes and procedures prescribed by this Statute, the Rules and legal prescripts in general.

- (4) Without limiting the generality of subparagraph (3) 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 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), UNIVERSITY REGISTRAR AND EXECUTIVE OFFICIAL(S)

13. Duties

The Deputy Vice-Chancellor(s), the University Registrar and Executive Official(s) are 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, 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 and Principal.

14. Appointment and Terms of Office

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

15. Vacancies

Whenever the office of a Deputy Vice-Chancellor, the University Registrar or an Executive Official becomes vacant, the Council appoints a successor in accordance with the procedures prescribed in the Rules.

16. University Registrar

- (1) The University Registrar is appointed by the Council and is, by virtue of his or her office, the secretary to the Council and the Senate and the committees of the Council and the Senate.
- (2) The University Registrar acts as returning officer at all meetings of the Council, the Senate and the Convocation.
- (3) The University Registrar is not a member of the Council.
- (4) In the absence of the University Registrar, his or her powers must be exercised and his or her functions performed by a person designated by the Vice-Chancellor and Principal.

- (5) The University Registrar may designate any other administrative staff member to assist him or her.
- (6) Employees designated in terms of subparagraph (5) will have the same fiduciary duties and obligations as the University Registrar.
- (7) The University Registrar provides administrative support to the governance structures of the University, which includes, but is not limited to –
 - (a) keeping the minutes of meetings of the Council and the Senate;
 - (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.
- (8) The University Registrar is accountable through the office of the Vice-Chancellor and Principal to the Chairperson of the Council for his or her governance support responsibilities.
- (9) The Vice-Chancellor and Principal may assign additional functions and responsibilities to the University 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.
- (2) The Council must perform all the governance responsibilities imposed on it by the Act and this Statute.
- (3) Without detracting from the generality of subparagraph (2), the Council is responsible for laying down guidelines relating to –
 - (a) strategic governance;
 - (b) financial governance;
 - (c) the appointment and conditions of service of staff, subject to subparagraph (6) to (8);
 - (d) a positive academic atmosphere;
 - (e) matters regarding the discipline of staff and students;
 - (f) the language policy of the University with the concurrence of the Senate, as required by section 27(2) of the Act;
 - (g) the admission policies of the University after consultation with the Senate as required by section 37 (1) of the Act;
 - (h) the number of students who may be admitted to a specific programme as well as the method of selection;
 - (i) minimum requirements for admission and re-admission to the University;
 - (j) criteria for the exclusion of students who do not comply with the minimum academic and/or other criteria the University may prescribe; and
 - (k) the approval of the Rules of the University.
- (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 and Principal, 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 employees of the University;

- (b) appoint persons whom the Council considers necessary to manage the University effectively in accordance with the Rules, and
 - (c) 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)(b) to a committee of the Council, provided that the Council may not delegate the appointment of the Vice-Chancellor and Principal, the Deputy Vice-Chancellor(s) and the University Registrar.
- (8) The Council may delegate its functions in terms of subparagraph (6)(b) to a joint committee of the Council and the Senate, and/or the Vice-Chancellor and Principal.

18. Competence, Conduct and Conflict of Interest

- (1) In terms of section 27(7) of the Act, a member of the Council or a member of a committee of the 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 any conflict or possible conflict of interest.
- (2) 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.
- (3) 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.

- (4) The Council must, after consultation with the Management and the SRC, make provision in the Rules of the University for appropriate structures to advise the Council on the rendering of student services at the University.
- (5) 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.
- (6) The Council must in instances of substantial non-attendance of the Council meetings, with or without apology, by members representing specific constituencies, report such non-attendance to the relevant constituency.
- (7) 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 24 under the heading "Meetings and meeting procedures of the Council".

19. Composition

- (1) The Council consists of -
 - (a) the Vice-Chancellor and Principal;
 - (b) one Deputy Vice-Chancellor;
 - (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 staff who is not a member of the Senate, elected by the administrative and support staff;
 - (f) the President of the SRC and one other member of the SRC elected by the SRC;
 - (g) five persons appointed by the Minister in accordance with section 27(4)(c) of the Act;
 - (h) the President of the Convocation;
 - (i) one person appointed by the Sol Plaatje Local Municipality in consultation with the SPU Council;
 - (j) one person appointed by the Frances Baard District Municipality in consultation with the SPU Council; and
 - (k) not less than ten and not more than thirteen persons appointed by the Council on the basis of their experience and expertise with due regard to the national and regional interests of the University.
- (2) Council may at their discretion appoint non-voting members in respect of their expertise.

- (3) The Council members are elected or appointed in accordance with the provisions of paragraph 21 of this Statute, provided that members contemplated in subparagraphs (1) (g – 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 not eligible to serve as a member of the Council.
- (4) In accordance with the Act at least sixty per cent of the members of the Council shall be people who are not employees or students of the University.
- (5) When members are elected to or appointed on the Council, the constituency as identified in Section 27 of the Act, entitled to elect or appoint shall do so with due regard to suitable representation of race, gender and disability on the Council.
- (6) The Council may request the constituency contemplated in subparagraph (4) to take into account the competency requirements and the skills as determined by the Council.
- (7) The University Registrar is the secretary to the Council.

20. Term of Office

- (1) The Vice-Chancellor and Principal and the Deputy Vice-Chancellor are members of the Council for as long as they remain in office.
- (2) Members of the SRC remain members of the Council for the term of office determined by the SRC when they are elected, provided that membership ceases automatically when a student member ceases to be a registered student or a member of the SRC. The SRC President (*ex officio*) and one other member of the SRC, elected by the SRC, will serve on Council as members;
- (3) The term of office of all other members of the Council is four years, provided that the term of 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 Council be of the opinion that special circumstances so demand.
- (4) The term of office of members of the Council who are employees of the University, except that of the Vice-Chancellor and Principal and the Deputy Vice-Chancellor, is three years.
- (5) 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.

- (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 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 misconduct in accordance with the Code of Conduct determined by the rules;
 - (f) if a Council member, who is also a member of staff or a student of the University, is found guilty in terms of the Code of Conduct as contemplated in (6)(e) or found guilty of misconduct in terms of the Disciplinary Code of the University;
 - (g) if the Council member is elected or appointed by a particular constituency and the Council member's membership of, or association with the constituency as contemplated in Section 27 of the Act is terminated;
 - (h) if the Council rules that the continued membership of a member is undesirable due to a conflict of interest as determined by the Council;
 - (i) if the Council member becomes a patient in an institution for mental health on a continuous basis;
 - (j) if a Council member becomes an elected member of the local, provincial or national government; or
 - (k) if the Council member has transgressed the Council's Code of Conduct.
- (7) Paragraph 12(3) and (4) applies with the necessary changes to the termination of membership of a member of the Council in accordance with subparagraph (6)(c), (e), (f), (h) and (k).
- (8) Constituencies who appointed persons to the Council must be informed by the University Registrar of any termination in accordance with subparagraph (6)(c).
- (9) Apart from the Vice-Chancellor and Principal, Deputy Vice-Chancellor(s), representatives of the 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 member of staff or a student of the University, and should this happen, such membership terminates automatically.
- (10) 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.

21. Election and Nomination Procedures

- (1) The Senate representatives on the Council must be elected in accordance with the procedure prescribed in paragraph 39 of this Statute.

- (2) The academic employees of the University shall elect one representative from their ranks to represent them on the Council in accordance with the following provisions and process:
- (a) Academic employees who are members of the Council in a different capacity shall not be eligible for election
 - (b) Only academic employees eligible to serve on the Council in accordance with the provisions of the Act and this Statute may be elected to represent the academic employees on the Council.
 - (c) The election must take place by secret ballot at a meeting of the academic employees convened by the University Registrar for that purpose, of which notice of at least 21 days must be given.
 - (d) The quorum for the meeting is forty per cent of the total number of academic employees.
 - (e) The candidate who obtains the majority of the votes of the members present at the meeting, shall be duly elected.
 - (f) If no candidate receives a majority of votes, successive rounds of voting shall take place.
 - (g) In each successive round of voting the candidate receiving the least number of votes will be eliminated as a candidate.
 - (h) After the academic employees have elected their representative, the University Registrar will announce the result of the election.
 - (i) Candidates for election must be duly nominated and nominations must reach the University Registrar at least 7 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.
 - (j) Nominations must be invited by the University Registrar as soon as a vacancy arises.
 - (k) The representative of the academic employees must vacate his or her position on the Council when his or her membership of the Council terminates in accordance with the provisions of the Act and this Statute, or in the event that he or she ceases to be an academic employee.
 - (l) Casual vacancies shall be filled as described in subparagraph (2)(a) to (j) for a full term of office.
 - (m) Subject to the provisions of paragraph 20(4), an academic employee whose term of office has expired, may be re-elected.
- (3) The administrative and support staff of the University shall elect one representative from their ranks to serve on the Council and the provisions of subparagraph (2) shall, with the necessary changes, be applicable to such election.

- (4) Student members on the 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 the Council who are appointed to the Council on the basis of their expertise and experience, must be appointed by means of the following process controlled and supervised by the University Registrar:
 - (a) The University 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 must include an invitation in at least one national newspaper circulating in the Northern Cape 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 University Registrar, draw up a list of the most suitable 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 Council from the ranks of the nominees, after taking into consideration the recommendations of the Executive Committee of the Council.
- (6) Co-opted members of the Council are appointed on recommendation of the Executive Committee of the Council, provided that their membership is confirmed by the Council at an ordinary meeting.
- (7) The process for the appointment of Council members as contemplated in paragraphs 19(1)(c) to 19(1)(e), 19(1)(g) to 19(1)(k), shall be facilitated by the University Registrar in his or her capacity either as University Registrar or as secretary to the Council and the Senate.
- (8) The Deputy Vice-Chancellor contemplated in paragraph 19(1)(b) shall be the Deputy Vice-Chancellor responsible for teaching and research respectively, provided that in the event of these responsibilities vesting in a single person, the second Deputy Vice-Chancellor shall be appointed by the Vice-Chancellor and Principal from the ranks of the remaining incumbents.

22. Vacancies on the Council

- (1) Vacancies by passage of time: At least three months before the expiry of the term of office of any member 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) Casual vacancies are filled with the necessary changes in accordance with the processes described in paragraph 21 above.
- (3) The Council members elected or appointed to fill casual vacancies shall be elected for the full four-year term of office.

23. Chairperson and Deputy Chairperson of the Council

- (1) A Chairperson and Deputy Chairperson of the Council shall 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 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 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 and Principal 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 shall act 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.

24. Meetings and Meeting Procedures of the Council

- (1) The Chairperson of the Council, after consultation with the Vice-Chancellor and Principal, 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 must determine 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 participating 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 sixty per cent of the members constituting the quorum must be external members who are not students or employees of the University.
- (5) Subject to the provisions of paragraph 24(4), once a meeting constituted in accordance with this Statute is quorate, it remains quorate for as long as at least 80% of the number of members constituting a quorum are present at the meeting.
- (6) 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.
- (7) The Council may grant observer status to a person to attend a particular Council meeting or Council meetings in general, however, with the permission of Council that person may take part in the debates of the Council, but may not vote.
- (8) 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.
- (9) 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.

- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) The secretary to Council must keep comprehensive minutes of each Council meeting.
- (16) 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.
- (17) 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 and of any special meeting, provided that objections to the minutes of a meeting must be raised and resolved before confirmation of the minutes.
- (18) The Chairperson of the Council has an ordinary vote and, in the event of an equality of votes, also a casting vote.
- (19) 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.
- (20) Subject to the provisions of subparagraph (4) with regard to external members of the Council, where two thirds of the serving members of the Council 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 the Council and must be recorded in the minutes of the following ordinary meeting.

- (21) The views of a member of the Council, who is unable to attend a formal meeting, either in person or via video or teleconference, may be submitted to the meeting in writing, but may not count as a vote on any matter decided at the meeting.
- (22) 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.
- (23) 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.
- (24) 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.
- (25) A motion to amend or rescind a previous resolution of the Council must be carried by at least two-thirds of the members present.
- (26) 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 the Council.
- (27) 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.
- (28) At the request of the Vice-Chancellor and Principal 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 must convene an extraordinary meeting, provided that no other business may be discussed at such a meeting.
- (29) A special meeting may be called on an urgent matter by the Chairperson:
 - (a) after consultation with the Vice-Chancellor and Principal,
 - (b) provided that members of the Council be given at least 24 hours' notice of such a meeting; and
 - (c) members must be advised of the purpose of the meeting and no other business may be discussed at such a meeting.

25. 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 and Principal; and
 - (d) all Chairpersons of the Committees of Council.
- (2) At the request of the Chairperson of the Executive Committee or a person acting in that capacity, the Deputy Chairperson of a Committee of Council may serve as a substitute member for an absent member of the Executive Committee.

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

- (1) The Chairperson of the Council will *ex officio* be the Chairperson of the Executive Committee of the Council and the Deputy Chairperson of the Council will *ex officio* be the Deputy Chairperson of the Executive Committee of the Council.
- (2) In the absence of the Chairperson, the Deputy Chairperson will 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.
- (4) The Executive Committee must determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (5) The University Registrar will act as secretary to the Executive Committee of the Council.

27. 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) will be submitted to the next meeting of the Council for ratification
- (3) The Council must review the delegations to the Executive Committee of the Council at least every four years.
- (4) The University 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 recommendations of the

Senate and the committees of the Council must be submitted to the Executive Committee of the Council before submitting them to the Council and the Executive Committee of the Council may add its own recommendations to the Council for consideration.

- (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 and Principal may submit such matter to the Council directly.
- (9) The Executive Committee deals with any other matter delegated to it by the Council.

28. Committees

- (1) Apart from the Executive Committee of the Council as contemplated in paragraph 25, the Council may establish any other committee as well as joint Council and Senate committees.
- (2) The Council must at least establish the following committees to advise the Executive Committee of the Council and the Council on the responsibilities of the Council: -
 - (a) a human resources committee,
 - (b) a remuneration committee,
 - (c) a finance and investment committee,
 - (d) an audit and risk committee,
 - (e) a planning of physical resources, infrastructure and information technology governance committee, and
 - (f) any other committee that the Council may deem necessary.
- (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) 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

29. 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, in particular teaching and learning, research and community engagement. 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 staff;
 - (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, 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 and Principal, Deputy Vice-Chancellor(s) and other senior members of staff in accordance with the Rules of the University.

- (d) the execution of any other function the Council may assign or delegate to the Senate.

30. Composition of the Senate

- (1) The Senate consists of-
- (a) the Vice-Chancellor and Principal (Chairperson);
 - (b) two external members of the Council elected by the Council;
 - (c) the Deputy Vice-Chancellor(s);
 - (d) the University Registrar;
 - (e) the Deans;
 - (f) the Deputy Deans, Professors, Associate Professors and Heads of Department;
 - (g) the Dean of Students or a person holding an equivalent position;
 - (h) one academic employee from each faculty with at least the status of a senior lecturer, elected by faculties in accordance with the process described in paragraph 32(2);
 - (i) Directors of centres, institutes or units with an academic function elected by the Senate;
 - (j) Directors, or persons holding equivalent positions, of departments and units with an academic support function elected by the Senate, including but not limited to:
 - (i) library services;
 - (ii) research support;
 - (iii) academic support;
 - (iv) quality assurance;
 - (k) the Chairperson of the Institutional Forum; and
 - (l) the President of the SRC and one other member of the SRC elected in accordance with the process described in paragraph 32(3).
- (2) The Vice-Chancellor and Principal 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.
- (3) When members are elected to the Senate, the body entitled to elect shall do so with due regard to suitable representation of race, gender and disability on the Senate.
- (4) 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.

31. 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 32 withdraws its support for such a member or when such member's association with the interest group, for whatever reason, comes to an end.

32. Election and Nomination Procedures

- (1) With the exception of the *ex officio* members of the Senate and the members appointed by the Senate, the University Registrar must facilitate the arrangements for the nomination and election of members in accordance with this Statute.
- (2) The University Registrar must 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 30(1)(h) of the Statute, the University Registrar must request the Dean(s) of the faculty(ies) involved to facilitate the election of one academic employee at a meeting of the faculty board to serve on the Senate for a period of four years.
 - (b) Faculty representatives must be academic employees who are not already members of the Senate.
 - (c) Faculties 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 representatives must be duly nominated and nominations must reach the 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 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 University Registrar and the University 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 University 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 30(1)(l) 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 will be elected to the Senate.
 - (c) The president of the SRC submits the names of the members elected to the University Registrar.
 - (d) When a member contemplated in subparagraph (3) for any reason vacates his or her office, the provisions in subparagraphs (a) to (c) will apply.

33. Chairperson, Deputy Chairperson and Secretary

- (1) The Vice-Chancellor and Principal 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 23(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 will hold office for two years and may be re-elected.
- (4) In the absence of the Chairperson, the Deputy Chairperson of the Senate will act 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 University 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 and Principal may designate an employee to assist the University 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 University Registrar.

34. Meetings of the Senate

- (1) The Chairperson must convene a meeting of the Senate at least twice in each semester and the Chairperson of the Senate may allow members of the Senate from the satellite campuses of the University 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 there be no quorum 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.
- (4) Senate may grant observer status to a person to attend a particular Senate meeting or Senate meetings in general, however, with the permission of Senate that person may take part in the debates of the Senate, but may not vote.
- (5) The secretary to the 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 to the secretary to the 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 and of any special meeting, provided that objections to the minutes must be raised and resolved before confirmation of the minutes.
- (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 will reach its decisions through a majority vote by the members present.
- (14) Members will 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 will have an ordinary and a casting vote in the event of an equality of votes.
- (16) The Chairperson, with at least 24 hours' notice:
 - (a) May convene an extraordinary meeting of Senate notifying members of the matters to be discussed;
 - (b) if requested to do so by at least 25 members, must convene an extraordinary meeting, provided that:
 - i) the request is in writing;
 - ii) the matters for discussion are of an urgent nature; and
 - iii) no matter other than that of which notice was given may be discussed at an extraordinary meeting.

35. Executive Committee of the Senate

- (1) The Senate must establish an Executive Committee of the Senate, and the provisions of paragraph 34 will apply with the necessary changes to the meetings of such a committee.
- (2) The Executive Committee of the Senate consists of –
 - (a) the Vice-Chancellor and Principal (Chairperson);
 - (b) the Deputy Vice-Chancellor(s);

- (c) the Deans of the faculties;
 - (d) the Senate's representatives on the Council;
 - (e) two members of the Senate elected by the Senate from members serving in terms of subparagraph 30(1)(f); and
 - (f) the University Registrar.
- (3) The Vice-Chancellor and Principal may invite officials and staff of the University to attend meetings of the Executive Committee of the Senate and to address the Committee on a particular matter.

36. Meeting procedures of the Executive Committee of the Senate

- (1) The Executive Committee of the Senate must determine its own meeting procedures with due observance of generally-accepted norms and practices of fair administrative process. Should circumstances necessitate, 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 and Principal, 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 the view to preparing appropriate recommendations to the Senate for its consideration.
- (4) The Executive Committee of the Senate meets as necessary to decide on urgent academic matters and matters delegated to the Committee by the Senate.

37. 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) 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 following 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.

- (3) The Senate must revise the delegations to the Executive Committee of the Senate at least every four years.
- (4) The University Registrar must keep a detailed consolidated register of all delegated powers as contemplated in subparagraph (1) and all members of these bodies must have access to this register.
- (5) The Executive Committee of the Senate may further delegate the authority granted to it by the Senate as contemplated in subparagraph (1) to a committee of the Senate or to an individual, except in cases where this Statute or the Rules prescribe differently or the Senate has explicitly ruled against further delegation.

38. 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 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 (admissions, assessment, exclusions 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 will 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 a member of staff 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 must have a faculty board constituted in accordance with the Rules.
- (6) Faculty boards function as committees of the Senate.
- (7) The Dean of the faculty is the Chairperson of the faculty board *ex officio*.

- (8) A faculty board of a particular faculty consists of the academic employees appointed in that faculty with the rank of lecturer and higher as well as academic staff members of other faculties participating through the offering of modules and/or subjects in the academic programme(s) of that faculty nominated by their respective faculty boards.
- (9) The provisions of paragraphs 30(2), 31, 34(1) to (17) and 38(1) to (3) are, with the necessary changes, applicable to the composition and functioning of faculty boards.
- (10) Subject to the overriding authority of the Senate and the Council the functions of faculty boards include to:
- (a) develop appropriate academic programmes, research focus areas and community engagement programmes and related policies for the faculties aligned with the strategic objectives of the University.
 - (b) 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) determine the focus areas of postgraduate research programmes and enhance the relevance and quality thereof and submit to the Senate or a committee of the Senate, policies and strategies pertaining to postgraduate training, research, research capacity and infrastructure.
 - (d) 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) appoint and monitor the functioning of faculty committees.
 - (f) report regularly to the Senate on the activities of the faculty and its staff and the performance of its students.
 - (g) perform such other functions as Senate may assign to faculty boards.
- (11) In the absence of the Dean, the acting Dean or a Deputy Dean will 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 board must elect a Chairperson from its ranks to chair the meeting.
- (12) Each faculty may have an Advisory Committee appointed in accordance with the Rules.

39. 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 three years.

- (2) Members of the Senate who are members of the Council in a different capacity are not eligible for election.
- (3) Only members of the Senate eligible to serve on the Council in accordance with the provisions of the Act and this Statute may be elected to represent the Senate on the Council.
- (4) The University 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.
- (5) 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.
- (6) The election must 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 shall be 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 least 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) The representative of the Senate must vacate his or her position on the Council when his or her membership of the Council terminates in accordance with the provisions of the Act and this Statute or in the event that he or she ceases to be a member of the Senate.
- (11) Occasional vacancies must be filled as described in subparagraph (1) to (10) above with the necessary changes, for a full term of office.
- (12) Subject to the provisions of paragraph 20(4), members of the Senate whose terms of office on the Council have expired, may be re-elected.

CHAPTER 6

INSTITUTIONAL FORUM

40. Functions

- (1) In accordance with section 31(1) of the Act the Institutional Forum will 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; and
 - (f) the formulation of policy for fostering an institutional culture characterised by tolerance for diversity of opinion, respect for fundamental human rights and a positive intellectual and academic climate.
- (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 and Principal.
- (3) The Institutional Forum must perform such additional functions as the Council may delegate or refer to it.
- (4) The Council may, after consultation with the Institutional Forum, revoke or amend the extended mandate of the Institutional Forum as determined in subparagraph

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 and Principal;
 - (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 staff elected by the administrative and support staff;
 - (f) two representatives of women employed at the University elected by the female employees of the University;
 - (g) the President of the SRC and one other member of the SRC elected by the SRC;

- (h) one person (staff member or student) with a disability, elected by the employees and students with disabilities;
 - (i) two representatives of the recognised union(s) appointed by the union(s); and
 - (j) 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 has 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 on the Forum.
- (4) The quorum for meetings of the Institutional Forum is fifty per cent plus one of the serving members. The quorum for meetings of constituencies to elect their representatives, as contemplated in subparagraph (1)(d) to (f) and (h) 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 student members co-opted in terms of paragraph 41(1)(j).
- (2) The term of office of SRC student members shall correspond with the term of office of the SRC that appointed them.
- (3) The term of office of student members co-opted in accordance with paragraph 41(1)(j) will be for the academic year in which they are appointed.
- (4) A member may be re-elected, reappointed or co-opted, provided that he/she may not serve for more than two consecutive terms.

43. Election Procedures

- (1) The University Registrar will facilitate 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 must 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 union(s) must be elected from the ranks of the employees of the University by members of the trade union(s), provided that, should the University recognise more than one union, the representatives will be elected at a joint meeting of the recognised unions chaired by the University Registrar and provided further that none of the recognised unions 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) deregisters 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 University Registrar, who will 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.
- (2) The Chairperson of the Institutional Forum is an *ex officio* member of Senate as per paragraph 30(1)(k).
- (3) The term of office of the Chairperson and the Deputy Chairperson will be 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 will 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 Institutional Forum will elect a secretary for the Forum, provided that the University Registrar or a staff member designated by him or her will assist the secretary in the execution of his or her tasks or 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 must determine 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.
 - (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 will appoint an Executive Committee to control, 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 must determine 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) will correspond 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 assisted by the University Registrar, or a staff member designated by the University Registrar, will be responsible for the administrative services that the Executive Committee may require.

47. Decision-making

- (1) If at least 75 per cent of the members present at a meeting vote either in favour of or against a specific proposal, the Institutional Forum has taken a decision, provided that where the decision is to be taken on the suitability for appointment of a person in a senior management position at the University a decision by the majority of the members present will be the decision of the Institutional Forum.
- (2) In the event of the Institutional Forum members reaching no consensus on the matter discussed, the Executive Committee of the Institutional Forum, in conjunction with the members of the Institutional Forum, must compile a summary of the various opinions expressed at the Institutional Forum and submit the summary to the Council.

CHAPTER 7 CONVOCATION

48. Membership

- (1) The Convocation will consist 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; and
 - (c) the Vice-Chancellor and the University Registrar as *ex officio* members.
- (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 staff members of the University with a view to facilitating representation of this constituency on appropriate governance structures.
- (3) The University 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 University 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 University Registrar must remove a member's name from the members' list as soon as practicable after notice of the 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 23 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 and Principal 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 position of 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 must determine 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 has 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. 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 8 EMPLOYEES

54. 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).

55. Conditions of Employment

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

56. 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.

57. 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.

58. Representative employee organisations

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

CHAPTER 9

STUDENTS

59. 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 will inform students and staff 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 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.

60. Student organisations and activities

Subject to the provisions of the Act and this Statute, the 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, and the Council and the Vice-Chancellor and Principal may at any time, after furnishing reasons, withdraw such recognition.

61. Student Representative Council (SRC)

- (1) The Council of the University will 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 SRC constitution as approved by 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 a minimum academic status and performance standard for students to serve on the SRC.
- (4) 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 such a transgression 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 {see paragraph 5(5) and (6)} and consulting the current SRC, if practicable,
 - (a) amend the SRC Constitution; or
 - (b) revoke the SRC Constitution and approve interim arrangements, subject to the provisions of the Act and the Statute, for the functioning of a Student Governance Structure; and
 - (c) initiate processes to have a new SRC Constitution drafted and/or a new SRC elected.

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 the 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 or all of the actions performed by the University 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 will 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 and/or expulsion from a University residence, the student concerned forfeits all claims to a refund or a rebate on fees paid or payable to the University.

63. 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 or fines.
- (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.

CHAPTER 10 MANAGEMENT COMMITTEE (MANCO)

64. Management Committee (MANCO)

- (1) The MANCO is a consultative and advisory committee assisting the Vice-Chancellor and Principal 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 and Principal is the Chairperson of the MANCO.
- (3) The MANCO must determine its own meeting procedures with due observance of the accepted norms and practices of fair administrative process.
- (4) The advice of the MANCO takes effect only after written confirmation thereof by the Vice-Chancellor and Principal, who may reject or amend it.
- (5) The Vice-Chancellor and Principal may invite individuals who are not members of the MANCO to attend meetings of the MANCO.

CHAPTER 11

DEGREES, DIPLOMAS AND CERTIFICATES

65. Degrees, Diplomas and Certificates

- (1) Subject to the provisions of the Act and this Statute, the University may confer the degrees and award the diplomas and certificates in accordance with approved qualifications.
- (2) Subject to the provisions of 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 the obtaining of 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.

66. 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*, will not, by virtue of 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 University 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 University 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 University Registrar must refer such proposals to the Honorary Degrees Committee of the Senate, which consists of the Vice-Chancellor and Principal (chairperson), 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 must be submitted to the Senate, accompanied by the *curriculum vitae* ("CV") of the candidates and an appropriate statement describing the reasons for the proposal.
- (5) Senate must vote 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 must be submitted to the Council.
- (8) The Council must vote by way of a secret ballot on the candidate(s) recommended by the Senate, provided that the Council will not 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.

67. 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 and Principal, 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 and Principal on the recommendation of the 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, will be as determined by the 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 12

TRANSITIONAL PROVISIONS

68. 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 be determined in accordance with the provisions of this Statute and will commence on the effective date of this Statute, except for the representatives of the SRC on the Council, the Senate and the Institutional Forum, whose term of office will remain the same as that of the SRC that elected them.
- (2) Notwithstanding the provisions of this Statute, at the first meeting of the Council constituted in accordance with paragraph 19(1) of this Statute it must be decided by lot which eight of the members of the Council who are not students or employees of the University hold office for an initial period of three years.
- (3) 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) and (i) of the Standard Institutional Statute, and who declared their availability to serve in the Council constituted in terms of this Statute, will serve in the Council in terms of paragraph 19(1)(d), (e), (h) and (k).
- (4) Members of the Council constituted in terms of paragraph 9(1) of the Standard Institutional Statute not elected by lot to serve in the Council, as contemplated in subparagraph (3), may serve in 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.
- (5) 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.