

**HIGHER EDUCATION ACT, 1997****STANDARD INSTITUTIONAL STATUTE**

The Minister of Education, Professor Kader Asmal, MP, has made the standard institutional Statute set out in the Schedule hereto, in accordance with section 33(3) of the Higher Education Act, 1997 (Act No. 101 of 1997). The standard institutional Statute applies to every public higher education institution that has not made an institutional statute until such time as the council of such public higher education institution makes its own institutional statute under section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997). The standard institutional Statute seeks to promote the effective management of the higher education institution in respect of matters not expressly prescribed in the Higher Education Act, 1997 (Act No. 101 of 1997).

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## APPLICATION

### Application

1. The standard institutional Statute applies to every public higher education institution that has not made an institutional statute until such time as the council of such public higher education institution makes its own institutional statute under section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997).

## DEFINITIONS

### Definitions

2. In this Statute any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No. 101 of 1997), has the meaning so assigned to it, and, unless the context otherwise indicates,—

**“academic employee”** means any person appointed to a teaching or research post at the higher education institution and any other employee designated as such and includes a person in this category who is serving a probationary period in terms of his or her contract of employment prior to permanent appointment;

**“convocation”** means the convocation contemplated in paragraph 44;

**“council”** means the governing body of the higher education institution contemplated in paragraph 8;

**“days”** includes Saturdays, Sundays and public holidays;

**“donor”** means a person who has made a donation, which, in the opinion of the council warrants that person being recognised as a donor;

**“employer”** means the council of a public higher education;

**“functions”** include powers and duties and vice versa;

**“graduate”** means a person upon whom a degree has been conferred by a university or a technikon;

**“institutional forum”** for the purposes of paragraph 32 of this Statute and section 31 of the Higher Education Act, means the higher education institution’s institutional forum.

**“month”** means a calendar month;

**“non academic employee”** means a person on the permanent or temporary, full-time or part-time staff of the higher education institution, other than an academic employee, and includes a person in this category who is serving a probationary period in terms of his or her contract of service prior to permanent appointment;

**“professor”** means an academic employee on the permanent or temporary, full-time or part-time, salaried or honorary staff of the higher education institution who has been given the title of professor by the higher education institution, and includes a person in any of these categories who is serving a probationary period in terms of his or her contract of service prior to permanent appointment, but does not include an emeritus, adjunct, associate or assistant professor, or a reader;

**“representative employees’ organisation”** means any organisation of employees which has the required sufficient representation and which is recognised as such by the council;

**“Rules”** means any rules of the higher education institution made under section 32 of the Higher Education Act;

**“senate”** means the body responsible for academic matters contemplated in paragraph 21;

**"SRC"** means the students' representative council of the higher education institution;  
**"student"** means any person registered at the higher education institution full-time or part-time for a degree, diploma, licentiate or certificate of the higher education institution or registered or enrolled for any course or programme of instruction of the higher education institution, provided that a person so registered or enrolled who is also a full-time or part-time employee of the higher education institution is not a student for the purpose of membership of the council or the senate;

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

**"the management and senior management of the higher education institution"** for the purposes of paragraph 48 of this Statute and section 31 of the Higher Education Act, means a body whose members are the principal, the vice-principal, the registrar or registrars and the deans of the faculties and such offices as determined by the council;

**"the seat of the higher education institution"** for the purposes of paragraph 3 of this Statute and section 65A of the Higher Education Act means the physical location of the higher education institution set out in the notice contemplated in section 23(1) of the Higher Education Act.

### HIGHER EDUCATION INSTITUTION

#### Name, seat and powers

3. (1) The higher education institution has the name set out in the notice contemplated in section 23(1) of the Higher Education Act.

(2) The higher education institution has the seat as set out in the notice contemplated in section 23(1) of the Higher Education Act.

(3) Subject to the Higher Education Act, the higher education institution is capable of performing such acts as juristic persons are entitled in law.

(4) Notwithstanding subsection (3), the higher education institution may not, without the concurrence of the Minister, dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude.

(5) The higher education institution may confer degrees, award diplomas and certificates in its own name.

#### Constitution of higher education institution

4. (1) The higher education institution consists of –

- (a) the chancellor;
- (b) the council;
- (c) the senate;
- (d) the principal, within the meaning of section 30 of the Higher Education Act, who is called the vice-chancellor and principal;
- (e) two or more officers, as the council may determine, each of whom is called vice-principal, or such other title as the council may determine;
- (f) one or more registrars as determined by the council;
- (g) the students' representative council;
- (h) the institutional forum;

- (i) the faculties, departments and such other academic structures of the higher education institution as may be determined by the council;
- (j) the academic employees of the higher education institution;
- (k) the non-academic employees of the higher education institution;
- (l) the students of the higher education institution;
- (m) the convocation of the higher education institution.

(2) No vacancy in any of the offices contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies contemplated in subparagraph (1) impairs or affects the existence of the higher education institution as a juristic person or any function conferred by the Higher Education Act or this Statute upon the higher education institution.

## CHANCELLOR

### Functions of chancellor

5. (1) The chancellor is the titular head of the higher education institution and confers all degrees in the name of the higher education institution.

(2) The chancellor performs such other functions as assigned to him or her by the council.

### Election of chancellor

6. The chancellor is elected by the convocation in the following manner -

- (a) the registrar designated by the interim council fixes a closing date for the return of voting papers and sends notices calling for nominations for the election of a chancellor;
- (b) the notices for nominations contemplated in subparagraph (a) are sent to all enrolled members of the convocation at least nine weeks before the closing date contemplated in subparagraph (a);
- (c) nominations in writing together with written acceptance of such nominations must be lodged with the designated registrar at least seven weeks before the closing date contemplated in subparagraph (a) and each nomination must be signed by at least four members of the convocation;
- (d) if there is only one person nominated, the designated registrar forthwith declares that person duly elected, or where this is appropriate, with effect from the date on which the vacancy is to occur;
- (e) if there is more than one person nominated, a written notice is sent by the designated registrar to the convocation at least 30 days before the closing date contemplated in subparagraph (a) to all enrolled members of the convocation, together with a printed voting paper, contemplated in subparagraphs (f);
- (f) the designated registrar is required to draft the voting paper, in which, a description of each candidate is set out in not more than 200 words;
- (g) at all elections, the designated registrar acts as electoral officer;
- (h) the electoral officer may be assisted by two or more scrutineers appointed by the interim council;
- (i) at the conclusion of the election, the electoral officer must announce the result of the election; and

- (j) a successful candidate is elected as from the date of the election.

#### **Term of office of chancellor**

7. (1) The chancellor holds office for a period of six years, unless he or she resigns or is dismissed.
- (2) A person may not be elected for more than two consecutive terms of office.
- (3) If the chancellor is unable, for any reason, to perform the functions of his or her office, or if the office of chancellor becomes vacant, the principal or the vice-principal performs the functions of the chancellor.
- (4) The chancellor may be removed from office by a resolution passed by not less than two-thirds of the members of the council.
- (5) The resolution contemplated in subparagraph (4) may not be passed without due process being followed.

### **COUNCIL**

#### **Functions of council**

8. (1) Subject to the Higher Education Act and this Statute the council governs the higher education institution.
- (2) The council members must –
- (a) have knowledge and experience relevant to the objects and governance of the higher education institution; and
  - (b) participate in the deliberations of the council in the best interest of the higher education institution;
- (3) The council may, on such conditions as it may determine, delegate any of its powers except those powers specified in subparagraph (5)(n).
- (4) Notwithstanding subparagraph (5) the council remains responsible for the exercise and performance of the functions so delegated or assigned.
- (5) Without derogating from the generality of subparagraph (1), the council–
- (a) may determine, after consultation with the senate, the faculty to which each academic department, school or other academic structure belongs;
  - (b) determines, subject to the applicable labour laws, the conditions of service, the disciplinary provisions and the privileges and functions of its employees, and may, in the manner set out in the disciplinary Rules, suspend or dismiss any employee of the higher education institution;
  - (c) may order an employee whom it has suspended to refrain from being on any premises under the control of the higher education institution and to refrain from participating in any of the higher education institution's activities;
  - (d)
    - (i) may establish committees as provided for in section 29 of the Higher Education Act to perform any of its functions except those functions specified in subparagraph (5)(n);
    - (ii) may appoint persons who are not members of the council as members of such committees;
    - (iii) must take note of any action taken by a committee, contemplated in subparagraph (d)(i), in exercising its delegated powers or

- functions when such committee reports to council at the next meeting of the council.
- (e) (i) may establish, in consultation with the senate, joint committees of the council and the senate in terms of section 29(3) of the Higher Education Act to perform functions that are common to the council and the senate;
  - (ii) is not divested of responsibility for the performance of any function delegated or assigned to a committee under this paragraph;
  - (f) may set the procedural requirements for committees established in terms of subparagraph (d) and (e);
  - (g) may deem a single person to be a committee;
  - (h) appoints all employees of the higher education institution, but, in the case of academic employees of the higher education institution, it may do so only after consultation with the senate;
  - (i) must, subject to the policy determined by the Minister, and with the concurrence of the senate, determine the language policy of the higher education institution;
  - (j) must, after consultation with the SRC, establish a structure to advise on the policy for student support services within the higher education institution;
  - (k) may make Rules for the better carrying out of its functions;
  - (l) must, when creating academic structures other than faculties and departments, accord to the governance of that structure such functions, status and title as it deems appropriate;
  - (m) (i) determines what faculties, academic departments and other academic structures exist at the higher education institution;
  - (ii) may, after consultation with the senate, establish or disestablish any faculty, academic department, school or other academic structure;
  - (iii) has, for the better carrying out of its functions, the power to organise any portion of the higher education institution into a college or institution or body going by some other name and to set up for its governance a board or committee or authority going by some other name which, subject to the authority of the council and the senate, exercises such powers and receives such representation on the senate as may be determined by this Statute.
  - (n) notwithstanding subparagraphs (8)(3), may not delegate any of the following functions -
    - (i) the establishment or disestablishment of faculties or departments;
    - (ii) the appointment of the vice-chancellor and principal and the vice-principal;
    - (iii) the modification of such general conditions of service or terms of appointment of the employees as may have been prescribed by the council;
    - (iv) the approval of the annual estimates of revenue and expenditure;

- (v) the adoption of the annual accounts of revenue and expenditure and the balance sheet;
  - (vi) the determination of the fees to be paid by students;
  - (vii) the making or approval of the Statute;
  - (viii) the power to enter into a loan or overdraft agreement;
  - (ix) the decision to embark on the construction of a permanent building or other immovable infrastructural development; and
  - (x) the purchase of immovable property or entering into the long-term lease of immovable property
- (o) (i) appoints all such persons as it considers necessary for the efficient conduct of the higher education institution and determines the title, status, powers, privileges, functions and duties of any person so appointed, and such persons are subject to any disciplinary provisions that may be determined by the Statute and any Rules made by the council;
- (ii) determines, levies and collects the fees to be paid by students and the boarding charges to be paid by resident students and employees;
- (iii) may not repeal or amend the composition of the senate without first consulting with the senate;
- (iv) may not make, repeal or amend any Rules relating to the academic functions of the higher education institution without the concurrence of the senate; and
- (v) after consultation with senate, determines the admission policy of the higher education institution.

#### Composition of council

9. (1) The council, as contemplated in section 27 of the Higher Education Act, consists of -

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) five persons appointed by the Minister;
- (d) two members of the senate elected by the senate;
- (e) two academic employees of the institution elected by the academic employees;
- (f) two students, elected by the SRC;
- (g) two non-academic employees elected by the non-academic employees;
- (h) five members of the convocation elected by the convocation;
- (i) ten members with a broad spectrum of competencies in the fields of education, business, finance, law, marketing, information technology and human resource management appointed by the interim council;<sup>1</sup>
- (j) such members as co-opted by the council.

(2) At least 60 per cent of the members of the council must be persons who are not employed by, or students of the higher education institution and regard must be had to any racial and gender under-representation on the council.

<sup>1</sup> With 11 internal members there must be at least 16 external members



- (3) Except as provided in subparagraphs (1)(a), (b), (d), (e), (f), and (g) -
- (a) no student or employee of the higher education institution and no other person in receipt of regular remuneration from the higher education institution is eligible for appointment or nomination for election or election as a member of the council;
  - (b) a member of the council who becomes a student or an employee of the higher education institution or who enters into a contract with the higher education institution in terms of which he or she is to receive regular remuneration from the higher education institution must forthwith vacate his or her seat on the council.

**Election of council members**

10. Members of the council are elected in the manner determined by the interim council.

**Term of office of members of council**

11. (1) Student members of the council 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.

(2) The term of office of all other members of the council, except that of the principal and vice-principals, is three years.

(3) A member may serve more than one term of office as a council member.

**Termination of membership and filling of vacancies**

12. (1) A member of the council's term of office terminates if -

- (a) he or she tenders a written resignation;
- (b) the Minister, organisation or body who appointed or elected the member to the council terminates the membership in writing, at any time before the expiry of the member's term of office;
- (c) he or she is absent from three consecutive meetings without leave of the council;
- (d) he or she is declared insolvent and the majority of council members disapproves the member's continuation;
- (e) he or she is found guilty of an offence which in the majority opinion of the council renders the member not fit and proper; and
- (f) he or she, in the majority opinion of the council, is seen to be incapacitated.

(2) The council has power to suspend, take disciplinary action or terminate a members' membership.

(3) If 75 per cent or more of the members of the council resign, the council is deemed to have resigned.

(4) If the council resigns as contemplated in subparagraph (3) a new council must be constituted in terms of this Statute.

**Election of chairperson and vice- chairperson of council and term of office**

13. (1) The chairperson and the vice-chairperson of the council must not be elected from members contemplated in paragraph 9(1)(a), (b), (d), (e), (f), and (g).

(2) The chairperson and the vice-chairperson of the council are elected for a period of two years.

(3) The chairperson and the vice-chairperson are eligible for re-election.

(4) Nominations for the office of the chairperson and the vice-chairperson of the council must be in writing and be directed to the secretary of the council.

(5) If more than one candidate is nominated, voting is by secret ballot.

(6) Each member of the council has only one vote during a ballot and no proxy is allowed.

(7) A majority of all members present elects the chairperson and the vice-chairperson.

(8) Whenever a vacancy occurs in the office of the chairperson or the vice-chairperson, the provisions of subparagraph (4) to (7) apply with the necessary changes to the filling of such vacancy.

(9) A person who fills a vacancy in terms of subparagraph (8) holds office until the end of the predecessors' term.

**Secretary to council**

14. (1) The secretary to the council is the registrar as contemplated in section 26(4)(b) of the Higher Education Act.

(2) The secretary acts as an electoral officer at all council meetings.

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

**Meetings of council**

15. (1) The council has at least three ordinary meetings during each academic year.

(2) Notice of any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 21 days before the date determined by the council for such meeting, provided that any matter of an urgent nature may, without prior notice, by consent of the chairperson and a majority of the members present, be considered at such meeting.

(3) At least 14 days prior to the date of an ordinary meeting, the secretary gives due notice to each member of all the matters to be dealt with at such meeting and states the time and place of such meeting.

(4) A special meeting may be called at any time by the chairperson.

(5) A special meeting must be called by the chairperson at the request in writing of not less than five members, the objective of such meeting clearly stated in the request, provided that not less than seven days notice of a special meeting is given.

(6) No business other than that which the meeting was called for may be transacted at such meeting.

(7) An emergency meeting may be called by the chairperson, or in his or her absence, by the principal at any time, provided that members are given not less than 24 hours notice of such meeting.

(8) Notice of an emergency meeting may be given in any manner convenient under the circumstances.

(9) The object of an emergency meeting must be stated to members and no business other than that stated may be transacted at such meeting.

#### **Council meeting procedures**

16. (1) Except where otherwise provided in this Statute, all acts or matters authorised or required to be done or decided by the council or its committees and all questions that may come before it are done or decided by the majority of the members present at any meeting, provided that the number present at any meeting is not less than one half plus one of the total number of members of the council or its committees holding office on the date of such meeting.

(2) In the absence of the chairperson and the vice-chairperson of the council, the members present elect one of their members to preside at such meeting

(3) The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council, provided further that objections to the minutes of a meeting are raised and decided before confirmation of the minutes.

(4) A member of the council may not, without the consent of the meeting, speak more than once to a motion or to any amendment and the mover of any motion or any amendment has the right of reply.

(5) Every motion or an amendment must be seconded and, if so directed by the chairperson, must be in writing.

(6) A motion or an amendment seconded as contemplated in subparagraph (5), may not be withdrawn except with the consent of the meeting.

(7) The chairperson has, on any matter, a deliberative vote and, in the event of an equality of votes, also a casting vote.

(8) If so decided by the meeting, the number of members voting 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 likewise recorded.

(9) When a majority of the members of the council reaches agreement on a matter referred to them by letter or electronic means by the chairperson, without convening a meeting, and conveys such resolution by letter or electronic means, such resolution is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting.

(10) The views of a member of the council who is unable to attend a meeting may be submitted to the meeting in writing but may not count as a vote of such member.

(11) 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 whose decision is final.

**Financial and other interests of council members**

17. (1) Any member of the council or a committee of the council who has a direct financial or personal interest in any matter to be discussed at a meeting must, before or during such meeting, declare such interest.

(2) Any member of the higher education institution's community has the right to inform the chairperson in writing, before any meeting, of any possible conflict of interest in respect of any member of the council or a committee.

(3) After such declaration or finding that such interest exist, such member of the council or a committee of the council must excuse himself or herself from the meeting before such issue is discussed.

**Executive and other committees of council**

18. (1) The council appoints -

- (a) an executive committee;
- (b) an audit committee;
- (c) a finance committee;
- (d) a remuneration committee; and
- (e) such other committees as may be required.

(2) The composition and functions of the committees are determined by the council.

(3) Each committee must have at least one council member who is not an employee or a student of the higher education institution on such committee.

(4) The chairperson of a committee may not be an employee or a student of the higher education institution.

**Minutes of council and executive meetings**

19. (1) The secretary to the council keeps the minutes of each meeting of the council and includes such minutes in the agenda of the next council meeting when the agenda is sent out in terms of paragraph 15(3).

(2) The minutes of all committee meetings must be disclosed at the next ordinary meeting of the council.

**Drafting, amending or rescinding Statute**

20. (1) No motion to draft, amend or rescind a statute or a rule is of force and effect unless adopted by not less than 75 per cent of all members present at the meeting; provided a meeting is constituted by not less than 50 per cent of the total members.

(2) Any motion to draft, amend or rescind a statute or a rule must be in accordance with the provisions of section 32(2) of the Higher Education Act.

**SENATE****Functions of senate**

21. (1) Subject to the Higher Education Act, the senate is accountable to the council for regulating all teaching, learning, research and academic functions of the higher education institution and all other functions delegated or assigned to it by the council.

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

- (a) if delegated to do so by resolution of council, may make or amend any Rule relating to the curriculum for, or to the obtaining of, any degree, diploma, licentiate or other qualification, but may do so only after consulting the relevant faculty board;
- (b) if delegated to do so by resolution of council, may make or amend any Rule relating to the manner in which students are to be examined.
- (c) determines what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma, licentiate, certificate or other qualification.
- (d) may make recommendations to the council regarding the faculty to which each academic department, school or other academic structure belongs;
- (e) may make recommendations to the council regarding the establishment and disestablishment of faculties, academic departments, schools and other academic structures;
- (f) determines, in accordance with any relevant deed or gift, and after consultation with the principal, the conditions applicable to any scholarships and other academic prizes;
- (g) determines the persons to whom scholarships and academic prizes are awarded;
- (h) may establish committees to perform any of its functions; may appoint persons who are not members of the senate as members of such committees and may for this purpose deem a single person to be a committee;
- (i) determines the functions of its committees as well as the procedure of meetings of these committees;
- (j) may make standing orders on procedures and delegation of powers for the better carrying out of its functions;
- (k) may delegate its functions; and
- (l) must take note of any action taken by a committee in exercising its delegated powers or functions when such committee reports its actions to the next meeting of the senate.

(3) The senate submits to the council -

- (a) such reports upon its work as may be required by the council;
- (b) recommendations on matters referred to it by the council; and
- (c) recommendations on any other matter affecting the higher education institution as the senate considers useful.

(4) The senate may, if in its opinion it is necessary to do so for any academic purpose, require a student to reside for a period, and in a place, determined by it.

(5) The senate may, in terms of the Rules, cancel the registration of a student in all or one or more of the courses for which the student is registered in that year if in the

opinion of the senate the academic achievement of the student is such that the student may not at the end of the year obtain credit in such course or courses, as the case may be.

#### **Senate membership**

22. (1) Members of the senate must participate in the deliberations of the senate in the best interest of the higher education institution.

(2) Failure to act in the best interest of the higher education institution or behaviour that brings the higher education institution into disrepute may result in the removal from the senate following due process.

(3) If it is alleged that a member is not acting in the best interest of the higher education institution or has engaged in conduct that brings or tends to bring the higher education institution into disrepute and not less than one-third of the members of the senate at any meeting resolve that steps should be taken against that person, the senate must instruct that a hearing by an *ad hoc* committee of senate take place.

(4) If the committee finds that the member has failed to act in the best interest of the higher education institution or has behaved in a manner that brings the higher education institution into disrepute then the committee may recommend that the member be removed from the senate.

(5) The member may be removed from the senate if not less than two-thirds of the members of the senate present at any meeting vote for his or her removal.

#### **Composition of senate**

23. (1) The senate, subject to the provisions of the Higher Education Act, consists of -

- (a) the principal;
  - (b) the vice-principal or vice-principals;
  - (c) the registrar or registrars;
  - (d) all deans;
  - (e) all heads of department;
  - (f) all professors;
  - (g) the director of the library;
  - (h) the director of research;
  - (i) two representatives of the student representative council;
  - (j) a non-academic employee from each faculty elected by the non-academic employees of each faculty;
  - (k) an academic employee from each faculty elected by the academic employees of each faculty;
  - (l) two members of council designated by the council, provided that no person specified in subparagraphs 9(1)(a), (b), (d), (e), (f), and (g) is eligible for designation under this subparagraph; and
  - (m) such additional members as approved by the senate.
- (2) The majority of senate members must be academic employees.

**Term of office of senate members**

24. (1) Members appointed in terms of paragraph 23(a), (b), (c), (d), (e), (f), (g) and (h) hold office for as long as they are employed by the higher education institution in that capacity.

(2) Members appointed in terms of paragraph 23(j), (k), (l), and (m) hold office for a period of two years.

(3) The term of office for student members is determined by the SRC, provided that membership automatically lapses when a student ceases to be a registered student.

(4) Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the secretary to the senate must notify the authority or body that has appointed or elected such member of the vacancy, and must, if in the opinion of the chairperson to the senate this is reasonably practicable, request such authority or body to appoint or elect a successor.

(5) The successor holds office for the unexpired term of office of the predecessor unless the successor is appointed or elected because his or her predecessor's term of office has expired.

**Chairperson, vice-chairperson and secretary of senate**

25. (1) The principal is the chairperson of the senate as contemplated by section 26 (4)(a) of the Act.

(2) The following office-bearers of the senate are elected from among the members of the senate –

(a) a vice-chairperson; and

(b) a secretary

(3) No person may be elected as an office-bearer unless he or she has been nominated in writing by not less than three members of the senate.

(4) The nominee must countersign the nomination to denote his or her acceptance of the nomination.

(5) An office-bearer holds office for five years, unless during that time he or she resigns or ceases to be a member of the senate.

(6) Not less than 60 days before the expiry of the office-bearer's term of office, the secretary to the senate must give notice of this fact to the senate and a successor is elected by a majority of the members present and voting at the next meeting of the senate.

(7) The retiring office-bearer is eligible for re-election, if he or she is still a member of the senate.

(8) If a vacancy occurs within the five year period, the secretary to the senate must give notice of the vacancy to the members of the senate.

(9) On receipt of this notice the senate must, at its next meeting, elect another member to act in the place of that office-bearer.

(10) The person elected in terms of subparagraph (9) holds office for the rest of the five year period, unless he or she resigns or ceases to be a member of the senate.

(11) The chairperson presides at the meetings of the senate and the meetings of the sub-committees of the senate if the senate considers it appropriate for him or her to do so.

(12) The chairperson performs such other functions as the senate may determine.

(13) In the absence of the chairperson, the provisions of subparagraph (11) apply to the vice-chairperson.

(14) The vice-chairperson performs such other functions as the senate may determine.

(15) The secretary performs those functions assigned to him or her by the senate.

(16) If both the chairperson and the vice-chairperson are absent, the senate elects from among its members, a chairperson for the meeting concerned.

#### **Senate meeting procedure**

26. The procedure applicable to the council meetings is applicable with the necessary changes to the meetings of the senate.

#### **Executive and other committees of senate**

27. (1) The senate appoints -

(a) an executive committee; and

(b) such other committees as may be required.

(2) The composition and functions of the committees are determined by the senate.

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

28. The council, in consultation with the senate, appoints such joint committees of the council and the senate as may be necessary for the performance of particular tasks.

### **FACULTY BOARD**

#### **Functions of faculty board**

29. Faculty boards are appointed by the senate to regulate the activities of the respective faculties of the higher education institution.

#### **Composition of faculty board**

30. The composition of a faculty board is as determined by the senate.

#### **Meeting procedure of faculty board**

31. The council's meeting procedures are applicable with the necessary changes to meetings of the faculty board.

### **INSTITUTIONAL FORUM**

#### **Function of institutional forum**

32. (1) The institutional forum advises the council on issues affecting the higher education institution, including -

(a) the implementation of the Act and the national policy on higher education;

(b) race and gender equity policies;

(c) the selection of candidates for senior management positions;

(d) codes of conduct, mediation and dispute resolution procedures;



- (e) fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and
- (f) the language policy of the higher education institution.
- (2) The institutional forum participates in establishing the procedure and criteria for selection of candidates for senior management positions.
- (3) The institutional forum participates in the selection procedure of candidates for senior management positions.
- (4) The institutional forum performs such other functions as determined by the council.

#### **Composition of institutional forum**

33. (1) The institutional forum consists of -
- (a) two members of the council;
  - (b) four members from management;
  - (c) two members of the senate;
  - (d) five members representing the academic employees;
  - (e) five members representing the non-academic employees;
  - (f) ten students designated by the SRC; and
  - (g) one or more members co-opted by the institutional forum for the specific purpose of assisting the institutional forum in respect of any specific project.
- (2) Nomination of representatives must be transparent and democratic and each constituency must follow the procedure within its own constituency and submit the names of its representatives to the registrar.
- (3) The term of office of members is as determined by each constituency.

#### **Office-bearers of institutional forum**

34. The institutional forum elects from among its members a chairperson and a deputy chairperson.

#### **Meetings and meeting procedure of institutional forum**

35. (1) The number of meetings is as decided by the institutional forum.
- (2) Fifty percent of members forms a quorum.
- (3) The meeting procedures are as determined by the institutional forum.

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

#### **Functions of SRC**

36. (1) The students of the higher education institution are represented in matters that may affect such students by the SRC.
- (2) The matters contemplated in subparagraph (1) include -
- (a) liaison with the council, the senate, the management, the general public, other higher education institutions, students' representative councils of other higher education institutions, national or international student organisations, unions and news media;

- (b) being the umbrella organisation for all student committees, clubs, councils and societies, granting or withdrawing recognition of such student committees, clubs, councils and societies as it deems appropriate;
- (c) the co-ordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the higher education institution management;
- (d) the convening and conducting of all authorised meetings of the student body and to be the managing body in all general referenda and petitions organised by the students within the Rules;
- (e) the appointment of such office-bearers and establishing of such committees as it deems necessary;
- (f) the organisation and promotion of extramural activities among students;
- (g) keeping account of all moneys paid over to it by the council and any other moneys which may accrue to it in its capacity as representative of the students; also to allocate or disburse such funds for use by students, and to make grants to approved student clubs, committees, societies and councils;
- (h) the responsibility for the preservation of order at student functions, and the ensuring of good conduct at other approved meetings of students;
- (i) the co-ordination of student involvement in all community projects initiated by it;
- (j) the responsibility for all student publications;
- (k) the recommendation to the council of Rules to determine the conduct of its affairs;
- (l) the final decision making in all matters falling within its jurisdiction; and
- (m) such additional function and privileges as may be specifically conferred upon it by the council.

#### **Composition of SRC**

37. (1) Only registered students are eligible to serve on the SRC.
- (2) The SRC, as contemplated in section 35 of the Higher Education Act, must be representative of the student body and consists of five students from each faculty elected by the students of each specific faculty.
- (3) The election of SRC members must be democratic and transparent.

#### **Office-bearers of SRC**

38. (1) The SRC elects from among its members a president to act as chairperson and a deputy president to act as deputy chairperson.
- (2) The functions of other office bearers and the election of such office-bearers are as determined by the SRC.
- (3) The composition of the SRC may not be repealed or amended except after consultation with the SRC.

**Term of office of SRC members**

39. The term of office of the members of student representative council is one year.

**Privileges**

40. The privileges of members of the SRC are as determined by the council, after consultation with the SRC.

**Meetings of SRC**

41. The number of meetings, the quorum at a meeting and the meeting procedures are determined by the constitution of the SRC as approved by the council.

**SRC disciplinary committee**

42. The SRC must establish a disciplinary committee responsible for the discipline of any members of the SRC and members of the student structures affiliated to the SRC.

**General meeting**

43. (1) The SRC must convene at least one general meeting of students per semester.  
(2) The general meeting may also be requested by at least 1000 signatories petitioning the SRC.  
(3) Meetings may not disrupt academic activities unless prior permission has been granted by the principal.

## **CONVOCATION**

**Membership of convocation**

44. (1) The convocation consists of the principal, the vice-principal, the registrars, former and present academic employees as set out in subparagraph (2) and all persons who are or become graduates of the higher education institution.

(2) Academic employees on the permanent staff of the higher education institution, professors emeriti and other retired academic employees who have been on the permanent staff in continuous employment for not less than 10 years immediately prior to retirement are members of the convocation.

(3) The fact that the name of a person appears on the convocation roll is *prima facie* proof of him or her being a member of the convocation, and of him or her being entitled to vote.

(4) The names of new graduates and diplomates of the higher education institution are deemed to have been inscribed in the convocation roll after degrees or diplomas have been awarded, but members so registered are required to furnish their addresses to the secretary and to notify him or her of any change of address.

(5) For purposes of the election of council members the convocation is deemed closed from the latest date on which ballot papers are issued until the date of the election, both days inclusive.

**Office-bearers of convocation**

45. (1) The convocation, at its first meeting, elects from among its members a president to act as chairperson at all its meetings who holds office for a period of three years from the meeting at which he or she is elected.

(2) Whenever the office of president becomes vacant, the principal acts as president until a successor is elected at the following meeting of the convocation for a period of three years.

#### **Meetings of convocation**

46. (1) The president or, if the office of the president is vacant, the principal convenes a meeting of the convocation annually and notice of such meeting must be given at least four weeks prior to the date of the meeting.

(2) A member who wishes to raise any matter at such meeting must submit written motions in regard to the said matter to the registrar or the president at least two weeks before the date of the meeting.

(3) An extraordinary meeting of the convocation may be convened by the president or the principal if and when required.

(4) An extraordinary meeting of the convocation must be convened by the president or, if the office of president is vacant, by the principal, upon a written request signed by at least 25 members containing the matters for consideration in the form of separate motions.

(5) An extraordinary meeting as contemplated in subparagraph (4) must be held within two months after receipt of the request.

#### **Meeting procedures of convocation**

47. (1) Fifty members constitute a quorum at a meeting of the convocation, provided that, if no quorum is present the meeting may adjourn and an extraordinary meeting may be convened with at least seven days notice, at which the members present constitute a quorum.

(2) Notwithstanding the absence of a quorum at an annual meeting, such meeting may proceed to elect office bearers and to dispose of other formal matters, but no motions may be submitted at such meeting.

(3) After its constitution, by reading the notice in terms of which it was convened, a meeting commences with the reading and confirmation, by the signature of the chairperson, of the minutes of the previous ordinary meeting and of all subsequent extraordinary meetings.

(4) Any objection to such minutes must be raised and determined prior to their confirmation.

(5) A member may not, without the permission of the meeting speak more than once on a motion or amendment thereof, but the mover of the motion or amendment may reply.

(6) All matters are decided by a majority of the members present.

(7) In addition to his or her ordinary vote, the chairperson has a casting vote in the event of an equality of votes.

(8) If a meeting so resolves, the number of votes in favour of or against a motion must be recorded in the minutes, and, at the request of a member, the chairperson must further direct that the vote of such member be likewise recorded.

(9) A motion or amendment thereof must be seconded, and if the chairperson directs, such motion or amendment must be in writing.

(10) A motion or amendment may not be withdrawn without the permission of the meeting.

(11) The chairperson may permit the discussion of a matter of which notice was not duly given, provided such discussion is unopposed.

(12) The ruling of the chairperson on a point of order of procedure is binding, unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting, whose decision is final.

(13) A copy of the resolutions of the convocation, and a statement on such other matters as the convocation may determine, duly certified by the chairperson and secretary are submitted to the chairperson of the council for the information of the council and to the principal for the information of the senate.

(14) Election of members of the convocation to the council is in the manner determined by the convocation.

## **MANAGEMENT AND SENIOR MANAGEMENT**

### **Management and senior management**

48. The management or senior management of the higher education institution, for the purposes of sections 31(1)(a)(iii) and 31(2)(a) of the Higher Education Act, means a body whose members are the principal, the vice-principal, the registrar or registrars and the deans of the faculties.

### **Principal**

49. (1) The principal is the chief executive officer of the institution.

### **Functions of principal**

50. (1) The principal is responsible for the day to day management and administration of the institution and has all the powers necessary to perform these functions.

(2) The principal reports to the council.

(3) By way of his or her office the principal is a member of all the committees of the council and the senate.

(4) The council may assign additional functions, and grant additional powers and privileges to the principal.

(5) When the principal is absent or unable to carry the duties, the vice-principal takes over or council may appoint an acting principal.

### **Appointment of principal**

51. Subject to section 31(1) of the Act, the advertising of the post, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes are in the manner determined by the council.

### **Term of office of principal**

52. The principal is appointed by the council for such period as agreed upon in his or her contract.

**Vice-principal and registrar**

53. The vice-principal or the registrar is responsible for assisting the principal in the management and administration of the institution.

**EMPLOYEES****Appointment**

54. Subject to section 34 of the Act, the council appoints employees according to the staffing policies of the higher education institution as determined in the Rules.

**Remuneration**

55. Determination and review of salaries of employees and all other forms of remuneration is approved by the council according to the higher education institution's remuneration policy as determined in the Rules which is amended from time to time by the council.

**Evaluation**

56. All employees of the higher education institution are subject to continuous evaluation in the performance of their duties.

**Employees discipline**

57. Every employee is subject to a disciplinary code, a disciplinary procedure and a grievance procedure for employees, as approved by the council and determined in the Rules, which serve as an integral part of every employee's conditions of service.

**Representative employees' organisation**

58. Agreements with representative employees' organisations may, with reference to salary and related negotiations and according to the relevant labour legislation, be entered into by the management and recommended to the council for approval.

**STUDENTS****Admission and registration of students**

59. (1) A person may be permitted by the council to register as a student only if he or she satisfies the legal requirements, if any, for admission to study at the University and, further, satisfies any other requirements for admission that may be determined by the council and laid down in the Rules.

(2) The requirements for admission of a student to faculties are set out in the Rules and may be changed by the council after consultation with the senate.

(3) A student is registered for one year or for such shorter period as the council may determine in general or in a particular case.

(4) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (3), the student is required to comply with any conditions set by the council.

(5) The council may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in subparagraph (4).

(6) The conditions contemplated in subparagraph (4) may include the payment of outstanding fees.

#### **Student discipline**

60. (1) The disciplinary measures and discipline provisions applicable to the students are set out in the Rules, and may be changed by the council after consultation with the senate and the SRC.

(2) (a) The principal may, from time to time, amend monetary penalties.

(b) Such amended penalties must be placed before the council at the next ordinary meeting of the council

(3) If the council should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by the council is not affected.

### **DONORS**

#### **Donors**

61. (1) The higher education institution may receive moneys and equipment of any sort from donors to assist the higher education institution in providing quality education.

(2) The institution may recognise and register certain donors as determined in the Rules.

### **TRANSITIONAL PROVISIONS**

#### **Transitional provisions**

62. (1) Once the council is established in terms of this standard Statute the interim council must dissolve.

(2) The council established in paragraph 9 takes over the governance of the higher education institution in terms of the Act.

(3) In the case of a merger of two or more public higher education institutions -

(a) all academic programmes offered by such higher education institutions before the merger, continue to be offered under the same rules by the new higher education institution, until such programmes and rules are amended by the council;

(b) the new higher education institution awards degrees, diplomas and certificates to a student that qualifies for such qualification, in its own name, but such degrees, diplomas or certificates must also reflect the name of the higher education institution where the student has initially registered for the programme;

(c) all contracts of employment that existed at the higher education institutions before the merger are transferred to the new higher education institution in terms of section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995);

(d) the disciplinary code and rules that existed at the higher education institutions before the merger are transferred to the new higher education institution and students must comply with the specific disciplinary code and rules of the higher education institution where he or she had entered the programme, until amended by the council.