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GOVERNMENT NOTICE

MINISTRY OF EDUCATION

No. 377

27 March 2002

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

STANDARD INSTITUTIONAL STATUTE

I, Professor Kader Asmal, MP, Minister of Education, in accordance with section 33(3) of the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish the Standard Institutional Statute set out in the Schedule hereto.

SCHEDULE

The Standard Institutional Statute, subject to section 33 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, gives effect to any matter not expressly prescribed by the Higher Education Act.

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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), as amended.

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

"**academic employee**" means any person appointed to teach or to do research at the institution and any other employee designated as such by the council of the institution;

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

"**chancellor**" means the person contemplated in paragraph 5;

"**convocation**" means the convocation contemplated in paragraph 44;

"**council**" means the governing body of the institution contemplated in paragraph 9;

"**days**" includes Saturdays, Sundays and public holidays;

"**diplomat**" means a person who has obtained a diploma of an institution;

"**donor**" means a person, body or entity who has made a donation, which, in the opinion of the council warrants that person, body or entity being recognised as a donor as contemplated in paragraph 61;

"**employee**" means an academic employee or a non-academic employee of the institution;

"**employer**" means the council of an institution;

"**entity**" means any organisation, forum or body and includes any organisational structure provided for in the Act or determined by the council;

"**functions**" include powers and duties and vice versa;

"**graduate**" means a person who has obtained a degree of an institution;

"**institution**" means a public institution contemplated in section 20 of the Act;

"**institutional forum**" means the institutional forum contemplated in paragraph 32 of this Statute and section 31 of the Act;

"**interim council**" means the interim council appointed by the Minister as contemplated in section 20(6), 21(3A) and 23(5) of the Act;

"**management**" means senior management as well as management as contemplated in paragraph 48(1) of this Statute;

"**Minister**" means the Minister of Education;

"**month**" means calendar month;

"**non-academic employee**" means any employee who is not an academic employee;

"**office bearer**" means a functionary provided for in the Act or determined by the council;

"**professor**" means an academic employee who has been given the title of professor by the institution or by another institution, but does not include an emeritus, associate or assistant professor;

"**qualification**" means a certificate, a diploma or a degree;

"**representative employees' organisation**" means an organisation which consists of employees, excluding members of the management of the institution, formally associated together and organised in a staff association or trade union for the purpose of regulating relations between themselves and the institution and which is recognised by the council on such conditions as have been negotiated between the council and the employee organisation, which has been reduced to writing in the collective or recognition agreement;

"**rules**" mean rules made by the institution as contemplated in section 32 of the Act;

"**seat of the institution**" for the purposes of paragraph 3 of this Statute and section 65A of the Act means the physical location of the institution set out in the notice contemplated in section 20(1), 21(1) or 23(1) of the Act;

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

"**senior management**" means senior management as contemplated in paragraph 48(2) of this Statute;

"**SRC**" means the students' representative council of the institution contemplated in paragraph 36;

"**student**" means a person registered for a qualification at the institution;

"**sufficiently representative**" means representation by a representative employees' organisation, which is sufficient, as determined by the particular structure to which the representation applies.

INSTITUTION

Name, seat and powers

3. (1) The institution has the name set out in the notice contemplated in section 20(1), 21(1) or 23(1) of the Act unless such name has been changed in terms of section 65(1) of the Act.

(2) The institution has the seat as set out in the notice contemplated in section 20(1), 21(1) or 23(1) of the Act.

(3) The institution is a juristic person, as contemplated in section 20(4) of the Act.

(4) Notwithstanding subparagraph (3), the 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 institution may confer degrees and honorary degrees and award diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act.

Constitution of institution

4. (1) The institution consists of—

- (a) the chancellor;
- (b) the council;
- (c) the senate;
- (d) the principal, within the meaning of section 30 of the Act;
- (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 SRC;
- (h) the institutional forum;
- (i) the faculties, the departments, the schools and such other academic structures of the institution as may be determined by the council;
- (j) the academic employees of the institution;
- (k) the non-academic employees of the institution;
- (l) the students of the institution;
- (m) the convocation of the institution; and
- (n) such other offices, bodies or structures as may be established by the council.

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

CHANCELLOR

Functions of chancellor

5. (1) The chancellor is the titular head of the institution and confers all degrees and award all diplomas and certificates in the name of the institution.

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

Election and appointment of chancellor

6. (1) The chancellor is elected by the council in the following manner -

- (a) The chairperson of the council determines the date on which a meeting of the council is to be held for the purpose of electing a chancellor;
- (b) the secretary to council gives due notice to the members of the council of the date, time of and venue for the meeting contemplated in subparagraph (1)(a);
- (c) the secretary to the council invites the members of the council and the members of the institutional forum to submit nominations for the office of the chancellor;
- (d) the nominations contemplated in subparagraph (1)(c) must reach the secretary to the council at least 20 working days before the meeting contemplated in subparagraph (1)(a);
- (e) the nominations contemplated in subparagraph (1)(c) must be in writing and must include the nominee's written consent and complete curriculum vitae;
- (f) the secretary to the council must, within five working days after the closing date for nominations, inform members of the council and the institutional forum in writing of the nominations received;
- (g) a special meeting of the institutional forum must be held before the meeting contemplated in subparagraph (1)(a) for purposes of

considering the nominations and advising the council on the appointment of a candidate to the office of chancellor;

- (h) the chancellor is elected by secret ballot and a majority of the members present at the meeting contemplated in subparagraph (1)(a);
- (i) if no candidate receives a majority of votes, successive rounds of voting are held;
- (j) in each successive round of voting the candidate receiving the fewest votes is eliminated as a candidate.

(2) After the council has elected a chancellor, the name of the chancellor is announced by the chairperson of the council

Term of office of chancellor

7. (1) The chancellor holds office for a period of four years, unless he or she resigns or is removed from office in accordance with subparagraph (5).

(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 acting principal performs the functions of the chancellor.

(4) The term of office of the chancellor terminates in the event of -

- (a) death or incapacity;
- (b) resignation; or
- (c) removal from office by the council.

(5) The chancellor may only be removed from office by the council by means of a resolution passed by at least two-thirds of the members of the council and then only after the chancellor has been given the opportunity to answer to the reasons provided by the council for the removal there from.

COUNCIL

Functions of council

8. (1) Subject to the Act and this Statute the council governs the institution.

(2) Without derogating from the generality of subparagraph (1), the council -

- (a) makes Rules for the institution;
- (b) establishes the council committees and determines the composition and functions of each committee;
- (c) establishes, in consultation with the senate, joint committees of the council and the senate to perform functions which are common to the council and the senate;
- (d) appoints all employees of the institution, but, in the case of academic employees of the institution, it may do so only after consultation with the senate;
- (e) determines the student admission policy of the institution, after consultation with the senate;
- (f) determines, with the approval of the senate, the entrance requirements in respect of particular higher education programmes, the number of students who may be admitted for a particular higher education

programme and the manner of their selection, and the minimum requirements for readmission to study at the institution;

- (g) may, with the approval of the senate, refuse readmission to a student who fails to satisfy the minimum requirements for readmission; and
- (h) determines and provides student support services after consultation with the SRC.

(3) Without derogating from the generality of subparagraph (1), the council -

- (a) makes the institutional Statute and any amendments thereto;
- (b) appoints the senior management, as defined, of the institution;
- (c) determines 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 institution;
- (d) may order an employee whom it has suspended to refrain from being on any premises under the control of the institution and to refrain from participating in any of the institution's activities or issue such other conditions as it may deem necessary;
- (e) determines the language policy of the institution, after consultation with the senate;
- (f) determines, after consultation with the senate, which academic structures are required and the functions of each structure, in order to ensure efficient governance;
- (g) determines tuition fees, accommodation fees and any other fees payable by students as well as accommodation fees payable by employees;
- (h) approves the annual budget of the institution;
- (i) may conclude a loan or overdraft agreement, subject to the proviso that the approval of the Minister is required whenever the aggregate of existing borrowings plus the new contemplated borrowing exceeds 5 per cent of the average income of the institution received during the two years immediately preceding such agreement;
- (j) may enter into an agreement for the construction of a permanent building or other immovable infra-structural development, the purchasing of immovable property or the long term lease of immovable property, subject to the proviso that the approval of the Minister is required if the value of such development or property exceeds five per cent of the average income of the institution received during the two years immediately preceding the agreement;

(4) Subject to section 68 of the Act, the council may delegate any of the functions referred to in subparagraph (2), but the council may not delegate any of the functions referred to in subparagraph (3).

(5) The council is not divested of responsibility for the performance of any function delegated or assigned under subparagraph (4).

Composition of council

9. (1) The council, as contemplated in section 27 of the Act, consists of -
- (a) the principal;
 - (b) not more than two 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) three 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;
 - (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 institution and regard must be had to the racial and gender representation on the council.
- (3) The council members must have knowledge and experience relevant to the objects and governance of the institution.
- (4) Except as provided in subparagraphs (1)(a), (b), (d), (e), (f), and (g) -
- (a) no student or employee of the institution and no other person in receipt of regular remuneration from the 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 institution or who enters into a contract with the institution in terms of which he or she is to receive regular remuneration from the institution must forthwith vacate his or her seat on the council.

Election of council members

10. (1) Members of the council are elected in the manner determined by the interim council.
- (2) If the council resigns as contemplated in paragraph 12(3), all members of council are elected in the manner determined by the administrator referred to in section 41A of the Act.

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 or a member of the SRC.
- (2) The term of office of members of the council who are not students or employees of the institution, is four years.

(3) Notwithstanding subparagraph (2), at the first meeting of the council it must be decided by lot which eight of the members of the council who are not students or employees of the institution hold office for a period of three years.

(4) The term of office of members of the council who are employees of the institution, except that of the principal and the vice-principals, is three years.

(5) Notwithstanding subparagraph (4), at the first meeting of the council it must be decided by lot which eight of the members of the council who are employees of the institution, except the principal and the vice-principals, hold office for a period of two years.

(6) 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, or entity 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 removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine; 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 as contemplated in section 27(8) of the Act.

(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 to 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 Act.

(2) The secretary acts as an electoral officer.

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

Meetings of council

15. (1) The council has at least four 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 at least five members, the objective of such meeting clearly stated in the request, provided that at least seven days notice of a special meeting is given.

(6) No business other than that which the special 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 at least 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) The council members must participate in the deliberations of the council in the best interest of the institution.

(2) 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 at least one half plus one of the total number of members of the council or its committees holding office on the date of such meeting.

(3) 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

(4) 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.

(5) 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.

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

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

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

(9) 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.

(10) 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.

(11) 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.

(12) 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.

Conflict of interest of council members

17. (1) A member of council may not have a conflict of interest with the institution.

(2) A member of council who has a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before or during such meeting, declare the interest.

(3) Any person may, in writing, inform the chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a council member of which such person may be aware.

(4) The member is obliged to excuse him or herself from the meeting during the discussion of the matter and the voting thereon.

Committees of council

18. (1) The council appoints -
- (a) an executive committee;
 - (b) an audit committee;
 - (c) a finance committee;
 - (d) an employment conditions committee;
 - (e) a planning and resource committee;
 - (f) a council membership committee; and
 - (g) such other committees as may be required.
- (2) The composition and functions of the committees are determined by the council.
- (3) At least 50 per cent of the members of a committee must be persons who are not employees or students of the institution.
- (4) The chairperson of a committee may not be an employee or a student of the institution.

Minutes of council and committee 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 included in the agenda of the next ordinary meeting of the council following the respective committee meetings.

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 at least 75 per cent of all members present at the meeting, provided that such meeting is constituted by at least one half plus one of the total number of 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 Act.

SENATE**Functions of senate**

21. (1) Subject to the Act, the senate is accountable to the council for all the teaching, learning, research and academic functions of the 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, certificate or other qualification, but may do so only after consulting the relevant faculty board;
 - (b) if delegated to do so by resolution of the 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, certificate or other qualification;
 - (d) advise the council on disciplinary measures and Rules concerning students;
 - (e) may make recommendations to the council regarding the faculty to which each academic department, school or other academic structure belongs;
 - (f) may make recommendations to the council regarding the establishment and disestablishment of faculties, academic departments, schools and other academic structures;
 - (g) 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;
 - (h) determines the persons to whom scholarships and academic prizes are awarded;
 - (i) 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;
 - (j) determines the functions of its committees as well as the procedure of meetings of these committees;
 - (k) may make standing orders on procedures and delegation of powers for the better carrying out of its functions;
 - (l) may delegate its functions; and
 - (m) 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 institution as the senate considers useful.

(4) The senate may, in terms of the Rules, cancel the registration of a student in all or one or more of the 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 institution.

(2) Failure to act in the best interest of the institution or behaviour that brings the 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 institution or has engaged in conduct that brings or tends to bring the institution into disrepute and at

least 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 institution or has behaved in a manner that brings the 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 at least 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 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 academic department;
 - (f) all professors;
 - (g) the director of the library;
 - (h) the director of research;
 - (i) two representatives of the student representative council elected by the SRC;
 - (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.
- (3) The manner of election of members is as determined by each constituency.

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 institution in that capacity.

(2) Members appointed in terms of paragraph 23(j), (k), (l), and (m) hold office for a period determined by the senate.

(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 or member of the SRC.

(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 to senate

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

(2) The vice-chairperson of the senate is the vice-principal designated by the senate as such.

(3) The secretary of the senate is the registrar designated by the senate as such.

(4) 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.

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

(6) In the absence of the chairperson, the provisions of subparagraph (4) apply to the vice-chairperson.

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

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

(9) 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.

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 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 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 institution.

(2) 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 who are not employees or students of the institution;
- (b) two members from management;
- (c) two members of the senate;
- (d) two members representing the academic employees;
- (e) two members representing the non-academic employees;
- (f) two members from each sufficiently representative employees' organisation;
- (f) two 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.

(4) Paragraph 12 applies, with the necessary changes, to the termination of membership of the members of the institutional forum.

Office-bearers of institutional forum

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

Meetings and meeting procedure of institutional forum

35. (1) The number of meetings is as decided by the institutional forum.
(2) Fifty per cent plus one of members form 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 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 institutions, students' representative councils of other 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 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 functions 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 Act, must be representative of the student body and consists of two 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 the SRC 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 committees

42. (1) 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.

(2) The SRC may establish such other committees as may be required.

General meeting

43. (1) The SRC must convene at least one general meeting of students per semester.

(2) A general meeting may also be requested by at least 1000 signatories petitioning the SRC.

(3) Meetings may not disrupt academic activities unless the principal has granted prior permission.

CONVOCATION

Membership of convocation

44. (1) The convocation consists of the principal, the vice-principal, the registrars, academic employees as set out in subparagraph (2) and all persons who are or become graduates or diplomats of the institution and such other persons as the council may determine.

(2) Academic employees on the permanent staff of the institution, professors emeriti and other retired academic employees are members of the convocation.

(3) The fact that the name of a person appears on the convocation roll is on face value 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 institution are deemed to have been inscribed in the convocation roll after degrees have been conferred 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. (1) Management means, for the purpose of section 31(2)(a) of the Act, senior management as well as management as determined by the council.

(2) Senior management means, for the purpose of section 31(1)(a)(iii) of the Act, the principal, the vice-principal or the vice-principals, the registrar or the registrars, the deans of faculties and the administrative positions equivalent to the positions of the deans of 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 designated by the council takes over or the 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 vice-principals and the registrar or registrars are 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 institution as determined in the Rules.

Conditions of employment

55. The conditions of employment, including the determination and review of salaries of employees and all other forms of remuneration is approved by the council according to the institution's policy as determined in the Rules which may be amended from time to time by the council.

Evaluation

56. All employees of the 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 institution 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 institution may receive moneys and equipment of any sort from donors to assist the 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 institution in terms of the Act.

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

- (a) all academic programmes offered by such institutions before the merger, continue to be offered under the same rules by the new institution, until such programmes and rules are amended by the council;
 - (b) the new 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 institution where the student has initially registered for the programme;
 - (c) all contracts of employment and collective agreements that existed at the institutions before the merger are transferred to the new institution;
 - (d) the disciplinary code and rules that existed at the institutions before the merger are transferred to the new institution and students must comply with the specific disciplinary code and rules of the institution where he or she had entered the programme, until amended by the council.
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