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GOVERNMENT NOTICE

MINISTRY OF EDUCATION

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

STATUTE OF THE UNIVERSITY OF PRETORIA

The Council of the University of Pretoria has drafted the Statute set out in the Schedule hereto in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Education and which comes into operation on 1 January 2004.

SCHEDULE

STATUTE OF THE UNIVERSITY OF PRETORIA

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CHAPTER 1

DEFINITIONS

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

“academic employee” means any lecturer appointed to teach or to do research at the University and any other employee designated as such by the Council of the University;

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

“appoint” also means nominate;

“Chancellor” means the person contemplated in Chapter 3;

“Convocation” means the Convocation contemplated in Chapter 9;

“Council” means the governing body of the University contemplated in Chapter 5;

“days” includes Saturdays, Sundays and public holidays;

“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 Chapter 13;

“employee” means an academic employee or a non-academic employee of the University;

“Executive” means the Principal, Vice-principals and other senior employees designated by the Principal;

“Executive Director” means a person appointed by the Council for purposes of assisting the Principal as contemplated in paragraph 12;

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

“graduate” means a person who has obtained a degree;

“Institutional Forum” means the Institutional Forum contemplated in Chapter 8;

“Institutional Rules” mean rules made by the University as contemplated in section 32 of the Act and include all the regulations and policy documents of the University;

“Minister” means the Minister of Education;

“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 University and includes an associate, adjunct, honorary and extraordinary professor;

“qualification” means a module, subject, course, certificate, diploma or degree;

“representative employees’ organisation” means an organisation which consists of employees organised in a staff association or trade union for the purpose of regulating relations between themselves and the University and which is recognised by the Executive on such

conditions as have been negotiated between the Executive and the employee organisation, and which has been reduced to writing in the collective or recognition agreement;

“seat of the University” means the seat contemplated in paragraph 2 of this Statute and section 65A of the Act;

“Senate” means the body responsible for academic matters contemplated in Chapter 6;

“senior management” means the Executive plus the deans of faculties and heads of support services: Provided that for purposes of paragraph 37(1)(c) it means the Executive only;

“SRC” means the Students’ Representative Council contemplated in paragraph 59;

“Statute” means the statute framed and in force as contemplated in section 32 of the Act;

“student” means a person registered for a qualification at the University;

“the University” means the University of Pretoria;

“Tuks Alumni” means the Association of Past Students of the University who are either all members of the Convocation or persons who obtained a diploma or certificate, the curriculum of which had been approved by the Senate, or persons with a degree from another institution who have completed at least one year of successful study at the University, or full-time or permanent employees of the University who obtained a degree from another institution and who have applied for membership of Tuks Alumni;

“Vice-principal” means a person appointed by the Council for purposes of assisting the Principal as contemplated in paragraph 12.

CHAPTER 2

INSTITUTION

2. Name, seat and powers.— (1) The name of the University is the “University of Pretoria”.

(2) The official address of the University is: University of Pretoria, Lynnwood Road, Hillcrest, Pretoria 0002, South Africa.

(3) The seat of the University is in the metropolitan area of Tshwane.

(4) The University also conducts its academic activities at its Business School in Illovo, Gauteng and at Witbank and Nelspruit in Mpumalanga.

(5) The University of Pretoria is a university established in terms of the Act and is a juristic person as contemplated in section 20(4) of the Act.

(6) The University functions in accordance with the Act, the Statute and the Institutional Rules of the University.

(7) The University may confer degrees and honorary degrees.

(8) The University, and entities entirely under its control, may award diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act and Chapter 10 of this Statute.

3. Language policy.— (1) The University provides instruction in Afrikaans and English where it is reasonable and practicable.

(2) The language policy of the University is based on the following factors –

- (a) constitutional and statutory requirements;
- (b) the demographic composition and language preferences of its students;
- (c) the promotion and maintenance of Afrikaans and English as scientific languages and mediums of instruction;
- (d) making a contribution to the development of the other official languages as scientific languages and mediums of instruction; and
- (e) the practicability of instruction in a specific language in view of the financial, personnel and facility constraints within the University.

(3) The language policy shall be implemented in such a manner that both Afrikaans and English as academic languages will in the long term be enhanced and strengthened.

4. Constitution of University.— (1) The University shall consist of –

- (a) a Chancellor;
- (b) a Principal;
- (c) Vice-principals;
- (d) Executive directors
- (e) a Council;
- (f) a Senate;
- (g) a Registrar;
- (h) a Convocation;
- (i) an Institutional Forum;
- (j) the faculties, the departments, the schools and such other academic structures of the University as may be determined by the Council;
- (k) the academic employees of the University;
- (l) the non-academic employees of the University;
- (m) the Students' Representative Council;
- (n) the students of the University;

(o) the various support services and such other offices, bodies or structures as may be established by the Council; and

(p) all the University's property and assets.

(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 University as a juristic person or any function, rights or privileges conferred by the Act or this Statute upon the University or the Council or the Senate: Provided that no resolution of the Council or of the Senate shall be valid unless passed at a meeting at which a quorum was present and the rules relating to any such meeting has materially been complied with.

CHAPTER 3

CHANCELLOR

5. Functions of Chancellor.— (1) The Chancellor shall be the titular head of the University with no executive powers.

(2) The Chancellor shall confer all degrees and award all diplomas and certificates in the name of the University.

(3) In the absence of the Chancellor, degrees shall be conferred by the Principal or by one of the Vice-principals; and diplomas and certificates shall be awarded by officials designated to do so by the Council.

(4) The Chancellor performs such other functions as assigned to him or her by the Council, subject to the provisions of paragraph 5(1).

6. Election and Appointment of Chancellor.— (1) The Chancellor shall be elected by an electoral college consisting of the members of the Council and the Senate, the President of the Convocation, and the members of the Board of Tuks Alumni.

(2) If the office of Chancellor becomes vacant, the Registrar acting as secretary to the Convocation shall give notice thereof to the members of the electoral college and call for nominations for a successor.

(3) No person shall be elected unless he or she has been nominated in writing, with his or her written consent, by at least two members of the electoral college, and such nomination reaches the Registrar at least three days before the meeting referred to in paragraph 6(5).

(4) After the closing date for nominations, a special meeting of the Institutional Forum must be held before the meeting contemplated in paragraph 6(5) for purposes of considering the

nominations and advising the electoral college on the appointment of a candidate to the office of Chancellor.

(5) The Registrar shall convene a meeting of the electoral college by sending a written notice to each member of the electoral college stating the time, date, place and purpose of the meeting at least two weeks before the date fixed for the meeting.

(6) The nominations shall be submitted to the electoral college by the Registrar for a final decision at the meeting referred to in paragraph 6(5).

(7) Thirty members of the electoral college shall form a quorum.

(8) The Principal shall be the chairperson of the meeting of the electoral college, but should he or she be absent, the members present shall elect one of their number to act as chairperson of that meeting.

(9) The election shall be by secret ballot and a majority of the members present at the meeting contemplated in paragraph 6(5) must vote for the successful candidate and every member has one vote, except for the chairperson who also has a casting vote.

(10) If no candidate receives a majority of votes, successive rounds of voting are held.

(11) In each successive round of voting the candidate receiving the least number of votes is eliminated as a candidate.

(12) After the electoral college has elected a Chancellor, the name of the Chancellor is announced by the chairperson of the electoral college.

7. Term of Office.— (1) The Chancellor shall be elected for a period to be determined by the Council, but not exceeding five years, unless his or her term of office is terminated as contemplated in paragraph 7(4) and (5).

(2) A person may be elected for more than one term 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 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 electoral college as contemplated in subparagraph 7(5).

(5) The Chancellor may only be removed from office by means of a resolution passed by a majority of the members of the electoral college contemplated in paragraph 6(1), and then only after the Chancellor has been given the opportunity to answer to the reasons provided by the electoral college for such removal.

CHAPTER 4

VICE-CHANCELLOR AND PRINCIPAL, VICE-PRINCIPALS EXECUTIVE DIRECTORS AND REGISTRAR

VICE-CHANCELLOR AND PRINCIPAL

8. Status.— The Principal is the Vice-chancellor of the University *ex officio* and its chief executive and accounting officer.

9. Functions of Principal.— (1) The Principal is responsible for the management and administration of the University and has all the powers necessary to perform these functions.

(2) Apart from being the chief executive officer, the Principal is responsible for the management of the University and is its chief disciplinary official.

(3) The Council shall delegate to the Principal all the powers necessary to perform his duties.

(4) The Principal may in turn delegate duties to other employees or committees.

(5) The Principal reports to the Council.

(6) The Principal is *ex officio* a member of all the committees of the Council and the Senate.

(7) The Council may assign additional functions, and grant additional powers and privileges to the Principal as contemplated in section 68(2) of the Act.

(8) When the Principal is absent or unable to carry out his or her duties, he or she may delegate all his or her powers and duties to a member of the Executive as contemplated in section 68(3) of the Act.

10. Appointment of Principal.— (1) Subject to section 31(1) of the Act, the advertising of the post, the invitation for nominations of and applications by 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 and the Institutional Rules of the University.

(2) The Council shall, after consultation with the Senate and the Institutional Forum, appoint the Principal: Provided that when the first term of a Principal has expired, and he or she is reappointed for a period which, together with any previous period(s) of office as Principal, does not exceed 10 years, consultation with the Senate and the Institutional Forum is not required.

11. Term of Office of Principal.— The Principal is appointed by the Council for such period as agreed upon in his or her contract: Provided that the Principal shall not be appointed for a period exceeding 10 years at a time.

VICE-PRINCIPALS, EXECUTIVE DIRECTORS AND REGISTRAR

12. Duties.— The Vice-principals, Executive Directors and Registrar are responsible for assisting the Principal in the management and administration of the University and have the powers and duties conferred upon them by the Council, this Statute, the Institutional Rules and delegated to them by the Principal.

13. Appointment and Terms of Office.— The Vice-principals, Executive Directors and Registrar are appointed in such manner and for such periods as determined by the Council and the Institutional Rules.

CHAPTER 5

COUNCIL

14. Functions.— (1) The Council governs the University subject to the provisions of the Act and the Statute.

(2) The Council shall perform all the duties imposed on it by this Statute; generally, the Council is responsible for governance, policy-making and monitoring and, in particular, responsible for laying down guidelines relating to –

- (a) strategic governance;
- (b) financial governance;
- (c) staff matters;
- (d) fostering a positive academic atmosphere;
- (e) disciplinary matters regarding staff and students; and
- (f) the admission and language policies of the University: Provided that the language policy and aspects of the admission policy are determined with the concurrence of the Senate, as required by sections 27 and 37 of the Act.

(3) The Council may appoint committees to assist it in carrying out its duties.

(4) The Institutional Forum shall advise the Council on the issues contemplated in section 31(1)(a) of the Act.

(5) The Council shall appoint people whom the Council considers are needed to manage the University effectively: Provided that no person is appointed as an academic staff member

except after consultation with the Senate or a committee of the Senate: Provided further that the Council may delegate this function to the Principal in accordance with the University's policy in this regard.

(6) The Council shall keep comprehensive records of all its activities, as well as of all assets, liabilities, income, expenditure and other financial transactions as required by section 41(1) of the Act, and shall report to the Minister as contemplated in section 41(2)) of the Act.

(7) The Council, after consultation with the SRC, shall make provision in the Institutional Rules of the University for a structure or structures for advising the Council on the rendering of student services at the University.

15. Composition.— (1) The Council is constituted as follows –

- (a) the Principal;
- (b) the Vice-principals;
- (c) three members of the Senate;
- (d) six persons appointed by the Council on the basis of their expertise and experience, inter alia in the fields of education, general management, financial management, human resources, technology and investment;
- (e) four members of the Convocation of the University, elected by the members of Tuks Alumni in accordance with the Constitution of Tuks Alumni;
- (f) two student members as set out in paragraph 17(3);
- (g) five persons appointed by the Minister of Education in accordance with section 27(4)(c) of the Act;
- (h) one person appointed by a local authority in whose area the University has its seat, to represent the communities served by the University;
- (i) two persons elected from the ranks of the donors of the University;
- (j) one employee elected from the ranks of the academic employees; and
- (k) one employee elected from the ranks of the non-academic employees.

(2) The Council members are elected or appointed in accordance with the provisions of paragraph 17 of this Statute.

16. Term of Office.— (1) The Principal and the Vice-principals are members of the Council for as long as they remain in their posts.

(2) The term of office of representatives of the SRC is the same as that of the SRC that appointed them.

(3) The term of office of all other members is four years: Provided that members, whose term of office has expired, may be re-elected or reappointed.

(4) A Council member's membership is terminated--

- (a) if the Council member fails to attend three consecutive ordinary meetings of the Council without the Council's consent;
- (b) if the Council member is sequestered;
- (c) if the Council member is found guilty of a crime that in the exclusive opinion of the Council is of such a serious nature that the member's continued membership of the Council is not desirable;
- (d) if the Council member is elected or appointed by a particular interest group and the Council member's membership of or association with the interest group is terminated;
- (e) if the Council member reaches the age of seventy years; or
- (f) if the Council rules that a conflict of interest has arisen, such as being a council member of another higher education institution in South Africa.

(5) Apart from the Principal, Vice-principals, representatives of the Senate and employee and student representatives, no Council member shall be a permanent or temporary staff member of the University, and should this happen, such Council member's membership of the Council lapses.

(6) A Council member is entitled at any time to submit his or her resignation in writing to the Chairperson of the Council.

17. Election and Nomination Procedures.— (1) The Senate representatives on the Council shall be elected in accordance with the procedure prescribed in Chapter 6.

(2) Employee representatives on the Council shall be elected from the ranks of the academic and non-academic employees in accordance with a process controlled by the Registrar consisting of the following –

- (a) Within a reasonable period of time before a specific election date, the Registrar shall offer
 - (i) every permanent academic employee the opportunity to nominate a permanent academic employee to represent the permanent academic staff on the Council;
 - (ii) every permanent non-academic employee the opportunity to nominate a permanent non-academic employee to represent the permanent non-academic employees on the Council.
- (b) Each nominated candidate shall be seconded by at least ten permanent employees (in the case of an academic nominee they must be academic employees and in the

case of a non-academic nominee they must be non-academic employees) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.

- (c) On closure of nominations, the Registrar shall arrange for an election in accordance with general acceptable election procedures.
 - (d) Permanent academic employees shall vote in respect of the vacancy to be filled by a permanent academic employee and permanent non-academic employees shall vote in respect of the vacancy to be filled by a permanent non-academic employee.
 - (e) An election shall be valid only if at least fifteen per cent of the permanent academic employees or permanent non-academic employees, as the case may be, participated in the election.
 - (f) The Registrar shall announce the results of the election.
 - (g) After consultation with the Director of Human Resources, the Registrar shall determine whether an employee of the University, or an employee of the University jointly appointed by the University and another body qualifies as an academic or a non-academic employee.
 - (h) Where an employee according to his or her job description performs academic and non-academic duties, that employee is considered to be an academic employee.
- (3) Student members on the Council shall be appointed at an ordinary or a special meeting of the SRC from the ranks of the SRC in accordance with an appointment procedure of the SRC.
- (4) The election of Council members from the ranks of the University's donors shall take place in accordance with Chapter 13.
- (5) The members of the Council who are appointed to the Council on the basis of their expertise and experience, shall be appointed by means of a process controlled and supervised by the Registrar—
- (a) The Registrar shall place an advertisement in two national papers, inviting organisations, interest groups and individuals to nominate persons with expertise and experience to serve on the Council: Provided that if, in the opinion of the Council, the advertisements fail to elicit a satisfactory response, the Council may request organisations or individuals to nominate additional persons.
 - (b) The Standing Committee of Council, after consultation with the Registrar, may draw up a list of the most suitable nominees: Provided that the names of all nominees will be tabled at the Council meeting.
 - (c) The members of the Council shall be elected at an ordinary or an extraordinary meeting of the Council from the ranks of the nominees, after taking into consideration the recommendations made by the Standing Committee of Council.

(6) In electing members of the Council as contemplated in subparagraph (5), the Council shall take into account that, apart from the required expertise and experience of the individual candidates, it is desirable to have a broad and balanced representation as far as gender and racial composition are concerned.

(7) The process for the appointment of the Council members contemplated in paragraphs 15(1)(g) and (h), shall be facilitated by the Registrar: Provided that the local authority referred to in paragraph 15(1)(h) shall be designated by the Council.

(8) The process to be followed in the event of an incidental vacancy arising on the Council shall with the necessary changes, be the same as described above.

(9) A new Council member who is elected or appointed to fill a vacancy that arose before the expiry of the previous incumbent's term of office, shall be elected for the full four-year term of the particular office.

18. Chairperson, Vice-chairperson and Secretary.—(1) The Council shall elect a Chairperson from the ranks of Council members who are not employees or students of the University, and he or she shall hold the office for a term of two years.

(2) If the office of Chairperson falls vacant for any reason other than the expiry of the term of office, the Council shall elect a successor for the unexpired part of the term of office of his or her predecessor.

(3) The Council shall elect a Vice-chairperson from the ranks of Council members who are not employees or students of the University and he or she shall hold the office for a term of two years.

(4) The Vice-chairperson of the Council shall act as the Chairperson in the absence of the Chairperson: Provided that if the Chairperson and the Vice-chairperson are both absent, the members who are present shall elect a Chairperson from their own ranks for that specific meeting.

(5) The Registrar is the Secretary to the Council in terms of section 26(4)(b) of the Act.

19. Meetings and Procedure for Meetings.— (1) The Council shall meet at least once a semester at a time and place determined by the Council.

(2) The Council shall determine its own procedure for meetings, with due observation of accepted norms of fair administrative process.

(3) Half of all the Council members plus one additional Council member shall constitute a quorum.

(4) At least seven days before an ordinary meeting and at least three days before an extraordinary meeting of the Council, the Registrar shall send each member an agenda

indicating among others the date, time and place of the meeting, as well as the matters for discussion.

(5) Members wishing to place additional matters for discussion on the agenda, shall send a written request in this regard to the Registrar a reasonable time before the date of the meeting.

(6) With the approval of a majority of the members present, urgent matters may be placed on the agenda during a meeting.

(7) The Registrar shall keep comprehensive minutes of each Council meeting.

(8) The Council shall take decisions by a majority vote of the members who are present.

(9) The Chairperson of the meeting shall have an ordinary and a casting vote.

(10) Subject to the provisions of subparagraph (4), the Chairperson may convene an extraordinary meeting at any time, stating the matter or matters for discussion.

(11) At the request of the Principal or at the request of least five Council members, the Chairperson shall convene an extraordinary meeting: Provided that reasons for the request are in writing and the matters for discussions are briefly stated.

(12) No member of the Council may participate in a discussion or vote on a matter in which he or she has a direct financial, economic or personal interest, unless he or she declares the nature and extent of the interest beforehand and obtains the permissions of the meeting to take part in the discussion or to vote. Provided that if no permission is granted, the person must recuse him- or herself.

(13) The Council may generally, or in a specific case, grant observer status to a person or office bearer that allows such a person to attend a Council meeting or meetings.

(14) With the permission of the Council a person with observer status may take part in the debates of the Council but may not vote.

20. Standing Committee of Council.– (1) The Standing Committee of the Council is constituted as follows:

(a) the Chairperson of the Council;

(b) the Vice-chairperson of the Council;

(c) the Principal;

(d) two Council members appointed from the ranks of Council members who are employees of the University: Provided that at least one of the members who is appointed in this manner is a member of the Senate; and

(e) two Council members appointed by the Council from the ranks of the Council members who are not staff members of the University.

(2) The term of office of members of the Standing Committee of the Council as contemplated in subparagraphs (1)(d) and (e) shall be two years.

(3) Members, whose term of office has expired, may be re-elected.

(4) At the request of the person acting as the Chairperson of the Standing Committee of the Council at a meeting, any member of the Council may serve as a substitute member for an absent member of the Standing Committee: Provided that employees may only substitute for employees and non-employees for non-employees; and provided further that student members of Council may not substitute for absent members.

21. Chairperson, Vice-chairperson, Secretary of Standing Committee and Procedure for Meetings.— (1) The Vice-chairperson of the Council shall *ex officio* be the Chairperson of the Standing Committee of the Council and the Chairperson of the Council shall *ex officio* be the Vice-chairperson of the Standing Committee of the Council.

(2) In the absence of the Chairperson of the Standing Committee of the Council, the Vice-chairperson of the Standing Committee of the Council shall act as the Chairperson of the Standing Committee of the Council: Provided that if the Chairperson and the Vice-chairperson are both absent, the members who are present shall elect a Chairperson from their own ranks for that specific meeting.

(3) Four members of the Standing Committee of the Council shall constitute a quorum.

(4) The Standing Committee of the Council shall determine its own procedure for meetings, with due observation of generally accepted norms of fair administrative process.

(5) The Registrar shall act as Secretary of the Standing Committee of the Council.

22. Powers and Functions of Standing Committee.— (1) When the Council is not in session, the Standing Committee of the Council, as the representative of the Council, may assume the authority of Council and may act on behalf of the Council.

(2) The Standing Committee of the Council shall report to the Council on the actions of the Standing Committee in accordance with subparagraph (1), which actions shall be ratified or reviewed at the next Council meeting, as the case may be.

(3) The Council may, generally and specifically, grant the Standing Committee of the Council the authority to finalise matters on behalf of the Council, in which case the Standing Committee merely reports to the Council and it is not necessary for the Council either to ratify or to review the action taken by the Standing Committee.

(4) Where the Council grants the Standing Committee of the Council the authority to finalise matters as envisaged in subparagraph (3), the Council shall ratify or review the delegated power at least every four years.

(5) The Standing Committee of the Council shall co-ordinate, control and supervise the activities of all the committees of the Council.

(6) As part of its reporting to the Council, the Standing Committee of the Council shall report on the activities of the committees of the Council.

(7) The Registrar shall maintain a detailed consolidated record of all delegated powers as contemplated in subparagraph (3).

(8) The Standing Committee of the Council may further delegate the authority granted to it by the Council, this Statute and the Institutional Rules, including the authority granted in accordance with subparagraph (3), to a committee, or an individual as set out in the Institutional Rules, except in cases where the Council has explicitly specified to the contrary.

23. Committees.– (1) Apart from a Standing Committee of the Council, the Council shall establish an Audit Committee and a Human Resources Committee and shall determine their functions and authority.

(2) The Council may establish any other committees as well as joint Council and Senate committees.

(3) The Council shall determine the constitution, election, term of service and functions of committees: Provided that the Council may appoint persons who are not Council members to the committees.

CHAPTER 6

SENATE

24. Functions.– (1) The Senate conducts its business under the management of the Council and is accountable to the Council for academic and research matters as contemplated in section 28(1) of the Act.

(2) The functions of the Senate are as follows –

- (a) academic planning and development;
- (b) the regulation of all activities of the University in respect of teaching, learning and research, including –
 - (i) guidelines for the appointment and promotion of academic staff;
 - (ii) guidelines for the organisation, structures and administration of teaching, learning and research at the University;
 - (iii) management and supervision of student evaluation;
 - (iv) quality assurance in respect of teaching, learning and research;
- (c) to make recommendations to the Council on inter alia the following matters –
 - (i) the establishment, amalgamation or closure of faculties, departments, institutes, bureaus, research units and centres;

- (ii) the introduction or discontinuation of degrees, diplomas, programmes, curricula, subjects and courses;
 - (iii) curricula for degrees, diplomas and programmes and the content of subjects and courses: Provided that in case of certificates for short courses the Senate may delegate its authority to the Faculty Boards;
 - (iv) the general admission policy of the University;
 - (v) the management, operation and development of the academic information service;
 - (vi) the conferring of honorary degrees;
 - (vii) academic dress, graduation and diploma ceremonies;
 - (viii) organised student life, including student services and student discipline;
 - (ix) the selection of candidates for the position of Chancellor; Principal; and Vice-principals; and
 - (x) the appointment and promotion of the academic personnel of the University, and
- (d) together with the Council, as required by section 37(4) of the Act, to approve of the following –
- (i) the language policy of the University;
 - (ii) admission requirements for specific academic programmes;
 - (iii) the number of students who may be admitted to a specific programme as well as the method of selection;
 - (iv) the minimum admission requirements for readmission to the University and the refusal of students who do not comply with the minimum requirements; and
- (e) the execution of any other function that the Council may assign or delegate to the Senate.

25. Composition.– (1) The Senate is constituted as follows:

- (a) Members of the Senate by virtue of their office, namely the –
- (i) Chairperson of Council;
 - (ii) Deputy Chairperson of the Council;
 - (iii) Principal;
 - (iv) Vice-principals;
 - (v) Executive Directors;
 - (vi) Deans of Faculties, Deputy Deans and academic personnel who have similar status;

- (vii) Heads of academic departments and academic personnel who have similar status;
 - (viii) Registrar;
 - (ix) Chairpersons of schools;
 - (x) Directors of support service divisions who are responsible for the following activities at the University: academic information service; teaching support; research support; telematic education; institutional research and planning; the Dean of Students and any other director as determined by the Senate;
 - (xi) Chairperson of the Institutional Forum;
- (b) members who are nominated or elected, namely –
- (i) four members nominated by the SRC;
 - (ii) two employees, who are not already members of the Senate, elected from the ranks of the permanent academic employees;
 - (iii) two employees, who are not already members of the Senate, elected from the ranks of the permanent non-academic employees.

(2) Incidental vacancies in the category of members who are nominated or elected are to be filled as set out in subparagraph (1) for the remainder of the previous incumbent's term of office.

26. Terms of office.– (1) The persons referred to in paragraph 25(1)(a) are members of the Senate for as long as they remain in the posts concerned.

(2) The term of office of representatives of the SRC shall be the same as that of the SRC that appointed them.

(3) The term of office of all other members shall be four years: Provided that members may be re-elected or renominated when their term of office expires.

(4) If a student representative is re-elected to the SRC, he or she may be nominated as a student representative for another term: Provided that a student representative's membership lapses automatically when he or she is no longer a registered student.

(5) The membership of a Senate member shall be terminated in cases where the member was elected or nominated by a specific interest group to represent it and the association of the Senate member with the interest group concerned ceases.

27. Election and nomination procedures. – (1) The Registrar shall make the arrangements for the nomination and election of members.

(2) Student members of the Senate are elected at an ordinary or special meeting of the SRC in accordance with the election procedures of the SRC.

(3) Two members from the ranks of the permanent academic employees and two members from the ranks of the permanent non-academic employees shall be elected in accordance with the process set out in subparagraph (4).

(4) The Registrar shall arrange and administer an election of members from the ranks of the employees to the Senate in the following manner:

- (a) Within a reasonable period before a particular election date, the Registrar shall afford –
 - (i) every permanent academic employee the opportunity to nominate a representative or representatives to represent the permanent academic employees in the Senate;
 - (ii) every permanent non-academic employee the opportunity to nominate a representative or representatives to represent the permanent non-academic employees in the Senate.
- (b) Each candidate shall be seconded by at least ten permanent employees (in the case of an academic nominee they must be academic employees and in the case of a non-academic nominee they must be non-academic employees), not be a Senate member already and inform the Registrar in writing whether he or she accepts the nomination.
- (c) On the closure of nominations, the Registrar shall arrange for an election in accordance with general acceptable election procedures.
- (d) Permanent academic employees shall vote in respect of vacancies to be filled by permanent academic employees and permanent non-academic employees shall vote in respect of vacancies to be filled by permanent non-academic employees.
- (e) An election is valid only if at least fifteen per cent of the permanent academic employees or permanent non-academic employees, as the case may be, has participated in the election.
- (f) The Registrar shall determine, after consultation with the Director of Human Resources, whether an employee of the University, or an employee of the University who has been appointed jointly by the University and another body, qualifies as an academic or as a non-academic employee.
- (g) If an employee performs academic and non-academic tasks in accordance with his or her job description, that particular employee is considered to be an academic employee.
- (h) The Registrar shall announce the results of the poll.

28. Chairperson, Deputy Chairperson and Secretary.– (1) In terms of section 26(4)(a) of the Act, the Principal is the Chairperson of the Senate.

(2) The Senate shall elect another Senate member to serve as Deputy Chairperson of the Senate.

(3) The Deputy Chairperson shall hold office for two years, but may be re-elected.

(4) In the absence of the Chairperson, the Deputy Chairperson of the Senate shall act as Chairperson and if both the Chairperson and the Deputy Chairperson are absent, the members present shall elect a Chairperson from their ranks for the particular meeting.

(5) If the office of Deputy Chairperson becomes vacant for any reason other than expiry of the term of office, the Senate shall elect a successor for the unexpired part of the term of office of his or her predecessor.

(6) The Registrar is the Secretary of the Senate.

29. Scheduling of Meetings and Procedure at Meetings.— (1) The Senate shall meet at least once a semester.

(2) The Senate shall determine its own procedure at meetings with due observance of generally accepted norms of fair administrative process.

(3) One half of all the members of the Senate plus one shall constitute a quorum.

(4) The Registrar shall notify each member in writing of the date, time and venue of a meeting at least seven days before the meeting and the agenda for the meeting shall accompany the notice.

(5) Members who wish to place additional matters for discussion on the agenda shall submit such matters in writing to the Registrar at least five days before the date of the meeting.

(6) The Registrar shall keep minutes of every meeting.

(7) Urgent matters may be placed on the agenda for discussion or for discussion and finalisation during a meeting by agreement of the majority of members present.

(8) In the absence of a Senate resolution to the contrary, the Senate shall reach its decisions through a majority vote by the members present.

(9) Normally, members shall vote by a show of hands, but the Senate may decide on a different procedure in a particular case.

(10) Secret ballot papers shall be used when members of the Senate vote to elect an individual, but the Senate may decide on a different procedure in a particular case.

(11) The Chairperson of the meeting shall have an ordinary and a casting vote.

(12) The Chairperson may at any time convene an extraordinary meeting: Provided that the matters for discussion are stated and briefly supported by reasons.

(13) The Chairperson shall convene an extraordinary meeting at a date determined by him or her, if requested to do so by at least twenty-five members: Provided that the request is in writing and the matters for discussion are stated and briefly supported by reasons.

(14) The Chairperson shall decide whether or not observers may attend or speak at meetings.

30. Composition of Senate Executive.— (1) The Senate Executive is constituted as follows:

- (a) the Principal;
- (b) the Vice-principals;
- (c) the Executive Directors;
- (d) the Deans of Faculties;
- (e) the Chairpersons of the committees of the Senate who are not already members of the Senate Executive;
- (f) the representatives of the Senate on the Council, elected in accordance with paragraph 35(1), who are not already members of the Senate Executive;
- (g) the Directors of support service divisions who are responsible for the following activities at the University: academic information service; teaching support; research support; telematic education; institutional research and planning; as well as the Dean of Students; and
- (h) the Registrar.

(2) Those bodies that are entitled to nominate or elect members, nominate or elect members in terms of their internal nomination or election procedures.

(3) The Senate Executive is entitled to co-opt members to the Senate Executive.

(4) The Registrar shall be the secretary of the Senate Executive.

(5) The Chairperson contemplated in paragraph 31(1) shall decide whether or not observers may attend or speak at meetings.

31. Chairperson and Deputy Chairperson of Senate Executive and Procedure at Meetings.— (1) The Principal shall be the Chairperson of the Senate Executive: Provided that in the absence of the Principal, a Vice-principal present shall act as the Chairperson.

(2) If neither the Principal nor any of the Vice-principals are available, the Senate Executive shall elect a Chairperson for the particular meeting from its own ranks.

(3) One half of all the members of the Senate Executive plus one shall constitute a quorum.

(4) The Senate Executive shall determine its own procedure at meetings with due observance of generally accepted norms of fair administrative process.

32. Powers and Functions of Senate Executive.— (1) When the Senate is not in session, the Senate Executive, as a representative of the Senate, may assume the authority of the Senate and may execute the Senate's functions.

(2) The Senate Executive shall report to the Senate on its actions in terms of subparagraph (1): Provided that all actions taken by the Senate Executive on behalf of the Senate shall be ratified or reviewed at the next meeting of the Senate.

(3) The Senate are entitled to give the Senate Executive a general or specific authority to finalise matters on behalf of the Senate, in which event the Senate Executive merely reports to the Senate and the action is neither ratified nor reviewed by the Senate.

(4) Where the Senate authorises the Senate Executive to finalise matters, as envisaged in subparagraph (3), the Senate shall ratify or review the delegated power or powers at least every four years.

(5) The Registrar shall keep a detailed consolidated record of all delegated powers, as contemplated subparagraph (3).

(6) The Senate Executive shall meet before each meeting of Senate, except in case of a special meeting of Senate.

33. Committees of Senate.— (1) In addition to the Senate Executive, the Senate shall establish a number of committees to enable the Senate Executive to execute its functions, namely the —

- (a) Academic Planning Committee;
- (b) Committee for Admission, Evaluation and Academic Support;
- (c) Selection Committees for the purpose of advising the Council on the appointment of academic employees;
- (d) Timetable Committee;
- (e) Student Disciplinary Committee;
- (f) Faculty Boards;
- (g) Ethics Committee;
- (h) Student Life Committee.

(2) The Senate may appoint any other committee, including joint Council and Senate committees: Provided that the latter shall be appointed in consultation with the Council.

(3) The activities of all committees of the Senate are co-ordinated by and are executed under the control and supervision of the Senate Executive.

(4) The Senate Executive may further delegate the authority granted to it by the Senate, this Statute and the Institutional Rules, including the authority entrusted to it in terms of paragraph 32(3), to a committee of the Senate or to an individual, as set out in the Institutional Rules, except in cases where the Senate has specified to the contrary.

(5) The reporting by the Senate Executive to the Senate shall include the activities of the committees of the Senate.

(6) The Senate Executive shall nominate and elect members and Chairpersons of committees.

(7) Matters concerning the constitution, election, terms, functions and procedures of committees not regulated in terms of the above shall be regulated by means of the Institutional Rules.

34. Faculties.— (1) At the University there shall be such Faculties, Schools and Departments (whether subdivisions of Faculties or not) as the Council, after consultation with the Senate, may from time to time establish.

(2) The Faculty Board of each Faculty is a committee of the Senate.

(3) The following matters concerning the Faculty Boards are defined in the Institutional Rules —

- (a) the constitution of such Boards;
- (b) their powers and functions;
- (c) their procedures;
- (c) the selection of candidates for the positions of Deans of Faculties, Deputy Deans or persons of similar status;
- (e) the appointment of committees of the faculty as well as the manner in which their functions are determined; and
- (f) their authority to delegate.

(4) The Dean of the Faculty concerned is *ex officio* the Chairperson of the faculty board meeting.

(5) In the absence of the Dean, the Deputy Dean or the acting Dean shall act as the Chairperson: Provided that if both the Dean and the Deputy Dean or the acting Dean are absent, the members present at the faculty board meeting shall elect a Chairperson for the particular meeting from their own ranks.

35. Representatives of Senate on Council.— (1) The Senate shall elect three representatives from its ranks to serve as Council members for a term of four years: Provided that at least one of the said representatives is elected from the ranks of the Senate members in the faculties of natural sciences (including the health sciences and veterinary science) and at least one is elected from the ranks of the Senate members in the faculties for the humanities.

(2) Members who are already by virtue of their office members of the Council shall not be considered as candidates.

(3) The Registrar shall notify all members of the Senate of the election of a representative or representatives of the Senate to the Council at least seven days before a Senate meeting.

(4) A person shall be a candidate if he or she is nominated during a Senate meeting by at least two persons, and indicates verbally or in writing that he or she accepts the nomination.

(5) Members whose term of office has expired may be re-elected or renominated.

(6) The election shall be by secret ballot and a majority of the members present at the meeting of the Senate must vote for the successful candidate.

(7) If no candidate receives a majority of votes, successive rounds of voting are held.

(8) In each successive round of voting the candidate receiving the least number of votes is eliminated as a candidate.

(9) After the Senate has elected the representatives, their names are announced by the Chairperson.

(10) Incidental vacancies shall be filled, with the necessary changes, as set out above.

CHAPTER 7

FACULTIES AND FACULTY BOARDS

36. Functions, compositions and procedures.— These matters are provided for in paragraph 34 and in the Institutional Rules of the University.

CHAPTER 8

INSTITUTIONAL FORUM

37. Functions.— (1) The Institutional Forum shall advise the Council on the following matters affecting the University—

- (a) the implementation of the Act and national policy on higher education;
- (b) the formulation of race and gender equity policies;
- (c) the selection of candidates for senior management positions;
- (d) codes of conduct;
- (e) mediation and dispute resolution procedures;
- (f) the formulation of policy for fostering an institutional culture characterised by tolerance, respect for fundamental human rights and a positive academic climate;
and
- (g) the management of cultural diversity on the University's campuses.

(2) The advice given by the Institutional Forum to the Council shall be submitted in written form by the Chairperson of the Institutional Forum.

(3) The Institutional Forum shall perform such additional functions as are determined by the Council.

(4) The Council may, after consultation with the Institutional Forum, amend or revoke the mandate of the Institutional Forum referred to in subparagraph (3).

38. Composition.— The Institutional Forum is constituted as follows –

- (a) two representatives of the Executive of the University, appointed by the Principal;
- (b) two representatives of the Council elected by the Council;
- (c) two representatives of the Senate elected by the Senate;
- (d) a maximum of five representatives elected from the ranks of the trade unions and staff associations recognised as such by the University as set out in paragraph 40(3);
- (e) one member appointed by Tuks Alumni;
- (f) one disabled person (either a member of staff or a student) appointed by the Council;
- (g) not more than ten student representatives in accordance with an appointment procedure of the SRC.
- (h) a maximum of three employee or student members, appointed by the Council after consultation with the Institutional Forum
 - (i) on the basis of their expertise and experience; or
 - (ii) in order to represent a specific interest group or groups on campus not already represented in the Institutional Forum:

Provided that a student or an employee who had been found guilty of misconduct by a disciplinary committee of the University may not be a member of the Institutional Forum.

39. Term of Office.— (1) The term of office of all members is four years, with the exception of members appointed by the SRC and student members co-opted in accordance with paragraph 38(h).

(2) The term of office of student members shall correspond with the term of office of the SRC that appointed them.

(3) The term of office of members co-opted in accordance with paragraph 38(h) of this Chapter shall be one year.

(4) A member may be re-elected, re-appointed or co-opted again for another term when his or her term expires.

(5) A student member's membership of the Institutional Forum shall be terminated if the member is no longer a registered student.

(6) The membership of a member of the Institutional Forum shall be terminated if the said member is elected or appointed by a specific interest group to represent the particular group and the member's membership of or association with the interest group is terminated or the member is suspended by the interest group.

40. Election Procedure.— (1) The Registrar shall facilitate the process in terms of which members are appointed, elected or co-opted.

(2) When members are elected or appointed by a particular body that is entitled to do so, the body shall elect or appoint such members in accordance with its own internal appointment or election procedures but with a sensitivity for gender and race.

(3) Each trade union and staff association recognised as such by the University shall be entitled to one representative: Provided that the representative shall be elected from the ranks of the employees of the University by members of the trade union or staff association: Provided further that where there are more than five trade unions and staff associations that qualify in this way, only the five trade unions and staff associations with the largest University employee membership, shall be entitled to appoint representatives.

(4) Only members of the SRC may be appointed as students' representatives on the Institutional Forum

41. Chairperson and Deputy Chairperson.— (1) The Institutional Forum shall elect a Chairperson and a Deputy Chairperson from the members of the Institutional Forum.

(2) The term of office of the Chairperson and the Deputy Chairperson shall correspond with their terms of office as members of the Institutional Forum.

(3) If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum shall elect a successor at its next meeting.

(4) The Chairperson of the Institutional Forum reports back to the Institutional Forum on the Council's acceptance, partial acceptance or rejection of the advice of the Institutional Forum.

(5) The Institutional Forum shall elect a Secretary: Provided that the Registrar, or a staff member designated by him or her, shall assist the Secretary or act in his or her place.

42. Executive Committee, Task and Work Groups.— (1) The Institutional Forum shall be empowered to make use of Task and Working Groups in order to facilitate and expedite the activities of the Institutional Forum.

(2) The Institutional Forum shall appoint an Executive Committee to control, manage and administer the Institutional Forum on a day-to-day basis.

(3) The Executive Committee of the Institutional Forum is constituted as follows –

(a) the Chairperson of the Institutional Forum;

(b) the Deputy Chairperson of the Institutional Forum; and

(c) three members appointed by the Institutional Forum, of which one, but not more than two, is a student or are students.

(4) The Executive Committee of the Institutional Forum shall determine its own procedures for meetings with due observation of generally accepted norms of fair administrative process.

(5) The quorum for a meeting of the Executive Committee of the Institutional Forum shall be three members.

(6) The term of office of the three members referred to in subparagraph (3)(c) shall correspond with their respective terms of office as members of the Institutional Forum.

(7) The Registrar, or a staff member designated by him or her, shall be responsible for the administrative services that the Executive Committee may require.

43. Procedure.– (1) The Institutional Forum shall determine its own procedure for meetings with due observation of generally accepted norms of fair administrative process.

(2) Thirty five per cent of all the members of the Institutional Forum plus one member shall constitute a quorum.

(3) Resolutions of the Task and Work Groups shall not be binding on the Institutional Forum and consequently there shall be no quorum requirement for the meetings of these bodies.

(4) The Secretary shall keep comprehensive minutes of all meetings of the Institutional Forum, including meetings of the Task and Work Groups.

(5) At least four days before a meeting the Secretary shall send each member an agenda indicating inter alia the date, venue and time of the meeting as well as the matters for discussion.

(6) Members wishing to place additional matters for discussion on the agenda, shall send a written request in this regard to Secretary at least two days before the date of the meeting.

(7) The Chairperson may convene an extraordinary meeting at any time on four day's notice, stating the matter or matters for discussion.

(8) When requested by at least eight members of the Institutional Forum, the Chairperson shall convene an extraordinary meeting: Provided that the request is in writing and the matters for discussion are stated and briefly supported.

44. Decision-making.— (1) If seventy-five per cent of the members present at a meeting vote either in favour of or against a specific proposal, the Institutional Forum has taken a decision.

(2) If the Council requests the Institutional Forum to advise the Council on a specific matter and no proposal put before the Institutional Forum enjoys the support of seventy-five per cent of the members present, the Chairperson shall be obliged to call a follow-up meeting within two weeks.

(3) If at the follow-up meeting the Institutional Forum does not take an advisory decision, the Executive Committee of the Institutional Forum in conjunction with the members of the Institutional Forum shall compile a summary of the various opinions expressed at the Institutional Forum and shall submit the summary to the Council.

(4) Where the Institutional Forum has taken an advisory decision that is submitted to the Council, a member or members with a minority viewpoint shall be entitled to formulate the minority viewpoint or viewpoints in writing and to submit it or them to the Council through the mediation of the Executive Committee of the Institutional Forum.

CHAPTER 9

CONVOCATION

45. Membership.— The Convocation shall consist of-

(1) all the persons, other than persons referred to in paragraph (2), who immediately before the commencement of this Statute were members of the Convocation of the University;

(2) the Principal, the Vice-principals, the Executive Directors, Registrar, the Deans of Faculties, the academic employees on the permanent staff of the University, professors emeriti, other retired academic employees and such other persons as the Council may determine; and

(3) all persons who are or become graduates of the University:

Provided that if any person who, by virtue of the provisions of paragraph (1) or (3), is or is about to become a member of the Convocation, notifies the Council in writing that he or she does not wish to continue to be or to become such a member, he or she shall, upon the receipt of such notice by the Council, cease to be such a member or not become such a member, as the case may be.

46. President.— (1) There shall be a President of the Convocation who shall be elected by the Convocation from among its number for a period of five years. Provided that the retiring President shall be eligible for re-election.

(2) If the office of President becomes vacant, the Principal shall act as President until the Convocation at its next meeting elects a successor for the unexpired portion of the period of office of his or her predecessor.

47. Election of President.— (1) Whenever the Convocation has to elect a President, the Registrar shall call for written nominations for candidates in the press and in any other appropriate way.

(2) Each nomination shall be signed by at least four members, shall be countersigned by the nominee as accepting nomination and shall be lodged with the Registrar at least three weeks before the election.

(3) If only one person is nominated, the Registrar shall forthwith declare such person to be duly elected.

(4) If more than one person is nominated, the Registrar shall submit the nominations to a meeting of the Convocation for a final vote.

48. Meetings.— (1) The Registrar shall keep the roll thereof, and it shall be incumbent upon every member of the Convocation to notify the Secretary from time to time of any change of address.

(2) Subject to the provisions of subparagraph (3), the President, or in his or her absence the Principal, shall preside at meetings of the Convocation, but in the event of their both being absent, the members present shall elect one of their number to act as chairperson of the meeting.

(3) The President or if the office of President is vacant or if he or she fails to do so, the Registrar, shall convene a meeting of the Convocation in Pretoria at least once every five years: Provided that a joint meeting with Tuks Alumni may be held, save a meeting in terms of paragraph 47(4): Provided further that a joint meeting shall be convened and chaired by Tuks Alumni.

(4) A special meeting of the Convocation may be convened by the President at any time, and shall be convened by him or her or, if he or she fails to do so, by the Registrar, at the written request of at least fifteen members: Provided that the object of the meeting shall be stated in such request and that no business other than that stated in the notice shall be transacted at the meeting.

(5) At least two weeks before the date fixed for a meeting the Registrar shall give notice in the press of the time, date and place of the meeting and of the business to be transacted: Provided that the notice of a joint meeting shall be given in the manner and according to the procedure determined by Tuks Alumni.

(6) One hundred members of the Convocation shall constitute a quorum for any meeting of the Convocation.

(7) Election of members of the Convocation to the Council is in accordance with the Constitution of Tuks Alumni.

(8) For purposes of an election contemplated in subparagraph (7), the Convocation is deemed closed from the latest date on which ballot papers are issued until the date of the election, both days inclusive.

49. Submission of Resolutions to Council.— A copy of any resolution of the Convocation taken at a meeting of the Convocation, duly certified by the Chairperson and the Registrar, shall be submitted to the Council by the Registrar: Provided that the Convocation may discuss any matter that relates to the University or is referred to it by the Council, and may convey its views thereon to the Council.

CHAPTER 10

DEGREES, DIPLOMAS AND CERTIFICATES

50. Capacity.— (1) The University may, subject to the provisions of this Statute, confer such degrees in any faculty as it may deem expedient to confer.

(2) Save as is provided by paragraph 51, no degree shall be conferred by the University upon any person who has not attained, in an examination or other test, the prescribed standard of proficiency.

(3) The University may grant a diploma or certificate to any person who has pursued a course of study approved by the Council and has attained the prescribed standard of proficiency.

(4) The University may grant a certificate to any person who has pursued a course of study approved by a Faculty Board or an entity under the control of the University.

51. Honorary Degrees.— (1) Subject to the provisions of this paragraph, the University may, on the resolution of the Council and of the Senate, and without examination, confer an honorary doctorate in any faculty upon any person whom the University may deem worthy of such a degree: Provided that the holder of such a degree which has been conferred *honoris causa*, shall not, by the fact that he or she has been admitted thereto, be entitled to practise any profession.

(2) A candidate for the award of an honorary degree shall be selected by a selection committee consisting of the Senate Executive with the addition of the Chairperson and the Vice-chairperson of the Council: Provided that the Chairperson and the Vice-chairperson of the

Council may each nominate a member of the Council as his or her representative on the selection committee.

(3) The name of the candidate recommended by the selection committee shall be submitted to the Senate.

(4) The Senate shall vote by secret ballot and without preliminary discussion on the candidate recommended by the selection committee: Provided that the Senate shall not discuss or deal with any proposal not recommended by the selection committee.

(5) The name of the candidate who has obtained an ordinary majority of the votes of the members of the Senate present at the meeting shall be submitted to the Council.

(6) The Council shall vote by secret ballot and without preliminary discussion on the candidate recommended by the Senate: Provided that the Council shall not discuss or deal with any proposal not recommended by the selection committee and the Senate.

(7) The honorary degree shall be awarded to the candidate who has obtained a majority vote of the members of the Council present at the meeting, at the time and place determined by the Principal: Provided that no honorary degree shall be conferred posthumously.

52. Congregation and Conferring of Degrees.— (1) A meeting of the members of the University called a Congregation shall be held for the purpose of conferring degrees.

(2) The Chancellor, or in his or her absence the Principal or a Vice-principal, shall preside at a congregation.

(3) A congregation of the University shall be held at least once a year on a date to be announced at the beginning of every academic year.

(4) The procedure as to the presentation of graduands, the conferring of degrees *in absentia*, academic dress and all other matters in connection with congregations not provided for in this Chapter shall be determined by the Executive Committee of the Senate, taking into account the advice of the Senate.

CHAPTER 11

EMPLOYEES

53. Appointment.— Subject to section 34 of the Act, the Council appoints employees according to the staffing policies of the University as determined in the Institutional Rules.

54. Conditions of Employment.— The conditions of employment, including the determination and review of salaries of employees and all other forms of remuneration, are approved by the Council according to the University's policy as determined in the Institutional Rules which may be amended from time to time by the Council.

55. Evaluation.— All employees of the University are subject to continuous evaluation in the performance of their duties and such evaluation may be tied to remuneration.

56. Staff Discipline.— Subject to applicable labour laws, all staff members of the University shall be subject to a disciplinary code, a disciplinary procedure and a grievance procedure as approved by the Council and as set out in the Institutional Rules.

57. Representative Employees' Organisations.— Agreements with representative employees' organisations may, with reference to conditions of employment and according to the relevant labour legislation, be entered into by the Council or by the Vice-chancellor and Principal acting on the delegated authority of the Council.

CHAPTER 12

STUDENTS

58. Admission and Registration of Students.— (1) As contemplated in section 37 of the Act, 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 the Senate and laid down in the Institutional Rules.

(2) Upon registration, whether for a degree, diploma, certificate or one or more subjects or modules, the student subjects himself or herself to the Institutional Rules of the University, as set out in the various publications of the University.

(3) The requirements for admission of a student to faculties are set out in the Institutional Rules and may be changed by the Council after consultation with the Senate.

(4) A student is registered for one year at a time or for such shorter period as the Council may determine in general or in a particular case.

(5) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (4), the student is required to comply with any conditions set by the Senate: Provided that the Senate may delegate its authority in this respect to the various Faculty Boards.

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

(7) The conditions contemplated in subparagraph (5) may include the payment of outstanding fees as well as non-performance academically or disciplinary matters .

59. SRC.— (1) In matters that may affect them, the students of the University are represented by the SRC acting in accordance with the provisions of the SRC's Constitution and the Institutional Rules of the University.

(2) Only students registered for a degree or diploma shall be elected as members of the SRC.

(3) No student who has been found guilty of transgressing the University's disciplinary code by a disciplinary committee of the University shall be eligible to serve on the SRC and a standing member of the SRC thus found guilty shall immediately vacate his or her position.

(4) The SRC, as contemplated in section 35 of the Act, must be representative of the student body.

(5) The election of SRC members must be democratic and transparent.

(6) The term of office of the members of the SRC is one year.

(7) The privileges of members of the SRC are determined by the Council and can be revoked by the Council.

(8) The SRC is composed and functions in terms of its own Constitution as approved by the Council, as well as the provisions of this Statute and the Institutional Rules: Provided that in the absence of an approved Constitution, the provisions of paragraphs 36 to 43 of the Standard Institutional Statute published in Government Notice 377 of 27 March 2002 shall apply.

(9) The current Constitution of the SRC as acceded to by Council on 28 May 2003 shall remain in effect until revoked by Council.

60. Student Discipline.— The disciplinary measures and discipline provisions applicable to the students are set out in the Institutional Rules as contemplated in section 36 of the Act, and may be changed by the Council after consultation with the Senate and the SRC as provided for in section 32(2)(d) of the Act.

CHAPTER 13

DONORS

61. Donors.— The University may receive monies, equipment or services of any sort from donors to assist the University in providing quality education and support services.

62. Qualification for Donors.— (1) Any person who has made a particular donation to the University shall be deemed to be a donor: Provided that if a donation is made by a juristic person, the representative of such juristic person shall be deemed to be a donor: Provided further that only donors who have donated more than the minimum amount contemplated in

subparagraph (2) shall for a period of five years be entitled to elect two members of the Council as mentioned in paragraph 15(1).

(2) The donation referred to in subparagraph (1), whether in the form of money, either in one sum or in a number of lesser sums, or as property, either in one asset or a number of assets, or as money and property together, shall be not less than an amount or valued at not less than an amount fixed from time to time by the Council.

(3) The period contemplated in subparagraph (1) shall be five years calculated from the time when the donation satisfies the requirements set in subparagraph (2).

(4) In the case of a donor who, having satisfied the requirements of subparagraph (2), makes further donations, the period of five years shall be calculated from the last date on which the requirements of subparagraph (2) were satisfied.

(5) Any person who at the commencement of this Statute is already a donor shall be deemed to have satisfied the requirements of subparagraph (2) on the date of commencement.

63. Election by Donors.— (1) Whenever the donors have to elect a member of the Council, the Registrar shall call for written nomination for candidates in the press and in any other appropriate way.

(2) Each nomination shall be signed by at least two donors, shall be countersigned by the nominee as accepting nomination and shall be lodged with the Registrar at least four weeks before the election.

(3) If the number of persons nominated does not exceed the number to be elected, the Registrar shall forthwith declare such person or persons to be duly elected.

(4) If more persons are nominated than are to be elected, the Registrar shall submit the nominations to a meeting of the donors for a final ruling.

(5) The Principal shall preside at any meeting of the donors and in his or her absence the donors present shall elect one of their number to act as chairperson of that meeting.

(6) Five donors shall constitute a quorum.

CHAPTER 14

REPEAL OF PREVIOUS STATUTE

64. Repeal of Previous Statute.— The Statute applicable to the University of Pretoria published by Government Notice No. R1632 of 18 October 1996, as amended by Government Notice No. 755 of 10 June 1999 and Government Notice No. 1206 of 19 August 2003, is hereby repealed with effect from the date on which this Statute comes into operation.

CHAPTER 15

TRANSITIONAL PROVISIONS

65. Transitional Provisions.— (1) With the coming into force of this Statute, the existing Council of the University shall have the power and authority to take steps to implement the provisions of the Act, this Statute and the Institutional Rules.

(2) The steps referred to in subparagraph (1) may include the termination of the membership of Council members to make it possible to reconstitute the Council in accordance with the Statute.

(3) Before the promulgation of this Statute, the Council has delegated powers, with or without the authority to finalise matters, to committees of the Council, the Senate, committees of the Senate and individuals.

(4) The delegated powers referred to in paragraph (3) shall be regarded as having been delegated in terms of the provisions of this Statute to the Standing Committee of the Council, other committees of the Council, the Senate, committees of the Senate and individuals, specifically also the Principal.

(5) Before promulgation of this Statute, the Senate has delegated authority, with or without the power to finalise matters, to the Executive Committee of the Senate, the committees of the Senate, the faculty boards and to individuals.

(6) The delegated authority referred to in subparagraph (5) is regarded as having been delegated in terms of the provisions of this Statute: Provided that powers entrusted to the Executive Committee of the Senate shall be regarded as powers entrusted to the Senate Executive.

(7) The Statute of the University that applied before the coming into operation of this Statute shall remain in force and effect until 31 December 2003.

(8) The terms of office of all the members of Council shall expire on 31 December 2003, except for the following:

- (a) the Principal;
- (b) the Vice-principals;
- (c) the six persons appointed by the Council on the basis of their expertise and experience;
- (d) the four members of the Convocation of the University, elected by the members of Tuks Alumni;
- (e) the four persons appointed by the Minister in terms of section 27(4)(c) of the Act;
- (f) the two persons elected from the ranks of the donors of the University.