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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 259

26 February 2004

HIGHER EDUCATION ACT, 1997 (Act No 101 of 1997)

STATUTE OF THE UNIVERSITY OF CAPE TOWN

The Council of the University of Cape Town has framed amendments to the Statute of the University as published under Government Notice R1199 of 20 September 2002. The amendments are set out in the schedule. The amendments to the provisions regulating the composition of the Council have been made by the Council after consulting the Institutional Forum and the Senate, the amendments regulating the quorum at meetings of boards of faculty have been made with the concurrence of the Senate, and the amendments for the Students' Representative Council have been made after consultation with the Student Parliament and the Students' Representative Council, in accordance with section 32 of the Higher Education Act 1997 (Act No 101 of 1997). These amendments are hereby published, in terms of section 33 of the Act, with the approval of the Minister of Education, and come into operation on the date of publication.

SCHEDULE

General explanatory note:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

1. *In this Schedule the expression "the Statute" means the Statute of the University of Cape Town as published under Government Notice R1199 of 20 September 2002.*

2. *Paragraph 1 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

"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), has the meaning so assigned to it, and, unless the context otherwise indicates –

"academic staff" means any person appointed by the council to a teaching or research position at the University and includes the

professors, associate professors, senior lecturers, lecturers, and assistant lecturers, and such categories of research officer as council may designate;

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

“appointments committee” means the appointments committee contemplated in paragraph 45 of this Statute;

“certificate” means a certificate of the University awarded to a student on completion of the work prescribed for the certificate by the senate;

“convocation” means the convocation contemplated in paragraphs 37 to 42;

“council” means the council contemplated in paragraphs 12 to 21;

“degree” means a degree of the University conferred upon a student at a congregation on completion on the work prescribed for the degree by the senate;

“deputy vice-chancellor” means a person appointed in terms of paragraphs 10 and 11;

“diploma” means a diploma of the University awarded to a student at a congregation on completion of the work prescribed for the diploma by the senate;

“donor” means a person who, before the commencement of this Statute was a donor entitled to elect members of the council and any other person who satisfies the requirements as determined by the Rules;

“examination” means any test or assessment, including any written, oral, practical or clinical test or assessment where the result obtained contributes to, or constitutes, the result for a course;

“faculty and department” means a faculty or department contemplated in paragraph 43;

“graduate” means a person upon whom a degree has been conferred, and **“graduate of the University”** means a person upon whom the University has conferred a degree;

“institutional forum” means the institutional forum contemplated in paragraphs 29 to 34;

“Minister” means the Minister of Education;

“officer of the University” means a member of the staff of the University designated as such by the council;

“postgraduate student”, for the purposes of appointments to the council, the senate and the institutional forum, means a person registered as a student for a degree of master or of doctor of the University;

“professional, administrative, support and service staff” means the staff appointed at the University in the libraries, information and communication technology services, and in academic, administrative, support and service departments who are not academic staff;

“professor” means a person appointed as a professor or as a distinguished professor by the council after consultation with the senate, but does not include an emeritus, adjunct, associate or honorary professor;

“recognised staff body” means any body organised by and among staff to represent the staff, or a section of the staff, including a trade union, recognised for this purpose by the council;

“registrar” means the officer contemplated in paragraphs 55 and 56;

“Rules” means any rules made by the council in terms of section 32 of the Act;

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

“senate” means the senate contemplated in paragraphs 22 to 28;

“senior management of the University” for the purposes of this Statute and section 31 of the Act, means the vice-chancellor, deputy vice-chancellors, deans, executive directors and the registrar;

“SRC” means the [SRC] students’ representative council contemplated in paragraph ~~[45]~~ 44 of this Statute and in section 35 of the Act;

“staff” means any person appointed at the University to a position by the council, whether part-time or full-time, permanent, temporary or fixed-term contract, remunerated or honorary;

“student” means a person currently registered at the University for a programme of study leading to a degree, diploma or certificate, or as an occasional student, or as a postdoctoral fellow;

[“student parliament” means the student parliament contemplated in paragraph 44;]

“trustee of the UCT Foundation” means a person holding office as a trustee of the UCT Foundation;

“UCT Foundation” means the trust registered under this name to raise and hold funds for the University;

“University” means the University of Cape Town; and

“vice-chancellor” means the vice-chancellor contemplated in paragraphs 7 to 9 of this Statute and in section 30 of the Act.”.

3. *Paragraph 13 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

“13. Composition of council

(1) The council consists of –

- (a) the vice-chancellor;
- (b) the deputy vice-chancellors;
- (c) ~~[four]~~ three members of the senate elected by the senate;
- (d) one member of the academic staff elected by the academic staff;
- (e) ~~[two]~~ one member[s] of the professional, administrative, support and service staff elected by these staff;
- (f) ~~[three]~~ two students elected by the SRC, one of whom must be a postgraduate student;
- (g) ~~[five]~~ three persons appointed by the Minister;
- (h) one person appointed by the Premier of the Western Cape;

- (i) one person appointed by the City Council of Cape Town;
 - (j) six persons elected by the convocation;
 - (k) two persons elected by donors; and
 - (l) **[two donors appointed by the trustees of the UCT Foundation;]**
 - (m) **[six] five** persons appointed by the appointments committee; **[and**
 - (n) up to two persons co-opted by the council].**
- (2) At least 60 per cent of the members of the council must be people who are not staff or students.
- (3) No staff other than staff appointed in an honorary capacity, and no student may be elected or hold an appointment under subparagraphs (1)(g) to (m) **[or be co-opted under subparagraph (n)].**
- (4) A person elected, appointed or co-opted under subparagraphs (1)(g) to **[(n)] (m)** who becomes a student or a staff member, other than a staff member appointed in an honorary capacity, forthwith ceases to be a member of the council.”.

4. *Paragraph 15 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

“15. Term of office of council members

- (1) The vice-chancellor and deputy vice-chancellors remain members of the council for as long as they occupy their posts.
- (2) The term of office of the students elected by the SRC is two calendar years, as determined by the Rules.
- (3) The term of office of the remaining members is **[three] four** years, from 1 July to 30 June **[three] four** years later, as determined by the Rules, and the term of office of any member elected[,] or appointed [or co-opted] after the start of the **[three]four**-year term of office is for the balance of that **three]four**-year term of office.’.

5. *Paragraph 16 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

“16. Termination of membership and filling of vacancies

- (1) A member of the council vacates his or her position on the council if he or she –
 - (a) resigns;
 - (b) dies;
 - (c) is absent from three consecutive ordinary meetings of the council without leave;
 - (d) is, or becomes, insolvent;
 - (e) is declared to be of unsound mind by a court of the Republic;
 - (f) is removed from an office of trust by a court of the Republic, or is convicted of an offence and sentenced to

a term of imprisonment without the option of a fine by a court of the Republic; or

(g) is otherwise disqualified in terms of the Rules.

(2) In the event of a vacancy through death or otherwise, the registrar must forthwith notify the authority or body that appointed or elected the member, requesting the authority or body to appoint or elect a successor.

(2A) Notwithstanding the provisions of (2) above, any vacancy in the council in respect of a member who held office in terms of paragraph 13(1)(j), 13(1)(k) or 13(1)(m) must be filled for the balance of that member's term of office by the appointments committee.

(3) The successor holds office for the unexpired term of office of the predecessor.

(4) If 75 per cent or more of the members of the council resign at a meeting of the council, it is deemed that the council has resigned.

(5) If the council resigns as contemplated in subparagraph (4), a new council must be constituted in terms of paragraphs 13 and 14.”

6. *Paragraph 23(1)(j) of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

“(j) not more than thirty-five persons co-opted by the senate, provided that if more than ten are co-opted they must be drawn from the academic staff in such a way as to better reflect in the senate the diversity of the academic staff.”.

7. *Paragraph 28 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

“28. Boards of faculties

(1) For each faculty there is a committee of the senate known as a faculty board.

(2) The composition of each faculty board is as decided by the senate from time to time, but in -

(a) each faculty other than the Faculty of Health Sciences the composition of the faculty board must include -

- (i) the professors in the faculty;
- (ii) the heads of departments in the faculty;
- (iii) the permanent full-time associate professors, senior lecturers, lecturers and assistant lecturers in the faculty; and
- (iv) student representatives.

(b) the Faculty of Health Sciences the composition of the faculty board must include -

- (i) the professors in the faculty;
- (ii) the heads of departments in the faculty;
- (iii) members elected by the full-time and part-time associate professors, senior lecturers, lecturers and assistant lecturers in the faculty;

- (iv) and student representatives.
- (3) The dean of the faculty is the chairperson of his or her faculty board and presides at all meetings of the faculty board at which he or she is present.
- (4) In the absence of the dean, the acting dean presides, and in the absence of both the faculty board must elect a member to preside at that meeting.
- (5) The faculty board -
- (a) is responsible to the senate for organising and controlling the teaching, curricula, syllabuses, examinations and research of the faculty;
 - (b) must make proposals to the senate for rules prescribing the requirements for each degree, diploma and certificate offered in the faculty, including the requirements for admission and readmission;
 - (c) must advise the dean of the faculty on policy for resource allocation in the faculty;
 - (d) must carry out such functions as the senate delegates or assigns to it;
 - (e) is accountable to the senate for its work; and
 - (f) may by resolution establish committees of the faculty, and may appoint as members of such committees any people whether they are members of the faculty board or not.
- (6) **[The quorum and procedure at meetings of faculty boards are as decided by the senate from time to time, but the quorum may not be less than one third of the total membership of the faculty board, the members of the faculty board on leave on the date of any meeting not counting for this purpose among those present or in the membership] The procedures at meetings of faculty boards are as decided by the senate from time to time.**
- (6A) The quorum of a faculty board is as decided by the senate from time to time but may not be less than one third of the total membership of the faculty board where the total membership is reduced by -
- (a) the number of those who are on approved leave at the date of the meeting; and
 - (b) the number of those who have missed the last three ordinary meetings of the board prior to the meeting in question.
- (7) Ordinary meetings are held on the dates decided by the senate.
- (8) Special meetings must be held -
- (a) when called by the dean; or
 - (b) when a written request for a special meeting, stating the object of the meeting, is received by the dean from at least 10 members of the faculty board.
- (9) The faculty board decides its own rules of debate.
- (10) The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which case the chairperson must submit his or her ruling without discussion to the meeting which decision is then final and binding.”.

8. *Paragraph 44 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

“[STUDENT PARLIAMENT AND] SRC

44. [Student parliament

- (1) There is a student parliament, comprised of students elected by sectors of the student body, with the composition, powers and functions provided for in the constitution of the student parliament as approved, and as from time to time amended, by the council after consultation with the student parliament and the SRC.
- (2) The student parliament exists to frame policy for the student body.
- (3) Policy framed by the student parliament binds the SRC for 12 months, or until repealed or changed by the student parliament, whichever is the sooner.]

SRC

- (1) There is an SRC, which represents all students within the University.
- (2) The SRC consists of fifteen students elected in a general election in the second term of each year in which every student who has been registered for at least one term is entitled to vote.
- (3) The SRC functions in terms of a constitution approved by the council as a set of institutional rules, which determines the manner of election, the term of office, the functions and the privileges of the SRC.”.

9. *Paragraph 45 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

“45. [SRC

The constitution of the student parliament must provide for the SRC and for the composition, powers and functions of the SRC, but -

- (a) it must consist of 15 students; and
- (b) its members must be elected in a general election held during the third quarter of each year, in which every student who has been registered for at least one completed semester is entitled to vote, in the manner the constitution prescribes, or in a by-election held according to the constitution.]

Appointments committee of council

- (1) The appointments committee must make appointments to the council as provided for in paragraph 13(1)(m) and fill vacancies on the council as provided for in paragraph 16(2A).
- (2) The appointments committee consists of –
 - (a) the chairperson of the council, or failing the chairperson the deputy chairperson, or failing both a member of the

- council who is neither a staff member nor a student, chosen by the council;
- (b) the chairperson of the trustees of the UCT Foundation;
 - (c) a trustee of the UCT Foundation who is neither a staff member nor a student, chosen by the trustees;
 - (d) a person who is neither a staff member nor a student, chosen by organised labour in NEDLAC;
 - (e) the vice-chancellor;
 - (f) a dean chosen by the deans of faculties from their number; and
 - (g) the president of the SRC.”.

10. Transitional arrangements

- (1) The terms of office of all members of the council, other than those who hold office ex officio, who hold office at the date of publication of this notice are deemed to come to an end on 30 June 2004; and
 - (2) The registrar must cause elections to be held, and invite the appointing authorities to make appointments, in order that the new council constituted in terms of the new provisions takes office on 1 July 2004.
 - (3) The council must make new institutional rules regarding elections consistent with the new provisions by 31 December 2003.
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