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# GOVERNMENT NOTICE

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## DEPARTMENT OF EDUCATION

No. 602

14 May 2004

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

#### AMENDMENT TO THE STATUTE OF THE UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

The Council of the University of the Witwatersrand, Johannesburg has made the amendment to the Statute set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), 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 the date of this 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 the Witwatersrand, Johannesburg as published under Government Notice No. 195 of 15 February 2002.*
2. *Paragraph 16 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:*

#### "COUNCIL

##### Composition of council

16. (1) The council consists of -
  - (a) the principal;
  - (b) the vice-principal;

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- (c) **[three]** one person[s] appointed by the principal for a specified period from persons holding office of deputy vice-chancellor or executive director;
- (d) **[five]** three persons appointed by the Minister;
- (e) **[three]** two persons representing the convocation as determined by the Rules;
- (f) **[five]** four members of the senate elected by the senate one of whom preferably to be a non-professorial member of senate or a dean;
- (g) one representative of the deans of the faculties or the heads of such other academic structures as may be determined by the council and elected or appointed in terms of this Statute;
- (h) **[two]** one academic employee[s] elected by such employees in accordance with paragraph 17;
- (i) **[two]** one support services employee[s] elected by such employees in accordance with paragraph 17;
- (j) **[two]** one person[s] appointed by the Premier of the Province of Gauteng, which appointment is subject to the approval of the council;
- (k) one person appointed by the **[Greater]** Johannesburg **[Metropolitan]** Unicity Council or its legal successor, which appointment is subject to the approval of the council;
- (l) two persons elected by persons who in terms of this Statute, are donors in accordance with paragraph 28;
- (m) **[six]** seven persons **[appointed]** elected by the council by reason of special knowledge or expertise, considerations of equity and diversity or to represent one or more constituencies which the council may consider to be under-represented, and to include two professional persons from bodies external to the University, as may be determined by council;

- (n) two students elected by the SRC one of whom to represent the SRC, the other to represent the PGA; and
- [(o) **one postgraduate student elected by the executive committee of the PGA;**
- (p) **three persons appointed by the council from the membership of such professional bodies, external to the University, as may be determined by council;**
- [[q)] (o) **[four] two** persons from the membership of such business and labour organisations as may be determined by the council; **[and]**
- [(r) **one additional person as may be determined by the council.]**
- (p) the deputy vice-chancellor or deputy vice-chancellors and executive director or executive directors not appointed to the council in terms of paragraph 16(1)(c) is in attendance at council;
- (q) in addition to the SRC representative elected in terms of paragraph 16(1)(n), a second SRC representative is in attendance at council.

(2) The persons contemplated in paragraphs 16(1)(f), (g), (h) and (i) are elected as set out in paragraph 17.

(3) An appointment in terms of paragraphs 16(1)(j) and (k) is subject to the approval of the council.

(4) The procedure for electing donor representatives, as contemplated in paragraph 16(1)(l), is set out in paragraph 28.

(5) An appointment in terms of paragraph 16(1)(m) **[is subject to subparagraph(10)]** must have regard to any racial and gender under-representation on the council and the need to redress that and is subject to the terms and conditions laid down by the council at the time of appointment.

- (6) (a) (i) Members contemplated in paragraph 16(1)(n) **[and (o)]**, must be elected by their constituencies within six weeks of the annual SRC and PGA elections respectively.

(ii) The [Members] member elected by the SRC holds office until 15 September the following year and the member[s] elected by the PGA holds office until 15 February the following year.

(b) The manner of the election of the representatives is laid down in each constituency's rules.

(7) The council makes an appointment of professional persons in terms of paragraph ~~[16(1)(p)]~~ 16(1)(m) from such professional bodies, external to the University, as it may determine.

(8) An appointment in terms of paragraph ~~[16(1)(q)]~~ 16(1)(o) is made by the council in the following manner –

- (a) the council must call for no fewer than ~~[four]~~ two nominations from such persons or bodies or persons as it considers representative of business or labour or both;
- (b) after receiving the nominations the council is entitled to appoint at most ~~[four]~~ two persons, whom it considers fit; and
- (c) in the event of fewer than ~~[four]~~ two nominees being acceptable to the council, the council must call for further nominations until ~~[four]~~ two members are appointed.

**[9] Subject to sub paragraph (10) the council may appoint an additional member in terms of paragraph 16(1)(r).]**

~~[(10)]~~ (9) At least 60% of the members of the council must be persons who are not employed by, or students of, the University and regard must be had to an racial and gender under-representation on the council and the need to redress that.

~~[(11)]~~ (10) Except as provided in subparagraphs (1)(a), (b), (c), (f), (g), (h), (i), (n), and (o)]-

- (a) no student or employee of the University and no other person in receipt of regular remuneration from the University is eligible for appointment or nomination for election or election as a member of the council;

(b) a member of the council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University must forthwith vacate his or her seat on the council.”.

3. *Paragraph 18 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

**“Term of office of council members**

18. (1) The members contemplated in paragraph 16(1)(a), (b) and (c) remain members of the council for as long as they occupy their posts or for the period specified in the context of paragraph 16(1)(c).

(2) The term of office of members contemplated in paragraph 16(1)(n) **[and (o)]** is one year.

(3) The term of office of members contemplated in paragraph 16(1)(g) and **[(q)] (o)** is two years.

(4) The term of office of members contemplated in paragraph 16(1)(d), (e), (h), (i), (j), (k), and (l) **[and (m)]** is four years.

(5) The term of office of members contemplated in paragraph 16(1)(f) is five years.

(6) The term of office of members contemplated in paragraph **[16(1)(p) and (r)]** 16(1)(m) is determined by the number of votes received in their election, the members receiving the three highest number of votes serve a term of four years and those receiving the four lesser number of votes serve a term of two years [council, provided that the term of office does not exceed four years].”.

4. *Paragraph 19 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

**“Termination of membership and filling of vacancies**

19. (1) A member of the council, with the exception of the principal, the vice-principal and any deputy vice-chancellor, vacates his or her position on the council if the member –

- (a) is absent without the prior leave of the chairperson from three consecutive meetings of the council, or in the case of the chairperson, the leave of the executive committee of the council, provided that the council may at a meeting excuse the absence of a member from that meeting, in which event the member is, for the purposes of this Statute, deemed to have attended that meeting;
  - (b) having been elected or appointed by a particular constituency, is no longer a member of the constituency which he or she represents;
  - (c) resigns by giving written notice to the chairperson of the council;
  - (d) is declared by a court of law to be insolvent or otherwise incapable of attending to his or her own affairs;
  - (e) is removed from an office of trust by a court of law, is convicted of an offence involving dishonesty, or is sentenced to a period of imprisonment without the option of a fine; or
  - (f) subject to subparagraph (5), is considered by a two-thirds majority of the members of council present at any meeting to be acting other than in the best interests of the University.
- (2) (a) Members of council must participate in the deliberations of the council in the best interests of the University.
- (b) Failure to act in the best interests of the University or behaviour that brings the University into disrepute may result in the removal from office of any member of council.

- (3) (a) If it is alleged that a member is not acting in the best interests of the University or has engaged in conduct that brings or tends to bring the University into disrepute and at least one third of the members of council present at any meeting resolve that steps should be taken against that member, the council must instruct that a hearing by an *ad hoc* committee of council take place.
- (b) If the committee finds that the member has failed to act in the best interests of the University or has behaved in a manner that brings the University into disrepute then the committee may recommend that the member be removed from office.

(4) If the member has not been appointed by the Minister, the Premier of Gauteng or the [Greater] Johannesburg [Metropolitan] Unicity Council or its legal successor the member may be removed from office if a majority of the members of the council present at any meeting vote for his or her removal.

(5) If the member has been appointed by the Minister, the Premier of Gauteng or the [Greater] Johannesburg [Metropolitan] Unicity Council or its legal successor, the finding and recommendation of the committee must be referred to the appointing authority or body for further action.

(6) In the event of a vacancy through death or otherwise, the secretary to the council notifies the vacancy to the authority or body that has appointed or elected such member, requesting such authority or body to appoint or elect a successor.

(7) The secretary to the council must, if practicable, give at least 10 weeks' notice of the vacancy.

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



5. *Paragraph 21 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

**“Office-bearers of council**

21. (1) The following office-bearers of the council are elected from among the members of the council –

- (a) a chairperson; and
- (b) a vice-chairperson;

provided that the chairperson and vice-chairperson of the council may not be elected from members contemplated in paragraph 16(1) (a), (b), (c), (f), (g), (h), (i) and (n) [and (o)].”.

6. *Paragraph 43 of the Statute is amended by*

(a) *the substitution for subparagraph (1) of the following subparagraph:*

**“Composition of University forum**

43. (1) The University forum of the University’s institutional forum as contemplated in section 31 of the Higher Education Act and consists of –

- (a) the principal;
- (b) the vice-principal;
- (c) four persons appointed by the principal from persons holding office as deputy vice-chancellor, executive director and registrar;
- (d) two members of the council nominated by the council;
- (e) four members of the senate nominated by the senate;
- (f) the deans of the faculties;
- (g) five academic employees;
- (h) seven support services employees;
- (i) five students, four of whom are nominated by the SRC and one of whom is nominated by the PGA;
- (j) not more than four other students who belong to a body or bodies of students of the University that may be

nominated by the University forum to make the University forum more representative and inclusive of the broader student population;

- (k) three members of the historically excluded or marginalised groups;
- (l) one donor nominated by the Wits Foundation;
- (m) one member of the executive committee of convocation nominated by it;
- (n) one person nominated by an educational organisation which has been chosen by the University forum;
- (o) two representatives of organised labour associations;
- (p) two representatives of organised employers associations.
- (q) one member nominated by the principal whose role in the University is to address issues of transformation.”.

(b) *the substitution for subparagraph (8) of the following subparagraph:*

“(8) No person, other than those persons contemplated in paragraph 43(1)(a) to (f) and 43(1)(q) may serve on the University forum for more than three years provided that a person may serve on the University forum for [consecutive] a further term or terms.”.

#### **Transitional arrangements**

The council ensures the process of transition between the present composition of the council and the new composition.