



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

**Vol. 479   Pretoria   4   May   2005   No. 27556**



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# GOVERNMENT NOTICE

## DEPARTMENT OF EDUCATION

No. 427

4 May 2005

HIGHER EDUCATION ACT, 1997

### THE STATUTE OF THE UNIVERSITY OF THE WESTERN CAPE

The council of the University of the Western Cape has made this 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 the date of this publication.

#### SCHEDULE

#### STATUTE OF THE UNIVERSITY OF THE WESTERN CAPE

#### CONTENTS

	paragraph
CHAPTER I:	Definitions
CHAPTER II:	Structure, Purpose and Seat
CHAPTER III:	Status and Proprietary Capacity
CHAPTER IV:	Constitution of University
CHAPTER V:	Chancellor
CHAPTER VI:	Senior Management
CHAPTER VII:	Council
CHAPTER VIII:	Senate
CHAPTER IX:	Institutional Forum
CHAPTER X:	Committees
CHAPTER XI:	Management Committee
CHAPTER XII:	Convocation
CHAPTER XIII:	Donors
CHAPTER XIV:	Vacancies do not affect powers
CHAPTER XV:	Students' Representative Council
CHAPTER XVI:	Student Discipline
CHAPTER XVII:	Employees
CHAPTER XVIII:	Faculties, Academic Departments and Schools
CHAPTER XIX:	Institutes and Centres
CHAPTER XX:	Admission
CHAPTER XXI:	Examinations and other Tests
CHAPTER XXII:	Language Policy
CHAPTER XXIII:	Student Support Services
CHAPTER XXIV:	Degrees, Diplomas and Certificates
CHAPTER XXV:	Honorary Degrees
CHAPTER XXVI:	Repeal
CHAPTER XXVII:	Transitional Arrangements

## CHAPTER I

### Definitions

1. 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 employees”** means those persons employed by the University primarily to teach or to do research, including the rector, vice-rector or vice-rectors, as the case may be, and the deans;

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

**“convocation”** means the convocation of the University contemplated in paragraph 12.1;

**“day”** means weekdays excluding Saturday, Sunday and any Public Holiday or days on which the University is officially closed;

**“council”** means the council of the University contemplated in paragraph 7.2;

**“institutional forum”** means the institutional forum of the University contemplated in paragraph 9.2;

**“management”** means those persons included in the definition of “senior management” as well as those non-academic employees of the University designated by the council as managers;

**“minister”** means the Minister of Education;

**“non-academic employees”** means those employees of the University who are not academic employees;

**“registrar”** means the registrar of the University, or if more than one registrar has been appointed, the registrar designated by the council;

**“Rules”** means the institutional rules of the University made in terms of section 32 of the Act;

**“senate”** means the senate of the University contemplated paragraph 8.2;

**“senior management”** means the rector, the vice-rector or vice-rectors, as the case may be, the registrar or registrars, as the case may be, the executive director or executive directors, as the case may be, and the deans;

**“student”** means a person registered as a student at the University; and

**“University”** means the University of the Western Cape.

## CHAPTER II

### Structure, Purpose and Seat

2.1 The University is constituted in the manner, exists for the purposes, and has the rights, powers, privileges and duties, provided for in the Act and in this Statute.

2.2 The seat of the University is in Bellville in the Western Cape Province.

## CHAPTER III

### Status and Proprietary Capacity

3.1 The University is, subject to the provisions of the Act, a juristic person.

**3.2** Notwithstanding paragraph 3.1 the University may not without the concurrence of the Minister dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.

## **CHAPTER IV**

### **Constitution of University**

- 4.** The University consists of-
- 4.1** a chancellor;
  - 4.2** a rector, who is also the vice-chancellor of the University;
  - 4.3** a vice-rector or, if more than one vice-rector has been appointed, the vice-rectors;
  - 4.4** a registrar, or if more than one registrar has been appointed, the registrars;
  - 4.5** an executive director or, if more than one executive director has been appointed, the executive directors;
  - 4.6** a council;
  - 4.7** a senate;
  - 4.8** a convocation;
  - 4.9** an institutional forum;
  - 4.10** a students' representative council;
  - 4.11** the academic employees of the University;
  - 4.12** the non-academic employees of the University; and
  - 4.13** the students of the University.

## **CHAPTER V**

### **Chancellor**

#### **Titular Head**

**5.1** The chancellor is the titular head of the University **and**, subject to the provisions of the Act and this Statute, confers degrees on behalf of the University.

#### **Election**

**5.2** Whenever the council has to elect a chancellor, the registrar must notify the members of the council in writing at least six weeks before the election and call for nominations to be submitted to him or her.

**5.3** Nominations must be in writing and must reach the registrar at least three weeks before the date of election.

**5.4** Each nomination must contain the signatures of at least two members of the council and the written acceptance of the nomination by the nominee.

**5.5** A list of duly nominated persons must be sent to the members of the council at least ten days before the meeting of the council.

**5.6** Voting takes place by ballot.

**5.7** The nominee receiving a majority of the votes of the members of the council holding office at the date of the meeting must be declared by the chairperson to be the duly elected chancellor and in the case of no nominee receiving such a majority of votes, the nominee receiving the lowest number of votes or, where applicable, more than one

nominee together receiving less than half plus one of the votes must be eliminated, and the election must be repeated until one of the nominees receives a majority of the votes.

5.8 When the office of chancellor becomes vacant, the council must as soon as practicable elect a new chancellor.

### **Term of Office**

5.9 The chancellor holds office for a period of four years and is eligible for re-election.

## **CHAPTER VI**

### **Senior Management**

#### **Rector**

### **Functions and Duties**

6.1 The rector is the chief executive officer of the University and is responsible for the day-to-day management and administration of the University.

6.2 The rector is the vice-chancellor of the University and, in the absence of the chancellor or at his or her request, performs the functions of the chancellor.

6.3 The rector is by virtue of his or her office a member of all committees and joint committees of the council and of the senate.

6.4 The rector, in accordance with the directives and policies of the council and the senate, exercises general supervision over the University.

### **Selection and Appointment**

6.5 The rector is selected by the council from the names of candidates put forward to the council by the senate and the institutional forum.

6.6 The procedure regarding the advertisement of the vacancy, recruitment of candidates and interviewing of candidates is determined **by** the council after consultation with the senate and the institutional forum.

6.7 The senate and the institutional forum must, independently from each other, submit to the council a ~~maximum~~ of three names of candidates, in order of priority, they consider to be persons fit and proper for appointment as rector.

6.8 If the senate or the institutional forum is of the opinion that none of the applicants are persons fit and proper for appointment **as** rector, they must advise the council accordingly whereupon the council may allow such further period it deems fit for re-advertisement of the vacancy and for recruitment.

6.9 Voting in the council is by ballot and the candidate receiving a majority of the votes of the members of the council holding office at the date of the meeting is declared by the chairperson to be duly selected for appointment **as** rector of the University.

6.10 If no candidate receives such a majority of votes, the candidate who has received the lowest number of votes must be eliminated and the voting process is repeated until one of the candidates receives a majority of votes.

6.11 Voting in the senate **and** the institutional forum to determine the candidates whose names are to be put forward to council, takes place in the manner provided for in paragraphs 6.9 and 6.10.

**Term of Office**

6.12 The rector is appointed by the council for such period of office as may be agreed upon between the rector and the council; provided that-

- 6.12.1 the period of office of the rector may not exceed five years;
- 6.12.2 at any time during such period of office the council may, after having consulted with the senate and after having obtained the advice **of** the institutional forum and subject to the provisions of paragraphs 6.12.3 and 6.12.4, extend such period of office for such further period the council deems fit;
- 6.12.3 the rector may resign at any time giving six month's notice to the council, unless the council, after consultation with the senate and after having obtained the advice from the institutional forum, dispenses with such period; and
- 6.12.4 the appointment of the rector may be terminated at any time by the council, after having consulted with the senate and after having obtained advice from the institutional forum, by a resolution passed at a meeting **of** the council by a majority vote consisting **of** not less than three quarters of the number of members present at the meeting and not less than half of the members holding office at the date of the meeting.

**Absence of Rector**

6.13 While the appointment of a rector is pending or if the rector is absent for a period longer than six months, the council, after consultation with the senate and after having obtained the advice of the institutional forum, appoints the vice-rector, or, if more than one vice-rector has been appointed, one of the vice-rectors as acting rector.

6.14 During the absence of the rector he or she may appoint, after consultation with the management committee, a member of senior management as acting rector, provided that in the event of the rector being absent for a period longer than one month but less than six months, the executive committee of the council appoints a member of senior management as acting rector.

**Vice-Rector****Functions and Duties**

6.15 The functions and duties of a vice-rector are determined by the council.

**Selection and Appointment**

6.16 The provisions of paragraph 6.5 to 6.11 apply, with the necessary changes, to the selection and appointment **of** a vice-rector.

**Term of Office**

6.17 The provisions of paragraph 6.12 apply, with the necessary changes, to the term **of** office of a vice-rector.

**Absence of Vice-Rector**

6.18 While the appointment of a vice-rector is pending or if a vice-rector is absent for a period longer than six months, the council, after consultation with the rector, appoints a dean or professor of the University as acting vice-rector.

6.19 During the absence of a vice-rector, the rector may appoint a dean or professor of the University as acting vice-rector, provided that in the event of a vice-rector being absent for a period longer than one month but less than six months, the rector, after consultation with the executive committee of the council, appoints a dean or professor of the University as acting vice-rector.

**Registrar and Executive Director****Functions and Duties**

6.20 The registrar, or, if more than one registrar has been appointed, the registrars and the executive director, or if more than one executive director has been appointed, the executive directors, support the rector in managing and controlling the University.

6.21 A registrar and an executive director handle the portfolios allocated to them by the council.

**Selection and Appointment**

6.22 Subject to the provisions of paragraph 7.15.3, the appointment of a registrar or executive director takes place in accordance with the procedure decided upon by the council.

**Term of Office**

6.23 The provisions of paragraph 6.12 apply, with the necessary changes, to the term of office of a registrar and an executive director.

**Dean****Functions and Duties**

6.24 The functions and duties of a dean are determined by the council.

**Selection and Appointment**

6.25 Subject to the provisions of paragraph 7.15.3, the appointment of a dean takes place in accordance with the procedure decided upon by the council.

**Term of Office**

6.26 The provisions of paragraph 6.12 apply, with the necessary changes, to the term of office of a dean.

## CHAPTER VII Council

### Functions and Duties

7.1 Subject to the provisions of the Act and this Statute, the control, governance and executive authority of the University is vested in the council of the University.

### Composition

- 7.2 The Council of the University consists of-
- 7.2.1 the rector and the vice-rector, or if more than one vice-rector has been appointed, the vice-rectors;
  - 7.2.2 five persons appointed by the Minister;
  - 7.2.3 two members of the senate, elected by the senate;
  - 7.2.4 one academic employee of the University, not being a member in terms of paragraph 7.2.3, elected in the manner provided for in paragraphs 7.23 to 7.28, by the academic employees;
  - 7.2.5 one non-academic employee of the University, not being a member in terms of paragraph 7.2.3, elected in the manner provided for in paragraph 7.29, elected by the non-academic employees;
  - 7.2.6 two registered students of the University, not being members in terms of paragraph 7.2.3, elected by the students' representative council;
  - 7.2.7 two persons, elected in the manner provided for in paragraph 13.4, from among their number by persons who, according to the provisions of the paragraph 13.1, are donors by virtue of donations made to the University;
  - 7.2.8 one member of the Council of the City of Cape Town, elected by such Council;
  - 7.2.9 two persons, elected in the manner provided for in paragraphs 12.15 and 12.18 to 12.24, by the convocation from among its number;
  - 7.2.10 one member of organised business in the Western Cape Province, elected by such organisation, provided that if more than one such organisation exists, the council may determine which of such organisations may elect such person;
  - 7.2.11 one member of organised business in the Republic of South Africa, elected by such organisation, provided that if more than one such organisation exists, the council may determine which of such organisations may elect such person;
  - 7.2.12 one member of organised labour in the Western Cape Province, elected by such organisation, provided that if more than one such organisation exists, the council may determine which of such organisations may elect such person;
  - 7.2.13 one member of organised labour in the Republic of South Africa, elected by such organisation, provided that if more than one such organisation exists, the council may determine which of such organisations may elect such person;



- 7.2.14 one person designated by the Premier of the Western Cape Province; and
- 7.2.15 a minimum of four and a maximum of six additional persons as may be determined in terms of paragraphs 7.17 to 7.22, provided that:
  - 7.2.15.1 if 60 per cent of the members of the council, not being persons in the employ or students of the University, vacate their office, it is deemed that the council has resigned; and
  - 7.2.15.2 a member of the council may not without prior written notice to the council serve on the council of another university.
- 7.3 Members contemplated in paragraphs 7.2.2 and 7.2.7 to 7.2.15, may not be persons who are employees of the University.
- 7.4 The members of the council must-
  - 7.4.1 be persons with knowledge and experience relevant to the objects and governance of the University; and
  - 7.4.2 participate in the deliberations of the council in the best interests of the University.

#### **Term of Office**

- 7.5 The term of office of members of the council is as follows-
  - 7.5.1 members contemplated in paragraphs 7.2.2 to 7.2.5 and 7.2.7 to 7.2.14, three years;
  - 7.5.2 members contemplated in paragraph 7.2.6, one year;
  - 7.5.3 members contemplated in paragraph 7.2.15, a minimum of one year and a maximum of three years; and
  - 7.5.4 all other members for as long as they hold the particular office; unless, before the expiry of such period, a member of the council submits his or her resignation in writing to the council or vacates his or her office for any other reason.

#### **Vacancies and Vacating of Office**

- 7.6 A casual vacancy on the council caused by the death of, or the vacating of his or her office by a member must, with due regard to the provisions of paragraph 7.2, be filled for the unexpired portion of the period of office of such member.
- 7.7 A member of the council, other than the rector and any vice-rector, vacates his or her office if he or she-
  - 7.7.1 is absent from two consecutive ordinary meetings of the council without the leave of the council;
  - 7.7.2 becomes insolvent;
  - 7.7.3 is convicted of an offence and is sentenced to imprisonment without the option of a fine; or
  - 7.7.4 accepts a permanent appointment to a post on the establishment of the University or registers as a student of the University, except in the case of a member contemplated in paragraphs 7.2.3, 7.2.4 and 7.2.5.

**Chairperson, Vice-Chairperson and Secretary**

7.8 The council must elect one of its members as chairperson and one of its members as vice-chairperson, provided that such persons may not be employees or students of the University.

7.9 In the absence of the chairperson, or on his or her request, the vice-chairperson performs the functions of the chairperson.

7.10 Whenever both the chairperson and vice-chairperson are absent from a meeting of the council, the members present must elect a person from among themselves to preside at that meeting.

7.11 The chairperson and vice-chairperson hold office for the duration of their respective terms of office as members of council.

7.12 The registrar or if more than one registrar has been appointed, the registrar designated by the council is the secretary of the council, provided that he or she may designate one **or** more of the employees **of** the University to assist him or her in the performance of **his or** her duties or to take his or her place as secretary in his or her absence.

**Quorum**

7.13 At all meetings of the council one more than half the number of members envisaged in paragraphs 7.2.1 to 7.2.14, constitutes a quorum.

**Responsibilities of Council**

7.14 The council **has** particular responsibility for-

- 7.14.1 strategic governance;
- 7.14.2 financial governance;
- 7.14.3 **staff** matters;
- 7.14.4 **staff** and student discipline; and
- 7.14.5 the language and admission policies of the University.

7.15 The council receives and considers written advice from the institutional forum before taking decisions on the following matters-

- 7.15.1 the implementation of the national higher education policy;
- 7.15.2 policy regarding race, gender, disability and employment equity;
- 7.15.3 the selection or appointment of persons to senior management positions;
- 7.15.4 codes of general conduct as well as procedures for mediation and dispute resolution; and
- 7.15.5 the establishment of an institutional culture to promote human rights and a positive academic environment.

7.16 The council is responsible for-

- 7.16.1 the keeping of proper accounting records of the assets, liabilities, income, expenditure and other financial transactions of the University and its substructures; and
- 7.16.2 the submission of reports, financial and otherwise, to the Minister as may be required in terms of the Act.

**Appointment of Additional Members**

7.17 Nominations for persons to be appointed as additional members of the council **in** terms of the provisions of paragraph 7.2.15 must be submitted to the registrar at least two weeks before the meeting of the council.

7.18 Nominations in writing may be submitted by any person or body having an interest in the University and must contain the nominee's full particulars as well as his or her written acceptance of the nomination.

7.19 At the meeting of the council all the nominations must be scrutinized with a view to determine the expertise or representation of particular interests each of the nominees may bring to the council.

7.20 Decisions **as** to the number of additional members to be appointed are taken by an ordinary majority vote of members of the council present at the meeting.

7.21 Decisions as to which of the nominees are to be appointed to the council as additional members and **as** to their respective periods of office, are taken by **an** ordinary majority vote of the council members holding office at the date of the meeting.

7.22 Voting takes place by ballot and nominees receiving the highest number of votes are deemed to be duly appointed members of the council.

**Election of Academic and Non-Academic Employees**

7.23 In order for the academic employees of the University to elect a member of the council in terms **of** the provisions of paragraph 7.2.4, the registrar must invite, by way of a notice in writing which must be mailed to their campus addresses, such employees to nominate, within a period of at least 14 days, one academic employee to serve **as** a member of the council.

7.24 Each nomination must be in writing and signed by two academic employees and countersigned by the nominee to signify his or her acceptance of such nomination.

7.25 If on the expiry of the period referred to in paragraph 7.23, the number of persons nominated does not exceed one in number, the registrar must immediately declare such person to be duly elected.

7.26 In the event of more than one person being nominated, the registrar must, within a period of 14 days after the period referred to in paragraph 7.23, mail to each academic employee a printed ballot paper, in the form determined by the council, bearing the names of the duly nominated candidates in alphabetical order and informing academic employees of the date by which completed ballot papers must reach the registrar's office.

7.27 The registrar acts as returning officer and he or she may be assisted by one or more members of his or her **staff**.

7.28 The candidate who received the highest number of votes must be declared to be duly elected by the registrar.

7.29 The election of a non-academic employee to serve **as** a member of the council in terms of paragraph 7.2.5, takes place, with the necessary changes, in the manner provided for in paragraphs 7.23 to 7.28.

**Meetings of Council**

7.30 At least two ordinary meetings of the council must be held each semester.

7.31 At least ten days before the date set for an ordinary meeting, the registrar must notify each member in writing of the time and place of the meeting as well as of the matters to be considered at the meeting.

7.32 The chairperson of the council may, after consultation with the vice-chairperson of the council, and must at the request in writing by at least ten members of the council, call a special meeting.

7.33 For a special meeting at least three days written notice must be given to every member of the council and in such notice the registrar must state the time and place of the meeting and the business for which the meeting is called.

#### **Agenda of Ordinary Meetings of Council**

7.34 Save as provided for in the proviso to paragraph 7.35, the council may at a meeting deal only with those matters which appear on the agenda and of which notice has been given to members.

7.35 Any member of the council who desires to have a matter placed on the agenda must notify the registrar accordingly in writing at least three days before the date on which the registrar must give notice of the meeting, provided that, with the consent of at least two-thirds of the members present at a meeting, any member may at an ordinary meeting table a motion of an urgent nature without prior notice.

7.36 A matter on the agenda may not be withdrawn or removed from it without the approval of a majority of members present.

#### **Procedure at Meetings of Council**

7.37 When an ordinary meeting of the council has been constituted, the minutes of the previous meeting and of any special meetings held subsequent thereto must be read and confirmed under the signature of the chairperson.

7.38 The meeting may take the minutes as read if a copy thereof has been forwarded to each member at least ten days before the meeting.

7.39 Any objections to the minutes must be raised and dealt with before the confirmation thereof.

7.40 A motion, or any amendment thereof, must be seconded and, should the chairperson so direct, must be in writing.

7.41 No motion may be withdrawn without the consent of the meeting.

7.42 Save as otherwise provided for in this Statute, a resolution of the majority of the members present at the meeting is deemed to be a resolution of the council, provided that in the case of an equality of votes, the chairperson has a casting vote in addition to his or her deliberative vote.

7.43 The number of members voting for and against a motion must be recorded in the minutes.

7.44 At the request of a member, the chairperson must direct that the vote of such member be recorded in the minutes.

7.45 The opinion of a member who is unable to attend the meeting in person must, if it has been put in writing, be laid before the meeting, but, save as provided for in Chapter XXV, may not count as such member's vote.

7.46 Without the consent of the chairperson no member may speak more than once to a motion or ~~an~~ amendment thereto, but the mover of the motion or amendment may reply to any discussion thereon.

7.47 The ruling of the chairperson on any question of order or procedure at meetings for which no provision is made in the Act or this Statute, is final, unless immediately challenged by a member, upon which the matter must be put before the meeting, without any further discussion, for a final decision.

7.48 The registrar must keep minutes of the proceedings at all meetings of the council.

#### **Executive Committee of Council**

7.49 At its first ordinary meeting the council must establish ~~an~~ executive committee consisting of-

- 7.49.1 the chairperson of the council, who is the chairperson;
- 7.49.2 the vice-chairperson of the council;
- 7.49.3 two members of the council, not being employees or students of the University, elected by the council;
- 7.49.4 the rector;
- 7.49.5 the vice-rector, or if more than one vice-rector has been appointed, a vice-rector designated by the council;
- 7.49.6 one of the representatives ~~of~~ the senate on the council, designated by the senate for that purpose;
- 7.49.7 the person being a member of the council in terms of paragraph 7.2.4;
- 7.49.8 the person being a member of the council in terms of paragraph 7.2.5;
- 7.49.9 one person being a member of the council in terms of paragraph 7.2.6 designated by the students' representative council; and
- 7.49.10 if the council so decides, a maximum of three other members of the council, not being employees or students of the University, elected annually from its own ranks.

7.50 The time, place and agenda for meetings are determined by the chairperson after consultation with the vice-chairperson and the rector.

7.51 At all meetings of the executive committee of the council one more than half of the members constitute a quorum, provided that at least two of such members must be persons not being in the employ of or students of the University.

7.52 The executive committee of the council may take any decision in the interest of the University, provided that members of the council are at the earliest opportunity informed in writing of such decisions.

#### **Allowances**

7.53 The council may decide to pay an allowance to office bearers and members of the council, not being students or persons in the employ of the University, and may determine the amount of such allowance.

#### **Attendance of Council meetings by Non-members**

7.54 A person who is not a member of the council may, on the invitation of the chairperson of council on behalf of the council, attend any meeting of the council and

may, on the invitation of the chairperson, address the council on any matter, provided that such person has no vote.

## **CHAPTER VIII**

### **Senate**

#### **Functions and Duties**

8.1 Subject to the provisions of the Act and this Statute, the senate is responsible, and accountable to the council, for the general academic and research functions of the University and performs such other functions as may be delegated or assigned to it by the council.

#### **Composition**

8.2 The senate of the University consists of-

- 8.2.1 the rector;
- 8.2.2 the vice-rector, or if more than one vice-rector has been appointed, the vice-rectors;
- 8.2.3 two members of the council elected annually by the council;
- 8.2.4 the deans;
- 8.2.5 the registrar, or if more than one registrar has been appointed, the registrars;
- 8.2.6 the executive director, or if more than one executive director has been appointed, the executive directors;
- 8.2.7 such visiting, extraordinary and honorary professors attached to the University as decided upon by the council on the recommendation of the senate;
- 8.2.8 the directors of the different schools, centres and institutes of the University and such directors or heads of similar structures as decided upon by the council on the recommendation of the senate;
- 8.2.9 the chairpersons of the different academic departments or similar academic structures;
- 8.2.10 the professors of the University (excluding the professors contemplated in paragraph 8.2.7), not being members of the senate in terms of paragraphs 8.2.4, 8.2.8 and 8.2.9;
- 8.2.11 eight academic employees of the University, not being members of the senate in terms of paragraphs 8.2.4 and 8.2.7 to 8.2.10, elected in terms of paragraph 8.19, provided that each one of the faculties must be represented by at least one person attached to the teaching or research staff of such faculty;
- 8.2.12 eight non-academic employees of the University, elected in the terms of paragraph 8.19;
- 8.2.13 eight registered students of the University elected by the students' representative council, provided that each one of the faculties must be represented by at least one student registered in such faculty;
- 8.2.14 the University librarian; and

8.2.15 such additional persons, but not more than eight in number, as the council, on the recommendation of the senate, may decide upon.

8.3 The provisions of paragraph 7.4 apply, with the necessary changes, to members of the senate.

#### **Term of Office**

8.4 The period of office of members of the senate is as follows-

8.4.1 members contemplated in paragraphs 8.2.11, 8.2.12 and 8.2.15, two years;

8.4.2 members contemplated in paragraphs 8.2.3 and 8.2.13, one year; and

8.4.3 all other members for as long as they hold the particular office; unless, before the expiry of such period, a member submits his or her resignation in writing to the senate or vacates his or her office for any other reason.

#### **Vacancies**

8.5 A casual vacancy on senate caused by the death of, or the vacation of his or her office by a member must, with due regard to the provisions of paragraph 8.2, be filled for the unexpired portion of the period of office of such member.

#### **Chairperson, Vice-Chairperson and Secretary**

8.6 The rector is the chairperson of the senate.

8.7 The senate must elect one of its members as vice-chairperson, provided that such person must be a member of senior management or a member of the council, provided further that such person must be an academic employee of the University.

8.8 In the absence of the chairperson, or on his or her request, the vice-chairperson performs the functions of the chairperson.

8.9 The registrar, or if more than one registrar has been appointed, the registrar designated by the council is the secretary of the senate, provided that he or she may designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.

8.10 The vice-chairperson holds office for a period of two calendar years.

#### **Quorum**

8.11 At all meetings of the senate one more than half of the total number of members constitutes a quorum, provided that members of the senate who are in the employ of the University and who are on approved leave are deemed not to be members of the senate for the purpose of constituting a quorum.

#### **Functions of the Senate**

8.12 Subject to the provisions paragraphs 7.1 and 7.15, the functions of the senate include, but are not limited to-

8.12.1 the superintendence and regulation of instruction and research in the various faculties, academic departments, centres, institutes, lectures and classes of the University;

- 8.12.2 the organisation and control of the curricula, syllabi and examinations of the University; and
- 8.12.3 the performance of such other functions as may be delegated or assigned to it by the council.

#### **Appointment of Additional Members**

8.13 The appointment of persons as additional members of the senate in terms of the provisions of paragraph 8.2.15, is made by the council on the recommendation **of** the senate.

**8.14** Nominations for additional persons to be appointed as additional members of the senate must be submitted to the registrar at least two weeks before the meeting of the senate.

8.15 Nominations may be submitted by any persons or body having an interest in the academic activities of University and must contain the nominee's full particulars as well **as** his **or** her written acceptance of the nomination.

8.16 At the meeting of the senate all nominations must be scrutinized with a view to determine the academic expertise or representation of particular interests each of the nominees may bring to the senate.

8.17 Decisions as to which of the nominees are to be recommended to the council to be appointed as additional members of the senate, are taken by an ordinary majority vote of the members of the senate present at the meeting.

8.18 Voting takes place by ballot and the nominees receiving the highest number of votes are deemed to be duly recommended to the council for appointment **as** additional members.

#### **Election of Academic and Non-Academic Employees**

8.19 The election of academic employees and non-academic employees to serve as members of the senate in terms of the provisions of paragraphs 8.2.1 1 and 8.2.12, takes place, with the necessary changes, in the manner provided for in paragraphs 7.23 to 7.28.

#### **Meetings of Senate**

8.20 At least two ordinary meetings of the senate must be held each semester.

8.21 At least five days before the date set for an ordinary meeting the registrar must notify each member in writing of the time and place of the meeting **as** well **as** of the matters to be considered at the meeting.

8.22 The chairperson of the senate may, after consultation with the vice-chairperson of the senate, and must at the request in writing by at least 50 members of the senate, call a special meeting.

8.23 For a special meeting at least **two** days written notice must be given to every member of the senate and in such notice the registrar must state the time and place of the meeting and the business for which the meeting is called.

#### **Procedure at Meetings of Senate**

8.24 The provisions of paragraphs 7.37 to 7.48 apply, with the necessary changes, to meetings of senate.



**Executive Committee of Senate**

- 8.25 The senate must establish an executive committee consisting of-
- 8.25.1 the rector, who is the chairperson;
  - 8.25.2 the vice-rector, or if more than one vice-rector has been appointed, the vice-rectors;
  - 8.25.3 the registrar, or if more than one registrar has been appointed, the registrars;
  - 8.25.4 the executive director, or if more than one executive director has been appointed, the executive directors;
  - 8.25.5 the deans;
  - 8.25.6 the director for lifelong learning;
  - 8.25.7 one person being a member of the senate in terms of paragraph 8.2.11 elected by the senate;
  - 8.25.8 one person being a member of the senate in terms of paragraph 8.2.12 elected by the senate;
  - 8.25.9 one person being a member of the senate in terms of paragraph 8.2.13 elected by the senate; and
  - 8.25.10 a maximum of two other members of the senate elected **from** its own number.
- 8.26 The t h e , place and agenda for meetings are determined by the rector.
- 8.27 At all meetings of the executive committee of the senate one more than half of the members constitute a quorum.

**Allowances**

- 8.28 The council may decide to pay an allowance to members of the senate, not being persons in the employ of or students of the University, and may determine the amount of such allowance.

**Attendance of meetings of Senate by Non-members**

- 8.29 A person who is not a member of the senate may, on the invitation of the chairperson of the senate on behalf of the senate, attend any meeting of the senate and may, on the invitation of the chairperson, address the senate on any matter, provided that such person has no vote.

## **CHAPTER IX**

### **Institutional Forum**

**Functions and Duties**

- 9.1 The institutional forum of the University-
- 9.1.1 must advise the council on issues affecting the University, including-
    - 9.1.1.1 the implementation of the Act and state policy on higher education;
    - 9.1.1.2 policy regarding race, gender, disability and labour equity;
    - 9.1.1.3 the selection of candidates for senior management positions;
    - 9.1.1.4 codes of conduct, mediation and dispute resolution procedures; and

9.1.1.5 the fostering of a culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning at the University;

9.1.2 may advise the council on any matter it deems fit; and

9.1.3 perform such other functions as may be determined by the council.

#### Composition

9.2 The institutional forum of the University consists of-

9.2.1 three representatives of the management of the University, elected by members of the management;

9.2.2 three representatives of the senate elected by the senate;

9.2.3 three representatives of the council elected by the council from the members who are not employees or students of the University;

9.2.4 three representatives of the academic employees of the University elected by an organisation representing such employees and recognised by the council as such, provided that if no such organization exists such representatives are to be elected in manner provided for in paragraphs 7.23 to 7.28;

9.2.5 three representatives of the non-academic employees of the University elected by an organisation representing such employees and recognised by the council as such, provided that if no such organization exists such representatives are to be elected in the manner provided for in manner provided for in paragraph 7.29;

9.2.6 three representatives of the registered students of the University elected by the students' representative council; and

9.2.7 a maximum of four additional persons, not being employees or students of the University, as determined in terms of the provisions of paragraphs 9.11 to 9.16.

9.3 The provisions of paragraph 7.4 apply, with the necessary changes, to members of the institutional forum.

#### Term of Office

9.4 The period of office of members of the institutional forum is as follows-

9.4.1 members contemplated in paragraph 9.2.6, one year; and

9.4.2 all other members, two years;

unless, before the expiry of such period, a member submits his or her resignation in writing to the institutional forum or vacates his or her office for any other reason.

#### Vacancies

9.5 A casual vacancy on the institutional forum caused by the death of, or the vacation of his or her office by a member must, with due regard to the provisions of paragraph 9.2, be filled for the unexpired portion of the period of office of such member.

**Chairperson, Vice-Chairperson and Secretary**

9.6 The institutional forum must elect one of its members as chairperson and one of its members as vice-chairperson.

9.7 In the absence of the chairperson, or on his or her request, the vice-chairperson performs the functions of chairperson.

9.8 **The** institutional forum must elect one of its members as secretary, provided that the secretary to the institutional forum may request one or more of the employees of the University to assist him or her in the carrying out of his or her duties or to take his or her place as secretary in his or her absence.

9.9 The chairperson, the vice-chairperson and secretary holds office for a period of one calendar year.

**Quorum**

9.10 At all meetings of the institutional forum one more than half of the total number of members constitutes a quorum.

**Appointment of Additional Members**

9.11 The appointment of persons as additional members of the institutional forum in terms of paragraph 9.2.7 is made by the council on the recommendation of the institutional forum.

9.12 Nominations for additional persons to be appointed as additional members of the institutional forum must be submitted to the registrar at least two weeks before the meeting of the institutional forum.

9.13 Nominations in writing may be submitted by any person or body having an interest in the University and must contain the nominee's full particulars as well as his or her written acceptance of the nomination.

9.14 At the meeting of the institutional forum all nominations must be scrutinized with a view to determine the expertise or representation of particular interests each of the nominees may bring to the institutional forum.

9.15 Decisions as to which of the nominees are to be recommended to the council to be appointed as additional members of the institutional forum, are taken by a majority vote of the members of the institutional forum holding office at the date of the meeting.

9.16 Voting takes place by ballot and the nominees receiving the highest number of votes are deemed to be duly recommended to the council for appointment as additional members.

**Meetings of Institutional Forum**

9.17 At least two ordinary meetings of the institutional forum must be held each semester.

9.18 At least five days before the date set for an ordinary meeting the secretary to the institutional forum must notify each member in writing of the time and place of the meeting as well as of the matters to be considered at the meeting.

9.19 The chairperson of the institutional forum may, after consultation with the vice-chairperson of the institutional forum, and must at the request in writing by at least ten members of the institutional forum, call a special meeting.

**9.20** For a special meeting at least **two** days written notice must be given to every member of the institutional forum and in such notice the secretary must state the time and place of the meeting and the business for which the meeting is called.

**9.21** The provisions of paragraphs **7.34** to **7.48**, apply with the necessary changes, to meetings of the institutional forum.

#### **Allowances**

**9.22** The council may decide to pay an allowance to members of the institutional forum, not being employees or students of the University, and may determine the amount of such allowance.

### **CHAPTER X**

#### **Committees**

**10.1** The council, the senate and the institutional forum may each establish committees consisting of members of the council, the senate and the institutional forum respectively, **as** well **as** other persons to perform any of their respective functions.

**10.2** The council and the senate may establish joint committees consisting of members of the council and the senate as well as other persons to perform their respective functions.

**10.3** The council, the senate and the institutional forum are not divested of responsibility for the performance of any function delegated or assigned to a committee and may alter or set aside decisions of such committees.

**10.4** The Council may decide to pay an allowance to anyone, not being an employee of student of the University, serving on a committee of the council, the senate, a joint committee of the council and the senate or a committee of the institutional forum, and may determine the amount of such allowance.

**10.5** Subject to the provisions of paragraphs **7.49** and **8.25**, the composition, manner of election and functions and procedure at meetings of any committee or joint committee, must be provided for in the **Rules** of the University.

### **CHAPTER XI**

#### **Management Committee**

#### **Functions and Duties**

**11.1** Subject to the provisions of paragraphs 6.1, **7.1** and **8.1** the management committee controls, manages and administers the University **from** day to day.

**11.2** The management committee takes decisions subject to policy and other decisions taken by the council and the senate and subject to the statutory provisions governing the University.

**11.3** In the event of urgency, the management committee **may** take any decision in the interest of the University, provided that the chairpersons of the council and the institutional forum **are** immediately informed of such decisions at the earliest opportunity.

#### **Composition**

**11.4** The management committee consists of-

- 11.4.1 the rector;
- 11.4.2 the vice-rector, or if more than one vice-rector has been appointed, the vice-rectors;
- 11.4.3 the registrar, or if more than one registrar has been appointed, the registrars;
- 11.4.4 the executive director, or if more than one executive director has been appointed, the executive directors; and
- 11.4.5 such other persons as may be determined by the council after consultation with the rector and the senate.

### **Chairperson and Secretary**

11.5 The rector acts as chairperson of the management committee, provided that in his or her absence the rector must appoint the vice-rector or a vice-rector, as the case may be, to act as chairperson.

11.6 The registrar or a registrar, as the case may be, acts as secretary to the management committee.

### **Meetings and Procedure at Meetings**

11.7 At all meetings of the management committee one more than half of the members constitute a **quorum**.

11.8 The management committee determines its own procedure at and frequency of meetings in accordance with accepted norms of fair administrative procedure.

## **CHAPTER XII**

### **Convocation**

### **Composition**

- 12.1 The convocation consists of-
  - 12.1.1 the academic employees appointed, permanently or on contract for a period of not less than one year, to posts on the establishment of the University;
  - 12.1.2 the rector, the vice-rector or, if more than one vice-rector has been appointed, the vice-rectors, the registrar, or if more than registrar has been appointed, the registrars; the executive director, or if more than one executive director has been appointed, the executive directors; and the university librarian;
  - 12.1.3 the two members of the council elected by the council as members of the senate;
  - 12.1.4 all persons who are members of the convocation at the commencement of this Statute; and
  - 12.1.5 the graduates of the University, provided that any graduate who notifies the council in writing that he or she does not wish to continue to be a member of the convocation ceases to be a member upon receipt of that notice by the council.

**President**

12.2 The president of the convocation is elected by the convocation from its own ranks at an annual meeting of the convocation and holds office from the close of the meeting at which he or she is elected until the close of the subsequent annual meeting.

12.3 In the event of the death or resignation of the president, a successor is appointed at a meeting of the convocation called for that purpose by the secretary of the convocation to fill his or her predecessor's unexpired period of office.

**Secretary**

12.4 The registrar, or if more than one registrar has been appointed, the registrar designated by the council, is the secretary of the convocation, provided that he or she may designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.

**Meetings of Convocation**

12.5 The convocation holds an annual meeting at the seat of the University which meeting is convened by the secretary of the convocation after consultation with the president.

12.6 Notice of motion or matter for discussion must be submitted in writing to the secretary of the convocation at least one month before the date of the meetings contemplated in paragraphs 12.5 and 12.7.

12.7 A special meeting of the convocation may at any time be convened by the president, and must be convened by him or her within two months of the receipt by the secretary of the convocation of a written request signed by not less than one hundred members, stating by way of specific motion the subject for consideration at such meeting.

12.8 No business other than that for which the meeting was called may be dealt with at a special meeting.

12.9 The convocation may discuss any matter relating to the University or referred to it by the council, and may convey its decision thereon to the council.

12.10 The president of the convocation is the chairperson at all meetings of the convocation and in his or her absence the members present at the meeting must elect a member from their own rank to act as chairperson at that meeting.

12.11 Notice of a meeting of the convocation, with a short statement of the business to be considered, is placed, by the secretary of the convocation, in one local and one national newspaper at least ~~thirty~~ days before the day appointed for such meeting, or, alternatively, and if practicable and feasible, such may be sent by the secretary of the convocation to each member to his or her registered address as it appears on the roll of the convocation by the secretary of the convocation and such notice must be sent to members at least fourteen days before the date appointed for the meeting.

**Quorum at Meetings of Convocation**

12.12 One hundred members of the convocation constitute a quorum.

**Procedure at Meetings of Convocation**

12.13 In the event of there being no **quorum** fifteen minutes after the time fixed for the meeting, the meeting may proceed with such formal business as the chairperson may deem necessary for the continuity of the convocation's activities.

12.14 Subject to the provisions of paragraphs 12.12 and 12.13, the procedure at all meetings of the convocation is, with the necessary changes that which are provided for in paragraphs 7.34 to 7.48.

**Powers and Activities of Convocation**

12.15 Subject to the provisions of paragraphs 12.18 to 12.24, the convocation elects such number of members of the council as the convocation is entitled to.

12.16 The convocation discusses such matters as may have been referred to it by the council during the period since the previous meeting of the convocation or such matters pertaining to the University as may have come to the attention of the president of the convocation since the previous meeting.

12.17 As soon as possible after a meeting of the convocation, the secretary of the convocation must send to the chairperson of the council, for the council's information, and to the chairperson of the senate, for the senate's information, a copy of all resolutions passed by the convocation and a statement on **any** other matters on which decisions were passed by the convocation.

**Election of Members of Council**

12.18 Whenever the convocation has to elect a member of the council in terms of paragraph 7.2.9, the secretary of the convocation must, by way of a notice placed in one national newspaper at least two months before the date set by the Council for the election, invite each member of the convocation to nominate **in** writing a member of the convocation for election as member of the council.

12.19 Each nomination, signed by not less than five members **of** the convocation and countersigned by the member so nominated to signify his or her acceptance of such nomination, must be lodged with the secretary of the convocation not less than one month before the date set for such election.

12.20 The secretary of the convocation may, by way of the notice contemplated in paragraph 12.18, invite members of the convocation to inform the secretary in writing, within four weeks of the date on which the notice was placed, whether they intend to, subject to the provisions of paragraph 12.19, take part in the election contemplated in paragraph 12.18.

12.21 Members of the convocation not having informed the secretary of the convocation in terms of the provisions of paragraph 12.20 of their intention to take part in the election of a member of the council are deemed as members of the convocation electing to abstain from voting in such election.

12.22 If, upon the expiry of the period contemplated in paragraph 12.18, the number of persons nominated does not exceed the number of vacancies, the secretary of the convocation immediately declares such person or persons duly elected.

12.23 In the event of more persons being nominated than the number of vacancies, the secretary of the convocation must, not less than three weeks prior to the election date contemplated in paragraph 12.18, mail to each member of the convocation a printed

ballot paper, in the form determined by the council, bearing the names of the duly nominated candidates in alphabetical order.

12.24 A ballot paper that is not completed in accordance with the instructions on such paper is invalid.

12.25 The secretary of the convocation acts as a returning officer at all elections and is assisted by two scrutineers appointed by the president of the convocation or, in the event of the president of the convocation not appointing such scrutineers, by the rector.

12.26 The candidates, equal to the number of vacancies existing, receiving the highest number of votes is declared duly elected by the secretary of the convocation.

### **Roll of Convocation**

12.27 The secretary of the convocation must keep the convocation roll, and a member of the convocation is required to register his or her name and postal address with the secretary and to notify him or her of any change of address.

12.28 The convocation roll is proof that a person whose name appears thereon at the time of a meeting of or election by the convocation is entitled to attend such meeting or to vote in such election, and that a person's name whose name does not appear therein is not so entitled.

## **CHAPTER XIII**

### **Donors**

#### **Definition and List of Donors**

13.1 Every person or body, with the exception of those bodies contemplated in paragraphs 7.2.8 and 7.2.14, governments and para-statal organisations, who has donated to the University an amount of not less than R50,000-00 in total, or who has undertaken to donate to the University an amount of not less than R50,000-00 in total in regular payments over a period of not more than five years, and who is not in arrears with such payments, is deemed to be a donor for the purposes of paragraph 7.2.7 of this Statute.

13.2 The registrar must maintain a list of donors, which is proof that a person or body whose name appears therein at the time of an election by donors as contemplated in paragraph 13.4, is entitled to vote in such election, and the a person or body whose name does not appear therein is not so entitled.

13.3 Subject to the provisions of paragraph 13.2, the onus of proving that a person or body is entitled to vote at an election by donors as contemplated in paragraph 13.4, rests on such person or body.

#### **Election of Members of Council by Donors**

13.4 Whenever donors have to elect members of the council in terms of the provisions of paragraph 7.2.7, the registrar must, by way of a notice placed in one national newspaper at least two months before the date set by the council for the election, invite each donor to nominate in writing a donor for election as member of the council.

13.5 Each nomination, signed by the donor or person authorized by the donor and countersigned by the person so nominated to signify his or her acceptance of such nomination, must be lodged with the registrar not less than one month before the date set for such election.



**13.6** The registrar may, by way of the notice contemplated in paragraph **13.4**, invite donors to inform the registrar in writing, within four weeks of the date on which the notice was placed, whether they intend to, subject to the provisions of paragraph **13.5**, take part in the election contemplated in paragraph **13.4**.

**13.7** Donors not having informed the registrar in terms of the provisions of paragraph **13.6** of their intention to take part in the election of a member of the council are deemed as donors electing to abstain from voting in such election.

**13.8** If, upon the expiry of the period contemplated in paragraph **13.4**, the number of persons nominated does not exceed the number of vacancies, the registrar immediately declares such person or persons duly elected.

**13.9** In the event of more persons being nominated than the number of vacancies, the registrar must, not less than three weeks prior to the election date contemplated in paragraph **13.4**, mail to each donor a printed ballot paper, in the form determined by the council, bearing the names of the duly nominated candidates in alphabetical order.

**13.10** A ballot paper that is not completed in accordance with the instructions on such paper is invalid.

**13.11** The registrar acts as a returning officer at all elections and is assisted by two scrutineers appointed by the rector.

**13.12** The candidates, equal to the number of vacancies existing, receiving the highest number of votes is declared duly elected by registrar.

#### **CHAPTER XIV**

##### **Vacancies do not affect Powers**

**14.** Subject to the provisions of the Act, a vacancy in the office of chancellor or rector or a deficiency in the number of the members of the council, the senate, the institutional forum or the students' representative council does not affect or impair the corporate existence of the University or any of the powers, rights, duties and privileges conferred by the Act and this Statute upon the University, the council, the senate, the institutional forum, or the student's representative council.

#### **CHAPTER XV**

##### **Students' Representative Council**

###### **constitution**

**15.1** The constitution of the students' representative council, which forms part of the Rules of the University, must provide for-

**15.1.1** the composition of the students' representative council;

**15.1.2** the election of members of the students' representative council;

**15.1.3** the election of office bearers of the students' representative council;

**15.1.4** the number of meetings of the students' representative council, the quorum at meetings and meeting procedures; and

**15.1.5** the general functions of the students' representative council.

**15.2** The students' representative council is not a juristic person and is not the bearer of its own rights, except that it exists as a structure according to the provisions of the Act, with powers delegated to it by the council.

15.3 The constitution of the students' representative council will have no legal force and effect unless such constitution, or amendments thereto, is approved by the council.

#### **Membership**

**15.4** Only students registered at the University are eligible to serve as members of the students' representative council.

#### **Duties and Responsibilities**

**15.5** The students of the University are represented by the students' representative council in matters that may affect such students.

**15.6** The matters contemplated in paragraph **15.5** include-

- 15.6.1** liaison with the council, the senate, the management committee, the general public, other higher education institutions, students' representative councils of other higher education institutions, national and international student organisations, unions and news media;
- 15.6.2** being an umbrella organisation for all student committees, clubs, councils and societies, granting or withdrawing recognition of such student committees, clubs, councils and societies as it deems appropriate;
- 15.6.3** the co-ordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the management committee;
- 15.6.4** the convening and conducting of all authorised meetings of the student body and to be the managing body in all general referenda and petitions organised by the students within the University's Rules;
- 15.6.5** the appointment of such office-bearers and establishing of such committees as it deems necessary;
- 15.6.6** the organisation and promotion of extramural activities among students;
- 15.6.7** keeping account of all moneys paid over to it by the council and any other moneys which may accrue to it in its capacity as representative of the students and allocating and disbursing such funds for use by students as well as making grants to approved clubs, committees, societies and councils;
- 15.6.8** the responsibility for the preservation of order at student functions and meetings and the ensuring of good conduct at such functions and meetings;
- 15.6.9** the co-ordination of student involvement in all community projects initiated by it;
- 15.6.10** the responsibility for student publications;
- 15.6.11** the recommendation to the council of Rules to determine the conduct of its affairs;
- 15.6.12** the final decision making in all matters falling within its jurisdiction; and
- 15.6.13** such additions functions and privileges as may be specifically conferred on it by the council.

**Term of Office**

**15.7** The term of office of the members of the students' representative council is one year.

**Committees**

**15.8** The students' representative council may establish such committees as it may deem fit.

## **CHAPTER XVI**

### **Student Discipline**

**Code of Conduct**

**16.1** The council, after consultation with the senate, may prescribe a code for student conduct and behaviour as well as disciplinary rules and procedures where a student of the University has transgressed any provision of such code.

**Disciplinary Measures**

**16.2** Every student of the University is subject to the code of conduct and disciplinary rules and procedures contemplated in paragraph **16.1**.

## **CHAPTER XVII**

### **Employees**

**Staffing Establishment**

**17.1** The council determines the academic as well as the non-academic staffing establishment of the University.

**17.2** Academic employees as well as non-academic employees of the University are appointed by the council, provided that the council must, subject to paragraph **7.15**, consult with the senate, or with a committee of the senate appointed for that purpose or with a joint committee of the council and the senate appointed for that purpose, before an academic employee is appointed.

**Secondment of Staff**

**17.3** The council may second any employee of the University, with his or her consent, to the service of any body or person for such period and on such conditions as the council may determine.

**Conditions of Service**

**17.4** Subject to applicable laws with regard to employment, and any regulations made there under, the council must determine the conditions of service, disciplinary provisions, duties, privileges and functions of employees.

**Disciplinary Measures**

**17.5** Every academic employee and every non-academic employee of the University is subject to such code of conduct, disciplinary measures and disciplinary procedures as may be determined by the council, provided that such measures and procedures may only

be made or amended after consultation with an organisation representing such employees and recognised by the council as such, should such organisation exist.

## **CHAPTER XVIII**

### **Faculties, Academic Departments and Schools**

18. The council may, after consultation with the senate and subject to such approval as **may** be required in terms of the Act or any regulation made there-under, establish or disestablish such faculties, academic departments or similar academic structures, centres and institutes it deems appropriate.

## **CHAPTER XIX**

### **Institutes and Centres**

19. **A** body created for the management of an institute or centre has the power, subject to the authority of the council and the senate, to-

- 19.1 determine the policy and programme of such institute or centre and to exercise control over the execution thereof and in particular, without derogating from the generality of the foregoing, to undertake research, publication, training and the rendering of services to the University **or** to the community in connection with it and with the other activities associated with it;
- 19.2 make recommendations to the council, after consultation with the senate, on the creation of posts and the appointment **of staff** in such institute or centre;
- 19.3 prepare estimates of revenue and expenditure **for** such institute or centre and control the funds allocated or donated to it; and
- 19.4 perform such other activities as may be necessary for the efficient management of such institute or centre.

## **CHAPTER XX**

### **Admission**

#### **Admission to University**

20.1 Subject to the provisions of the Act, the council must, after consultation with the senate, determine the admissions policy of the University and must publish such policy and make it available on request.

20.2 Subject to the provisions of the Act, the council, with the concurrence of the senate, must-

- 20.2.1 determine entrance requirements in respect of particular programmes and courses of study offered by the University;
- 20.2.2 determine the number of students who may be admitted to a particular programme or course **of** study offered by the University; and
- 20.2.3 determine the minimum requirements for re-admission to study at the University, and may refuse re-admission to any student who fails to satisfy such minimum requirements.

**Admission to Equivalent Status at University**

20.3 Subject to such provisions as may be contained in the Act or this Statute, the council may on the recommendation of the senate-

- 20.3.1 admit a graduate of any other university or any institution considered by the senate to be equivalent to the University, whether in or outside the Republic of South Africa, to a status at the University equivalent to that which he or she possesses at such other university or institution; and
- 20.3.2 admit as a candidate for the honours degree of bachelor ~~or~~ for the degree of master or doctor of the University any person who has passed at any other university or institution, whether in or outside the Republic of South Africa, considered by the senate to be the equivalent to the University, such examinations as in the opinion of senate are equivalent to or higher than the examinations prescribed for a degree of the University which is a prerequisite for such honours degrees ~~of~~ bachelor or degree of master or doctor of the University.

**CHAPTER XXI****Examinations and other Tests**

21.1 **An** examination or other test of the University must be conducted under the control of the senate and in the manner determined by the senate.

21.2 Notwithstanding the provisions of paragraph 21.1, an examination or test, including a dissertation or thesis, conducted at the end of the last semester in a major subject leading to a degree, diploma or certificate must be conducted with the assistance of such external examiners or moderators appointed by the senate.

21.3 Any other test or examination which the senate may designate must also be conducted in accordance with the provisions of paragraph 21.2.

**CHAPTER XXII****Language Policy**

22. Subject to the provisions of the Act and any policy determined by the Minister, the council, with the concurrence of the senate, must determine the language policy of the University, publish such policy and make it available on request.

**CHAPTER XXIII****Student Support Services**

23. Subject to the provisions of the Act, the council must, after consultation with the students' representative council, provide for a suitable structure to advise the council and the senate on policy for student support services within the University.

## **CHAPTER XXIV**

### **Degrees, Diplomas and Certificates**

24.1 Subject to the provisions of Act and this Statute, the University may confer such degrees in a faculty as it may deem fit.

24.2 Subject to the provisions of Chapter XXV, the University may not confer a degree upon any person who has not attained the required standard of proficiency in an examination or other test.

24.3 Subject to the provisions of the Act and this Statute, the University may award a diploma or certificate to any person who has pursued a course of study provided by the University and who has complied with the requirements for such diploma or certificate.

## **CHAPTER XXV**

### **Honorary Degrees**

#### **Conferring of Honorary Degrees**

25.1 The University may, by resolution of the council passed on the recommendation of the senate, and without examination, confer an honorary degree of master or doctor in any faculty upon any person who has rendered distinguished services in the advancement of any branch of learning, or upon any person who council may deem worthy of such degree.

25.2 The award of an honorary degree to a person does not entitle that person to practice any profession.

#### **Proposals for Conferring Honorary Degrees**

25.3 A proposal that an honorary degree be conferred on a person must be in writing and signed by at least eight persons who are members of either the council or the senate and such proposal must be lodged with the registrar and be accompanied by a memorandum stating the reasons for the proposal.

#### **Voting on Conferring of Honorary Degrees**

25.4 Voting with regard to the conferring of an honorary degree takes place by ballot.

25.5 Decisions to confer an honorary degree in either the council or the senate, as the case may be, are valid only if two-thirds of the members present at the meeting vote in favour of the proposal, provided that members unable to attend the meeting at which the ballot takes place may record their votes before the meeting by letter addressed to the registrar.

#### **Procedure**

25.6 The procedure relating to the consideration of proposals to confer honorary degrees to be adopted by the council and the senate is determined by the council after consultation with the senate.

**CHAPTER XXVI****Repeal**

26. The Statute of the University of the Western Cape, published under Government Notice No. R.1300 of 15 June 1990, as amended by Government Notice No. R.335 of 3 March 1995; Government Notice No. 678 of 26 May 1999; Government Notice No. 33 of 11 January 2002; Government Notice No. 679 of 10 May 2002 is hereby repealed in its entirety.

**CHAPTER XXVII****Transitional Arrangements**

27.1 Subject to the provisions of section 27(4) of the Act, no person who, at the date of the publication of this Statute in the Government Gazette, is a member of the council in terms of paragraph 16C.1.15 of the Statute contemplated in paragraph 26 is required to vacate his **of** her membership of the council before **his** or her term of office expires.

27.2 One of the two persons who are members of the council in terms of the provisions of paragraph 16C.1.4 and one of the two persons who are members **of** the council in terms of the provisions of paragraph 16C.1.5 of the Statute contemplated in paragraph 26 must, ~~within~~ two months of the date of the publication of this Statute in the Government Gazette, vacate his or her membership of the council, provided that the council must determine the name of the person who is to vacate his or her membership of the council by secret ballot.

27.3 No person who, at the time of the publication of this Statute in the Government Gazette, is a member of the senate in terms paragraph 16P.1 of the Statute contemplated in paragraph 26 is required to vacate his or her membership of the senate before his or her term of office expires.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

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