
GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION**No. 684****14 July 2006****HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)****THE STATUTE OF THE UNIVERSITY OF KWAZULU-NATAL**

The council of the University of KwaZulu-Natal has made this Statute, set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act, **1997** (Act No. **101** of **1997**) which is, in terms section 33 of the Act, hereby published with the approval of the Minister of Education, and which comes into operation on the date of this publication.

SCHEDULE

Whereas the Universities of Durban-Westville and Natal merged on **1 January 2004** resulting in the establishment of the University of KwaZulu-Natal, a South African University committed to excellence in teaching and research:

The council of the University of KwaZulu-Natal **has** made this Statute to give effect to any matter not expressly prescribed in the Higher Education Act **1997** (Act No. **101** of **1997**).

DEFINITIONS

1. Definitions

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

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

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

"**campus**" means any one of the five campuses of the University being, Westville, Howard College, The Nelson R. Mandela School of Medicine, Edgewood and Pietermaritzburg and any campus that may be added to the University in the future;

"**chancellor**" means the person contemplated in paragraph 4;

"**convocation**" means the convocation contemplated in paragraph 49;

"**college**" means the primary academic structure established by the University consisting of the substructures as approved by council;

"**council**" means the governing body of the University contemplated in paragraph 7;

"**CSRC**" means the central students' representative council;

"**days**" includes Saturdays, Sundays and public holidays but "working days" excludes Saturdays, Sundays and public holidays;

"**deputy vice-chancellor**" means the person or persons appointed in terms of paragraph 59 read with paragraph 7(3)(b) (the term "vice-principal" shall be synonymous with the term "deputy vice-chancellor")

"**diplomat**" means a person who has obtained a diploma from a university;

"**donor**" means a person, body or entity who has made a donation, which, in the opinion of the council warrants that person, body or entity being recognised as a donor **as** contemplated in paragraph 67;

"**employee**" means any person employed by the University;

"**employer**" means the University;

"**fellow**" means a person to whom a fellowship has been awarded by the University in accordance with its rules and procedures applicable in this regard from time to time;

"**faculty**" means the secondary academic structure within a college;

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

"**graduate**" means a person who has obtained a degree from a university;

"**institution**" means a public institution contemplated in the Act;

"**institutional forum**" means the institutional forum contemplated in paragraph 37 and in the Act;

"**management**" means senior management as well as management as contemplated in paragraph 53;

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

"**month**" means calendar month;

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

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

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

"**rules**" mean rules made by the council as contemplated in the Act;

"**seat of the University**" is as defined in paragraph 2(2);

"**semester**" means an academic period at the University constituting either the first or second half of a calendar year as determined by the University's sessional dates;

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

"**senior management**" means senior management as contemplated in paragraph 53(2);

"**SRC**" means a students' representative council of the University contemplated in paragraphs 41 and 42;

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

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

"**support staff**" means all employees other than academic employees;

"**University**" means the University of KwaZulu-Natal which incorporates the erstwhile University of Natal and University of Durban-Westville;

"**vice-chancellor**" means the vice-chancellor contemplated in paragraph 54 (the term "principal" must be synonymous with the term "vice-chancellor").

UNIVERSITY

2. Name, seat and powers

- (1) The name of the University is the University of KwaZulu-Natal.
- (2) The seat of the University is at Westville in the eThekweni Municipality where the activities of the University are principally administered. Subject to the provisions of the Act the University may carry out its functions beyond its seat, on the campuses under its control.
- (3) The University is a juristic person, as contemplated in the Act and has the powers conferred on it in terms of the Act as read with this Statute.
- (4) Notwithstanding subparagraph (3), 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.
- (5) The University may confer degrees and honorary degrees and award diplomas and certificates in its own name as contemplated in the Act.

3. Constitution of University

- (1) The University consists of:
 - (a) the chancellor;

- (b) the council;
 - (c) the senate;
 - (d) the vice-chancellor, within the meaning of the Act;
 - (e) two or more officers, as the council may determine, each of whom is called a deputy vice-chancellor, or such other title **as** the council may determine;
 - (f) one or more registrars as determined by the council;
 - (g) the SRC;
 - (h) the institutional forum;
 - (i) the colleges, their structures and such other academic structures of the University **as** may be determined by the council;
 - (j) the academic employees of the University;
 - (k) the support **staff** of the University;
 - (l) the students of the University;
 - (m) the convocation of the University; and
 - (n) such other offices, bodies or structures **as** may be established by the council.
- (2) No vacancy in any of the **offices** contemplated in subparagraph (1) or any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function conferred by the Act or this Statute upon the University.

CHANCELLOR

4. Functions of chancellor

- (1) The chancellor is the titular head of the University.
- (2) The chancellor, or in his or her absence, the person appointed to act on behalf of the chancellor, presides over all congregations of the University and, in the name of the University, confers all degrees and awards all diplomas and certificates.
- (3) The chancellor performs such other functions **as** assigned to him or her by the council.

5. Election and appointment of chancellor

- (1)
 - (a) The chancellor is elected by the council in the following manner:
 - (b) The chairperson of the council determines the date on which a meeting of the council is to be held for the purpose of electing a chancellor;
 - (c) The secretary to the council gives due notice to the members of the council of the date, time of and venue for the meeting contemplated in subparagraph (1)(b);
 - (d) The secretary to the council invites the members of the council and the members of the institutional forum to submit nominations for the office of the chancellor;

- (e) The nominations contemplated in subparagraph (1)(d) must reach the secretary to the council at least 20 working days before the meeting contemplated in subparagraph (1)(b);
 - (f) The nominations contemplated in subparagraph (1)(d) must be in writing and must include the nominee's written consent and a succinct curriculum vitae;
 - (g) The secretary to the council must, within five working days after the closing date for nominations, inform members of the council and the institutional forum in writing of the nominations received;
 - (h) A special meeting of the institutional forum must be held before the meeting contemplated in subparagraph (1)(b) for purposes of considering the nominations and advising the council prior to the election meeting on the appointment of a candidate to the office of chancellor;
 - (i) The chancellor is elected by secret ballot and a majority of the members present at the meeting contemplated in subparagraph (1)(b);
 - (j) If no candidate receives a majority of votes, successive rounds of voting are held; and
 - (k) In each successive round of voting the candidate receiving the fewest votes is eliminated as a candidate.
- (2) After the council has elected a chancellor, the name of the chancellor is announced by the chairperson of the council.

6. Term of office of chancellor

- (1) The chancellor holds office for a period of four years, unless he or she resigns or is removed from office in accordance with subparagraph (5).
- (2) A person may not be elected as chancellor for more than two consecutive terms of office.
- (3) If the chancellor is unable, for any reason, to perform the functions of his or her office, or if the office of chancellor becomes vacant, the vice-chancellor or the acting vice-chancellor and failing any of the aforementioned any person appointed by council shall perform the functions of the chancellor.
- (4) The term of office of the chancellor terminates in the event of:
 - (a) death or incapacity;
 - (b) resignation; or
 - (c) removal from office by the council.
- (5) (a) the chancellor may only be removed from office by the council by means of a resolution passed by at least two thirds of the members of council.
 - (b) before a resolution contemplated in subparagraph (a) above is passed a fully motivated draft resolution must be lodged with the secretary of the council.
 - (c) The secretary of the council must copy the draft resolution to the chancellor who must have the right to respond to it in writing within 20 days of receipt of the document.

- (d) 20 days after the notification contemplated in subparagraph (c) above, or on receipt of the chancellor's response (whichever occurs the earlier) the secretary of the council must call a special meeting of the council in accordance with the provisions of paragraph 15(2).
- (e) At the special meeting contemplated in subparagraph (d) above the chancellor may with the permission of the chairperson of council address the council before a vote on the resolution is called for.

COUNCIL

7. Functions of council

- (1) Subject to the Act and this Statute, the council governs the University.
- (2) Without derogating from the generality of subparagraph (1), the council:
 - (a) makes rules for the University;
 - (b) establishes the council committees and determines the composition and functions of each committee;
 - (c) establishes, in consultation with the senate, joint committees of the council and the senate to perform functions which are common to the council and the senate;
 - (d) appoints all employees of the University, but, in the case of academic employees of the University, it may do so only after consultation with the senate;
 - (e) determines the student admission policy of the University, after consultation with the senate;
 - (f) determines, with the approval of the senate, the entrance requirements in respect of particular higher education programmes, the number of students who may be admitted for a particular higher education programme and the manner of their selection, **and** the minimum requirements for readmission to study at the University;
 - (g) may, with the approval of the senate, after each examination session exclude or refuse to renew or continue the registration of a student who has failed to meet the academic requirements for continued registration;
 - (h) determines and provides student support services after consultation with the **SRC**;
 - (i) determines conditions of service, the disciplinary provisions and the privileges and functions of its employees, and may, in the manner set out in the disciplinary rules, suspend or dismiss any employee of the University; and
 - (j) may order an employee whom it has suspended to refrain from being on any premises under the control of the University and to refrain from participating in any of the University's activities or issue such other conditions **as** it may deem necessary.
- (3) Without derogating from the generality of subparagraph (1), the council:
 - (a) may frame the institutional Statute and any amendments thereto;
 - (b) appoints the senior management;

- (c) subject to the policy determined by the Minister, determines the language policy of the University after consultation with the senate;
 - (d) determines, after consultation with the senate, which academic structures are required and the functions of each structure, in order to ensure efficient governance;
 - (e) determines tuition fees, accommodation fees and any other fees payable by students as well as accommodation fees payable by employees;
 - (f) approves the annual budget of the University;
 - (g) may conclude loan or overdraft agreements, subject to the proviso that the approval of the Minister is required whenever the aggregate of existing borrowings plus the new contemplated borrowing exceeds 5 per cent of the average income of the University received during the two years immediately preceding such agreement;
 - (h) may enter into an agreement for the construction of a permanent building or other immovable infra-structural development, the purchasing of immovable property or the long term lease of immovable property, subject to the proviso that the approval of the Minister is required if the value of such development or property exceeds 5 per cent of the average income of the University received during the two years immediately preceding the agreement.
- (4) Subject to the Act, the council may delegate any of the functions referred to in subparagraph (2), but the council may not delegate any of the functions referred to in subparagraph (3).
- (5) The council is not divested of responsibility for the performance of any function delegated under subparagraph (4).

8. Composition of council

- (1) The council, as contemplated in the Act, consists of:
- (a) the vice-chancellor;
 - (b) two members of the senior management appointed by the council (other than the vice-chancellor);
 - (c) five persons appointed by the Minister;
 - (d) two members of the senate elected by the senate;
 - (e) two academic employees of the University elected by the academic employees;
 - (f) two students who are members of the SRC and elected by the SRC;
 - (g) two support staff employees elected by the support staff employees;
 - (h) the president of the convocation and two members of the convocation elected by the convocation;
 - (i) eleven members with a broad spectrum of competence in the fields of education, business, finance, law, marketing, information technology and human resource management elected by the council which appointments are subject to paragraph 10(5); and
 - (j) such non-voting members as are co-opted by the council for a period specified by council.

- (2) At least 60 per cent of the voting members of the council must be persons who are not employed by, or are not students **of**, the University and due regard must be had to the racial and gender representation on the council.
- (3) The council members must have knowledge and experience relevant to the objects and governance of the University.
- (4) Except as provided in subparagraphs(1)(a), (b), (d), (e), **(f)** and (g);
 - (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 election **as** a member of the council; and
 - (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 be deemed with effect from such date, to have vacated his or her seat on the council.

9. Election of council members

- (1) Members of the council contemplated in subparagraph 8(1)(i) above shall be elected in the following manner:
 - (a) the secretary of the council must not less than 20 days before an appropriate meeting of the council call on members of the council in writing to put forward nominees;
 - (b) nominations by members of the council must be made in writing to the secretary not less than 10 days before the council meeting;
 - (c) the council at its meeting must vote on the basis of a simple majority of members of the council present at the meeting;
 - (d) in the event that there is a tie in the voting in respect of any of the positions those nominees who received fewer votes than the tied nominees must be eliminated and a further vote must take place in respect of the tied nominees.
- (2) If the council resigns **as** contemplated in paragraph 12(2), all members of the council are elected in the manner determined by the administrator referred to in the Act.

10. Term of office of members of council

- (1) The vice-chancellor and the two senior managers appointed by council remain members of the council for **as** long as they occupy their posts.
- (2) Student members of the council remain members of the council for the term of office determined by the SRC when they are elected, provided that membership ceases automatically when a student member ceases to be a member of the SRC.
- (3) The term of office of members of the council who are not students or employees of the University, is four years.
- (4) The term of office of council members who are University employees is three years.
- (5) An elected member of the council may not serve more than two consecutive terms of office as a council member.

11. Casual Vacancies

In the event of a casual vacancy on the council for any reason other than the expiration of the period of office concerned then the secretary to the council shall give notice thereof in writing to the authority or body concerned and shall follow the procedures determined by the council for filling the vacancy.

Termination of membership and filling of vacancies

- (1) The term of office of a council member shall terminate if:
 - (a) he or she tenders a written resignation to the secretary;
 - (b) the Minister, or entity who appointed or elected the member to the council, terminates the membership in writing ~~at~~ any time before the expiry of the member's term of office;
 - (c) he or she is absent from three consecutive meetings without leave of the council;
 - (d) he or she is declared insolvent and the majority of council members disapproves the member's continuation;
 - (e) he or she is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option ~~of~~ a fine; or
 - (f) he or she is otherwise disqualified in terms of the rules.
- (2) If ~~75~~ per cent or more of the members of the council resign, the council is deemed to have resigned as contemplated in the Act.
- (3) If the council resigns ~~as~~ contemplated in subparagraph (2) a new council must be constituted in terms of this Statute and/or the Act ~~as~~ the case may be.

13. Election of chairperson and vice-chairperson of council and term of office

- (1) The council must elect a chairperson and vice-chairperson from the members of the council who are neither staff nor students.
- (2) The chairperson and the vice-chairperson of the council are elected for a period of two years provided that neither must be eligible for election after holding office for two consecutive terms.
- (3) Nominations by members of council for the office of the chairperson and the vice-chairperson of the council must be in writing and be directed to the secretary to the council.
- (4) If more than one candidate is nominated, voting is by secret ballot.
- (5) Each member of the council has only one vote during a ballot and no proxy is allowed.
- (6) A majority of all members present elects the chairperson and the vice-chairperson.
- (7) Whenever the term of office of the chairperson or of the vice-chairperson is due to end the secretary must give notice thereof at an ordinary meeting of the council and the council must take the necessary steps to elect a successor. The retiring chairperson or vice-chairperson is eligible for re-election subject to the provision of paragraph 13(2).

- (8) If a vacancy occurs in the office of the chairperson or vice-chairperson within the term of office, the secretary to council must invite the council at its next ordinary meeting to fill the vacancy for the unexpired period of office.

14. Secretary to council

- (1) The secretary to the council is the registrar as contemplated in the Act.
- (2) The secretary acts **as** an electoral officer.
- (3) The secretary attends all meetings and keeps all relevant documents of the council including the overseeing of the taking and preparation of minutes.

15. Meetings of council

- (1) Ordinary meetings
 - (a) The ordinary meetings of the council must be held when and where the council decides, provided that at least four ordinary meetings must be held each year.
 - (b) Any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 21 days before the date determined by the council for such meeting, provided that any matter of an urgent nature may, without prior notice, by consent of the chairperson and a majority of the members present, be considered at such meeting.
 - (c) At least 7 days prior to the date of an ordinary meeting, the secretary must give in the form of an agenda with appropriate supporting documents due notice to each member of all the matters to be dealt with at such meeting and must state the time, date and place of such meeting.
- (2) Special meetings
 - (a) A special meeting may be called at any time by the chairperson.
 - (b) A special meeting must be called by the chairperson at the request in writing of at least five members. The objective of such meeting must be clearly stated in the request. At least 7 days' notice of a special meeting must be given.
 - (c) No business other than that for which the special meeting was called may be transacted at such meeting.
- (3) Emergency meetings
 - (a) An emergency meeting may be called by the chairperson, or in his or her absence, by the vice-chancellor at any time, provided that members are given at least **24** hours' notice of such meeting.
 - (b) Notice of an emergency meeting may be given in any manner convenient under the circumstances.
 - (c) The object of an emergency meeting must be stated to members and no business other than that stated may be transacted at such meeting.

16. Procedures of council meetings

- (1) The council members must participate in the deliberations of the council in the best interests of the University.

- (2) Subject to the provisions of this Statute a majority of the persons holding office as members of the council at the date of the meeting of the council must form a quorum for such meeting and a decision by the majority of members of the council present at the meeting thereof must constitute a decision of the council.
- (3) In the absence of the chairperson, the vice-chairperson must act as chairperson of the council and in the absence of the chairperson and the vice-chairperson of the council, the members present must elect one of their members to preside at such meeting.
- (4) The first act of an ordinary meeting, after being constituted, must be to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council, provided further that if objections to the minutes of a meeting are raised these must be decided before confirmation of the minutes.
- (5) A member of the council may not, without the consent of the meeting, speak more than once to a motion or to any amendment. The mover of any motion or any amendment has the right of reply.
- (6) Every motion or an amendment must be seconded and, if so directed by the chairperson, must be in writing.
- (7) A motion or an amendment seconded as contemplated in subparagraph (6), may not be withdrawn except with the consent of the meeting.
- (8) The chairperson has, on any matter, a deliberative vote and, in the event of an equality of votes, also a casting vote.
- (9) If so decided by the meeting, the number of members voting for or against any motion must be recorded in the minutes, and additionally at the request of any member the chairperson must direct that the vote of such member be recorded.
- (10) When a majority of the members of the council reaches agreement on a matter referred to them by letter or electronic means by the chairperson, without convening a meeting, and conveys such resolution by letter or electronic means, such resolution (to be referred to as a round robin resolution) is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting.
- (11) The views of a member of the council who is unable to attend a meeting may be submitted to the meeting in writing but may not count as a vote of such member.
- (12) The ruling of the chairperson on a point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting whose decision is final.

17. Conflict of interest of council members

- (1) A member of the council who has a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or

may entail a conflict or possible conflict of interest must, before or during such meeting, declare the interest.

- (2) Any person may, in writing, inform the chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a council member of which such person may be aware.
- (3) No member of the council must vote upon or take part in the discussion of any matter in which he or she has a conflict, or a possible conflict, of interest and the member concerned must recuse him or herself from the meeting of the council for the duration of such discussion and voting unless the council decides otherwise.

18. Committees of council

- (1) The council must appoint:
 - (a) an executive committee;
 - (b) an audit committee;
 - (c) a finance committee; and
 - (d) such other committees as may be required.
- (2) Subject to the provisions contained herein, the composition, manner of election, functions, procedure at meetings and dissolution of a committee must be determined by the council by way of rules, provided that in the absence of the council determining procedural rules for a committee, the rules of procedure which governs the council must apply mutatis mutandis to the committee concerned.
- (3) At least one half of the members of the committees referred to in subparagraphs(1)(a) to (c) above must be persons who are not employees or students of the University.
- (4) The chairperson of a committee is elected by members at the first meeting of each committee for a period of 2 years or the duration of the existence of the committee whichever is the lesser period.
- (5) The chairperson of a committee referred to in subparagraphs (1)(a) to (c) above may not be an employee or a student of the University.

19. Minutes of council and committee meetings

The secretary to the council must keep the minutes of each meeting of the council and must include such minutes in the agenda of the next council meeting when the agenda is sent out in terms of paragraph 15(1)(c).

20. Drafting, amending or rescinding the Statute

- (1) No motion to amend or rescind this Statute or to draft a replacement Statute or a rule is of force and effect unless adopted by at least 75 per cent of all members present at a meeting of the council, provided that such a meeting is constituted by at least one half plus one of the total number of members holding office at the time of the meeting.
- (2) Any motion to amend or rescind this Statute or a rule must be in accordance with the provisions of the Act.

SENATE

21. Functions of senate

- (1) Subject to the Act, the senate is accountable to the council for all the teaching, learning, research and academic functions of the University and all other functions delegated or assigned to it by the council.
- (2) Without derogating from the generality of subparagraph (1) the senate:
 - (a) must organise and control the teaching, examinations and research of the University;
 - (b) if delegated to do **so** by resolution of the council, may make or amend any rule relating to the curriculum for the obtaining of any degree, diploma, certificate or other qualification, but may do so only after consulting the relevant academic affairs board **as** contemplated in paragraph 33;
 - (c) if delegated to do so by resolution of the council, may make or amend any rule relating to the manner in which students are to be examined;
 - (d) must determine the standard of proficiency required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of a degree, diploma, certificate or other qualification;
 - (e) must advise the council on disciplinary measures and rules concerning students;
 - (f) may make recommendations to the council regarding the college and faculty to which each academic department, school or other academic structure belongs;
 - (g) may make recommendations to the council regarding the establishment and disestablishment of colleges, faculties, academic departments, schools and other academic structures;
 - (h) must determine, in accordance with any relevant deed or gift, and after consultation with the vice-chancellor, the conditions applicable to any scholarships and other academic prizes;
 - (i) must determine the persons to whom scholarships and academic prizes **are** awarded;
 - (j) may establish committees to perform any of its functions and may appoint persons, who are not members of the senate **as** members of such committees, provided that a single person may for this purpose be deemed to be a committee. The composition, manner of election, functions, procedure at meetings and the dissolution of the committee must be determined by the senate, provided **that in the** absence of the senate determining procedural rules for a committee, the rules of procedure which govern the council must apply mutates mutandis to the committee concerned; and
 - (k) may delegate or assign any of its functions to a committee, provided that it may not delegate or assign a function delegated to it by the council without the agreement of the council, and provided further that

the senate must remain responsible for the performance of any function so delegated or assigned.

- (3) The senate must:
 - (a) carry out such other functions as the council assigns to it;
 - (b) submit to the council such reports on its work as may be required by the council; and
 - (c) make recommendations to the council on matters referred to it by the council and on any other matters affecting the University as it considers necessary.
- (4) The senate may, in terms of the rules, cancel the registration of a student in all or one or more of the modules for which the student is registered in that semester if in the opinion of the senate, having due regard to the rules, the progression of the student and the academic achievement of the student is such that the student may not at the end of the semester obtain credit in such module or modules, as the case may be.

22. Participation in the senate and removal of membership

- (1) Members of senate may participate in the deliberations of the senate.
- (2) Failure to act in the best interest of the University or behaviour that brings the University into disrepute may result in the removal of a member from the senate following due process.
- (3) In the event of it becoming necessary to remove a member of senate in accordance with the provisions of subparagraph (2) above the provisions relating to disqualification of membership of the council must mutatis mutandis apply.

23. Composition of senate

- (1) The senate, subject to the provisions of the Act, consists of:
 - (a) the vice-chancellor;
 - (b) the deputy vice-chancellors who are heads of colleges;
 - (c) the deputy vice-chancellor of research, knowledge production and partnerships;
 - (d) the executive dean of students;
 - (e) two other members of the senior management elected by the senior management;
 - (f) two representatives from the council who must not be either employees or students and who are elected by the council;
 - (g) the head of library services;
 - (h) the director of quality promotion and assurance;
 - (i) the chairperson of the institutional forum;
 - (j) the president of convocation;
 - (k) five members of the support *staff*, who are not already members of the senate, being one from each of the colleges and one from the central administration of the University duly elected by the support *staff* in each one of the aforementioned areas of operation;
 - (l) the deans of the faculties;

- (m) the deputy deans of the faculties;
 - (n) all heads of schools;
 - (o) five representatives from each faculty duly elected by each such faculty;
 - (p) a fellow of the University appointed by each faculty;
 - (q) six student representatives, one from each of the campuses, duly elected by the local **SRC** for that campus, and one student representative from the CSRC having been duly elected by that council;
 - (r) such additional members **as** are approved by the senate.
- (2) The majority of senate members must be academic employees.
 - (3) The manner of election or appointment **as** the case may be of members of the senate is as determined by each constituency.

24. Term of office of senators

- (1) Members appointed in terms of subparagraphs 23(1)(a), (b), (c), (d), (g), (h), (l), (**m**) and (n) must hold office for **as** long as they are employed by the University in that capacity.
- (2) Members referred to in subparagraph 23(1)(e), (f), (k), (o) and (p) must hold office for periods as may be determined by their constituencies in accordance with the terms of their election or appointment **as** the case may be.
- (3) Members appointed in terms of subparagraphs 23(1)(i) and (j) must hold office for **as** long as they hold office **as** chairperson.
- (4) The term of office for student members referred to in paragraph 23(1)(q) is determined by the SRC, provided that membership automatically lapses when a student ceases to be a member of the SRC.
- (5) Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the secretary to the senate must notify the authority or body that has appointed or elected such member of the vacancy, and must, if in the opinion of the chairperson of the senate it is reasonably practicable to do **so**, request such authority or body to appoint or elect a successor.
- (6) 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.

25. Chairperson, vice-chairperson and secretary to senate

- (1) The vice-chancellor is the chairperson of the senate **as** contemplated by the Act.
- (2) The vice-chairperson of the senate is a deputy vice-chancellor designated by the senate as such.
- (3) The secretary of the senate is the registrar designated by the senate **as** such.
- (4) The chairperson presides at the meetings of the senate. The meetings of the committees of the senate must be chaired by the vice-chancellor if the senate considers it appropriate for him or her to do so alternatively by an appropriate person designated by the senate.

- (5) The chairperson must perform such other functions as the senate may determine.
- (6) In the absence of the chairperson, the provisions of this paragraph must apply to the vice-chairperson where appropriate.
- (7) The secretary performs those functions assigned to him or her by the senate.
- (8) If both the chairperson and the vice-chairperson are absent, the senate must elect from amongst its members, a chairperson for the meeting concerned.

26. Senate meeting procedure and conflicts of interest

The procedure applicable to meetings of the council is applicable mutatis mutandis to the meetings of the senate.

27. Committees of senate

- (1) The senate appoints:
 - (a) an executive committee; and
 - (b) such other committees as may be required.
- (2) The composition and functions of the committees must be determined by the senate.

28. Joint committees of council and senate

- (1) The council and the senate may jointly nominate committees, to be **known** as joint committees, to perform functions that are common to the council and the senate.
- (2) The composition, manner of election, functions, procedure at meetings and dissolution of a joint committee are determined by this Statute or the rules.
- (3) The council and the senate are not divested of any responsibility for the performance of any function delegated or assigned to a joint committee under this paragraph.

COLLEGES

29. Establishment of colleges

The council, after consultation with the senate, may establish colleges incorporating such cognate faculties as determined by the council from time to time.

30. Composition of the college executive committee

- (1) Each college must have an executive management committee comprising:
 - (a) **the** deputy vice-chancellor and head of college;
 - (b) deans of the faculties in the college;
 - (c) the college finance officer;
 - (d) the college human resources manager;
 - (e) a support staff representative, not being the college finance officer or the college human resources manager, duly elected by the support staff of the college; and
 - (f) such non-voting persons as are co-opted by the committee.

- (2) The deputy vice-chancellor and head of college must be the chairperson of the committee.
- (3) In the event of the absence of the chairperson so appointed, the committee must elect one of its members to chair the meeting.

31. Functions of the college executive committee

The college executive committee must:

- (1) develop financial plans for each faculty;
- (2) supervise the budget allocated to it for devolution amongst the faculties; and
- (3) monitor the implementation of University policies in so far as they are relevant to the college and its faculties.

32. Procedure of the college executive committee

The quorum and rules of procedure, which govern the council, must apply mutatis mutandis to the college executive committee.

ACADEMIC AFFAIRS BOARD

33. Composition of academic affairs boards

- (1) Each college must establish an academic affairs board.
- (2) Each board comprises:
 - (a) a deputy vice-chancellor and head of college;
 - (b) the dean of each faculty in the college;
 - (c) three academic employees from each faculty in the college elected by the faculty;
 - (d) one college support staff employee elected by the support staff employees employed in the faculties of the college;
 - (e) one student registered in a faculty of the college appointed by the CSRC; and
 - (f) such persons as are co-opted by the board.
- (3) The deputy vice-chancellor and head of college, or in his or her absence, a person elected by its members shall chair meetings of the board.

34. Term of office of the academic affairs board members

- (1) The deputy vice-chancellor and head of college and the deans remain members of the board for as long as they occupy their posts.
- (2) The term of office of the remaining members shall be determined by the board, save that in the case of a student member, the term of office must be determined by the CSRC, provided that the membership of the student must lapse when the person concerned ceases to be a member of a SRC.

35. Functions of academic affairs boards

- (1) Each board is responsible for the academic and research functions of the faculties in the college.
- (2) Without derogating from the generality of subparagraph (1) above, each board, in relation to the matters pertaining to its college may:

- (a) recommend to the council and the senate the establishment, and discontinuation, of academic programmes and changes in such programmes or curricula;
- (b) recommend to the senate the establishment of faculty boards in the college;
- (c) advise the senate, or where appropriate the council, on new, or amended, rules proposed by the faculties in the college;
- (d) recommend to the relevant authority the appointment of persons to honorary positions at the University;
- (e) register students whose academic achievements are not in compliance with the rules;
- (f) register students subject to special conditions;
- (g) exercise a discretion in respect of matters referred to it by senate as provided for in the rules;
- (h) consider any other items referred to it by the senate or the constituent faculty boards.

FACULTIES AND FACULTY BOARDS

36. Establishment and operation

- (1) The council, on the recommendation of the senate and one or more of the colleges, may establish or disestablish faculties of the University as envisaged in paragraph 21(2)(g).
- (2) Faculty boards, which are committees of the academic affairs boards, may be established on the authority of an academic affairs board pursuant to recommendations by the applicable college.
- (3) The academic affairs board must decide the composition, functions and procedures of such meetings of each faculty board.

INSTITUTIONAL FORUM

37. Function of institutional forum

- (1) The institutional forum advises the council on issues affecting the University, including:
 - (a) the implementation of the Act and the national policy on higher education;
 - (b) race, gender and equity policies;
 - (c) the selection of candidates for senior management positions;
 - (d) codes of conduct, mediation and dispute resolution procedures;
 - (e) fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and
 - (f) the language policy of the University.
- (2) The institutional forum may perform such other functions as determined by the council.

38. Composition of the institutional forum

- (1) The institutional forum consists of:
 - (a) two members of the council who are not employees or students of the University;
 - (b) two members from management;
 - (c) *two* members of the senate;
 - (d) two members representing the academic employees;
 - (e) two members representing the support staff;
 - (f) two students designated by the CSRC; and
 - (g) one or more non-voting members co-opted by the institutional forum for the purpose of assisting the institutional forum in respect of any specific project.
- (2) The appointment of representatives must be transparent and democratic and each constituency must follow the selection procedure within its own constituency and submit the names of its representatives to the registrar.
- (3) The term of office of members is **as** determined by each constituency.
- (4) Paragraph 12 applies, *mutatis mutandis*, to the termination of membership of the members of the institutional forum.

39. Office bearers of the institutional forum

The institutional forum must elect from among its members a chairperson, a deputy chairperson and a secretary.

40. Meetings and meeting procedure of the institutional forum

- (1) The number of meetings must be determined by the institutional forum.
- (2) 50 per cent plus one of the members of the institutional forum must form a quorum.
- (3) The meeting procedures are as determined by the institutional forum provided that should no determination be made the provisions of paragraph **16** must *mutatis mutandis* apply.

STUDENT REPRESENTATIVE COUNCILS**41. Student representation**

The students of the University are represented in matters that affect them by a central students' representative council ("CSRC") and campus SRCs (all of which will collectively be referred to **as** SRCs).

42. Composition of SRCs

- (1) The University as a whole must be represented by the CSRC.
- (2) Each campus of the University must have its own SRC.
- (3) The SRCs are subordinate to the CSRC.
- (4) The CSRC must have its seat at the seat of the University as contemplated in paragraph 2(2).

43. Election and membership of SRCs

- (1) Elections for SRCs must be transparent and democratic.
- (2) The CSRC and **SRCs** must be elected or appointed as the case may be in accordance with the provisions of the constitution of the SRCs, as approved by the council from time to time.
- (3) Only students who have been registered with the University for at least one semester for a formal programme of study recognized by the senate are entitled to nominate a candidate, be nominated **as** a candidate or vote in the manner prescribed by the **SRC** constitution.
- (4) A term of office of a member of the SRC expires if that student's registration ceases for whatever reason.

44. Functions of CSRC

- (1) The functions of the CSRC include:-
 - (a) liaison with the council, the senate, the management, the general public, other higher education institutions, students' representative councils of other higher education institutions, national or international student organizations, unions and news media;
 - (b) being the umbrella organization for all student committees, clubs, councils and societies, granting or withdrawing recognition of such student committees, clubs, councils and societies **as** it deems appropriate;
 - (c) the co-ordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the University management;
 - (d) the convening **and** conducting of all authorized meetings of the student body and being the managing body in all general referenda and petitions organized by the students within the rules;
 - (e) appointing such office-bearers and establishing such committees **as** it deems necessary;
 - (f) the organization and promotion of extramural activities among students;
 - (g) keeping account of all moneys paid over to it by the council and any other moneys, which may accrue to it in its capacity as the representative of the students;
 - (h) allocating or disbursing such funds for use by students, and making **grants** to approved student clubs, committees, societies and councils in pursuit of bona fide student functions;
 - (i) the responsibility for the preservation of order at student functions, and the ensuring of good conduct at other approved meetings of students;
 - (j) the co-ordination of student involvement in all community projects initiated by it;
 - (k) the responsibility for all student publications;
 - (l) the recommendation to the council of rules to determine the conduct of its affairs;
 - (m) such additional functions and privileges as may be specifically conferred upon it by the council.

- (2) The functions of campus SRCs are those provided for in the SRC constitution and/or **as** may be designated to them from time to time by the CSRC.

45. Office bearers of the SRCs

- (1) The CSRC elects from among its members a president to act **as** chairperson and a deputy president to act as deputy chairperson.
- (2) The constitution of the SRCs as approved by the council must provide for the functions of other office bearers and the election of such office bearers.
- (3) The SRCs elect from among their members a president to act **as** chairperson and a deputy president to act **as** deputy chairperson.
- (4) The constitution of the SRC as approved by council must provide for the functions of other office bearers and the election of such office bearers in SRCs.

46. Term of office of SRC members

The term of office of members of the SRCs is one calendar year or the council may determine as from time to time.

47. Privileges

The privileges **of** members of the SRCs are **as** determined by the council after consultation with the CSRC.

48. Meetings of SRCs

The constitution of the SRCs **as** approved by the council must provide for the number of meetings, the quorum of the meetings and meeting procedures and such other operational procedures **as** are necessary to ensure the proper functioning of the SRCs.

CONVOCATION

49. Membership of convocation

- (1) The convocation consists of the vice-chancellor, the deputy vice-chancellor(s), the registrar(s), academic employees **as** set out in subparagraph (2) and all persons who are or become graduates or diplomats of the University or its predecessors and such other persons **as** the council, in consultation with the convocation executive, may determine.
- (2) Academic employees on the permanent **staff** of the University, professor's emeriti and retired academic employees are members of the convocation.
- (3) Should the name of a person appear on the convocation roll it must be prima facie proof of his or her membership of the convocation and of his or her entitlement to vote.
- (4) The names of new graduates and diplomats of the University **are** deemed to have been inscribed in the convocation roll after degrees have been conferred or diplomas have been awarded. Members so registered are required to furnish their addresses to the statutory secretary and to notify him or her of any change of address.

50. Composition of the convocation executive

The convocation executive must consist of:-

- (1) The president who acts as chairperson at all its meetings and who must not be a member of the academic or support staff of the University or a **full** time post graduate student.
- (2) The two elected convocation members on council.
- (3) The registrar who must act **as** statutory secretary.
- (4) The vice-chancellor as an ex officio member.
- (5) Such additional members as may be provided for in the constitution of the convocation provided that at least 60 per cent of the voting members of the executive of convocation must be persons who are not employed by, or are not students of, the University and due regard must be had to the racial **and** gender representation on the convocation executive.

51. Convocation representation on the council

- (1) Three convocation members who are not staff members of the University or full time postgraduate students must be members of the council.
- (2) The president of convocation must be the first convocation member of the council.
- (3) Convocation in terms of its constitution must elect the two other convocation members on the council.

52. Constitution

- (1) The council must approve the constitution for convocation.
- (2) The convocation constitution must provide for all matters relating to the election and terms of office of the convocation executive and its representatives on the council and the functions of the convocation executive together with such other provisions **as** the council may consider appropriate within the context of this Statute and the Act.

MANAGEMENT AND SENIOR MANAGEMENT**53. Management and senior management**

- (1) Management means, for the purpose of the Act, senior management as well **as** management as determined by the council.
- (2) Senior management means, for the purpose of the Act, the vice-chancellor, the deputy vice-chancellor or the deputy vice-chancellors, the registrar or the registrars, the deans of faculties and the administrative positions equivalent or senior to the positions of the deans of faculties.

54. Vice-chancellor

The vice-chancellor is the chief executive officer of the University.

55. Functions of the vice-chancellor

- (1) The vice-chancellor is responsible for the day-to-day management and administration of the University and has all the powers necessary to perform these functions.
- (2) The vice-chancellor reports to the council.
- (3) By way of his or her office the vice-chancellor is a member of all the committees of the council and the senate.
- (4) The council may assign additional functions, and grant additional powers and privileges to the vice-chancellor.
- (5) When the vice-chancellor is absent or unable to carry out his or her duties, the deputy vice-chancellor designated by the council takes over or the council may appoint an acting vice-chancellor. In the case of short absences on business, vacation or illness the vice-chancellor may delegate his authority in terms of paragraph 58.

56. Appointment of vice-chancellor

Subject to the Act, the advertising of the post of vice-chancellor, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes are determined by the council.

57. Term of office of vice-chancellor

The council appoints the vice-chancellor for such period as agreed upon in his or her contract.

58. Delegation of authority

The vice-chancellor may delegate any of the powers assigned or delegated to him or her by the council to any officer of the University except where the council decides otherwise.

59. Deputy vice-chancellor and registrar

The deputy vice-chancellor or the deputy vice-chancellors, the registrar or registrars and other members of senior management are responsible for assisting the vice-chancellor in the management and administration of the University.

EMPLOYEES

60. Appointment

Subject to the Act, the council appoints employees according to the staffing policies of the University as determined in the rules.

61. Conditions of employment

The conditions of employment, including the determination and review of salaries of employees and all other forms of remuneration is approved by the council according to the University's policy as determined in the rules.

62. Evaluation

All employees of the University are subject to continuous evaluation in the performance of their duties.

63. Employees' discipline

Every employee is subject to a disciplinary code, a disciplinary procedure and a grievance procedure for employees, as approved by the council and determined in the rules, which serve as an integral part of every employee's conditions of service.

64. Collective agreements

Collective agreements as contemplated in terms of the Labour Relations Act of 1995 (as amended) may be entered into by the management.

STUDENTS

65. Admission and registration of students

- (1) A person may be permitted by the council to register as a student only if he or she satisfies the legal and academic requirements, if any, for admission to study at the University and, further, satisfies any other requirements for admission that may be determined by the council and laid down in the rules.
- (2) The requirements for admission of a student to a faculty are set out in the rules and may be changed by the council after consultation with the senate.
- (3) A student is registered for one year or for such shorter period as the council may determine in general or in a particular case.
- (4) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (3), the student is required to comply with any conditions set by the council.
- (5) The council may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in subparagraph (4).
- (6) The conditions contemplated in subparagraph (4) may include the payment of outstanding fees.

66. Student discipline

- (1) The disciplinary measures and discipline provisions applicable to the students are set out in the rules, and may be changed by the council after consultation with the senate and the SRC.
- (2)
 - (a) The vice-chancellor may, from time to time, amend monetary penalties.
 - (b) Such amended penalties must be placed before the council at the next ordinary meeting of the council
- (3) If the council should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by the council is not affected.

DONORS

67. Donors

- (1) The University may receive moneys and equipment of any sort from donors to assist the University in providing quality education.
- (2) The council may recognise and record certain donors **as** determined in the rules.

GENERAL AND TRANSITIONAL PROVISIONS

68. Drafting, amending or rescinding the Statute

- (1) No motion to amend, rescind or redraft the Statute is of force and effect unless adopted by at least 75% of members of council present at the meeting, provided that such meeting is constituted by at least one half plus one of the total number of members of council.
- (2) Any motion to amend, rescind or redraft the Statute must be in accordance with the provisions of the Act.

69. Issue of notices

The inadvertent failure or omission to give notice as prescribed in this Statute to any person entitled to receive it, or the non-receipt of such notice by any person, does not invalidate the proceedings to which such notice relates.

70. Numerical fractions

Where the numerical fraction of a number is prescribed in this Statute and where this is not an integral number, the next higher integral number must be taken to be the prescribed number.

71. General and transitional provisions

- (1) Anything done under the Statutes relating to the University's predecessors or the Standard Institutional Statute as envisaged in terms of **the** Act before this Statute came into operation is deemed to have been done under the corresponding provision of this Statute.
- (2) The council, the senate, the faculty boards, the institutional forum and the convocation which existed prior to the commencement of this Statute continue to exist and perform the functions which they performed prior to such commencement, but must comply with the provisions of this Statute within 12 months after the commencement of this Statute.
- (3) The rules passed by council and by its predecessors in terms of the Act existing at the commencement of this Statute continue to apply until amended or replaced.