

50% + 1 (FIFTY PERCENT PLUS ONE) of the total number of members.

4.13.5 Any motion to draft, amend or rescind this Statute or a rule must be in accordance with the provisions of section 32 (2) of the Act.

5. SENATE

5.1 Functions of the Senate

5.1.1 Subject to the Act, the Senate is accountable to the Council for all the teaching, learning, research and academic functions of the CUT and all other functions delegated or assigned to it by the Council.

5.1.2 Without derogating from the generality of subparagraph 5.1.1 the organisation and superintendence of instruction and assessment, and of lectures and classes, vest in the Senate. The Senate:

- (a) may make or amend any rule relating to the curriculum for, or to the obtaining of, any degree, diploma, certificate or other qualification, but may do so only in consultation with the relevant faculty board;
- (b) may make or amend any rule relating to the mode of delivery and mode of assessment of students;
- (c) determines the standard of proficiency required in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma, certificate or other qualification;
- (d) advises the Council on disciplinary measures and rules concerning students;
- (e) may make recommendations to the Council regarding the faculty to which each academic unit, school or other academic structure belongs;
- (f) may make recommendations to the Council regarding the establishment and disestablishment of faculties, academic units, schools and other academic structures;
- (g) determines, in accordance with any relevant deed or gift and in consultation with the Vice-Chancellor and Principal, the conditions applicable to any scholarships and other academic prizes;
- (h) determines the persons to whom scholarships, academic prizes, honorary doctorates and other academic awards are awarded;
- (i) may establish committees to perform any of its functions, may appoint persons who are not members of the Senate as members of such committees, and may for this purpose deem a single person to be a committee;

- (j) determines the functions of its committees, as well as the procedure of meetings of these committees;
- (k) may make standing orders on procedures and the delegation of powers for the better performance of its functions;
- (l) may delegate its functions;
- (m) must take cognisance of any action taken by a committee in exercising its delegated powers or functions when such committee reports its actions to the next meeting of the Senate;
- (n) approves the appointment of examiners and moderators; and
- (o) recommends the appointment of all academic staff to Council.

5.1.3 The Senate submits to the Council:

- (a) quarterly reports upon its work, and/or such other reports as may be required by the Council;
- (b) recommendations on matters referred to it by the Council; and
- (c) recommendations on any other matter affecting the CUT, as the Senate considers useful.

5.1.4 The Senate may, in terms of the rules, cancel the registration of a student in any or all of the courses for which the student is registered in that year if, in the opinion of the Senate, the academic achievement of the student is such that the student may not at the end of the year earn credit in such course or courses, as the case may be.

5.2 Members' responsibilities

5.2.1 Members of the Senate must participate in the deliberations of the Senate in the best interests of the CUT.

5.2.2 Failure to act in the best interests of the CUT, or behaviour that brings the CUT into disrepute, may result in removal from the Senate, following due process.

5.2.3 If it is alleged that a member is not acting in the best interests of the CUT or has engaged in conduct that brings or tends to bring the CUT into disrepute, and at least one-third of the members of the Senate at any meeting resolve that steps should be taken against that member, the Senate must instruct that a hearing by an *ad hoc* committee of Senate take place.

5.2.4 If the committee finds that the member has failed to act in the best interests of the CUT or has behaved in a manner that brings

the CUT into disrepute, then the committee may recommend that the member be removed from the Senate.

- 5.2.5 The member may be removed from the Senate if at least two-thirds of the members of the Senate present at any meeting vote in favour of his or her removal.

5.3 Composition of the Senate

- 5.3.1 The Senate, subject to the provisions of the Act, consists of:

- (a) the Vice-Chancellor and Principal;
- (b) the deputy vice-chancellors;
- (c) the Registrar;
- (d) all executive deans;
- (e) all deans;
- (f) all professors, including associate professors;
- (g) all directors of schools;
- (h) 2 (TWO) representatives of the Students' Representative Council (SRC) elected by the SRC;
- (i) 2 (TWO) members of the Council designated by the Council, provided that no person specified in subparagraph 4.2.1 (a), (b), (d), (e), (f), (g) and (j) is eligible for designation under this subparagraph;
- (j) 1 (ONE) representative of support staff
- (k) 1 (ONE) representative of non-professorial academic staff
- (l) such additional members as approved by the Senate.

- 5.3.2 The majority of Senate members must be academic employees.

- 5.3.3 The manner of election of members is as determined by each constituency.

5.4 Term of office of Senate members

- 5.4.1 Members appointed in terms of subparagraph 5.3.1 (a), (b), (c), (d), (e), (f), (g), (h), (j), (k) and (l) hold office for as long as they are employed by the CUT in that capacity.

- 5.4.2 The term of office of a student automatically lapses when that student ceases to be a member of the SRC.

- 5.4.3 In the event of an elected or appointed member passing away, resigning, or vacating office for any reason, including the expiry of his or her term of office, the secretary of Senate must notify the authority or body that has appointed or elected such member of the vacancy, and, if in the opinion of the chairperson of Senate, this is reasonably practicable, must request such authority or body to appoint or elect a successor.

- 5.4.4 The successor holds office for the unexpired term of office of the predecessor unless the successor is appointed or elected because his or her predecessor's term of office has expired.

5.5 Chairperson, vice-chairperson and secretary of Senate

- 5.5.1 The Vice-Chancellor and Principal is the chairperson of Senate as contemplated by Section 26 (4) (a) of the Act.
- 5.5.2 The vice-chairperson of Senate is the Deputy Vice-Chancellor: Academic.
- 5.5.3 The secretary of Senate is the Registrar.
- 5.5.4 The chairperson presides at meetings of the Senate or meetings of the subcommittees of the Senate unless the Senate considers it inappropriate for him or her to do so.
- 5.5.5 The chairperson performs such other functions as the Senate may determine.
- 5.5.6 In the absence of the chairperson, the provisions of subparagraph 5.5.4 apply to the vice-chairperson.
- 5.5.7 The vice-chairperson performs such other functions as the Senate may determine.
- 5.5.8 The secretary performs those functions assigned to him or her by the Senate.
- 5.5.9 If both the chairperson and the vice-chairperson are absent, the Senate elects a chairperson from among its members for the meeting concerned.

5.6 Meeting procedure of the Senate

- 5.6.1 The procedure applicable to Council meetings is applicable, with the necessary changes, to meetings of the Senate.

5.7 Committees of the Senate

- 5.7.1 The Senate appoints:
- (a) an executive committee; and
 - (b) such other committees as may be required.
- 5.7.2 The composition and functions of the committees are determined by the Senate.

5.8 Joint committees of the Council and the Senate

5.8.1 The Council, in consultation with the Senate, appoints such joint committees of the Council and the Senate as may be necessary for the performance of particular tasks.

6. FACULTY BOARDS

6.1 Functions of faculty boards

6.1.1 Faculty boards are appointed by the Senate to regulate the activities of the respective faculties of the CUT.

6.2 Composition of faculty boards

6.2.1 The composition of a faculty board is as determined by the Senate.

6.3 Meeting procedure of faculty boards

6.3.1 The procedure applicable to Council meetings is applicable, with the necessary changes, to meetings of the faculty boards.

7. INSTITUTIONAL FORUM

7.1 Functions of the Institutional Forum

7.1.1 The Institutional Forum advises the Council on issues affecting the CUT, including:

- (a) the implementation of the Act and the national policy on higher education;
- (b) race and gender 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 that 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 CUT.

7.1.2 The Institutional Forum performs such other functions as determined by the Council.

7.2 Composition of the Institutional Forum

7.2.1 The Institutional Forum consists of:

- (a) the Vice-Chancellor and Principal;
- (b) the Registrar as secretary;
- (c) the Head: Institutional Equity;
- (d) 1 (ONE) external Council member;
- (e) 1 (ONE) Senate member;
- (f) 1 (ONE) person representing academic employees;
- (g) 1 (ONE) person representing non-academic employees;
- (h) 2 (TWO) persons representing the SRC;
- (i) 2 (TWO) persons representing the 2 (TWO) recognised employee unions [1 (ONE) person each from NUTESA and NEHAWU];
- (j) 1 (ONE) person representing the Convocation;
- (k) 1 (ONE) person representing the Student Services Council (SSC);
- (l) 1 (ONE) person representing the Centre for Organisational Development; and
- (m) such additional members as approved by the Institutional Forum.

7.2.2 The nomination of representatives must be transparent and democratic, and each constituency must follow the voting procedure within its own constituency and submit the names of its representatives to the Registrar.

7.2.3 The term of office of members is as determined by each constituency.

7.2.4 Paragraph 4.5 applies, with the necessary changes, to the termination of membership of the members of the Institutional Forum.

7.3 Office-bearers of the Institutional Forum

7.3.1 The Institutional Forum elects from amongst its members a chairperson and a deputy chairperson.

7.4 Meetings and meeting procedure of the Institutional Forum

7.4.1 The number of meetings is as decided by the Institutional Forum.

7.4.2 50% + 1 (FIFTY PERCENT PLUS ONE) of the members forms a quorum.

7.4.3 The meeting procedures are as determined by the Institutional Forum.

8. STUDENTS' REPRESENTATIVE COUNCIL (SRC)

8.1 Functions of the SRC

8.1.1 The SRC represents the students of the CUT in matters that may affect them.

8.1.2 The matters contemplated in subparagraph 8.1.1 include:

- (a) liaison with the Council, the Senate, management, the general public, other institutions, students' representative councils of other institutions, national or international student organisations, and unions;
- (b) the granting or withdrawing of recognition of student committees, clubs, councils and societies as it deems appropriate, in its capacity as umbrella organisation for all such student committees, clubs, councils and societies;
- (c) the coordination and supervision of the use of student facilities and all matters pertaining thereto, in conjunction with management;
- (d) 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 rules;
- (e) the appointment of such office-bearers and the establishment of such committees as it deems necessary;
- (f) the organisation and promotion of extramural activities among students;
- (g) keeping account of all monies paid over to it by the Council and any other monies that may accrue to it in its capacity as representative of the students; also the allocation or disbursement of such funds for use by students, and the making of grants to approved student clubs, committees, societies and councils;
- (h) responsibility for the preservation of order at student functions, and the ensuring of good conduct at other approved meetings of students;
- (i) the coordination of student involvement in all community projects initiated by it;
- (j) responsibility for all student publications;
- (k) recommendation to the Council of rules to determine the conduct of the SRC's affairs;
- (l) final decision-making in all matters falling within its jurisdiction; and
- (m) such additional functions and privileges as may be specifically conferred upon it by the Council.

8.2 Composition of the SRC

- 8.2.1 Only registered students are eligible to serve on the SRC.
- 8.2.2 The SRC, as contemplated in section 35 of the Act, must be representative of the student body.
- 8.2.3 The election of SRC members must be democratic and transparent.

8.3 Office-bearers of the SRC

- 8.3.1 The President shall be elected by students from the two campuses of the CUT with the candidates coming from both the Bloemfontein and the Welkom campuses.
- 8.3.2 The functions of other office-bearers and the election of such office-bearers are as determined by the SRC constitution.
- 8.3.3 The composition of the SRC may not be repealed or amended except after consultation with the SRC.

8.4 Term of office of SRC members

- 8.4.1 The term of office of members of the SRC is 1 (ONE) year.

8.5 Privileges

- 8.5.1 The privileges of members of the SRC are as determined by the management, after consultation with the SRC.

8.6 Meetings of the SRC

- 8.6.1 The number of meetings, the quorum at a meeting and the meeting procedures are determined by the constitution of the SRC as approved by the Council. Any amendments to the constitution have to be approved by the Council.

8.7 SRC committees

- 8.7.1 The SRC must establish a disciplinary committee responsible for the discipline of any member of the SRC and any member of the student structures affiliated to the SRC.
- 8.7.2 The SRC may establish such other committees as may be required.

8.8 General meetings

- 8.8.1 The SRC must convene at least 1 (ONE) general meeting of students per semester.
- 8.8.2 A general meeting may also be requested by at least 1 000 (ONE THOUSAND) signatories petitioning the SRC.
- 8.8.3 Meetings may not interfere with academic activities unless the Vice-Chancellor and Principal has granted prior permission.

9. CONVOCATION

9.1 Membership of the Convocation

- 9.1.1 The Convocation consists of the Vice-Chancellor and Principal, the deputy vice-chancellors, the Registrar, academic employees as set out in subparagraph 9.1.2, and all persons who are or become graduates or diplomates of the CUT, and such other persons as the Council may determine.
- 9.1.2 Academic employees on the permanent staff of the CUT, professors' emeriti and other retired academic employees are members of the Convocation.
- 9.1.3 The fact that the name of a person appears on the Convocation roll is, at face value, proof of him or her being a member of the Convocation, and of him or her being entitled to vote.
- 9.1.4 The names of new graduates and diplomates of the CUT are deemed to have been inscribed on the Convocation roll after degrees have been conferred or diplomas have been awarded, but members so registered are required to furnish their addresses to the secretary and to notify him or her of any change of address.
- 9.1.5 For purposes of the election of Council members, the Convocation roll is deemed closed from the latest date on which ballot papers are issued until the date of the election, both days inclusive.

9.2 Office-bearers of the Convocation

- 9.2.1 The Convocation, at its first meeting, elects from amongst its members a president to act as chairperson at all its meetings and who holds office for a period of 3 (THREE) years from the meeting at which he or she is elected.

9.2.2 Whenever the office of president becomes vacant, the Vice-Chancellor and Principal acts as president until a successor is elected at the next meeting of the Convocation.

9.2.3 The secretary of the Convocation is the Registrar;

9.2.4 The Convocation elects from amongst its members, and in a manner determined by its members, an executive committee to deal with such matters as referred to it by the Convocation and in accordance with the constitution of the executive committee as recommended by the Convocation for approval to the Council.

9.3 Meetings of the Convocation

9.3.1 The president or, if the office of the president is vacant, the Vice-Chancellor and Principal, convenes a meeting of the Convocation annually, and notice of such meeting must be given at least 4 (FOUR) weeks prior to the date of the meeting.

9.3.2 A member who wishes to raise any matter at such meeting must submit (a) written motion(s) in respect of said matter to the Registrar or the president of the Convocation at least 2 (TWO) weeks prior to the date of the meeting.

9.3.3 An extraordinary meeting of the Convocation may be convened by the president of the Convocation or the Vice-Chancellor and Principal if and when required.

9.3.4 An extraordinary meeting of the Convocation must be convened by the president of the Convocation or, if the office of president is vacant, by the Vice-Chancellor and Principal, upon a written request signed by at least 25 (TWENTY-FIVE) members and containing (a) matter(s) for consideration in the form of (a) separate motion(s).

9.3.5 An extraordinary meeting as contemplated in subparagraph 9.3.4 must be held within 2 (TWO) months after receipt of the request.

9.4 Meeting procedures of the Convocation

9.4.1 50 (FIFTY) members constitute a quorum at a meeting of the Convocation, provided that if no quorum is present, the meeting may adjourn and an extraordinary meeting may be convened with at least 7 (SEVEN) days' notice, at which the members present constitute a quorum.

9.4.2 Notwithstanding the absence of a quorum at an annual meeting, such meeting may proceed to elect office-bearers and to dispose

of other formal matters, but no motions may be submitted at such meeting.

- 9.4.3 Once a meeting has been constituted by the reading of the notice in terms of which it was convened, a meeting commences with the reading and confirmation, by the signature of the chairperson, of the minutes of the previous ordinary meeting and of all subsequent extraordinary meetings.
- 9.4.4 Any objection to such minutes must be raised and determined prior to their confirmation.
- 9.4.5 A member may not, without the permission of the meeting, speak more than once on a motion or amendment thereof, but the mover of the motion or amendment may respond.
- 9.4.6 All matters are decided by a majority of the members present.
- 9.4.7 In addition to his or her ordinary vote, the chairperson has a casting vote in the event of an equality of votes.
- 9.4.8 If a meeting so resolves, the number of votes in favour of or against a motion must be recorded in the minutes, and, at the request of a member, the chairperson must further direct that the vote of such member be likewise recorded.
- 9.4.9 A motion or amendment thereof must be seconded, and if the chairperson directs, such motion or amendment must be in writing.
- 9.4.10 A motion or amendment may not be withdrawn without the permission of the meeting.
- 9.4.11 The chairperson may permit the discussion of a matter of which notice was not duly given, provided such discussion is unopposed.
- 9.4.12 The ruling of the chairperson on a point of order of 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.
- 9.4.13 A copy of the resolutions of the Convocation, and a statement on such other matters as the Convocation may determine, duly certified by the chairperson and secretary, are submitted to the chairperson of the Council for the information of the Council and to the Vice-Chancellor and Principal for the information of the Senate.

9.4.14 The election of Convocation members to the Council is in the manner determined by the Convocation.

10. MANAGEMENT AND EXECUTIVE MANAGEMENT

10.1 Management and executive management

10.1.1 For purposes of section 31 (2) (a) of the Act, management means executive management, as well as management as determined by the Council.

10.1.2 For purposes of section 31 (1) (a) (iii) of the Act, executive management means the Vice-Chancellor and Principal, the deputy vice-chancellors, the Registrar, and any other employees designated as such by the Council.

10.2 Vice-Chancellor and Principal

10.2.1 The Vice-Chancellor and Principal is the chief executive officer of the CUT.

10.3 Functions of the Vice-Chancellor and Principal

10.3.1 The Vice-Chancellor and Principal, who is the chief executive, accounting officer and academic head, is responsible for the day-to-day management and administration of the CUT and has all the powers necessary to perform these functions.

10.3.2 The Vice-Chancellor and Principal reports to the Council.

10.3.3 By way of his or her office the Vice-Chancellor and Principal is a member of all the committees of the Council and of the Senate.

10.3.4 The Council may assign additional functions and grant additional powers and privileges to the Vice-Chancellor and Principal.

10.3.5 When the Vice-Chancellor and Principal is absent or unable to carry out his or her duties, 1 (ONE) of the deputy vice-chancellors designated by the Council takes over, or alternatively the Council may appoint an acting Vice-Chancellor and Principal.

10.3.6 The Vice-Chancellor and Principal, in accordance with subparagraph 10.3.1, executes all actions on behalf of the CUT, and has the power to *inter alia*

- (a) manage and administer the CUT;
- (b) in consultation with the Council, restructure and reorganise the institution for purposes of effective management and development of the CUT;

- (c) give instructions to any employee, student or managerial committee, which must be executed promptly and fully;
- (d) ensure the CUT's financial health and management;
- (e) facilitate the CUT's public relations and strategic partnerships;
- (f) undertake planning and ensure the optimal utilisation of the CUT's resources;
- (g) may, in the manner set out in the disciplinary rules, suspend or dismiss any non-executive employee of the CUT; and
- (h) may order a non-executive employee whom he has suspended to refrain from being on any premises under the control of the CUT and to refrain from participating in any of the CUT's activities, or issue such other conditions as he or she may deem necessary.

10.4 Appointment of Vice-Chancellor and Principal, deputy vice-chancellors, Registrar and other appointees designated as executive management by the Council

10.4.1 Subject to section 31 (1) of the Act, the advertising of the post, 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 in the manner determined by the Council.

10.5 Term of office of Vice-Chancellor and Principal, deputy vice-chancellors, Registrar and other appointees designated as executive management by the Council

10.5.1 The Vice-Chancellor and Principal, the deputy vice-chancellors, the Registrar and other appointees designated as executive management by the Council are appointed by the Council for such period as agreed upon in their contracts, but not for a period exceeding 5 (FIVE) years. The contracts are renewable on expiry, based on institutional criteria as determined by Council.

10.5.2 In making contractual appointments in terms of paragraph 10.5.1, Council may appoint permanent staff on supernumerary contracts.

10.6 Deputy vice-chancellors, Registrar and executive managers

10.6.1 The deputy vice-chancellors, the Registrar and the executive managers are responsible for assisting the Vice-Chancellor and Principal in the management and administration of the CUT.

11. EMPLOYEES

11.1 Appointment

- 11.1.1 Subject to section 34 of the Act, the Council appoints employees according to the staffing policies of the CUT as determined in the rules.

11.2 Conditions of employment

- 11.2.1 The conditions of employment, including the determination and review of salaries of employees and all other forms of remuneration, are approved by the Council according to the CUT's policy as determined in the rules, which may be amended from time to time by the Council.

11.3 Evaluation

- 11.3.1 All employees of the CUT are subject to continuous evaluation in the performance of their duties in accordance with the system approved by the Council.

11.4 Employee discipline

- 11.4.1 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.

12. STUDENTS

12.1 Admission and registration of students

- 12.1.1 A person may be permitted by the Council to register as a student only if he or she satisfies the legal requirements, if any, for admission to study at the CUT, and satisfies any other requirements for admission that may be determined by the Council and stipulated in the rules.
- 12.1.2 The requirements for admission of students to the faculties of the CUT are stipulated in the rules and may be changed by the Council in consultation with the Senate.
- 12.1.3 A student is registered for a period commencing on the date of his/her registration and expiring on the last day of the subsequent registration period or for such shorter period as the Council may determine in general or in a particular case.

12.1.4 In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph 12.1.3, the student is required to comply with any conditions set by the Council.

12.1.5 The Council may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in subparagraph 12.1.4.

12.1.6 The conditions contemplated in subparagraph 12.1.4 may include the payment of outstanding fees.

12.2 Student discipline

12.2.1 The disciplinary measures and disciplinary provisions applicable to students are set out in the rules, and may be changed by the Council after consultation with the Senate and the SRC.

12.2.2 The Vice-Chancellor and Principal may, from time to time, amend monetary penalties.

12.2.3 Such amended penalties must be placed before the Council at the next ordinary meeting of the Council.

12.2.4 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.

13. DONORS

13.1 Donors

13.1.1 The CUT may receive monies and equipment of any sort from donors to assist the CUT in providing quality education.

13.1.2 The CUT may recognise and register certain donors as determined in the rules.

14. AWARDS

14.1 Degrees, diplomas and certificates

14.1.1 In accordance with this Statute, the Act, and the rules of the CUT, the Council has the power to confer upon any persons, after assessment, such degrees, diplomas or other awards as the CUT may have constituted.

14.1.2 In accordance with this Statute, the Act, and the rules of the CUT the Council, in consultation with the Senate, has the power to admit a person to an honorary degree of Doctor of the CUT, whether or not that person has

graduated at the CUT or at any other higher education institution.

14.1.3 The Council has the power to cancel an award previously conferred upon a person by the CUT.

14.1.4 The Council has the power to determine the requirements and standards to be applied at the CUT, and which must be adhered to before a degree, diploma or certificate will be awarded.

14.1.5 The Council has the power to formulate the requirements for admission to the institution and the requirements for degrees, diplomas and certificates.

14.2 Introduction of instructional programme

14.2.1 The Council may introduce an instructional programme, and approve the process of determining the admission requirements and curriculum for such instructional programme.

14.2.2 The Senate must implement and supervise the process as determined in subparagraph (1).

14.3 Recognition of equivalent status and exemption from assessments by the Council

14.3.1 The Council approves the process for recognition of equivalent status or exemption from assessments that a CUT student has passed at any other higher education institution for purposes of said student obtaining a degree, diploma or certificate at the CUT.

14.3.2 The Senate must implement and supervise the process as determined in subparagraph (1).

15. TRANSITIONAL PROVISIONS

15.1 Anything done under any provision of the Institutional Statute before this Statute came into operation is deemed to have been done under the corresponding provision of this Statute.

15.2 Any existing rules in force upon the commencement of this Statute continue to apply until replaced by any provision of the Statute or any rule that may be made in terms of the Statute.
