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## GOVERNMENT NOTICE

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### DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 203

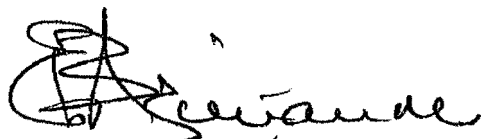
7 March 2012

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

### INSTITUTIONAL STATUTE

### UNIVERSITY OF KWAZULU-NATAL

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish the Institutional Statute of the University of KwaZulu-Natal set out in the Schedule hereto.



**Dr B E Nzimande, MP**

**Minister of Higher Education and Training**

Date: 31/01/12

**AMENDMENTS TO THE STATUTE OF THE UNIVERSITY OF KWAZULU-NATAL**

The council of the University of KwaZulu-Natal has made amendments to the 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 hereby published with the approval of the Minister of Higher Education and Training in terms of section 33 of the said Act, and comes into operation on the date of this publication.

**SCHEDULE**

1. In this schedule the expression "the Statute" means the Statute of the University of KwaZulu-Natal as published under Government Gazette No 684, Government Notice No. 684 of 14 July 2006, and as amended by Government Notice No. 145 of 19 February 2007.
2. Under **Definitions**,
  - i. substitute the definitions of "campus", "college", "CSRC", "Deputy vice-chancellor", "institution", "Minister", "month", "professor", "qualification" and "semester" with the following definitions:

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

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

"**CSRC**" means the central students' representative council contemplated in paragraphs 41 and 42;

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

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

"**Minister**" means the Minister responsible for Higher Education;

"**month**" means a calendar month;

"**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 adjunct professor;

"**qualification**" means a certificate or diploma awarded or a degree conferred;

"**semester**" means an academic period at the University constituting either the first or second half of a year as determined by the University's sessional dates;
  - ii. delete the definition of "faculty";
  - iii. add definitions of "due process", "school" and "year" as follows

"**due process**" means giving the affected party the opportunity to be heard;

"**school**" means the group of academic disciplines that form the secondary academic structure within a college;

"**year**" means a calendar year.
3. Substitute paragraph 2(2) with the following paragraph:

**2. Name, seat and powers**

- (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 and any premises under its control.

4. Substitute paragraph 5(1)(c), (d), (f), and (h) with the following paragraph:

**5. Election and appointment of chancellor**

- (1) The chancellor is elected by the council in the following manner:
- (c) The secretary to the council invites the members of the council, the senate and the institutional forum to submit nominations for the office of the chancellor;
  - (d) The nominations contemplated in subparagraph (1)(d) must reach the secretary to the council at least 20 (twenty) working days before the meeting contemplated in subparagraph (1)(b);
  - (f) The secretary to the council must, within 5 (five) working days after the closing date for nominations, inform members of the council, the senate and the institutional forum in writing of the nominations received;
  - (h) The chancellor is elected by secret ballot and by a majority of the members of the council present at the meeting contemplated in subparagraph (1)(b);

5. Insert the word "the" before the word "council" in the following paragraphs: 6(3), 6(5)(a), 13(3), 13(8), 50(2) and renumbered 69(1) and 72(3). Substitute these paragraphs with the following paragraphs:

- 6 (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 the council shall perform the functions of the chancellor.
- 6 (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 the council.
- 13 (3) Nominations by members of the 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.
- 13 (8) If a vacancy occurs in the office of the chairperson or vice-chairperson within the term of office, the secretary to the council must invite the council at its next ordinary meeting to fill the vacancy for the unexpired period of office.
- 50 (2) The two elected convocation members on the council.
- 69 (1) No motion to amend, rescind or redraft the Statute is of force and effect unless adopted by at least 75% of members of the 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 the council.

72 (3) The rules passed by the council and by its predecessors in terms of the Act existing at the commencement of this Statute continue to apply until amended or replaced.

6. Substitute paragraphs 6(5)(c) and (d) with the following paragraphs to insert the word "twenty" in parentheses after the numeral "20".

6 (5) (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 (twenty) days of receipt of the document.

(d) 20 (twenty) 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).

7. Substitute paragraph 7(3)(g) and (h) with the following paragraph:

**7. Functions of council**

(3) Without derogating from the generality of subparagraph (1), the council:

(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 annual income of the University 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 annual income of the University during the two years immediately preceding such agreement.

8. Substitute paragraph 8(1) with the following paragraph:

**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 elected by the senior management;

(c) five persons appointed by the Minister;

(d) two members of the senate elected by the senate;

(e) two permanent academic employees of the University, who are not members of the senate at the time of their election, elected by the academic employees;

(f) two students who are members of the central SRC and are elected by the central SRC;

- (g) two permanent support staff employees, who are not members of the senate at the time of their election, elected by the support staff employees;
- (h) the president of the convocation;
- (i) two members of the convocation elected by the convocation;
- (j) eleven members with a broad spectrum of competence in the fields of education, business, finance, law, health, marketing, information technology and human resource management elected by the council which appointments are subject to paragraph 10(5); and
- (k) such non-voting members as are co-opted by the council for a period specified by the council.

9. Substitute paragraph 9(1)(a) and (b) with the following paragraph:

**9. Election of council members**

- (1) Members of the council contemplated in subparagraph 8(1)(j) above shall be elected in the following manner:
  - (a) the secretary of the council must not less than 20 (twenty) days before an appropriate meeting of the council call on members of the council, the senate, the convocation executive and the institutional forum in writing to put forward nominees;
  - (b) nominations must be made in writing to the secretary not less than 10 (ten) days before the council meeting;

10. Substitute paragraph 10 with the following paragraph:

**10. Term of office of members of council**

- (1) The vice-chancellor shall remain a member of the council for as long as he or she occupies the post.
- (2) Student members of the council remain members of the council for the term of office determined by the central SRC when they are elected, provided that membership ceases automatically when a student member ceases to be a member of the central SRC.
- (3) The term of office of council members who are not students or employees of the University, is not more than 4 (four) years and, notwithstanding the date of commencement of their term of office, expires on 30 June in their fourth year on the council.
- (4) The term of office of council members who are University employees is not more than 3 (three) years and, notwithstanding the date of commencement of their term of office, expires on 30 June in their third year on the council.
- (5) A member of the council serving in terms of any of subparagraphs 8(1)(b) to (j) may not serve as such for more than two terms under the applicable subparagraph.

11. Substitute paragraph 11 with the following paragraph:

**11. Casual Vacancies**

In the event of a casual vacancy on the council for any reason other than the expiration of the term 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. Such person shall be elected for a full term of office as defined in paragraph 10(3) or (4).

12. Substitute paragraph 12(1) with the following paragraph:

**12. Termination of membership**

- (1) Notwithstanding the provisions of paragraph 10, 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 found guilty of an offence in a staff or a student disciplinary process which, in the opinion of the council, is serious enough to warrant termination of membership;
- (f) 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;
- (g) he or she is otherwise disqualified in terms of this statute; or
- (h) following due process, a sanction of removal from the council is imposed by the council on him or her by reason of a contravention of the council's code of conduct.

13. Substitute paragraph 13(2) with the following paragraph:

- 13 (2) The chairperson and the vice-chairperson of the council are elected for a period of 2 (two) years provided that neither must be eligible for election after holding office for two consecutive terms.

14. Substitute paragraphs 15(1)(b), 15(1)(c), 15(2)(b) and 15(3)(a) with the following paragraphs:

- 15 (1) (b) Any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 21 (twenty one) 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.

- 15 (1) (c) At least 7 (seven) 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.

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- 15 (2) (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 (seven) days' notice of a special meeting must be given.
- 15 (3) (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 (twenty four) hours' notice of such meeting.
15. Insert the following paragraph as paragraph 15(4):
- (4) The quorum for all meetings of the council shall be a simple majority of the members of the council, excluding vacancies.
16. Insert the following paragraph as paragraph 16(13):
- (13) The proceedings of council meetings are confidential unless directed otherwise by the council.
17. Substitute paragraph 18(1) (b) with the following paragraph:
- 18 (1) (b) an audit and risk committee;
18. Substitute paragraph 18(4) with the following paragraph:
- 18. Committees of council**
- (4) The chairperson of a committee is appointed by the council for the duration of his or her term of office on the committee or until removed by the council.
19. Delete paragraph 20.
20. Substitute paragraph 21(2)(f), (g) and (i) with the following paragraph:
- 21. Functions of senate**
- (2) Without derogating from the generality of subparagraph (1) the senate:
- (f) may make recommendations to the council regarding the college to which each school or other academic structure belongs;
- (g) may make recommendations to the council regarding the establishment and disestablishment of colleges, schools and other academic structures;
- (i) must determine the principles, conditions and criteria for the award of scholarships and academic prizes;
21. Substitute paragraph 22(2) with the following paragraph:
- 22. Participation in the senate and removal of membership**

- (2) Failure to act in the best interest of the University or displaying behaviour that brings the University into disrepute may result in the removal of a member from the senate following due process.

22. Substitute paragraph 23(1) with the following paragraph:

**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;
  - (c) the executive responsible for student services;
  - (d) one representative from the council who must not be either an employee or student and who is elected by the council;
  - (e) the chair of the support services board;
  - (f) the director of library services;
  - (g) the director of quality promotion and assurance;
  - (h) the chair of the institutional forum;
  - (i) the president of convocation or nominee;
  - (j) the university dean of research;
  - (k) the college deans of research;
  - (l) the college deans of teaching and learning;
  - (m) the college managers responsible for student academic administration for the college;
  - (n) all heads of schools;
  - (o) two permanent academic employees from each school duly elected by each such school;
  - (p) a fellow of the University who is a permanent member of the academic staff of the University, elected by the fellows;
  - (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 central SRC having been duly elected by that council;
  - (r) such additional members as are approved by the senate.

23. Substitute paragraph 24(1), (2), (3) and (6) with the following paragraph:

**24. Term of office of members of senate**

- (1) Members appointed in terms of subparagraphs 23(1)(a), (b), (c), (f), (g), (j), (k), (l), (m) and (n) must hold office for as long as they are employed by the University in that capacity.



- (2) The term of office of members referred to in subparagraph 23(1)(o) and (p) is not more than 3 (three) years and, notwithstanding the date of commencement of their term of office, expires on 31 December in their third year on the senate.
- (3) Members appointed in terms of subparagraphs 23(1)(e), (h) and (i) must hold office for as long as they hold office as chairperson.
- (6) The successor holds office for a full term of office as specified in paragraphs 24(1) to 24(4) above.

24. Substitute paragraph 25(2) with the following paragraph:

**25. Chairperson, vice-chairperson and secretary to senate**

- (2) The vice-chairperson of the senate is a deputy vice-chancellor elected by the senate as such.

25. Substitute paragraph 21(1) with the following paragraph:

**27. Committees of senate**

- (1) The senate appoints any committees as may be required.

26. Substitute paragraph 29 with the following paragraph:

**29. Establishment of colleges**

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

27. Substitute paragraph 30 with the following paragraph:

**30. Composition of the college management committee**

- (1) Each college must have a management committee comprising:
  - (a) the deputy vice-chancellor and head of college;
  - (b) the college dean of research;
  - (c) the college dean of teaching and learning;
  - (d) the heads of all schools in the college;
  - (e) the director of college professional services; 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, the member so designated by the chairperson shall chair meetings of the committee.

28. Substitute paragraph 31 with the following paragraph:

**31. Functions of the college management committee**

The college management committee must:

- (1) provide strategic and operational leadership and management of the college;
- (2) supervise the budget allocated to it for devolution amongst the schools;
- (3) monitor the implementation of University policies in so far as they are relevant to the college and its schools; and
- (4) perform any other functions as may be prescribed by the council, the senate or the executive management committee of the university.

29. Substitute paragraph 32 with the following paragraph:

**32. Procedure of the college management committee**

The quorum and rules of procedure which govern the council will apply mutatis mutandis to the college management committee.

30. Substitute paragraph 33 with the following paragraph:

**33. Composition of academic affairs boards**

- (1) Each college must establish an academic affairs board.
- (2) Each board comprises:
  - (a) the deputy vice-chancellor and head of college;
  - (b) the deputy vice-chancellor for research
  - (c) the deputy vice-chancellor for teaching and learning
  - (d) the college dean of research
  - (e) the college dean of teaching and learning
  - (f) the head of each school in the college;
  - (g) one academic employee from each school in the college elected by the school;
  - (h) one representative from each other college appointed by that college's academic affairs board from its members;
  - (i) two students appointed by the central SRC, one of whom is a registered student in the college; and
  - (j) such additional members as are approved by the senate.
- (3) The deputy vice-chancellor and head of college must be the chairperson of the board.
- (4) In the event of the absence of the chairperson, the member so designated by the chairperson shall chair meetings of the board.

31. Substitute paragraph 34 with the following paragraph:

**34. Term of office of the academic affairs board members**

- (1) The deputy vice-chancellors, the college deans and the heads of school remain members of the board for as long as they occupy their posts.
- (2) The term of office of the members referred to in subparagraphs 33(2)(g) and (h) shall be determined by the board.
- (3) The term of office of the student members shall be 1 (one) year to coincide with their term of office in the SRC, provided that the membership of the student must lapse when the person concerned ceases to be a member of a SRC or a registered student in the college, as the case may be.

32. Substitute paragraph 35(1), (2)(b),(c) and (h) with the following paragraph:

**35. Functions of academic affairs boards**

- (1) Each board is responsible for the academic and research functions of the schools 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:
  - (b) recommend to the senate the establishment of school boards in the college;
  - (c) advise the senate, or where appropriate the council, on new, or amended, rules proposed by the college;
  - (h) consider any other items referred to it by the senate or the constituent school boards.

33. Replace the heading "FACULTIES AND FACULTY BOARDS" with "SCHOOLS AND SCHOOL BOARDS"

34. Substitute paragraph 36 with the following paragraph:

**36. Establishment and operation**

- (1) The council, on the recommendation of the senate and one or more of the colleges, may establish or disestablish schools of the University as envisaged in paragraph 21(2)(g).
- (2) School 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 school board.

35. Substitute paragraph 38(1) and (3) with the following paragraph:

**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 from each college representing the academic employees of the college;
  - (e) five members representing the support staff, one from each college and one from the support sector;
  - (f) two representatives of the staff unions, nominated collectively by the recognised unions;
  - (g) two members of convocation who are not employees or students of the university, appointed by the convocation executive;
  - (h) two students designated by the CSRC; and
  - (i) 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.
- (3) The term of office of members is up to 4 (four) years as determined by each constituency.

36. Substitute paragraph 39 with the following paragraph:

**39. Office bearers of the institutional forum**

The institutional forum must elect from among its members a chairperson and a deputy chairperson from the members appointed in terms of subparagraph 38(1)(d) or (e). The registrar shall serve as secretary to the institutional forum.

37. Substitute paragraph 40(2) with the following paragraph:

**40. Meetings and meeting procedure of the institutional forum**

- (2) The majority of the members of the institutional forum must form a quorum.

38. Substitute paragraph 41 with the following paragraph:

**41. Student representation**

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

39. Substitute paragraph 42 with the following paragraph:

**42. Composition of SRCs**

- (1) The students of the University as a whole must be represented by the CSRC.

- (2) Each campus of the University must have its own LSRC.
- (3) The LSRCs are subordinate to the CSRC.
- (4) The CSRC must have its seat at the seat of the University as contemplated in paragraph 2(2).

40. Substitute paragraph 43(2) and (4) with the following paragraph:

**43. Election and membership of SRCs**

- (2) The CSRC and LSRCs must be elected or appointed as the case may be in accordance with the provisions of the constitution of the SRC, as approved by the council from time to time.
- (4) A term of office of a member of an SRC expires if that student's registration ceases for whatever reason, or if the member has been found guilty in their personal capacity of an offence under the rules for student discipline or in a court of law.

41. Substitute the title of paragraph 44 and paragraph 44(1)(g) and (2) with the following paragraph:

**44. Functions of the SRCs**

- (1) The functions of the CSRC include:-
  - (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 students;
- (2) The functions of the LSRCs are those provided for in the SRC constitution and/or as may be designated to them from time to time by the CSRC.

42. Substitute paragraph 45 with the following paragraph:

**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 LSRCs each elect from among their members a president to act as chairperson and a deputy president to act as deputy chairperson.
- (3) 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 the SRCs.

43. Substitute paragraph 46 with the following paragraph:

**46. Term of office of SRC members**

The term of office of members of the central and local SRCs is 1 (one) calendar year or as the council may determine from time to time.

44. Substitute paragraph 50(1), (5) and (6) with the following paragraph:

**50. Composition of the convocation executive**

The convocation executive must consist of:-

- (1) The president who acts as chairperson at all its meetings.
- (5) Such additional members as may be provided for in the constitution of the convocation provided that at least 60 per cent of the members of the executive of convocation must be persons who are employees or students of the University and due regard must be had to the racial and gender representation on the convocation executive.
- (6) The members referred to in paragraph 50(1) and (2) must not be employed by nor be students of the University.

45. Substitute paragraph 51(1) with the following paragraph:

**51. Convocation representation on the council**

- (1) Three convocation members who are not staff members or students of the University must be members of the council.

46. Substitute paragraph 52 with the following paragraph:

**52. Constitution of convocation**

- (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 for the functions of the convocation and the convocation executive together with such other provisions as the council may consider appropriate within the context of this Statute and the Act.

47. Substitute paragraph 53(2) with the following paragraph:

**53. Management and senior management**

- (2) Senior management means, for the purpose of the Act, the vice-chancellor, the deputy vice-chancellors, the registrar or the registrars, the executive directors and other administrative positions determined by the council to be executive positions.

48. Substitute paragraph 55(1) and (5) with the following paragraph:

**55. Functions of the vice-chancellor**

- (1) The vice-chancellor and principal is responsible for the day-to-day management and administration of the University and has all the powers necessary to perform these functions.
- (5) When the vice-chancellor is absent or unable to carry out his or her duties for an extended period of absence, the council may appoint a vice-principal from amongst the deputy vice-chancellors to act in place of the vice-chancellor during his or her absence. In the case of short absences on business, vacation or illness the vice-chancellor may delegate his authority in terms of paragraph 58.

49. Substitute paragraph 59 with the following paragraph:

**59. Executive management committee**

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

50. Substitute paragraph 61 with the following paragraph:

**61. Conditions of employment**

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 University's policy as determined in the rules.

51. Substitute paragraph 62 with the following paragraph:

**62. Evaluation and development**

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

52. Substitute paragraph 65(3) with the following paragraph:

65 (3) A student is registered for 1 (one) year or for such shorter period as the council may determine in general or in a particular case.

53. Insert a new paragraph 67 as follows, and renumber paragraphs 67 to 72 as paragraphs 68 to 73.

**67. Award of qualifications**

- (1) Degrees are conferred and diplomas and certificates are awarded at a congregation which shall be held at least once a year on a date to be announced at the beginning of every academic year.
- (2) The chancellor, or in his or her absence, the vice-chancellor or a deputy vice-chancellor, shall preside at a congregation.
- (3) A person is not entitled to any privilege conferred by any degree before he or she has been admitted to such a degree, or to any privilege conferred by any diploma or certificate before he or she has been awarded such a diploma or certificate at a congregation.
- (4) The council, in consultation with the senate, has the power to withdraw the conferment of any degree, diploma, certificate or other qualification that was conferred in error or if the recipient of such degree, diploma, certificate or other qualification had committed a dishonest act in connection with the obtaining of such degree, diploma, certificate or other qualification.