
GOVERNMENT NOTICE


DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 843

12 October 2012

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**INSTITUTIONAL STATUTE****UNIVERSITY OF ZULULAND**

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 Zululand set out in the Schedule attached hereto.

**Dr BE Nzimande, MP****Minister of Higher Education and Training****Date:** 24/08/12

GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING**HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)****STATUTE OF THE UNIVERSITY OF ZULULAND**

The Administrator to the University of Zululand has, after consultation with Senate and the Institutional Forum, drafted the Statute set out in the Schedule hereto in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training and which comes into operation on the date of its publication.

SCHEDULE

To introduce a new Statute for the University of Zululand to give effect to any law relating to the University of Zululand and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

CONTENTS

Par.	Chapter
	CHAPTER 1
1.	Definitions
	CHAPTER 2
	Institution
2.	Name, seat and powers
3.	Language policy
4.	Composition of the University
5.	General provisions
	CHAPTER 3
	Office Bearers
	Chancellor
6.	Functions of the Chancellor
7.	Election and appointment of the Chancellor
8.	Term of office
	Vice-Chancellor
9.	Status
10.	Functions of the Vice-Chancellor
11.	Appointment of the Vice-Chancellor
12.	Term of office
	Deputy Vice-Chancellor(s), Registrar and Executive Official(s)
13.	Duties
14.	Appointment and terms of office
15.	Vacancies
16.	Registrar
	CHAPTER 4
	Council
17.	Functions
18.	Composition
19.	Term of office
20.	Election and nomination procedures
21.	Vacancies on the Council
22.	Chairperson and Deputy Chairperson of Council
23.	Meetings and meeting procedures of Council
24.	Executive Committee of Council
25.	Chairperson, Deputy Chairperson, Secretary and meeting procedures of the Executive Committee of Council
26.	Powers and functions of the Executive Committee of Council
27.	Committees

CHAPTER 5**Senate**

- 28. Functions
- 29. Composition of Senate
- 30. Term of office of members of Senate
- 31. Election and nomination procedures
- 32. Chairperson, Deputy Chairperson and Secretary
- 33. Meetings of Senate
- 34. Executive Committee of Senate
- 35. Meeting procedures
- 36. Powers and functions of the Executive Committee of Senate
- 37. Committees of Senate
- 38. Representatives of Senate on Council

CHAPTER 6**Institutional Forum**

- 39. Functions
- 40. Composition
- 41. Term of office
- 42. Election procedures
- 43. Chairperson, Deputy Chairperson and Secretary
- 44. Meetings of the Institutional Forum
- 45. Executive Committee of the Institutional Forum
- 46. Decision making

CHAPTER 7**Convocation**

- 47. Membership
- 48. President, Vice-President and Secretary of Convocation
- 49. Meetings and meeting procedures
- 50. Executive Committee of Convocation
- 51. Quorum
- 52. Election of member of Convocation to the Council
- 53. Submission of resolutions to Council and Senate

CHAPTER 8**Donors**

- 54. Donors
- 55. Qualification as donor
- 56. Election of representatives of donors to Council

CHAPTER 9**Employees**

- 57. Appointment
- 58. Conditions of employment
- 59. Evaluation
- 60. Employee discipline

61. Representative employee organisations

CHAPTER 10
Students

62. Admission and registration of students
63. Student organisations and activities
64. Student Representative Council (SRC)
65. Student discipline
66. Fees
67. Bursaries and loans

CHAPTER 11
Management Committee (MANCO)

68. Management Committee (MANCO)

CHAPTER 12
Degrees, Diplomas and Certificates

69. Degrees, diplomas and certificates
70. Honorary degrees
71. Congregation and conferring of degrees and awarding of diplomas and certificates

CHAPTER 13

72. **Repeal of previous statute**

CHAPTER 14

73. **Transitional provisions**

CHAPTER 1

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 a teaching or research post at the University and any other employee designated as such by Council;

“Act” means the Higher Education Act, 1997 (Act 101 of 1997), as amended;

“academic year” means that portion of a calendar year approved by Council on the recommendation of Senate, for the academic activities of the University;

“administrative and support staff” means any person appointed by the University to perform an administrative or support function, excluding academic employees;

“associate professor” means an academic employee or any other person given the status and title of associate professor by the University;

“charter” means a set of approved Rules describing the composition, mandate and functioning of a committee of Council or Senate;

“Convocation” means the body composed in accordance with paragraph 47 of this Statute;

“Council” means the body composed in accordance with paragraph 18 of this Statute;

“Dean” means a person appointed in accordance with this Statute and the Rules of the University for the appointment of senior members of staff;

“Department” means the national department responsible for tertiary education;

“Deputy Vice-Chancellor” means a person appointed in accordance with this Statute and the Rules of the University for the appointment of senior members of staff;

“disabled” see **“person with a disability”**

“donor” means a person, body or entity who has made a donation to the University of the required minimum value determined by Council from time to time;

“due notice” means notice that has been given if a written notification has been

dispatched by registered post to the last address registered with the Registrar of the person concerned, at the commencement of the period of notice required;

“employee” means an academic or an administrative or a support staff member of the University;

“Executive Official(s)” means a person or persons appointed in accordance with this Statute and the Rules for the appointment of senior members of staff to assist the Vice-Chancellor in performing his or her duties in terms of the Act and this Statute, including but not limited to Deputy Vice-Chancellor(s), Registrar, Chief Financial Officer, Executive Directors, Deans or persons holding equivalent positions;

“expulsion” means the permanent expulsion of a student from the University and/or a residence of the University;

“functions” includes powers and duties;

“Institutional Forum” means the body composed in accordance with paragraph 40 of this Statute;

“Management” means the Executive Management of the University consisting of the Vice-Chancellor, the Deputy Vice-Chancellor(s) and the Registrar;

“Management Committee (MANCO)” means a committee comprising the Vice-Chancellor (Chairperson), the Deputy Vice-Chancellor(s), the Registrar and any other official or office-bearer appointed to the committee by the Vice-Chancellor;

“Minister” means the Minister responsible for higher education;

“office-bearer” means a functionary provided for in the Act, including the Vice-Chancellor, the Deputy Vice-Chancellor(s) and the Registrar;

“person with a disability” means a person with a disability as defined in the Employment Equity Act, 1998 (Act 55 of 1998), as amended;

“professor” means an academic employee or any other person who has been given the status and title of senior professor or professor by the University, excluding extraordinary and honorary professors;

“qualification” means a formal recognition and certification of a learning achievement approved by Senate, Council and the Department;

“recognised union” means an employee organisation recognised by the University and registered in accordance with the Labour Relations Act, 1995 (Act 66 of 1995), as amended;

“Registrar” means the person appointed in accordance with this Statute and the Rules for the appointment of senior members of staff;

“Rules” means the Institutional Rules of the University approved by Council in terms of section 32 of the Higher Education Act;

“**semester**” means one half of the academic year of the University;

“**Senate**” means the body composed in accordance with paragraph 29 of this Statute;

“**Statute**” means this statute drafted as contemplated in section 32 of the Act;

“**student**” means a person officially registered as either a full-time or a part-time student at the University;

“**SRC**” and “**Student Representative Council**” means the body composed in accordance with paragraph 64 of this Statute;

“**suspension**” means the temporary expulsion of a student from the University and/or from a residence of the University;

“**the University**” means the University of Zululand;

“**urgent matter**” means a matter, which, if not addressed before the next ordinary or special meeting of Council or Senate, could cause irreversible harm or prejudice to the University, its employees or students;

“**UNIZULU**” means the University of Zululand;

“**Vice-Chancellor**” means the person appointed as such in accordance with this Statute and the Rules for the appointment of the Vice-Chancellor;

“**written notice**” means any notice in writing and includes any notice sent as contemplated by the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), or any act that amends or replaces it.

CHAPTER 2

INSTITUTION

2. Name, seat and powers

- (1) The name of the University is the “University of Zululand” also officially referred to as “UNIZULU”.
- (2) The official street address of the University is: University of Zululand, 24 Main Road, KwaDlangezwa, KwaZulu-Natal, South Africa. The official postal address of the University is: University of Zululand, Private Bag X1001, KwaDlangezwa 3886, South Africa.
- (3) The seat of the University is in the geographic area of the Mhlathuze Local Authority.
- (4) The University conducts its academic activities within the area of jurisdiction of the City of Mhlathuze Local Authority or its successor in title and includes the KwaDlangezwa and Richards Bay Campuses of the University.
- (5) The University of Zululand is a comprehensive tertiary educational institution established in terms of the Act and is a juristic person as contemplated in section 20(4) of the Act.
- (6) The University functions in accordance with the Act, the Statute and the Rules of the University.
- (7) The University may confer degrees and honorary degrees and award diplomas and certificates.

3. Language policy

- (1) The language of tuition of the University is English, except where a particular language is taught, in which event that language is also used.
- (2) The languages of communication of the University are English and isiZulu depending on the nature of communication and practicability.
- (3) The University is committed to promoting multilingualism and the academic development of the official languages of South Africa through its programmes.

4. Composition of the University

- (1) The University consists of:
 - (a) Staff and students

- (b) All its property and assets
 - (c) The following bodies and structures:
 - Council and its committees
 - Convocation
 - Senate and its committees
 - Such faculties, academic departments and units as Council may establish, after consultation with Senate and, as necessary, with the approval of the Department
 - Institutional Forum
 - Student Representative Council
 - Management Committee
 - (d) The following office-bearers
 - Chancellor
 - Vice-Chancellor
 - Deputy Vice-Chancellor(s)
 - Registrar
 - Executive Official(s)
- (2) No vacancy in any of the offices as contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures as contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function, rights or privileges conferred by the Act or this Statute upon the University or Council or Senate, provided that no resolution of Council or of Senate shall be valid unless passed at a meeting at which a quorum was present and the rules relating to any such meeting have materially been complied with.

5. General provisions

- (1) Whenever, in terms of a provision of this Statute, a quorum or a majority of votes for any purpose is required and the actual number required at a meeting results in a numerical fraction, the next greater number shall be the applicable number to constitute the required quorum or majority.
- (2) Once a meeting constituted in accordance with this Statute is quorate it remains quorate for the duration of the meeting.
- (3) An unintentional failure or omission to give notice in terms of a provision of this Statute to any person entitled to receive such notice or to send the minutes of any meeting to any person entitled to receive such minutes does not invalidate the proceedings in respect of which such notice is given or minutes are sent.

CHAPTER 3

OFFICE BEARERS

CHANCELLOR

6. Functions of the Chancellor

- (1) The Chancellor shall be the titular head of the University with no executive powers.
- (2) The Chancellor confers all degrees and awards all diplomas, certificates and other distinctions on behalf of the University.
- (3) In the absence of the Chancellor, degrees shall be conferred by the Vice-Chancellor or by a Deputy Vice-Chancellor; and diplomas and certificates shall be awarded by officials designated by Council.
- (4) The Chancellor shall perform such other functions as assigned to him or her by Council, subject to the provisions of subparagraph (1).

7. Election and appointment of the Chancellor

- (1) The Chairperson of Council after consultation with the Vice-Chancellor, or, in his or her absence, the Vice-Chancellor must determine the date on which a meeting of Council must be held for the purpose of electing a Chancellor, provided that such meeting must be held within 90 days after the office of Chancellor becomes vacant.
- (2) At least 40 days before the date contemplated in subparagraph (1), the secretary to Council must give due notice to every member of Council of the date, place and time of the meeting contemplated in subparagraph (1) and must invite members of Council to submit nominations for the office of Chancellor on a form approved by the Vice-Chancellor, provided that any member is at liberty to supplement the information on the approved form by submission of additional information.
- (3) Any member of Council or Senate has the right to nominate a person, with his or her consent, for the office of Chancellor, provided that such nomination is seconded, in writing, by another member of Council or Senate.
- (4) The completed nominations must reach the secretary to Council at least 21 days before the date of the meeting contemplated in subparagraph (1).

- (5) At least seven days before the date of the meeting contemplated in subparagraph (1), the secretary to Council must give due notice to every member of Council of the names and backgrounds of the duly nominated candidates.
- (6) (a) The Chancellor must be elected to the office of Chancellor at a meeting of Council by a majority of the members of Council holding office on the date of the meeting; and
(b) the election of the Chancellor must be by secret ballot.
- (7) For the purpose of electing a Chancellor, the Chairperson of Council has an ordinary vote only and does not have a casting vote in the event of an equality of votes.
- (8) Each member of Council has only one vote during each ballot, provided that there must be a series of ballots if no candidate gains a majority of votes as contemplated in subparagraph 6(a) in the first ballot.
- (9) In each successive round of voting, the candidate who gains the least support in the previous ballot is eliminated as a candidate.
- (10) After Council has elected a Chancellor, the Chairperson of Council must announce the name of the new Chancellor.

8. Term of office

- (1) The Chancellor holds office for a period which is to be determined by Council, but not exceeding five years, unless his or her term of office is terminated as contemplated in subparagraphs (4) and (5).
- (2) A Chancellor may be re-elected, provided that a person may not serve as Chancellor for more than two consecutive terms.
- (3) The term of office of the Chancellor is terminated in the event of –
 - (a) passage of time;
 - (b) death or incapacity;
 - (c) resignation; or
 - (d) removal from office by means of a resolution passed by at least two-thirds of the total number of serving members of Council present at the meeting on account of misconduct, incapacity to carry out his or her official functions, or on account of any other reason which the Council may deem justifiable.
- (4) The resolution contemplated in subparagraph (3)(d) may not be passed without prior notice to the Chancellor of the pending motion for his or her

removal and the reasons therefor, and providing him or her with a reasonable opportunity to reply.

- (5) If the office of Chancellor becomes vacant Council must, as soon as possible, elect a new Chancellor in accordance with the provisions of paragraph 7.

VICE-CHANCELLOR

9. Status

The Vice-Chancellor of the University is *ex officio* its chief executive and accounting officer as contemplated in the Act.

10. Functions of the Vice-Chancellor

- (1) The Vice-Chancellor is responsible for the management and administration of the University and, subject to the provisions of subparagraph (3), has all the powers necessary to perform these functions.
- (2) The Vice-Chancellor is responsible for the discipline at the University.
- (3) Council shall delegate to the Vice-Chancellor all the powers necessary to perform his or her functions.
- (4) The Vice-Chancellor may in turn, subject to the Rules and the approved delegation frameworks of Council, delegate functions to other employees or the chairperson of any committee.
- (5) The Vice-Chancellor reports to Council.
- (6) The Vice-Chancellor is, subject to the Rules, *ex officio* a member of all the committees of Council and the Senate.
- (7) Council may assign additional functions, and grant additional powers and privileges to the Vice-Chancellor as contemplated in section 68(2) of the Act.
- (8) When the Vice-Chancellor is absent or unable to carry out his or her functions, he or she may, subject to the Rules and in consultation with the Chairperson of Council, delegate all or part of his or her functions to a member or members of Management, provided that in the event of a Vice-Chancellor being unable, for whatever reason, to delegate his or her functions, Council may delegate said functions to a member or members of Management and/or decide on any other appropriate measure.

- (9) If the Chancellor is unable, for whatever reason, to perform the functions of his or her office, or if the office of Chancellor becomes vacant, the Vice-Chancellor performs the functions of the Chancellor.

11. Appointment of the Vice-Chancellor

- (1) When the post of Vice-Chancellor becomes vacant, the advertising of the post, the invitation for nominations of and applications by candidates, the search for suitable candidates, the applicable criteria for the short-listing of candidates and the interviewing and appointment processes take place in the manner determined by Council and the Rules of the University, subject to section 31(1) of the Act.
- (2) Council shall, subject to the Rules and section 31(1) of the Act, appoint the Vice-Chancellor.
- (3) When the term of office of the Vice-Chancellor expires and he or she is available for appointment for a further term of office, Council may on account of the proven sustainable good performance of the incumbent measured against agreed performance outcomes, decide to re-appoint the Vice-Chancellor for a further term of office only after consultation with Senate and the Institutional Forum.
- (4) Nothing in subparagraphs (1) to (3) above prevents Council from advertising or calling for nominations for the position of Vice-Chancellor. The incumbent may apply or be nominated, whichever is appropriate, for the position.

12. Term of office

- (1) The Vice-Chancellor is appointed by Council for a period not exceeding five years, provided that this term may, subject to paragraph 11, be renewed for a further period not exceeding five years.
- (2) The term of Office of the Vice-Chancellor is terminated in the event of –
- (a) passage of time;
 - (b) death or incapacity;
 - (c) resignation; or
 - (d) removal from office by Council in accordance with the Rules or any other reason recognised by law.
- (3) Removal of the Vice-Chancellor from office is subject to the processes and procedures prescribed by law and the Rules.
- (4) The resolution contemplated in subparagraph (2) (d) may not be passed

without prior notice to the Vice-Chancellor of the pending motion for his or her removal and the reasons therefor, and providing him or her with a reasonable opportunity to reply.

DEPUTY VICE-CHANCELLOR(S), REGISTRAR AND EXECUTIVE OFFICIAL(S)

13. Duties

The Deputy Vice-Chancellor(s), the Registrar and Executive Official(s) are responsible for assisting the Vice-Chancellor in performing his or her duties in terms of the Act and this Statute and have the powers, privileges, functions, duties and conditions of service as are determined by Council, this Statute, the Rules as well as those delegated to them by the Vice-Chancellor.

14. Appointment and terms of office

- (1) The Deputy Vice-Chancellor(s), the Registrar and Executive Official(s) are appointed in such manner and for such periods as determined by Council and the Rules.
- (2) Paragraph 12(2) applies with the necessary changes to the termination of the term of office of the Deputy Vice-Chancellor(s), Registrar and Executive Official(s).

15. Vacancies

Whenever the office of a Deputy Vice-Chancellor, the Registrar and an Executive Official becomes vacant, Council appoints a successor in accordance with the procedures prescribed in the Rules.

16. Registrar

- (1) The Registrar is appointed by Council and is, by virtue of his or her office, the secretary to Council and Senate and the committees of Council and Senate.
- (2) The Registrar acts as returning officer at all meetings of Council, Senate and Convocation.
- (3) The Registrar is not a member of Council.
- (4) In the absence of the Registrar, his or her powers must be exercised and his or her functions performed by a person designated by the Vice-Chancellor.

- (5) The Registrar may designate any other administrative staff member to assist him or her.
- (6) Employees designated in terms of subparagraph (5) shall have the same fiduciary duties and obligations as the Registrar.
- (7) The Registrar provides administrative support to the governance structures of the University, which includes, but is not limited to –
 - (a) keeping the minutes of Council and Senate meetings;
 - (b) keeping the minutes of the meetings of all committees of Council and Senate; and
 - (c) keeping a register of all resolutions adopted by Council and Senate, and providing access to the register to members of Council and Senate respectively.
- (8) The Registrar is accountable through the office of the Vice-Chancellor for his or her governance support responsibilities.
- (9) The Vice-Chancellor may assign additional functions and responsibilities to the Registrar.

CHAPTER 4

COUNCIL

17. Functions

- (1) Council governs the University subject to the provisions of the Act, any other applicable legislation and this Statute.
- (2) Council shall perform all the governance responsibilities imposed on it by the Act and this Statute.
- (3) Without detracting from the generality of subparagraph (2), Council is responsible for governance and policy-making at the University, as well as to monitor compliance therewith and, particularly, to lay down guidelines relating to –
 - (a) strategic governance;
 - (b) financial governance;
 - (c) the appointment and conditions of service of staff, subject to subparagraph (6) to (8);
 - (d) a positive academic atmosphere;
 - (e) disciplinary matters regarding staff and students;
 - (f) the language policy of the University in concurrence with Senate, as required by section 27 of the Act;
 - (g) the admission policies of the University in consultation with Senate as required by section 37 of the Act; and
 - (h) the approval of the Rules of the University.
- (4) Council may establish committees to assist it in carrying out its duties and may, subject to the provisions of the Act and this Statute, delegate appropriate functions to its committees.
- (5) Council may, subject to the provisions of the Act and this Statute, delegate functions to the Vice-Chancellor, with the right to delegate further, subject to applicable University policy and Council-approved delegation frameworks.
- (6) Subject to section 34 of the Act, Council shall
 - (a) appoint people whom Council considers necessary to manage the University effectively in accordance with the Rules, and
 - (b) after consultation with Senate or a committee of Senate appoint and promote academic employees.

- (7) Council may delegate its functions in terms of subparagraph (6)(a) to a committee of Council, with the right to delegate, provided that Council may not delegate the appointment of the Vice-Chancellor, the Deputy Vice-Chancellor(s) and the Registrar.
- (8) Council may delegate its functions in terms of subparagraph (6)(b) to a joint committee of Council and Senate, provided that the appointment and promotion of academic employees at the level of senior lecturer and below may be further delegated to the Vice-Chancellor.
- (9) In terms of section 27(7) of the Act, a member of Council or a member of a committee of Council –
 - (a) must be a person with knowledge and experience relevant to the objects and governance of the University;
 - (b) must participate in the deliberations of the Council in the best interests of the University;
 - (c) must, before he or she assumes office, declare any business, commercial or financial activities undertaken for financial gain that may raise a conflict or a possible conflict of interest with the University;
 - (d) may not place himself or herself under any financial or other obligation to any individual or organisation that might seek to influence the performance of any function of the Council; and
 - (e)
 - (i) may not have a conflict of interest with the University;
 - (ii) may not have 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 with the University;
 - (iii) must, before the meeting and in writing, inform the chairperson of that meeting of that conflict or possible conflict of interest.
- (10) Each member of Council shall annually declare his or her financial interests and fiduciary roles, which include but are not limited to official and public offices, directorships of companies, memberships of close corporations and trusteeships, in a manner determined by Council and in accordance with section 27(7) of the Act.
- (11) Council shall keep comprehensive records of all its activities as well as of all assets, liabilities, income, expenditure and other financial transactions

as required by section 41(1) of the Act, and shall report to the Minister as contemplated in section 41(2) of the Act.

- (12) Council, after consultation with Management and the SRC, shall make provision in the Rules of the University for appropriate structures to advise Council on the rendering of student services at the University.
- (13) Council shall report regularly on its activities and performance and that of its committees in accordance with its own rules and the guidelines of the Department. It is incumbent upon Council to inform employees and students of decisions of Council affecting them.
- (14) Council shall in instances of substantial non-attendance of Council meetings, with or without apology (three or more meetings), by members representing specific constituencies, report such non-attendance to the relevant constituency.
- (15) No temporary vacancy impairs the capacity of Council to perform its functions and responsibilities under the Act, this Statute and the Rules, provided that decisions of Council will have effect only if they are taken in accordance with the prescripts set out in paragraph 23 under the heading "Meetings and meeting procedures of Council".

18. Composition

- (1) Council consists of -
 - (a) the Vice-Chancellor;
 - (b) no more than two Deputy Vice-Chancellors;
 - (c) three members of Senate, elected by Senate;
 - (d) one academic employee, other than a member of Senate, elected by the academic employees;
 - (e) one employee representing administrative and support staff who is not a member of Senate, elected by the administrative and support staff;
 - (f) two student members elected by the SRC from their ranks;
 - (g) five persons appointed by the Minister in accordance with section 27(4)(c) of the Act;
 - (h) the President of the Convocation and one additional member of the Convocation elected by the Convocation;
 - (i) two persons appointed by the City of Mhlathuze Local Authority with due regard to appropriate representation of the local authorities within which the University Campuses are situated;

- (j) two donors of the University;
 - (k) one person elected by the Traditional Leaders of the area contemplated in paragraph 2(4) of this Statute;
 - (l) the Chairperson of the Institutional Forum; and
 - (m) no more than three persons who are not employees or students of the University appointed by Council on the basis of their experience and expertise.
- (2) Council members are elected or appointed in accordance with the provisions of paragraph 20 of this Statute.
 - (3) In accordance with the Act at least sixty percent of the members of Council shall be people who are not employees or students of the University.
 - (4) When members are elected to or appointed on Council, the body entitled to elect or appoint shall do so with sensitivity for the race and gender profile of Council.
 - (5) The Registrar is the secretary to Council.

19. Term of office

- (1) The Vice-Chancellor and the Deputy Vice-Chancellor(s) are, subject to the provisions of paragraph 20(9), members of Council for as long as they remain in office.
- (2) The term of office of representatives of the SRC is the same as that of the SRC that appointed them.
- (3) The term of office of all other members of Council is four years, provided that a member whose term of office has expired may, as an interim measure, be extended by Council once off for a maximum period of six months should Council be of the opinion that special circumstances so demand.
- (4) Members of Council whose terms of office have expired may be re-elected or re-appointed, provided that members, excluding *ex officio* members, may not serve more than two consecutive terms.
- (5) A Council member's membership is terminated –
 - (a) through passage of time;
 - (b) upon death or incapacity;
 - (c) if the Council member fails to attend three consecutive ordinary meetings of Council without the consent of the Chairperson of Council;
 - (d) if the Council member is sequestered;

- (e) if the Council member is found guilty of conduct that in the exclusive opinion of Council is of such a nature that the member's ability to exercise his or her fiduciary duties and obligations is undermined and that continued membership of Council is not desirable;
 - (f) if a Council member, who is also a member of staff or a student of the University, is found guilty of conduct as contemplated in subparagraph (5)(e) or found guilty of misconduct in terms of the Disciplinary Code of the University which, in the opinion of Council, is of such a serious nature that the member's continued membership of Council is not desirable;
 - (g) if the Council member is elected or appointed by a particular interest group and the Council member's membership of, or association with the interest group is terminated;
 - (h) if Council rules that the continued membership of a member is undesirable due to a conflict of interest;
 - (i) if the Council member becomes a patient in an institution for mental health on a continuous basis; or
 - (j) if the Council member has transgressed Council's Code of Conduct.
- (6) Constituencies who appointed persons to Council shall be informed by the Registrar of any termination in accordance with subparagraph (5)(c).
- (7) Apart from the Vice-Chancellor, Deputy Vice-Chancellors, representatives of Senate, employee representatives and students appointed by the SRC to serve on Council, no other member of Council shall be a permanent or temporary member of staff or a student of the University, and should this happen, such Council member's membership of Council terminates automatically.
- (8) All Council members elected or appointed to Council are entitled, at any time, to submit their resignations in writing to the Chairperson of Council.

20. Election and nomination procedures

- (1) The Senate representatives on Council shall be elected in accordance with the procedure prescribed in paragraph 38 of this Statute.
- (2) The academic employees of the University must elect one representative to represent them on Council in accordance with the following provisions and process:
 - (a) The representative must be an academic employee who is not a member of Senate.

- (b) The election must take place by secret ballot at a meeting of the academic employees convened by the Registrar for that purpose and the candidate who obtains the majority of the votes must be duly elected. The quorum for the meeting is twenty percent of the total number of academic employees.
 - (c) Candidates for election must be duly nominated and nominations must reach the Registrar at least 14 days before the date of the election, and no person may be elected unless he or she has been nominated in writing by at least two members of the academic employees and the nominee has consented to such nomination in writing.
 - (d) Nominations must be invited by the Registrar as soon as a vacancy arises.
 - (e) The Registrar shall announce the result of the election.
 - (f) The representative of the academic employees must vacate his or her position on Council in the event that he or she, for whatever reason, becomes a member of Senate or ceases to be an academic employee, whereafter the position must be filled in accordance with the procedure set out in subparagraphs (2)(a) to (e).
- (3) The administrative and support staff of the University must elect one representative to represent them on Council in accordance with the following provisions and process:
- (a) The representative must be an administrative or support employee, who is not a member of Senate;
 - (b) The election must take place by secret ballot at a meeting of administrative and support employees convened by the Registrar for that purpose, and the candidate who obtains the majority of the votes must be duly elected. The quorum for the meeting is twenty percent of the total number of administrative and support employees.
 - (c) Candidates for election must be duly nominated and nominations must reach the Registrar at least 14 days before the date of the election and no person may be elected unless he or she has been nominated in writing by at least two employees from the category of administrative and support employees and the nominee has consented to such nomination in writing.
 - (d) Nominations must be invited by the Registrar as soon as there is a vacancy.

- (e) The Registrar shall announce the result of the election.
 - (f) The representative of the administrative and support employees must vacate his or her position on Council in the event that he or she, for whatever reason, becomes a member of Senate or cease to be a member of the administrative and support employees, whereafter the position must be filled in accordance with the procedure set out in subparagraphs (3)(a) to (e).
- (4) Student members on Council shall be elected at a meeting of the SRC from the ranks of the SRC in accordance with the selection procedure of the SRC.
 - (5) The election of Council members from the ranks of the University's donors shall take place in accordance with paragraph 56 of this Statute.
 - (6) The members of Council who are appointed to Council on the basis of their expertise and experience shall be appointed by means of the following process controlled and supervised by the Registrar:
 - (a) The Registrar shall place an advertisement in three newspapers (one provincial and two national) and on the University's website, inviting organisations, interest groups and individuals to nominate persons with expertise and experience, as determined by Council, to serve on Council, provided that if a particular round of advertisements has, in the opinion of Council, not elicited a satisfactory response, the process may be repeated.
 - (b) The Executive Committee of Council must, with the assistance of the Registrar, draw up a list of the most suitable nominees for recommendation to Council, provided that the names of all nominees will be tabled at the Council meeting.
 - (c) The required number of members of Council shall be elected at an ordinary or an extraordinary meeting of Council from the ranks of the nominees, after taking into consideration the recommendations of the Executive Committee of Council.
 - (7) Apart from the President of the Convocation, the election of one additional member from the ranks of the members of the Convocation who is to serve on Council shall take place in accordance with the procedure prescribed in paragraph 52 of this Statute.
 - (8) The process for the appointment of Council members as contemplated in paragraphs 18(1)(c) to 18(1)(e), 18(1)(g) to 18(1)(m), shall be facilitated by

the Registrar in his or her capacity either as Registrar or as secretary to Council and Senate.

- (9) The Deputy Vice-Chancellors contemplated in paragraph 18(1)(b) shall be the Deputy Vice-Chancellors responsible for teaching and research respectively, provided that in the event of these responsibilities vesting in a single person, the second Deputy Vice-Chancellor shall be appointed by the Vice-Chancellor from the ranks of the remaining incumbents.

21. Vacancies on the Council

- (1) Vacancies by passage of time: At least three months before the expiry of the term of office of any member of Council, the secretary to Council must give notice in writing to whoever appointed or elected such member to enable such person or body to fill the vacancy in accordance with this Statute.
- (2) Casual vacancies are filled with the necessary changes in accordance with the processes described in paragraph 20 above.
- (3) Council members elected or appointed to fill casual vacancies shall be elected for the full four-year term of office.

22. Chairperson and Deputy Chairperson of the Council

- (1) A Chairperson and Deputy Chairperson of Council shall be elected at the first meeting of Council constituted in accordance with this Statute and thereafter as and when it becomes necessary.
- (2) If a vacancy occurs in the position of Chairperson or the Deputy Chairperson of Council:
 - (a) Council shall elect a Chairperson and Deputy Chairperson from among its members, who are not employees or students of the University, and who will hold office for a period of four years, or for such shorter period as he or she may be a member of Council.
 - (b) Nominations for the Chairperson or Deputy Chairperson of Council must be given in writing to the secretary to Council on or before a date determined by him or her.
 - (c) Each nomination must be signed by at least three members of Council and countersigned by the nominee to denote his or her acceptance of the nomination.
 - (d) For the duration of the election of a Chairperson, the Vice-Chancellor acts as Chairperson of the meeting.

- (e) If more than one candidate is nominated for one of the offices, voting takes place by secret ballot.
 - (f) A candidate may be elected to the office of Chairperson or Deputy Chairperson of Council only by a majority of the members present at a meeting.
 - (g) If no candidate receives a majority of votes, successive rounds of voting take place. In each successive round of voting, the candidate receiving the least votes in the previous round of voting is eliminated as a candidate.
- (3) The Deputy Chairperson of Council shall act as the Chairperson in the absence of the Chairperson and in the absence of both the Chairperson and the Deputy Chairperson the members present at the meeting shall elect a Chairperson from their own ranks to chair the meeting. While the Deputy Chairperson or another elected Council member acts as Chairperson, he or she is vested with all the powers and performs all the functions of the Chairperson of Council.

23. Meetings and meeting procedures of Council

- (1) The Chairperson of Council, after consultation with the Vice-Chancellor, shall convene a meeting of Council at least twice in each semester at a time and place determined by the Chairperson.
- (2) Council shall determine its own meeting procedures with due observance of accepted norms and practices of fair administrative process.
- (3) Except as otherwise provided in this Statute, decisions of Council are taken by a majority of votes of the members present at the meeting.
- (4) Fifty percent plus one of the serving members of Council constitutes a quorum.
- (5) Should a quorum of members not be present at the start of a meeting, the majority of the members present may decide to continue with the discussion of the matters on the agenda and may refer urgent matters to the Executive Committee of Council for a decision, provided that all other conclusions reached at such a meeting shall have no effect unless submitted to and approved by a properly constituted meeting of Council.
- (6) The Council may grant observer status to persons that would allow such person to attend a particular Council meeting or Council meetings in general. With the permission of the Chairperson of Council a person with observer status may take part in the debates of Council, but may not vote.

- (7) 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 for a vote the outcome of which is binding.
- (8) A member of Council may not, without leave of the meeting, speak more than once on a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.
- (9) A motion or amendment must be seconded, and, if it is so directed by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (10) At least seven days before the date of an ordinary meeting, the secretary to Council shall give each member written notice of the date, time and place of such a meeting. This notice will be accompanied by an agenda with supporting documentation, as applicable.
- (11) Notice of any motion for consideration must be given in writing and must be lodged with the secretary to Council at least 21 days before the date of an ordinary meeting, provided that any matter of an urgent nature may, without prior notice, but, with the leave of the Chairperson and a majority of the members present, be considered at such a meeting.
- (12) Except as approved by a majority of members, no motion which has been rejected by Council may be placed before it again within a period of six calendar months from the date of such rejection.
- (13) The secretary to Council shall keep comprehensive minutes of each Council meeting.
- (14) The secretary to Council must keep a complete register of Council resolutions adopted and all members of Council must have access to this register.
- (15) The first act of an ordinary meeting, after it has been constituted, must be to confirm by way of the signature of the Chairperson the correctness of the minutes of the previous meeting(s) and of any special meeting, provided that objections to the minutes of a meeting must be raised and resolved before confirmation of the minutes.
- (16) Subject to the provisions of paragraph 7(7) of this Statute, the Chairperson of Council has an ordinary vote and, in the event of an equality of votes, also a casting vote.
- (17) If it is so requested and decided by the meeting, the number of members voting for or against any motion must be recorded and at the request of

any member the Chairperson must rule that the vote of the requesting member for or against a particular decision be recorded.

- (18) Where two thirds of the serving members of Council without the Chairperson convening a formal meeting have reached an agreement on a matter referred to them by letter, email, fax or via teleconference by the Chairperson and have conveyed their resolution by letter, email, fax or via teleconference, such a resolution will be equivalent to a resolution of Council and must be recorded in the minutes of the following ordinary meeting.
- (19) The views of a member of Council who is unable to attend a formal meeting may be submitted to the meeting in writing, but may not count as a vote on any matter decided at the meeting.
- (20) No member of Council may participate in the discussion of, or vote on a matter in which he or she has a direct or indirect financial, personal or other interest and which entails or may entail a conflict or possible conflict of interest with the University.
- (21) A member of Council must, in writing, inform the Chairperson before the meeting of a conflict or possible conflict of interest in any matter to be discussed at the meeting and is obliged to recuse him or herself from the meeting during the discussion of the matter and the voting thereon.
- (22) If a member of Council participates in the proceedings and the voting of Council in connection with a matter in which he or she has a direct or indirect financial, personal or other interest, the resolution of Council on the matter is invalid.
- (23) A motion to amend or rescind a previous resolution of Council must be carried by at least two-thirds of the members present.
- (24) A motion to approve, amend or repeal the Statute or a Rule of the University must be adopted by at least two thirds of the serving members of Council.
- (25) Chairperson of Council may, with at least seven days' notice, convene an extraordinary meeting of Council notifying members of the matter(s) to be discussed. No other business may be discussed at such a meeting.
- (26) At the request of the Vice-Chancellor or at the written request of at least five members of Council indicating the need for an extraordinary meeting and the matter(s) to be discussed, the Chairperson shall convene an extraordinary meeting, provided that no other business may be discussed at such a meeting.

- (27) An emergency meeting may be called by the Chairperson after consultation with the Vice-Chancellor, provided that members of Council be given at least 24 hours' notice of such a meeting and provided further that notice may be given in any manner deemed expedient in the circumstances. Members must be advised of the purpose of the meeting and no other business may be discussed at such a meeting.

24. Executive Committee of Council

- (1) The Council must establish a Committee known as the Executive Committee of Council, which consists of –
- (a) the Chairperson of Council;
 - (b) the Deputy Chairperson of Council;
 - (c) the Vice-Chancellor;
 - (d) four members of Council, two of whom should be representatives of Senate on Council and two of whom should be members other than employees or students.
- (2) The term of office of members of the Executive Committee of Council as contemplated in subparagraph (1)(d) shall be two years.
- (3) Members of the Executive Committee of Council, whose terms of office have expired, may be re-elected.
- (4) At the request of the Chairperson of the Executive Committee or a person acting in that capacity any member of Council may serve as a substitute member for an absent member of the Executive Committee, provided that employees may only substitute for employees and non-employees for non-employees and provided further that student members of Council may not substitute for absent members.

25. Chairperson, Deputy Chairperson, Secretary and Meeting Procedures of the Executive Committee of Council

- (1) The Chairperson of Council shall *ex officio* be the Chairperson of the Executive Committee of Council and the Deputy Chairperson of the Council shall *ex officio* be the Deputy Chairperson of the Executive Committee of Council.
- (2) In the absence of the Chairperson, the Deputy Chairperson shall act as the Chairperson and in the absence of both the Chairperson and the Deputy Chairperson the members present shall elect a Chairperson from their own ranks to chair the meeting.

- (3) Four members of the Executive Committee shall constitute a quorum, two of whom must be members who are not employees.
- (4) The Executive Committee shall determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (5) The Registrar shall act as secretary of the Executive Committee of Council.

26. Powers and functions of the Executive Committee of Council

- (1) When Council is not in session, the Executive Committee of Council assumes the authority of Council and may perform the functions of Council with regard to urgent matters and matters delegated to the Executive Committee by Council.
- (2) The Executive Committee reports regularly to Council on its decisions and actions, provided that all decisions and actions taken by the Executive Committee in terms of subparagraph (1) shall be submitted to the next meeting of Council for ratification. Any other decision, action or recommendation of the Executive Committee of Council may be ratified, amended or rejected by Council.
- (3) Council shall review the delegations to the Executive Committee of Council at least every four years.
- (4) The Registrar shall keep a detailed consolidated record of all delegated powers as contemplated in subparagraph (1).
- (5) The Executive Committee considers all recommendations of Senate and the committees of Council before submitting them, with its recommendations, to Council.
- (6) The Executive Committee may refer any matter arising from the minutes of meetings contemplated in subparagraph (5) back to Senate or any Council committee.
- (7) The Executive Committee may refer any matter which it deems necessary to Senate or any Council committee.
- (8) Matters requiring the urgent attention of Council, as determined by the Vice-Chancellor, may be submitted to Council directly.
- (9) The Executive Committee acts as the Board of Trustees for the Staff Group Life Insurance Scheme.
- (10) The Executive Committee deals with any other matter delegated to it by Council.

- (11) The Executive Committee of Council may further delegate the authority granted to it by Council to a committee of Council, the Vice-Chancellor or to an individual, except in cases where this Statute prescribes differently or Council has explicitly ruled against further delegation.

27. Committees

- (1) Apart from the Executive Committee of Council as contemplated in paragraph 24, Council may establish any other committee as well as joint Council and Senate committees.
- (2) Council is obliged to at least establish the following committees to advise the Executive Committee of Council and Council on the responsibilities of Council: -
- (a) a committee dealing with the provision and planning of human resources, including the remuneration of staff and members of Council,
 - (b) a committee dealing with the provision and planning of financial resources, including compliance with audit, risk and investment regulations and governance principles,
 - (c) a committee dealing with the provision and planning of physical resources and infrastructure.

Each committee shall have its own charter prescribing its composition, mandate, powers and duties. Charters approved by Council will have the status of Rules as contemplated in section 29(4) of the Act.

- (3) Committees of Council or joint committees of Council and Senate decide on matters within their mandates by a majority vote of the members present at a meeting, provided that the quorum for the meeting will be fifty percent plus one of the members appointed to the committee.
- (4) Council may appoint persons who are not members of Council or Senate to committees.

CHAPTER 5

SENATE

28. Functions

- (1) Senate conducts its business under the supervision of Council and is accountable to Council for all academic matters as contemplated in section 28(1) of the Act, in particular teaching and learning, research and community engagement. Senate submits reports to Council on its activities.

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- (2) The functions of Senate include the following and are executed in accordance with the Rules of the University –
- (a) academic planning and development;
 - (b) the regulation of all activities of the University in respect of teaching and learning, research and community engagement including –
 - (i) guidelines for the appointment and promotion of academic staff;
 - (ii) guidelines for the organisation, structures and administration of teaching and learning, research and community engagement at the University;
 - (iii) management and supervision of the evaluation of students; and
 - (iv) quality assurance and promotion in respect of teaching and learning, research and community engagement.
 - (c) to submit recommendations to Council on, inter alia, the following matters –
 - (i) the establishment, amalgamation or closure of faculties, departments, institutes, bureaux, research units and centres;
 - (ii) the introduction or discontinuation of and changes to academic programmes, subjects, modules and related matters;
 - (iii) curricula for academic programmes and the content of subjects, modules and other components of academic programmes;
 - (iv) the admission policy of the University;
 - (v) the management, operation and development of the library;
 - (vi) the conferring of degrees and awarding of diplomas, certificates and other approved qualifications of the University, including honorary degrees and awards;
 - (vii) academic dress and graduation ceremonies;
 - (viii) organised student life, including student services and student discipline; and
 - (ix) the suitability for appointment of candidates for the positions of Vice-Chancellor, Deputy Vice-Chancellor(s) and other senior members of staff in accordance with the Rules of the University.
 - (d) to approve with Council, as required by section 37(4) of the Act, the –
 - (i) language policy of the University;
 - (ii) admission requirements for specific academic programmes;
 - (iii) number of students who may be admitted to a specific programme as well as the method of selection;

- (iv) minimum requirements for admission and re-admission to the University; and
- (v) criteria for the exclusion of students who do not comply with the minimum academic and/or other criteria the University may prescribe.
- (e) the execution of any other function Council may assign or delegate to Senate.

29. Composition of Senate

- (1) Senate consists of-
 - (a) Vice-Chancellor (Chairperson);
 - (b) Chairperson of Council or any other external member of Council nominated by the Chairperson of Council;
 - (c) One external member of Council appointed by Council;
 - (d) Deputy Vice-Chancellor(s);
 - (e) Registrar;
 - (f) Deans;
 - (g) Professors, Deputy Deans and Heads of Department;
 - (h) Dean of Students or a person holding an equivalent position;
 - (i) Head of the Richards Bay Campus
 - (j) One academic employee from each faculty with at least the status of an associate professor, elected by faculties in accordance with the process described in paragraph 31(2);
 - (k) Directors of centres, institutes or units with an academic function appointed by Senate;
 - (l) Directors, or persons holding equivalent positions, of departments and units with an academic support function appointed by Senate, including but not limited to:
 - (i) library services;
 - (ii) research support;
 - (iii) academic support;
 - (iv) quality assurance;
 - (m) Chairperson of the Institutional Forum; and
 - (n) two students elected in accordance with the process described in paragraph 31(3).
- (2) The Vice-Chancellor may invite employees of the University or other individuals or groups to attend meetings of Senate and to address Senate

on a particular matter.

- (3) When members are elected on Senate, the body entitled to elect shall do so with sensitivity for the race and gender profile of Senate.
- (4) Incidental vacancies in the category of elected members are to be filled for the remainder of the previous incumbent's term of office in accordance with the applicable Rules.

30. Term of office of members of Senate

- (1) Members of Senate serving on Senate in an *ex officio* capacity are members for the duration of their respective terms of office.
- (2) The term of office of representatives of the SRC shall coincide with that of the SRC that appointed them.
- (3) A student representative serving more than one term on the SRC may be re-elected by the SRC to serve on Senate for another term, provided that a student representative's membership lapses automatically when he or she is no longer a registered student or is found guilty of misconduct in terms of the Disciplinary Code of the University.
- (4) The term of office of all other members of Senate shall be four years, upon the expiry of which members may be re-elected.
- (5) The membership of a member of Senate elected by a specific interest group terminates automatically when the interest group formally at a meeting contemplated in paragraph 31 withdraws its support for such a member or when such member's association with the interest group, for whatever reason, comes to an end.

31. Election and nomination procedures

- (1) With the exception of the *ex officio* members of Senate and the members appointed by Senate, the Registrar shall facilitate the arrangements for the nomination and election of members in accordance with this Statute.
- (2) The Registrar shall arrange and administer the election of one academic staff member from each faculty in the following manner:
 - (a) Within a reasonable period before the election date as contemplated in paragraph 29(1)(j) of the Statute, the Registrar shall request the Dean(s) of the faculty(ies) involved to arrange/facilitate the election of one academic employee at a meeting of the faculty board to serve on Senate for a period of four years.

- (b) Faculty representatives must be academic employees who are not already members of Senate.
 - (c) Faculties elect members to Senate by means of a secret ballot and candidates obtaining a majority of the votes of the members present at the meeting shall be elected to Senate.
 - (d) Candidates for election as faculty representatives must be duly nominated and nominations must reach the Dean of the faculty at least 14 days before the date of the meeting during which the election will take place, and no person may be elected unless he or she has been nominated in writing by at least two members of the academic employees and has consented to such a nomination in writing.
 - (e) The Deans shall submit the names of the elected members from their respective faculties to the Registrar and the Registrar shall announce the results of the election(s).
 - (f) When a member contemplated in subparagraph (2) vacates his or her office, or becomes a member of Senate in another capacity, the position must be filled in accordance with the procedures set out in subparagraphs (2)(a) to (e).
- (3) Student members of Senate are elected at a properly constituted meeting of the SRC in accordance with the following provisions and process:
- (a) The Registrar notifies the President of the SRC whenever it is necessary for student representatives to be elected to the Senate, as contemplated in section 28(2)(f) of the Act and paragraph 29(1)(n) of the Statute.
 - (b) The SRC must elect two representatives to Senate from its ranks by means of a secret ballot and members obtaining a majority of the votes of the members present at the meeting shall be elected to Senate.
 - (c) The president of the SRC submits the names of the members elected to the Registrar.
 - (d) When a member contemplated in subparagraph (3) for any reason vacates his or her office, the provisions in subparagraphs (a) to (c) shall apply.

32. Chairperson, Deputy Chairperson and Secretary

- (1) The Vice-Chancellor is the Chairperson of the Senate.
- (2) The Deputy Chairperson of Senate is elected from the ranks of the Deputy

Vice-Chancellors and the provisions of paragraph 22(2)(d) to (g) relating to the election of the Deputy Chairperson of Council apply, with the necessary changes, to the election of the Deputy Chairperson of Senate.

- (3) The Deputy Chairperson shall hold office for two years and may be re-elected.
- (4) In the absence of the Chairperson, the Deputy Chairperson of Senate shall act as Chairperson and if both the Chairperson and the Deputy Chairperson are absent, the members present shall elect a Chairperson from their ranks to chair the meeting.
- (5) If the office of Deputy Chairperson becomes vacant Senate shall elect a successor for a full term.
- (6) The Registrar is the secretary to Senate.
- (7) The secretary to Senate must –
 - (a) act as secretary to all committees and joint committees of Senate;
 - (b) keep the minutes of the meetings of Senate and its committees and distribute copies of the minutes together with the agenda of the next meeting of Senate to members; and
 - (c) keep a register of resolutions adopted by Senate, the Executive Committee of Senate and Senate Committees and all members of these bodies must have access to this register.
- (8) The Vice-Chancellor may designate an employee to assist the Registrar with his or her duties as the secretary to the Senate or to act in his or her place. Such designated employee shall have the same fiduciary duties and obligations as the Registrar.

33. Meetings of the Senate

- (1) The Chairperson must convene a meeting of Senate at least twice in each semester.
- (2) Fifty percent plus one of the serving members of Senate shall constitute a quorum.
- (3) Should a quorum of members not be present at the start of a meeting, the majority of the members present may decide to continue with the discussion of the matters on the agenda and may refer urgent matters to Council or the Executive Committee of Senate, as appropriate, for a decision, provided that all other conclusions reached at such a meeting shall have no effect unless it is submitted to and approved by a properly constituted meeting of Senate.

- (4) Senate may grant observer status to persons that would allow such persons to attend a particular Senate meeting or Senate meetings in general. With the permission of the Chairperson a person with observer status may take part in the debates of Senate, but may not vote.
- (5) The secretary to Senate shall notify each member of Senate in writing of the date, time and venue of a meeting at least seven days before the meeting. Such notice shall be accompanied by an agenda and supporting documentation as appropriate.
- (6) Members who wish to place additional matters for discussion on the agenda shall submit such matters in writing to the secretary to Senate at least 14 days before the date of the meeting as published in the official University calendar.
- (7) Urgent matters may be placed on the agenda for discussion or finalisation during a meeting with the approval of the majority of the members present at a meeting.
- (8) The first act of an ordinary meeting, after it has been constituted, must be to confirm by way of the signature of the Chairperson the correctness of the minutes of the previous meeting(s) and of any special meeting, provided that objections to the minutes must be raised and resolved before confirmation of the minutes.
- (9) A member may not, without the leave of the Chairperson, speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.
- (10) A motion or an amendment thereto must be seconded and, if requested by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (11) The ruling of the Chairperson on any matter of order or procedure is binding unless immediately challenged by a member, in which event the ruling must be submitted without discussion to the meeting for a vote, the outcome of which is binding.
- (12) Notice of a motion to amend or rescind a Rule, or to amend or rescind a previous resolution of Senate, must be given at a meeting preceding the meeting at which the amendment or rescission is tabled, provided that no such notice is required if the proposal to amend or rescind a Rule or to amend or rescind a previous resolution of Senate, as the case may be, has been made by a committee of Senate and provided further the minutes of the meeting of the relevant committee were issued in time to have been

received by the members of Senate at least three working days before the meeting at which its recommendation is to be considered.

- (13) In the absence of a Senate resolution to the contrary, Senate shall reach its decisions through a majority vote by the members present.
- (14) Members shall vote by a show of hands unless Senate decides on voting in a particular matter by way of a secret ballot.
- (15) The Chairperson of the meeting shall have an ordinary and a casting vote in the event of a tie of votes.
- (16) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, or, at the request of any member, the Chairperson must direct that the vote of such a member be recorded.
- (17) The Chairperson may, with at least 24 hours' notice, convene an extraordinary meeting of Senate notifying members of the matter(s) to be discussed. If requested to do so by at least 25 members, the Chairperson shall convene an extraordinary meeting, provided that the request is in writing and the matters for discussion are of an urgent nature. No matter other than that of which notice was given may be discussed at an extraordinary meeting.

34. Executive Committee of Senate

- (1) Senate shall establish a committee known as the Executive Committee of Senate, and the provisions of paragraph 33 shall apply with the necessary changes to the meetings of such a committee.
- (2) The Executive Committee of Senate consists of the –
 - (a) Vice-Chancellor (Chairperson);
 - (b) Deputy Vice-Chancellor(s);
 - (c) Deans of the faculties;
 - (d) Senate's representatives on Council;
 - (e) Head of the Richards Bay Campus
 - (f) Two members of Senate elected by Senate from members serving in terms of subparagraphs 29(1)(g) and 29(1)(j); and
 - (g) Registrar.
- (3) The Vice-Chancellor may invite officials and staff of the University to attend meetings of the Executive Committee of Senate and to address the Committee on a particular matter.

35. Meetings and procedures

- (1) The Executive Committee of Senate shall determine its own meeting procedures with due observance of generally-accepted norms and practices of fair administrative process.
- (2) Fifty percent plus one of all the members of the Executive Committee of Senate constitutes a quorum.
- (3) The Executive Committee of Senate meets as determined by the Vice-Chancellor, but shall meet before each meeting (except extraordinary meetings) of Senate to co-ordinate and supervise the activities of Senate committees and to consider reports from such committees with the view to preparing appropriate recommendations to Senate for its consideration.
- (4) The Executive Committee of Senate meets as necessary to decide on urgent academic matters and matters delegated to the Committee by Senate.

36. Powers and functions of the Executive Committee of Senate

- (1) When Senate is not in session, the Executive Committee of Senate assumes the authority of Senate and performs the functions of Senate with regard to urgent academic matters and matters delegated to the Executive Committee by Senate.
- (2) The Executive Committee of Senate reports regularly to Senate on the decisions and actions of the Committee, provided that all decisions and actions taken by the Executive Committee of Senate in terms of subparagraph (1) shall be reported to the following meeting of Senate for ratification. Any other decision, action or recommendation of the Executive Committee of Senate must be ratified, amended or rejected by Senate.
- (3) Senate shall revise the delegations to the Executive Committee of Senate at least every four years.
- (4) The Registrar shall keep a detailed consolidated register of all delegated powers as contemplated in subparagraph (1) and all members of these bodies must have access to this register.
- (5) The Executive Committee of Senate may further delegate the authority granted to it by Senate as contemplated in subparagraph (1) to a committee of Senate or to an individual, except in cases where this Statute or the Rules prescribes differently or Senate has explicitly ruled against further delegation.

37. Committees of Senate

- (1) Senate may establish committees to advise Senate and the Executive Committee of Senate, which may include committees with the following mandates:
 - (a) To advise Senate on the execution of its mandate with regard to teaching and learning, research and community engagement;
 - (b) To advise Council on behalf of Senate on the appointment of academic employees;
 - (c) To plan, prepare and implement the academic time-table and related matters;
 - (d) To draft, amend and implement the Rules and policies pertaining to academic programmes (admissions, assessment, exclusions etc.), quality assurance, internationalisation and related matters;
 - (e) To deal with student discipline and codes of conduct; and
 - (f) To award prizes, grants etc.
- (2) Except where a member of Senate acts *ex officio* as Chairperson of a Senate Committee, Senate shall nominate and elect members and chairpersons of committees.
- (3) Senate may, when appropriate, appoint a person who is not a member of Senate or a member of staff to serve on a committee.
- (4) The Executive Committee of Senate, in consultation with the respective committees, is responsible for the preparation of Charters for Senate Committees for approval by Senate.
- (5) Each faculty shall have a faculty board constituted in accordance with the Rules.
- (6) Faculty boards function as committees of Senate.
- (7) The Dean of the faculty is the Chairperson of the faculty board *ex officio*.
- (8) A faculty board of a particular faculty consists of the academic employees appointed in that faculty with the rank of lecturer and higher as well as those academic staff of other faculties participating through the offering of modules and/or subjects in the academic programme(s) of that faculty nominated by their respective faculty boards.
- (9) The provisions of paragraphs 29(2), 30, 33(1) to (17) and 37(1) to (3) are, with the necessary changes, applicable to the composition and functioning of faculty boards.
- (10) Subject to the overriding authority of Senate and Council the functions of faculty boards include to:

- (a) develop appropriate academic programmes, research focus areas and community engagement programmes and related policies for the faculties aligned with the strategic objectives of the University.
 - (b) develop and submit to Senate or committees of Senate faculty rules pertaining to their academic programme offering and subject contents, admission to such programmes, progress and completion requirements for students in the various programmes, assessment and examination criteria and outcomes, and related matters.
 - (c) determine the focus areas of postgraduate research programmes and to enhance the relevance and quality thereof and to submit to Senate or a committee of Senate, policies and strategies pertaining to postgraduate training, research, research capacity and infrastructure.
 - (d) develop appropriate community engagement projects as an integral part of the programme contents of its academic programmes in support of and aligned with institutional strategic imperatives.
 - (e) appoint and monitor the functioning of faculty committees.
 - (f) report regularly to Senate on the activities of the faculty and its staff and the performance of its students.
 - (g) perform such other functions as Senate may assign to faculty boards.
- (11) In the absence of the Dean, the acting Dean or a Deputy Dean shall act as the Chairperson, provided that if the Dean, Acting Dean and a Deputy Dean are all absent, the members present at the meeting of the faculty board shall elect a Chairperson from its ranks to chair the meeting.
- (12) Each faculty may have an Advisory Committee appointed in accordance with the Rules.

38. Representatives of Senate on the Council

- (1) Senate shall elect three representatives from its ranks to serve on the Council for a term of four years.
- (2) Members of Senate who are members of Council in a different capacity shall not be eligible for election.
- (3) The Registrar shall notify all members of Senate in writing of the need to elect a representative or representatives of Senate to Council at least seven days before a meeting of Senate.

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- (4) A person shall be a candidate for election if he or she is nominated before or during a meeting of Senate by at least two members, and indicates verbally or in writing, that he or she accepts the nomination.
 - (5) Members of Senate whose terms of office on Council have expired, may be re-elected.
 - (6) The election shall take place by means of a secret ballot and the candidate(s) receiving the support of the majority of the members present at the meeting will be elected.
 - (7) If no candidate receives a majority of votes, successive rounds of voting will take place.
 - (8) In each successive round of voting the candidate receiving the least number of votes will be eliminated as a candidate.
 - (9) After the Senate has elected its representatives, the names of the elected candidate(s) are announced by the Chairperson.
 - (10) Incidental vacancies shall be filled as described in subparagraph (1) to (9) above with the necessary changes, for a full term of office.

CHAPTER 6

INSTITUTIONAL FORUM

39. Functions

- (1) In accordance with section 31(1) of the Act the Institutional Forum shall advise Council on the following matters affecting the University –
 - (a) the implementation of the Act and national policy on higher education;
 - (b) the formulation of race and gender equity policies;
 - (c) the suitability for appointment of candidates for senior management positions;
 - (d) codes of conduct;
 - (e) mediation and dispute resolution procedures;
 - (f) the formulation of policy for fostering an institutional culture characterised by tolerance, respect for fundamental human rights and a positive academic climate.
- (2) The advice given by the Institutional Forum shall be submitted in writing by the Chairperson of the Institutional Forum to Council via the office of the Vice-Chancellor.
- (3) The Institutional Forum shall perform such additional functions as Council may delegate or award to it.
- (4) Council may, after consultation with the Institutional Forum, revoke or amend the extended mandate of the Institutional Forum as determined in subparagraph (3).

40. Composition

- (1) The Institutional Forum of the University as contemplated in section 31(2) of the Act consists of –
 - (a) two representatives of the Management Committee appointed by the Vice-Chancellor;
 - (b) two representatives of Council, elected by Council;
 - (c) two representatives of Senate, elected by Senate;
 - (d) two representatives of the academic employees elected by the academic employees;
 - (e) two representatives of administrative and support staff elected by the administrative and support staff;
 - (f) two representatives of women employed at the University elected by

- the female employees of the University;
- (g) two representatives of students appointed by the SRC;
 - (h) one person (staff member or student) with a disability, elected by the disabled employees and students of the University;
 - (i) two representatives of the recognised union(s) appointed by the union; and
 - (j) a maximum of three employee or student members, appointed by the Vice-Chancellor after consultation with the Institutional Forum –
 - (i) on the basis of their expertise and experience; or
 - (ii) in order to represent a specific interest group or groups on campus not already represented in the Institutional Forum.
- (2) A student or an employee who had been found guilty of serious misconduct by a disciplinary committee of the University may not be a member of the Institutional Forum.
- (3) The quorum for meetings of the Institutional Forum is fifty percent plus one of the serving members. The quorum for meetings of constituencies as contemplated in subparagraph (1)(d) to (f) and (h) is twenty percent of the total number of the members of the relevant constituency.

41. Term of office

- (1) The term of office of members of the Institutional Forum is two years, with the exception of members appointed by the SRC and student members co-opted in terms of paragraph 40(1)(j).
- (2) The term of office of SRC student members shall correspond with the term of office of the SRC that appointed them.
- (3) The term of office of student members co-opted in accordance with paragraph 40(1)(j) shall be for the academic year in which they were appointed.
- (4) A member may be re-elected, reappointed or co-opted again for another term when his or her term expires.

42. Election procedures

- (1) The Registrar shall facilitate the processes in terms of which representatives contemplated in paragraph 40 must be appointed or elected by the various constituencies.
- (2) When members are elected or appointed as contemplated in paragraph 40 the body entitled to elect or appoint shall do so in accordance with its own

internal appointment or election procedures. All appointments to the Institutional Forum must be made with sensitivity for the gender and race profile of the Forum.

- (3) Representatives from union(s) shall be elected from the ranks of the employees of the University by members of the trade union(s), provided that, should the University recognise more than one union, the representatives shall be elected at a joint meeting of the recognised unions chaired by the Registrar and provided further that not any of the recognised bodies will have more than one representative elected to the Institutional Forum.
- (4) Membership of the Institutional Forum terminates when a member –
 - (a) resigns;
 - (b) ceases to be an employee;
 - (c) is absent from three consecutive meetings of the Institutional Forum without, in the view of the Institutional Forum, a valid reason;
 - (d) is insolvent;
 - (e) is incapable of performing his or her functions;
 - (f) is found guilty of serious misconduct;
 - (g) is convicted of an offence and is sentenced to imprisonment without the option of a fine;
 - (h) is a student member and not registered as a student; or
 - (i) is elected or appointed by a specific interest group and the interest group at a formal meeting as contemplated in subparagraph (2) withdraws its support for such a member or when such a member's association with the interest group, for whatever reason, is suspended or comes to an end.
- (5) When a vacancy occurs, the secretary to the Institutional Forum must inform the Registrar, who shall request the constituency concerned to fill the vacancy in accordance with this Statute and perform any other duty imposed on him or her by this Statute. The term of office of such a member will be for a full term or the unexpired term of office of the previous incumbent, depending on the circumstances.

43. Chairperson, Deputy Chairperson and Secretary

- (1) The Institutional Forum shall elect a Chairperson and a Deputy Chairperson from its ranks, provided that the Chairperson and Deputy Chairperson may not be from the same constituency.

- (2) The Chairperson of the Institutional Forum is an *ex officio* member of Council as per paragraph 18(1)(l) and of Senate as per paragraph 29(1)(m).
- (3) The term of office of the Chairperson and the Deputy Chairperson shall be two years or of a lesser duration depending on their membership of the Institutional Forum.
- (4) If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum shall elect a successor at its next meeting for a full term.
- (5) The Chairperson of the Institutional Forum reports to the Institutional Forum the decision of Council on the advice submitted by the Institutional Forum to the Council.
- (6) The Institutional Forum shall elect a secretary for the Forum, provided that the Registrar or a staff member designated by him or her shall assist the secretary in the execution of his or her tasks or act in his or her place.

44. Meetings of the Institutional Forum

- (1) The Chairperson must convene a meeting of the Institutional Forum at least twice in each semester.
- (2) The Institutional Forum shall determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (3) A quorum consists of fifty percent plus one of the total number of serving members of the Institutional Forum.
- (4) In the absence of the Chairperson the Deputy Chairperson acts as Chairperson and in the absence of both the Chairperson and the Deputy Chairperson, the members present at a meeting of the Institutional Forum elect a member to chair the meeting.
- (5) A written notice must be issued by the secretary to each member of the Institutional Forum at least seven days before any ordinary meeting, indicating the time, date and place of such meeting. Such notice shall be accompanied by an agenda and supporting documentation as appropriate.
- (6) Members who wish to place additional matters on the agenda shall send a written request in this regard to the secretary at least two days before the date of the meeting and must provide the secretary with the documentation the member wishes to submit to the Institutional Forum.

- (7) The secretary shall keep the minutes of the meetings and a register of the decisions of the Institutional Forum and all members of the Institutional Forum must have access to this register.
- (8) The first act of an ordinary meeting, after it has been constituted, is to confirm by way of the signature of the Chairperson the correctness of the minutes of the preceding ordinary meeting and of any extraordinary meeting(s), provided that any objection to the minutes must be raised and resolved before such confirmation of the minutes.
- (9) A member may not, without the permission of the Chairperson, speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment has the right of reply.
- (10) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, and at the request of any member, the Chairperson must direct that the vote of such member be recorded.
- (11) A motion or an amendment must be seconded and, if it is so directed by the Chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer and seconder.
- (12) The ruling of the Chairperson on any matter of order or procedure is binding unless immediately challenged by a member, in which event such ruling shall without further discussion be submitted to the meeting for a vote, the outcome of which is binding.
- (13) The Chairperson may convene an extraordinary meeting with four days' notice, stating the reason for the urgent meeting and the matter(s) for discussion.
- (14) When requested by at least one fifth of the members of the Institutional Forum, the Chairperson shall convene an extraordinary meeting, provided that the request is in writing and the matters for discussion are stated. Not less than 24 hours' notice must be given of such a meeting.
- (15) No matter other than that of which notice had been given shall be considered.
- (16) (a) Subject to the provisions of paragraph 46 of this Statute, all matters must be decided by a majority of votes of the members present at the meeting;
(b) The Chairperson has an ordinary vote on every matter and, in the case of an equality of votes, also a casting vote; and
(c) Whenever the Chairperson so rules, voting must take place by means of a secret ballot.

45. Executive Committee of the Institutional Forum

- (1) The Institutional Forum shall appoint an Executive Committee to control, manage and administer the Institutional Forum on a day to day basis.
- (2) The Executive Committee of the Institutional Forum is constituted as follows—
 - (a) the Chairperson of the Institutional Forum;
 - (b) the Deputy Chairperson of the Institutional Forum;
 - (c) three other members of which at least one shall be a member of Senate and at least one a student, provided that no constituency shall have more than one member on the Executive Committee; and
 - (d) the secretary to the Institutional Forum.
- (3) The Executive Committee of the Institutional Forum shall determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (4) The quorum for a meeting of the Executive Committee of the Institutional Forum shall be fifty percent plus one of the serving members.
- (5) The term of office of the members referred to in subparagraph (2)(c) shall correspond with their respective terms of office as members of the Institutional Forum but shall not exceed two years.
- (6) The Secretary assisted by the Registrar, or a staff member designated by the Registrar, shall be responsible for the administrative services that the Executive Committee may require.

46. Decision making

- (1) If at least 75 percent of the members present at a meeting vote either in favour of or against a specific proposal, the Institutional Forum has taken a decision, provided that where the decision is to be taken on the suitability for appointment of a person in a senior management position at the University a decision by the majority of the members present shall be the decision of the Institutional Forum.
- (2) If Council requests the Institutional Forum to advise Council on a specific matter and no proposal put before the Institutional Forum enjoys the support of 75 percent of the members present, the Chairperson shall be obliged to call a follow-up meeting within two weeks.

- (3) If at the follow-up meeting the Institutional Forum does not take an advisory decision, the Executive Committee of the Institutional Forum, in conjunction with the members of the Institutional Forum, shall compile a summary of the various opinions expressed at the Institutional Forum and shall submit the summary to Council.
- (4) When the Institutional Forum has taken an advisory decision a member(s) holding a minority view shall be entitled to formulate their view and to submit it to Council in writing through mediation of the office of the Chairperson of the Institutional Forum.

CHAPTER 7

CONVOCATION

47. Membership

- (1) The Convocation shall consist of –
 - (a) all persons who have obtained a qualification from the University, as approved by the Senate and the Council;
 - (b) all the persons, other than persons referred to in subparagraph (c), who immediately before the commencement of this Statute were members of the Convocation of the University; and
 - (c) the Vice-Chancellor, the Deputy Vice-Chancellor(s), the Executive Officials, the Registrar, the Deans of faculties, the academic employees on the staff establishment of the University, professors emeriti, retired employees and such other persons as the Council may determine.
- (2) The functions of the Convocation are to –
 - (a) facilitate liaison between the University and its former students and academic employees;
 - (b) create networks and canvass support for the strategic objectives of the University, and
 - (c) organise former students and academic staff members of the University with a view to facilitating representation of this constituency on appropriate governance structures.
- (3) The Registrar of the University must keep the official roll of the Convocation (the members' list) and a member is required to register his or her name and address with the Registrar and notify him or her of any change of address.
- (4) The official roll of the Convocation is conclusive evidence of membership of the Convocation and only a person whose name appears on the roll at the time of his or her claiming the right to vote as a member of the Convocation is entitled to do so.
- (5) The Registrar must remove a member's name from the members' list as soon as practicable after notice of the resignation or death of a member.

48. President, Vice-President and Secretary of the Convocation

- (1) The President and the Vice-President of the Convocation are elected by the Convocation from among its ranks at a general meeting and hold office from the close of the meeting at which they are elected until the close of the next annual meeting.
- (2) In case of death or resignation of a President, the Vice-President acts as President until a successor has been elected at the next general meeting of the Convocation.
- (3) The provisions of paragraph 22 relating to the election of the Chairperson and the Deputy Chairperson of the Council apply, with the necessary changes, to the election of a President and a Vice-President of the Convocation.
- (4) The Convocation must elect a secretary to the Convocation from among its members by means of a secret ballot and such person must obtain a majority of the votes of the members present at a meeting of the Convocation. The Vice-Chancellor may appoint an employee of the University to assist the secretary or to act in his or her place when necessary.
- (5) The Vice-Chancellor and Executive Officials of the University are not eligible as candidates for the President, Vice-President or Secretary of the Convocation.

49. Meetings and meeting procedures

- (1) The Convocation must hold at least one general meeting every three years.
- (2) The secretary must give due notice of such a meeting to every member at least eight weeks before the meeting.
- (3) Notice of any motion or matter for discussion at a meeting must be given to the secretary in writing one month before the date of the general meeting.
- (4) The President may with the approval of the meeting allow any motion of which due notice has not been given in terms of subparagraph (3) to be discussed and action to be taken thereon.
- (5) Extraordinary meetings of the Convocation may be called by the President at any time and must be called by the secretary on receipt of a written request signed by at least 100 members stating, in the form of specific motions, the matters to be considered at such a meeting. The meeting must be convened within two months of receipt of such request.
- (6) The secretary must give due notice of extraordinary meetings of the

Convocation to each member at least 14 days before the day determined for such a meeting, stating the date, place and time of the meeting. The notice shall be accompanied by an agenda and supporting documentation where applicable.

- (7) The Convocation shall determine its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (8) The first act of each meeting after its constitution by the reading of the notice calling such meeting must be to confirm by way of the signature of the President the correctness of the minutes of the previous meeting and of any other meetings held subsequently, provided that any objections to the minutes must be raised and resolved before confirmation of the minutes.
- (9) A member may not without the leave of the meeting speak more than once to a motion or any amendment thereof, but the proposer of any motion or an amendment have the right of reply.
- (10) A motion or amendment must be seconded, and, if it is so directed by the President, be in writing and no motion or amendment may be withdrawn without the consent of the proposer and the seconder.
- (11) The ruling of the President on any matter of order or procedure is binding unless immediately challenged by a member, in which case it must be submitted without further discussion to the meeting for a vote, the outcome of which will be binding.

50. Executive Committee of the Convocation

- (1) The Executive Committee of the Convocation consists of the President, the Vice-President, the Secretary and a maximum of two additional members elected by the general meeting of the Convocation.
- (2) The Executive Committee of the Convocation meets at least once a semester to attend to the affairs of the Convocation in consultation with the University Management.
- (3) The provisions of paragraph 48 will, with the necessary changes, apply to the election, and arrangements in the case of death or resignation of the additional members elected to the Executive Committee of the Convocation.
- (4) The Executive Committee of the Convocation determines its own meeting procedures with due observance of generally accepted norms and practices of fair administrative process.

- (5) The Executive Committee of the Convocation is accountable to the general meeting of the Convocation and reports regularly on its activities between meetings.
- (6) Executive Officials of the University are not eligible to serve on the Executive Committee of the Convocation.

51. Quorum

- (1) One hundred members form a quorum, but if a meeting is adjourned owing to failure to reach a quorum, a special meeting must be convened within eight weeks and the members present at such a meeting will be deemed to form a quorum.
- (2) Notwithstanding the failure to reach a quorum at an annual meeting, the meeting may proceed with the election of office bearers and other formal business, provided that no decisions can be taken on motions put to such a meeting.
- (3) All matters must be decided by a majority of votes of the members present at the meeting.
- (4) The President has an ordinary vote on every matter and, in the case of an equality of votes, also a casting vote.
- (5) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, and at the request of any member the President must direct that the vote of such member be recorded.

52. Election of member of the Convocation to Council

Whenever it becomes necessary for the Convocation to elect a member to Council as contemplated in paragraph 18(1)(h) of the Statute, the vacancy must be filled by the Convocation in the following manner –

- (1) In the case of a casual vacancy, the Registrar must within 30 days from the occurrence of the vacancy, invite the written nomination of persons to be elected by members of the Convocation by means of an appropriate notice published in three editions of at least one daily newspaper published in isiZulu and one published in English. Nominations must be signed by at least five members and by the nominee, indicating his or her acceptance of the nomination.
- (2) In the case of a vacancy occurring by passage of time, the Registrar must, at least three months before the expiry of the term of office of such member, invite the written nomination of persons to be elected by

members of the Convocation by means of an appropriate notice published in three editions of at least one daily newspaper published in isiZulu and one published in English. Nominations must be signed by at least five members and by the nominee, indicating his or her acceptance of the nomination.

- (3) Nominations must be lodged with the Registrar within six weeks of the date of the notice, and the names of the persons nominated must be published by the Registrar in three editions of at least one daily newspaper published in isiZulu and one published in English.
- (4) If only one person has been nominated, the person so nominated shall be considered duly elected and the Registrar shall announce the name of the elected member.
- (5) If more than one person has been nominated, the Registrar shall as soon as is feasible after the publication of the names of the persons nominated, post to every member a printed voting paper containing the names of the candidates arranged in alphabetical order. The voting paper must be returned by a voter in the special envelope provided for this purpose and must reach the Registrar not later than the date specified on the voting paper, which date must not be less than 21 days after the date of issue thereof.
- (6) A voting paper which is not completed in accordance with the instructions printed thereon will be deemed to be invalid.
- (7) The Registrar must act as returning officer and must be assisted by two observers appointed by the President, or, in his or her absence, by the Vice-Chancellor.

53. Submission of resolutions to Council and Senate

A copy of all resolutions and statements of the Convocation, duly certified by the President and by the secretary of the Convocation, must be sent to the Chairperson of Council and to the Chairperson of Senate for the information of Council and Senate.

CHAPTER 8

DONORS

54. Donors

The University may receive monies, equipment or services of any sort from donors to assist the University in providing quality education.

55. Qualification as donor

- (1) Any person or entity, who is not an organ of state or a representative thereof and who has made a particular donation to the University, shall be deemed to be a donor, provided that if a donation is made by a juristic person, the representative of such juristic person shall represent the donor as applicable and provided further that only donors who have donated more than the minimum amount as contemplated in subparagraph (2) shall for a period of five years be entitled to elect two members of Council.
- (2) The donation referred to in subparagraph (1), whether in the form of money, either in one sum or in a number of lesser sums, or as property, either in one asset or a number of assets, or as money and property together, shall not be less than an amount or valued at not less than an amount fixed from time to time by Council.

56. Election of representatives of donors to Council

- (1) The Registrar shall call for written nominations of persons to be elected from the ranks of the University's donors in the printed and/or electronic media as appropriate.
- (2) Nominations must be signed by at least two proposers and by the nominee, indicating his or her acceptance of the nomination.
- (3) Nominations shall be lodged with the Registrar at least four weeks before the election.
- (4) If the number of persons nominated does not exceed the number of vacancies, the persons so nominated shall be considered duly elected and the Registrar shall announce the names of the members.
- (5) If the number of persons nominated exceeds the number of vacancies, the Registrar shall submit the nominations to the Board of Trustees of the University of Zululand Foundation.
- (6) The Board of Trustees will elect the required number of donors from the nominations received by the Registrar by a majority of votes of all the serving members of the Board.

CHAPTER 9

EMPLOYEES

57. Appointment

- (1) Subject to section 34 of the Act, Council appoints employees according to the human resource policies and procedures of the University as approved by Council from time to time.
- (2) An employee must in writing-
 - (a) before he or she assumes office, declare any business that may raise a conflict or possible conflict of interest with the University; and
 - (b) notify the University of any conflict or possible conflict of interest before the University procures any goods or services from the employee or an organisation within which the employee holds an interest.
- (3) An employee may not conduct business directly or indirectly with the University that entails or may entail a conflict of interest with the University unless the Council of the University is of the opinion that-
 - (a) the goods, product or service in question are unique;
 - (b) the supplier is a sole provider; and
 - (c) it is in the best interest of the University.
- (4) An employee may not on behalf of the University contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.
- (5) Contracting referred in subparagraph (4) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subparagraph (1).

58. Conditions of employment

The conditions of employment of employees, including the determination and review of remuneration, are approved by Council in accordance with the relevant University policy subject to relevant labour legislation.

59. Evaluation

All employees of the University are subject to continuous evaluation of their performance in accordance with a performance management system as approved by Council from time to time and such evaluation may, with the approval of the relevant committee of Council, institutionally be tied to remuneration.

60. Employee discipline

Subject to the provisions of the relevant labour legislation and codes of good practice employees of the University shall subscribe to the institutional code of conduct, the disciplinary code and procedure and the grievance procedure as approved by Council.

61. Representative employee organisations

Council may enter into appropriate recognition agreements with registered labour unions and staff associations with the view to recognising such entities as representatives of staff in University processes determining conditions of employment and remuneration levels and adjustments thereto.

CHAPTER 10

STUDENTS

62. Admission and registration of students

- (1) A person may be permitted by Council to register as a student only if he or she satisfies the legal requirements to study at the University and satisfies any other requirements that may be determined by Council and Senate. This includes requirements with regard to the admission of students from other universities as well as the exemption from examinations and the recognition of credits.
- (2) Upon registration and signing of the official registration form, whether for a degree, diploma, certificate or for one or more subjects or modules of such degrees, diplomas or certificates, a student subscribes to the Rules of the University.
- (3) The University shall inform students and staff of the Rules regarding admission through the appropriate University publications and the electronic media.
- (4) The requirements for admission of a student to the various faculties and academic entities are set out in the applicable faculty or University Rules, and may be amended by Council after consultation with Senate.
- (5) Specific admission requirements may be set for number-restricted courses or programmes.
- (6) A student is registered for one year at a time or for such shorter period as Council may determine in general or in a particular case.
- (7) In order for a student to renew his or her registration after the expiry of the period as contemplated in subparagraph (6), the student is required to comply with the re-admission criteria as determined by Senate and approved by Council. The determination of criteria by Senate takes place after consultation with the faculty boards.
- (8) Senate may refuse to allow the renewal of the registration of a student if a student fails to meet the conditions as contemplated in subparagraph (7).
- (9) The criteria as contemplated in subparagraph (7) may include the payment of outstanding fees, minimum academic performance and compliance with approved codes of conduct.

63. Student organisations and activities

Subject to the provisions of the Act and this Statute, Council may recognise student organisations and their activities at the University on such terms and conditions as may be determined by Council from time to time, and Council and the Vice-Chancellor may at any time, after furnishing reasons, withdraw such recognition.

64. Student Representative Council (SRC)

- (1) The Council of the University shall recognise the Student Representative Council (SRC) and its subdivisions constituted in accordance with section 35 of the Act and the Rules as the representative bodies of students in student governance and related matters. The SRC constitution as approved by Council has the status of Rules of the University.
- (2) In matters that may affect them, the students of the University are represented by the SRC acting in accordance with its statutory mandate and the Rules.
- (3) Only students registered for an academic programme approved by Senate and Council may be elected as members of the SRC; provided that no student employed for 25 or more hours per week may serve as a member of the SRC.
- (4) No student who has been found guilty of contravening the Disciplinary Code or any other approved code of conduct of the University shall be eligible to serve on the SRC and a serving member of the SRC found guilty of such a transgression shall automatically vacate his or her position.
- (5) The SRC must be representative in terms of race and gender.
- (6) The election of SRC members must be democratic and transparent.
- (7) The term of office of the members of the SRC is one year from the date of their election.
- (8) The privileges of members of the SRC are determined by Council and may be revoked by Council.
- (9) The SRC is composed and functions in accordance with its Constitution and the provisions of this Statute and the Rules.
- (10) The SRC Constitution or any amendment thereof must be approved by Council, after consultation with the SRC.
- (11) If Council is of the opinion that the SRC is inoperative or unable to function properly, Council may:
 - (a) revoke the SRC Constitution;
 - (b) make interim arrangements for the functioning of the SRC; and/or

- (c) initiate a process to have a new SRC Constitution drafted and/or a new SRC elected.

65. Student discipline

- (1) Registered students are subject to the disciplinary measures and procedures applicable to students as determined by this Statute and the Rules.
- (2) The disciplinary measures and provisions applicable to students as described in the Rules and contemplated by section 36 of the Act, may be changed by Council after consultation with Senate and the SRC as provided for in section 32(2)(d) of the Act.
- (3) If the Vice-Chancellor, who is the chief disciplinary officer of the University, is of the opinion that the circumstances of a specific case warrant it, he or she may perform some or all of the actions performed by the Registrar in terms of the Disciplinary Code or, alternatively, he or she may delegate the authority to perform these functions to another employee or an independent external person.
- (4) The definition of misconduct, the composition of the various disciplinary committees and their duties, the procedures followed during a disciplinary hearing and the various penalties that may be imposed, as well as the lodging of an appeal shall be set out in the Rules and made available to all students.
- (5) Where a student has been found guilty of misconduct and the disciplinary measure applied by the University leads to suspension or termination of his or her studies at the University, or his or her expulsion from a University residence, the student concerned shall forfeit all claims to a refund or a rebate on fees paid or payable to the University.

66. Fees

- (1) Council determines, after consultation with the SRC, the fees, levies and fines payable by students to the University.
- (2) Council shall determine the conditions for admission to examinations and registration at the University, as well as the award or conferral of qualifications to students owing the University outstanding fees, levies or fines.

67. Bursaries and loans

Council shall determine the policy and procedure for the application for, as well as award and repayment of internal bursaries and loans.

CHAPTER 11
MANAGEMENT COMMITTEE (MANCO)

68. Management Committee (MANCO)

- (1) The MANCO is a consultative and advisory committee assisting the Vice-Chancellor in the planning and execution of the management and administration of the University in accordance with this Statute and the Rules.
- (2) The Vice-Chancellor is the Chairperson of MANCO.
- (3) MANCO shall determine its own meeting procedures with due observance of the accepted norms and practices of fair administrative process.
- (4) The advice of MANCO takes effect only after written confirmation thereof by the Vice-Chancellor, who may reject or amend it.
- (5) The Vice-Chancellor may invite individuals who are not members of MANCO to attend meetings of MANCO.

CHAPTER 12

DEGREES, DIPLOMAS AND CERTIFICATES

69. Degrees, diplomas and certificates

- (1) Subject to the provisions of the Act and this Statute, the University may confer the degrees and award the diplomas and certificates in accordance with approved qualifications.
- (2) Save as is provided by this Statute, no degree, diploma or certificate shall be conferred or awarded by the University upon any person who has not attained, through the assessment processes of the University, the prescribed standard of proficiency.
- (3) The University may in accordance with the provisions of this Statute and the Rules withdraw any degree, diploma or certificate awarded in contravention of the Statute and the Rules.

70. Honorary degrees

- (1) The University may, by resolution of Council and Senate and without examination, confer an honorary doctorate it deems appropriate upon any person whom the University may deem worthy of such a degree, provided that the holder of such a degree which has been conferred *honoris causa*, shall not, by the fact that he or she has been admitted thereto, be entitled to practise any profession.
- (2) A proposal to confer an honorary degree must be submitted in writing to the Registrar by a member of Council, Senate or the Convocation. Such proposal must be seconded by at least five members of the relevant constituency, must be in writing and must reach the Registrar on or before the date published in the University calendar, accompanied by a detailed statement indicating the reasons for the proposed conferment.
- (3) The Registrar must refer such proposals to the Honorary Degrees Committee, which consists of the Vice-Chancellor, Deputy Vice-Chancellor(s), Deans of the faculties, members of Council on Senate and three members of Senate appointed by Senate.
- (4) The names of the candidates recommended by the Honorary Degrees Committee shall be submitted to Senate, accompanied by the *curriculum vitae* ("CV") of the candidates and an appropriate statement describing the reasons for the proposal.

- (5) Without discussion of the candidates or their CVs, Senate shall vote by way of a secret ballot on the conferment or not of an honorary degree on the candidate.
- (6) The chairperson of Senate shall have an ordinary vote on each resolution and, in the case of an equality of votes, a casting vote.
- (7) The name(s) of the candidate(s) who obtained an ordinary majority of the votes of the members of Senate present at the meeting shall be submitted to Council.
- (8) Without discussing the candidate, Council shall vote by way of a secret ballot on the candidate(s) recommended by Senate, provided that Council shall not discuss the candidates or their CVs or consider any proposal not recommended by Senate.
- (9) The honorary degree shall be awarded to the candidate who has obtained a majority vote of the members of Council present at a meeting of Council, provided that no posthumous nominations will be accepted.

71. Congregation and conferring of degrees and awarding of diplomas and certificates

- (1) Degrees are conferred and diplomas and certificates awarded at a congregation (meeting) of the University.
- (2) A congregation is presided over by the Chancellor or, in his or her absence, the Vice-Chancellor, or in his or her absence, a Deputy Vice-Chancellor.
- (3) A congregation must be held at least once a year at such a time and place as may be determined by the Vice-Chancellor on the recommendation of Senate.
- (4) The procedure for the presentation of candidates, the conferring of degrees, the awarding of diplomas and certificates, the wearing of academic dress and all other matters regarding congregations not provided for in this Statute, shall be as determined by Senate and approved by Council.
- (5) No person shall receive a degree, diploma or certificate, other than an honorary degree, unless Senate or a committee of Senate certifies that such person has satisfied all the requirements for such a degree, diploma or certificate.

CHAPTER 13**REPEAL OF PREVIOUS STATUTE****72. Repeal of previous Statute**

The Statute applicable to the University of Zululand as published in Government Gazette No. 20247 in Government Notice No. R819 of 24 June 1999, as amended in Government Gazette No. 27114 in Government Notice No. R1464 of 17 December 2004, and as further amended in Government Gazette No. 27222 in Government Notice No. R76 of 28 January 2005, is hereby repealed with effect from the date on which this Statute comes into operation.

CHAPTER 14

TRANSITIONAL PROVISIONS

73. Transitional provisions

- (1) Persons holding an office in terms of the Statute that existed prior to the commencement of this Statute are deemed to hold office under the corresponding provisions of this Statute, unless it is inconsistent with the Act or this Statute.
- (2) Any constituent part of the University which existed immediately prior to the publication of this Statute continues to exist and function in terms of this Statute should it be necessary, until the day prior to the day when a new structure, reconstituted in terms of this Statute, becomes functional.
- (3) As a transitional measure, Council has the competence to take any appropriate steps to ensure the implementation of this Statute.
- (4) Rules in force prior to the commencement of this Statute continue to apply until replaced.
- (5) Any action, including a delegation of powers and functions to any functionary, committee or body, taken in terms of the Statute that existed prior to the commencement of this Statute is deemed to have been taken in terms of the corresponding provision of this Statute. Where there is no corresponding provision, such action will be referred to Council or the Minister, whichever is appropriate.
- (6) Except in instances of *ex officio* membership, persons who served on Council on 18 April 2011 are not eligible to serve on the Council constituted in terms of this Statute for a period of four years from the date of its constitution.
- (7) Associate professors serving only in that capacity on Senate on the date which this Statute comes into operation will continue to be members of Senate for a period of two years, provided that they continue to meet all the other requirements for such membership.