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THE PRESIDENCY

No. 1889

22 November 1996

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 89 of 1996: University of Venda (Private) Act, 1996.



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ACT

To amend, extend and re-enact the provisions of the University of Venda Act, 1981; and to provide for matters connected therewith.

PREAMBLE

WHEREAS for the better administration and conduct of the University of Venda and in the light of the principles contained in the Constitution of the Republic of South Africa, it is expedient to provide anew for the constitution, rights, powers, privileges and duties of the University;

*(English text signed by the President.)
(Assented to 12 November 1996.)*

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—
- (i) "academic employee" means a professor or lecturer at the University, or a research worker or any other person who occupies a post at the University declared by the council, on the recommendation of the senate, to be equivalent in status to a teaching post; (ii) 5
 - (ii) "administrative employee" means an employee who renders academic, student and institutional support services and includes an employee who performs clerical and secretarial duties; (i) 10
 - (iii) "chancellor" means the chancellor of the University, referred to in section 5; (v)
 - (iv) "convocation" means the convocation of the University, referred to in section 12; (vi) 15
 - (v) "council" means the council of the University, referred to in section 8; (ix)
 - (vi) "employee" means an administrative employee, a service employee or an academic employee employed full-time or part-time in a permanent or temporary capacity at the University; (xvi)
 - (vii) "Minister" means the Minister of Education; (vii) 20
 - (viii) "principal" means the principal of the University, referred to in sections 6 and 7; (xi)
 - (ix) "professor" includes an associate professor; (viii)
 - (x) "regulation" means any regulation framed by the council under section 17 of the Universities Act; (x) 25
 - (xi) "senate" means the senate of the University, referred to in section 9; (xii)
 - (xii) "service employee" means an employee who renders general routine services, which include protection services, manual labour services, messenger services and maintenance services in respect of buildings and grounds; (iii) 30
 - (xiii) "statute" means the statute framed by the council under section 17 of the Universities Act; (xiii)
 - (xiv) "student" means a person registered full-time or part-time for a degree, diploma or certificate at the University: Provided that a person so registered and who is a full-time or part-time employee of the University, shall for the purposes of membership of the council or the senate or the students' representative council be deemed not to be a student; (xiv) 35
 - (xv) "this Act" includes the regulations and the statutes; (iv)
 - (xvi) "Universities Act" means the Universities Act, 1955 (Act No. 61 of 1955); (xvii) 40
 - (xvii) "University" means the University of Venda, referred to in section 2. (xv)

Seat and sphere of activity of University

2. (1) The University of Venda, established by the University of Venda Act, 1981 (Act No. 19 of 1981) (Venda), shall, notwithstanding the repeal of the said Act by section 28(1) and subject to this Act, continue to exist and shall for all purposes be deemed to be a university established under an Act of Parliament. 5

(2) The seat of the University shall be at Thohoyandou in the Northern Province.

(3) Notwithstanding subsection (2) the University may, with the approval of the Minister, also conduct its university activities beyond its seat: Provided that if such activities are to be conducted within the seat of another university or at a place where the university activities of another university are lawfully conducted, such activities shall be conducted with the approval of the Minister after consultation with the other university. 10

Status and proprietary capacity of University

3. (1) The University shall be a body corporate capable in law of suing or being sued in its own name and, subject to this Act, of purchasing or otherwise acquiring, holding, hiring, letting, selling, exchanging or otherwise alienating any property movable or immovable, or granting to any person any real right in or servitude over its property and of investing, lending or borrowing money. 15

(2) The University shall not without the approval of the Minister alienate or mortgage its immovable property.

Constitution of University

4. The University shall consist of—

- (a) the chancellor;
- (b) the vice-chancellor and principal;
- (c) the vice-principals;
- (d) the council;
- (e) the senate;
- (f) the convocation;
- (g) the employees of the University;
- (h) the students of the University; and
- (i) the emeriti professors of the University and special category academics. 25 30

Chancellor of University

5. (1) The chancellor of the University shall be elected by the council in the manner prescribed by statute.

(2) The chancellor shall hold office for a period of five years and may be re-elected for one further term of five years. 35

(3) Upon the expiry of the term of office of the chancellor or in the event of his or her death, resignation, incapacity or removal by the council for good and sufficient reasons, a new chancellor shall be elected in accordance with subsection (1).

(4) The powers, privileges, functions and duties of the chancellor shall be as prescribed by statute. 40

Vice-chancellor and principal of University

6. (1) The vice-chancellor shall be the principal of the University.

(2) The vice-chancellor shall—

- (a) perform such functions and duties and may exercise such powers as may be conferred or imposed upon the vice-chancellor by this Act; and 45
- (b) perform the functions and duties of the chancellor and may exercise the powers of the chancellor whenever the chancellor is absent or is unable to perform such functions or duties or exercise such powers himself or herself.

Principal and vice-principals of University

7. (1) The principal and the number of vice-principals determined by the council shall be appointed by the council in the manner prescribed by statute.

(2) The powers, privileges, functions, duties and period of office of the principal and vice-principals and the acting by a person during the absence of the principal or the vice-principal or vice-principals, as the case may be, vice-principal and arrangements regarding any vacancy in the office of principal or vice-principal and the vacating of the said offices shall be prescribed by statute. 5

(3) The salary and other conditions of service of the principal and vice-principal shall be determined by the council. 10

Council of University

8. (1) Subject to this Act, the management, control and executive power of the University shall be vested in the council, which shall consist of—

- (a) the principal; 15
- (b) the vice-principal or vice-principals;
- (c) any three experts designated by the council;
- (d) four persons appointed by the Minister;
- (e) one person appointed by the Premier of the Northern Province after consultation with the Minister;
- (f) two persons elected by the senate from among its members; 20
- (g) two persons elected by the convocation;
- (h) two persons designated by persons who, in terms of the statute, are donors;
- (i) one academic employee of the University other than members of the senate, elected by the academic employees;
- (j) two students of the University elected by the students' representative council referred to in section 14; 25
- (k) one member of the service employees of the University elected by the service employees;
- (l) one member of the administrative employees of the University elected by the administrative employees; 30
- (m) one person designated by the Thohoyandou Town Council;
- (n) other persons, not exceeding six in number, designated by such bodies as may be determined by the council;

Provided that the persons referred to in paragraphs (c), (d), (e), (g), (h), (j), (m) and (n) shall not be employees of the University. 35

(2) The election or designation of a person referred to in subsection (1)(c), (f), (g), (h), (i), (j), (k), (l), (m) and (n) shall be in the manner prescribed by statute.

(3) The members of the council other than the principal and the vice-principal or vice-principals, as the case may be, shall hold office for the periods prescribed by statute.

(4) The circumstances under which a person is or becomes incompetent to be appointed, elected or designated as a member of the council shall be prescribed by statute. 40

(5) A member of the council, other than the principal, shall vacate his or her office if he or she—

- (a) is absent without the council's leave from two meetings of the council; 45
- (b) is absent with leave from the council from six meetings of the council;
- (c) becomes insolvent; or
- (d) is convicted of an offence and sentenced to imprisonment without the option of a fine.

(6) (a) A vacancy in the council shall be filled in the same manner as that in which the member who previously held office was appointed, elected or designated. 50

(b) A person appointed, elected or designated in terms of paragraph (a) shall hold office for the unexpired portion of the term of office of his or her predecessor.

(7) The council shall elect a chairperson, vice-chairperson and the other office-bearers from among its members in the manner prescribed by statute. 55

(8) The convening of, the procedure and rules at and the quorum for meetings of the council and the keeping of the minutes of such meetings shall be prescribed by statute.

(9) The allowances payable to the chairperson and members of the council or a committee of the council shall be determined by the council.

(10) The registrar: academic shall be the secretary to the council and shall have no voting power.

Senate of University

9. (1) The senate of the University shall consist of—
- (a) the principal, who shall be the chairperson; 5
 - (b) the vice-principal or vice-principals, one of whom shall be designated by the principal to be the chairperson in the absence of the principal;
 - (c) two members of the council, elected by the council;
 - (d) all deans of schools;
 - (e) all heads of academic departments; 10
 - (f) fifty percent of the professors of the University who are not deans or heads of academic departments, elected by the professors from their own ranks: Provided there shall be at least one professor from each school;
 - (g) thirty percent of the senior lecturers of the University who are not deans or heads of academic departments, elected by the senior lecturers from their own ranks: Provided there shall be at least one senior lecturer from each school; 15
 - (h) ten percent of the lecturers of the University who are not deans or heads of academic departments, elected by the lecturers from their own ranks: Provided there shall be at least one lecturer from each school;
 - (i) the chief librarian of the University; 20
 - (j) a director or head of a bureau, section or department of the University designated by the council;
 - (k) one student, other than a first-year student, for each school, elected by the students of the school concerned; and
 - (l) the directors of academic centres and institutes. 25
- (2) The election or designation of a person referred to in subsection (1)(c), (f), (g), (h), (j) and (k) shall be in the manner prescribed by statute.
- (3) The members of the senate other than the principal, vice-principals and chief librarian of the University shall hold office for the periods prescribed by statute.
- (4) Subject to this Act, the powers, duties and functions of the senate and the quorum for and procedure at meetings of the senate shall be prescribed by statute. 30
- (5) The control and regulation of the instruction and research at the University shall be vested in the senate in accordance with rules framed by the senate for that purpose and approved by the council.
- (6) (a) A vacancy in the senate shall be filled in the same manner as that in which the member who previously held the office was appointed, elected or designated. 35
- (b) A person appointed, elected or designated in terms of paragraph (a) shall hold office for the unexpired portion of the term of office of his or her predecessor.
- (7) The senate shall from time to time submit to the council—
- (a) reports on its activities; 40
 - (b) such recommendations as it may deem expedient regarding any matter of interest to the University; and
 - (c) recommendations regarding any matter referred to it by the council.
- (8) The registrar: academic shall be the secretary to the senate and shall have no voting power. 45

Committees and joint committees of council and senate

10. (1) The council and the senate may appoint one or more committees which shall, subject to the directions of the council or the senate, as the case may be, perform the functions of the council or the senate that the council or the senate, as the case may be, determines. 50
- (2) Such a committee shall consist of as many members of the council or the senate, as the case may be, or of such members and other persons as the council or the senate, as the case may be, may deem necessary, and such committee may at any time be dissolved and reconstituted.
- (3) The council or the senate, as the case may be, shall not be divested of the 55

responsibility for the performance of a function assigned to a committee in terms of this section.

(4) Any decision taken by such a committee in the performance of any function so assigned shall be presented for ratification to the council or the senate, as the case may be, at its first meeting after the decision was taken. 5

(5) (a) The council and the senate may, by agreement, establish from among their members one or more joint committees.

(b) The council or the senate may assign any of the powers or functions that they have in common to any joint committee, but shall not thereby be divested of any power or function so assigned and may amend or set aside any decision of such committee. 10

(6) A Broad Transformation Committee shall be established, and the powers and functions thereof shall be determined, by statute.

Convocation of University

11. (1) The convocation of the University shall consist of—

(a) all the persons, other than the persons referred to in paragraph (b), who immediately before the commencement of this Act were members of the convocation of the University; 15

(b) the principal, the vice-principal or vice-principals, the registrar or registrars and the chief librarian of the University;

(c) such academic employees and such other employees as may be designated by the council on the recommendation of the senate to be members of the convocation; and 20

(d) all the persons who, after the commencement of this Act, become graduates of the University;

Provided that if any person who is a member of the convocation by virtue of paragraphs (a), (c) or (d) gives written notice to the council that he or she does not wish to become or remain a member of the convocation, he or she shall not become such a member, or shall cease to be such a member, as the case may be, upon receipt of such notice by the council. 25

(2) Meetings of the convocation shall be convened and held in the manner, at the time and places and for the purposes prescribed by statute. 30

(3) The chairperson of the convocation shall be elected by the convocation in the manner determined by the convocation.

(4) The convocation may discuss and state its opinion on any matter relating to the University, including matters referred to it by the council. 35

University of Venda Foundation

12. (1) The University shall create a trust fund known as the University of Venda Foundation, which will raise funds for the University.

(2) The Foundation shall be managed by a board of governors appointed by the council which shall administer the fund and invest and reinvest all money and the interest or capital. 40

(3) The investments referred to in subsection (2) shall be applied by the board of governors in the interest of the University as recommended by the council.

(4) The Foundation shall regularly report to the council on its activities in the manner prescribed by statute. 45

Students' representative council

13. (1) A students' representative council for the University shall be elected by the students of the University.

(2) The constitution, manner of election, term of office, functions and privileges of the students' representative council shall be as determined by regulation. 50

Appointment and conditions of service of employees

14. (1) The council shall appoint such persons as it considers necessary for the efficient conduct of the University: Provided that no appointment of an academic employee at professional level shall be made by the council except after consultation with the senate. 55

(2) The power to appoint any person to a post on the establishment of the University or to promote, transfer, second or discharge any person occupying any such post shall be vested in the council and shall be prescribed by statute.

(3) The salaries, salary scales and allowances of employees shall be determined by the council. 5

(4) The conditions of service, service benefits and leave privileges of employees, other than those referred to in subsection (3), shall be prescribed by statute.

Pension fund

15. (1) Subject to subsection (2), the provisions of a pension fund, prescribed by statute, and the regulations made thereunder shall apply in respect of all permanent employees. 10

(2) Any person who, immediately prior to his or her appointment as a permanent employee, contributed to any pension, provident or retirement fund in terms of any law shall, unless otherwise provided in such law or in any agreement, continue so to contribute: Provided that there shall be paid to such fund by the University an amount 15 equal to the amount which the employer of such person would have been obliged by law to pay to such fund if such person had remained in his or her previous employment.

Schools, centres, institutes, colleges, departments, programmes and courses

16. (1) The council may, after consultation with the senate and with the approval of the Minister, establish schools, centres, institutes, colleges, departments, programmes 20 and courses at the University.

(2) The University may, upon the recommendation of the senate and with the approval of the Minister, provide tuition for a degree, a diploma or a course in a subject.

Degrees, diplomas and certificates

17. (1) Subject to this Act, the University may confer such degrees in a school as it 25 may, upon the recommendation of the senate, deem fit.

(2) The designation of any particular degree in any school shall be as prescribed by statute.

(3) Subject to this section and section 19, the University shall not confer any degree upon any person who has not attained the standard of proficiency determined by the 30 University in an examination or other test.

(4) Subject to this Act, the University may grant a degree, diploma or certificate to any person who has pursued a course of study provided by the University and who has attained the level of proficiency determined by the senate.

(5) Subject to this Act, the statute and disciplinary measures, the University may 35 withdraw any degree, diploma or certificate awarded if any irregularity is proved.

Degrees *honoris causa*

18. (1) Subject to the statute, the University may, by resolution of the council passed on the recommendation of the senate and without examination, confer a degree *honoris causa* of master or doctor in any school upon any person whom the University may 40 deem worthy of such honour.

(2) The holder of a degree that has been conferred *honoris causa* shall not, by reason of such conferral, be entitled to practise that profession.

Recognition of boards

19. The council may from time to time recognise such boards as are established in the 45 Republic of South Africa for the purpose of the recognition of degrees.

***Professores Emeriti* and special category academics**

20. (1) The council may, on the recommendation of the senate and subject to the statute, bestow the status of emeritus professor on retired professors of the University with such rights and privileges as may be determined by the senate. 50

(2) The council may, on the recommendation of the senate, engage the services and expertise of individuals as special category academics within a specific area of teaching and research for a specified period, which academics shall not enjoy voting rights in any body or committee of the University.

Examinations and tests

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21. (1) Subject to the statute, the examinations and other tests of the University shall be conducted under the control of the senate.

(2) The University may, for the purpose of any examination or test determined by the council on the recommendation of the senate, make use of external examiners or moderators appointed by the council on the recommendation of the senate.

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Discipline, places of residence and places of instruction of students

22. (1) A student of the University shall be subject to the disciplinary measures prescribed by regulation.

(2) The council may require a student to reside, for the periods during which the University is in session, at a place of residence approved by the council for that purpose.

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(3) The council may determine at which place under the control of the University a student shall receive instruction.

Registration of and fees payable by students

23. (1) The council may, after consultation with the senate, prescribe the minimum requirements of study with which any person shall comply before he or she may be permitted—

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(a) to register as a student of the University;

(b) to renew his or her registration as a student in accordance with subsection (3);
or

(c) if he or she is registered as a student of the University, to attend or to continue to attend the University as a student.

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(2) The fees payable by a student to the University shall be as determined by the council.

(3) Every person registered as a student of the University shall from time to time cause his or her registration as a student to be renewed in accordance with the statute.

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(4) The council may refuse to renew the registration of a student applying therefor if such student fails to comply with the minimum study requirements contemplated in subsection (1).

(5) Notwithstanding anything to the contrary contained in this Act, the council may cancel the registration of a student if it considers such cancellation to be in the interest of the University: Provided that such cancellation shall be final and the council shall be obliged to furnish reasons therefor.

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(6) The council may, after consultation with the senate, limit the number of persons who shall be permitted to register for any specific course of study and, where the number of applicants for admission to such a course of study exceeds the number so limited, the senate may select from the number of applicants those who are to be admitted to register for such course.

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(7) The rules relating to study programmes and syllabuses in regard to full-time and part-time studies shall be as determined by the council on the recommendation of the senate.

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(8) The council may refuse to admit or re-admit as a student of the University any person who applies for any such admission or re-admission if the council considers it in the best interest of the University to do so and the council shall furnish reasons for any such refusal.

Admission of students *ad eundem gradum* for special courses of study and degrees

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24. A person who has graduated at another university or who is able to give satisfactory proof of his or her academic abilities may, notwithstanding anything to the contrary contained in this Act, be specially exempted by the Committee of Principals under section 7(1)(e) of the Universities Act from compliance with the requirements prescribed for admission to study for a degree under section 7(1)(d) of the said Act and

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may be admitted as a student to special courses of study and research at the University and may obtain a degree or diploma on different conditions from those applicable to ordinary students.

Vacancies not to affect powers of University or council or senate

25. No vacancy in the office of chancellor or vice-chancellor and principal of the University nor any deficiency in the number of members of the council or of the senate shall impair or affect the corporate personality of the University or any powers, rights or privileges conferred by this Act upon the University, the council or the senate: Provided that no resolution of the council or the senate shall be valid unless passed at a meeting at which a quorum was present and the provisions of the statute relating to any such meeting have in all other respects been complied with. 5 10

Expropriation of land required for or in connection with University

26. (1) The Minister to whom the administration of the Expropriation Act, 1975 (Act No. 63 of 1975), has been assigned may, at the request of the Minister, after consultation with the Minister of Finance, expropriate any land required for or in connection with the University. 15

(2) Land expropriated in terms of subsection (1) or any other State land may be made available to the University in such manner and subject to such conditions and terms as the Minister may determine.

Repeal of laws, savings and transitional provisions 20

27. (1) Subject to subsections (2) and (3), the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Anything done under any provision of a law repealed by subsection (1) shall be deemed to have been done under the corresponding provision of this Act.

(3) Any provision which, immediately before the commencement of this Act, applied in relation to the University or to any person by virtue of any law repealed by subsection (1) but which is not re-enacted by this Act, shall continue to apply in relation to the University or to the person, as the case may be, as if such law had not been repealed. 25

Short title

28. This Act shall be called the University of Venda (Private) Act, 1996. 30

Act No. 89, 1996

UNIVERSITY OF VENDA (PRIVATE) ACT, 1996

SCHEDULE

Number and year of law	Short title	Extent of repeal
Act No. 19 of 1981 (Venda)	University of Venda Act, 1981	The whole
Act No. 16 of 1983 (Venda)	University of Venda Amendment Act, 1983	The whole
Act No. 6 of 1987 (Venda)	University of Venda Amendment Act, 1987	The whole
Act No. 33 of 1987 (Venda)	University of Venda Second Amendment Act, 1987	The whole
Proclamation No. 44 of 1990 (Venda)	University of Venda Consolidation Proclamation, 1990	The whole
Proclamation No. 14 of 1991 (Venda)	University of Venda Consolidation Amendment Proclamation, 1991	The whole
Proclamation No. 16 of 1993 (Venda)	University of Venda Consolidation Amendment Proclamation, 1993	The whole