

## DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 962

21 SEPTEMBER 2018

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

## AMENDED INSTITUTIONAL STATUTE

## UNIVERSITY OF PRETORIA

I, Mrs GNM Pandor, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish the amended Institutional Statute of the University of Pretoria set out in the Schedule hereto.



Mrs GNM Pandor, MP

Minister of Higher Education and Training

Date: 29-8-2018

**MINISTRY OF HIGHER EDUCATION AND TRAINING**  
**HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)**

**PROPOSED AMENDMENTS TO THE INSTITUTIONAL STATUTE  
OF THE UNIVERSITY OF PRETORIA**

The Council of the University of Pretoria has made amendments to the Statute, set out in the Schedule to this Notice in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997) 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**

The aim is to introduce a new Statute for the University of Pretoria to give effect to any law or guidelines relating to the University of Pretoria and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

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## 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 activity**” includes distance education, but is not limited thereto;

“**academic employee**” means any lecturer appointed to teach or to do research at the University and any other employee designated as such by the Council of the University;

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

“**appoint**” also means nominate;

“**Chancellor**” means the person as contemplated in Chapter 3;

“**Convocation**” means the Convocation as contemplated in Chapter 9;

“**Council**” means the governing body of the University as contemplated in Chapter 5;

“**days**” includes Saturdays, Sundays and public holidays;

“**Dean**” means the head of a faculty of the University;

“**donor**” means a person, body or entity who has made a donation, which, in the opinion of the Council, warrants that person, body or entity being recognised as a donor as contemplated in Chapter 13;

“**employee**” means an academic or a non-academic employee of the University;

“**Executive**” means the Principal, Vice-Principals and other senior employees designated by the Principal;

“**Executive Director**” means a person appointed by the Council for purposes of assisting the Principal as contemplated in paragraph 12;

“**functions**” include powers and duties and *vice versa*;

“**good standing**” means a person who is regarded as having complied with all his or her financial obligations, while not being subject to any form of sanction, suspension or disciplinary censure;

“**Institutional Forum**” means the Institutional Forum as contemplated in Chapter 8;

“**Institutional Rules**” mean rules made by the University as contemplated in section 32 of the Act and include all the regulations and policy documents of the University;

“**Minister**” means the Minister responsible for tertiary education;

“**non-academic employee**” means any employee who is not an academic employee;

“**office bearer**” means a functionary provided for in the Act or determined by the Council;

“**professor**” means an academic employee or any other person who has been given the title of professor by the University and includes an associate, adjunct, honorary and extraordinary professor;

“**qualification**” means a certificate, diploma or degree as approved by the Senate and Council;

“**relative**” means a person as defined in the Higher Education Act 101 of 1997, as amended;

“**representative employees’ organisation**” means an organisation which consists of employees organised in a staff association or trade union for the purpose of regulating relations between themselves and the University and which is recognised by the Executive on such conditions as have been negotiated between the Executive and the employee organisation, and which recognition and conditions have been reduced to writing in a collective or recognition agreement;

“**seat of the University**” means the seat as contemplated in paragraph 2 of this Statute and section 65A of the Act;

“**Senate**” means the body responsible for academic matters as contemplated in Chapter 6;

“**senior management**” means the Executive plus the Deans of all faculties as well as heads/directors of support services so designated by the Principal: Provided that for purposes of paragraph 37(1)(c) it means the Executive only;

“**spouse**” means a person as defined in the Higher Education Act 101 of 1997, as amended;

“**SRC**” means the Student Representative Council as contemplated in paragraph 59;

“**Statute**” means the statute framed and in force as contemplated in section 32 of the Act;

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

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

“**Vice-Principal**” means a person appointed by the Council for purposes of assisting the Principal as contemplated in paragraph 12;

“**written notice**” means any notice in writing and includes any notice sent as contemplated by the Electronic Communications and Transactions Act (Act No. 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 Pretoria”.

(2) The official street address of the University is: University of Pretoria, c/o Roper Street and Lynnwood Road, Hillcrest, Pretoria, South Africa. The official postal address of the University is: University of Pretoria, Private Bag X20, Hatfield, Pretoria 0028, South Africa.

(3) The seat of the University is in the metropolitan area of Tshwane.

(4) The University also conducts its academic activities within the area of jurisdiction of the Tshwane Local Authority, at its Business School in Illovo, Johannesburg, Gauteng and at eMalahleni (Witbank) and Mbombela (Nelspruit) in Mpumalanga.

(5) The University of Pretoria is a university 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 Institutional Rules of the University.

(7) The University may confer degrees and honorary degrees.

(8) The University, and entities entirely under its control, may award diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act and Chapter 10 of this Statute.

(9) The University, and entities entirely under its control may withdraw and revoke a degree, diploma and certificate as contemplated in section 65BA of the Act and Chapter 10 of this Statute.

**3. Language policy.**– The language policy of the University shall be determined by Council with the concurrence of Senate as provided for in section 27(2) of the Act.

**4. Composition of the University.**– (1) The University shall consist of –

- (a) a Chancellor;
- (b) a Principal;
- (c) Vice-Principals;
- (d) Executive Directors;
- (e) a Council;
- (f) a Senate;
- (g) a Registrar;
- (h) a Convocation;
- (i) an Institutional Forum;
- (j) the faculties, departments, schools and such other academic structures of the University as may be determined by the Council;
- (k) the academic employees of the University;
- (l) the non-academic employees of the University;
- (m) the Student Representative Council;
- (n) the students of the University;
- (o) the various support services and such other offices, bodies or structures as may be established by the Council; and
- (p) all the University's property and assets.

(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 the Council or the Senate: Provided that no resolution of the Council or of the Senate shall be valid unless passed at a meeting at which a quorum was present and the rules relating to any such meeting has materially been complied with.

### CHAPTER 3

### CHANCELLOR

**5. Functions of Chancellor.**– (1) The Chancellor shall be the titular head of the University with no executive powers.

(2) The Chancellor shall confer all degrees and award all diplomas and certificates in the name of the University.

(3) In the absence of the Chancellor, degrees shall be conferred by the Principal or by one of the Vice-Principals; and diplomas and certificates shall be awarded by officials designated to do so by the Council.

(4) The Chancellor performs such other functions as assigned to him or her by the Council, subject to the provisions of paragraph 5(1).

**6. Election and appointment of Chancellor.**– (1) The Chancellor shall be elected by an electoral college consisting of the members of Council and Senate and the President of the Convocation.

(2) If the office of Chancellor becomes vacant, the Registrar acting as Secretary to the Convocation shall give notice thereof to the members of the electoral college and call for nominations for a successor.

(3) No person shall be elected unless he or she has been nominated in writing, with his or her written consent, by at least two members of the electoral college, and such nomination reaches the Registrar at least sixteen days before the meeting referred to in paragraph 6(5).

(4) After the closing date for nominations, a special meeting of the Institutional Forum must be held before the meeting as contemplated in paragraph 6(5) for purposes of considering the nominations and advising the electoral college on the appointment of a candidate to the office of Chancellor.

(5) The Registrar shall convene a meeting of the electoral college by sending a written notice to each member of the electoral college stating the time, date, place and purpose of the meeting at least two weeks before the date fixed for the meeting.

(6) The nominations shall be submitted to the electoral college by the Registrar for a final decision at the meeting referred to in paragraph 6(5).

(7) Thirty members of the electoral college shall form a quorum.

(8) The Principal shall be the Chairperson of the meeting of the electoral college, but should he or she be absent, the members present shall elect one of the Vice-Principals to act as Chairperson of that meeting.

(9) The election shall be by secret ballot and a majority of the members present at the meeting as contemplated in paragraph 6(5) must vote for the successful candidate and every member has one vote, except for the Chairperson who also has a casting vote.

(10) If no candidate receives a majority of votes, successive rounds of voting are held.

(11) In each successive round of voting the candidate receiving the least number of votes is eliminated as a candidate.

(12) After the electoral college has elected a Chancellor, the name of the Chancellor is announced by the Chairperson of the electoral college as soon as possible at an appropriate time.

**7. Term of office.**— (1) The Chancellor shall be elected for a period to be determined by the Council, but not exceeding five years, unless his or her term of office is terminated as contemplated in paragraphs 7(4) and 7(5).

(2) A person may be elected for more than one term of office.

(3) If the Chancellor is unable, for any reason, to perform the functions of his or her office, or if the office of Chancellor becomes vacant, the Principal performs the functions of the Chancellor.

(4) The term of office of the Chancellor terminates in the event of –

(a) death or incapacity;

(b) resignation; or

(c) removal from office by the electoral college as contemplated in paragraph 7(5).

(5) The Chancellor may only be removed from office by means of a resolution passed by a majority of the members of the electoral college as contemplated in paragraph 6(1), and then only after the Chancellor has been given the opportunity to answer to the reasons provided by the electoral college for such removal.

## CHAPTER 4

### VICE-CHANCELLOR AND PRINCIPAL, VICE-PRINCIPALS EXECUTIVE DIRECTORS AND REGISTRAR

#### VICE-CHANCELLOR AND PRINCIPAL

**8. Status.**— The Principal is the Vice-Chancellor of the University *ex officio* and its chief executive and accounting officer.

**9. Functions of Principal.**— (1) The Principal is responsible for the management and administration of the University and has all the powers necessary to perform these functions.

(2) The Principal is the University's chief executive officer and is ultimately responsible for the discipline at the University.

(3) The Council shall delegate to the Principal all the powers necessary to perform his or her duties.

(4) The Principal may in turn delegate duties to other employees or the chairperson of any committee.

(5) The Principal reports to the Council.

(6) The Principal is *ex officio* a member of all the committees of the Council and the Senate, excluding the Human Resources Committee of Council and the Audit, IT (Information Technology) and Risk Management Committee of Council: Provided that the Principal may attend the meetings of the latter two committees.

(7) The Council may assign additional functions, and grant additional powers and privileges to the Principal as contemplated in section 68(2) of the Act.

(8) When the Principal is absent or unable to carry out his or her duties, he or she may delegate all his or her powers and duties to a member of the Executive as contemplated in section 68(3) of the Act.

**10. Appointment of Principal.**— (1) Subject to section 31(1) of the Act, the advertising of the post, the invitation for nominations of and applications by candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes are in the manner determined by the Council and the Institutional Rules of the University.

(2) The Council shall, after consultation with the Senate and the Institutional Forum, appoint the Principal: Provided that when the first term of a Principal has expired, and he or she is reappointed for a period which, together with any previous period(s) of office as Principal, does not exceed ten years, consultation with the Senate and the Institutional Forum is not compulsory.

**11. Term of office of Principal.**— The Principal is appointed by the Council for such period as agreed upon in his or her contract: Provided that the Principal shall not be appointed for a period exceeding ten years at a time.

#### VICE-PRINCIPALS, EXECUTIVE DIRECTORS AND REGISTRAR

**12. Duties.**— The Vice-Principals, Executive Directors and Registrar are responsible for assisting the Principal in the management and administration of the University and have the powers and duties conferred upon them by the Council, this Statute, the Institutional Rules and delegated to them by the Principal.



**13. Appointment and terms of office.**– The Vice-Principals, Executive Directors and Registrar are appointed in such manner and for such periods as determined by the Council and the Institutional Rules.

## CHAPTER 5

### COUNCIL

**14. Functions.**– (1) The Council governs the University subject to the provisions of the Act and this Statute.

(2) The Council shall perform all the duties imposed on it by this Statute.

(3) The 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) staff matters;

(d) fostering a positive academic atmosphere;

(e) disciplinary matters regarding staff and students; and

(f) the admission and language policies of the University: Provided that the language policy and aspects of the admission policy are determined with the concurrence of the Senate, as required by sections 27 and 37 of the Act.

(4) The Council may appoint committees to assist it in carrying out its duties.

(5) The Institutional Forum shall advise the Council on the issues as contemplated in section 31(1)(a) of the Act in writing. In instances where the Council does not accept the advice given, written reasons must be provided.

(6) Subject to section 34 of the Act, the Council shall appoint people whom the Council considers necessary to manage the University effectively in line with the human resource policies contained in the Institutional Rules: Provided that no person shall be appointed as an academic employee except after consultation with the Senate or a committee of the Senate.

(7) The Council may delegate the function as set out in subparagraph (6) above to the Principal, with the right to further delegate, in accordance with the University's policy in this regard.

(8) The Council shall –

(a) ensure that an external audit is conducted on an annual basis in accordance with accepted audit principles and standards and that the recommendations are implemented;

(b) keep comprehensive records of all its proceedings;

(c) keep complete accounting records of all assets, liabilities, income, expenditure and other financial transactions as required by section 41(1) of the Act; and

(d) shall report to the Minister as contemplated in section 41(2) of the Act.

(9) The Council, after consultation with the SRC, shall make provision for and establish in accordance with the Institutional Rules of the University, a structure or structures for advising the Council on the rendering of student services at the University.

**15. Composition.**– (1) Council is constituted as follows –

(a) the Principal;

- (b) the Vice-Principals;
  - (c) three members of Senate;
  - (d) six persons appointed by Council on the basis of their expertise and experience, inter alia in the fields of education, general management, financial management, human resources, technology and investment;
  - (e) four members of the Convocation of the University, elected/appointed by the Convocation in ~~terms~~ accordance with the applicable institutional rules as provided for in paragraph 48(2);
  - (f) two student members as set out in paragraph 17(3);
  - (g) five persons appointed by the Minister in accordance with section 27(4)(c) of the Act;
  - (h) one person appointed by a local authority in whose area the University has its seat, to represent the communities served by the University;
  - (i) two persons elected from the ranks of the donors of the University as provided for in paragraph 63;
  - (j) one employee elected from the ranks of the academic employees; and
  - (k) one employee elected from the ranks of the non-academic employees.
- (2) Council members are elected or appointed in accordance with the provisions of paragraph 17 of this Statute.

**16. Term of office.**– (1) The Principal and the Vice-Principals are members of Council for as long as they remain in their posts.

(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 is four years: Provided that a member's term of office that has expired may be extended for a maximum period of six months by the Council if, according to the Council, special circumstances so demand.

(4) Members, whose terms of office have expired, may be re-elected or reappointed.

(5) A Council member's membership is terminated –

- (a) if the Council member fails to attend three consecutive ordinary meetings of the Council without Council's consent;
- (b) if the Council member is sequestered;
- (c) if the Council member is found guilty of a crime that in the exclusive opinion of the Council is of such a serious nature that the member's continued membership of Council is not desirable;
- (d) 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;
- (e) if the Council member reaches the age of 75 years;
- (f) if the Council rules that a conflict of interest has arisen or that it may arise, such as being a council member or student of another higher education institution in South Africa; or
- (g) if the Council member has transgressed Council's rules of conduct.

(6) Apart from the Principal, Vice-Principals, representatives of the Senate and employee representatives and students appointed in terms of paragraph 17(3) to serve on Council, no other Council member shall be a permanent or temporary staff member or student of the University, and should this happen, such Council member's membership of the Council terminates immediately.

(7) Any person who has been a member of a council of a public higher education institution against whom an independent assessor has made an adverse finding, or has been implicated in a matter that will be to the detriment of the University's name, shall not be eligible for appointment, election, reappointment or re-election as a member of the Council of the University.

(8) Any person who is not in good standing with the University shall not be eligible for appointment, election, reappointment or re-election as a member of the Council of the University.

(9) A Council member is entitled at any time to submit his or her resignation in writing to the Chairperson of Council.

**17. Election and nomination procedures.**– (1) The Senate members who serve on Council shall be elected in accordance with the procedure prescribed in Chapter 6.

(2) Employee representatives on the Council shall be elected from the ranks of the academic and non-academic employees in accordance with a process controlled by the Registrar consisting of the following –

(a) Within a reasonable period of time before a specific election date, the Registrar shall offer

(i) every permanent academic employee the opportunity to nominate a permanent academic employee to represent the permanent academic staff on the Council; and

(ii) every permanent non-academic employee the opportunity to nominate a permanent non-academic employee to represent the permanent non-academic staff on the Council.

(b) Each nominated candidate shall be seconded by at least ten permanent employees (in the case of an academic nominee they must be academic employees and in the case of a non-academic nominee they must be non-academic employees) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.

(c) On the closure of nominations, the Registrar shall arrange for an election in accordance with general acceptable election procedures.

(d) Permanent academic employees shall vote in respect of the vacancy to be filled by a permanent academic employee and permanent non-academic employees shall vote in respect of the vacancy to be filled by a permanent non-academic employee.

(e) An election shall be valid only if at least 15 per cent of the permanent academic employees or permanent non-academic employees, as the case may be, participated in the election.

(f) The Registrar shall announce the results of the election as soon as possible after conclusion of the election.

(g) The Registrar shall determine, after consultation with the Director of Human Resources, whether an employee of the University, or an employee of the University jointly appointed by the University and another body, qualifies as an academic or a non-academic employee.

(h) If an employee performs academic and non-academic tasks in accordance with his or her job description, that particular employee is considered to be an academic employee.

(3) Student members on the Council shall be appointed at an ordinary or a special meeting of the SRC from the ranks of the SRC in accordance with an appointment procedure of the SRC.

(4) The election of Council members from the ranks of the University's donors shall take place in accordance with Chapter 13 of this Statute.

(5) The members of Council who are appointed to the Council on the basis of their expertise and experience shall be appointed by means of a process controlled and supervised by the Registrar:

- (a) The Registrar shall place an advertisement in two national papers and on the University's website, inviting organisations, interest groups and individuals to nominate persons with expertise and experience as determined by the Council to serve on the Council: Provided that if, in the opinion of the Council, the advertisements fail to elicit a satisfactory response, the Council may request organisations or individuals to nominate additional persons.
- (b) The Standing Committee of Council, after consultation with the Registrar, may draw up a list of the most suitable nominees for recommendation to the Council: Provided that the names of all nominees will be tabled at the Council meeting.
- (c) The members of Council shall be elected at an ordinary or an extraordinary meeting of the Council from the ranks of the nominees, after taking into consideration the recommendations made by the Standing Committee of Council.

(6) In electing members of Council as contemplated in subparagraph (5), the Council shall take into account that, apart from the required expertise and experience of the individual candidates, it is also desirable to have a broad and balanced representation on the Council as far as gender and racial composition are concerned.

(7) The process for the appointment of Council members as contemplated in paragraphs 15(1)(g) and 15(1)(h), shall be facilitated by the Registrar: Provided that the local authority referred to in paragraph 15(1)(h) shall be designated by the Council.

(8) The process to be followed in the event of an incidental vacancy arising on the Council shall, with the necessary changes, be the same as described above.

(9) A new Council member who is elected or appointed to fill a vacancy that arose before the expiry of the previous incumbent's term of office, shall be elected for the full four-year term of the particular office.

**18. Chairperson, Deputy Chairperson and Secretary.**– (1) The Council shall elect a Chairperson from the ranks of Council members who are not employees or students of the University, and he or she shall hold the office for a term of two years.

(2) If the office of Chairperson falls vacant for any reason other than the expiry of the term of office, the Council shall elect a successor for the unexpired part of the term of office of his or her predecessor.

(3) The Council shall elect a Deputy Chairperson from the ranks of Council members who are not employees or students of the University and he or she shall hold the office for a term of two years.

(4) The Deputy Chairperson of the Council shall act as the Chairperson in the absence of the Chairperson: Provided that if the Chairperson and the Deputy Chairperson are both absent, the members who are present shall elect a Chairperson from their own ranks for that specific meeting.

(5) The Registrar is the Secretary to the Council in terms of section 26(4)(b) of the Act.

**19. Meetings and meeting procedures.**– (1) The Council shall meet at least once a semester at a time and place determined by the Council.

(2) The Council shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(3) Sixteen members present shall constitute a quorum.

(4) At least seven days before an ordinary meeting and at least three days before an extraordinary meeting of Council, the Registrar shall give each member written notice of the date, time and place of the meeting, as well as an agenda with supporting documents, if any.

(5) Members wishing to place additional matters for discussion on the agenda shall send a written request in this regard to the Registrar a reasonable time before the date of the meeting.

(6) With the approval of a majority of the members present, urgent matters may be placed on the agenda during a meeting.

(7) The Registrar shall keep comprehensive minutes of each Council meeting.

(8) The Council shall take decisions by a majority vote of the members who are present.

(9) The Chairperson of the meeting shall have an ordinary vote and a casting vote in the event of a tie of votes.

(10) Subject to the provisions of subparagraph (4), the Chairperson may convene an extraordinary meeting at any time, stating the matter or matters for discussion.

(11) At the request of the Principal or at the request of at least five Council members, the Chairperson shall convene an extraordinary meeting: Provided that reasons for the request are in writing and a brief description of the matters for discussion is provided.

(12) The Council may generally, or in a specific case, grant observer status to a person or office bearer that allows such a person to attend a Council meeting or meetings.

(13) With the permission of the Council a person with observer status may take part in the debates of the Council, but may not vote.

(14) All members of Council must participate in the deliberations of Council or any committee of Council, or exercise any delegated function, in the best interests of the University.

(15) A Council member must, before he or she assumes office, and annually for as long as he or she continues to hold such office, declare any business, commercial or financial activities undertaken for financial gain that may give rise to a conflict or a possible conflict of interest with the University.

- (a) No Council member may have a direct or indirect financial, economic, personal or other interest in any matter to be discussed at a meeting, or in regard to which he or she is to make a decision in terms of a delegated function and which entails or may entail a conflict or possible conflict of interest with the University.
- (b) A Council member must, before the meeting of the Council or a committee of Council, in writing inform the Chairperson of that meeting of the existence of a conflict or possible conflict of interest that he or she may be aware of.
- (c) Any person may, in writing, inform the Chairperson of a meeting of Council or a committee of Council, before that meeting, of a conflict or possible conflict of interest of a member of Council or a committee of Council of which such person may be aware.
- (d) Where applicable, the Council member must recuse himself or herself from any decision-making process where an actual or deemed conflict of interest is present.
- (e) In the event that any member of a committee of Council with delegated functions has a conflict or possible conflict of interest in respect of a matter to be considered, the committee may not consider or take a decision on the matter but must refer it to Council for a decision, having noted the member's interest in the matter.

**20. Standing Committee of Council.**– (1) The Standing Committee of Council is constituted as follows –

- (a) the Chairperson of the Council;
- (b) the Deputy Chairperson of the Council;
- (c) the Principal;
- (d) two Council members appointed from the ranks of Council members who are employees of the University: Provided that at least one of the members who is appointed in this manner is a member of the Senate; and
- (e) two Council members appointed by the Council from the ranks of the Council members who are not employees of the University.

(2) The term of office of members of the Standing Committee of Council as contemplated in subparagraphs (1)(d) and (e) shall be two years.

(3) Members, whose terms of office have expired, may be re-elected.

(4) At the request of the person acting as the Chairperson of the Standing Committee of Council at a meeting, any member of the Council may serve as a substitute member for an absent member of the Standing 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.

**21. Chairperson, Deputy Chairperson, Secretary of Standing Committee and meeting procedures.**–

(1) The Deputy Chairperson of Council shall *ex officio* be the Chairperson of the Standing Committee of Council and the Chairperson of the Council shall *ex officio* be the Deputy Chairperson of the Standing Committee of Council.

(2) In the absence of the Chairperson of the Standing Committee of Council, the Deputy Chairperson of the Standing Committee of Council shall act as the Chairperson of the Standing Committee of Council: Provided that if the Chairperson and the Deputy Chairperson are both absent, the members who are present shall elect a Chairperson from their own ranks for that specific meeting.

(3) Four members of the Standing Committee of Council shall constitute a quorum.

(4) The Standing Committee of Council shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(5) The Registrar shall act as Secretary of the Standing Committee of Council.

**22. Powers and functions of Standing Committee.**– (1) When the Council is not in session, the Standing Committee of Council, as the representative of the Council, may assume the authority of Council and may act on behalf of the Council in urgent matters, except with regard to matters as referred to in section 68(2) of the Act.

(2) The Standing Committee of Council shall report to the Council on the actions of the Standing Committee in accordance with subparagraph (1), which actions shall be considered at the next Council meeting.

(3) The Council may, generally and specifically, grant the Standing Committee of Council the authority to finalise matters on behalf of the Council, in which case the Standing Committee merely reports to Council.



(4) Where the Council grants the Standing Committee of Council the authority to finalise matters as envisaged in subparagraph (3), the Council shall ratify or review the delegations framework at least every four years.

(5) The Registrar shall maintain a detailed consolidated record of all powers delegated in terms of the delegations framework as contemplated in subparagraph (3).

(6) The Standing Committee of Council may further delegate the authority granted to it by the Council, this Statute and the Institutional Rules, including the authority granted in accordance with subparagraph (3), to a committee, or an individual as set out in the Institutional Rules, except in cases where the Council has explicitly specified to the contrary.

(7) In circumstances where the Minister has given the Council, in accordance with section 42 of the Act, notice of his or her intention to issue a directive, the Standing Committee of Council shall respond, should time be of the essence or other circumstances so dictate, to the Minister's notice in a suitable manner. If time is not of the essence, Council shall respond to the Minister's notice.

**23. Committees.**– (1) Apart from the Standing Committee of Council, the Council shall establish an Audit, IT (Information Technology) and Risk Management Committee, a Human Resources Committee and an Investment Committee and shall determine their functions and authority.

(2) The Council may establish any other committee as well as joint Council and Senate committees.

(3) The Council shall determine the constitution, election, term of service and functions of committees.

(4) The Council may appoint persons who are not Council members to the committees.

(5) In line with the governance principles as set out in the King IV Report on Corporate Governance for South Africa, 2016, the Chairperson of Council may not serve on the Audit, IT and Risk Management Committee of Council.

## CHAPTER 6

### SENATE

**24. Functions.**– (1) The Senate conducts its business under the management of the Council and is accountable to the Council for academic, research and community engagement matters as contemplated in section 28(1) of the Act.

(2) The functions of the Senate are as follows –

(a) academic planning and development;

(b) the regulation of all academic activities of the University in respect of teaching, learning and research, including –

(i) guidelines for the appointment and promotion of academic staff;

(ii) guidelines for the organisation, structures and administration of teaching, learning, research and community engagement at the University;

(iii) management and supervision of student evaluation; and

(iv) quality assurance in respect of teaching, learning and research;

(c) to make recommendations to the Council on *inter alia* the following matters –

(i) the establishment, amalgamation or closure of faculties, departments, institutes, bureaus, research units and centres;

- (ii) the introduction or discontinuation of degrees, diplomas, programmes, curricula, subjects and courses;
  - (iii) curricula for degrees, diplomas and programmes and the content of subjects and courses: Provided that in case of certificates for short courses the Senate may delegate its authority to the faculty boards;
  - (iv) the general admission policy of the University;
  - (v) the management, operation and development of the library;
  - (vi) the conferring of honorary degrees;
  - (vii) academic dress, graduation and diploma ceremonies;
  - (viii) organised student life, including student services and student discipline;
  - (ix) the selection of candidates for the position of Chancellor, Principal, and Vice-Principals; and
  - (x) the appointment and promotion of the academic staff of the University;
- (d) together with the Council, as required by section 37(4) of the Act, to approve the following –
- (i) the language policy of the University;
  - (ii) admission requirements for specific academic programmes;
  - (iii) the number of students who may be admitted to a specific programme as well as the method of selection;
  - (iv) the minimum admission requirements for readmission to the University and the refusal of students who do not comply with the minimum requirements; and
- (e) the execution of any other function that the Council may assign or delegate to the Senate.

(3) A Senate member must, before the meeting of the Senate or a committee of Senate, in writing inform the Chairperson of that meeting of the existence of a conflict or possible conflict of interest that he or she may be aware of.

**25. Composition.**– (1) The Senate is constituted as follows:

- (a) *Ex officio* members of the Senate, namely the –
- (i) Chairperson of Council;
  - (ii) Deputy Chairperson of the Council;
  - (iii) Principal;
  - (iv) Vice-Principals;
  - (v) Executive Directors;
  - (vi) Deans and Deputy Deans as well as any academic staff members who have similar status and who have specifically been declared members by the Senate;
  - (vii) Heads of academic departments;
  - (viii) Academic staff who have similar status as the Heads of academic departments and who have specifically been declared members by the Senate;
  - (ix) Registrar;
  - (x) Chairpersons of schools;
  - (xi) Chairperson of the Institutional Forum.
- (b) Members who are nominated or elected, namely –
- (i) four members nominated by the SRC;



- (ii) two employees, who are not already members of the Senate, elected from the ranks of the permanent academic employees;
  - (iii) two employees, who are not already members of the Senate, elected from the ranks of the permanent non-academic employees.
- (c) The Directors of support service divisions, and any other person invited by the Chairperson, may attend the meetings of Senate on invitation.

(2) Incidental vacancies in the category of members who are nominated or elected are to be filled as set out in subparagraph (1)(b) for the remainder of the previous incumbent's term of office.

**26. Terms of office.**– (1) The persons referred to in paragraph 25(1)(a) are members of the Senate for as long as they remain in the posts concerned.

(2) The term of office of representatives of the SRC shall be the same as that of the SRC that appointed them.

(3) The term of office of all other members shall be four years: Provided that members may be re-elected or renominated when their terms of office expire.

(4) If a student representative is re-elected to the SRC, he or she may be nominated as a student representative 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 a transgression by a disciplinary body of the University.

(5) The membership of a Senate member shall be terminated in cases where the member was elected or nominated by a specific interest group to represent it and the association of the Senate member with the interest group concerned ceases.

**27. Election and nomination procedures.**– (1) The Registrar shall make the arrangements for the nomination and election of members.

(2) Student members of the Senate are elected at an ordinary or special meeting of the SRC in accordance with the election procedures of the SRC.

(3) Two members from the ranks of the permanent academic employees and two members from the ranks of the permanent non-academic employees shall be elected in accordance with the process set out in subparagraph (4).

(4) The Registrar shall arrange and administer an election of members from the ranks of the employees to the Senate in the following manner:

- (a) Within a reasonable period before a particular election date, the Registrar shall afford –
  - (i) every permanent academic employee the opportunity to nominate a representative or representatives to represent the permanent academic employees on the Senate; and
  - (ii) every permanent non-academic employee the opportunity to nominate a representative or representatives to represent the permanent non-academic employees on the Senate.
- (b) Each nominated candidate shall be seconded by at least ten permanent employees (in the case of an academic nominee they must be academic employees and in the case of a non-academic nominee they must be non-academic employees), not be a Senate member already and inform the Registrar in writing whether he or she accepts the nomination.

- (c) On the closure of nominations, the Registrar shall arrange for an election in accordance with general acceptable election procedures.
- (d) Permanent academic employees shall vote in respect of vacancies to be filled by permanent academic employees and permanent non-academic employees shall vote in respect of vacancies to be filled by permanent non-academic employees.
- (e) An election shall be valid only if at least 15 per cent of the permanent academic employees or permanent non-academic employees, as the case may be, participated in the election.
- (f) If an employee performs academic and non-academic tasks in accordance with his or her job description, that particular employee is considered to be an academic employee. Should a dispute arise in this regard, the Registrar has the discretion to decide whether an employee is an academic or non-academic employee.
- (g) The Registrar shall announce, as soon as possible at an appropriate time, the names of the members duly elected.

**28. Chairperson and Secretary.**– (1) In terms of section 26(4)(a) of the Act, the Principal is the Chairperson of Senate.

(2) In the absence of the Chairperson, the acting Vice-Chancellor and Principal shall act as the Chairperson of Senate.

(3) The Registrar is the Secretary of the Senate.

**29. Scheduling of meetings and meeting procedures.**– (1) The Senate shall meet at least once a semester.

(2) The Senate shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(3) Seventy-five members of the Senate shall constitute a quorum.

(4) The Registrar shall notify each member in writing of the date, time and venue of a meeting at least seven days before the meeting and the agenda for the meeting shall accompany the notice. The dates of Senate meetings are determined annually in advance.

(5) Members who wish to place additional matters for discussion on the agenda shall submit such matters in writing to the Secretary at least nine days before the date of the meeting.

(6) The Registrar shall keep minutes of every meeting.

(7) Urgent matters may be placed on the agenda for discussion or for discussion and finalisation during a meeting by agreement between the Chairperson and the majority of members present at the meeting.

(8) In the absence of a Senate resolution to the contrary, the Senate shall reach its decisions through a majority vote by the members present.

(9) Normally, members shall vote by a show of hands, but the Senate may decide on a different procedure in a particular case.

(10) Secret ballot papers shall be used when members of the Senate vote to elect an individual, but the Senate may decide on a different procedure in a particular case.

(11) The Chairperson of the meeting shall have an ordinary vote and a casting vote in the event of a tie of votes.

(12) The Chairperson may at any time convene an extraordinary meeting: Provided that the matters for discussion are stated and a brief description thereof is provided.

(13) The Chairperson shall convene an extraordinary meeting at a date determined by him or her, if requested to do so by at least 25 members: Provided that the request is in writing and the matters for discussion are stated and a brief description thereof is provided.

(14) The Chairperson shall decide whether or not observers may attend or speak at meetings.

**30. Composition of Senate Executive.**– (1) The Senate Executive is constituted as follows –

- (a) the Principal;
- (b) the Vice-Principals;
- (c) the Executive Directors;
- (d) the Deans of faculties;
- (e) the Chairpersons of the committees of the Senate who are not already members of the Senate Executive;

(f) the members of the Senate on the Council, elected in accordance with paragraph 35(1), who are not already members of the Senate Executive; and

(g) the Registrar.

(2) The Directors of support service divisions, and any other person invited by the Chairperson, may attend the meetings of the Senate Executive on invitation.

(3) Those bodies that are entitled to nominate or elect members, nominate or elect members in terms of their internal nomination or election procedures.

(4) The Senate Executive is entitled to co-opt members to the Senate Executive.

(5) The Registrar shall be the Secretary of the Senate Executive.

(6) The Chairperson as contemplated in paragraph 31(1) shall decide whether or not observers may attend or speak at meetings.

**31. Chairperson of Senate Executive and meeting procedures.**– (1) The Principal shall be the Chairperson of the Senate Executive: Provided that in the absence of the Principal, a Vice-Principal present shall act as the Chairperson.

(2) If neither the Principal nor any of the Vice-Principals are available, the Senate Executive shall elect a Chairperson for the particular meeting from its own ranks.

(3) One half of all the members of the Senate Executive plus one shall constitute a quorum.

(4) The Senate Executive shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

**32. Powers and functions of Senate Executive.**– (1) When Senate is not in session, the Senate Executive, as a representative of the Senate, may assume the authority of Senate and may execute the functions of Senate, particularly with regard to academic planning.

(2) The Senate Executive shall report to Senate on its actions in terms of subparagraph (1): Provided that all actions taken by the Senate Executive on behalf of Senate shall be ratified or reviewed at the next meeting of Senate.

(3) The Senate is entitled to give the Senate Executive a general or specific authority to finalise matters on behalf of the Senate, in which event the Senate Executive merely reports to the Senate and the action is neither ratified nor reviewed by the Senate.

(4) Where the Senate authorises the Senate Executive to finalise matters, as envisaged in subparagraph (3), the Senate shall ratify or review the delegated in terms of the delegations framework at least every four years.

(5) The Registrar shall keep a detailed consolidated record of all powers delegated in terms of the delegations framework, as contemplated subparagraph (3).

(6) The Senate Executive shall meet before each meeting of Senate, except in case of an extraordinary meeting of Senate.

**33. Committees of Senate.**– (1) In addition to the Senate Executive, the Senate shall establish a number of committees to enable the Senate Executive to execute its functions, namely the –

- (a) Selection Committees for the purpose of advising the Council on the appointment of academic employees;
- (b) Timetable Committee;
- (c) Appeals Committee of Senate (Student Discipline);
- (d) Faculty boards;
- (e) Academic Planning Committee;
- (f) and Senate Committees dealing with Research, Research Ethics and Postgraduate Education; Teaching and Learning; Student Affairs; Academic Admission; Admission Status, GIBS et cetera.

(2) The Senate may appoint any other committee, including joint Council and Senate committees: Provided that the latter shall be appointed in consultation with the Council.

(3) The activities of all committees of the Senate are co-ordinated by and executed under the control and supervision of the Senate Executive.

(4) The Senate Executive may further delegate the authority granted to it by the Senate, this Statute and the Institutional Rules, including the authority entrusted to it in terms of paragraph 32(3), to a committee of the Senate or to an individual, as set out in the Institutional Rules, except in cases where the Senate has specified to the contrary.

(5) The reporting by the Senate Executive to the Senate shall include the activities of the committees of the Senate.

(6) The Senate shall nominate and elect members and chairpersons of committees. A non-member of Senate may be elected as a member of a Senate committee.

(7) Matters concerning the constitution, election, terms, functions and procedures of committees not regulated in terms of the above shall be regulated by means of the Institutional Rules.

**34. Faculties.**– (1) At the University there shall be such faculties, schools and departments (whether subdivisions of faculties or not) as the Council, after consultation with the Senate, may from time to time establish.

(2) The faculty board of each faculty is a committee of the Senate.

(3) The following matters concerning the faculty boards are defined in the Institutional Rules –

- (a) the constitution of such boards: Provided that only academic employees of the University may serve on faculty boards;
- (b) their powers and functions;
- (c) their procedures;
- (d) the selection of candidates for the position of Dean, Deputy Dean or persons of similar status;
- (e) the appointment of committees of the faculty as well as the manner in which their functions are determined; and
- (f) their authority to delegate.

(4) The Dean of the faculty concerned is *ex officio* the Chairperson of the faculty board meeting.

(5) In the absence of the Dean, the acting Dean or the Deputy Dean shall act as the Chairperson: Provided that if the Dean and the Deputy Dean or the acting Dean are absent, the members present at the faculty board meeting shall elect a Chairperson for the particular meeting from their own ranks.

(6) Each faculty may have an advisory committee operating in terms of the Institutional Rules.

**35. Members of Senate on Council.**– (1) The Senate shall elect three members from its ranks to serve as Council members for a term of four years: Provided that at least one of the said members is elected from the ranks of the Senate members in the faculties of natural sciences (including the health sciences and veterinary science) and at least one is elected from the ranks of the Senate members in the faculties for the humanities.

(2) Members who are already *ex officio* members of the Council shall not be considered as candidates.

(3) The Registrar shall notify all members of the Senate in writing of the election of a member or members of the Senate to serve on Council at least seven days before a Senate meeting.

(4) A person shall be a candidate if he or she is nominated during a Senate meeting by at least two persons, and indicates verbally or in writing that he or she accepts the nomination.

(5) Members, whose terms of office have expired, may be re-elected or renominated.

(6) The election shall be by secret ballot and a majority of the members present at the meeting of the Senate must vote for the successful candidate.

(7) If no candidate receives a majority of votes, successive rounds of voting are held.

(8) In each successive round of voting the candidate receiving the least number of votes is eliminated as a candidate.

(9) After Senate has elected the members to serve on Council, their names are announced by the Chairperson.

(10) Incidental vacancies shall be filled, with the necessary changes, as set out above.

## CHAPTER 7

### FACULTIES AND FACULTY BOARDS

**36. Functions, compositions and procedures.**– These matters are provided for in paragraph 34 and in the Institutional Rules of the University.

## CHAPTER 8

### INSTITUTIONAL FORUM

**37. Functions.**– (1) The Institutional Forum shall advise the Council and the Executive 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 selection 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; and
- (g) the management of cultural diversity on the University's campuses.

(2) The advice given by the Institutional Forum to the Council shall be submitted in written form by the Chairperson of the Institutional Forum. In instances where Council does not accept the advice given, written reasons must be provided.

(3) The Institutional Forum shall perform such additional functions as are determined by the Council or the Executive.

(4) The Council may, after consultation with the Institutional Forum, amend or revoke the mandate of the Institutional Forum referred to in subparagraph (3).

**38. Composition.**– The Institutional Forum is constituted as follows –

- (a) two representatives of the Executive of the University appointed by the Principal;
- (b) two representatives of the Council elected by the Council;
- (c) two representatives of the Senate elected by the Senate;
- (d) a maximum of five representatives elected from the ranks of the trade unions and staff associations recognised as such by the University as set out in paragraph 40(3);
- (e) one member appointed by the President of the Convocation;
- (f) one disabled person (either a member of staff or a student) appointed by the Council;
- (g) not more than ten student representatives in accordance with an appointment procedure of the SRC set out in the Institutional Rules; and
- (h) a maximum of three employee or student members, appointed by the Council 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: Provided that a student or an employee who had been found guilty of misconduct by a disciplinary committee of the University may not be a member of the Institutional Forum.

**39. Term of office.**– (1) The term of office of all members of the Institutional Forum is four years, with the exception of members appointed by the SRC and student members co-opted in accordance with paragraph 38(h).

(2) The term of office of 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 38(h) shall be one year.

(4) A member may be re-elected, reappointed or co-opted again for another term when his or her term expires.

(5) A student member's membership of the Institutional Forum shall be terminated if the member is no longer a registered student.

(6) The membership of a member of the Institutional Forum shall be terminated if the said member is elected or appointed by a specific interest group to represent the particular group and the member's membership of, or association with the interest group is terminated or the member is suspended by the interest group.

**40. Election procedure.**— (1) The Registrar shall facilitate the process in terms of which members are appointed, elected or co-opted.

(2) When members are elected or appointed by a particular body that is entitled to do so, the body shall elect or appoint such members in accordance with its own internal appointment or election procedures but with a sensitivity for gender and race.

(3) Each trade union and staff association recognised as such by the University shall be entitled to one representative: Provided that the representative shall be elected from the ranks of the employees of the University by members of the trade union or staff association and provided further that where there are more than five trade unions and staff associations that qualify in this way, only the five trade unions and staff associations with the largest University employee membership, shall be entitled to appoint representatives.

(4) Only members of the SRC may be appointed as student representatives on the Institutional Forum.

**41. Chairperson and Deputy Chairperson.**— (1) The Institutional Forum shall elect a Chairperson and a Deputy Chairperson from the members of the Institutional Forum.

(2) The term of office of the Chairperson and the Deputy Chairperson shall correspond with their terms of office as members of the Institutional Forum.

(3) If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum shall elect a successor at its next meeting.

(4) The Chairperson of the Institutional Forum reports back to the Institutional Forum on the Council's acceptance, partial acceptance or rejection of the advice of the Institutional Forum.

(5) The Institutional Forum shall elect a Secretary: Provided that the Registrar, or a staff member designated by him or her, shall assist the Secretary or act in his or her place.

**42. Executive Committee, task and work groups.**— (1) The Institutional Forum shall be empowered to make use of task and work groups in order to facilitate and expedite the activities of the Institutional Forum.

(2) The Institutional Forum shall appoint an Executive Committee to control, manage and administer the Institutional Forum on a day-to-day basis.

(3) 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; and
- (c) three members appointed by the Institutional Forum, of which one, but not more than two, is a student or are students.

(4) The Executive Committee of the Institutional Forum shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(5) The quorum for a meeting of the Executive Committee of the Institutional Forum shall be three members.

(6) The term of office of the three members referred to in subparagraph (3)(c) shall correspond with their respective terms of office as members of the Institutional Forum.

(7) The Registrar, or a staff member designated by him or her, shall be responsible for the administrative services that the Executive Committee may require.

**43. Meeting procedures.**– (1) The Institutional Forum shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(2) Eight members of the Institutional Forum shall constitute a quorum.

(3) Resolutions of the task and work groups shall not be binding on the Institutional Forum and consequently there shall be no quorum requirement for the meetings of these bodies.

(4) The Secretary shall keep comprehensive minutes of all meetings of the Institutional Forum, including meetings of the task and work groups.

(5) At least four days before a meeting the Secretary of the Institutional Forum shall send each member, by written notice, an agenda indicating inter alia the date, venue and time of the meeting as well as the matters for discussion.

(6) Members wishing to place additional matters for discussion on the agenda shall send a written request in this regard to the Secretary at least two days before the date of the meeting.

(7) The Chairperson may convene an extraordinary meeting at any time on four days' notice, stating the matter or matters for discussion.

(8) When requested by at least eight 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 and a brief description of each such matter is provided.

**44. Decision-making.**– (1) If at least 75 per cent 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 of a person to be appointed to a position, a decision by the majority of members present shall be the decision of the Institutional Forum.

(2) If the Council requests the Institutional Forum to advise the Council on a specific matter and no proposal put before the Institutional Forum enjoys the support of 75 per cent 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 other members of the Institutional Forum shall compile a summary of the various opinions expressed at the Institutional Forum and shall submit the summary to the Council.



(4) Where the Institutional Forum has taken an advisory decision that is submitted to the Council, a member or members with a minority viewpoint shall be entitled to formulate the minority viewpoint or viewpoints in writing and to submit such viewpoint or viewpoints to the Executive Committee of the Institutional Forum that, in turn, will submit it to Council.

## CHAPTER 9

### CONVOCATION

**45. Membership.**— The Convocation shall consist of –

(1) all the persons, other than persons referred to in subparagraph (2), who immediately before the commencement of this Statute were members of the Convocation of the University;

(2) the Principal, the Vice-Principals, the Executive Directors, Registrar, the Deans of faculties, the academic employees on the permanent staff of the University, professors emeriti, other retired academic employees and such other persons as the Council may determine; and

(3) all persons who have obtained a qualification, as approved by the Senate and the Council, from the University (“Alumni”): Provided that if any person who, by virtue of the provisions of subparagraph (1) or (3), is or is about to become a member of the Convocation, notifies the Council in writing that he or she does not wish to continue to be or to become such a member, he or she shall, upon the receipt of such notice by the Council, cease to be such a member or not become such a member, as the case may be.

**46. President.**— (1) There shall be a President of the Convocation who shall be elected by the Convocation from among its number for a period of five years: Provided that the retiring President shall be eligible for re-election.

(2) The President’s term of office is terminated –

(a) if he or she is sequestered;

(b) if he or she is found guilty of a crime that in the exclusive opinion of the Council is of such a serious nature that his or her continued membership of the Convocation is not desirable;

(c) if he or she reaches the age of 75 years;

(3) If the office of President becomes vacant, the Principal shall act as President until the Convocation elects a successor.

**47. Election of President.**— (1) The election of the President of the Convocation shall take place in accordance with the procedure provided for in the Institutional Rules.

**48. Meetings.**— (1) The recording of Convocation members’ details, the convening of meetings and meeting procedures shall take place in accordance with the Institutional Rules.

(2) The election/appointment of members of the Convocation to serve on Council shall take place in accordance with the procedure provided for in the Institutional Rules.

**49. Submission of resolutions to Council.**— A copy of any resolution of the Convocation taken at a meeting of the Convocation, duly signed as a true reflection of the meeting by the Chairperson and the Registrar, shall be submitted to the Council by the Registrar: Provided that the Convocation may discuss any

matter that relates to the University or is referred to it by Council, and may convey its views thereon to Council.

## CHAPTER 10

### DEGREES, DIPLOMAS AND CERTIFICATES

**50. Capacity.**– (1) The University may, subject to the provisions of this Statute and the Act, confer ~~such~~ degrees and award diplomas and certificates.

(2) Save as is provided by paragraph 51, no degree may be conferred upon and no diploma or certificate may be awarded by the University to any person who has not –

- (a) been registered as a student of the University for the period prescribed by the Senate; and
- (b) completed the work and attained the prescribed standard of proficiency determined through assessment as required by the Senate.

(3) The University may grant a certificate to any person who has pursued a course of study approved by Senate or an entity under the control of the University.

(4) The Council may, in consultation with Senate, withdraw and revoke any degree, diploma, certificate or other qualification that was awarded –

- (a) on the basis of a material error on the part of the University: Provided that such withdrawal and revocation may only take place within a period not exceeding two years after the conferment concerned; or
- (b) as a result of a fraudulent or dishonest act in connection with the obtaining of such degree, diploma, certificate or other qualification.

(5) Prior to the Council withdrawing and revoking the conferment of a degree, diploma, certificate or other qualification, Council must –

- (a) notify the recipient of the qualification concerned that a revocation and withdrawal is being considered;
- (b) provide the recipient with relevant information justifying the intended action;
- (c) provide the recipient with an opportunity to obtain assistance and to present his or her case; and
- (d) consider the submissions and representations of the recipient.

(6) In the event that the withdrawal and revocation relates to circumstances contemplated in subparagraph (5)(b), the University must report the matter for criminal investigation as contemplated in section 66(2) of the Act.

(7) The power of Council as contemplated in subparagraph 50(4), may be delegated to Principal who, in turn, may further delegate such power to any other employee of the University in terms of section 68(3) of the Act.

**51. Honorary degrees and Chancellor's medal.**– (1) Subject to the provisions of this paragraph, the University may, on the resolution of Council and of 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 candidate for the award of an honorary degree or Chancellor's medal shall be selected by a selection committee consisting of the Senate Executive with the addition of the Chairperson and the Deputy Chairperson of Council: Provided that the Chairperson and the Deputy Chairperson of Council may each nominate a member of Council as his or her representative on the selection committee.

(3) The name of the candidate recommended by the selection committee shall be submitted to Senate.

(4) Senate shall vote by secret ballot and without preliminary discussion on the candidate recommended by the selection committee: Provided that Senate shall not discuss or deal with any proposal not recommended by the selection committee.

(5) The name of the candidate who has obtained an ordinary majority of the votes of the members of Senate present at the meeting shall be submitted to the Council.

(6) Council shall vote by secret ballot and without preliminary discussion on the candidate recommended by Senate: Provided that Council shall not discuss or deal with any proposal not recommended by the selection committee and Senate.

(7) The honorary degree or Chancellor's medal shall be awarded to the candidate who has obtained a majority vote of the members of Council present at the meeting, at the time and place determined by the Principal: Provided that no honorary degree shall be conferred posthumously.

(8) In the event that Council is of the opinion that a recipient of an honorary degree or Chancellor's medal from the University of Pretoria has brought the University's name into disrepute and is no longer deemed to be worthy of the award, Council may revoke such honorary degree or medal after consultation with Senate.

(9) Prior to the Council revoking the honorary degree or medal, Council must –

- (a) notify the recipient of the qualification concerned that a revocation is being considered;
- (b) provide the recipient with relevant information justifying the intended action;
- (c) provide the recipient with an opportunity to present his or her case; and
- (d) consider the submissions and representations of the recipient.

**52. Congregation and conferring of degrees.**– (1) A meeting of the members of the University called a Congregation shall be held for the purpose of conferring degrees.

(2) The Chancellor, or in his or her absence the Principal or a Vice-Principal, shall preside at a Congregation.

(3) A Congregation of the University shall be held at least once a year on a date to be announced at the beginning of every academic year.

(4) The procedure as to the presentation of graduates, the conferring of degrees *in absentia*, academic dress and all other matters in connection with Congregations not provided for in this Chapter shall be determined by the Senate Executive, taking into account the advice of the Senate.

## CHAPTER 11

### EMPLOYEES

**53. Appointment.**– Subject to section 34 of the Act, Council appoints employees according to the human resource policies of the University as determined in the Institutional Rules.

**54. Conditions of employment and conflict of interest.** – (1) The conditions of employment, including the determination and review of salaries and all other forms of remuneration, disciplinary provisions, privileges and functions of employees, are approved by Council and may be amended from time to time by Council, and are furthermore subject to the applicable labour laws. The power contemplated in paragraph 54 may be delegated to the Human Resources Committee of Council that may make arrangements with the Principal regarding the implementation or determination of any of these conditions of employment.

(2) With regard to conflict of interest the following shall apply:

- (a) An employee must in writing before he or she assumes office and whenever a new interest arises, declare any business, commercial or financial activities undertaken for financial or other gain that may give rise to a conflict or possible conflict of interest with the University.
- (b) 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 is of the opinion, and takes a decision, that –
  - (i) the goods, product or service are unique;
  - (ii) the supplier is a sole provider; and
  - (iii) it is in the best interest of the University.
- (c) An employee may not on behalf of the University contract with himself or herself or his or her relative or any entity in which the employee or any relative has a direct or indirect financial, personal, fiduciary or other interest.

**55. Evaluation.**– All employees of the University are subject to continuous evaluation in the performance of their duties and the outcome of such evaluation may have an impact on an employee's remuneration and/or employment status.

**56. Staff discipline.**– Subject to applicable labour laws, all staff members of the University shall be subject to a disciplinary code, a disciplinary procedure and a grievance procedure as approved by Council or the Human Resources Committee of Council. These codes and procedures shall be deemed to be Institutional Rules.

**57. Representative employees' organisations.**– Agreements with representative employees' organisations may, with reference to conditions of employment and according to the relevant labour legislation, be entered into by Council or by the Principal acting on the delegated authority of Council.

## CHAPTER 12

### STUDENTS

**58. Admission and registration of students.**– (1) As contemplated in section 37 of the Act, a person may be permitted by the Council to register as a student only if he or she satisfies the legal requirements, if any, for admission to study at the University and, further, satisfies any other requirements for admission that may be determined by the Council and the Senate and laid down in the Institutional Rules.

(2) Upon registration, whether for a degree, diploma, certificate or one or more subjects or modules, the student subjects himself or herself to the Institutional Rules of the University, as set out in the various publications of the University.

(3) The requirements for admission of a student to the various faculties or other academic entities are set out in the Institutional Rules and may be changed by the Council after consultation with the Senate: Provided that the Council may delegate its authority to the Senate and the various faculty boards.

(4) A student is registered for one year at a time or for such shorter period as the Council may determine in general or in a particular case.

(5) In order for a student to renew his or her registration after the expiry of the period as contemplated in subparagraph (4), the student is required to comply with any conditions set by the Senate: Provided that the Senate may delegate its authority in this respect to the various faculty boards.

(6) The Council may refuse to allow the renewal of registration if a student fails to meet the conditions as contemplated in subparagraph (5): Provided that the Council may delegate its authority to the Senate and the various faculty boards.

(7) The conditions as contemplated in subparagraph (5) may include the payment of outstanding fees as well as non-performance academically or disciplinary matters.

**59. SRC.**— (1) In matters that may affect them, the students of the University are represented by the SRC acting in accordance with the provisions of the SRC's Constitution which is subordinate to the Institutional Rules of the University.

(2) Only students registered for a degree or diploma at the University shall be elected as members of the SRC.

(3) No student who has been found guilty of transgressing the University's disciplinary code by a disciplinary committee of the University shall be eligible to serve on the SRC and a standing member of the SRC thus found guilty shall immediately vacate his or her position.

(4) The SRC, as contemplated in section 35 of the Act, must be representative of the student body.

(5) The election of SRC members must be democratic and transparent.

(6) The term of office of the members of the SRC is one year.

(7) The privileges of members of the SRC are determined by the Council and can be revoked by the Council.

(8) The SRC is composed and functions in terms of a Constitution as well as the provisions of this Statute and the Institutional Rules.

(9) The SRC Constitution or any amendment thereof must be approved by the Council, after consultation with the SRC.

(10) If the Council is of the opinion that the SRC is inoperative or unable to function properly, the Council may:

(a) revoke the SRC Constitution;

(b) make interim arrangements for the functioning of the SRC; or

(c) initiate a process to have a new SRC Constitution drafted.

**60. Student discipline.**— The disciplinary measures and provisions applicable to students are set out in the Institutional Rules as contemplated in section 36 of the Act, and may be changed by the Council after consultation with the Senate and the SRC as provided for in section 32(2)(d) of the Act.

## CHAPTER 13

### DONORS

**61. Donors.**— The University may receive monies, equipment or services of any sort from donors to assist the University in providing quality education and support services or to otherwise benefit the University in whatever manner.

**62. Qualification as donor.**— (1) Any person or entity, who is not an organ of state 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, a nominated representative of such juristic person shall be eligible for election to Council 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 the Council as mentioned in paragraph 15(1).

(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 be not less than an amount or valued at not less than an amount fixed from time to time by the Council.

(3) The period a person shall be deemed to be a donor is five years, calculated from the time when the donation satisfies the requirements set in subparagraph (2).

(4) In the case of a donor who, having satisfied the requirements of subparagraph (2), makes further donations, the period of five years shall be calculated from the last date on which the requirements of subparagraph (2) were satisfied.

**63. Election by donors.**— (1) The Registrar shall call for written nominations for candidates in the press and in any other appropriate way.

(2) Each nomination shall be signed by at least two donors, shall be countersigned by the nominee as accepting the nomination and shall be lodged with the Registrar at least four weeks before the election.

(3) If the number of persons nominated does not exceed the number to be elected, the Registrar shall forthwith declare such person or persons to be duly elected.

(4) If more persons are nominated than are to be elected, the Registrar shall submit the nominations to a meeting of the donors for a final ruling.

(5) The Principal shall preside at any meeting of the donors and in his or her absence the donors present shall elect a Chairperson for the particular meeting from its own ranks.

(6) Five donors shall constitute a quorum. If less than five donors are present, the Registrar shall reconstitute the meeting. The number of donors present at such a meeting shall then be deemed to be a quorum.

## CHAPTER 14

### REPEAL OF PREVIOUS STATUTE

**64. Repeal of previous Statute.**— The Statute applicable to the University of Pretoria published in *Government Gazette* No. 35195 in Government Notice No. 262 of 30 March 2012 (as amended), is hereby repealed with effect from the date on which this Statute comes into operation.

## CHAPTER 15

### TRANSITIONAL PROVISIONS

**65. Transitional provisions.**— (1) With the publication of this Statute, the existing Council, Council Committees, Senate, Senate Committees and Faculty Boards shall be deemed to be composed in terms of this Statute and shall continue to perform its activities.

(2) Any decision of the Council, Council Committees, Senate, Senate Committees and Faculty Boards made before the publication of this Statute shall be regarded as having been made in terms of this Statute.

(3) There shall be no interruption in the legal personality of the University as it existed before and after the coming into operation of this Statute.

(4) This Statute has no effect on the rights and duties that the University had against any legal subject or which any legal subject had against the University prior to the coming into operation of this Statute, except as specifically provided for herein.