

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 506

08 MAY 2020

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

I, Dr BE Nzimande, MP, Minister of Higher Education, Science and Technology, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish an amended Institutional Statute of the University of Fort Hare set out in the Schedule attached hereto.



Dr BE Nzimande, MP

Minister of Higher Education, Science and Technology

Date: 07/04/2020

STATUTE OF THE UNIVERSITY OF FORT HARE

The Administrator of the University of Fort Hare, acting as the Council of the University has, after consultation with Senate, the Students Representative Council and the Institutional Forum, made the Statute set out in the Schedule hereto in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education, Science and Technology and which comes into operation on the date of its publication.

SCHEDULE

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

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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 employee" means any person appointed to a teaching or research post at the University and any other employee designated as such by Council;

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

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

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

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

"compliance officer" means the Registrar, who should inter alia monitor that the University does not contravene any legislation or regulations or rules which apply to its activities;

"Convocation" means the body composed following Chapter 7 of this Statute;

"Council" means the governing body of the University contemplated in section 27(4) of the Act and composed following paragraph 27 of this Statute;

"day" means a calendar day;

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

"Department" means the national department responsible for higher education;

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

"due notice" means a notice that has been given if written notification has been dispatched by registered post or electronically or hand-delivered to the last address registered with the Registrar of the person concerned, at the commencement of the period of notice required;

"employee" means an academic or an administrative or a support staff member who is appointed by the University in terms of its policies and rules;

"Executive Director(s)" means a person or persons appointed as Executive Director in accordance with this Statute and the Rules for the appointment of senior members of staff to assist the Vice-Chancellor in performing his or her duties in terms of the Act and this Statute;

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

"Fort Hare" means the University of Fort Hare;

"functions" includes powers and duties;

"good standing" means a person who is regarded as having complied with all his or her financial obligations towards the University after having completed his/her studies, or in the case of a student who is currently enrolled at the University, has made reasonable and satisfactory arrangements for the payment of his or her debt to the University, while not being subject to a disciplinary hearing or has been found guilty of a misconduct and sanctioned by the University;

"Institutional Forum" means the body contemplated in section 31 of the Act composed in accordance with paragraph 50 of this Statute;

"Institutional Rules" mean rules made by the University as contemplated in section 32 of the Act;

"Management Executive Committee (MANCO)" means a committee composed in terms of paragraph 21 of this Statute;

"Minister" means the Minister responsible for higher education;

"non-academic employee" means any employee at the University that is not an academic employee;

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

"person with a disability or disabled" means any person (including a student) with a physical or mental impairment, which is long term or recurring, as defined in the Employment Equity Act, 1998 (Act 55 of 1998), as amended;

"professor" means an academic employee or any other person who has been given the status and title of senior professor or professor by the University and excludes emeritus, extraordinary, visiting, associate and honorary professors;

"qualification" means any formal qualification registered on the respective sub-framework and includes a degree, diploma or certificate as approved by the Senate and Council;

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

"relative" means a person as defined in the Higher Education Act 101 of 1997 as amended;

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

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

"semester" means one half of the academic year of the University;

"Senate" means the body contemplated in section 28 of the Act composed in accordance with paragraph 41 of this Statute;

"senior management" means members of the Management Executive Committee, the Deans and any other person as decided by the Management Executive Committee;

"Spouse" means a person as defined in the Higher Education Act 101 of 1997, as amended;

"Statute" means this Statute as contemplated in section 32 of the Act;

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

"Student Representative Council (SRC)" means the body as contemplated in Section 35 of the Act and as set out in paragraph 73 of this Statute;

"suspension" means the temporary expulsion of a student from the University and/or from a residence of the University;

"the University" means the University of Fort Hare;

"urgent matter" means a matter which has a potential to cause irreversible harm or prejudice to the University or pressing matters compelling or requiring immediate action or attention from Council;

"Vice-Chancellor" means the chief executive and accounting officer of a public higher education institution;

"written notice" means any notice in writing and includes any notice sent as contemplated in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), or any other applicable Act.

CHAPTER 2 INSTITUTION

2. Name, seat and powers

- (1) The name of the University is the "University of Fort Hare" also officially referred to as "Fort Hare".
- (2) The seat of the University is in Alice, located in the geographic area of the Raymond Mhlaba Local Authority, Ring Road, 1 King William's Town Road, Alice, 5700.
- (3) The activities of the University are principally administered at its seat and at the two campuses in Bisho and East London.
- (4) The University of Fort Hare is a university established in terms of the Act and is a juristic person, as contemplated in section 20(4) of the Act.
- (5) The University functions in accordance with the Act, the Statute and the Institutional Rules of the University.
- (6) Notwithstanding subparagraph (5) the University may not, without the concurrence of the Minister, dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.
- (7) The University may award honorary degrees, degrees, diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act and Chapter 11 of this Statute.
- (8) The University may withdraw and revoke a degree, diploma and certificate as contemplated in section 65BA of the Act and Chapter 11 of this Statute.

3. Language policy

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

4. Composition of the University

- (1) The University consists of:
 - (a) Staff and students
 - (b) All its property and assets
 - (c) The following bodies and structures:

- (i) Council and its committees;
 - (ii) Convocation (including the alumni association/s);
 - (iii) Senate and its committees;
 - (iv) Such faculties, academic departments, centres, institutes and units as well as support services as Council may establish;
 - (v) Institutional Forum;
 - (vi) Student Representative Council;
 - (vii) All Management Committees; and
 - (viii) such other structures that the Council may deem necessary.
- (d) The following office-bearers
- (i) Chancellor
 - (ii) Vice-Chancellor
 - (iii) Deputy Vice-Chancellor(s)
 - (iv) Registrar
 - (v) Executive Director(s)
- (2) No vacancy in any of the offices as contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures as contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function, rights or privileges conferred by the Act or this Statute upon the University or Council or Senate, provided that no resolution of Council or of Senate shall be valid unless passed at a meeting at which a quorum was present and the rules relating to any such meeting have materially been complied with.

5. General provisions

- (1) Notwithstanding the provisions of this Statute, it is incumbent upon the Council, the Vice-Chancellor and Management Executive Committee, employees or any person authorised to take any action in terms of this Statute on behalf of the University to ensure that any administrative action contemplated, or taken, is lawful, reasonable and procedurally fair as prescribed by the Promotion of Administrative Justice Act, 2000, as amended, and that any person whose rights may be adversely affected by such action, receives access to the information required for the exercise or protection of such rights as prescribed by the Promotion of Access to Information Act, 2000, as amended.
- (2) Should any action taken in terms of this Statute have an adverse effect on the rights of any person, reasons for the action must be supplied on request to that person subject to the provisions of the Promotion of Administrative Justice Act, 2000, as amended.

CHAPTER 3 OFFICE BEARERS AND EXECUTIVE MANAGEMENT STRUCTURES

CHANCELLOR

6. Functions of Chancellor

- (1) The Chancellor shall be the titular head of the University and shall exercise 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 Vice-Chancellor or by one of the Deputy Vice-Chancellors; 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.
- (5) The Chancellor must at all times, embody the aspirations and values of the University and actively advance the interest of the University.

7. Election and appointment of Chancellor

The Council elects the Chancellor in the manner prescribed in the Rules. The Rules determine the criteria applicable to candidates for the office of the chancellor.

8. Term of Office

- (1) The Chancellor holds office for a term not exceeding five years.
- (2) A Chancellor may be re-elected, provided that a person may not serve as Chancellor for more than two consecutive five-year terms.
- (3) The term of office of the Chancellor is terminated in the event of –
 - (a) expiry of the term of office;
 - (b) death or incapacity;
 - (c) resignation; or
 - (d) removal from office by means of a resolution passed by at least two-thirds of the total number of serving members of the Council present at the meeting on account of misconduct (including a crime), incapacity to carry out his or her official functions, or on account of any other reason generally recognised by law.
- (4) Removal of the Chancellor from office is subject to the processes and procedures prescribed by this Statute, the Rules and legal prescripts in general. Without limiting the generality of subparagraph (4) the resolution contemplated in subparagraph (3)(d) may not be passed without prior notice to the Chancellor of the pending motion for his or her removal and the reasons therefor, and providing him or her with a reasonable opportunity to obtain assistance,

to appear in person, and to present and dispute information and arguments.

- (5) If the office of Chancellor becomes vacant, the Council must, as soon as possible, elect a new Chancellor in accordance with the procedures prescribed in the Institutional Rules.

VICE-CHANCELLOR

9. Duties and Accountability

- (1) The Vice-Chancellor is
 - (a) chief executive and accounting officer of the University;
 - (b) the legal, administrative and academic head of the University;
 - (c) responsible for the management and administration of the University; and
 - (d) responsible for the overall performance of and discipline in the University.
- (2) The Vice-Chancellor reports and is accountable to the Council.
- (3) The Council shall delegate to the Vice-Chancellor all the powers necessary to perform his or her duties.
- (4) The Council may assign additional duties to the Vice-Chancellor.
- (5) By virtue of her/his office, the Vice-Chancellor is a member of all committees of the Council and the Senate, unless otherwise provided for in the Statute or the Rules.
- (6) In the absence of the Chancellor or when the office of Chancellor is vacant, the Vice-Chancellor may exercise any official duty of the Chancellor.
- (7) The Vice-Chancellor may delegate in terms of section 68 of the Act, any functions, duties and powers to a member of the Management Executive Committee, provided that the Vice-Chancellor is not divested of the responsibility for the performance of any such functions delegated to a member of the Management Executive Committee.
- (8) The Vice-Chancellor has a responsibility to inform the Senate, the University community and stakeholders of the University on the activities and performance of the University.

10. Appointment

- (1) The Vice-Chancellor shall be a person:
 - (a) who must not be disqualified to act as a director in accordance with the legislation regulating the governance of companies;
 - (b) with knowledge and experience relevant to the objectives and governance of the University;

- (c) who is appropriately academically qualified with a sound academic track record; and
 - (d) with proven leadership and managerial abilities.
- (2) The Council appoints the Vice-Chancellor in accordance with a procedure determined by the Council and a duly constituted Selection Panel as approved by Council.
 - (3) Council must consider the advice of Senate and the Institutional Forum regarding the selection of the Vice-Chancellor.

11. Term of office

- (1) A Vice-Chancellor is appointed for an initial term of not more than five years.
- (2) A Vice-Chancellor may be appointed for an additional term of office of not more than five years, as determined by the Council, following a review process as contemplated in the Rules and after consultation with Senate and the Institutional Forum.
- (3) Council may, after following due process as set out in the Institutional Rules, discharge a Vice-Chancellor from office by a vote with the support of two thirds of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
 - (a) Serious misconduct
 - (b) Operational requirements
 - (c) Incapacity
 - (d) Persistent poor performance

12. Acting Vice-Chancellor

- (1) The Vice-Chancellor, after consultation with the chairperson of the Council, appoints an acting Vice-Chancellor for any period of absence of the Vice-Chancellor not exceeding 25 working days.
- (2) If the period of absence of the Vice-Chancellor exceeds 25 working days, the Executive Committee of the Council appoints an acting vice-chancellor for the period concerned.
- (3) If the Vice-Chancellor is unable to act and has not appointed an acting Vice-Chancellor in terms of subparagraph 12(1), the Executive Committee of the Council appoints an acting Vice-Chancellor for the period of absence of the Vice-Chancellor.
- (4) An acting Vice-Chancellor has the same duties, functions, powers and responsibilities as the Vice-Chancellor and is accountable to the Council and the Vice-Chancellor provided the latter is not under suspension by Council.

13. Vacancy

- (1) If the office of the Vice-Chancellor becomes vacant for whatever reason, the Council must appoint an acting Vice-Chancellor, from amongst the members of the Management Executive Committee, in accordance with the Rules and after consulting with Senate and Institutional Forum, to act as Vice-Chancellor until a new Vice-Chancellor takes up his or her

appointment. A successor must be appointed not later than a year after the vacancy arose.

- (2) An acting Vice-Chancellor will have the same duties, functions, powers and responsibilities as a Vice-Chancellor and will be accountable to the Council and should inform the Senate, the University community and the stakeholders of the University on the activities and performance of the University.
- (3) The appointment of an acting Vice-Chancellor should not exceed 12 continuous months.

DEPUTY VICE-CHANCELLOR(S)

14. Duties and accountability

- (1) There are one or more Deputy Vice-Chancellors as the Council may determine from time to time to whom the Vice-Chancellor may entrust specific academic, managerial, administrative and supervisory functions, including the operational oversight of a campus, where appropriate.
- (2) A Deputy Vice-Chancellor is accountable to the Vice-Chancellor and is responsible for assisting the Vice-Chancellor in the management and administration of the University;
- (3) Unless determined otherwise by the Council, the Deputy Vice-Chancellors are, by virtue of their offices, members of all committees of the Senate.

15. Appointment, term of office, vacation of office, Acting Deputy Vice-Chancellors and filling of vacancies

- (1) The Council must appoint each Deputy Vice-Chancellor after complying with the procedures prescribed in the Statute and the Rules in respect of consultation with the Vice-Chancellor, the Senate and the Institutional Forum, as well as the evaluation required by the Rules.
- (2) The term of office of a Deputy Vice-Chancellor must be determined by the Council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than five years.
- (3) A Deputy Vice-Chancellor's term of office terminates by the effluxion of time in terms of the employment contract, or if the Deputy Vice-Chancellor resigns from office or is discharged from office by Council as contemplated in subparagraph 15(5) below.
- (4) A Deputy Vice-Chancellor is eligible for re-appointment in accordance with the rules and may not serve for a cumulative total of more than ten years.
- (5) The Council may, after following due process as set out in the Institutional Rules, discharge a Deputy Vice-Chancellor from office by a vote with the support of 60% of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
 - (a) operational requirements;

- (b) serious misconduct;
 - (c) incapacity; or
 - (d) persistent poor performance
- (6) When the office of a Deputy Vice-Chancellor is vacant, a senior academic recommended by the Vice-Chancellor and approved by Council acts as Deputy Vice-Chancellor. The appointment should not exceed 12 continuous months.
- (7) When an Deputy Vice-Chancellor is temporarily absent or incapable of performing the duties of the Deputy Vice-Chancellor, the Vice-Chancellor appoints a senior staff member on the Management Executive Committee to act in the position of the Deputy Vice-Chancellor: Provided that if the Deputy Vice-Chancellor is absent for more than 25 working days, a person recommended by the Vice-Chancellor and approved by the Executive Committee of Council acts as the Deputy Vice-Chancellor
- (8) An Acting Deputy Vice-Chancellor has the same duties, functions, powers and responsibilities as the Deputy Vice-Chancellor unless determined otherwise by Council at the recommendation of the Vice-Chancellor. The Acting Deputy Vice-Chancellor is accountable to the Vice-Chancellor and the Council. No person should be in such an acting capacity for more than 12 continuous months.
- (9) At least six (6) months prior to the office of a Deputy Vice-Chancellor becoming vacant due to the effluxion of time, the Registrar must notify, in writing, every member of the Council, the Senate and the Institutional Forum, and the Council must appoint a new Deputy Vice-Chancellor in accordance with subparagraph (1).
- (10) If the office of a Deputy Vice-Chancellor becomes vacant for any other reason, the Registrar must in writing notify every member of the Council, the Senate and the Institutional Forum, and the Council must appoint a new Deputy Vice-Chancellor in accordance with subparagraph (1) as soon as is practicable.

REGISTRAR

16. Duties and accountability

- (1) There is a Registrar who performs all the duties and functions assigned to the office by the Statute and the Rules, to whom the Council may assign specific duties and responsibilities, and to whom the Vice-Chancellor may entrust specific managerial, administrative and supervisory functions.
- (2) The Registrar is the secretary to the Council and the Senate and the compliance officer for the University and may participate in the discussions of the Council, the Senate, the Convocation but may vote only in the Senate.
- (3) The Registrar is accountable to the Vice-Chancellor and in respect of the duties and functions performed in respect of a particular body, to that body.
- (4) Registrar is the custodian of the records, documents and information pertaining to the matters of management and governance of the University.

- (a) It is the Registrar's responsibility to ensure that proper records are kept especially in matters relating to academic records, minutes and resolutions of Council and Council Committees, Senate and Senate Committees and Management Committees.
 - (b) As custodian of the records of the institution, the Registrar also bears institutional responsibility for the Statute, Rules and policies of the University. The Registrar is responsible for ensuring their revision if necessary and informing the Chairperson of Council or Vice-Chancellor about the applicability and interpretation of the policies as appropriate.
- (5) As compliance officer of the University, the Registrar has direct access to the Chairperson of Council as well as the Chairperson of the Audit, Risk and Information Technology Committee of Council if he or she believes that a specific compliance matter in the University warrants it.
 - (6) The Registrar is obliged to prepare and submit bi-annual governance reports to Council, the Senate and the Institutional Forum which reports should deal with an overview of the status of each governance body as far as membership and activities are concerned, as well as the extent of general governance compliance and performance.
 - (7) The Registrar is responsible for providing all new members of the Council, Senate, Institutional Forum, heads of academic departments and heads of support units with a formal induction programme on institutional governance at the University.

17. Appointment, term of office, vacation of office, Acting Registrar and filling of a vacancy

- (1) The Council must appoint the Registrar in terms of a resolution adopted by a majority of the members present, after complying with the procedures prescribed in the Rules in respect of consultation with the Vice-Chancellor, the Senate, the Institutional Forum and the evaluation required by the Rules.
- (2) The term of office of the Registrar must be determined by the Council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than five years.
- (3) The Registrar's term of office terminates by the effluxion of time in terms of the employment contract, or if the Registrar resigns from office or is discharged from office by Council as contemplated in subparagraph (5).
- (4) A Registrar is eligible for re-appointment in accordance with the rules and may not serve for a cumulative total of more than ten years.
- (5) The Council may, after following due process as set out in the Institutional Rules, discharge a Registrar from office with the support of 60% of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
 - (a) operational requirements;

- (b) serious misconduct;
 - (c) incapacity; or
 - (d) persistent poor performance
- (6) When the office of Registrar is vacant, a person designated by the Vice-Chancellor and approved by Council acts as Registrar.
- (7) When Registrar is temporarily absent or incapable of performing the duties of Registrar the Vice-Chancellor appoints a member of the Management Executive Committee to act as Registrar: Provided that if the Registrar is absent for more than 25 working days, a person recommended by the Vice-Chancellor and approved by the Executive Committee of Council acts as Registrar.
- (8) An Acting Registrar has the same duties, functions, powers and responsibilities as the Registrar and is accountable to the Vice-Chancellor and the Council.
- (9) The appointment of an Acting Registrar should not exceed 12 continuous months.
- (10) At least six (6) months before the office of Registrar becoming vacant by effluxion of time, the Vice-Chancellor must in writing notify every member of the Council, the Senate and the Institutional Forum of the pending vacancy and the process to be followed to fill the vacancy.
- (11) If the office of Registrar becomes vacant for any other reason, the Vice-Chancellor must notify every member of the Council, the Senate and the Institutional Forum, and the Council must appoint a new Registrar in accordance with subparagraph (1) as soon as is practicable.

EXECUTIVE DIRECTOR(S)

18. Duties and accountability

- (1) The Vice-Chancellor may recommend that Council creates one or more position(s) of Executive Director(s) or disestablish such positions.
- (2) The Council will determine the specific managerial, administrative and supervisory functions of an Executive Director at the recommendation of the Vice-Chancellor;
- (3) An Executive Director is accountable to the Vice-Chancellor.

19. Appointment, term of office, vacation of office, Acting Executive Directors and filling of vacancies

- (1) The Council must appoint an Executive Director by a resolution adopted by a majority of the members, after complying with the procedures prescribed in the rules in respect of consultation with the Vice-Chancellor, the Senate and the Institutional Forum, as well as the evaluation required by the Rules.

- (2) The term of office of an Executive Director must be determined by the Council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than five years.
- (3) An Executive Director's term of office terminates by the effluxion of time in terms of the employment contract, or if the Executive Director resigns from office or is discharged from office by Council as contemplated in subparagraph (5).
- (4) An Executive Director is eligible for re-appointment in accordance with the Institutional Rules.
- (5) The Council may, after following due process as set out in the Institutional Rules, discharge an Executive Director from office by a vote with the support of 60% of all the members of the Council (excluding any vacancies on Council that may exist) on the following grounds:
 - (a) operational requirements;
 - (b) serious misconduct;
 - (c) incapacity; or
 - (d) persistent poor performance
- (6) When an Executive Director is temporarily absent or incapable of performing the duties of the Executive Director, the Vice-Chancellor appoints a member of the Management Executive Committee to act in the position of the Executive Director: Provided that if the Executive Director is absent for more than 25 working days, a person recommended by the Vice-Chancellor and approved by the Executive Committee of Council acts as the Executive Director.
- (7) When the office of an Executive Director is vacant, or the Executive Director is absent or incapable of performing the duties of Executive Director, a person designated by the Vice-Chancellor and approved by the Executive of Council acts as Executive Director.
- (8) An Acting Executive Director has the same duties, functions, powers and responsibilities as the relevant Executive Director and is accountable to the Vice-Chancellor, and the Council.
- (9) The appointment of an acting Executive Director should not exceed 12 continuous months.
- (10) At least six (6) months before the office of the relevant Executive Director becomes vacant by effluxion of time, the registrar must in writing notify every member of the Council, the Senate and the Institutional Forum, and the Council may decide to appoint a new Executive Director or to disestablish the position;
- (11) If the office of an Executive Director becomes vacant for any other reason, the Registrar must notify every member of the Council, the Senate and the Institutional Forum, and the Council must appoint a new Executive Director in accordance with subparagraph (1) as soon as is practicable: Provided that Council does not decide to disestablish the position.

MANAGEMENT EXECUTIVE COMMITTEE

20. Functions and powers

- (1) The Management Executive Committee assists the Vice-Chancellor in the management and administration of the University.
- (2) The Management Executive Committee under the leadership of the Vice-Chancellor –
 - (a) makes recommendations to the respective committees of the Council regarding all matters which are subject to the approval of the Council, or the committees of the Council;
 - (b) ensures that the University complies with all relevant laws and regulations;
 - (c) performs such other functions as may be determined by the Statute and the Institutional Rules.

21. Composition

- (1) The Management Executive Committee consists of –
 - (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Registrar;
 - (d) an Executive Director or Executive Directors as determined by the Vice-Chancellor after consultation with the Council; and
 - (e) such other members as recommended to Council by the Vice-Chancellor.
- (2) The Vice-Chancellor may invite persons, who are not members of the Management Executive Committee, to attend in an advisory capacity as and when necessary.

22. Chairperson and acting chairperson of the Management Executive Committee

- 1) The Vice-Chancellor acts as chairperson at the meetings of the Management Executive Committee.
- 2) In the absence of the Vice-Chancellor from any meeting of the Management Executive Committee, the Acting Vice-Chancellor will chair the meeting or, in the absence of an Acting Vice-Chancellor, a member of the Management Executive Committee designated by the Vice-Chancellor.

23. Secretary

The Registrar, or an employee designated by him or her, acts as secretary to the Management Executive Committee.

24. Committees

- (1) The Management Executive Committee establishes subcommittees to perform any of its functions.
- (2) The Management Executive Committee may, after consultation with the Senate, establish joint committees to perform functions that are common to the Management Executive Committee and the Senate.
- (3) The composition, functions, meetings procedure and dissolution of a committee contemplated in subparagraphs (1) and (2) are determined by the Institutional Rules.

25. Meetings and meetings procedure

The Institutional Rules determine the provisions regarding the meetings, meetings procedure and attendance of meetings of the Management Executive Committee as well as all other matters relating to the activities of the Management Executive Committee.

CHAPTER 4 COUNCIL

26. Functions and responsibilities

- (1) The Council -
 - (a) governs the University in accordance with its scope of authority as provided for in the Act, any other applicable legislation and this Statute and monitors compliance therewith;
 - (b) ensures good management of the University and is *inter alia* responsible for policy-making; the monitoring of the implementation of policies; the appointment of the Vice-Chancellor, Deputy Vice-Chancellors, Executive Directors and the Registrar; the establishment and disestablishment of faculties and academic departments and the determination of fees;
 - (c) adopts the University's vision, mission and values, and monitors the realisation thereof;
 - (d) is responsible for sustaining the University's reputation and financial health, and the well-being of its employees and students;
 - (e) is responsible for establishing and maintaining high standards of academic conduct and probity in concurrence with the Senate;
 - (f) is responsible for adopting and monitoring financial and non-financial performance measures related to the University's strategic objectives;
 - (g) is responsible for laying down guidelines and policy on staff matters including staff and student disciplinary matters;
 - (h) determines, in consultation with the Vice-Chancellor, the nature and scope of the University's social responsibilities;

- (i) protects the institutional autonomy of the University and the academic freedom of its employees while upholding public accountability, and deliberates on the nature and role of the University;
 - (j) approves the SRC Constitution after consultation with the SRC; and
 - (k) is accountable to the Minister in terms of the provisions of section 41 of the Act.
- (2) The Council's responsibilities include -
- (a) making or amending the Statute in accordance with sections 32 and 33 of the Act (a function that cannot be delegated);
 - (b) subject to section 34 of the Act, appointing employees whom the Council considers necessary to manage the University effectively and to fulfil the University's vision and mission. All appointments are made in line with the Act, this Statute and the human resource policies of the University: Provided that no person shall be appointed as an academic employee except after consultation with the Senate or a Senate committee mandated by Senate for this purpose.
 - (c) reviewing the institution's strategic plan and annual performance plan and targets, specifically in relation to the institution's annual budget, and other strategic plans such as academic and financial plans as well as risk management and other sustainability plans;
 - (d) approving the University's annual budget;
 - (e) entering into financial agreements and agreements for the construction of buildings in accordance with sections 40(2) and (3) of the Act;
 - (f) determining after consultation with Senate –
 - (i) what academic structures are required and what the functions of each structure are in order to ensure efficient governance;
 - (ii) the appointment of academic employees;
 - (iii) the student academic admission policy of the University;
 - (g) determining with the approval of Senate –
 - (i) the entrance requirements for particular higher education programmes, the number of students who may be admitted for a particular higher education programme, the way in which to select/place students; the minimum requirements for readmission to study at the University; and to refuse such readmission to a student who fails to satisfy such minimum requirements for readmission; and
 - (ii) the language policy of the University.
- (3) The Council, after consultation with the Student Representative Council, 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 policy for support student services at the University.

- (4) The Council shall ensure that
 - (a) an external audit is conducted on an annual basis in accordance with accepted audit principles and standards and that the recommendations of the auditors are implemented
 - (b) comprehensive records of all Council and Council committees' proceedings are kept
 - (c) complete accounting records of all assets, liabilities, income, expenditure, and other financial transactions are kept as required by section 41(1) of the Act;
- (5) Council shall report to the Minister as contemplated in section 41(2) of the Act and must ensure compliance with the directives of the Minister.
- (6) The Council establishes Council committees and joint Council and Senate committees, including the approval of concomitant charters, to perform any of its functions and may appoint persons, who are not members of Council, as co-opted members of its committees as it deems fit.
- (7) The Council may, on such conditions it may determine, delegate any of its functions or powers to the Executive Committee of the Council, the Vice-Chancellor or any employee, the Management Executive Committee or any structure of the University, except for the powers set out in section 68(2) of the Act.
 - (a) All delegated functions and responsibilities will be reflected in a delegation framework which Council will review, and amend if necessary, on an annual basis but at least every two years;
 - (b) The delegation shall be writing.
- (8) The Council remains responsible and accountable for the performance and outcome of any delegated function.
- (9) Council shall adopt a framework governing fees for preparing for, and attending of Council and Council Committee meetings or engagements.
- (10) Council shall adopt a code of conduct to guide the contribution, behaviour and conduct of members of Council as provided for in s 27(7E)(a) of the Act and subparagraph 35(2) of this Statute.
- (11) Council must conduct a periodic external and internal performance assessment of all its structures and officers as provided for in the Rules.

27. Composition, Appointment and Eligibility Criteria

- (1) Subject to section 27 of the Act, as well as the transitional arrangements reflected in paragraph 82 of this Statute, the Council consists of:
 - (a) **External members**

- (i) five persons appointed by the Minister in accordance with section 27(4) (c) of the Act;
 - (ii) the President of the Convocation;
 - (iii) five members appointed on the basis of proven expertise and experience from appropriate sectors and professions, with a broad range of competencies in fields such as, but not limited to, management, education, business, finance, law, marketing and stakeholder relations, information technology and human resource management as indicated by the Council, elected according to the provisions of subparagraph 29(4) of this Statute and the Rules;
 - (iv) One member nominated by the Eastern Cape Provincial Government;
 - (v) One member nominated by the Eastern Cape Provincial Executive Committee of the South African Local Government Association;
 - (vi) One member from the donor community and nominated by the University of Fort Hare Foundation;
- (b) **Internal members**
- (i) the Vice-Chancellor;
 - (ii) one Deputy Vice-Chancellor nominated by the Management Executive Committee and appointed by the Council. The other members of the Management Executive Committee are required to attend Council meetings, but they have no voting rights;
 - (iii) two members of the Senate elected by Senate, who are not otherwise members of the Council, one of whom must be a dean;
 - (iv) one full-time academic employee not on Senate elected by the academic employees;
 - (v) one non-academic full-time employee elected by the non-academic employees;
 - (vi) two student representative elected by the Student Representative Council in accordance with the constitution of the Student Representative Council.

28. Requirements for members

- (1) At least sixty per cent of the Council members must be persons who are neither employees nor students of the University.
- (2) Members of the Council must be persons with knowledge and experience relevant to the objectives and governance of the University. The Registrar shall inform all entities that nominate or elect individuals to serve on Council of this specific requirement of the Act.
- (3) Apart from the Vice-Chancellor, Deputy Vice-Chancellors, representatives of Senate, employee representatives and the students appointed by the SRC to serve on Council, no

other member of Council shall be a permanent or temporary staff member or a student (undergraduate or postgraduate) of the University.

- (4) A person elected and appointed under subparagraph 27(1) (a) who becomes a student or an employee immediately ceases to be a member of the Council.
- (5) Any person who is not in good standing with the University shall not be eligible for appointment, reappointment or re-election as a member of the Council of the University.
- (6) No person may serve on the Council in more than one capacity.

29. Election and Appointment of members to Council

- (1) The Senate members who serve on Council are elected in terms of the following process:
 - (a) The Senate shall elect two 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 a faculty dean.
 - (b) Members who are already *ex officio* members of the Council shall not be considered as candidates.
 - (c) 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.
 - (d) 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.
 - (e) Members, whose terms of office have expired, may be re-elected or renominated as provided for in subparagraph 30(4).
 - (f) Where more than one member is nominated for a vacancy, the election shall be by secret ballot.
 - (g) If multiple candidates are nominated for a vacancy, and no candidate receives an absolute majority of votes of the Senate members present, successive rounds of voting are held.
 - (h) In each successive round of voting the candidate receiving the least number of votes is eliminated as a candidate until a candidate secures an absolute majority. In the final round of voting, when two candidates remain, the candidate with a simple majority is the successful candidate.
 - (i) After Senate has elected the members to serve on Council, their names are announced by the Chairperson.
- (2) Employee representatives on the Council shall be elected from the ranks of the academic and non-academic employees in accordance with a process facilitated 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 academic employee the opportunity to nominate an academic employee to represent the academic staff on the Council; and
 - (ii) every non-academic employee the opportunity to nominate a non-academic employee to represent the non-academic staff on the Council.
 - (b) Each nominated candidate shall be seconded by at least ten 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 generally acceptable election procedures.
 - (d) Academic employees shall vote in respect of the vacancy to be filled by an academic employee and non-academic employees shall vote in respect of the vacancy to be filled by a non-academic employee.
 - (e) An election shall be valid only if at least 10 per cent of the academic employees or 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 the 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 elected at an ordinary or a special meeting of the SRC from the ranks of the SRC in accordance with an election procedure as set out in the SRC Constitution. The process is facilitated by the Registrar.
 - (4) 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 facilitated 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 the necessary 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 Nominations and Governance Committee of Council, after consultation with the

Registrar, may draw up a list of the most suitable nominees based on their CVs for recommendation to Council: Provided that the names of all nominees and their CVs will be tabled at the Council meeting.

- (c) The members of Council who are appointed to the Council on the basis of their expertise and experience 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 Nominations and Governance Committee of Council.
 - (d) In electing members of Council as contemplated in subparagraph (5)(c), 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 is concerned.
- (5) The process for the appointment of Council members nominated by entities and individuals outside the University shall be facilitated by the Registrar.
 - (6) 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.
 - (7) A new Council member who is elected or appointed to fill a vacancy shall be elected for a full term.

30. Term of office

- (1) The Vice-Chancellor is a member of Council for as long as he/she remains in office. The Deputy Vice-Chancellor nominated by the Management Executive Committee may, with the approval of Council, be rotated annually.
- (2) The term of office of the members of the SRC on Council corresponds with the term of office of the SRC that elected them.
- (3) The term of office of all other members of Council is four years, provided that a member whose term of office has expired may, as an interim measure, be extended by Council once-off for a maximum period of six months should Council believe that special circumstances so demand.
- (4) Members of Council whose terms of office have expired may be re-elected or re-appointed, provided that members, excluding *ex officio* members, may not serve more than two consecutive terms.
- (5) A Council member's membership is terminated –
 - (a) when the term of office expires;
 - (b) upon death or incapacity;
 - (c) if the Council member fails to attend three consecutive ordinary meetings of Council without the consent of Council;
 - (d) if the Council member is sequestered;

- (e) if the Council member is found guilty of conduct that in the exclusive opinion of Council is of such a nature that the member's ability to exercise his or her fiduciary duties and obligations is compromised and that continued membership of Council is not desirable;
 - (f) if a Council member, who is also a member of staff or a student of the University, is found guilty of misconduct in terms of the Disciplinary Code of the University which, in the opinion of Council, is of such a serious nature that the member's continued membership of Council is not desirable;
 - (g) if the Council member is elected or appointed by a particular interest group and the Council member's membership of, or association with the interest group is terminated;
 - (h) if Council rules, after following due process, that the continued membership of a member is undesirable due to a conflict of interest;
 - (i) if the Council member has transgressed Council's Code of Conduct.
 - (j) if a person is disqualified in terms of the Act to serve on a Council, or if the member is declared a delinquent director or is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine.
- (6) Constituencies who appointed or nominated persons to Council shall be informed by the Registrar of any termination in accordance with subparagraph (5).
- (7) Apart from the Vice-Chancellor, Deputy Vice-Chancellors, Senate and employee elected members and the students appointed by the SRC to serve on Council, no other member of Council shall be a permanent or temporary member of staff or a student (undergraduate or postgraduate) of the University, and should this happen, such Council member's membership of Council terminates automatically.
- (8) All Council members elected or appointed to Council are entitled, at any time, to submit their resignations in writing to the Chairperson of Council. This does not apply to members that serve in Council *ex officio*.

31. Vacancies on the Council

- (1) Vacancies by passage of time: At least six (6) months before the expiry of the term of office of any member of Council, the secretary to Council must give notice in writing to whoever appointed or elected such member to enable such person or body to fill the vacancy in accordance with this Statute.
- (2) All vacancies must be filled in accordance with the processes described in the Statute and the Institutional Rules (where applicable).
- (3) A Council member elected or appointed to fill a vacancy shall be elected or nominated for the full four-year term of office, subject to subparagraph 30(3).

32. Election of Chairperson and Deputy Chairperson

- (1) The Council elects a Chairperson and a Vice-Chairperson for a term of two years from the ranks of its members who are not students or employees of the University.
- (2) The process and criteria of nomination and election of office-bearers shall be prescribed in and conducted in accordance of the rules.
- (3) Subject to the four-year period in paragraph 28(3) a Chairperson or a Vice-Chairperson holds office only for the duration of her/his term of office.
- (4) A Chairperson or Vice-Chairperson vacates the office of Chairperson or Vice-Chairperson before the expiry date of the term, if she/he ceases to be a member of the Council.
- (5) The Chairperson and Vice-Chairperson are eligible for re-election.
- (6) In the absence of the Chairperson and the Vice-Chairperson, the Council, under the chairpersonship of the Vice-Chancellor, elects one of its external members as Chairperson of the meeting.
- (7) If a vacancy occurs in the office of Chairperson or Vice-Chairperson for any reason, the filling of such vacancy shall be conducted in accordance with the rules.

33. Secretary to council

- (1) The Secretary to the Council is the Registrar as contemplated in section 26(4)(b) of the Act.
- (2) The Secretary acts as electoral and compliance officer at the meetings of the Council.
- (3) The Secretary attends all meetings of the Council and the Council committees and keeps all relevant documents of the Council.

34. Meetings

- (1) The Council has at least three ordinary meetings during each academic year.
- (2) The Registrar, as the secretary of Council, administers the formal aspects of meetings in accordance with the Institutional Statute, the Rules and in accordance with fair administrative process.
- (3) At least seven days before a meeting and at least three days before an extraordinary meeting of Council, the Registrar shall give each member of Council written notice of the date, time and place of the meeting, as well as an agenda and supporting documents, if any.
- (4) Members wishing to place additional matters on the agenda of an ordinary meeting shall send a written request in this regard to the Registrar and the Chairperson of Council at least nine days before the date of the meeting.
- (5) With the approval of a majority of members present, urgent matters may be placed on the

- agenda during a meeting.
- (6) The Registrar shall keep comprehensive minutes of each Council meeting.
 - (7) A Council meeting is quorate if
 - (a) the majority of the members of Council are present (not taking into consideration any vacancies): Provided that Council members participating by electronic means in terms of subparagraph (10) below are deemed to be present; and
 - (b) the majority of the members present (including those that participate by electronic means) is external members.
 - (8) For every decision taken by Council, the Council meeting should be quorate as set out in subparagraph 34(7) above.
 - (9) If there is no quorum present as set out in subparagraph 34(7) within 30 minutes after the scheduled time of the meeting or if members leave a quorate meeting with the result that the quorum is lost,
 - (a) the meeting is adjourned by the Chairperson to a date not more than ten (10) working days from the date of the meeting; the quorum-requirement in subparagraph 34(7) will also apply to the said adjourned meeting and every other meeting of the Council; or
 - (b) in the alternative to the continuation of the meeting at a later date, the Chairperson can rule that the proposals and submission that Council still have to deal with are to be circulated within ten (10) working days from the date of the non-quorate meeting via a round-robin process as is provided for in the Institutional Rules.
 - (10) The Council shall take decisions
 - (a) by a majority of the members (including those members participating and voting by electronic means) who are present at a meeting that is quorate.
 - (b) in the case of a round-robin process, if the majority of all the members of Council (not taking into consideration any vacancies) support the proposal and at least 60% of the members eligible to vote is external members.
 - (11) Members physically absent may participate in a meeting and vote by electronic means in accordance with the Rules.
 - (12) The Chairperson of the Council or the Vice-Chancellor may call an extraordinary or emergency meeting in accordance with the Rules. If five ordinary members of the Council request an extraordinary meeting, the Chairperson must accede to the request and call for an extraordinary meeting.
 - (13) The Council may decide to invite persons who are not members to attend meetings, provided that -
 - (a) they may participate in deliberations;
 - (b) they may not vote; and

- (c) their attendance complies with the Rules.

35. Fiduciary duty and conflict of interest of members

- (1) A member of the Council stands in a fiduciary relationship to the University. Council is not a stakeholder body. Members vote according to their conscience and are under no obligation to report back on the activities of Council to the body that nominated or appointed them.
- (2) In accordance with 27(7E)(a) of the Act, the Council must, after consultation with the Institutional Forum, adopt a code of conduct to which all the members of Council, all the members of committees of Council, all persons attending meetings of the Council and all other persons who exercise functions of the Council in terms of the Act or in terms of delegated authority must subscribe in writing.
- (3) A member of the Council serves in an individual capacity and shall all times act in the best interest of the University, in good faith and with diligence, care and skill.
- (4) If a member of the Council has a direct or indirect personal, financial or other interest in a matter to be discussed at a Council or Council committee meeting, and which entails or may entail a conflict or possible conflict of interest, she/he -
 - (a) declares the interest to the Council or Council committee once the meeting has been constituted and before any business is transacted; and
 - (b) recuses herself/himself (in consultation with the Chairperson) from the meeting during the discussion of the particular matter, decision-making and from voting thereon.
- (5) In the event that any member of a committee 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 the Council for a decision, having noted the member's interest in the matter.
- (6) A member of the Council who has grounds to believe that another member did not comply with the provisions of subparagraphs 35(1), (2), (3) and (4) must inform the Council or relevant Council committee.

36. Committees

- (1) The Council shall constitute –
 - (a) an Executive Committee;
 - (b) an Audit, Risk and Information Technology Committee;
 - (c) a Finance and Procurement Committee;
 - (d) a Human Resources and Remuneration Committee;
 - (e) a Strategic Planning and Resource Committee, a joint committee of Council and Senate;
 - (f) a Nomination and Governance Committee;

- (g) as well as joint committees of the Senate as agreed upon by the Council and the Senate; and other *ad hoc* committees which the Council deems necessary.
- (2) Except as otherwise provided in the Statute, the composition, election, terms of office, functions and procedures of Council committees are set out in the Charters of the respective committees and will have the status of Institutional Rules: Provided that the chairpersons of the standing committees of Council are elected from external Council members only.

37. Executive Committee

- (1) The functions of the Executive Committee of the Council are determined by the Council, defined in the Rules and reflected in the Charter for the Executive Committee of Council.
- (2) The Executive Committee consists of the following members-
 - (a) the Chairperson of the Council;
 - (b) the Vice-Chairperson of the Council;
 - (c) the Vice-Chancellor;
 - (d) the Chairpersons of the standing committees of Council as contemplated in subparagraphs 36(1)(b); (c); (d); (e) and (f);
 - (e) the Deputy Vice-Chancellor as contemplated in subparagraph 27(1)(b)(ii); and
 - (f) One member of Senate from the two contemplated in subparagraph 27(1)(b)(iii) elected by Council.
- (3) The other members of the Management Executive Committee are invitees to the meetings of the Executive Committee but are not members of the committee: Provided that they may participate in deliberations but they may not vote.
- (4) The Vice-Chairperson of the Council is the Chairperson of the Executive Committee, and the Secretary of the Council is also the Secretary of the Executive Committee.

38. Other committees

- (1) The composition, election, terms of office, functions and procedures of Council committees and joint committees are as prescribed by the Institutional Statute, Rules and relevant approved charters.
- (2) The Chairperson of a Council committee or a Joint Council and Senate Committee may not be an employee or a student of the University.

CHAPTER 5 SENATE**39. Functions and accountability**

- (1) The Senate is accountable to the Council for academic, research and community engagement activities as contemplated in section 28(1) of the Act.
- (2) The functions of the Senate are as follows:
 - (a) provides academic leadership and debates matters of academic principle;
 - (b) promotes an institutional culture of high academic and ethical standards;
 - (c) ensures the academic quality of programmes, research and community engagement activities;
 - (d) recommends to Council policy regarding admission, teaching, learning, assessment, research, quality assurance, community engagement and other matters that form part of its functions;
 - (e) determines guidelines for the appointment and promotion of academic employees, advises the Council in this regard, and makes recommendations on the appointment of academic and senior academic employees in terms of subsection 34(2) of the Act;
 - (f) submits recommendations to Council on the organisation of and structures for teaching, learning, research and community engagement;
 - (g) submits recommendations to Council on the introduction or suspension of degrees, diplomas, certificates, programmes, courses and subjects;
 - (h) determines the Rules for degrees, diplomas, certificates and other academic programmes;
 - (i) considers and approves recommendations from its committees, including Faculty Boards;
 - (j) ensures legal compliance in regard to academic matters;
 - (k) advises academic management structures on the management of matters relating to Senate functions;
 - (l) advises the Council on the Library and Information Services in regard to academic matters;
 - (m) recommends to the Council matters related to academic development and support services, professional specialist services for students, student discipline, the constitution of the University Student Representative Council, and other student matters of an academic or academic-related nature;
 - (n) determines and submits recommendations to the Council on matters delegated or

entrusted to it by Council;

- (o) submits to the Council such reports on its work as may be required by the Council, and submits at its own discretion other recommendations to the Council in respect of other academic-related matters affecting the University;
- (p) establishes committees to promote its functions;
- (q) may delegate any of its powers and functions to its Executive Committee or any other Senate committee, member or members of the Senate, or an official of the University, but remains responsible and accountable for powers and functions so delegated;
- (r) advises the Council on the procedure for the appointment of the Vice-Chancellor, the Deputy Vice-Chancellors and the Registrar;
- (s) with the approval of Council determines
 - (i) the entrance requirements in respect of particular programmes;
 - (ii) the number of students who may be admitted for a particular programme and the manner of their selection;
 - (iii) the minimum requirements for readmission to study at the university.
 - (iv) the language policy of the University;
- (t) with the approval of Council, may refuse readmission to a student who fails to satisfy such minimum requirements for readmission as determined in subparagraph (s)(iii).
- (u) fulfils such other functions and tasks as determined by the Council or as described in the Rules.

40. Accountability and amendment

- (1) The Senate is accountable to Council.
- (2) Rules relating to the academic functions of the University, including the studies, instruction and examinations of students and research, may not be made, amended or repealed except with the concurrence of the Senate.
- (3) Disciplinary measures and disciplinary procedures relating to students, may not be made by Council except after consultation with the Senate and the Students' Representative Council.

41. Composition

- (1) The Senate consists of the -
 - (a) Vice-Chancellor (Chairperson);
 - (b) Deputy Vice-Chancellors;
 - (c) Registrar;

- (d) Deans;
 - (e) Deputy Deans that are not otherwise professors;
 - (f) professors (permanent or appointed on a fixed-term contract for a period of at least three years) as defined in Chapter 1;
 - (g) heads of research entities approved by Council, at the recommendation of Senate, that are not otherwise professors as defined in Chapter 1;
 - (h) heads of substructures of Faculties approved by Council that are not otherwise professors as defined in Chapter 1;
 - (i) Executive Directors responsible for academic and research activities;
 - (j) two external members of the Council appointed by the Council; and
 - (k) six representatives of the Student Representative Council, elected by the Student Representative Council;
 - (l) two representatives of the administrative and support staff, elected by administrative and support staff;
 - (m) two representatives of the academic employees, elected by the academic employees; and
 - (n) the Chairperson of the Institutional Forum.
- (2) The following are permanent invitees to Senate (and not members):
- (a) Faculty managers; and
 - (b) such other functionaries as determined by the Chairperson from time to time.
- (3) The majority of the Senate members are academic employees.
- (4) Employee representatives on the Senate shall be elected from the ranks of the academic and administrative and support staff in accordance with a process facilitated by the Registrar consisting of the following
- (a) Within 21 days before a specific election date, the Registrar shall offer
 - (i) every academic employee the opportunity to nominate an academic employee to represent the academic employees on the Senate; and
 - (ii) every non-academic employee the opportunity to nominate a non-academic employee to represent the non-academic employees on the Senate.
 - (b) Each nominated candidate shall be seconded by at least ten 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 generally acceptable election procedures.
- (d) Academic employees shall vote in respect of the vacancy to be filled by an academic employee and non-academic employees shall vote in respect of the vacancy to be filled by a non-academic employee.
- (e) An election shall be valid only if at least 10 per cent of the academic employees or 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 the 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.

42. The fiduciary duty of members of Senate

- (1) A member of Senate stands in a fiduciary relationship to the University.
- (2) A member of Senate promotes the interests of the University and its academic standing and acts in good faith, with the necessary diligence, care and skill.

43. Term of office of members

The terms of office of Senate members are as set out in the Institutional Rules.

44. Chairperson, Deputy Chairperson and Secretary

- (1) The Vice-Chancellor is the Chairperson of the Senate.
- (2) The Deputy Chairperson of Senate is elected from the ranks of the academic employees on Senate in accordance with the processes as set out in the Rules.
- (3) The Deputy Chairperson shall hold office for four (4) years and may be re-elected.
- (4) In the absence of the Chairperson, the Deputy Chairperson of Senate shall act as Chairperson and if both the Chairperson and the Deputy Chairperson are absent, the members present shall elect a Chairperson from their ranks to chair the meeting.
- (5) If the office of Deputy Chairperson becomes vacant Senate shall elect a successor for a full term.
- (6) The Registrar is the secretary to Senate.
- (7) The Secretary to Senate must-

- (a) act as secretary to all committees and joint committees of Senate: Provided that the Registrar is entitled to designate a staff member of the University to assist him or her with the compilation of the Agenda and the minutes;
 - (b) keep the minutes of the meetings of Senate and its committees and distribute copies of the minutes together with the agenda of the next meeting of Senate to members; and
 - (c) keep a register of resolutions adopted by Senate, the Executive Committee of Senate and Senate Committees and all members of these bodies must have access to this register.
- (8) The Vice-Chancellor may designate an employee to assist the Registrar with his or her duties as the secretary to the Senate or to act in his or her place. Such designated employee shall have the same fiduciary duties and obligations as the Registrar.

45. Meetings

- (1) The Senate has at least four ordinary meetings during each academic year.
- (2) The Secretary oversees meetings in accordance with the Rules.
- (3) The Senate determines its own procedures for meetings as reflected in the Rules and in accordance with fair administrative process.
- (4) The Chairperson of the Senate may call an extraordinary or emergency meeting in accordance with the Rules.
- (5) The Senate is quorate if at least forty per cent of the members (excluding those members who have been granted official travel, research or sabbatical leave of absence) are present. For every decision the Senate take, the Senate should be quorate as set out in this subparagraph.
- (6) The Secretary of Senate must distribute the agenda and supporting documentation at least seven (7) days prior to the date of an ordinary meeting.

46. Committees

- (1) The Senate, in addition to an Executive Committee of Senate and Faculty Boards, may constitute other committees as it sees fit to assist in the performance of its duties.
- (2) Except as otherwise provided in the Statute, the composition, election, terms of office, functions and procedures of Senate committees are as reflected in the Rules.

47. Executive Committee

- (1) The functions of the Executive Committee of the Senate are determined by Senate, defined in the Rules and reflected in the Charter for the Executive Committee of Senate. The functions include the appointment (on behalf of Senate) of Honorary Professors (subject to the concurrence by Council), Adjunct Professors, Fellows, Distinguished Research Associates and Visiting Professors.

- (2) The Executive Committee consists of -
 - (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Registrar;
 - (d) Deans;
 - (e) four Senate members, in addition to the members listed in subparagraphs 47(2)(a) to (d), elected by the Senate; and
 - (f) Additional members as determined by the Senate from time to time and reflected in the Charter approved by the Senate.
- (3) The Chairperson of the Senate is also the Chairperson of the Executive Committee.
- (4) The members listed in subparagraphs (2)(a) to (d) above remain members of the Executive Committee by virtue of their office.
- (5) The term of office of Senate representatives on the Executive Committee in terms of subparagraphs (2)(e) and (2)(f) above is three years and these Senate representatives are eligible for one additional term of office if elected or appointed.

48. Faculty Boards

- (1) The Faculty Board of every Faculty is a standing committee of the Senate.
- (2) A Faculty Board
 - (a) governs and regulates the activities of the Faculty in accordance with the Rules and the policies of the University;
 - (b) considers and recommends to the Senate the Academic programmes (both subsidised and non-subsidised) offered by Faculties;
 - (c) promotes research in the Faculty;
 - (d) submits recommendations to the Senate on matters that affect the Faculty as well as matters referred to it by the Senate;
 - (e) appoints subcommittees of the Faculty Board; and
 - (f) fulfil such other functions as the Rules and/or Senate may describe.
- (3) The composition of a Faculty Board is determined by Senate after consultation with the Faculty Board.
- (4) The Council appoints a Dean for every Faculty in accordance with the Rules approved by Council, who is accountable to the relevant Faculty Board, Senate, the Management Executive Committee and Council and fulfils the functions as described in the Rules.

- (5) The Dean of a Faculty is the Chairperson of the relevant Faculty Board.
- (6) Membership of Faculty Boards, terms of office, meeting procedures and other matters relating to Faculties are reflected in the Rules and approved Charter.

CHAPTER 6 INSTITUTIONAL FORUM

49. Functions

- (1) In accordance with section 31(1) of the Act, the Institutional Forum must advise Council on the following matters affecting the University –
 - (a) the implementation of the Act and national policy on higher education;
 - (b) the formulation of race and gender equity policies;
 - (c) the 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 which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning.
- (2) The advice given by the Institutional Forum must be submitted in writing by the Chairperson of the Institutional Forum to the Council via the office of the Registrar. The Registrar also provides a copy of the advice to the Vice-Chancellor.
- (3) If Council does not accept the Institutional Forum's advice, written reasons must be provided as prescribed by the Act.
- (4) The Institutional Forum must perform such additional functions as the Council may delegate or refer to it.
- (5) The Council may, after consultation with the Institutional Forum, revoke or amend the extended mandate of the Institutional Forum as determined in subparagraph (4).

50. Composition

- (1) The Institutional Forum of the University as contemplated in section 31(2) of the Act consists of –
 - (a) two representatives of the Management Executive Committee nominated by the Management Executive Committee;
 - (b) two representatives of the Council, elected by the Council of which at least one should be an external Council member;
 - (c) two representatives of the Senate, elected by the Senate;

- (d) two representatives of the academic employees elected by the academic employees;
 - (e) two representatives of administrative and support staff elected by the administrative and support staff;
 - (f) two representatives of women employed at the University elected by the female employees of the University;
 - (g) the President of the SRC and one other member of the SRC elected by the SRC;
 - (h) two representatives (one staff member and one student) of staff and students with disabilities, elected by the employees and students with disabilities: Provided that students vote for a student representing students with disabilities and staff vote for a staff member representing staff with disabilities, and if any individual qualifies to vote in both categories (staff and students) he or she votes in the staff category only;
 - (i) two representatives of the recognised union(s) appointed by the union(s); and
 - (j) a maximum of three employee or student members, appointed by the Vice-Chancellor after consultation with the Institutional Forum –
 - (i) based on their expertise and experience; or
 - (ii) to represent a specific interest group or groups on campus not already represented in the Institutional Forum.
- (2) A student or an employee who has been found guilty of serious misconduct by a disciplinary committee of the University may not be a member of the Institutional Forum.

51. Term of Office

- (1) The term of office of members of the Institutional Forum is three years, except members appointed by the SRC as well as student members appointed in terms of subparagraph 50(1)(j).
- (2) The term of office of SRC student members shall correspond with the term of office of the SRC that appointed them.
- (3) The term of office of any student appointed in accordance with subparagraph 50(1)(j) will be for the academic year in which he or she is appointed.
- (4) A member may be re-elected or reappointed provided that he/she may not serve for more than two consecutive terms.

52. Election Procedures

- (1) The nomination, election and appointment of members nominated or appointed by a specific body (Management Executive Committee, Senate, Council, etc.) or another entity are as determined by each constituency or as regulated in the Rules.
- (2) Employee representatives (representing academic staff and administrative and support staff) on the Institutional Forum shall be elected from the ranks of the academic employees and

the ranks of the administrative and support staff in accordance with a process facilitated by the Registrar consisting of the following:

- (a) Within 21 days before a specific election date, the Registrar shall offer
 - (i) every academic employee the opportunity to nominate an academic employee to represent the academic staff on the Institutional Forum; and
 - (ii) every non-academic employee the opportunity to nominate a non-academic employee to represent the administrative and support staff on the Institutional Forum.
 - (b) Each nominated candidate shall be seconded by at least ten employees (in the case of an academic nominee they must be academic employees and in the case of a non-academic employee 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 generally acceptable election procedures.
 - (d) Academic employees shall vote in respect of the vacancy to be filled by an academic employee and non-academic employees shall vote in respect of the vacancy to be filled by a non-academic employee.
 - (e) An election shall be valid only if at least 10 per cent of the academic employees or 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 the 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) The process set out in subparagraph (4) above apply, with the necessary changes being made, to the election of the
- (a) two representatives of women employed at the University elected by the female employees of the University;
 - (b) two representatives of the staff and students with disabilities, elected by the employees and students with disabilities.
- (4) A staff member or student may qualify to vote in more than one of the categories of membership set out above (if he or she complies with the requirements of the said categories).

- (5) When members are elected to the Institutional Forum, the body entitled to elect or to nominate must do so with due regard to the suitable representation of gender.

53. Termination of membership

- (1) Membership of the Institutional Forum terminates when a member –
- (a) resigns;
 - (b) ceases to be an employee or a student;
 - (c) is absent from three consecutive meetings of the Institutional Forum without, in the view of the Institutional Forum, a valid reason;
 - (d) is insolvent;
 - (e) is incapable of performing his or her functions;
 - (f) is found guilty of serious misconduct;
 - (g) is convicted of an offence and is sentenced to imprisonment without the option of a fine;
 - (h) is elected or appointed by a specific interest group and the interest group at a formal meeting of the interest group withdraws its support for such a member or when such a member's association with the interest group, for whatever reason, is suspended or comes to an end.
- (2) When a vacancy occurs, the secretary to the Institutional Forum must inform the University Registrar, who will request the constituency concerned to fill the vacancy in accordance with this Statute and perform any other duty imposed on him or her by this Statute. The term of office of such a member will be for the unexpired term of office of the previous incumbent.

54. Chairperson, Deputy Chairperson and Secretary

- (1) The Institutional Forum must elect a Chairperson and a Deputy Chairperson from its ranks, provided that the Chairperson and Deputy Chairperson may not be from the same constituency.
- (2) The Chairperson of the Institutional Forum is an *ex officio* member of Senate as per subparagraph 41(1)(n).
- (3) The term of office of the Chairperson and the Deputy Chairperson will be three years or of a lesser duration depending on their membership of the Institutional Forum.
- (4) If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum will elect a successor at its next meeting.
- (5) The Chairperson of the Institutional Forum reports to the Institutional Forum the decision of Council on the advice submitted by the Institutional Forum to the Council.
- (6) The Institutional Forum will elect a secretary for the Forum, provided that the University Registrar or a staff member designated by the Registrar will assist the secretary in the

execution of his or her tasks or act in his or her place if the position is vacant.

55. Meetings of the Institutional Forum

- (1) The Chairperson must convene a meeting of the Institutional Forum at least twice in each semester. The dates for meetings is set out in the University Calendar.
- (2) Subject to the provisions of this Statute and the Rules, the Institutional Forum must determine its meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (3) A quorum consists of fifty per cent plus one of the total number of serving members (excluding vacancies) of the Institutional Forum.
- (4) In the absence of the Chairperson, the Deputy Chairperson acts as Chairperson and in the absence of both the Chairperson and the Deputy Chairperson, the members present at a meeting of the Institutional Forum elect a member to chair the meeting.
- (5) A written notice must be issued by the secretary to each member of the Institutional Forum at least seven days before any ordinary meeting, indicating the time, date and place of such meeting. Such notice must be accompanied by an agenda and supporting documentation as appropriate.
- (6) Members who wish to place additional matters on the agenda must send a written request in this regard to the secretary at least five days before the date of the meeting and must provide the secretary with the documentation the member wishes to submit to the Institutional Forum.
- (7) The Registrar must keep the minutes of the meetings and a register of the decisions of the Institutional Forum and all members of the Institutional Forum must have access to this register.
- (8) The Chairperson or the Vice-Chancellor may convene an extraordinary meeting with four days' notice, stating the reason for the urgent meeting and the matter(s) for discussion.
- (9) When requested by at least one-fifth of the members of the Institutional Forum, the Chairperson must convene an extraordinary meeting, provided that the request is in writing and the matters for discussion are stated. Not less than 24 hours' notice must be given of such a meeting.
- (10) No matter other than that of which notice had been given can be discussed at a meeting.
- (11) The Chairperson has an deliberative vote on every matter and, in the case of an equality of votes, also a casting vote; and
- (12) Whenever the Chairperson so rules, voting must take place by means of a secret ballot.

56. Executive Committee of the Institutional Forum

- (1) The Institutional Forum will appoint an Executive Committee to manage and administer the business of Institutional Forum on a day to day basis.

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

57. 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 on the advice to be provided to Council.
- (2) In the event of the Institutional Forum members do not reach a decision as set out in subparagraph (1), the Chairperson of the Institutional Forum, with the assistance of the Secretary of the Institutional Forum, must compile a summary of the various opinions expressed at the Institutional Forum and submit the summary to the Council.

CHAPTER 7 CONVOCATION

58. Membership and Functions

- (1) The Convocation shall consist of-
 - (a) all persons who have obtained a degree or a diploma from the University, as approved by Senate and Council;
 - (b) all the persons, other than persons referred to in subparagraph (c), who immediately before the commencement of this Statute were members of the Convocation of the

University; and

- (c) the Vice-Chancellor, the Deputy Vice-Chancellor(s), the Executive Director(s), the Registrar, the Deans, the academic employees on the staff establishment of the University, professors emeriti, and such other persons as Council may determine.
- (2) The functions of the Convocation are to-
- (a) advise and facilitate liaison between the University and its former students;
 - (b) create networks, including Alumni Chapters and canvass support for the strategic objectives of the University, and
 - (c) organise members of the Convocation with a view to facilitating representation of this constituency on appropriate governance structures as determined in the Statute and the Rules.
- (3) The Registrar of the University must keep the official roll of the Convocation (the members' list) and a member is required to register his or her name and address with the Registrar in order to appear on the official roll and notify him or her of any change of address.
- (4) The official roll of the Convocation is conclusive evidence of membership of the Convocation and only a person whose name appears on the roll at the time of his or her claiming the right to vote as a member of the Convocation is entitled to do so.
- (5) The Registrar must remove a member's name from the members' list as soon as practicable after notice of the resignation or death of a member.

59. President, Vice-President, Secretary of the Convocation and members of the Executive Committee of the Convocation

- (1) The President and the Vice-President of the Convocation are elected in accordance with the Rules by the Convocation from among its ranks for a period of four (4) years.
- (2) In case the position of the President becomes vacant, the Vice-President acts as President until a successor has been elected in terms of this statute and the rules
- (3) The Convocation must elect a secretary to the Convocation from among its ranks for a period of four years. The Vice-Chancellor may appoint an employee of the University to assist the secretary or to act in his or her place when necessary. If there is no Secretary, the Registrar acts as secretary of the Convocation.
- (4) The Convocation must elect three additional members from amongst its ranks to serve on the Executive Committee of the Convocation.
- (5) The process for the election of the President, the Vice-President and the Secretary of the Convocation as well as the three additional members to serve on the Executive Committee of the Convocation will be determined in the Rules: Provided that the Rules must make provision for Convocation members to vote electronically to broaden member participation.
- (6) Employees and students of the university are not eligible as candidates for the President or Vice-President of the Convocation.

- (7) The term of office of the Secretary of the Convocation as well as the three additional members referred to in subparagraph (4) above is four (4) years.

60. Meetings and meeting procedures

- (1) The Convocation must hold at least one general meeting every four (4) years.
- (2) The Secretary must give due notice of such a meeting to every member at least eight weeks before a meeting.
- (3) Notice of any motion or matter for discussion at a meeting must be given to the secretary in writing one month before the date of the general meeting.
- (4) The President may, with the approval of the meeting, allow any motion of which due notice has not been given in terms of subparagraph (3) to be discussed and action to be taken thereon.
- (5) Extraordinary meetings of the Convocation may be called by the President or the Vice-Chancellor at any time and must be called by the secretary on receipt of a written request signed by at least one hundred (100) members stating, in the form of specific motions, the matters to be considered at such a meeting. The meeting must be convened within two (2) months of receipt of such request.
- (6) The secretary must give due notice of extraordinary meetings of the Convocation to each member at least fourteen (14) days before the day determined for such a meeting, stating the date, place and time of the meeting. The notice shall be accompanied by an agenda and supporting documentation where applicable.
- (7) The Convocation shall determine its meeting procedures with due observance of generally accepted norms and practices of fair administrative process and the Rules.

61. Executive Committee of the Convocation

- (1) The Executive Committee of the Convocation consists of the President, the Vice-President, the Secretary and the three (3) additional members as set out in paragraph 59.
- (2) The Executive Committee of the Convocation meets at least once a semester to attend to the affairs of the Convocation in consultation with the Management Executive Committee of the University.
- (3) The provisions of paragraph 59 will, with the necessary changes, apply to the election, and arrangements in the case of death or resignation of members elected to the Executive Committee of the Convocation.
- (4) The Executive Committee of the Convocation determines its meeting procedures with due observance of generally accepted norms and practices of fair administrative process.
- (5) The Executive Committee of the Convocation is accountable to the general meeting of the Convocation and reports regularly on its activities between meetings.
- (6) Members of the Management Executive Committee of the University are not eligible to serve

on the Executive Committee of the Convocation.

62. Quorum for a Meeting of the Convocation

- (1) One hundred (100) Convocation members form a quorum.
- (2) If a meeting is adjourned owing to failure to reach a quorum, the meeting must be reconvened within eight weeks. The members present at such a meeting will be deemed to form a quorum.
- (3) No decisions can be taken on motions put to a non-quorate meeting.
- (4) If a meeting is quorate, all matters must be decided by a majority of votes of the members present at the meeting.
- (5) The President has an deliberative vote on every matter and, in the case of an equality of votes, also a casting vote.
- (6) If it is so decided by the meeting, the number of votes for or against any motion must be recorded in the minutes, and at the request of any member the President must direct that the vote of such member be recorded.

63. Submission of resolutions to Council and Senate

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

CHAPTER 8 DONORS

64. Donors

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

65. Qualification as donor

- (1) Any person or entity, who is not an organ of state or a representative thereof and who has made a particular donation to the University, shall be deemed to be a donor, provided that if a donation is made by a juristic person, the representative of such juristic person shall represent the donor.
- (2) If 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, is more than an amount as fixed by Council from time to time, the donor will qualify as a benefactor of the University and will be recognised by the University community as set out in the Rules.
- (3) The Registrar is obliged to keep a register of the name and addresses of all individuals and legal entities that qualify as donors of the University.

CHAPTER 9 EMPLOYEES

66. Appointment

- (1) Subject to section 34 of the Act, Council appoints employees according to the human resource policies and procedures of the University as approved by Council from time to time.
- (2) An employee must in writing-
 - (a) before he or she take up an offer of employment, and yearly thereafter, declare any business that may raise a conflict or possible conflict of interest with the University as is provided for in the Act; and
 - (b) notify the University of any conflict or potential conflict of interest before the University procures any goods or services from the employee or an organisation within which the employee holds an interest.
- (3) An employee may not conduct business directly or indirectly with the University that entails or may entail a conflict of interest with the University unless the Council of the University is of the opinion that-
 - (a) the goods, product or service in question are unique;
 - (b) the supplier is a sole provider; and
 - (c) it is in the best interest of the University.
- (4) An employee may not on behalf of the University contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.
- (5) Contracting referred to in subparagraph (4) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subparagraph (1).
- (6) No academic employee can be appointed in the University without consulting Senate or a committee of Senate as designated by Senate.

67. Conditions of employment

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

68. Evaluation

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

69. Employee discipline

Subject to the provisions of the relevant labour legislation and codes of good practice all employees (full time or part-time, permanent, temporary or contract work) of the University shall subscribe to the institutional code of conduct, the disciplinary code and procedure and the grievance procedure as approved by Council.

70. Representative employee organisations

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

CHAPTER 10 STUDENTS

71. Admission and registration of students

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

72. Student organisations and activities

Subject to the provisions of the Act and this Statute, Council may recognise student organisations and their activities at the University on such terms and conditions as may be determined by Council from time to time, and Council may at any time, after furnishing reasons, withdraw such recognition. The Council can delegate its powers in this regard to the Vice-Chancellor or another manager or structure in the University.

73. Student Representative Council (SRC)

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

74. Student discipline

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

75. Fees

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

76. Bursaries and loans

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

CHAPTER 11 DEGREES, DIPLOMAS AND CERTIFICATES

77. Degrees, diplomas and certificates

- (1) Subject to the provisions of the Act and this Statute, the University may confer the degrees and award the diplomas and certificates in accordance with approved qualifications.
- (2) Subject to the provision of this Statute, no degree, diploma or certificate shall be conferred or awarded by the University upon any person who has not attained, through the assessment processes of the University as required by Senate, the prescribed standard of proficiency.
- (3) The University may in accordance with the provisions of section 65BA of the Act withdraw any degree, diploma or certificate as provided for in the Act.

78. Honorary degrees

- (1) The University may, by resolution of Council and Senate and without examination, confer an honorary doctorate it deems appropriate upon any person in any faculty whom the University may deem worthy of such a degree in terms section 65C of the Act.
- (2) No holder of a degree which has been conferred *honoris causa* shall, on the basis of the honorary degree on its own, be entitled to practice any profession.
- (3) A proposal to confer an honorary degree must be submitted in writing to the Registrar by a member of Council, Senate or the Convocation. Such proposal must be seconded by at least five members of the relevant constituency, must be in writing and must reach the Registrar on or before the date published in the University calendar, accompanied by a detailed statement indicating the reasons for the proposed conferment.
- (4) The Registrar must refer such proposals to the Honorary Degrees Committee, which consists of the Vice-Chancellor, Deputy Vice-Chancellor, Deans, members of Council on Senate and three members of Senate appointed by Senate.
- (5) The names of the candidates recommended by the Honorary Degrees Committee shall be submitted to Senate, accompanied by the curriculum vitae ("CV") of the candidates and an appropriate statement describing the reasons for the proposal.
- (6) Without discussion of the candidates or their CVs, Senate shall vote by way of a secret ballot on the conferment or not of an honorary degree on the candidate.
- (7) The chairperson of Senate shall have an ordinary vote on each resolution and, in the case of an equality of votes, a casting vote.
- (8) The name(s) of the candidate(s) who obtained an ordinary majority of the votes of the members of Senate present at the meeting shall be submitted to Council.
- (9) Without discussing the candidate, Council shall vote by way of a secret ballot on the candidate(s) recommended by Senate, provided that Council shall not discuss the candidates or their CVs or consider any proposal not supported by Senate.
- (10) The honorary degree shall be awarded to the candidate who has obtained a majority vote of the members of Council present at a meeting of Council, provided that no posthumous

nominations will be accepted.

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

- (1) Degrees are conferred and diplomas and certificates awarded at a congregation (meeting) of the University
- (2) A congregation is constituted in a manner prescribed by the Council, and is presided over by the Chancellor or, in his or her absence, the Vice-Chancellor, or in his or her absence, a Deputy Vice-chancellor.
- (3) A congregation must be held at least once a year at such a time and place as may be determined by the Vice-Chancellor on the recommendation of Senate.
- (4) The procedure for the presentation of candidates, the conferring of degrees, the awarding of diplomas and certificates, the wearing of academic dress and all other matters regarding congregations not provided for in this Statute, shall be as determined by Senate and approved by Council.
- (5) No person shall receive a degree, diploma or certificate, other than an honorary degree, unless Senate or a committee of Senate certifies that such person has satisfied all the requirements for such a degree, diploma or certificate as required by section 65B of the Act.

CHAPTER 12 GENERAL AND TRANSITIONAL PROVISIONS

80. Amendment of Statute

- (1) Any proposal for the drafting, amendment or repeal of any provision of this Statute must be made in accordance with the provisions of section 32(2) of the Act.
- (2) A proposal contemplated in subparagraph (1) is of force and effect only if adopted by two-thirds of all the members present at a meeting of the council.

81. Repeal of previous Statute

The Statute applicable to the University of Fort Hare as published in Government Gazette No. 35784 in Government Notice No. 1088 of 29 November 2010, is hereby repealed with effect from the date on which this Statute comes into operation.

82. Transitional provisions

- (1) Persons holding an office in terms of the Statute that existed prior to the commencement of this Statute are deemed to hold office under the corresponding provisions of this Statute unless it is inconsistent with the Act or this Statute, in which case the term of office will be terminated with immediate effect.
- (2) Any constituent part of the University which existed immediately prior to the publication of this Statute continues to exist, and function in terms of this Statute should it be necessary,

until the day prior to the day when a new structure, reconstituted in terms of this Statute, becomes functional.

- (3) As a transitional measure, the Administrator has the competence and the authority to take any appropriate steps to ensure the implementation of the Act, this Statute, any Institutional Rules, the reconstituting of the Council after the gazetting of this Statute and the authority to appoint the five external members of Council as provided for in subparagraph 27(a)(iii) above. Once the Council of the University of Fort Hare as set out in this Statute is constituted and operational, the Council shall have the power and authority to implement the provisions of the Act, the Statute and the Institutional Rules.
- (4) Rules in force prior to the commencement of this Statute continue to apply until replaced by any provision of this Statute, or any rule that may be made in terms of this Statute.
- (5) Any action, including a delegation of powers and functions to any functionary, committee or body, taken in terms of the Statute that existed prior to the commencement of this Statute is deemed to have been taken in terms of the corresponding provision of this Statute. Where there is no corresponding provision, such action will be referred to the Administrator until a new Council is constituted in terms of this Statute.
- (6) 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.
- (7) Nothing in this Statute shall prevent the University from exercising its rights and duties that the University against any person or entity or which any person or entity had against the University prior to the coming into operation of this Statute, except as expressly provided for herein.