

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 129

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

I, Dr BE Nzimande, MP, Minister of Higher Education, Science and Innovation, 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 Vaal University of Technology set out in the Schedule attached hereto.



Dr BE Nzimande, MP

Minister of Higher Education, Science and Innovation

Date: 20/01/2021

STATUTE OF THE VAAL UNIVERSITY OF TECHNOLOGY

The Administrator of the Vaal University of Technology, acting as the Council of the University has, after consultation with Senate, the Unions and the Students Representatives, 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 Innovation and which comes into operation on the date of its publication.

SCHEDULE

To introduce an amended Statute for the Vaal University of Technology to give effect to any law relating to the Vaal University of Technology and to promote the effective and responsible management and governance of the University in respect of matter not expressly prescribed by any law.

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CHAPTER 1

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) has the meaning so assigned to it. Further, unless the context indicates otherwise, the following meanings have been ascribed to these terms:

“Academic Employee”	means any person appointed by Council after consultation with the Senate to a teaching or research post at the University and any other employee designated as such by Council;
“Act”	the Higher Education Act, 1997 (Act No. 101 of 1997) as amended;
“Chancellor”	titular head of the University contemplated in section 26 (1) of the Act and paragraph 4 of this Statute;
“Convocation”	the Convocation of the University contemplated in paragraph 52 of this Statute;
“Council”	the Council of the University contemplated in section 27 (4) of the Act and composed in accordance with paragraph 9 of this statute;
“days”	includes Saturdays, Sundays and public holidays;
“degree”	a qualification designated as a degree of the University awarded to a student who has satisfied the requirements for that qualification;
“diploma”	a qualification designated as a diploma of the University awarded to a student who has satisfied the requirements for that qualification;
“donor”	a person who has made a donation which in the opinion of the Council warrants that person being recognised as a donor;
“employee”	means any person employed by the University;
“Executive Dean”	means a person appointed as head of a Faculty or structure equivalent in status, designated by the Council. Council may approve an alternative expression for a head of a structure equivalent in status to a Faculty;
“Faculty”	means the primary academic structure for a planned cluster of academic learning and research programmes and qualifications, its substructures as approved by Council and the employees who perform functions in the academic structure; Council may approve an alternative expression for “Faculty”, such as “College” or “School”;
“functions”	includes powers and duties and vice versa;
“graduate”	a person upon whom the University has conferred a degree;
“Institutional Forum”	the body contemplated in section 31 of the Act and composed in accordance with paragraph 38 of this Statute;
“Institutional Rules and Rules of the University”	any Rules made by the Council of the University under section 32 of the Act;
“Minister”	the Minister responsible for higher education;
“non-academic employee”	means any person appointed by the University to perform an administrative or support function other than academic employees;
“professor”	an academic employee who has been given the title of professor by the institution or by another institution, but does not include an emeritus, associate, adjunct, visiting or assistant professor or reader;
“Qualification”	means any formal qualification registered on the respective sub-framework and includes a certificate, diploma or degree as approved by the Senate and Council;
“seat of the University”	the central campus located in Vanderbijlpark in Gauteng Province;
“Senate”	the body contemplated in section 28 of the Act and composed in accordance with paragraph 21 of this Statute;

“Senior Managers”	all managers at Peromnes post levels 1 to 4;
“SRC”	the Student Representative Council of the University contemplated in paragraph 36 of this Statute;
“the University”	the Vaal University of Technology as designated in Government Gazette No. 26117 of 19 March 2004;
“Vice-Chancellor and Principal”	the Chief Executive Officer and Academic Head of the University;

CHAPTER 2

THE UNIVERSITY

2. Name, seat and powers

- (A) The name of the University is the “Vaal University of Technology”.
- (B) The Vaal University of Technology is a Public Higher Education Institution established in terms of the Act and is a juristic person as contemplated in section 20(4) of the Act.
- (C) The official address of the University is: Vaal University of Technology, Private Bag X021, Vanderbijlpark, 1900.
- (D) The University functions in accordance with the Act, this Statute and the Rules.
- (E) The University may confer degrees, diplomas and certificates in its own name as approved by the Council on recommendation of Senate. Such degrees, diplomas and certificates are to be approved, accredited and registered for the University in accordance with the provisions of section 65B of the Act.
- (G) The University may withdraw and/or revoke a degree, diploma or certificate as contemplated in section 65B of the Act.

3. Composition of the University

The university consists of:

- (A) The following Office-bearers:
 - (i) Chancellor;
 - (ii) Vice-Chancellor and Principal;
 - (iii) Deputy Vice-Chancellor(s);
 - (iv) Registrar;
 - (v) Chief Financial Officer
 - (vi) Executive Deans of Faculties/Colleges or Heads of Schools;
 - (vii) Executive and Senior Directors.
- (B) The following bodies and structures:
 - (i) Council;
 - (ii) Senate;
 - (iii) Management Committee;
 - (iv) Institutional Forum;
 - (v) Student Representative Council;
 - (vi) Faculties;
 - (vii) Employees;
 - (viii) Students;
 - (ix) Convocation;
 - (x) Such other structures as Council may deem necessary.
- (C) All properties and assets of the University.

CHAPTER 3

CHANCELLOR

4. Powers, functions and duties of Chancellor

- (A) The Chancellor is the titular head of the University, and shall exercise no executive powers.

- (B) The Chancellor, or in his or her absence the Vice-Chancellor or his / her nominee presides over all congregations of the University and, in the name of the University, confers all degrees and awards all diplomas and certificates.
- (C) The Chancellor must at all times, embody the aspirations and values of the University and actively advance the interest of the University.

5. Election of Chancellor

The Chancellor is elected by the Council in the manner prescribed in the Institutional Rules.

6. Term of office

- (A) The Chancellor holds office for a period of five years, unless the term of office terminates in terms of sub-paragraph (C).
- (B) The Chancellor is eligible for re-election, but his or her term of Chancellorship may not exceed two terms.
- (C) The term of office of the Chancellor terminates in the event of:
 - i. Death or incapacity;
 - ii. Resignation, or
 - iii. Removal from office by Council; or
 - iv. expiry of the term of office.
- (D) The Chancellor may be removed from office by a resolution of not less than 75 percent of all Members of the Council. Without limiting the generality of this, the resolution contemplated may not be passed without prior notice to the Chancellor of the pending motion for his or her removal and the reasons therefor, and the Chancellor must be provided with a reasonable opportunity to present his or her case.

7. Vacancy

If the Office of the Chancellor becomes vacant, the provisions of paragraph 5 are applicable to the filling of such vacancy and the provisions of paragraph 6 are applicable to the term of office of his or her successor.

CHAPTER 4**COUNCIL****8. Functions**

- (A) The Council governs the University in terms of section 27 of the Act and this Statute, and subject to the principles of good corporate governance.
- (B) Without derogating from the generality of sub-paragraph (A), the Council is responsible for governance and policymaking at the University, as well as for monitoring compliance therewith.
- (C) In particular, the Council:
- i. adopts the University's vision, mission and values, and monitors the realisation thereof;
 - ii. is responsible for approving the University's strategic plan, and adopting and monitoring financial and non-financial performance measures related to the University's strategic objectives;
 - iii. is responsible for sustaining the University's reputation and financial health, the institutional climate, and the well-being of its employees and students;
 - iv. is responsible for approving the annual budget;
 - v. is responsible for establishing and maintaining high standards of academic conduct and probity in concurrence with the Senate;
 - vi. is responsible for the institutional academic structure, including the establishment and disestablishment of faculties and academic departments;
 - vii. is responsible for the determination of fees;
 - viii. is responsible for appointments and conditions of service on staff matters, and for staff and student disciplinary matters;
 - ix. determines, in consultation with the Vice-Chancellor and Principal, the nature and scope of the University's community and social responsibilities;
 - x. 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;
 - xi. approves the SRC Constitution after consultation with the SRC;
 - xii. approves the language policy of the University in concurrence with Senate, as required by section 27(2) of the Act;
 - xiii. approves the admission policies of the University in consultation with Senate as required by Section 37 of the Act;
 - xiv. approves the Rules of the University;
 - xv. establishes a Code of Conduct for its members.
- (D) The Council shall ensure that:
- i. 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;
 - ii. comprehensive records of all Council and Council committees' proceedings are kept;
 - iii. complete accounting records of all assets, liabilities, income, expenditure, and other financial transactions are kept as required by section 41(1) of the Act.
- (E) The Council may, subject to the provisions of the Act and this Statute, delegate functions to the Vice-Chancellor, with the right to delegate further, subject to applicable University policy and the Council-approved delegation frameworks.
- (F) Subject to section 34 of the Act, the Council shall:
- i. appoint such senior managers as it considers necessary to manage the University effectively in accordance with the Rules; and
 - ii. after consultation with Senate or a Committee of Senate, appoint and promote academic employees.
- (G) The Council may delegate its functions in terms of sub-paragraph (F)(i) to a Committee of the Council, with the right to delegate.
- (H) The Council may delegate its functions in terms of sub-paragraph (F)(ii) to the Senate, provided

- that the appointment and promotion of academic employees at the level of senior lecturer and below may be further delegated to the Vice-Chancellor and Principal.
- (I) Notwithstanding paragraphs (E) to (G) above, Council may not delegate the following functions reserved for the Council, in addition to the powers and functions outlined in section 68(2) of the Act:
- i. the approval of the University's vision, mission and strategic plan;
 - ii. the appointment or dismissal of the Vice-Chancellor and Deputy Vice-Chancellors;
 - iii. the purchase, sale or other disposition of immovable property;
 - iv. the approval of the annual budget;
 - v. the use of the University's credit line;
 - vi. the determination of student fees; and
 - vii. the amendment of the Statute.
- (J) The Council remains responsible and accountable for the performance and outcome of any delegated function.
- (K) Notwithstanding the Council's general responsibilities, the management and functioning of the university are the responsibility of the Vice-Chancellor and Principal and of the senior management of the University.

9. Composition

- (A) The Council consists of the following members as contemplated in section 27(4) of the Act:

Internal Members

- i. the Vice-Chancellor and Principal;
- ii. a Deputy Vice-Chancellor nominated by the Vice-Chancellor and Principal and appointed by the Council;
- iii. two (2) academic members of the Senate elected by the Senate;
- iv. one (1) permanent academic employee who is not a member of the Senate, and elected by such employees of the University;
- v. one (1) permanent employee, other than an academic employee of the University, and elected by such employees of the University;
- vi. two (2) students of the University, elected by the SRC, of whom at least one (1) is a postgraduate (Postgraduate Diploma, Masters or Doctoral) student;

External Members

- vii. five (5) persons appointed by the Minister;
 - viii. six (6) persons who are not employees or students of the University, elected in accordance with the Institutional Rules, by reason of their special knowledge or expertise, representing appropriate sectors and professions and with a broad range of competencies in fields such as, but not limited to, education, business, finances, law, marketing, information technology and human resource management, taking into account considerations of equity or diversity.
 - ix. two (2) representatives of the Convocation elected by the Convocation.
- (B) At least sixty percent (60%) of the members of the Council must be persons who are neither employed by, nor students of, the University.
- (C) The eligibility criteria for nomination and election as a member of the Council are outlined in the Institutional Rules.
- (D) Except as provided for in paragraphs 9(A) (i) to (ix):
- i. no student or employee of the University and no other person in receipt of regular remuneration from the University is eligible for appointment or election as a member of the Council; and
 - ii. an external member of the Council who becomes a student or an employee of the University, or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University, shall be deemed, with effect from such date, to have vacated his or her seat on the Council of the University.

- (E) All other Deputy Vice-Chancellors and the CFO are not members but are in attendance at all meetings of the Council.

10. Term of office

- (A) The term of office of the members of the Council contemplated in paragraph 8(A) (viii) to (xv), is four years, subject to transitional arrangements contemplated in the Rules.
- (B) The term of office of the members of Council contemplated in paragraph 8(A) (iii) to (vi), is two years, subject to transitional arrangements contemplated in the Rules.
- (C) The representatives elected by the SRC in paragraph 8(a) (vii) hold office for a period of one year.
- (D) The Chairperson and Deputy Chairperson of Council may not be elected for more than two consecutive terms of two years each.
- (E) The members of Council contemplated in 9(A)(iii) to (ix) may not serve on the Council for more than two terms.

11. Vacating of office

- (A) A member of the Council, with the exception of the Vice-Chancellor and Principal, and the Deputy Vice-Chancellor, vacates his or her position on the Council if the member:
- i. is absent without the prior leave of the chairperson from three consecutive meetings of the Council, or, in the case of the chairperson, the leave of the Executive Committee of Council, provided that the Council may at a meeting excuse the absence of a member from that meeting, in which event the member is, for the purposes of this Statute, deemed to have attended that meeting;
 - ii. having been elected or nominated by a particular constituency, is no longer a member of the constituency which he or she represents;
 - iii. resigns by giving written notice to the chairperson of Council;
 - iv. is declared by a court of law to be insolvent or otherwise incapable of attending to his or her own affairs; or
 - v. is removed from an office of trust by a court of law, is convicted of an offence involving dishonesty, or is sentenced to a period of imprisonment without the option of a fine.
- (B) The membership of a Council Member who is not an employee or student of the University immediately terminates if such a member is appointed as an employee or is registered as a student of the University.
- (C) Subject to the disciplinary procedure of the University, if an employee or student member is dismissed, expelled, demoted, or his or her service is terminated for whatever reason by the University, the membership of such member automatically terminates, and if such student or employee is suspended his or her membership of the Council is also suspended.
- (D) Members of the Council must participate in the deliberations of the Council in the best interests of the University.
- (E) Any member may be removed from office subject to Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) if a majority of the members of the Council present at any meeting vote for his or her removal.
- (F) In the event of a vacancy through death or otherwise, the secretary to the Council notifies the vacancy to the authority or body that has appointed or elected such member, requesting such authority or body to appoint or elect a successor.
- (G) In case of (F) above the secretary to the Council must, where possible, give at least 10 weeks' notice of the vacancy.
- (H) In case of (F) above the successor holds office for the unexpired term of office of his or her predecessor, unless the successor is appointed or elected because his or her predecessor's term of office has expired.

12. Committees of Council

- (A) The Council must establish the following Committees:
 - i. Executive Committee of Council (EXCO);
 - ii. Audit and Risk Committee;
 - iii. Finance and Infrastructure Committee;
 - iv. Human Resources Committee;
 - v. Remuneration Committee;
 - vi. Any other Committee as and when the need arises.
- (B) Subject to the provisions contained herein, the composition, terms of reference, manner of election, functions, procedure at meetings and dissolution of a Committee must be determined by the Council by way of Rules, and should be contained in the charter of each committee. Should such procedural rules not be determined by Council, the Committee will by default apply the procedural rules governing the Council.
- (C) Except where the Council stipulates otherwise, at least sixty percent (60%) of the members of Committees referred to in paragraph 12 (A) must be persons who are neither employees nor students of the University.
- (D) Chairpersons of Committees are elected by members at the first meeting of the Committee for a period of two years, as determined in the Institutional Rules.
- (E) Chairpersons of Committees must not be employees or students of the University.
- (F) The composition, functions and dissolution of Committees of Council are as determined in the Rules of the University.

13. Election of chairperson and deputy chairperson

- (A) The Members of the Council, at the first meeting of the Council and thereafter when it becomes necessary, elect from amongst their number, a Chairperson and a Deputy Chairperson, each of whom holds office for a period of two years, or for such shorter period as he or she may be a Member of the Council.
- (B) The Chairperson or the Deputy Chairperson of the Council must not be an employee or student of the University.
- (C) The Chairperson and the Deputy Chairperson must fulfil such criteria as outlined in the Institutional Rules.
- (D) Nominations for the Office of Chairperson or Deputy Chairperson of the Council must, with the respective nominees' consent, be submitted in writing to the secretary to the Council.
- (E) If more than one candidate is nominated for one of the offices, voting must be by secret ballot. The process to be followed should this occur is outlined in the Institutional Rules.
- (F) A candidate may only be elected to the Office of Chairperson or Deputy Chairperson by a majority of the members present at the meeting of the Council.
- (G) Whenever a vacancy occurs in the Office of Chairperson or Deputy Chairperson, the provisions of sub-paragraph (B) to (F) are applicable to the filling of the vacancy.
- (H) The Chairperson and the Deputy Chairperson are eligible for re-election if they are still members of the Council, subject to sub-paragraph 10 (D).

14. Meetings

- (A) The number of meetings, the notice of the dates and venue of meetings of the Council for a particular academic year are approved by the Council, provided that at least four ordinary meetings are held during an academic year.
- (B) The secretary to the Council must, at least 10 days before the date set for any meeting, give notice in writing to each Member of the Council of such meeting, setting forth the matters for inclusion in the agenda, as well as the time and place of such a meeting, including a copy of the minutes of any previous meeting.
- (C) Notice of matters for consideration must be submitted to the secretary to the Council at least seven days prior to the date on which he or she is required to give notice of such meeting. A Member may raise matters of an urgent nature at a meeting without prior notice if he or she procures the consent of at least 75 percent of the Members present.

- (D) The Chairperson may convene an extraordinary/special meeting at the written request of any five Members, clearly stating the purpose of the meeting in such a request.
- (E) No matters other than those for which the extraordinary/special meeting was convened may be discussed at such meeting, except when the consent of the meeting is granted on an unopposed motion.
- (F) An emergency meeting may be called by the Chairperson at any time, provided that Members are given at least 24 hours' notice of such.
 - i. The notice for an emergency meeting may be given in any manner deemed expedient by the Chairperson in the circumstances; and
 - ii. Members must be notified of the purpose of an emergency meeting, and no business other than that of which notice has been given to the members must be transacted at such meeting.
- (G) The Council may invite persons who are not members to attend meetings. Such persons may take part in discussions but may not vote, and these discussions must be limited to specific issues.
- (H) In the absence of the Chairperson from any meeting of the Council, the Deputy Chairperson of Council acts as Acting Chairperson at such meeting.
- (I) In the absence of the Chairperson as well as the Deputy Chairperson from any meeting of the Council, the members present elect one of their number to preside thereat.
- (J) A quorum for all meetings of the Council is 50 percent plus one of serving members of the Council (excluding vacancies), provided that the majority are external members. Provisions regarding non quorate meetings are contained in the Rules.

15. Voting

- (A) Except as otherwise provided in this Statute all matters must be decided by a majority of all Members present.
- (B) If Members present during any vote on a motion abstain from voting, their abstentions must be noted as such.
- (C) The Chairperson has an ordinary vote, and in addition has a casting vote in the event of an equality of votes on any matter.
- (D) The Chairperson or the meeting may decide that voting must be by secret ballot, provided that voting for persons must always be by secret ballot.
- (E) If it is so decided by the meeting, the number of Members voting for or against any motion must be recorded and, at the request of any Member, the Chairperson must direct that the vote of such Member be recorded.

16. Drafting, Amending and Repealing of Rules or the Statute

- (A) No motion to draft an amendment or repeal of the Statute or Rule may be adopted unless agreed to by at least 75 percent of the Members present at the meeting, provided that such meeting is constituted by no less than 75 percent of all Members.
- (B) Any motion to draft, amend or repeal the Statute or a Rule must be in accordance with the provisions of section 32(2) of the Act.

17. Fiduciary Responsibility and Conflict of Interest of Council Members, Committee Members, and Functionaries

Fiduciary Responsibility

- (A) A member of Council stands in a fiduciary relationship to the University, promotes the interests of the University and acts in good faith and with care and skill.
- (B) A member of Council or a member of a committee of a Council must be a person with knowledge and experience relevant to the objects and governance of the University and must participate in the deliberations of Council in the best interest of the University.

Conflict of Interest

- (C) The Council makes Rules to deal with a conflict of interest or possible conflicts of interest that a Member of the Council, any Member of a Committee of the Council and all other persons who exercise delegated functions of the Council may have with the University, in terms of the Act.
- (D) The Council introduces and maintains a register in which the quarterly declaration of interests of each Member of the Council, Council Committees and all functionaries of the Council, in terms of section 7E (b) of the Act are recorded, in accordance with the Rules.
- (E) Each Member of Council, on assumption of membership of Council, signs an undertaking to act in the best interest of the University at all times and a declaration of interests in accordance with section 27 of the Act, and thereafter every quarter will sign a declaration of interest in accordance with section 27 of the Act.
- (F) Any member of Council who 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 possible conflict of interest, must declare the interest to the Council or Council committee once the meeting has been constituted and before any business is transacted.
- (G) Any person including those who are not Council Members shall, in writing, inform the chairperson of a meeting, before the meeting, of a conflict or possible conflict of interest of a Member of the Council with the University of which such person may be aware.
- (H) A Member referred to in sub-paragraphs (F) and (G) is obliged to recuse himself or herself from the meeting during the discussion of the matter concerned and the voting thereon, and in subsequent meetings when the matter is considered.
- (I) A Member of the Council or a Member of a Committee of the Council who contravenes sub-paragraphs (F), (G) and (H) above, after Council has followed a due process, may be: (a) suspended from attending a meeting; or (b) disqualified as a Member of the Council or a Member of a Committee of the Council.

Code of Conduct

- (J) 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 the Council, all the Members of Committees of the Council and all other persons who exercise functions of the Council in terms of delegated authority must subscribe.
- (K) If a Member fails to act in the best interest of the University or exhibits behaviour that brings the University into disrepute he or she may be removed from office as a Member of the Council, after Council has followed due process.

18. Executive Committee of Council (EXCO)

- (A) The Executive Committee of Council discusses and makes decisions on all matters as delegated by the Council and reports back to the Council.
- (B) Notwithstanding sub-paragraph (A) the Executive Committee of Council may not make decisions relating to the matters reserved for Council.
- (C) Decisions of the Executive Committee of Council must be ratified at the Council.
- (D) The Executive Committee of Council consists of the:-
 - i. Chairperson of Council as Chairperson;
 - ii. Deputy Chairperson of Council as Deputy Chairperson;
 - iii. Chairpersons of Committees of Council as contemplated in paragraph 12(D) and (E);
 - iv. Vice-Chancellor and Principal;
 - v. The Deputy Vice-Chancellor who is also a member of Council.

- (E) All Rules relating to meetings of the Executive Committee of Council in terms of constitution of the quorum, notice, minutes, register of resolutions of meetings and voting procedures are the same as in the case of the Council.
- (F) The Registrar is the secretary to the Committee and is in attendance at all meetings of the Executive Committee of Council.
- (G) Other Deputy Vice-Chancellors and the Chief Financial Officer are in attendance at all meetings of the Executive Committee of Council.

19. Joint Committees of Council and Senate

- (A) In accordance with section 29(3) of the Act, the Council and the Senate may jointly nominate Committees, to be known as Joint Committees of the Council and the Senate, to perform functions that are common to the Council and the Senate.
- (B) The composition, functions and dissolution of a Joint Committee are in accordance with the Rules of the University.

20. Dissolution of Committees of Council

A Committee of the Council may only be dissolved by the Council.

CHAPTER 5**SENATE****21. Composition, powers and functions of Senate**

- (A) Subject to the Act, the Senate is accountable to the Council for all the academic and research functions within the University and all other functions delegated or assigned to it by the Council.
- (B) i. Without derogating from the generality of sub-paragraph (A), the organisation and oversight of instruction, examinations and classes are vested in the Senate, and the Senate, by delegation of the Council, shall:
- a) determine the entrance requirements in respect of particular academic programmes;
 - b) determine the minimum requirements for study at the University;
 - c) make or amend any Rule relating to the curriculum for, or to the obtaining of, any degree, diploma or certificate, after consultation with the relevant faculty board;
 - d) make or amend any Rule relating to the manner in which students are to be assessed; and
 - e) determine what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma or certificate.
- ii. The Senate advises the Council:
- a) on the selection of candidates for the Vice-Chancellor and Principal and the Deputy Vice-Chancellors, and in the appointment of such candidates;
 - b) on the disciplinary code and measures applicable to students; and
 - c) on the establishment and disestablishment of faculties, academic departments and other academic structures.
- iii. The Senate may establish Committees to perform any of its functions and may appoint persons who are not members of the Senate as members of such Committees.
- iv. The Senate determines the functions of its Committees as well as the procedure of meetings of such Committees.
- v. The Senate may assign or delegate any of its functions, provided that the Senate is not divested of responsibility for the performance of any such function assigned or delegated.
- (C) The Senate submits to the Council:
- i. such reports upon its work as may be required by the Council;
 - ii. recommendations on matters referred to it by the Council; and
 - iii. recommendations on any other matter affecting the University that the Senate deems important.
- (D) The Senate may, in terms of the Rules of the University, cancel the registration of a student in all or some of the subjects for which the student is registered if in the opinion of the Senate the academic achievement of the student is deemed unsatisfactory or not sufficient to achieve the requisite credits for the subject or subjects.
- (E) The composition of the Senate is as follows:
- i. the Vice-Chancellor and Principal;
 - ii. the Deputy Vice-Chancellors;
 - iii. the Executive Deans of Faculty;
 - iv. the heads of academic departments;
 - v. all members of Staff with the title of professor as defined under section 1 (Definition);
 - vi. heads of the following functions:
 - a) academic development;
 - b) library and information services;
 - c) research;
 - d) student support services;
 - e) technology, transfer and innovation;

- f) cooperative education.
- vii. two (2) external members of the Council;
- viii. Two (2) representatives of professional, administrative and support staff of the University, elected by such staff members;
- ix. three (3) students nominated by the SRC, of whom at least one (1) is a postgraduate (Postgraduate Diploma, Masters or Doctoral) student; and
- x. one (1) member of the Convocation of the University elected by the Convocation who is neither a staff member nor a student of the University.

22. The fiduciary duty of members of the Senate

- (A) A member of Senate stands in a fiduciary relationship to the University.
- (B) 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.

23. Chairperson

The Vice-Chancellor and Principal is the Chairperson of the Senate.

24. Deputy chairperson

The Deputy Vice-Chancellor responsible for academic matters is the Deputy Chairperson of the Senate.

25. Secretary

The Registrar is the secretary to the Senate.

26. Number of meetings of Senate

The Chairperson convenes a meeting of the Senate at least once in each quarter at the seat of the University.

27. Representatives of Senate on Council

- (A) The two members of Senate who are to be elected as Members of the Council, as contemplated in sub-paragraph 9(A)(iii) of this Statute, must be elected at an ordinary meeting of the Senate or according to process prescribed in the Rules.
- (B) If a member referred to in sub-paragraph (A) for any reason vacates his or her office, the provisions of sub-paragraph (A) are applicable.

28. Representatives of Council on Senate

- (A) The two members of the Council who are neither employees nor registered students of the University must be elected at an ordinary meeting of the Council and serve on the Senate for a period of two years.
- (B) If a member referred to in sub-paragraph (A) for any reason vacates his or her office, the provisions of sub-paragraph (A) must be applicable.

29. Term of office

- (A) All *ex officio* members of the Senate serve their term for the duration of the office they hold.
- (B) The representatives of the SRC hold office for the period during which they are members of the SRC.
- (C) If a member of Senate vacates his or her office, or is replaced, the term of office of the replacement is for the unexpired term of office of the predecessor.
- (D) If a member of Senate vacates his or her office, a replacement member must be elected at any ordinary meeting of the Senate.

30. Committees of Senate

- (A) The Senate of the University will establish the following Committees:
 - i. SENEX (Executive Committee of Senate); and
 - ii. any other Committee as may be required.
- (B) The composition, terms of reference and functions of the Committees of Senate are determined by the Senate and included in the Rules.

31. Executive Committee of the Senate (SENEX)

- (A) 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.
- (B) The Executive Committee consists of -
 - i. the Vice-Chancellor and Principal;
 - ii. the Deputy Vice-Chancellors;
 - iii. the Registrar;
 - iv. Executive Deans; and
 - v. Additional members as determined by the Senate from time to time and reflected in the Charter approved by the Senate.
- (C) The Chairperson of the Senate is also the Chairperson of the Executive Committee of the Senate.

CHAPTER 6

MANAGEMENT COMMITTEE (MANCOM)

32. Functions and Powers

- (A) The Management Committee (MANCOM) assists the Vice-Chancellor and Principal in the management and administration of the University.
- (B) The Management Committee, under the leadership of the Vice-Chancellor and Principal:—
 - i. 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;
 - ii. ensures that the University complies with all relevant laws and regulations;
 - iii. performs such other functions as may be determined by the Statute and the Institutional Rules.

33. Composition

- (A) The Management Committee consists of:—
 - i. the Vice-Chancellor and Principal;
 - ii. the Deputy Vice-Chancellors;
 - iii. the Registrar;
 - iv. the Chief Financial Officer; and
 - v. an Executive Director or Executive Directors as determined by the Vice-Chancellor and Principal.
- (B) The Vice-Chancellor may invite persons, who are not members of the Management Committee, to attend in an advisory capacity as and when necessary.

34. Chairperson of the Management Committee

- (A) The Vice-Chancellor and Principal acts as chairperson at the meetings of the Management Committee.
- (B) In the absence of the Vice-Chancellor and Principal from any meeting of the Management Committee, the Acting Vice-Chancellor and Principal will chair the meeting or, in the absence of an Acting Vice-Chancellor and Principal, a member of the Management Committee designated by the Vice-Chancellor and Principal.

35. Secretary

- (A) The Registrar, or an employee designated by him or her, acts as secretary to the Management Committee.

36. Committees

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

37. Meetings and meeting procedures

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

CHAPTER 7**INSTITUTIONAL FORUM****38. Membership**

- (A) The Institutional Forum as contemplated in section 31(1) of the Act, consists of:
- i. two (2) representatives of the Management Committee appointed by the Management Committee;
 - ii. two (2) representatives of the Council, provided that such representatives may not be employees or student members of the University;
 - iii. two (2) academic representatives of the Senate nominated by the Senate;
 - iv. two (2) academic employees who are not members of the Senate, elected by the academic employees of the University;
 - v. two (2) employees elected from the employees other than academic employees of the University;
 - vi. one (1) representative per registered union at the University nominated by each union;
 - vii. the Director responsible for transformation;
 - viii. one (1) Member of Convocation who is not a student, employee, Senate or a Council member, in accordance with the Rules;
 - ix. Executive Director: Human Resources;
 - x. four (4) students nominated by the SRC of whom at least one (1) should be a postgraduate student; and
 - xi. two (2) members: one representing women elected by women (staff and students) and one representing persons with disabilities (staff and students).
- (B) Any member who fails to attend three consecutive meetings of the Institutional Forum will cease to be a member unless such continuation of membership is condoned by the Institutional Forum. Where a member has tendered apologies the Committee will exercise discretion on whether or not to condone continuation of membership.

39. Manner of election and term of office of representatives on the Institutional Forum

- (A) The manner of election of members of the Institutional Forum is determined by the Rules.
- (B) The term of office of members of the Institutional Forum contemplated in paragraph 38 (J) is one year.
- (C) The term of office of the other members of the Institutional Forum is three years.

40. Chairperson and Deputy Chairperson

- (A) The members of the Institutional Forum elect from amongst themselves a Chairperson and Deputy Chairperson who each holds office for a period of one year.
- (B) During the absence of the Chairperson, or in the event of the office of chairperson becoming vacant, the Deputy Chairperson acts as Acting Chairperson until the position is filled.
- (C) A person ceases to be a Chairperson if he or she ceases to be a member of the Institutional Forum or resigns from the office of Chairperson.
- (D) The manner of election of a Chairperson is determined by the Rules.

41. Functions of the Institutional Forum

- (A) The Institutional Forum is an advisory body established in terms of section 31 of the Act and advises the Council on:
- i. the implementation of the Act and National Policies on Higher Education;
 - ii. Race and Gender Equity policies;
 - iii. the selection of candidates for senior management positions;
 - iv. Codes of Conduct, Mediation and Dispute Resolution Procedures; and
 - v. the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and the creation of an appropriate environment for

- teaching, research and learning.
- (B)
 - i. 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 and Principal.
 - ii. If Council does not accept the Institutional Forum's advice, written reasons must be provided as prescribed by the Act.
 - (C)
 - i. The Institutional Forum must perform such additional functions as the Council may delegate or refer to it.
 - ii. The Council may, after consultation with the Institutional Forum, revoke or amend the extended mandate of the Institutional Forum as determined in subparagraph (C)(i).

42. A. Meetings of the Institutional Forum

- (A) The Chairperson must convene a meeting of the Institutional Forum at least twice in each semester. The dates for meetings are set out in the University Calendar.
- (B) 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.
- (C) A quorum consists of fifty per cent plus one of the total number of serving members (excluding vacancies) of the Institutional Forum.
- (D) 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.
- (E) 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.
- (F) 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.
- (G) 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.
- (H) The Chairperson or the Vice-Chancellor and Principal may convene an extraordinary meeting with four days' notice, stating the reason for the urgent meeting and the matter(s) for discussion.
- (I) 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.
- (J) No matter other than that of which notice had been given can be discussed at a meeting.
- (K) The Chairperson has a deliberative vote on every matter and, in the case of an equality of votes, also a casting vote;
- (L) Whenever the Chairperson so rules, voting must take place by means of a secret ballot.

42. B. Executive Committee of the Institutional Forum

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

- (B) The Executive Committee of the Institutional Forum is constituted as follows:
 - i. the Chairperson of the Institutional Forum;
 - ii. the Deputy Chairperson of the Institutional Forum;
 - iii. 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
 - iv. the secretary to the Institutional Forum.
- (C) 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.
- (D) The quorum for a meeting of the Executive Committee of the Institutional Forum is fifty per cent plus one of the serving members.
- (E) The term of office of the members referred to in subparagraph (B)(iii) will correspond with their respective terms of office as members of the Institutional Forum but may not exceed three years. Members may be reappointed.
- (F) A staff member designated by the Registrar, will be responsible for the administrative services that the Executive Committee may require.

42 C. Decision-making

- (A) 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 shall be deemed to have taken a decision on the advice to be provided to Council.
- (B) In the event the Institutional Forum members do not reach a decision as set out in subparagraph (A), 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 meeting and submit the summary to the Council.

CHAPTER 8

43. Students' Representative Council (SRC)

- (A) The SRC represents all students within the University. The SRC is not a legal entity separate from the University.
- (B) The SRC functions in terms of a Constitution approved by the Council as a set of Rules, which determines the manner of election, the term of office, the functions and the privileges of the SRC.

CHAPTER 9

OFFICE BEARERS

Vice-Chancellor and Principal

44. Powers, functions and duties

- (A) The Principal is also the Vice-Chancellor.
- (B) The Vice-Chancellor and Principal is accountable to the Council.
- (C) The Vice-Chancellor and Principal is the Chairperson of the Senate, and is an *ex officio* member of all Committees of the Council and the Senate, and of all joint Committees of the Council and the Senate.
- (D) The Vice-Chancellor and Principal is responsible for the day to day management and administration of the University and has all the powers necessary to perform these functions.
- (E) The Council may delegate additional duties, powers and privileges to the Vice-Chancellor and Principal to enable him or her to perform his or her functions.
- (F)
 - i. The Vice-Chancellor and Principal appoints an acting Vice-Chancellor and Principal for any period of absence of the Vice-Chancellor and Principal not exceeding 30 working days.
 - ii. If the period of absence of the Vice-Chancellor and Principal exceeds 30 working days, the Executive Committee of the Council appoints an acting Vice-Chancellor and Principal for the period concerned.
 - iii. If the Vice-Chancellor and Principal is unable to act and has not appointed an acting Vice-Chancellor and Principal in terms of subparagraph 44. (F) (i), the Executive Committee of the Council appoints an acting Vice-Chancellor and Principal for the period of absence of the Vice-Chancellor and Principal.
 - iv. An acting Vice-Chancellor and Principal has the same duties, functions, powers and responsibilities as the Vice-Chancellor and Principal and is accountable to the Council and the Vice-Chancellor and Principal provided the latter is not under suspension by Council.

45. Appointment of the Vice-Chancellor and Principal

The Council appoints the Vice-Chancellor and Principal in accordance with the Rules.

46. Discipline of the Vice-Chancellor and Principal

The Vice-Chancellor and Principal is subject to the Rules relating to staff discipline.

47. Term of office of the Vice-Chancellor and Principal

- (A) The term of office of the Vice-Chancellor and Principal is five (5) years, or any shorter period as may be determined by the Council.
- (B) The contract between the Council and the Vice-Chancellor and Principal must provide for a reasonable period of notice to be given should either wish to cancel the contract.
- (C) A person may be appointed for more than one term of office, provided that a Vice-Chancellor and Principal shall not serve for more than two consecutive terms of office.
- (D) If the office of Vice-Chancellor and Principal becomes vacant, the Council must proceed to appoint a successor in accordance with applicable rules.

48. The Registrar

- (A) The Registrar as contemplated in section 26(4)(b) of the Act is the secretary to the Council, and performs all the duties and functions assigned to the office by the Statute and the Rules. The Council may assign specific duties and responsibilities to the Registrar, and the Vice-Chancellor and Principal may entrust specific managerial, administrative and supervisory functions to the Registrar.
- (B) The Registrar is the compliance officer for the University and may participate in the discussions of the Council, the Senate, and the Convocation but may vote only in the Senate.
- (C) The Registrar is accountable to the Vice-Chancellor and Principal, and in respect of the duties and functions performed in respect of a particular body, to that body.
- (D) The Registrar, as Secretary to Council, acts as electoral officer at all meetings of the Council.
- (E) Registrar is the custodian of the records, documents and information pertaining to the matters of management and governance of the University.
 - i. 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. The Registrar ensures that all Members of the Council have access to the Council records.
 - ii. 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.
- (F) As compliance officer of the University, the Registrar has direct access to the Chairperson of Council as well as the Chairperson of the committee of Council responsible for audit and risk if he or she believes that a specific compliance matter in the University warrants it.
- (G) The Registrar submits 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.
- (H) 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.
- (I) The Vice-Chancellor and Principal may appoint any other employee to assist the secretary, and in the temporary absence of the Registrar, the Vice-Chancellor and Principal designates another suitable person to perform the functions of the office.

49. Deputy Vice-Chancellors

- (A) The Council appoints a Deputy Vice-Chancellor in the manner determined by the Council and recorded in the Rules and after consulting the Senate and the Institutional Forum.
- (B) The Council determines the powers, functions, duties and the term of office of a Deputy Vice-Chancellor.
- (C) Each Deputy Vice-Chancellor is by virtue of his or her office a member of the Senate.
- (D) A Deputy Vice-Chancellor is subject to the Rules for staff discipline.
- (E) If a Deputy Vice-Chancellor is unable for any reason to perform the functions of his or her office, or if his or her office becomes vacant, the Council must appoint a replacement.
- (F) If the office of Deputy Vice-Chancellor is vacant for six months or less, the Council may, on the recommendation of the Principal, appoint an acting Deputy Vice-Chancellor.
- (G) If the office of the Deputy Vice-Chancellor is vacant for more than six months, the Council must consult with the Senate before appointing an acting Deputy Vice-Chancellor.

50. Executive Deans of Faculty

- (A) In every faculty there is an Executive Dean who is responsible for the management and administration of the faculty.
- (B) The Council appoints an Executive Dean of Faculty in the manner determined by the Council and recorded in the Rules and after consulting the Senate and the Institutional Forum.
- (C) In the temporary absence of an Executive Dean, the Vice-Chancellor and Principal designates another suitable person to perform the functions of the office.
- (D) An Executive Dean is subject to the Rules for staff discipline.
- (E) If the office of an Executive Dean of Faculty is vacant for more than six months, the Council must first consult with the Senate before appointing an acting Executive Dean.

51. Executive Directors

- (A) The Council appoints an Executive Director in the manner determined by the Council and recorded in the Rules and after consulting the Institutional Forum.
- (B) The Council determines the powers, functions, duties and the term of office of an Executive Director.
- (C) An Executive Director is subject to the Rules for staff discipline.
- (D) If an Executive Director is unable for any reason to perform the functions of his or her office, or if his or her office becomes vacant, the Council will appoint a replacement.
- (E) If the office of an Executive Director is vacant, the Council may, on the recommendation of the Principal, appoint an Acting Executive Director.

CHAPTER 10**CONVOCATION****52. Members of the Convocation**

The Convocation consists of:

- a) the graduates and all holders of diplomas and certificates of the University;
- b) the Vice-Chancellor and Principal, Deputy Vice-Chancellors and the full-time academic staff of the University; and
- c) former full-time academic staff of the University who have left the service of the University on account of their having reached the retirement age if they are not members of the Convocation in terms of sub-paragraph (a).

53. Functions of the Convocation

The Convocation may discuss and state its opinion on any matter relating to the University, including matters which may be referred to it by the Council.

54. Roll of the Convocation

- (A) The Registrar keeps the roll of the Convocation.
- (B) Every member of the Convocation must notify the Registrar of his or her address and of any change of address.

55. President of the Convocation

- (A) The President of the Convocation, who must be elected by the Convocation from amongst its own members, holds office for two years.
- (B) The President of the Convocation may not be a full-time employee of the University.
- (C) The President must be elected at a Meeting of the Convocation by secret ballot and by a majority of the members present.
- (D) The Vice-Chancellor and Principal must act for the duration of the election of a President as Acting President.
- (E) Should the President for any reason vacate his or her office prior to the expiry of his or her term of office, the Convocation must elect a successor in accordance with the provisions of sub-paragraph (3).

56. Meetings of the Convocation

- (A) There must be an annual general meeting of the Convocation.
- (B) Special general meetings of the Convocation:
 - i. may be called by the president at his or her own instance; or
 - ii. must be called by the president, or in his or her absence by the Registrar, when a written request for a special meeting, stating the object of the meeting, is received by the President, or the Registrar, signed by at least 15 members of the Convocation.
- (C) The Registrar must give notice in a form to be decided by the President of the date, time and place of the annual general meeting of the Convocation to each member of the Convocation at least 10 weeks before the date of the meeting and must include in this notice:
 - i. the date by which notice of the motion/s to be considered at the meeting must be received by him or her; and
 - ii. details as to when and how the agenda for the meeting is to be published in a form and the manner of publication to be decided by the President, or failing that, by the Vice-Chancellor and Principal.
- (D) The Registrar must give notice of the date, time and place of any special general meeting at least five days before the date of the meeting in a form and manner decided by the President, or failing that by the Vice-Chancellor and Principal; this must include:
 - i. a prominent notice in at least one Gauteng daily newspaper; and
 - ii. a notice on the University's home page on the World Wide Web.

57. Executive Committee of the Convocation

- (A) The Executive Committee of the Convocation supports the realisation of the functions of the Convocation and ensures the furtherance of the aims and objectives thereof.
- (B) The Executive Committee of Convocation consists of:
 - i. The President of the Convocation, who serves as Chairperson;
 - ii. the Deputy President of the Convocation;
 - iii. the Deputy Vice-Chancellor dealing with external relations and partnerships;
 - iv. one full-time academic staff member designated by the Convocation; and
 - v. one member elected by the Convocation from amongst its members.
- (C) The Registrar serves as secretary of the Executive Committee of the Convocation.
- (D) The Executive Committee of the Convocation shall hold meetings at least twice a year.

CHAPTER 11**EMPLOYEES****58. Appointment of employees**

Subject to section 34 of the Act, the Council and its delegates appoint employees in accordance with the staffing policy of the University, approved by Council.

CHAPTER 12**STUDENTS****59. Admission and registration**

- (A) The requirements for admission of a student to a particular academic programme are set out in the Admissions Policy of the University.
- (B) A person is registered as a student of the University only if he or she meets the admission requirements contemplated in sub-paragraph (A).
- (C) A student is registered for one year or for such shorter period as may be determined by the Council in general or in a particular case.
- (D) During the period contemplated in sub-paragraph (C), a student is subject to the Rules applicable to his or her study and such other conditions as determined by the Council and set out in the Rules.

60. Student discipline

- (A) The disciplinary procedures applicable to students are determined by the Council after consultation with the Students' Representative Council (SRC) and the Senate, and set out in the applicable Rules of the University.
- (B) Each of the disciplinary bodies, as determined by the Rules of the University, submit an Annual Report to the Council, listing the offences and the penalties imposed by it.

CHAPTER 13**61. Academic Functions of the University**

- (A) Subject to section 32(2)(b) of the Act, the academic functions of the University, including the studies, instruction and examination/assessment of students and research, are to be determined by the Council with the concurrence of the Senate.
- (B) The provisions as contemplated in sub-paragraph (A) are contained in the Rules of the University and published in the prospectus.

CHAPTER 14

62. Conferment of Qualifications

- (A) Subject to section 7 of the Act, the University may confer the degrees, diplomas and certificates as approved by the Council.
- (B) The degrees, diplomas and certificates contemplated in sub-paragraph (1) are contained in the Rules of the University and published in the prospectus of the University.
- (C) A meeting of the University, referred to as the congregation, is held at least once a year for the purposes of conferring degrees, awarding diplomas and certificates, provided that different congregations may be held at different times and places if deemed necessary.
- (D) A qualification contemplated in sub-paragraph (C) may only be conferred if the Vice-Chancellor and Principal and Registrar certify that all the prescribed requirements of the qualification have been met.
- (E) A congregation is presided over by the Chancellor or, in his or her absence, the Vice-Chancellor and Principal, or if both are absent, by the Deputy Vice-Chancellor designated by the Vice-Chancellor and Principal.
- (F) The Vice-Chancellor and Principal, after consultation with the Management Committee, determines:
 - i. the number of congregations to be held during the year concerned;
 - ii. the times and places of such congregations; and
 - iii. at which congregations the relevant qualifications are to be conferred or awarded.
- (G) The Registrar, after consultation with the Executive Committee of the Senate and the relevant administrative departments, determines the policies and procedures applicable to a congregation.
- (H) The Council, in consultation with the Senate, may withdraw and/or revoke any degree, diploma or certificate or other qualification that was awarded:
 - i. On the basis of a material error on the part of the University, provided that such withdrawal or revocation may take place within two years of the conferment concerned; and
 - ii. As a result of a fraudulent or dishonest act in connection with the obtaining of such degree, diploma, certificate or other qualification.
- (I) The provisions and procedures governing a withdrawal or revocation as outlined in (H) above are contained in the Institutional Rules.

CHAPTER 15

63. Conferment of honorary degrees and honorary professorship

- (A) Subject to sub-paragraph (B), by resolution of Council and Senate and without examination, the University may confer an honorary degree of doctor or title of professor to a person who satisfies one or more of the following criteria:
 - i. having made a substantial contribution or a series of contributions to any branch of learning or technology; or
 - ii. having rendered service of excellence in the interest of the community in the fields including but not limited to, statesmanship, culture, society, politics, education, economics and arts.
- (B) A person's record should be of such a nature that the conferring of honorary doctorate or professorship would bring credit to the University and would not be at variance with the University's vision, mission or value statement.
- (C) The criteria and procedures for conferring an honorary doctorate and professorship are contained in the Rules of the University.
- (D) No holder of an honorary degree shall, on the basis of the honorary degree on its own, be entitled to practice any profession.

CHAPTER 16**GENERAL PROVISIONS****64. Transitional provisions**

- (A) An act performed before this Statute came into operation, is deemed to have been done under the corresponding provision of this Statute.
- (B) Persons holding office and the Rules which existed prior to the commencement of this Statute are deemed to hold office and to exist under the corresponding provisions of this Statute, unless this is inconsistent with this Statute.
- (C) Notwithstanding sub-paragraph (A), any body of the University which existed immediately prior to the publication of this Statute continues to exist and function in terms of this Statute until the day prior to the day when each new structure, reconstituted in terms of this Statute, becomes functional.
- (D) Subject to sub-paragraph (B), the existing Rules which are in force prior to the commencement of this Statute continue to apply until replaced.
- (E) The terms of office of all members of the Council, other than *ex officio* members, who hold office at the date of publication of this Statute are deemed to come to an end on the date of the second meeting of the Council after the date of promulgation of the Statute.
- (F) The Registrar must cause elections to be held, and invite the appointing authorities to make appointments, in order that the new Council constituted in terms of the new provisions takes office on a day following the date contemplated in sub-paragraph (E) above.
- (G) At the inception of the newly constituted Council, Council must ensure the development of a provisional Code of Conduct for members, to be finalised once consulted with the Institutional Forum. Such a provisional Code of Conduct has the same force as a substantive Code of Conduct and should not stay provisional for more than 2 initial meetings of the Council.