

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 626

16 July 2021

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

AMENDED INSTITUTIONAL STATUTE OF THE UNIVERSITY OF MPUMALANGA

I, Dr Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997) hereby publish the amended Institutional Statute of the University of Mpumalanga set out in the Schedule hereto, which comes into operation on date of publication hereof.



Dr BE Nzimande, MP

Minister of Higher Education, Science and Innovation

Date: 22/06/2021

AMENDMENTS TO THE STATUTE OF THE UNIVERSITY OF MPUMALANGA

The council of the University of Mpumalanga has made amendments to the Statute, set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act 1997(Act No. 101 of 1997) which is hereby published with the approval of the Minister of Higher Education, Science and Innovation in terms of section 33 of the said Act, and comes into operation on the date of this publication.

SCHEDULE

General explanatory note:

[] words in bold in square brackets indicate omissions from existing enactments.
_____ Words underlined with a solid line indicate insertions in existing enactments.

1. In this schedule the expression “the Statute “means the Statute of the University of Mpumalanga as published under Government Gazette No. 40216, Government Notice No. 922 of 19 August 2016.

2. Substitute paragraph 2(3) with the following paragraph:

2. Name, seat and powers

(3) “The street address of the second campus of the University is: Bheki Mfundo Drive, **[0472]** Siyabuswa, 0474, South Africa”.

3. Insert the following paragraph as paragraph 8A:

8A. Re-appointment of the Chancellor

- (1) At least seven days before the date of the meeting of Council, the secretary to the Council must give due notice to every member of the Council of the intention to consider the re-appointment of the Chancellor for a second term.
- (2) The Chancellor must be re-appointed to the office of Chancellor at a meeting of Council by a majority of the members of the Council.
- (3) The consideration for re-appointment must be by secret ballot.

4. Substitute paragraph 18(1) with the following paragraph

18. Composition

- (1) The Council consists of -
 - (a) the Vice-Chancellor;
 - (b) not more than three Deputy Vice-Chancellors;
 - (c) two members of the Senate, elected by the Senate;
 - (d) one academic employee, other than a member of the Senate, elected by the academic employees;
 - (e) one employee representing administrative and support staff who is not a member of the Senate, elected by the administrative and support staff;
 - (f) two student members elected by the SRC from their ranks, representative of the campuses of the University;

- (g) five persons appointed by the Minister in accordance with section 27(4)(c) of the Act;
- (h) the President of the Convocation and one additional member of the Convocation elected by the Convocation provided that both representatives are neither employees nor students of the University;
- (i) **[three] two persons [preferably with due regard to appropriate representation of the municipalities within the Mbombela and the Siyabuswa Campuses of the University are situated of the] to be nominated by the Premier of the Province of Mpumalanga.**
- [(j)] [two donors of the University]**
- [(k)] (i) not more than [six] nine persons with a broad spectrum of knowledge and experience in fields relevant to the objectives and governance of the University, appointed by the Council [on the basis of their experience and expertise with due regard to the regional interest of the University; and]**
- [(k)] (k) The Chairperson of the Institutional Forum.**

6. Substitute Paragraphs 20(5) to 20(9) with the following:

- [(5) The election of the Council members from the ranks of the University's donors must take place in accordance with paragraph 56 of this Statute.]**
- [(6)] (5) The members of the Council who are appointed to the Council on the basis of their expertise and experience must be appointed by means of the following process controlled and supervised by the Registrar:**
 - (a) The Registrar must place an advertisement in three national newspapers and on the University's website, inviting organisations, interest groups and individuals to nominate persons with expertise and experience, as determined by the Council, to serve on the Council, provided that the media invitation must include an invitation in at least one national newspaper circulating in the Mpumalanga Province, and provided further that if a particular round of advertisements has, in the opinion of the Council, not elicited a satisfactory response, the process may be repeated.
 - (b) The Executive Committee of the Council must, with the assistance of the Registrar, draw up a list of the most suitable nominees for recommendation to the Council, provided that the names of all nominees will be tabled at the Council meeting.
 - (c) The required number of members of the Council must be elected at an ordinary or an extraordinary meeting of Council from the ranks of the nominees, after taking into consideration the recommendations of the Executive Committee of the Council.
- [(7)] (6) Apart from the President of the Convocation, the election of one additional member from the ranks of the members of the Convocation who is to serve on the Council must take place in accordance with the procedure prescribed in paragraph 52 of this Statute.**
- [(8)] (7) The process for the appointment of Council members as contemplated in paragraphs 18(1)(c) to 18(1)(e), 18(1)(g) to 18(1)(k), must be facilitated by the Registrar in his or her capacity as secretary to the Council and the Senate.**
- [(9)] (8) In the event of the Council appointing more than three Deputy Vice-Chancellors, the Deputy Vice-Chancellors serving on the Council must be appointed by the [Vice-Chancellor] Council from the ranks of the Deputy Vice-Chancellors. The [Vice-Chancellor] Council may revise the appointments from time to time as necessary.**

7. Substitute Paragraph 24 (1) with the following paragraph:

24. Executive Committee of the Council

(1) The Council must establish a Committee known as the Executive Committee of the Council, which consists of –

- (a) the Chairperson of the Council;
- (b) the Deputy Chairperson of the Council;
- (c) the Vice-Chancellor;

[(d) Four members of the Council, one of whom should be representative of the Senate on the Council and three of whom should be members other than employees or students].

(d) Chairpersons of the Committees of Council

(e) one representative of Senate on Council

8. Substitute 27 with the following paragraph:

27. Committees

(1) Apart from the Executive Committee of the Council as contemplated in paragraph 24, the Council may establish any other committee as well as joint Council and Senate committees.

(2) The Council is obliged to at least establish the following committees to advise the Executive Committee of the Council and the Council on the responsibilities of the Council: -

(a) Human Resources Committee

[(a) committee(s) dealing with the provision and planning of human resources, performance management and retention of staff, as well as the remuneration of staff and members of Council,

(b) Governance, Finance and Investment Committee

(b) committee(s) dealing with the provision and planning of financial resources, including compliance with audit, risk and investment regulations and governance principles,

(c) Facilities Planning and Infrastructure Committee

(c) committee(s) dealing with the provision and planning of physical resources and infrastructure.]

(d) Audit, Risk and IT Governance Committee

(e) Remuneration Committee

(f) Nominations Committee

(g) Strategy Committee

[(d)] (h) Any other committee the Council may deem necessary.

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

(4) Committees of the Council or joint committees of the Council and the Senate decide on matters within their mandates by a majority vote of the members present at a meeting, provided that the quorum for the meeting will be fifty per cent plus one of the members appointed to the committee.

- (4) The Council may appoint not more than 2 (two) persons who are not members of the Council [or the Senate to committees] as members of the Committee of the Council on account of their special skills and expertise on a specific area that the Committee may be lacking in- depth knowledge in or seeks professional advice on, provided that such persons do not account for the majority of the membership of the Committee.
- (5) The Council may, if deemed expedient for the effective and efficient functioning of the Council appoint Committees other than the Committees contemplated in sub-para 27 (6) and ad-hoc committees of Council.
- (6) The meeting Procedures of the Council as determined by the Rules apply with the necessary changes to the Committees of Council.

9. Substitute Paragraph 55 with the following paragraph

55. [Qualification as donor] Recognition

- [(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, must be deemed to be a donor, provided that if a donation is made by a juristic person, the representative of such juristic person must represent the donor as applicable and provided further that only donors who have donated more than the minimum amount as contemplated in subparagraph 55(2) must for a period of five years be entitled to elect two members of Council.**
- (2) The donation referred to in subparagraph 55(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, must not be less than an amount or valued at not less than an amount fixed from time to time by the Council.]**
The University recognises and registers all bodies or persons who donate to the University.

10. Paragraph 56 is hereby deleted:

[56. Election of representatives of donors to the Council

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

11. The following headings are substituted as follows:

CHAPTER 9 EMPLOYEES

- [57.] 56. Appointment
- [58.] 57. Conditions of employment
- [59.] 58. Evaluation
- [60.] 59. Employee discipline
- [61.] 60. Representative employee organisations

CHAPTER 10 STUDENTS

- [62.] 61. Admission and registration of students
- [63.] 62. Student organisations and activities
- [64.] 63. Student Representative Council (SRC)

12. Insert the following paragraph as Paragraph 64:

64. Student Support Services Council

- (1) In accordance with Section 27(3) of the Act, the Council establishes a structure known as the Student Support Services Council to advise the Council on policies for Student Services within the University.
- (2) The Student Support Services Council advises the Council on policies related to the rendering of support services to Students of the University, including policies on financial aid services, health, sports programs, housing facilities and student governance and development.
- (3) The Student Support Services Council advises the Council on policies contemplated in paragraph (1) after consultation with the internal structures as indicated in the Rules.
- (4) The composition, office-bearers, meetings and meeting procedures are determined in the Rules.