

## DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 1582

10 December 2021

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

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 Mangosuthu University of Technology 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:** 05/11/2021



## **INSTITUTIONAL STATUTE as amended**

The Council of Mangosuthu University of Technology has, after consultation with Senate, made the Statute set out in the schedule to this notice, in accordance with Section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which after submission to and approval by the Minister, in terms of provisions of Section 33 of the said Act, is hereby published by Gazette and comes into operation on the date of its publication.

### **SCHEDULE**

To introduce the amended Statute for Mangosuthu University of Technology to give effect to the Higher Education Act, 101 of 1997, as amended and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.



## Statute of Mangosuthu University of Technology

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**Statute of Mangosuthu University of Technology****PREAMBLE**

Whereas it is the vision of Mangosuthu University of Technology (MUT) to be a pre-eminent academic institution through the scholarships of teaching, learning, applied research, community engagement and technology transfer, and is desirous of addressing the challenges in society through partnerships with the community and industry;

And whereas it is necessary to provide the regulation of Mangosuthu University of Technology in the manner that the Higher Education Act, 1997 (Act No 101 of 1997, as amended) requires;

The Council of Mangosuthu University of Technology, has developed this Statute to regulate its governance.



## Statute of Mangosuthu University of Technology

### 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 by Council after consultation with the Senate or a committee mandated by Senate to a teaching or research post at the University and any other employee designated as such by Council;

“Administrative and support employee” means any person appointed by the Council to perform an administrative or support function, other than academic employees;

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

“Chancellor” means the titular head of MUT, with functions contemplated in subparagraph 6 of this Statute;

“Charter” means a set of approved Rules describing the composition, mandate and functioning of a committee of Council, Senate or any other statutory structure;

“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 in accordance with subparagraph 51 of this Statute;

“Council” means the governing body of the University contemplated in Section 27(4) of the Act and composed in accordance with subparagraph 13.1 of this Statute;

“Day” means a calendar day;

“Departmental manager(s)” means a senior manager who is reporting to an executive head, is responsible for managing resources and outputs and other persons as may be determined by the Executive Management Committee and as approved by Council;

“Donor” means a natural or juristic person, who has made a donation which, in the opinion of Council warrants that person’s recognition as a donor, as contemplated in subparagraph 59 of this Statute;

“Employee” means an academic or an administrative or a support staff member appointed by the Council in terms of its policies, rules and conditions of service;

“Employer” means Council of the University as contemplated in Section 34(1) (1) of the Act;

“Executive head” means a senior manager responsible for managing a portfolio of departments and reports to the Vice-Chancellor;





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“Executive management committee” means a committee composed in accordance with subparagraph 10.1 of this Statute;

“Functions” includes powers and duties or such delegated or mandated powers and duties by a competent authority;

“Graduate” means a person who has obtained a qualification of an institution;

“Institutional Forum” means the body contemplated in Section 31 of the Act and composed in accordance with subparagraph 37 of this Statute;

“Minister” means the Minister responsible for Higher Education;

“Office bearer” means a functionary provided for in the Act, including the Chancellor, Vice-Chancellor, the Deputy Vice-Chancellor(s) and the Registrar or as may be determined by Council;

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

“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;

“Representative employee organisation” means an employee organisation which is recognised by Council and is registered in accordance with the Labour Relations Act, 1995 (Act 66 of 1995), as amended;

“Rules” means the Institutional Rules of the University contemplated in Section 32 of the Act and approved by Council;

“Senate” means the body contemplated in Section 28 of the Act and composed in accordance with subparagraph 25 of this Statute;

“Senior manager(s)” means a management employee who either is an executive head or their direct report;

“Student Representative Council (SRC)” means the body contemplated in Section 35 of the Act and composed in accordance with subparagraph 47 of this Statute;

“Student” means any person registered at the University for full-time or part-time studies. Such registration is valid for one year;

“University” means Mangosuthu University of Technology (abbreviated as MUT).



## Statute of Mangosuthu University of Technology

### Chapter 1 - THE UNIVERSITY

#### 1 Name, seat and powers

- a. The name of the University is Mangosuthu University of Technology.
- b. Mangosuthu University of Technology is a university established in terms of the Act and is a juristic person as contemplated in Section 20(4) of the Act.
- c. The University has its seat at No. 511 Griffiths Mxenge Highway, Umlazi, Durban, KwaZulu-Natal, 4001, in accordance with Section 65A of the Act.
- d. The University may confer degrees and honorary degrees and award diplomas and certificates in its own name subject to this institutional statute and Sections 65B and 65C of the Act.
- e. The Council may, in consultation with the Senate, withdraw and revoke any degree, diploma, certificate or other qualification that was awarded as contemplated in Section 65BA of the Act.
- f. 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.

#### 2 Language policy

- a. The language of tuition of the University is English, except where a particular language is taught, in which event that language is also used.
- b. The languages of communication of the University are English and isiZulu depending on the nature of communication and practicality.
- c. The University is committed to promoting multilingualism and the academic development of the official languages of South Africa through its programmes.

#### 3 Composition of the university

- a. The University consists of the following:
  - i. All its property, plant, equipment and assets;
  - ii. Chancellor;
  - iii. Vice-Chancellor;
  - iv. Deputy Vice-Chancellor(s);
  - v. Registrar;
  - vi. Academic employees;
  - vii. Administrative and support employees; and
  - viii. Students.



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- b. The University has the following bodies and structures:
  - i. Council and its committees;
  - ii. Senate and its committees;
  - iii. Convocation;
  - iv. Student Representative Council;
  - v. Institutional Forum;
  - vi. Such faculties, academic departments, centres, institutes and units as well as support services as Council may establish; and
  - vii. Such other structures that the Council may deem necessary.
- c. No vacancy in any of the offices contemplated in subparagraph 3 (a) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph 3 (b) impairs or affects the existence of the University as a juristic person or any function conferred by the Act or this Statute upon the University, 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, further provided a meeting cannot lose its quorum once constituted.

**4 University Promise**

- a. Council is the ultimate custodian of the university brand, its good name and reputation and shall do everything to ensure that it is a university and partner of choice for students, alumni, staff and stakeholders.

**5 University Crest**

- a. Council shall approve the crest and the university colours.

**Statute of Mangosuthu University of Technology****Chapter 2 - OFFICE BEARERS****6 The Chancellor****6.1 Functions of the Chancellor**

- a. The Chancellor is the titular head of the University, and shall exercise no executive powers.
- b. The Chancellor must at all times embody the aspirations of the University and actively advance the interests of the University.
- c. The Chancellor shall confer all degrees and award all diplomas and certificates in the name of the University.
- d. In the absence of the Chancellor, the Vice-Chancellor or in his or her absence, any of the Deputy Vice-Chancellors, who may act on behalf of the Chancellor at all congregations of the University, confers all degrees and awards all diplomas and certificates in the name of the University.
- e. The Chancellor performs such other functions as are assigned to him or her by Council.

**6.2 Election and appointment of the Chancellor**

The Chancellor is elected by Council in the following manner:

- a. The Chairperson of Council determines the date on which a meeting of Council is to be held for the purpose of electing a Chancellor;
- b. The meeting contemplated in subparagraph 6.2(a) above must be constituted in accordance with Council meeting procedures in subparagraph 23.4 of this Statute;
- c. The Secretary to Council gives due notice to the members of Council of the date, time of and venue for the meeting contemplated in subparagraph 6.2(a);
- d. The Secretary to Council invites the members of Council and the members of the Institutional Forum to submit nominations for the office of the Chancellor;
- e. The nominations contemplated in subparagraph 6.2(d) must be in writing and must include the nominees' written consent and complete Curriculum Vitae;
- f. The nominations contemplated in subparagraph 6.2(d) must reach the Secretary to Council at least twenty-eight days before the meeting contemplated in subparagraph 6.2(a);
- g. The Secretary to Council must, within seven days after the closing date for nominations, inform members of Council and the Institutional Forum in writing of the nominations received;
- h. A special meeting of the Institutional Forum must be held before the meeting contemplated in subparagraph 6.2(a) for purposes of considering the nominations and advising Council on the appointment of a candidate to the office of Chancellor;
- i. The Chancellor is elected by a majority of the members present at the meeting contemplated in subparagraph 6.2(a) through a secret ballot;
- j. If no candidate receives a majority of votes, successive rounds of voting are held;

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- k. In each successive round of voting, the candidate receiving the fewest votes is eliminated as a candidate. The Chairperson shall have a casting and deliberative vote. In a case of equality of votes, the Chairperson of Council has a casting vote; and
- l. After Council has elected a Chancellor, the name of the Chancellor is announced by the Chairperson of Council.

**6.3 Term of office of the Chancellor**

- a. The Chancellor holds office for a period of four years.
- b. The Chancellor may be re-elected, provided that a person may not serve as a Chancellor for more than two consecutive terms of office.
- c. If the Chancellor is unable, for any reason, to perform the functions of his or her office, or if the office of Chancellor becomes vacant, the Vice-Chancellor and Principal or the Acting Principal performs the functions of the Chancellor.
- d. The term of office of the Chancellor terminates in the event of:
  - i. Death or incapacity;
  - ii. Resignation,
  - iii. Removal from office by Council;
  - iv. Imprisonment without the option of a fine;
  - v. Conviction by a court of law for crimes that may bring the university into disrepute; or
  - vi. Expiry of the term of office.
- e. The Chancellor may only be removed from office by Council by means of a resolution passed by at least two-thirds of the members of 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 therefore, and the Chancellor must be provided with a reasonable opportunity to present his or her case.
- f. If the office of the Chancellor becomes vacant, the Council must, as soon as possible, elect a new Chancellor in accordance with the procedures prescribed in this Statute or such Institutional Rules.

**7 The Vice-Chancellor and Principal****7.1 Appointment of the Vice-Chancellor and Principal**

- a. The Council appoints the Vice-Chancellor and Principal in accordance with the rules, after consultation with Senate and taking into consideration the advice of the Institutional Forum.
- b. The advertising of the post, the invitation for the nomination of candidates, the search for suitable candidates, the criteria for the shortlisting of candidates, and the interviewing and appointment processes are accomplished in a manner determined by Council.

**7.2 Terms of appointment of the Vice-Chancellor and Principal**

- a. A Vice-Chancellor is appointed for an initial term of not more than five years.



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- b. A Vice-Chancellor may be appointed for an additional term of office of not more than five years, as determined by Council, following a review process as contemplated in the Rules and after consultation with Senate and the Institutional Forum.

### 7.3 Duties and Accountability

- a. The Vice-Chancellor and Principal is:
  - i. The chief executive and accounting officer of the University;
  - ii. The legal, administrative and academic head of the University; and
  - iii. Responsible for the day-to-day management and administration of the University.
- b. The Vice-Chancellor is accountable for the performance and execution of his/her duties and functions to Council and thus reports to it.
- c. The Council shall delegate to the Vice-Chancellor all the powers necessary to perform his or her duties.
- d. The Vice-Chancellor and Principal is an ex-officio member of all the committees of Council and Senate, unless otherwise provided for in the Statute or the Institutional Rules.
- e. 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.
- f. The Vice-Chancellor has a responsibility to advise the University community and stakeholders on the activities and performance of the University.

### 7.4 Relinquishing of office

- a. The 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:
  - i. Serious misconduct;
  - ii. Operational requirements;
  - iii. Incapacity;
  - iv. Persistent poor performance; and
  - v. Any other reason sufficient in law.

### 7.5 Appointment of an Acting Vice-Chancellor

- a. An Acting Vice-Chancellor shall be appointed only from one of the Deputy-Vice-Chancellors unless in exceptional circumstances approved by Council.
- b. Procedure for the appointment of the Acting Vice-Chancellor shall be in accordance with the Institutional Rules approved by Council.
- c. An Acting Vice-Chancellor may exercise and perform all the powers, functions and duties of the substantive Vice-Chancellor unless limited by specific directive of the Chairperson of Council as the case may be.

### 7.6 Filling of vacancy in the office of the Vice Chancellor and Principal

- a. If the office of the Vice-Chancellor becomes vacant for whatever reason, the Council must appoint an Acting Vice-Chancellor, as provided for in 7.5(a), in accordance with

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the Institutional Rules and after consulting with Senate and the Institutional Forum, to act as Vice-Chancellor until the position of a Vice-Chancellor is filled.

- b. A successor must be appointed not later than a year after the vacancy arose.
- c. A person(s) may not act as an Acting Vice-Chancellor for a continuous or cumulative period of 12 months.

**8 Deputy Vice Chancellor(s)****8.1 Appointment of the Deputy Vice-Chancellors**

- a. The Council must appoint a Deputy Vice-Chancellor(s) after complying with the procedures set out in the Statute and the Institutional Rules after consultation with the Vice-Chancellor, the Senate and the Institutional Forum.
- b. A person considered for appointment as a Deputy Vice-Chancellor should not be ineligible or disqualified in accordance with the criteria set for a Vice-Chancellor in the Statute and the Institutional Rules, wherever provided.

**8.2 Terms of appointment of Deputy Vice-Chancellors**

- a. The terms of appointment of Deputy Vice-Chancellors must be determined by Council, on the recommendation of the Vice-Chancellor.
- b. A Deputy Vice-Chancellor is appointed for an initial term of not more than five years, renewable for not more than a further term of five years.
- c. A Deputy Vice-Chancellor is eligible for re-appointment in accordance with the rules in line with a performance based contract of employment.

**8.3 Duties and Accountability**

- a. 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.
- b. Unless, determined otherwise by the Council, the Deputy Vice-Chancellor(s) are, members of all the committees of the Senate.

**8.4 Relinquishing of office**

- a. 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 two-thirds of all members of the Council (excluding any vacancies on Council that may exist) on any or all of the following grounds:
  - i. Serious misconduct;
  - ii. Operational requirements;
  - iii. Incapacity;
  - iv. Persistent poor performance;
  - v. Any other reason sufficient in law.

**8.5 Appointment of an Acting Deputy Vice-Chancellor**

- a. Procedure for the appointment of the acting Vice-Chancellor shall be in accordance with the institutional rules approved by Council.



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- b. An Acting Deputy Vice-Chancellor has the same duties, functions, powers and responsibilities as a substantive Deputy Vice-Chancellor unless determined otherwise by Council at the recommendation of the Vice-Chancellor.

### **8.6 Filling of vacancies of Deputy Vice-Chancellors**

- a. 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 8.2.
- b. In the event of a vacancy for any other reason, the Registrar must bring the notice in the manner determined in subparagraph 8.6(a).

## **9 The Registrar**

### **9.1 Appointment of the Registrar**

- a. The Council must appoint a Registrar in compliance with the procedures set out in the Statute and the Institutional Rules after consultation with the Senate and the advice of the Institutional Forum.

### **9.2 Terms of appointment of the Registrar**

- a. The terms of appointment of the Registrar must be determined by Council, on the recommendation of the Vice-Chancellor.
- b. A Registrar is appointed for an initial term of not more than five years, renewable for not more than a further term of five years.
- c. A Registrar is eligible for re-appointment in accordance with the rules in line with the performance-based contract of employment.

### **9.3 Duties and Accountability**

- a. The Registrar is accountable to the Vice-Chancellor and is responsible for assisting the Vice-Chancellor in the academic administration of the University.
- b. The Registrar is the Secretary to Council as contemplated in Section 26 of the Act.
- c. The Registrar is the electoral officer for all statutory bodies at the University.
- d. The Registrar attends all meetings and keeps all records of Council.

### **9.4 Relinquishing of office of the Registrar**

- a. The Council may, after following due process as set out in the Institutional Rules, discharge the Registrar from office by a vote with the support of two-thirds of all members of the Council (excluding any vacancies on Council that may exist) on any or all of the following grounds:
  - i. Serious misconduct;
  - ii. Operational requirements;
  - iii. Incapacity;
  - iv. Persistent poor performance; and/or
  - v. Any other reason sufficient in law.





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**Statute of Mangosuthu University of Technology****9.5 Appointment of an acting Registrar**

- a. Procedure for the appointment of an acting Registrar shall be in accordance with the Institutional Rules approved by Council.
- b. An Acting Registrar has the same duties, functions, powers and responsibilities as a substantive Registrar unless determined otherwise by Council at the recommendation of the Vice-Chancellor.

**Statute of Mangosuthu University of Technology****Chapter 3 – MANAGEMENT COMMITTEES****10 Executive Management Committee****10.1 Composition**

- a. The Executive Management Committee (EMC) consists of the following members drawn from executive and senior managers:
  - i. Vice-Chancellor and Principal;
  - ii. Deputy Vice-Chancellors;
  - iii. Registrar; and
  - iv. Such other executive and senior managers as may be approved by Council on the recommendation of the Vice-Chancellor and Principal.
- b. The executives in 10.1 (a) (i) to (iii) shall be the voting members of EMC.
- c. The Vice-Chancellor may invite persons, who are not members of the EMC, to attend in an advisory capacity as and when necessary.

**10.2 Functions and Powers**

- a. The EMC assists the Vice-Chancellor and Principal in the management and administration of the University.
- b. The Vice-Chancellor shall develop a schedule of delegated authorities for the EMC as a body and also for the individual executive and senior managers.
- c. The EMC under the leadership of the Vice-Chancellor:
  - i. Integrates the management processes of the university;
  - ii. 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;
  - iii. Ensures that the University complies with all the relevant laws and regulations; and
  - iv. Performs such other functions as may be determined by the Statute and the Institutional Rules.

**10.3 Chairperson and Acting Chairperson of the EMC**

- a. The Vice-Chancellor acts as chairperson at the meetings of the EMC.
- b. In the absence of the Vice-Chancellor from any meeting of the EMC, the Acting Vice-Chancellor (selected amongst the Deputy Vice-Chancellors) will chair the meeting, or in the absence of the Deputy Vice-Chancellors, a member of the EMC designated by the Vice-Chancellor.

**10.4 Secretary of the EMC**

- a. The Registrar, or an employee designated by him or her, acts as secretary to the EMC.

**10.5 Rules and meetings and procedures of the EMC**

- a. The Institutional Rules as approved by Council determine the provisions regarding the meetings, meeting procedures and attendance of management meetings, dissolution



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of a committee contemplated in subparagraphs 10.6 (a) to 10.7 (b) as well as all other matters relating to the activities of these management subcommittees are determined by the Institutional Rules.

**10.6 Subcommittees of the EMC**

- a. The EMC may establish subcommittees to perform any of its functions.
- b. The composition, functions and powers of any management subcommittee shall be defined in its own Charter as approved by the EMC.
- c. The composition, functions, meeting procedures, attendance of meetings, dissolution of a committee contemplated in subparagraphs 10.6 (a) to 10.7 (b) as well as other matters relating to the activities of these management subcommittees are determined by the Institutional Rules.

**Statute of Mangosuthu University of Technology****Chapter 4 - COUNCIL****11 Powers and Functions of Council**

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.

**12 Council's responsibilities**

The Council's responsibilities include:

- a. 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.
- b. 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;

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- c. approving the University's annual budget;
- d. entering into financial agreements and agreements for the construction of buildings in accordance with Sections 40(2) and (3) of the Act;
- e. 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;
- f. 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.
- g. 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;
- h. 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.
- i. 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.
- j. 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.
- k. 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 structure of the University, except for the powers set out in Section 68(2) of the Act.
  - i. 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;
  - ii. The delegation shall be in writing.
- l. The Council remains responsible and accountable for the performance and outcome of any delegated function.



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- m. Council shall adopt a framework governing fees for preparing for, and attending of Council and Council Committee meetings or engagements.
- n. Council shall adopt a code of conduct to guide the contribution, behaviour and conduct of members of Council as provided for in Section 27(7e) (a) of the Act and subparagraph 21(b) of this Statute.
- o. Council must conduct a periodic external and internal performance assessment of all its structures and officers as provided for in the Rules.
- p. Council approves the titles of all senior management positions in the university.

### **13 Composition of Council**

#### **13.1 Membership**

Council, as contemplated in Section 27 of the Act, consists of members as follows:

- a. Internal members
  - i. The Vice-Chancellor and Principal;
  - ii. Not more than two of the Deputy Vice-Chancellor(s) rotated annually by the Vice-Chancellor with the approval of Council;
  - iii. Two members elected by the Senate;
  - iv. Two members elected by the permanent academic employees of the University;
  - v. Two members elected by administrative and support employees; and
  - vi. Two members elected by the SRC.
- b. External members
  - i. No more than five persons appointed by the Minister in accordance with Section 24 (7) (c) the Act;
  - ii. Two members elected or appointed by Convocation in line with its Constitution;
  - iii. Twelve members appointed by Council in accordance with the rules based on their expertise and experience in the fields of further education and training, higher education, strategy, business, marketing, tourism, information technology, law, engineering, fundraising, finance, auditing and human resource management, taking into consideration the skills already in Council as well as any possible skills lacuna.

#### **13.2 Guests**

The Council may invite any person to attend a Council meeting in an advisory role or as an observer, and such an invited person does not have any voting rights.

### **14 Expected contribution of membership**

- a. The applicable bodies and functionaries must strive to ensure that members elected, designated and appointed to the Council are representative of the demographics of the country, having regard to race and gender.
- b. Council members must have knowledge and experience relevant to the objects and governance of the University.

**Statute of Mangosuthu University of Technology****15 Eligibility for membership of Council**

- a. No person can be elected or appointed as a member of Council if they have been declared insolvent by a court of law.
- b. No person can be appointed or elected as a member of Council if they have been found guilty of an act of dishonesty by a competent tribunal or court or is removed from an office of trust by a court of law or is convicted of an offence of which dishonesty is an element for which he or she receives a term of imprisonment without an option of a fine;
- c. It is the responsibility of the nominating body or person to conduct the due diligence on their nominees before submitting them to the Secretary of Council, and it is the responsibility of the proposed nominee to declare that he/ she is eligible for nomination to Council and can be subject to probity tests as determined by Council and to declare any issues;
- d. An external member of 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, must immediately vacate his or her seat on Council;
- e. A proposed nominee of Council must disclose and declare any acts of misconduct, dishonesty, acts that impact on the trust relationship, including all matters where findings, including adverse findings have been made against the proposed nominee; and
- f. A proposed nominee must declare if a conflict of interest situation exists in respect of a staff member, student, supplier of services etc. at the University.

**16 Term of office of Council members**

- a. The Vice-Chancellor is a member of Council for as long as he/she remains in office.
- b. A Deputy Vice-Chancellor nominated by the Vice-Chancellor may, with the approval of Council, be rotated annually.
- c. The term of office of the members of the SRC on Council corresponds with the term of office of the SRC that elected them.
- d. 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.
- e. 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.
- f. A Council member's membership is terminated:
  - i. When the term of office expires;
  - ii. Upon death or incapacity;
  - iii. If the Council member fails to attend three consecutive ordinary meetings of Council without the consent of Council;
  - iv. If the Council member is sequestered;

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- v. 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;
- vi. 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;
- vii. 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;
- viii. If Council rules, after following due process, that the member has transgressed Council's Code of Conduct;
- ix. 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.
- g. Constituencies who appointed or nominated persons to Council shall be informed by the Registrar of any termination in accordance with subparagraph 16 (f).
- h. 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.

**17 Resignation of Council**

- a. If seventy-five percent (75%) or more of the members of Council resign at a meeting of Council, Council is deemed to have resigned and dissolved, as contemplated in Section 27(8) and (9) of the Act.

**18 Election of the Chairperson and Deputy Chairperson of Council**

- a. The Chairperson and the Deputy-Chairperson of Council must not be elected from members contemplated in subparagraph 13.1 (a) (i- vi).
- b. The procedure for the election of the Chairperson and Deputy-Chairperson is conducted as per the Charter of Council.

**19 Term of office of the Chairperson and Deputy Chairperson**

- a. The Chairperson and the Deputy-Chairperson of Council are elected for a period of two years in a respective role.
- b. The Chairperson and the Deputy-Chairperson are eligible for re-election for a further two years only, subject to a majority of the members present in the meeting of Council voting for their re-election.
- c. If the Chairperson of Council is unable, for any reason, to perform the functions of his or her office, the Deputy Chairperson of Council performs the functions of the Chairperson of Council.



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- d. If the office of Chairperson of Council becomes vacant, the Deputy Chairperson of Council performs the functions of the Chairperson of Council until the next meeting where an election must be held.

**20 Meetings of Council****20.1 Ordinary meetings**

- a. Council has at least four ordinary meetings during each academic year either by physical, electronic or any other means as determined by Council.
- b. Ordinary meetings of Council will receive reports on all strategic matters contemplated under subparagraphs 11 and 12.
- c. With the approval of a majority of members present, urgent matters may be placed on the agenda during a meeting.

**20.2 Special meetings**

- a. The Chairperson must call a special meeting at the request in writing of at least five members, the objective of the meeting being clearly stated in the request, provided that at least seven days' notice is given. No business other than that for which the special meeting was called may be transacted at the meeting.
- b. The minutes of the special meeting will be adopted at the next Council meeting, save if another special meeting or an emergency meeting is held prior to the next Council meeting, then such special or emergency meeting will adopt the minutes.
- c. The special meeting may be held either by physical, electronic or any other means as determined by Council.

**20.3 Extraordinary or emergency meetings**

- a. An emergency meeting, when human life and university property is threatened, or when the issue is serious and warrants an emergency meeting as it may impact negatively on the university or employees, or students at the university, such an emergency meeting, may be called by the Chairperson or at the instance of the Vice-Chancellor and Principal to the Chairperson at any time, provided that members are given at least 24 hours' notice of the meeting. No business other than that for which the emergency meeting was called may be transacted at the meeting.
- b. The minutes of the emergency meeting will be adopted at the next Council meeting, save if another special meeting or an emergency meeting is held prior to the next Council meeting, then such special or emergency meeting will adopt the meetings.
- c. The emergency meeting may be held either by physical, electronic or any other means as determined by Council.

**20.4 Council meeting procedures**

- a. Council meeting procedures shall be as per the Charter of Council that is reviewed every two years, provided that the Charter shall deal with the collapse of meetings.
- b. A majority of all members of Council qualified to serve and vote at the time shall constitute a quorum provided the external members are in the majority, further provided that a Council meeting may not lose a quorum once constituted.

**Statute of Mangosuthu University of Technology****21 Discipline and conduct of Council members**

- a. Council members must participate in the deliberations of Council in the best interests of the University.
- b. All members of Council shall abide by a code of conduct as approved by Council.
- c. A member of Council cannot enter in any commercial transaction with the university, and cannot have any commercial interest in the university whether directly or indirectly.
- d. Council has the power to suspend, take disciplinary action or terminate a member's membership in the event of a transgression of the Council approved code of conduct.
- e. No person who has been a member of Council may conduct business with the university within thirty-six (36) months of the lapse of their membership in Council.

**22 Committees of Council****22.1 Establishment**

Council establishes, by charter:

- a. An executive committee of Council;
- b. An audit, risk and compliance committee;
- c. A finance and investment committee;
- d. A human resources committee;
- e. A planning and resources committee;
- f. A student affairs committee, and
- g. Any such other committees as may be required to ensure that Council provides leadership and oversight on all matters within the University.

**22.2 The composition and terms of reference of committees**

- a. The composition and terms of reference of the committee (mandate, powers, functions and duties) of the committees are determined by Council and are reviewed annually at the fourth ordinary meeting of Council each year.
- b. Charters approved by Council will have the status of Rules as contemplated in Section 29(4) of the Act.
- c. The Council may appoint persons who are not members of the Council 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.
- d. The chairperson of a committee may not be an employee or a student of the University;

**23 Minutes of Council and committee meetings**

- a. The Secretary to Council keeps the minutes of each meeting of Council and includes such minutes in the agenda of the next Council meeting when the agenda is sent out.



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- b. The minutes of all Council and committee meetings must be included by the Secretary to Council in the agenda of the next ordinary meeting of Council or Council committee following the respective meetings.

**Statute of Mangosuthu University of Technology****Chapter 5 - SENATE****24 Functions of Senate**

- 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;
- d. Ensures legal compliance on academic matters;
- e. Makes recommendations to Council policy regarding admission, teaching, learning, assessment, research, quality assurance, community engagement and other matters that form part of its functions;
- f. Makes recommendations to Council on the organization of and structures for teaching, learning, research and community engagement;
- g. Makes recommendations to Council on the introduction or suspension of degrees, diplomas, certificates, programmes, courses and subjects;
- h. Makes recommendations to Council on 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 nature;
- i. Makes recommendations to Council or finalises matters delegated or entrusted to it by Council;
- j. Determines guidelines for the appointment and promotion of academic employees, advise 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;
- k. Determines the Rules for degrees, diplomas, certificates and other academic programmes;
- l. With the approval of Council determines:
  - 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.
- m. Establishes committees to promote its functions;
- n. Considers and approves recommendation from its committees, including faculty boards;
- o. Advises the Council on the procedure for the appointment of the Vice-Chancellor, the Deputy Vice-Chancellors and the Registrar;
- p. Advises academic management structures how to manage matters relating to Senate functions;
- q. Advises the Council on the library and information services in regard to academic matters;
- r. Fulfils such other functions as may be determined by the Council or in terms of the Institutional Rules

**Statute of Mangosuthu University of Technology****25 Composition of Senate**

- a. The Senate, subject to the provisions of the Act, consists of
  - i. The Vice-Chancellor and Principal;
  - ii. The Deputy Vice-Chancellor(s)
  - iii. The Registrar;
  - iv. All the deans of faculties;
  - v. All the heads of academic departments;
  - vi. All professors (excluding honorary, associate, visiting, emeritus and adjunct professors);
  - vii. The head of the library;
  - viii. The head of research;
  - ix. The head of quality management;
  - x. The head of student affairs;
  - xi. The head of operations;
  - xii. The head of human resources and development;
  - xiii. The head of finance;
  - xiv. The head of legal services;
  - xv. The head of institutional planning and research;
  - xvi. Two students who are elected by members of the SRC;
  - xvii. An administrative and support employee from among the three faculties elected by the administrative and support employees;
  - xviii. An academic employee from among the three faculties elected by the academic employees;
  - xix. Two external members of Council designated by Council; and
  - xx. Such additional members as are approved by Council and proposed by Senate.
- b. The majority of Senate members must be academic employees.

**26 Election of members of Senate**

- a. Academic and administrative and support staff employee representatives on the Senate shall be elected in accordance with a process approved by Council facilitated by the Registrar;
- b. Within 21 days before a specific election date, the Registrar shall invite academic and administrative and support staff employees to nominate an academic employee or an administrative and support staff employee to represent the academic and administrative and support staff employees respectively on the Senate; and
- c. 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 an administrative and support staff employee they must be an administrative and support staff employee) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.
- d. On the closure of nominations, the Registrar shall arrange for an election in accordance with generally acceptable election procedures.

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- e. Academic employees shall vote in respect of the vacancy to be filled by an academic employee and an administrative and support staff employee shall vote in respect of the vacancy to be filled by an administrative and support staff employee.
- f. An election shall be valid only if at least 10 per cent of the academic employees or administrative and support staff employees, as the case may be, participated in the election.
- g. The Registrar shall announce the results of the election as soon as possible after the conclusion of the election.
- h. 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 an administrative and support staff employee.
- i. 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.

**27 Term of office of Senate members**

- a. Members appointed in terms of subparagraph 25(a) (i-xv) hold office for as long as they are employed by the University in that capacity.
- b. Members appointed in terms of subparagraph 25(a) (xvii-xx) hold office for a period of four years.
- c. The term of office for student members is determined by the SRC Constitution provided that membership automatically lapses when a member ceases to be a registered student or a member of the SRC.
- d. Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the Secretary to Senate must notify the constituency or body that has appointed or elected that member of the vacancy, and request that constituency or body to appoint or elect a successor.

**28 Chairperson, Deputy Chairperson and Secretary to Senate**

- a. The Vice-Chancellor and Principal is the Chairperson of Senate as contemplated in Section 26 (4) (a) of the Act.
- b. The Deputy Chairperson of Senate is the Deputy Vice-Chancellor: Teaching and Learning/ Academic.
- c. The Secretary to Senate is the Registrar.
- d. The Secretary to Senate must:
  - i. 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;
  - ii. 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
  - iii. 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.

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- e. 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.

**29 Senate Meetings**

- a. Senate has at least four ordinary meetings during each academic year.
- b. Ordinary meetings of Senate will receive reports on all strategic matters contemplated under subparagraph 24.
- c. With the approval of a majority of members present, urgent matters may be placed on the agenda during a meeting.
- d. A special meeting must be called by the Chairperson at the request in writing of at least five members, the objective of the meeting being clearly stated in the request, provided that at least seven days' notice is given. No business other than that for which the special meeting was called may be transacted at the meeting.
- e. An emergency meeting may be called by the Chairperson at any time, provided that members are given at least 24 hours' notice of the meeting. No business other than that for which the emergency meeting was called may be transacted at the meeting.

**30 Senate Meeting Procedures**

- a. Senate meeting procedures shall be as per the charter of the Senate provided these do not contradict the principles established in the rules and Charter of Council.
- b. The charter of Senate is to be reviewed every two years.
- c. The quorum of Senate is fifty percent plus one (50%+1) of the members.

**31 Committees of Senate**

- a. Senate may delegate any of its functions through an approved academic affairs delegations of authority framework.
- b. 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.
- c. 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.

**32 Executive Committee of Senate**

- 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. 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.
- b. The Executive Committee consists of -
  - i. The Vice-Chancellor;
  - ii. The Deputy Vice-Chancellors;
  - iii. The Registrar;
  - iv. Deans;
  - v. Four Senate members, in addition to the members listed in subparagraphs 32 (b) i-iv, elected by the Senate who must be academic members; and



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- vi. 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.
- d. The members listed in subparagraphs 32(b) (i-iv) above remain members of the Executive Committee by virtue of their office.
- e. The term of office of Senate representatives on the Executive Committee in terms of subparagraphs 32(b) v-vi above is three years and these Senate representatives are eligible for one additional term of office if elected or appointed.





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**Statute of Mangosuthu University of Technology****Chapter 6 - FACULTY BOARDS****33 Functions of the Faculty Boards**

- a. Subject to Council and Senate, 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. Fulfils such other functions as the Rules and/or Senate may describe.

**34 Composition and functions of Faculty Boards**

- a. The Faculty Board of every Faculty is a standing committee of the Senate.
- b. The composition of a Faculty Board is determined by Senate after consultation with the Faculty Board.
- c. Membership of Faculty Boards, terms of office, meeting procedures and other matters relating to Faculties are reflected in the Rules and approved.

**35 Leadership of Faculty Boards**

- a. The Dean of a Faculty is the Chairperson of the relevant Faculty Board.
- b. 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.

**Statute of Mangosuthu University of Technology****Chapter 7 - INSTITUTIONAL FORUM****36 Functions of the Institutional Forum**

- a. The Institutional Forum advises Council on the following issues affecting the University:
  - i. The implementation of the Act and the national policy on Higher Education;
  - ii. Transformation which includes race and gender equity policies;
  - iii. The selection of candidates for senior management positions;
  - iv. Codes of conduct, mediation and dispute resolution procedures;
  - v. The fostering of an institutional culture which promotes transformation, social cohesion and respect for fundamental human rights, and creates an appropriate environment for teaching, research, learning and community engagement, and
  - vi. The language policy of the University.
  - vii. The Institutional Forum performs such other functions as determined by Council.
- b. The advice given by the Institutional Forum must be submitted in writing by the Chairperson of the Institutional Forum to the Council through the Office of the Registrar, who must thereafter provide a copy to the Vice-Chancellor.
- c. The Council must consider the advice given by the Institutional Forum; and provide written reasons if the advice is not accepted.

**37 Composition of the Institutional Forum**

The Institutional Forum consists of:

- a. Two members from the Executive Management appointed by the Vice-Chancellor;
- b. Two members of Council who are not employees or students of the University;
- c. One member of Senate elected by Senate;
- d. One member representing academic employees;
- e. One member representing the administrative and support employees;
- f. One member from each representative employee organization;
- g. Two students designated by the SRC with one being a current SRC member and the other a postgraduate student;
- h. Two members designated by the Executive Committee of Convocation;
- i. One person appointed by the Vice-Chancellor who is an expert on transformation.

**38 Term of office of Institutional Forum members**

- a. The term of office of student members is as per subparagraph 43(d).
- b. The term of office of all other members, except executive management, is four years.
- c. Membership as per subparagraph 37(b-h) automatically ceases when the member ceases to be a member of his/her respective constituency.
- d. The termination of membership of the members of the Institutional Forum shall be as determined in the Institutional Rules.

**Statute of Mangosuthu University of Technology****39 Chairperson and Deputy-Chairperson of the Institutional Forum**

- a. The Institutional Forum must elect a Chairperson and a Deputy Chairperson from its ranks, provided that either the Chairperson or the Deputy Chairperson is an external member.
- b. The Chairperson of the Institutional Forum is an *ex officio* member of Senate.
- c. 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.
- d. If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum will elect a successor at its next meeting.
- e. 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.

**40 Administrative support**

- a. The Registrar shall be the Secretary of the Institutional Forum.

**41 Nomination of members of the Institutional Forum**

- a. The nomination of representatives must be transparent and democratic, and each constituency must follow the procedure determined within its own constituency and submit the names of its representatives to the Registrar.

**42 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 shall be set out in the University Calendar.
- b. Fifty percent plus one (50%+1) of the members form a quorum.

**43 Meetings procedures of the Institutional Forum**

- a. The meeting, meeting procedures and attendance of meetings of the Institutional Forum shall be in compliance with Institutional rules as approved by the Council.
- a. Subject to the provisions of this Statute and the Rules, the Institutional Forum must conduct its meeting procedures with due observance of generally accepted norms and practices of fair administrative process.

**44 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 has taken a decision on the advice to be provided to Council.
- b. In the event of the Institutional Forum members do not reach a decision as set out in subparagraph 44(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 and submit the summary to the Council.

**Statute of Mangosuthu University of Technology****Chapter 8 - STUDENTS****45 Admission and registration of students**

- 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 subparagraph 45(a) as determined from time to time by Senate and approved by Council.
- c. A student is registered for one year or such shorter period as may be determined by Senate in general or in a particular case.
- d. A student's signature upon registration binds the student to the rules of the University.

**46 Student discipline**

- a. The disciplinary measures and disciplinary provisions applicable to students are set out in the University rules and may be amended by Council after consultation with Senate and the SRC.
- b. The Vice-Chancellor and Principal may, from time to time, amend monetary penalties and such amendments must be placed before Council at its next ordinary meeting for approval.
- c. If Council should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by Council is not affected.

**47 Student Representative Council (SRC)**

- a. The students of the University are represented in matters that affect them by the SRC.
- b. The composition, manner of election, term of office, functions and privileges of the students' representative council are determined by the SRC Constitution.
- c. The SRC Constitution or any amendment thereof must be approved by Council, after consultation with the SRC.
- d. The term of office of the SRC is one year as determined in the SRC Constitution.

**48 Fees, admission to examinations and registration**

- a. Council determines, after consultation with the SRC, the fees, levies and fines payable by students to the University.
- b. Council, in consultation with Senate, 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.

**Statute of Mangosuthu University of Technology****Chapter 9 - CONVOCATION****49 Functions of Convocation**

The functions of Convocation are to:

- a. Discuss and state its opinion on any matter relating to the University, including matters which may be referred to it by Council;
- b. Engage in fundraising for the university;
- c. Foster and maintain a positive image of the University as a whole in the context of community and business interests;
- d. Actively foster a spirit of belonging amongst alumni;
- e. Create in the alumni a sense of responsibility, obligation and accountability towards the community in general and their alma mater in particular;
- f. Liaise and consult with all other University constituencies on matters of common interest and to foster unity of purpose, and action.

**50 Establishment of the Convocation**

- a. Council must approve the constitution of the Convocation adopted at a meeting called by the Registrar attended by the members as stated in subparagraph 51(a-f), called only for this purpose and subsequently by the AGM of the Convocation.

**51 Membership of Convocation**

Convocation consists of the following:

- a. Vice-Chancellor and Principal,
- b. The Deputy-Vice Chancellors,
- c. The Registrar,
- d. Permanent academic employees,
- e. All persons who are graduates of the University, and
- f. Such other persons as Council may determine, including, professors' emeriti, and retired academic employees who were in the employ of the University for at least ten years immediately before retirement.

**52 The Convocation Executive Committee (CONVEXCO)**

- a. The Convocation Executive Committee's composition and functions shall be as determined in the Constitution of Convocation.

**Statute of Mangosuthu University of Technology****Chapter 10 - EMPLOYMENT AND CONDITIONS OF SERVICE OF EMPLOYEES****53 Appointment of employees**

- a. Subject to Section 34 of the Act, Council appoints all employees according to the human resource policies and procedures of the University as approved by Council from time to time.

**54 Recruitment of employees for senior management positions**

- a. Council shall recruit members of senior in accordance with policies, processes and procedures approved by Council and delegated to management, where necessary, after consultation with Senate and the advice of the Institutional forum.
- b. The Vice-Chancellor determines and proposes to Council the powers, functions, duties and the term of office of members of senior management.

**55 Employee conduct**

- a. An employee must in writing-
  - i. Before he or she takes 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
  - ii. 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.
- b. An employee may not conduct business directly or indirectly with the University that entails or may entail a conflict of interest with the University unless the Council of the University is of the opinion that-
  - i. The goods, product or service in question are unique;
  - ii. The supplier is a sole provider; and
  - iii. It is in the best interest of the University.
- c. An employee may not on behalf of the University contract with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.
- d. Contracting referred to in subparagraph 55(c) 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 55(a).
- e. No academic employee can be appointed in the University without consulting Senate or a committee of Senate as designated by Senate.

**56 Evaluation of employee performance**

- a. 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.

**57 Employee discipline**

- a. 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



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**Statute of Mangosuthu University of Technology**

University shall subscribe to the institutional code of conduct, the disciplinary code and procedure and the grievance procedure as approved by Council.

**58 Representative employee organisations**

- a. 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.

**Statute of Mangosuthu University of Technology****Chapter 11 - GENERAL****59 Donors**

- a. The University may receive donations in the form of property, plant and equipment (PPE), money, books, etc., from donors to assist the institution in providing an enabling environment for students' success.
- b. 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.
- c. The University may recognise and register specific donors as determined in the University rules.

**60 Professors emeriti**

- a. The University may, on the resolution of Council and Senate, confer the status of Professor emeritus in any faculty upon any retired professor of the University, who the University may deem worthy of such status.
- b. The privileges attendant upon this award will be as determined by Council upon the recommendation of Senate.

**61 Honorary Degrees**

- a. Subject to subparagraph 1(d), the University may, on the recommendation of Senate and approval of Council, and without examination, confer a degree honoris causa of masters or doctor in any faculty upon any person who the University may deem worthy of such a degree, provided that the holder of such a degree shall not by virtue of the fact that he or she has been admitted thereto, be entitled to practise any profession.
- b. Council, in consultation with Senate, has the power to revoke an award previously conferred upon a person by MUT.

**62 Drafting, amending or rescinding a Statute**

- a. No motion to draft, amend or rescind a statute or a rule is of force and effect unless adopted by at least seventy-five percent (75%) of all members present at the meeting, provided that the meeting is constituted by at least seventy-five percent (75%) of the total number of members of Council.
- b. Any motion to draft, amend or rescind a statute or a rule must be in accordance with the provisions of Section 32 of the Act.





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**Statute of Mangosuthu University of Technology**

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**Chapter 12 - IMPLEMENTATION OF THE STATUTE****63 Transitional Arrangements**

- a. Anything done under any provision of Mangosuthu University of Technology Statute before this Statute came into operation is deemed to have been done under the corresponding provision of Statute.
- b. Any existing rules in force upon the commencement of this Statute continue to apply until replaced by any provision of the Statute, or any rule that may be made in terms of the Statute.
- c. With the coming into force of this Statute, the existing Council of Mangosuthu University of Technology shall have the power and authority to take steps to implement the provisions of the Act, the Statute and Institutional Rules.
- d. The steps referred in subparagraph 52(c) above may include the termination of the membership of Council members to make it possible to reconstitute Council in accordance with the Statute.
- e. 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.
- f. 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.
- g. The Statute applicable to the University published under Government Notice No. 998, Government Gazette No. 39315 of 23 October 2015 is hereby repealed.