

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NOTICE 1039 OF 2022

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

**INSTITUTIONAL STATUTE OF THE
CAPE PENINSULA UNIVERSITY OF TECHNOLOGY**

Correction Notice

The Institutional Statute of the Cape Peninsula University of Technology, as published in Government Gazette No.46059, Notice No 1906 of 18 March 2022 is replaced by the following:

DEPARTMENT OF HIGHER EDUCATION AND TRAINING**HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)****INSTITUTIONAL STATUTE****CAPE PENINSULA 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 Cape Peninsula University of Technology set out in the Schedule attached hereto.



Dr BE Nzimande, MP

Minister of Higher Education, Science and Innovation

Date: 02/02/2022

THE STATUTE OF THE CAPE PENINSULA UNIVERSITY OF TECHNOLOGY
(AS AMENDED)

The Council of the Cape Peninsula University of Technology, after consultation with the Senate and the Institutional Forum, has amended its Institutional Statute ("**Statute**") set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act No. 101 of 1997, as amended, (hereinafter referred to as the "**Act**") which Statute, in terms of the provisions of section 33 of the Act, is hereby published with the approval of the Minister and which comes into operation on the date of this publication.

SCHEDULE

To introduce an amended Statute for the Cape Peninsula University of Technology (hereinafter referred to as the "**University**") to give effect to any law relating to the University, and to promote the effective management of the University in respect of matters not expressly prescribed by any law.

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1 PREAMBLE

1.1 Whereas the Cape Peninsula University of Technology desires to develop and sustain an empowering environment where, through teaching, learning, research and scholarship our Students and Employees, in partnership with the community and industry, are able to create and apply knowledge that contributes to development.

1.2 And whereas it is necessary to provide for the regulation of the Cape Peninsula University of Technology in the manner that the Higher Education Act No. 101 of 1997 as amended, requires.

2 DEFINITIONS

In this Statute any word or expression to which a meaning has been assigned by the Act has the same meaning so assigned to it, and, unless the context otherwise indicates, –

2.1 "**Academic Employee**" means any person appointed to teach and to do research at the University and any other Employee designated as such by the Council of the University;

2.2 "**Act**" means the Higher Education Act No. 101 of 1997, as amended;

2.3 "**Assembly**" shall have the meaning ascribed to the term '*Assembly*' as defined in clause 88.1 below; *Assembly*" means the General Assembly of the University and shall be called only under the circumstances contemplated under clause 88

2.4 "**Certificate**" means a Certificate of the University awarded to a Student on completion of the work prescribed for the Certificate by the Senate;

2.5 "**Chancellor**" means the person contemplated in clauses 5 to 7 of the Statute

2.6 "**Conflict(s) of Interest**" shall have the meaning ascribed to the term '*Conflict(s) of Interest*' as defined in clause 34.3.2 below;

2.7 "**Consult**" means the process by which parties meaningfully engage each other with a view to understanding each other's respective positions or points of view, affording one another a reasonable opportunity(ies) to put their cases, positions or points of view to one another in respect of any matter, provided that the parties shall at all times keep the lines of communication open between them; and "**Consultation**" and "**Consulting**" shall have the same meaning;

2.8 "**Convocation**" means the Convocation contemplated in clauses 68 of this Statute and section 26(2)(g) (of the Act);

2.9 "**Council**" means the Council contemplated in clauses 34 of the Act;

- 2.10 "**Dean(s)**" means those persons(s) contemplated in clause 23 of this Statute
- 2.11 "**Degree**" means a degree of the University conferred upon a Student at a congregation on completion of the work prescribed for the Degree by the Senate;
- 2.12 "**Deputy Vice-Chancellor**" means a person appointed in terms of clauses 12 of this Statute;
- 2.13 "**Diploma**" means a diploma of the University awarded to a Student at a congregation on completion of the work prescribed for the Diploma by the Senate;
- 2.14 "**Diplomate of the University**" means a person to whom the University has awarded a Diploma;
- 2.15 "**Donor**" means a person, body or Entity who or which has made a donation, which, in the opinion of the Council warrants that person, body or Entity being recognised as a Donor as contemplated in clause 85 of this Statute
- 2.16 "**Employee**" means an Academic Employee or a Non-Academic Employee of the University;
- 2.17 "**Entity**" means any organisation, forum or body and includes any organisational structure provided for in the Act or determined by the Council, and shall include each of the Council, the Senate, the Institutional Forum, the Convocation and the SRC;
- 2.18 "**Examination**" means any test or assessment, including any written, oral, practical or clinical test or assessment where the result obtained contributes to, or constitutes, the result for a course;
- 2.19 "**Executive Committee of the Council**" means those persons contemplated in clause 47 of this Statute
- 2.20 "**Executive Director(s)**" means a person(s) appointed by the Council as contemplated in clause 19 of this Statute
- 2.21 "**Executive Management**" means those persons contemplated in clause 31 of this Statute
- 2.22 "**Faculty** or "**Department** means a faculty or department contemplated in clause 55 of this Statute
- 2.23 "**Graduate of the University**" means a person upon whom the University has conferred a Degree;
- 2.24 "**Institutional Forum**" means the Institutional Forum contemplated in clauses 56 of this Statute and section 31 of the Act;
- 2.25 "**Minister**" means the Minister responsible for Higher Education;
- 2.26 "**Non-Academic Employee**" means any person appointed by the Council, other than an Academic Employee;

- 2.27 "Office Bearer" means a functionary provided for in the Act or determined by the Council;
- 2.28 "Professor" means a person appointed as a Professor by the Council after Consultation with the Senate, but does not include an emeritus, adjunct, associate or honorary Professor;
- 2.29 "Registrar" means the officer contemplated in clauses 16 of this Statute and section 26(4)(b) of the Act;
- 2.30 "Research Entity" means entities whose primary function is research or creative endeavour, but which function may also include undertaking limited service and outreach activities;
- 2.31 "Reserved Matter(s)" shall have the meaning ascribed to the term '*Reserved Matters*' as defined in clause 43.1 below;
- 2.32 "Rule(s)" means any Rules made by the Council in terms of section 32 of the Act;
- 2.33 "Seat of the University" means the seat contemplated in clause 3 of this Statute and in section 65A of the Act;
- 2.34 "Senate" means the Senate contemplated in clauses 48 of this Statute and section 28 of the Act;
- 2.35 "Senior Management" means those persons contemplated in clause 28 of this Statute
- 2.36 "SRC" means the Students' Representative Council of the institution contemplated in clauses 62 of this Statute and section 35 of the Act;
- 2.37 "Statute" means the Institutional Statute framed and in force as contemplated in section 32 of the Act and as set out herein;
- 2.38 "Student" means a person currently registered at the University for a programme of study leading to a Degree, Diploma or Certificate, or as an occasional Student who is registered for non-degree purposes, or as a postdoctoral fellow.
- 2.39 "Third Stream Income" shall have the meaning ascribed to the term '*Third Stream Income*' as defined in clause 84.4 below;
- 2.40 "University" means the Cape Peninsula University of Technology; and
- 2.41 "Vice-Chancellor" means the Vice-Chancellor contemplated in clauses 8 of this Statute and in section 30 of the Act.

CHAPTER ONE: THE UNIVERSITY**3 NAME, SEAT AND POWER**

- 3.1 The name of the University is the Cape Peninsula University of Technology.
- 3.2 The Seat of the University is Symphony Way, Bellville, in the Western Cape.
- 3.3 The University also conducts its academic and related activities at other campuses and sites. The academic and related activities are delivered through different modes of delivery.
- 3.4 The University is a juristic person, and subject to the Act, is capable of performing such acts as juristic persons are entitled to in law.

4 CONSTITUTION OF THE UNIVERSITY

- 4.1 The University consists of –
- 4.1.1 the following Office Bearers –
- 4.1.1.1 the Chancellor;
- 4.1.1.2 the Vice-Chancellor;
- 4.1.1.3 the Deputy Vice-Chancellors, as determined by the Council;
- 4.1.1.4 the Registrar;
- 4.1.2 the following structures –
- 4.1.2.1 the Council;
- 4.1.2.2 the Senate;
- 4.1.2.3 the Institutional Forum;
- 4.1.2.4 the Faculties, Departments, and such other academic structures and other structures of the University as may be determined by the Council;
- 4.1.2.5 the SRC;
- 4.1.2.6 the Convocation;
- 4.1.2.7 the Student Services Council;

- 4.1.3 the following persons –
- 4.1.3.1 the Deans;
 - 4.1.3.2 the Executive Directors;
 - 4.1.3.3 the Academic Employees;
 - 4.1.3.4 the Non-Academic Employees;
 - 4.1.3.5 the Students;
- 4.1.4 such other offices, bodies or structures as may be established by the Council.
- 4.2 No vacancy in any of the offices contemplated in clause 4.1.1 nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in clause 4.1.2 or 4.1.4 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.

CHAPTER TWO: OFFICE BEARERS

THE CHANCELLOR

5 FUNCTIONS OF THE CHANCELLOR

- 5.1 The Chancellor is the titular head of the University.
- 5.2 The Chancellor presides at all congregations of the University and, in the name of the University, confers all Degrees and awards all Diplomas and Certificates.
- 5.3 If the Chancellor is absent, or if the office is vacant, the Vice-Chancellor, or in his or her absence, the acting Vice-Chancellor or a Deputy Vice-Chancellor nominated by him or her, or failing them, such other person as the Council may designate for the purpose, act as the Chancellor.
- 5.4 In providing and rendering the service to the University, the Chancellor is not deemed in any respect whatsoever to be an Employee of the University.

6 ELECTION AND TERM OF OFFICE

- 6.1 The Council shall ensure that the principles of democracy and transparency are complied with when determining the criteria for eligibility to the position of the Chancellor and the election process in terms of the Rules.
- 6.2 The Chancellor holds his or her office for a period of 4 years after his or her election and acceptance

of the terms of the position of the Chancellor and is eligible for re-election when his or her term expires.

7 VACATION OF OFFICE

The Chancellor vacates his or her office on the last day of his or her term of office unless –

- 7.1 he or she is removed from office by a resolution of at least 75% of all members of the Council on account of any reason that the Council deems adequate; or
- 7.2 he or she vacates his or her office for any reason before the expiration of his or her term of office.

THE VICE-CHANCELLOR

8 FUNCTIONS OF THE VICE-CHANCELLOR

- 8.1 The Vice-Chancellor and principal is the academic, administrative and management head of the University.
- 8.2 The Vice-Chancellor is accountable and reports to the Council.
- 8.3 The Vice-Chancellor shall execute such functions as the Council or the Senate may delegate to him or her from time to time and, in turn, may delegate any of the powers assigned or delegated to him or her by the Council or the Senate to any officer of the University, except where the Council or the Senate decides otherwise.
- 8.4 The Vice-Chancellor is, by virtue of his or her office, a member of all committees of the Council and the Senate and of all joint committees of the Council and the Senate, save that the Vice-Chancellor–
 - 8.4.1 shall not be a member of the audit and risk committee, the remuneration committee or the Vice-Chancellor's appointment committee;
 - 8.4.2 shall have the status of an observer member of the committees on which the Vice-Chancellor does not sit. The Vice-Chancellor shall accordingly be entitled to *inter alia* receive documents and information in respect of the meetings of such committees, attend the meetings of such committees, participate in the deliberations of such committees but shall not be entitled to vote at the meetings of such committees, unless otherwise determined or decided by the Council.
- 8.5 In the absence of the Chancellor, the Vice-Chancellor is empowered to perform the functions of the Chancellor, subject to clause 5.3.
- 8.6 The Vice-Chancellor acts as the compliance officer of the University.

- 8.7 An acting Vice-Chancellor shall be appointed by the Vice-Chancellor for periods of absence of the Vice-Chancellor exceeding 5 consecutive working days and such acting Vice-Chancellor has the functions of the Vice-Chancellor.

9 APPOINTMENT

- 9.1 The Council appoints the Vice-Chancellor after Consulting the Senate and seeking the advice of the Institutional Forum in accordance with the Rules for the appointment of the Vice-Chancellor.
- 9.2 The Council shall ensure that the principles of democracy and transparency are complied with when determining the criteria for eligibility to the position and the appointment process in terms of the Rules contemplated in this clause 9

10 TERM OF OFFICE

The Vice-Chancellor holds office for a period of 5 years and may hold office for a maximum of 2 terms. The Vice-Chancellor shall hold office upon such terms and conditions as determined by his or her contract.

11 VACATION OF OFFICE AND LEAVE OF ABSENCE

- 11.1 The Vice-Chancellor vacates his or her office on the last day of his or her term of office referred to in clause 10 of this Statute
- 11.2 The appointment may be terminated during the period of office by 6 months' notice given by either the Council or the Vice-Chancellor, in line with the applicable Human Capital Policies.
- 11.3 The Vice-Chancellor can be removed from office by the Council for reasons sufficient in law.
- 11.4 Any resolution by the Council to give notice to the Vice-Chancellor terminating his or her contract shall, after Council Consulted with the Senate and the Institutional Forum, be passed at a meeting of the Council by a majority vote consisting of not less than 75% of the number of members present at the meeting and not less than two thirds of the members holding office.
- 11.5 If the -
- 11.5.1 office of the Vice-Chancellor becomes vacant, the Council shall after Consulting the Senate and seeking the advice of the Institutional Forum –
- 11.5.1.1 appoint a person as the acting Vice-Chancellor, who may be a Deputy Vice-Chancellor, to hold office until such time as a new Vice-Chancellor takes up his or her appointment; and

11.5.1.2 appoint a successor;

11.5.2 Vice-Chancellor is on leave of absence for any reason whatsoever, the Council shall appoint a person as then acting Vice-Chancellor, who may be a Deputy Vice-Chancellor, as contemplated in clause 12.2 of this Statute

THE DEPUTY VICE-CHANCELLORS

12 FUNCTIONS OF THE DEPUTY VICE-CHANCELLORS

12.1 The Deputy Vice-Chancellor's functions are determined by the Council in Consultation with the Vice-Chancellor.

12.2 A Deputy Vice-Chancellor, when acting as Vice-Chancellor, shall –

12.2.1 execute the functions of the Vice-Chancellor as set out in clause 8 as and when the office of the Vice-Chancellor becomes vacant, or the Vice-Chancellor is on leave of absence for any reason whatsoever;

13 APPOINTMENT OF THE DEPUTY VICE-CHANCELLORS

13.1 The Council may appoint the Deputy Vice-Chancellors after Consulting the Senate and seeking the advice of the Institutional Forum in accordance with the Rules for the appointment of the Deputy Vice-Chancellors.

13.2 The Council shall ensure that the principles of democracy and transparency are complied with through the criteria for eligibility to the position and the appointment process in terms of the Rules contemplated in clause 13.1.

14 TERM OF OFFICE OF THE DEPUTY VICE-CHANCELLORS

The Deputy Vice-Chancellor holds office for a period of 5 years and may hold office for a maximum of 2 terms. The Deputy Vice-Chancellors hold office for such periods and upon such terms as are determined in their contracts.

15 VACATION OF OFFICE

15.1 The Deputy Vice-Chancellor vacates his or her office on the last day of his or her term of office referred to in clause 14 of this Statute

15.2 The appointment may be terminated during the period of office by 3 months' notice on either side, in line with the applicable Human Capital Policies.

15.3 A Deputy Vice-Chancellor can be removed from office by the Council for reasons sufficient in law.

THE REGISTRAR**16 FUNCTIONS OF THE REGISTRAR**

The Registrar –

- 16.1 is secretary of the Council, the Senate and the Convocation;
- 16.2 manages the portfolio allocated to him or her by the Vice-Chancellor;
- 16.3 may delegate or assign any function provided for in this Statute to an Employee but remains responsible for the performance of any function he or she delegates or assigns; and
- 16.4 acts as the electoral officer of the University.

17 APPOINTMENT OF THE REGISTRAR

- 17.1 The Council appoints the Registrar who holds office for the period and upon the terms the Council decides.
- 17.2 The Council shall ensure that the principles of democracy and transparency are complied with through the criteria for eligibility to the position and the appointment process.

18 VACATION OF OFFICE

- 18.1 The Registrar vacates his or her office on the last day of his or her term of office referred to in clause 17 of this Statute
- 18.2 The appointment may be terminated during the period of office by 3 months' notice on either side.
- 18.3 A Registrar can be removed from office by the Council for reasons sufficient in law.

THE EXECUTIVE DIRECTORS**19 FUNCTIONS AND DUTIES**

- 19.1 The Executive Director, or if more than 1 Executive Director has been appointed, the Executive Directors, support the Vice-Chancellor in managing and administering the University.
- 19.2 An Executive Director performs such other functions and duties as determined by the Vice-Chancellor, from time to time.

20 SELECTION AND APPOINTMENT

The appointment of an Executive Director takes place in accordance with the procedure determined by the Council.

21 TERM OF OFFICE

The Executive Director(s) may be appointed on a fixed term basis, in terms of clause 20 above, as determined by the Council.

22 VACATION OF OFFICE

22.1 The Executive Director(s) vacates his or her office on the last day of his or her term of office referred to in clause 21 of this Statute

22.2 The appointment may be terminated during the period of office by 3 months' notice on either side.

22.3 An Executive Director(s) can be removed from office by the Council for reasons sufficient in law.

23 THE DEANS**FUNCTIONS AND DUTIES**

23.1 The functions and duties of a Dean(s) are determined by the Council, after Consultation with the Senate.

23.2 A Dean(s) performs such other functions and duties as determined by the Vice-Chancellor, from time to time.

24 SELECTION AND APPOINTMENT

The appointment of a Dean takes place in accordance with the procedure decided upon by the Council, after Consultation with the Senate.

25 TERM OF OFFICE

The Dean(s) may be appointed on a fixed term basis, in terms of clause 24 above, as determined by the Council.

26 VACATION OF OFFICE

26.1 The Dean(s) vacates his or her office on the last day of his or her term of office referred to in clause 25 of this Statute

- 26.2 The appointment may be terminated during the period of office by 3 months' notice on either side.
- 26.3 A Dean(s) can be removed from office by the Council for reasons sufficient in law.

CHAPTER THREE: THE SENIOR MANAGEMENT

27 FUNCTIONS AND DUTIES

Subject to the provisions of the Act and this Statute, in particular clause 8, the Senior Management assists the Vice-Chancellor with the administration and operations of the University.

28 COMPOSITION

The Senior Management consists of –

- 28.1 the Vice-Chancellor;
- 28.2 the Deputy Vice-Chancellor, or if more than 1 Deputy Vice-Chancellor has been appointed, the Deputy Vice-Chancellors;
- 28.3 the Registrar
- 28.4 the Executive Director, or if more than 1 Executive Director has been appointed, the Executive Directors
- 28.5 the Deans; and
- 28.6 other senior managers as determined by the Vice-Chancellor, after Consultation with the Executive Management, from time to time.

29 COMMITTEES OF THE SENIOR MANAGEMENT

- 29.1 The Vice-Chancellor may establish committees consisting of the members of the Senior Management, and such other persons as may be determined by him or her, to perform or assist in performing the functions and duties of the Senior Management, provided that at meetings of any committee of the Senior Management, such persons shall not have the right to vote.
- 29.2 Decisions of committees of the Senior Management are subject to the policy and decisions of the Council and the Senate, and ratification or otherwise by the Senior Management.

The composition, manner of election, functions, quorum, and procedure at meetings of any committee of the Senior Management, shall be determined by the Vice-Chancellor, in Consultation with the Senior Management, and provided for in the rules.

CHAPTER FOUR: THE EXECUTIVE MANAGEMENT

30 FUNCTIONS AND DUTIES

Subject to the provisions of the Act and this Statute, in particular clause 8, the Executive Management assists the Vice-Chancellor with the strategic direction and management of the University.

31 COMPOSITION

The Executive Management consists of –

- 31.1 the Vice-Chancellor;
- 31.2 the Deputy Vice-Chancellor, or if more than 1 Deputy Vice-Chancellor has been appointed, the Deputy Vice-Chancellors;
- 31.3 the Registrar and
- 31.4 the Executive Director, or if more than 1 Executive Director has been appointed, the Executive Directors.

32 COMMITTEES OF THE EXECUTIVE MANAGEMENT

- 32.1 The Vice-Chancellor may establish committees consisting of the members of the Executive Management, and such other persons as may be determined by him or her, to perform or assist in performing the functions and duties of the Executive Management, provided that at meetings of any committee of the Executive Management, such persons shall not have the right to vote.
- 32.2 Decisions of committees of the Executive Management are subject to the policy and decisions of the Council and the Senate, and ratification or otherwise by the Executive Management.
- 32.3 The composition, manner of election, functions, quorum, and procedure at meetings of any committee of the Executive Management, shall be determined by the Vice-Chancellor, in Consultation with the Executive Management, and provided for in the rules to be made by the Executive Management for this purpose.

CHAPTER FIVE: GENERAL PRINCIPLES, THE COUNCIL AND RELATED MATTERS**33 GENERAL PRINCIPLES**

- 33.1 The general principles contained in this clause 33 shall be applied to the execution and implementation of the powers and functions of each Entity in respect of decisions or issues, save for decisions taken by or directives issued by the Council as set out in clause 33.2.2.1, that affect or require the approval, consent or consideration of more than 1 Entity.
- 33.2 Each Entity –
- 33.2.1 acknowledges and recognises –
- 33.2.1.1 the powers and functions of all other Entities; and
- 33.2.1.2 the supremacy of the Council as the governing structure responsible for governance and related aspects of the University;
- 33.2.2 agrees and undertakes to, –
- 33.2.2.1 abide by and implement all decisions taken by, or directives issued by, the Council, from time to time;
- 33.2.2.2 to the extent required by the Act, save for decisions taken by or directives issued by the Council as contemplated in clause 33.2.2.1, take all decisions that affect or impact different Entities,
- 33.2.2.3 having due regard to the other Entity's powers and functions so that all actions and decisions affecting the University are taken in the best interests of the University.
- 33.3 Save in the circumstances contemplated in clause 33.2.2.1 each Entity agrees and undertakes to determine the manner and form in which the Consultation between that Entity and the other Entity shall take place, failing which, if Entities differ or disagree with each other in respect of any decisions or issues in respect of clause 33.2.2.2 such Entities shall, in good faith, and in the best interests of the University –
- 33.3.1 attempt to resolve the difference or disagreement by consulting thereon, in the manner required in the Act; *failing which,*
- 33.3.2 appoint, by consensus, a mediator or arbitrator, as may be suitable in the circumstances then prevailing, to mediate or arbitrate the dispute, failing which, a mediator or arbitrator shall be in respect of –

- 33.3.2.1 legal matters, an attorney or advocate of no less than 10 years standing and experience relevant to the matter in dispute appointed by the Law Society of the Cape of Good Hope;
- 33.3.2.2 accounting or financial matters, a registered chartered accountant of no less than 10 years standing and experience relevant to the matter in dispute appointed by the South African Institute of Chartered Accountants; or
- 33.3.2.3 any other matter, any independent person, agreed upon between the Entities to the dispute.
- 33.4 Should the Entities to the dispute fail to agree whether the dispute is principally a legal, accounting, or other matter within 7 days after the mediation or arbitration was requested, the matter shall be deemed to be a legal matter.
- 33.5 The decision reached by the Entities in the mediation or the decision by the arbitrator, as the case may be, shall be final and binding on the Entities to the dispute and may be made an order of any competent court at the instance of any of the Entities to the dispute.
- 33.6 The Entities, to the extent necessary, hereby consent to the jurisdiction of the High Court of South Africa (Western Cape Division) in respect of any proceedings arising out of this Statute, including any urgent relief sought by an Entity from a court.
- 33.7 The provisions of this clause –
- 33.7.1 constitute an irrevocable consent by the Entities to any proceedings in terms hereof and no Entity shall be entitled to withdraw there from or claim at any such proceedings that it is not bound by such provisions; and
- 33.7.2 are severable from the rest of this Statute and shall remain in effect despite the termination of, or invalidity for, any reason, of this Statute.

THE COUNCIL

34 FUNCTIONS

- 34.1 The Council governs the University subject to the Act and this Statute and has general control of its affairs and its functions.
- 34.2 The functions of the Council include, but are not limited to –
- 34.2.1 promote an ethical culture, create an ethical oversight structure(s) and provide leadership;

- 34.2.2 information technology governance and oversight;
- 34.2.3 compliance management oversight;
- 34.2.4 governance of risk;
- 34.2.5 the adoption of a stakeholder inclusive approach to control of the University's affairs and its functions;
- 34.2.6 appointing all Employees of the University, but, in the case of Academic Employees, it may do so only after Consultation with the Senate;
- 34.2.7 determining, subject to the applicable labour laws, the conditions of service, the disciplinary procedure and the privileges and functions of Employees, and may, in the manner set out in the disciplinary Rules, suspend or dismiss any Employee of the University;
- 34.2.8 making rules for the better carrying out of its functions;
- 34.2.9 administering all property of the University;
- 34.2.10 in Consultation with the Senate, and after Consultation with the SRC, determining the admissions policy of the University;
- 34.2.11 subject to the policy in terms of s27(7) of the Act determined by the Minister, with the concurrence of the Senate, and after consideration of the advice of the Institutional Forum (and where the Council does not accept the advice of the Institutional Forum, it shall comply with the provisions of clause 56.2 determining the language policy of the University);
- 34.2.12 seeking the advice of the Institutional Forum as required by the Act and this Statute (and where the Council does not accept the advice of the Institutional Forum, it shall comply with the provisions of clause 56.2 of this Statute);
- 34.2.13 after Consultation with the SRC, establishing a structure to advise on the policy for the Student support services within the University;
- 34.2.14 making, rescinding or amending the Statute in terms of the Act with the approval of the Minister;
- 34.2.15 being accountable to the Minister in terms of the provisions of section 41 of the Act; and
- 34.2.16 adopting the University's vision, mission and values and monitoring the realisation thereof.

34.3. Requirement of the Council Members and Conflicts of Interest

34.3.1. The Council members shall –

- 34.3.1.1. have knowledge and experience relevant to the objects and governance of the University;
- 34.3.1.2. have fiduciary responsibilities to the University, and shall promote and act in the best interests of the University; and
- 34.3.1.3. participate in the deliberations of the Council or the committees of the Council, or exercise any delegated function, and in any of the aforesaid instances, the Council members shall do so in good faith and with care, diligence and skill in the best interests of the University.

34.3.2. For purposes of the remainder of this clause, a "**Conflict(s) of Interest**" shall mean –

- 34.3.2.1. any business, commercial or financial activities undertaken for financial gain that raises or may raise a conflict of interest, a possible conflict of interest or a perceived conflict of interest between that member and the University; and/or
- 34.3.2.2. any non-business, non-commercial or non-financial activities in respect of which such member has or may have a conflict, possible conflict, or a perceived conflict of interest between that member and the University.

34.3.3. Each member of the Council and member of a committee of the Council shall –

- 34.3.3.1 not place himself or herself under any financial or other obligation to any business, individual or organisation that might seek to influence the performance of any function of the Council;
- 34.3.3.2 not have –
 - 34.3.3.2.1 a Conflict of Interest with the University;
 - 34.3.3.2.2 a direct or indirect financial, personal, or other interest in any matter to be discussed at a meeting, or in regard to which he or she is to make a decision in terms of a delegated function (in terms of section 68(2) of the Act), and which entails or may entail a Conflict of Interest, a possible Conflict of Interest or a perceived Conflict of Interest with the University;
- 34.3.3.3 Before he or she assumes office, annually and at the commencement of each Council meeting or meeting of the committee concerned, declare all Conflicts of

Interest to the chairperson of the Council or the committee concerned, as the case may be, in writing or in such other form permitted by the chairperson, for as long as he or she continues to hold such office.

34.3.4 Notwithstanding clause 34.3.3 above, any person may, in writing, inform the chairperson of a meeting of the Council or a committee of the Council, before or at that meeting, of a Conflict of Interest, possible Conflict of Interest or perceived Conflict of Interest of a member of the Council or of a committee of the Council of which such person may be aware.

34.3.5 In the event that any member of the Council or member of a committee of the Council with delegated functions in terms of section 68(2) of the Act, has a Conflict of Interest as contemplated in this clause, and has declared the existence of such Conflict of Interest as contemplated in this clause 34.3 in respect of a matter, contract or tender to be considered, the member of the Council or member of a committee of the Council concerned shall –

34.3.5.1 excuse himself or herself from and withdraw from the consideration of or decision on the 'matter, contract or tender at that meeting;

34.3.5.2 not take part in any consideration or a decision on the matter, contract or tender, whether directly or through an agent, proxy or representative, irrespective of the stage at which such matter, contract or tender is;

34.3.5.3 not be entitled to receive any documents, information or papers relating to the matter, contract or tender.

34.3.6 In the event that a committee of the Council has received a declaration as contemplated in clauses 34.3.3.3 and 34.3.5 above, it shall refer the Conflict of Interest to the Council, for a decision by the Council.

34.3.7 If the Council is not able to consider the declaration by the member of the Council or member of a committee of the Council, the Council shall be entitled but not obliged to delegate the deliberation of such matter to the Governance and Ethics Committee of the Council. Such committee shall, after deliberating such matter, make a reasoned and justifiable recommendation to the Council in writing for its consideration and decision.

34.3.8 A member of the Council or a member of a committee of the Council who contravenes clauses 34.3.3.1, 34.3.3.2, 34.3.3.3 or 34.3.4, after Council has followed a due process, may be -

34.3.8.1. suspended from attending a meeting; and/or

- 34.3.8.2 disqualified by majority vote of the Council as a member of the Council or a member of a committee of the Council.

34.4 Committees of the Council

The Council may –

- 34.4.1. establish committees of the Council;
- 34.4.2. establish, in Consultation with the Senate, joint committees of the Council and the Senate to perform functions that are common to the Council and the Senate;
- 34.4.3. appoint persons who are not members of the Council as members of such committees;
- 34.4.4. dis-establish any committee it has established and terminate the membership of any person it has appointed.

34.5 Delegation of the Council, Powers and Functions

34.5.1 The Council may delegate or assign any of its powers and functions to –

- 34.5.1.1 a committee;
- 34.5.1.2 a member of the Council; or
- 34.5.1.3 any Office Bearer of the University, except those functions specified in clause 34.5.3 of this Statute

34.5.2 The Council remains responsible for the exercise and performance of any function delegated or assigned in terms of clause 34.5.1 of this Statute

34.5.3 The Council may not delegate or assign any of the following powers and functions –

- 34.5.3.1 the appointment of the Vice-Chancellor or of any Deputy Vice-Chancellor;
- 34.5.3.2 the approval of the annual operating and capital expenditure budgets;
- 34.5.3.3 the adoption of the annual financial statements and annual report;
- 34.5.3.4 the determination of the fees to be paid by the Students;
- 34.5.3.5 the making, approval or amendment of the Statute;
- 34.5.3.6 the approval of a loan or an overdraft as contemplated in clause 34.6.1.2 of this Statute

- 34.5.3.7 the decision to embark on the construction of a permanent building or other immovable infrastructural development as contemplated in clause 34.6.1.2 of this Statute
- 34.5.3.8 the purchase of immovable property or entering into a long-term lease of immovable property as contemplated in clause 34.6.1.3 of this Statute or
- 34.5.3.9 the establishment or disestablishment of Faculties or Departments.

34.6. Property and Borrowing

34.6.1 The University shall not, notwithstanding the provisions of clause 3.4 above, –

34.6.1.1 in respect of immovable property, without the prior written consent of the Minister –

- 34.6.1.1.1 alienate or dispose of, in any manner, any immovable property acquired with the financial assistance of the state;
- 34.6.1.1.2 confer on or grant to any person any real right or servitude in any immovable property acquired with the financial assistance of the state, as contemplated in section 20(5) of the Act;

34.6.1.2 in respect of borrowing, –

- 34.6.1.2.1 subject to clause 34.6.1.2.2, without a resolution(s) passed at a properly constituted and quorate meeting of the Council, not taking into account any vacancy that may exist, enter into a loan or overdraft agreement as contemplated in section 40(2)(a) of the Act or any amendment or replacement thereof;
- 34.6.1.2.2 the said Council resolution shall be approved by the Minister if the sum of the borrowing it authorises plus the borrowing previously approved but not yet taken up, plus the University's short-term and long-term debt at that date exceeds –
 - 34.6.1.2.2.1 such amount as the Minister had determined for the University; or
 - 34.6.1.2.2.2 5% of the average annual income of the University during the 2 years immediately preceding the date of the said Council resolution;

34.6.1.3 in respect of constructing on, purchasing of and/or the long-term lease of immovable property, embark on any –

- 34.6.1.3.1 construction of a permanent building or other immovable infrastructural development;

34.6.1.3.2 purchasing of immovable property; or

34.6.1.3.3 long-term lease of immovable property, provided that the prior written consent of the Minister shall be obtained for each transaction contemplated in 34.6.1.3.1, 34.6.1.3.2 and 34.6.1.3.3 subparagraph 3 respectively, if the value of such development or property exceeds 5% of the average income of the University received during the 2 years immediately preceding such action, as contemplated in section 40(3)(a) and (b) of the Act or any amendment or replacement thereof.

34.6.2 Any resolutions of the Council that are to be passed by the Council in order to give effect to the provisions of clause 34.6.1 shall be passed at a properly constituted and quorate meeting of the Council, at which meeting, at least 75% of the total number of Council members appointed to Council must be present.

34.7 Records to be Kept, External Audit and Information to be Furnished by the Council

34.7.1 The Council shall in the manner prescribed by the Minister –

34.7.1.1 keep records of all its proceedings; and

34.7.1.2 in respect of the University as a whole –

34.7.1.2.1 ensure the implementation of an external audit in accordance with accepted audit principles and standards on an annual basis; and

34.7.1.2.2 keep complete accounting records of all assets, liabilities, income and expenses and any other financial transactions.

34.7.2 The Council shall by a date and in the manner prescribed by the Minister, provide the Minister with such information, in such format, as the Minister may prescribe.

35 COMPOSITION OF THE COUNCIL

35.1 The Council of the University shall consist of not more than 22 members, made up of –

35.1.1 the Vice-Chancellor;

35.1.2 1 Deputy Vice-Chancellor;

35.1.3 2 members of the Senate, elected by the Senate;

35.1.4 1 member of the Academic Employees, elected by the Academic Employees;

35.1.5 1 member of the administrative and Non-Academic Employees, elected by the administrative

and Non-Academic Employees;

- 35.1.6 2 Students elected by the SRC;
- 35.1.7 not more than 5 persons appointed by the Minister;
- 35.1.8 1 person appointed by the Premier of the Western Cape;
- 35.1.9 1 person appointed by the City of Cape Town;
- 35.1.10 1 person elected by business as represented by the chamber of commerce or any other successor in title;
- 35.1.11 1 person elected from the Convocation;
- 35.1.12 1 member of organised labour in the Republic of South Africa, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;
- 35.1.13 subject to clause 35.1 above, such additional persons appointed by the governance and ethics committee, with a broad spectrum of competencies in the fields of, although not limited to, education, business, finance, law, marketing, information technology and human resources, stakeholder management, investment, corporate governance, ethics, auditing, and risk management.
- 35.2 At least 60% of the members of the Council shall be persons who are not employed by, or Students of, the University, as contemplated in section 27(6) of the Act.
- 35.3 No Employees and no Student may be elected or hold an appointment in terms of clauses 35.1.7 to 35.1.13.
- 35.4 A person elected or appointed under clauses 35.1.7 to 35.1.13 who becomes a Student or an Employee forthwith ceases to be a member of the Council.

36 ELECTION OF THE COUNCIL MEMBERS

Members of the Council are elected in the manner determined by the Rules.

37 TERM OF OFFICE OF THE COUNCIL MEMBERS

- 37.1 The Vice-Chancellor and the Deputy Vice-Chancellor remain members of the Council for as long as they occupy their posts.
- 37.2 The term of office of the Students elected by the SRC shall be for the period as contemplated in

clause 38.7 provided that membership ceases automatically when a Student member ceases to be a registered Student.

37.3 The term of office of the remaining members is 4 years.

37.4 Members, whose terms of office have expired, may be re-elected or reappointed for a second term only.

38 TERMINATION OF MEMBERSHIP AND FILLING OF VACANCIES

38.1 The office of a member of the Council becomes vacant if a member –

38.1.1 dies;

38.1.2 resigns;

38.1.3 is absent from 2 consecutive ordinary meetings of the Council without apology;

38.1.4 is absent from 3 consecutive ordinary meetings of the Council with an apology;

38.1.5 accepts an appointment as a member of the Council of, or an offer of employment in an executive managerial capacity at another higher education institution;

38.1.6 after due process has been followed, including the provisions of clause 38.1.11 below, is removed from the Council by a sanction imposed on him or her by the Council by reason of a contravention of the code of conduct applicable to members of the Council as contemplated in section 27(7E) of the Act;

38.1.7 is removed from an office of trust by a court of law, or convicted of an offence that qualifies involving dishonesty or financial impropriety and sentenced to a term of imprisonment with or without the option of a fine by a court of law

38.1.8 is, or becomes, insolvent;

38.1.9 becomes incapable of performing the functions of a member of the Council by reason of disease, or mental or bodily infirmity;

38.1.10 ceases to be a member of the body which elected, appointed or designated him or her;

38.1.11 is removed from his or her office by resolution for any lawful reason passed by 75% vote of the Council members present at a Council meeting; or

38.1.12 Who is otherwise disqualified in terms of the Rules.

- 38.2 Notwithstanding clause 38.1.4 in the event that a member of the Council is absent from 3 consecutive ordinary meetings of the Council with an apology, and if such member is present at the first Council meeting following the 3 consecutive ordinary meetings that such member was absent from, the Council may, in its sole discretion, condone such member's absence and permit such member to retain his or her membership on the Council. If the Council does not condone such member's absence and permit such member to retain his or her membership aforesaid, such member's membership shall terminate and the office of that member shall become vacant with effect from the third consecutive ordinary meeting from which such member was absent with an apology, as contemplated in clause 38.1.4
- 38.3 In the event of a vacancy occurring in terms of clause 38.1 the Registrar shall forthwith notify the authority or body that appointed or elected the member, requesting the authority or body to appoint or elect a successor.
- 38.4 The successor, appointed in terms of clause 38.2, holds office for the unexpired term of office of his or her predecessor.
- 38.5 Not less than 90 days before the expiry of the term of office of a member of the Council, the Registrar shall in writing give notice of such expiry to the body or person that elected, appointed or designated such member and request such body or person to elect, appoint or designate a successor immediately.
- 38.6 Subject to the disciplinary procedure of the University, if:
- 38.6.1. An Employee is dismissed, demoted or an Employee's service is terminated for whatever reason by the University, the membership of such member automatically terminates; or
- 38.6.2. A Student is expelled from the University, the membership of such member automatically terminates.
- 38.7 An Employee or a Student of the University found guilty at a disciplinary hearing of the University of transgressing the Rules of the University, may not serve on the Council for a period of 2 years, and if such a person is a serving Council member at the time of being found guilty, ceases to be a Council member and is eligible for re-appointment after 2 years.
- 38.8 The term of office for the Student members is 1 year, provided that membership automatically lapses when a Student ceases to be a registered Student.
- 38.9 If 75% or more of the members of the Council resign at a meeting of the Council, it is deemed that the Council has resigned.

38.10 If the Council resigns as contemplated in clause 38.9, the sections 27(9) and 49G of the Act Apply.

39 ELECTION OF THE CHAIRPERSON AND THE DEPUTY CHAIRPERSON

39.1 The members of the Council shall elect a chairperson and deputy chairperson of the Council at the first ordinary meeting of the Council.

39.2 The nomination of candidates, election and voting for such candidates shall be done in terms of the Rules.

39.3 Subject to section 26(4)(c), the Council members shall be entitled to nominate candidates who shall be capable of fulfilling the role, criteria, and profile approved by the Council for a chairperson and deputy chairperson of the Council.

40 SECRETARY TO THE COUNCIL

40.1 The Secretary to the Council is the Registrar as contemplated in section 26(4)(b) of the Act.

40.2 The Registrar attends all meetings and keeps all relevant documents of the Council.

40.3 The Registrar shall keep a complete register of the Council resolutions adopted and all members of the Council shall have access to such register.

THE COUNCIL MEETINGS

41 ORDINARY MEETINGS OF THE COUNCIL

The Council shall have at least one ordinary meeting in each quarter of the academic year.

42 SPECIAL MEETINGS OF THE COUNCIL

42.1 Special meetings shall be held –

42.1.1 when called by the chairperson; and

42.1.2 when a written request for a special meeting, stating the object of the meeting, is received by the chairperson from at least 5 members of the Council.

42.2 At least 3 days' notice shall be given for a special meeting, unless, in the opinion of the chairperson, there is an emergency that warrants a shorter period of notice.

42.3 No matters other than those for which the meeting has been called may be dealt with at a special meeting.

43 RESERVED MATTERS

- 43.1 In terms of the Act read with clause 34.5.3 and clause 34.6, the Council is required to take the decisions in clause 34.5.3 and clause 34.6 itself and the Council is not permitted in terms of clause 34.5.3 and clause 34.6 to delegate the functions listed in 34.5.3 and clause 34.6.
- 43.2 All decisions to be taken in respect of Reserved Matters shall be taken –
- 43.2.1 by a duly constituted and quorate meeting of the Council, and a quorum for such a meeting shall be 50% plus 1 of the members holding office; and
- 43.2.2 at either an ordinary meeting or a special meeting of the Council.
- 43.2.3 Decisions on a reserved matter must be taken by 75% of members present at a duly quorate meeting in accordance with the meeting requirements for reserved matters.

44 PROCEDURE AT MEETINGS OF THE COUNCIL

- 44.1 The quorum of a meeting consists of 50% plus 1 of the members holding office. Where a fraction arises, it is rounded off to the next whole number.
- 44.2 In the event of there being no quorum 15 minutes after the time determined for the meeting, the meeting shall adjourn without motion or vote and be reconvened to another date where the members present, whether present in person or by electronic communication, shall be deemed to constitute the requisite quorum.
- 44.3 The Registrar shall issue a written notice to each member of the Council at least 5 calendar days before each ordinary meeting of the Council setting out the place, date and time of the meeting, and the agenda for the meeting, but the Council may, if the chairperson so rules, or a majority of the total membership of the Council agrees, consider any urgent matter of which notice has not yet been given.
- 44.4 In the absence of the chairperson and the deputy chairperson of the Council, the members present elect 1 of their members to preside at such meeting, provided that the member so elected is not an Employee or Student of the University.
- 44.5 The Council decides its own rules of debate subject to clauses 44.6 to 44.16 below.
- 44.6 The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the Council, provided further that objections to the

minutes of a meeting are raised and decided before confirmation of the minutes.

- 44.7 The meeting shall deal with the business of which notice has been given and any other business which a majority of the total membership of the Council agrees to consider.
- 44.8 Every motion, and every amendment proposed shall be seconded and shall, if the chairperson requires this, be in writing and a motion or amendment that is not seconded falls away.
- 44.9 Except where the Act or this Statute requires a different procedure, and where consensus cannot be reached, each question shall be decided by the majority of votes of the members present and voting, and unless the meeting decides otherwise voting shall be by show of hands.
- 44.10 Should the majority of members present abstain from voting, the matter to be decided on shall be deferred.
- 44.11 When a majority of the members of the Council reaches agreement on a matter referred to them by letter or electronic means by the chairperson, without convening a meeting, and conveys such resolution by letter or electronic means, such resolution is equivalent to a resolution of the Council and shall be recorded in the minutes of the next succeeding ordinary meeting.
- 44.12 The views of a member of the Council who is unable to attend a meeting may be submitted to the meeting in writing but may not count as a vote of such member.
- 44.13 The chairperson has a deliberative vote on each question and also has a casting vote in the case of an equality in the number of votes.
- 44.14 If so decided by the meeting, the number of members voting for or against, or abstaining from, any motion shall be recorded in the minutes, and at the request of any member the chairperson shall direct that the vote of such member be likewise recorded.
- 44.15 The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which event such ruling shall be submitted without discussion to the meeting whose decision is final.
- 44.16 The Council may invite persons who are not members to attend meetings and allow them to take part in discussions, provided that they are not allowed to vote.

45 AMENDMENT OR REPEAL OF STATUTE

- 45.1 No motion to amend or repeal this Statute may be adopted unless adopted by not less than 75% of all members present at the meeting; provided a meeting is constituted by not less than 50% of the total members.

45.2 Any motion to amend or repeal this Statute shall be in accordance with the provisions of section 32(2) of the Act.

46 THE EXECUTIVE AND OTHER COMMITTEES OF THE COUNCIL

46.1 The Council appoints –

46.1.1 an executive committee;

46.1.2 an audit and risk committee;

46.1.3 a finance committee;

46.1.4 a human resources committee;

46.1.5 a remuneration committee;

46.1.6 a governance and ethics committee; and

46.1.7 such other committees as may be required.

46.2 The composition and functions of the committees are determined by the Council.

46.3 Sixty percent of each of the Council committees shall consist of external members of the Council.

46.4 The Council is not divested of responsibility for the performance of any function delegated or assigned to a committee of the Council under this clause.

46.5 The chairperson of a committee may not be an Employee or a Student of the University.

47 COMPOSITION OF THE EXECUTIVE COMMITTEE OF THE COUNCIL

The Executive Committee of the Council shall consist of –

47.1 the chairperson of the Council;

47.2 the deputy chairperson of the Council;

47.3 the Vice-Chancellor;

47.4 the chairpersons of the committees of the Council; and

47.5 such additional persons as determined by the Council.

CHAPTER SIX: THE SENATE AND RELATED MATTERS**THE SENATE****48 FUNCTIONS OF THE SENATE**

48.1 Subject to the provisions of the Act and this Statute, the Senate is accountable to the Council for regulating all teaching, learning, research and academic functions of the University and all other functions delegated or assigned to it by the Council.

48.2 Without derogating from the generality of clause 48.1

48.2.1 shall organise and control the teaching, curricula, syllabi, Examinations and research of the University;

48.2.2 makes the Rules for Examinations and shall ensure that all Examinations are conducted in accordance with these Rules;

48.2.3 makes Rules prescribing the requirements for each Degree, Diploma and Certificate, and decides who has complied with these requirements;

48.2.4 appoints examiners for all Examinations;

48.2.5 may make recommendations to the Council regarding the Faculty to which each academic Department, or other academic structure belongs;

48.2.6 may make recommendations to the Council regarding the establishment and disestablishment of Faculties, academic Departments, and other academic structures;

48.2.7 may make standing orders on procedures and delegation of powers for the better carrying out of its functions;

48.2.8 may, in terms of the Rules, cancel the registration of a Student in all or one or more of the courses for which the Student is registered in that year, if, in the opinion of the Senate, the academic achievement of the Student is such that the Student may not at the end of the year obtain credit in such course or courses, as the case may be.

48.3 the Senate –

48.3.1 shall organise and control the teaching, curricula, syllabi, Examinations and research of the University;

48.3.2 makes the Rules for Examinations and shall ensure that all Examinations are conducted in accordance with these Rules;

- 48.3.3 makes Rules prescribing the requirements for each Degree, Diploma and Certificate, and decides who has complied with these requirements;
- 48.3.4 appoints examiners for all Examinations;
- 48.3.5 may make recommendations to the Council regarding the Faculty to which each academic Department, or other academic structure belongs;
- 48.3.6 may make recommendations to the Council regarding the establishment and disestablishment of Faculties, academic Departments, and other academic structures;
- 48.3.7 may make standing orders on procedures and delegation of powers for the better carrying out of its functions;
- 48.3.8 may, in terms of the Rules, cancel the registration of a Student in all or one or more of the courses for which the Student is registered in that year, if, in the opinion of the Senate, the academic achievement of the Student is such that the Student may not at the end of the year obtain credit in such course or courses, as the case may be.
- 48.4 The Senate –
- 48.4.1 shall carry out such other functions as the Council assigns to it;
- 48.4.2 shall submit to the Council such reports on its work as may be required by the Council; and
- 48.4.3 makes recommendations to the Council on matters referred to it by the Council and on any other matter affecting the University as it considers necessary.
- 48.5 The Senate may, by resolution –
- 48.5.1 establish committees of the Senate to perform any of its functions;
- 48.5.2 appoint to any such committee both members of the Senate and persons who are not members of the Senate;
- 48.5.3 determine the functions of its committees as well as the procedure of meetings of these committees;
- 48.5.4 disestablish any committee it has established; and
- 48.5.5 terminate the membership of any person it has appointed to any committee.
- 48.6 The Senate may delegate or assign any of its functions to –
- 48.6.1 a committee of the Senate;

- 48.6.2 a member of the Senate; or
- 48.6.3 any office bearer of the University, provided that it may not delegate or assign a function delegated to it by the Council without the Council's agreement.
- 48.7 The Senate is not divested of responsibility for the performance of any function delegated or assigned to a committee of the Senate under this clause.

49 COMPOSITION OF THE SENATE

The Senate of the University consists of –

- 49.1 the Vice-Chancellor;
- 49.2 the Deputy Vice-Chancellors;
- 49.3 the Registrar;
- 49.4 the Executive Directors;
- 49.5 the Deans;
- 49.6 the Professors and associate Professors in the permanent employ of the University;
- 49.7 the Deputy Registrar: Academic Administration and Directors of Research and Library Services;
- 49.8 heads of the academic Departments;
- 49.9 2 representatives of the SRC;
- 49.10 2 Academic Employees, elected from the Academic Employees not represented under clauses 49.5, 49.6 and 49.8 of this Statute
- 49.11 2 Non-Academic Employees, elected from the Non-Academic Employees not represented under clause 49 of this Statute
- 49.12 2 members of the Council who are not Employees or Students of the University;
- 49.13 such additional members as approved by the Senate; and
- 49.14 the chairperson of the Institutional Forum.

50 ELECTION OF MEMBERS OF THE SENATE

The manner in which members of the Senate are elected are determined by the Rules.

51 TERM OF OFFICE OF THE SENATE MEMBERS

- 51.1 Members appointed in terms of clauses 49.1 to 49.8 hold office for as long as they are employed by the University in that capacity.
- 51.2 Members appointed in terms of clauses 49.7, 49.10 and 49.11 hold office for a period of 2 years.
- 51.3 The term of office for the Student members is 1 year, provided that membership automatically lapses when a Student ceases to be a registered Student.
- 51.4 The 2 members of the Council referred to in clause 49.12 shall be elected at an ordinary meeting of the Council, may not be an Employee or Student of the University, and hold office for a period of 4 years.
- 51.5 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 Registrar shall notify the authority or body that has appointed or elected such member of the vacancy, and shall, if in the opinion of the chairperson to the Senate this is reasonably practicable, request such authority or body to appoint or elect a successor.
- 51.6 The successor holds office for the unexpired term of office of the predecessor unless the successor is appointed or elected because his or her predecessor's term of office has expired.

52 THE CHAIRPERSON, THE DEPUTY CHAIRPERSON AND SECRETARY OF THE SENATE

- 52.1 The Vice-Chancellor is the chairperson of the Senate.
- 52.2 The Vice-Chancellor shall, in his or her discretion, exercised reasonably, nominate and appoint either the Deputy Vice-Chancellor for teaching and learning or the Deputy Vice-Chancellor responsible for research as the deputy chairperson of the Senate.
- 52.3 In the absence of the chairperson the deputy chairperson of the Senate shall act as the chairperson. In the absence of both the Vice-Chancellor and the Deputy Vice-Chancellor: academic, the meeting shall elect a chairperson from their ranks for the particular meeting.
- 52.4 The Registrar is the secretary of the Senate, provided that he or she may designate one or more of the Employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.

53 THE SENATE'S EXECUTIVE COMMITTEE

53.1 The Senate shall appoint an executive committee consisting of the following persons –

53.1.1 the Vice-Chancellor, who is the chairperson;

53.1.2 the Deputy Vice-Chancellors;

53.1.3 the Registrar;

53.1.4 2 Senate members serving on the Council; and

53.1.5 the Deans of Faculties.

53.2 The Registrar is the secretary of the Senate executive committee, provided that he or she may designate one or more of the Employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.

54 PROCEDURE AT MEETINGS OF THE SENATE

54.1 The quorum for meetings of the Senate is one third of the membership, the members on leave at the date of any meeting not counting for this purpose, among those in membership.

54.2 Ordinary meetings shall be held when and where the Senate decides and there shall be at least 2 ordinary meetings of the Senate each year.

54.3 Any 2 members of the Senate may place a motion on the agenda for a meeting of the Senate by giving notice to the Registrar at least 7 days before the date of the meeting, and the Registrar shall include any such motion in the agenda.

54.4 The Registrar shall issue a notice to each member of the Senate at least 4 days before the date of each ordinary meeting of the Senate, setting out the place, date and time of the meeting, and the agenda for the meeting, but the Senate may by a simple majority of the members present and voting agree to consider any urgent matter of which notice has not been given.

54.5 The Senate decides its own Rules of debate subject to clauses 54.6 to 54.19 below.

54.6 The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the Senate, provided further that objections to the minutes of a meeting are raised and decided before confirmation of the minutes.

54.7 The meeting shall deal with the business of which notice has been given and any other business

which a majority of the total membership of the Senate agrees to consider.

- 54.8 Every motion, and every amendment proposed shall be seconded and shall, if the chairperson requires this, be in writing and a motion or amendment that is not seconded falls away.
- 54.9 Except where the Act or this Statute requires a different procedure, and where consensus cannot be reached, each question shall be decided by the majority of votes of the members present and voting, and unless the meeting decides otherwise, voting shall be by show of hands.
- 54.10 Should the majority of members present abstain from voting, the matter to be decided on shall be deferred.
- 54.11 When a majority of the members of the Senate reach agreement on a matter referred to them by letter or electronic means by the chairperson, without convening a meeting, and convey such resolution by letter or electronic means, such resolution is equivalent to a resolution of the Senate and shall be recorded in the minutes of the next succeeding ordinary meeting.
- 54.12 The views of a member of the Senate who is unable to attend a meeting may be submitted to the meeting in writing but may not count as a vote of such member.
- 54.13 The chairperson has a deliberative vote on each question and also has a casting vote in the case of an equality in the number of votes.
- 54.14 If so decided by the meeting, the number of members voting for or against, or abstaining from, any motion shall be recorded in the minutes, and at the request of any member the chairperson shall direct that the vote of such member be likewise recorded.
- 54.15 The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which event such ruling shall be submitted without discussion to the meeting, whose decision is final.
- 54.16 The Senate may invite persons who are not members to attend meetings and allow them to take part in discussions, provided that they are not allowed to vote.
- 54.17 Special meetings shall be held –
- 54.17.1 when called by the chairperson; or
- 54.17.2 when a written request for a special meeting, stating the object of the meeting, is received by the Registrar from at least 15 members of the Senate.
- 54.18 The Registrar shall give at least 3 days' notice to each member of each special meeting of the Senate, setting out the place, date and time of the meeting, and the agenda for the meeting. However, the

chairperson may dispense with the period of notice, where in his or her opinion there is an emergency.

- 54.19 No other business may be dealt with at a special meeting, but the Senate may by a three-quarters majority of the members present and voting agree to consider any urgent matter of which notice has not been given.

CHAPTER SEVEN: THE UNIVERSITY STRUCTURES

THE FACULTIES AND THE FACULTY BOARDS

55 FUNCTIONS AND COMPOSITION OF THE FACULTIES AND THE FACULTY BOARDS

- 55.1 For each Faculty there is a committee of the Senate known as a Faculty board.
- 55.2 The composition of each Faculty board is as decided by the Senate from time to time, but in each Faculty the composition of the Faculty board shall include –
- 55.2.1 the Professors in the Faculty;
- 55.2.2 the heads of departments in the Faculty;
- 55.2.3 the permanent full-time associate Professors, senior lecturers, lecturers and assistant lecturers in the Faculty; and
- 55.2.4 the Student representatives.
- 55.3 The Dean of the Faculty is the chairperson of his or her Faculty board and presides at all meetings of the Faculty board at which he or she is present.
- 55.4 In the absence of the Dean, the acting Dean presides, and in the absence of both the Faculty board shall elect a member to preside at that meeting.
- 55.5 The Faculty board –
- 55.5.1 is responsible to the Senate for organising and controlling the teaching, curricula, syllabi, Examinations and research of the Faculty;
- 55.5.2 shall make proposals to the Senate for Rules prescribing the requirements for each Degree, Diploma and Certificate offered in the Faculty, including the requirements for admission and readmission;
- 55.5.3 shall advise the Dean of the Faculty on policy for resource allocation in the Faculty;

- 55.5.4 shall carry out such functions as the Senate delegates or assigns to it;
- 55.5.5 is accountable to the Senate for its work; and
- 55.5.6 may by resolution establish committees of the Faculty and may appoint as members of such committees any persons whether they are members of the Faculty board or not.
- 55.6 The quorum and procedure at meetings of Faculty boards are as decided by the Senate from time to time, but the quorum may not be less than one third of the total membership of the Faculty board, the members of the Faculty board on leave on the date of any meeting not counting for this purpose among those present or in the membership.
- 55.7 Special meetings shall be held –
- 55.7.1 when called by a Dean(s); or
- 55.7.2 when a written request for a special meeting, stating the object of the meeting, is received by a Dean(s) from at least 10 members of the Faculty board.
- 55.8 The Faculty board decides its own Rules of debate.
- 55.9 The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which case the chairperson shall submit his or her ruling without discussion to the meeting which decision is then final and binding.

THE INSTITUTIONAL FORUM

56 FUNCTIONS OF THE INSTITUTIONAL FORUM

- 56.1 The Institutional Forum of the University is an advisory body and shall advise the Council on issues affecting the University, including but not limited to, the following –
- 56.1.1 the implementation of the Act and the national policy on higher education;
- 56.1.2 race and gender equity policies;
- 56.1.3 the selection of candidates for positions of the Senior Management;
- 56.1.4 codes of conduct, mediation and dispute resolution procedures;
- 56.1.5 fostering of an institutional culture which promotes transformation, social cohesion, respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and
- 56.1.6 the language policy.

56.2 In the event that the advice of the Institutional Forum has not been accepted by the Council, the Council shall inform the Institutional Forum in writing of such a decision, providing written reasons for not accepting the Institutional Forum's advice.

56.3 The Institutional Forum shall perform such other functions as may be delegated or assigned to it by the Council.

57 COMPOSITION OF THE INSTITUTIONAL FORUM

57.1 The Institutional Forum consists of -

57.1.1 the Vice-Chancellor or her/his nominated Deputy Vice-Chancellor;

57.1.2 1 Deputy Vice-Chancellor;

57.1.3 the Registrar;

57.1.4 1 member of the Council who is not an Employee or Student of the University;

57.1.5 2 members from the management;

57.1.6 1 member of the Senate;

57.1.7 2 members representing the Academic Employees;

57.1.8 2 members representing the Non-Academic Employees, who may or may not be members of recognised labour unions or Non-Academic Employee associations at the University;

57.1.9 2 members from each internally recognised labour organisation;

57.1.10 1 the Students designated by the SRC annually;

57.1.11 1 member of the Student Services Council;

57.1.12 1 member appointed by the Convocation;

57.1.13 an employee responsible for transformation, diversity and social cohesion; and

57.1.14 1 or more members co-opted by the Institutional Forum for the specific purpose of assisting the Institutional Forum in respect of any area of expertise, from time to time.

57.2 The Institutional Forum shall not have members who are external (except the external member of the Council referred to in clause 57.1.4, member of the Student Services Council referred to in clause 57.1.11 and the member appointed by the convocation referred to in clause 57.1 above) to the University. As appropriate, the Institutional Forum shall from time to time be entitled to call

on such external individuals or constituencies to contribute to the Institutional Forum's deliberations on matters or participate in *ad hoc* working groups constituted by the Institutional Forum, but these external individuals or constituencies shall not be entitled to vote either directly or by proxy on any matter under consideration by the Institutional Forum.

57.3 Nomination of representatives shall be transparent and democratic and each constituency shall follow the procedure within its own constituency and submit the names of its representatives to the Registrar.

57.4 While members of the Institutional Forum may be elected by their sectoral constituencies, the members of the Institutional Forum serve the Institutional Forum in their individual capacities and shall subject themselves to all of the policies and rules of the University and its governance structures.

58 TERM OF OFFICE AND VACANCIES

58.1 The term of office of all members shall be 3 years, unless before the expiry of such period, a member submits his or her resignation in writing to the Institutional Forum or vacates his or her office for any other reason.

58.2 A vacancy on the Institutional Forum caused by resignation contemplated in clause 58.1, the death or the vacation of office by a member shall be filled, for the unexpired portion of the period of office of such member.

59 OFFICE-BEARERS OF THE INSTITUTIONAL FORUM

The Institutional Forum elects from among its members a chairperson and a vice chairperson in terms of the Rules.

60 MEETINGS AND MEETING PROCEDURE OF THE INSTITUTIONAL FORUM

60.1 The number of meetings is as decided by the Institutional Forum.

60.2 The quorum of a meeting consists of 50% plus 1 of the members holding office. Where a fraction arises it is rounded off to the next whole number.

60.3 The meeting procedures are as determined by the Institutional Forum

60.4 Members of the Institutional Forum shall not be permitted to send substitutes, or proxies to the Institutional Forum meetings except in exceptional circumstances and with the agreement of the Chairperson for that meeting.

THE STUDENT SERVICES COUNCIL**61 FUNCTIONS OF THE STUDENT SERVICES COUNCIL**

- 61.1 The Student Services Council performs the functions of the structure contemplated in section 27(3) of the Act to advise on policy in respect of the Student support services within the University.
- 61.2 The Student Services Council should ensure provision of support services to the Students that create an environment conducive for Student success.
- 61.3 The composition and terms of reference of the Student Services Council are contained in the Rules of the University.

THE STUDENTS' REPRESENTATIVE COUNCIL (SRC)**62 CONSTITUTION**

- 62.1 The constitution of the SRC, which forms part of the Rules of the University, shall provide for –
- 62.1.1 the composition of the SRC;
- 62.1.2 the members of the SRC to be elected in a general election held during the third quarter of each year, in which every registered Student is entitled to vote, in the manner the constitution prescribes, or in a by-election held according to the constitution;
- 62.1.3 the composition and use of an Independent Electoral Commission to facilitate SRC elections and by-elections;
- 62.1.4 the election of office bearers of the SRC;
- 62.1.5 the minimum number of meetings of the SRC, the quorum at meetings and meeting procedures;
- 62.1.6 the general functions of the SRC; and
- 62.1.7 the establishment of Faculty representative bodies.
- 62.2 The constitution of the SRC shall have no legal force and effect unless such constitution, or amendments thereto, is approved by the Council.

63 FUNCTIONS OF THE STUDENTS' REPRESENTATIVE COUNCIL

- 63.1 The Students of the University are represented in matters that affect such Students by the SRC.
- 63.2 The matters contemplated in clause 63.1 include, but are not limited to –

- 63.2.1 liaison with the Council, the Senate, the management, the Institutional Forum, the general public, the other higher education institutions, the students' representative councils of other higher education institutions, national or international student organisations, unions and news media;
- 63.2.2 ensuring that the constitutions of clubs and societies are not in violation of any policies, Rules or practices of the University;
- 63.2.3 making recommendations to the Student Services Council and/or to the management for the suspension, or other form of discipline, of a Student body that has been found guilty within the Rules;
- 63.2.4 should a Student body be in violation of the Rules as contemplated in clause 63.2.3-above and the SRC fails to act in the manner prescribed, the management of the University or its delegated body may decide on appropriate action;
- 63.2.5 the convening and conducting of all authorised meetings of the Student body and to be the managing body in all general referenda and petitions organised by the Students within the Rules;
- 63.2.6 the appointment of such office-bearers and establishing of such committees as it deems necessary;
- 63.2.7 utilizing the approved University financial procedures and structures, keep account of all moneys paid over to it by the Council, through its appointed structures, and any other moneys which may accrue to it in its capacity as representative of the Students, and disburse such funds for use by the Students and approved Student clubs, societies and committees after Consultation and with the approval of the Student Services Council;
- 63.2.8 the responsibility for the preservation of order at the Student functions, and the ensuring of good conduct at other approved meetings of the Students;
- 63.2.9 the co-ordination of the Student involvement in all community projects initiated by it;
- 63.2.10 the recommendation to the University Executive Management and the Council of Rules to determine the conduct of its affairs;
- 63.2.11 coordination of the processes of the SRC elections; and
- 63.2.12 such additional function and privileges conferred upon it by the appropriate management structures and the Council.

64 MEMBERSHIP

- 64.1 Only Students are eligible to serve as members of the SRC.
- 64.2 Notwithstanding clause 64.1 above, only the Students whose academic performance satisfies Rules as determined by the SRC Constitution from time to time, shall be allowed to serve as members of the SRC.

65 TERM OF OFFICE

The term of office of the members of the SRC is 1 year.

66 THE STUDENTS' REPRESENTATIVE COUNCIL DISCIPLINARY COMMITTEE

- 66.1 The SRC shall establish a disciplinary committee responsible for the discipline of any members of the SRC that violate the SRC's code of conduct.
- 66.2 Any other disciplinary matter pertaining to the Student discipline that falls outside the SRC code of conduct shall be dealt with according to the Rules of the University.

67 GENERAL MEETING

- 67.1 The SRC shall convene at least 1 general meeting of the Students per semester.
- 67.2 The general meeting may also be requested by at least 1 000 signatories petitioning the SRC.
- 67.3 Meetings may not disrupt academic activities unless prior permission has been granted by the Vice-Chancellor.

THE CONVOCATION**68 FUNCTIONS OF THE CONVOCATION**

- 68.1 The Convocation may discuss and state its opinion upon any matter relating to the University.
- 68.2 The Convocation discusses such matters as may have been referred to it by the Council, the Senate or the Institutional Forum during the period since the previous meeting of the Convocation or such matters pertaining to the University as may have come to the attention of the President of the Convocation since the previous meeting.
- 68.3 The Convocation is accountable to the Council.
- 68.4 As soon as possible after a meeting of the Convocation, the Registrar shall send to the chairperson of the Council, for the Council's information, and to the chairperson of the Senate, for the Senate's information, and electronically to members of the Convocation on the Convocation roll database a

copy of all resolutions passed by the Convocation and a statement on any other matters on which decisions were passed by the Convocation.

69 COMPOSITION OF THE CONVOCATION

69.1 The Convocation consists of the Vice-Chancellor, the Deputy Vice-Chancellors, the Registrar, former and present Academic Employees as set out in clause 69.2 and all persons who are or become Graduates of the University or Diplomates of the University.

69.2 Academic Employees on who are permanently employed by the University, Professors emeriti and other retired Academic Employees who were or have been permanently employed by the University in continuous employment for not less than 10 years immediately prior to retirement, are members of the Convocation.

69.3 The fact that the name of a person appears on the Convocation roll is *prima facie* proof of him or her being a member of the Convocation, and of him or her being entitled to vote.

69.4 The names of new Graduates of the University and Diplomates of the University are deemed to have been inscribed in the Convocation roll after Degrees or Diplomas have been awarded, but members so registered are required to furnish their addresses to the secretary and to notify him or her of any change of address.

70 PRESIDENT AND SECRETARY OF THE CONVOCATION

70.1 The Convocation, at its first meeting, elects from among its members a president to act as chairperson at all its meetings, who holds office for a period of 3 years, from the meeting at which he or she is elected.

70.2 Whenever the office of president becomes vacant, the Vice-Chancellor acts as president until a successor is elected at the following meeting of the Convocation for a period of 3 years.

70.3 The Registrar acts as secretary of the Convocation, provided that she or he may designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.

71 MEETINGS OF THE CONVOCATION

71.1 The president or, if the office of the president is vacant, the Vice-Chancellor convenes a meeting of the Convocation annually and notice of such meeting shall be given at least 4 weeks prior to the date of the meeting.

71.2 A member who wishes to raise any matter at such meeting shall submit written motions in regard

to the said matter to the Registrar or the president at least 2 weeks before the date of the meeting.

71.3 An extraordinary meeting of the Convocation may be convened by the president or the Vice-Chancellor if and when required.

71.4 An extraordinary meeting of the Convocation shall be convened by the president or, if the office of president is vacant, by the Vice-Chancellor, upon a written request signed by at least 25 members containing the matters for consideration in the form of separate motions.

71.5 An extraordinary meeting as contemplated in clause 71.4 shall be held within 2 months after receipt of the request.

72 MEETING PROCEDURES OF THE CONVOCATION

72.1 Fifty members constitute a quorum at a meeting of the Convocation, provided that, if no quorum is present the meeting may adjourn and an extraordinary meeting may be convened with at least 7 days' notice, at which the members present constitute a quorum.

72.2 Notwithstanding the absence of a quorum at an annual meeting, such meeting may proceed to elect president and convocation executive members and to dispose of other formal matters, but no motions may be submitted at such meeting.

72.3 After its constitution, by reading the notice in terms of which it was convened, a meeting commences with the reading and confirmation, by the signature of the chairperson, of the minutes of the previous ordinary meeting and of all subsequent extraordinary meetings.

72.4 Any objection to such minutes shall be raised and determined prior to their confirmation.

72.5 A member may not, without the permission of the meeting speak more than once on a motion or amendment thereof, but the mover of the motion or amendment may reply.

72.6 All matters are decided by a majority of the members present.

72.7 In addition to his or her ordinary vote, the chairperson has a casting vote in the event of an equality of votes.

72.8 If a meeting so resolves, the number of votes in favour of or against a motion shall be recorded in the minutes, and, at the request of a member, the chairperson shall further direct that the vote of such member be likewise recorded.

72.9 A motion or amendment thereof shall be seconded, and if the chairperson directs, such motion or amendment shall be in writing.

- 72.10 A motion or amendment may not be withdrawn without the permission of the meeting.
- 72.11 The chairperson may permit the discussion of a matter of which notice was not duly given, provided such discussion is unopposed.
- 72.12 The ruling of the chairperson on a point of order of procedure is binding, unless immediately challenged by a member, in which event such ruling shall be submitted without discussion to the meeting, whose decision is final.
- 72.13 A copy of the resolutions of the Convocation, and a statement on such other matters as the Convocation may determine, duly certified by the chairperson and Registrar, are submitted to the chairperson of the Council for the information of the Council and to the Vice-Chancellor for the information of the Senate.

73 ELECTION OF MEMBERS OF THE COUNCIL BY THE CONVOCATION

- 73.1 Whenever the Convocation is required to elect a member to serve on the Council in terms of clause 35.1.11 the Registrar shall, at least 6 months before the expiry of the term of office of the Council members, invite each member of the Convocation in writing to nominate a member of the Convocation in writing for election as a member of the Council, and each such nomination shall be accompanied by a written motivation.
- 73.2 Each nomination, signed by not less than 5 members of the Convocation and countersigned by the member so nominated to signify his or her acceptance of such nomination, shall be lodged with the Registrar not less than 1 month before the date set for such election.
- 73.3 Elections shall be conducted *via* an electronic platform (or such other method(s)/means determined by the Registrar) to afford all the convocants the opportunity to participate in the election process.

THE RESEARCH ENTITIES

74 FUNCTIONS, REPORTING AND POWERS

A body created for the management of a Research Entity has the power, subject to the authority of the Council and the Senate, to –

- 74.1 determine the policy and programme of such Research Entity and to exercise control over the execution thereof and in particular, without derogating from the generality of the foregoing, to undertake research, publication, training and the rendering of services to the University or to the community in connection with it and with the other activities associated with it;

- 74.2 make recommendations to the Council, after Consultation with the Senate, on the creation of posts and the appointment of Employees in such Research Entity;
- 74.3 prepare estimates of revenue and expenditure for such Research Entity and control the funds allocated or donated to it; and
- 74.4 perform such other activities as may be necessary for the efficient management of such Research Entity.

CHAPTER EIGHT: THE EMPLOYEES AND THE STUDENTS

THE EMPLOYEES

75 APPOINTMENT

Subject to section 34 of the Act, the Council appoints the Employees according to the staffing policies of the University as determined in the Rules.

76 REMUNERATION

Determination and review of salaries of the Employees and all other forms of remuneration is approved by the Council according to the University's remuneration policy as determined in the Rules which is amended from time to time by the Council.

77 EVALUATION

All Employees of the University are subject to continuous evaluation in the performance of their duties.

78 EMPLOYEES' DISCIPLINE

Every Employee is subject to a disciplinary code, a disciplinary procedure and a grievance procedure for the Employees, as approved by the Council and determined in the Rules, which serve as an integral part of every Employee's conditions of service.

79 EMPLOYEES AND CONFLICTS OF INTEREST

The provisions of clause 34.3 that deal with Conflicts of Interest, apply *mutatis mutandis* to the Employees, subject to the provisions of section 34(5) of the Act. An Employee who is conflicted as contemplated in the definition of "**Conflict of Interest**" in clause 34.3.2 shall, –

- 79.1 before the meeting of the Entity or a committee of any Entity concerned and in writing, inform the chairperson of that meeting that he or she has a Conflict of Interest, possible Conflict of Interest or perceived Conflict of Interest; or
- 79.2 if, the provisions of clause 79.1 do not apply for any reason whatsoever, in writing inform his or her immediate manager, supervisor or other superior that he or she has a Conflict of Interest, possible Conflict of Interest or perceived Conflict of Interest.

80 THE REPRESENTATIVE EMPLOYEES' ORGANISATION

Agreements with the Representative Employees' Organisations may, with reference to salary and related negotiations, and according to the relevant labour legislation, be entered into by the management and recommended to the Council for approval.

THE STUDENTS

81 ADMISSION AND REGISTRATION OF THE STUDENTS

- 81.1 A person may be permitted by the Council to register as a Student only if he or she satisfies the legal requirements, if any, for admission to study at the University, and further satisfies any other requirements for admission that may be determined by the Council and laid down in the Rules.
- 81.2 The requirements for admission of a Student to faculties are set out in the Rules and may be changed by the Council after Consultation with the Senate.
- 81.3 A Student shall register and, once registered, remain registered until the day before the start of the next academic year, or until he or she graduates or is awarded a Diploma or Certificate, or is expelled, or for such shorter period as the Council decides, whichever is the shortest.
- 81.4 In order for a Student to renew his or her registration after the expiry of the period contemplated in clause 81.3, the Student is required to comply with any conditions set by the Council.
- 81.5 The Council may refuse to allow the renewal of registration if a Student fails to meet the conditions contemplated in clause 81.4.
- 81.6 The conditions contemplated in clause 81.4 may include the payment of outstanding fees.

82 STUDENT DISCIPLINE

- 82.1 The disciplinary measures and discipline provisions applicable to the Students are set out in the Rules and may be changed by the Council after Consultation with the SRC, the Student Services Council and the Senate.

- 82.2 The Vice-Chancellor may, from time to time, amend monetary penalties.
- 82.3 Such amended penalties shall be placed before the Council at the next ordinary meeting of the Council.
- 82.4 If the Council should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by the Council is not affected.

83 STUDENTS AND CONFLICTS OF INTEREST

The provisions of clause 34.3 that deal with Conflicts of Interest, apply *mutatis mutandis* to the Students. A Student who is conflicted as contemplated in the definition of "Conflict of Interest" in clause 34.3.2 shall, –

- 83.1 before the meeting of the Entity or a committee of any Entity concerned and in writing, inform the chairperson of that meeting that he or she has a Conflict of Interest, possible Conflict of Interest or perceived Conflict of Interest; or
- 83.2 if, the provisions of clause 83.1 do not apply for any reason whatsoever, in writing inform the Department of the Student Affairs that he or she has a Conflict of Interest, possible Conflict of Interest or perceived Conflict of Interest.

CHAPTER NINE: THIRD STREAM INCOME, DONORS, ANTI-CORRUPTION PRINCIPLES, SPECIAL AWARDS, THE UNIVERSITY ASSEMBLY AND MEETINGS

84 THIRD STREAM INCOME

- 84.1 The University shall endeavour to generate Third Stream Income in such manner as may be approved by the Council from time to time.
- 84.2 Third Stream Income may be generated by the University through any commercially viable and lawful means including, without limitation, entering into joint venture agreements with third parties, entering into partnership agreements with third parties, incorporating special purpose vehicle companies wholly or partially owned by the University through which to transact business or any other appropriate means.
- 84.3 The Council shall draft or cause to be drafted Rules governing Third Stream Income which shall be a component part of the Rules.
- 84.4 For purposes of this clause 84, "**Third Stream Income**" means any income other than income generated from the Student fees or the state subsidy.

85 DONORS

- 85.1 The University may receive moneys and equipment of any sort from Donors to assist the University in providing quality education.
- 85.2 The University may recognise and register certain Donors as determined in the Rules.

86 ANTI-CORRUPTION PRINCIPLES

The Entities and the Employees acknowledge that the Prevention and Combating of Corrupt Activities Act No.12 of 2004 applies by operation of law to them. The Entities and the Employees accordingly irrevocably agree to abide by, adhere to, and implement all anti-corruption and anti-bribery laws that apply in the Republic of South Africa.

87 SPECIAL AWARDS AND CONFERRING OF HONORARY DEGREES

- 87.1 The University may, without Examination, confer an honorary Degree and other University awards on a person who has rendered distinguished services in the advancement of any field of knowledge.
- 87.2 The criteria and procedures for conferring an honorary Degree and other University awards are as determined by the Rules.

88 THE UNIVERSITY ASSEMBLY

- 88.1 A General Assembly of the University ("**Assembly**") is only called under certain circumstances. It is an extraordinary event, convened on special occasions, with the aim of uniting all constituencies in a joint stance on an issue of national importance. The role of the Assembly is to adopt resolutions reached by consensus in the University. A decision to call an Assembly is made by the Council of the University. The Chancellor presides over the Assembly and the Vice-Chancellor issues the notice to convene the Assembly.
- 88.2 The following constituencies shall present their written statements at the Assembly –
- 88.2.1 the Chancellor;
 - 88.2.2 the Chairperson of the Council;
 - 88.2.3 the Vice-Chancellor;
 - 88.2.4 a representative designated for this purpose by the Senate;
 - 88.2.5 the Chairperson of the Institutional Forum;
 - 88.2.6 the President of the Students' Representative Council;

- 88.2.7 a single representative of the joint recognised labour organisations of the University designated for this purpose; and
- 88.2.8 the President of the Convocation.
- 88.3 Other representatives may present their written statements at an Assembly, subject to prior confirmation by the Chancellor of the University.

89 MEETINGS OF THE ENTITIES BY ELECTRONIC COMMUNICATION

- 89.1 Any Entity may conduct a meeting entirely by Electronic Communication or provide for participation in a meeting by Electronic Communication, and the power of the University to do so is not limited or restricted by this Statute. Accordingly –
- 89.1.1 any meeting may be conducted entirely by Electronic Communication; or
- 89.1.2 one or more Employees or members of any Entity or any committees of any Entity, may participate by Electronic Communication in all or part of any meeting that is being held in person, so long as the Electronic Communication employed ordinarily enables all persons participating in that meeting to communicate concurrently with each other and without an intermediary, and to participate reasonably effectively in the meeting.
- 89.2 Any notice of any meeting of any Entity which it will be possible for the Employees or members of any Entity to participate by way of Electronic Communication shall inform such Employees or members of any Entity of the ability to so participate and shall provide any necessary information to enable any Entity or any members of any Entity or their proxies to access the available medium or means of Electronic Communication, provided that such access shall be at the expense of the University.
- 89.3 The provisions of this clause 89 shall not apply to decisions to be taken by the Council as set out in clauses 34.5.3 and 34.6.
- 89.4 For purposes of this clause 89, "**Electronic Communication**" has the meaning set out in section 1 of the Electronic Communications and Transactions Act No.25 of 2002.

90. Degrees, Diplomas and Certificates

- 90.1 The University may confer Degrees and award Diplomas and Certificates in its own name, is contemplated in section 65B and 65C of the Act.
- 90.2. The Council may withdraw and revoke any degree, diploma, certificate or other qualification that was awarded as contemplated in section 65BA of the Act.

CHAPTER TEN: TRANSITIONAL PROVISIONS**91. TRANSITIONAL PROVISIONS**

For the purpose of this Chapter, "**Existing Statute**" shall have the meaning ascribed to the term in clause 91.7 below;

- 91.1. With the coming into force of this Statute, the existing Council of the University shall have the power and authority to take steps to implement the provisions of the Act, this Statute and the Rules.
- 91.2. The steps referred to in clause 91.1 may include the termination of the membership of the Council members to make it possible to reconstitute the Council in accordance with the Statute, save that the provisions of this clause 91.2, shall not supersede the provisions of clause 91.7
- 91.3. Before the promulgation of this Statute, the Council has delegated powers, with or without the authority to finalise matters, to committees of the Council, the Senate, committees of the Senate and individuals.
- 91.4. The delegated powers referred to in clause 91.3 shall be regarded as having been delegated in terms of the provisions of the Statute to the Executive Committee of the Council, other committees of the Council, the Senate, committees of the Senate and individuals, specifically also the Vice-Chancellor.
- 91.5. Before promulgation of this Statute, the Senate has delegated authority, with or without power to finalise matters, to the Executive Committee of the Senate, the Committee of the Senate, the Faculty boards and to individuals.
- 91.6. The delegated authority referred to in clause 91.5 is regarded as having been delegated in terms of the provisions of this Statute provided that the powers entrusted to the Executive Committee of the Senate shall be regarded as powers entrusted to the Executive Committee of the Senate.
- 91.7. The Statute of the University that applied before the coming into operation of this Statute, which was gazetted on 17 May 2010, bearing number 406 ("**Existing Statute**"), shall remain in force until this Statute is gazetted, save that when this Statute is gazetted, the provisions of the Existing Statute in respect of the composition of the Council as set out in clause 18 shall not be repealed and shall continue to apply until 31 August 2022, including if the Council resigns as contemplated in clause 38.9 and 38.10. and such resignation occurs prior to 32 August 2022. For the avoidance of doubt, —
 - 91.7.1. the provisions of clause 18 of the Existing Statute shall not be repealed and shall continue to apply in the period between the resignation of the Council aforesaid and 32 August 2022;
 - 91.7.2. the provisions of this Statute in respect of the composition of the Council as set out in clause 35 shall not apply until 31 August 2022, and shall accordingly be suspended until said date,

when clause 35 shall apply and come into operation; and

91.7.3. in the event of a dispute between the members of the Council *inter se*, or between the Council and any of the other Entities regarding the provisions of clause 18 of the Existing Statute, such dispute shall be dealt with and resolved in accordance with the provisions of clause 33 and related clauses of this Statute.

91.8. All internal University documents or practices such as codes of conduct, constitutions, guidelines, policies, rules, or terms of reference –

91.8.1. shall be read congruently, to the extent possible, with this Statute; and

91.8.2. to the extent that any internal University documents or practices aforesaid are ambiguous in relation to, or conflict with, this Statute, this Statute shall prevail.