

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3027

10 February 2023

**DURBAN UNIVERSITY OF TECHNOLOGY AMENDED
STATUTE**

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

SCHEDULE

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

**STATUTE OF
DURBAN UNIVERSITY OF TECHNOLOGY**

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DEFINITIONS AND INTERPRETATION

1. Definitions and Interpretation

In this Statute

- (1) any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No 101 of 1997) as amended, has the meaning so assigned to it, and unless the context otherwise indicates:
- "academic staff"** means any person appointed by **council** to undertake teaching, research or academic development and any other person appointed to a position designated as such by **council**;
- "academic year"** means that portion of a calendar year approved by Council on the recommendation of Senate, for the academic activities of the University
- "Act"** means the Higher Education Act (101 of 1997), as amended.
- "administrative and support staff"** means those staff members whose primary functions are to provide clerical, secretarial, or administrative services.
- "alumni"** means all graduates of the **Institution** or its **predecessor institutions**
- "certificate"** means a **qualification** of the **Institution** awarded to a **student** on completion of the work prescribed for the certificate by **senate and includes an equivalent certificate awarded by its predecessor institutions**;
- "chancellor"** means the titular head of the **Institution** contemplated in paragraphs 4 of this statute.
- "Companies Act"** means the Companies Act of the Republic of South Africa and any amendments thereof;
- "convocation"** means the structure contemplated in paragraph 3(1), comprising the alumni, permanent academic staff and other persons as contemplated in paragraphs 33 to 39;
- "council"** means the governing body of the **Institution** as contemplated in section 27(4) of the Act and in paragraphs 7 to 17 of this statute;
- "degree"** means a **qualification** of the **Institution** conferred upon a **student** on completion of the work prescribed for the degree by **senate**;
- "deputy vice-chancellor"** means a person appointed in terms of paragraphs 48 and 50;
- "diploma"** means a **qualification** of the **Institution** awarded to a **student** on completion of the work prescribed for the diploma by **senate and includes an advanced diploma or a postgraduate diploma**;
- "examination"** means any form of assessment, which includes but is not limited to any written, oral, practical, or clinical test where the result obtained contributes to the summative judgment of competence;
- "Executive Management"** means the vice-chancellor and principal, the deputy vice-chancellors, the registrar, and such other officers as may be determined by council on the recommendation of the vice-chancellor and principal;
- "faculty board"** means a faculty board as contemplated in paragraph 25;
- "Institution"** means the Durban University of Technology, as contemplated in this Statute;
- "institutional forum"** means the institutional forum contemplated in section 31 of the Act and in paragraphs 27 to 32 of this statute;
- "Minister"** means the minister responsible for higher education as appointed by the President of the Republic of South Africa;
- "institutional rule"** means any rule to give effect to this Statute made by **council** in terms of section 32 of the Act;
- "postgraduate student"**, for the purposes of appointments to **council**, **senate**, and the **institutional forum**, means a person registered as a **student** for a master's or doctoral degree or an equivalent qualification registered on the Higher Education Qualifications Sub-Framework (HEQSF)

"predecessor institutions" means the institutions that formed the Durban University of Technology;

"property" means any asset including but not limited to any immovable property, movable property, intellectual property, registered trademark, patent, brand, investment, stock, bond, security or financial resource, of the **Institution**.

"qualification" means an accredited qualification registered on the Higher Education Qualifications Sub-Framework (HEQSF).

"rule" means a rule made by the Senate as contemplated in paragraph 18;

"seat of the Institution" means the official address contemplated in paragraph 2 of this Statute and in section 65A of the Act;

"senate" means senate contemplated in paragraphs 18 to 25;

"senior academic staff" means all staff appointed to academic ranks above that of senior lecturer;

"senior management positions" means the positions of **vice-chancellor and principal, deputy vice- chancellor**, registrar, chief financial officer, executive dean, and such other officers as may be determined by the **council**;

"specialized professional staff" means the staff whose primary functions are to provide academic, institutional, student, or support services.

"SRC" means the students' representative council contemplated in paragraphs 40 to 44;

"staff" means any person appointed to a position at the **Institution**, whether part-time or full-time, permanent, temporary or contract, remunerated or honorary;

"student" means a person currently registered at the **Institution** for a formal, programme of study leading to an accredited degree, diploma or higher certificate;

"trade union" means an association of employees registered in terms of section 96 of the Labour Relations Act 66 of 1996 as amended, and recognised by **council**;

"vice-chancellor and principal" means the vice-chancellor and principal, who is the Chief Executive Officer and Chief Accounting Officer contemplated in paragraphs 45 to 47 of this Statute and in section 30 of the **Act**; and

(2) the following rules of interpretation apply to this Statute:

- (a) Any reference to the singular includes the plural and vice versa;
- (b) Any reference to natural persons includes legal persons and vice versa;
- (c) Any reference to one gender includes the other genders;
- (d) The clause headings in this Statute have been inserted for convenience only and shall not be taken into account in its interpretation;
- (e) Words and expressions defined in any sub-section shall, for the purpose of the section of which that sub-section forms part, bear the meaning assigned to such words and expressions in that sub-section;
- (f) If any provision in a definition is a substantive provision conferring rights or imposing obligations on any party, effect shall be given to it as if it were a substantive clause in the body of this Statute, notwithstanding that it is only contained in the definitions clause;
- (g) If any period is referred to in this Statute by way of reference to a number of days, the days shall be reckoned as business days exclusive of the first and inclusive of the last day unless the last day falls on a day which is not a business day, in which case the day shall be the next succeeding business day;
- (h) Any reference to an enactment is to that enactment as at the date of adoption of this Statute and as amended or re-enacted from time to time;
- (i) When figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail;

ESTABLISHMENT AND CONSTITUTION OF THE INSTITUTION

2. Name, status and physical location of the Institution

- (1) The name of the **Institution** is the Durban University of Technology.
- (2) The Institution is a public higher education institution as contemplated in section 20(4) the Act.
- (3) The seat of the **Institution** is at 79 Steve Biko Road, Berea, Durban, 4001. Subject to the provisions of the **Act**, the **Institution** may carry out its functions beyond its seat on the campuses under its control.
- (4) The **Institution** is a juristic person and, subject to the **Act**, is capable of performing such acts as juristic persons may perform.
- (5) Notwithstanding subparagraph (4) the **Institution** may not, without the concurrence of the **Minister**, dispose of or alienate in any manner, any immovable property acquired with the financial assistance if the State or grant to any person any real right therein or servitude thereto.

3. Constitution of the Institution

- (1) The **Institution** consists of-
 - (a) the **chancellor**;
 - (b) the **council**;
 - (c) the **senate**;
 - (d) the **vice-chancellor and principal**;
 - (e) the **deputy vice-chancellors**;
 - (f) the registrar;
 - (g) the **SRC**;
 - (h) the **institutional forum**;
 - (i) the faculties, the departments, and such other academic structures of the **Institution** as may be determined by **council**;
 - (j) all **staff**;
 - (k) the **students**;
 - (l) the **convocation**; and
 - (m) such other offices, bodies or structures as may be established by **council**.
- (2) No vacancies in any of the offices contemplated in subparagraph (1) or any vacancy or deficiency in the numbers or defect in the composition of the bodies contemplated in subparagraph (1) impairs or affects the existence of the **Institution** as a juristic person or any function or powers conferred upon the body or the **Institution** by this Statute or by the **Act**.

CHANCELLOR

4. Functions of the chancellor

- (1) The **chancellor** is the titular head of the **Institution** and shall exercise no executive powers
- (2) The **chancellor**, or in his or her absence, the person appointed to act on behalf of the **chancellor** in terms of paragraph 6(2), presides at all congregations of the **Institution** and, in the name of the **Institution**, confers all **degrees** and awards all **diplomas** and certificates.
- (3) The Chancellor performs such other functions as are assigned to him or her by Council, subject to (1) above.

5. Election of the chancellor

- (1) The **chancellor** is elected by an electoral college.
- (2) The composition of the electoral college is determined by the institutional rules.
- (3) The registrar as secretary to the electoral college must constitute the electoral college at least three months before the start of the term of office or whenever the office is vacant.
- (4) The procedure for nominating candidates for election as chancellor and electing the chancellor is determined by the institutional rules.

6. Term of office of the chancellor

- (1) The **chancellor** holds office for 5 (five) years; the term of office of the Chancellor terminates in the event of (i) death or incapacity; (ii) resignation, (iii) removal from office by Council, (iv) imprisonment without the option of a fine, (v) conviction by a court of law for crimes which may bring the university into disrepute, (vi) expiry of the term of office.
- (2) If the **chancellor** is absent, or if the office is vacant, the vice-chancellor and principal, or *in their absence*, the acting vice-chancellor and principal, or a deputy vice- chancellor nominated by him or her, or failing them, such-other person as council may designate for the purpose, acts for the chancellor.
- (3) Should a vacancy occur for whatever reason, the successor elected holds office for 5 (five) years.
- (4) The **chancellor** may be re-elected but may serve a maximum of two consecutive terms.

COUNCIL**7. Powers and functions of council**

- (1) **Council** governs the **Institution** in terms of the **Act** and this Statute.
- (2) Without derogating from the generality of sub-paragraph (1), **council** -
 - (a) is the custodian of all property of the **Institution**;
 - (b) appoints all staff of the **Institution**, subject to section 34(2) of the Act, and determines the matters concerning the staff in section 34(3) of the Act;
 - (c) must, subject to the policy determined by the Minister, with the concurrence of **senate**, determine the language policy of the Institution;
 - (d) must, after consultation with the **SRC**, establish a structure to advise on the policy for **student** support services within the **Institution**;
 - (e) must consider and approve the admissions and readmissions policy of the **Institution** as recommended by **senate as provided for in S37 of the Act**;
 - (f) must consult the institutional forum as required by the **Act**;
 - (g) may make, rescind, or amend a Statute or an **institutional rule** for the **Institution** in terms of the **Act**;
 - (h) may establish committees of **council**, determine the composition and functions of such committees and terminate the membership of any person it has appointed to such committee;
 - (i) may establish, in consultation with senate, joint committees of **council** and **senate** to perform functions which are common to **council** and **senate**; and
 - (j) may establish foundations and/or trusts and/or any other vehicles to advance the interests of the **Institution**.
- (3) **Subject to section 68 of the Act, Council** may delegate or assign any of its powers and functions to -
 - (a) a committee of **council**;
 - (b) a member of **council**; or

- (c) any **staff** member of the **Institution**;
except those powers and functions specified in paragraph (5).
- (4) **Council** remains accountable for the exercise and performance of any function delegated or assigned in terms of subparagraph (3).
- (5) **Council** may not delegate or assign any of the following powers and functions -
 - (a) the final decision on the appointment of the **vice-chancellor and principal** or any **deputy vice- chancellor**;
 - (b) the approval of the annual operating and capital expenditure budgets;
 - (c) the adoption of the annual financial statements and annual report;
 - (d) the determination of academic and residence fees to be paid by **students**;
 - (e) the making or approval of the Statute and **institutional rules**;
 - (f) the approval of conditions of service, the disciplinary provisions and the privileges and functions of **staff**;
 - (g) the determination, on the recommendation of **senate**, of academic structures and the functions of each structure, in order to ensure efficient governance;
 - (h) the approval of a loan or overdraft; subject where appropriate, to Ministerial approval;
 - (i) the decision to embark on the construction of a permanent building or other immovable infrastructural development, the acquisition and disposal of immovable property, or entering into a long-term lease of immovable property subject, where appropriate to Ministerial approval.

8. Composition of council

- (1) **Council** consists of not more than 30 members, made up of-
 - (a) the **vice-chancellor and principal**;
 - (b) a maximum of two **deputy vice-chancellors** designated by the vice-chancellor and principal;
 - (c) two members of **senate** elected by **senate**;
 - (d) one member of the permanent academic **staff** elected by these **staff**;
 - (e) one member of the permanent specialized professional **staff**, elected by these **staff**;
 - (f) one member of the permanent **administrative staff** elected by these **staff**;
 - (g) two **SRC** members one of whom must be the **SRC** president;
 - (h) one member of the **institutional forum** elected by the **institutional forum**;
 - (i) five persons appointed by the **Minister**;
 - (j) one person appointed by the eThekweni Municipality;
 - (k) three persons elected by **convocation**;
 - (l) ten external persons appointed by **council in the manner determined by the institutional rules**.
- (2) At least 60 percent of the members of **council** must be persons who are not **staff** or **students** of the **Institution**.
- (3) No **staff** and no **student** may be elected or hold an appointment under subparagraphs (1)(j) to (l).
- (4) A person elected, appointed or co-opted under subparagraphs (1)(j) to (l) who becomes a **student** or a **staff** member, forthwith ceases to be a member of **council**.
- (5) The **vice-chancellor and principal**, with the approval of the chairperson of **council**, or the chairperson of **council** may invite any person to attend any meeting of **council** in an advisory capacity or as an observer and such person does not have any voting rights.

9. Election of members of council

- (1) The procedure for the election or appointment of members of **council** in paragraphs 8(1)(h), (k), and (l) respectively, is determined by the institutional rules concerned.
- (2) The procedure for the election or appointment of members of **council** in paragraphs 8(1)(g), is determined by the SRC Constitution.
- (3) The procedure for the election of members of **council** in paragraphs 8(1)(c), (d), (e) and (f) respectively is determined by the **institutional rules**.
- (4) A person is not eligible for nomination for election as a **council** member if such person is disqualified from being appointed, or acting, as a director of a company in terms of the Companies Act.

10. Term of office of council members

- (1) The **vice-chancellor and principal** remains a member of **council** for as long as he or she occupies the post.
- (2) The term of office of the deputy vice-chancellors is for such periods as Council determines.
- (3) The term of office of the **SRC** members is one **calendar year**, provided that when anyone of them ceases to be an **SRC** member or is suspended as an **SRC** member or as a **student** on a permanent or temporary basis, he or she shall forthwith cease to be a member of **council**.
- (4) At the first meeting of a newly constituted **council** the term of office of 50% plus 1 of the members shall be determined to be three years and the term of office of the remaining members shall be determined to be four years. At the end of the period of membership of the members holding office for three years, the persons elected or re-elected shall hold office for four years.
- (5) The determination process referred to in subparagraph (4) above shall be by lot.
- (6) Subject to subparagraphs (1), (2), (3) and (4) above the term of office of all **council** members is four years.
- (7) In the event of a vacancy prior to the expiry of the member's term of office the person elected to fill the vacancy shall hold office for the unexpired period of office.
- (8) The appointment or election of a person as a member of council supersedes any subsequent elected position as an office bearer by the member on council or any council committee.
- (9) A member may serve more than one term of office as a **council** member.

11. Termination of membership and filling of vacancies

- (1) A Council member's membership is terminated on the following grounds-
 - (a) Incapacity;
 - (b) Sequestration;
 - (c) a member, who is also a member of staff or a student of the University, is found guilty of misconduct in terms of the Disciplinary Code of the University which, in the opinion of Council, is of such a serious nature that the member's continued membership of Council is not desirable;
 - (d) a person is disqualified in terms of the Act to serve on a Council, or is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine.
 - (e) a member resigns in writing;
 - (f) a member dies;
 - (g) the **Minister**, or entity who appointed or elected the member to **council** terminates

- the membership in writing, at any time before the expiry of the member's term of office;
- (h) a member is absent from three consecutive ordinary meetings of **council** without approved leave of absence;
 - (i) a member is disqualified from being appointed or acting as a director of a company in terms of the Companies Act;
 - (j) a member's membership is terminated by **council** in terms of the **institutional rules for a breach of the council's** code of conduct.
- (2) **Council** may suspend a member's membership or take disciplinary action against a member in terms of the **institutional rules** and the code of conduct.
 - (3) If 75% (seventy five per cent) or more of the members of **council** resign at a meeting of council, it is deemed that **council** has resigned.
 - (4) If **council** resigns as contemplated in subparagraph (4), a new **council** must be constituted in terms of paragraphs 8, 9 and 10, subject to section 27(8) and (9) of the Act.
 - (5) The process referred to in subparagraph (4) shall be administered by the registrar.

12. Chairperson and vice-chairperson of council and secretary to council.

- (1) **Council** must elect a chairperson and a vice-chairperson from among the members of **council** who are neither **staff** nor **students**.
- (2) The term of office of the chairperson and of the vice-chairperson is two years, unless terminated earlier as determined by the institutional rules.
- (3) The chairperson presides at all meetings of council at which he or she is present.
- (4) In the absence of the chairperson the vice-chairperson presides.
- (5) If both the chairperson and the vice-chairperson are absent, **council** elects a chairperson for the meeting concerned from those members present who are neither **staff** nor **students**.
- (6) The registrar shall be secretary to **council** as contemplated in section 26(4)(b) of the Act.
- (7) The secretary to **council** must invite **council** to elect a chairperson and vice chairperson at the first meeting of a newly constituted **council**, or to fill the vacancy at the expiry of the chairperson's term of office, or, should a vacancy occur before that, for the unexpired period of the term of office..
- (8) When the term of office of the chairperson and/or vice-chairperson is due to expire the process for election shall be completed at **council** meeting immediately preceding the end of the relevant term of office in a manner determined by the **institutional rules**. The outcome of the election will come into effect on conclusion of the meeting.
- (9) When a vacancy arises for any reason other than subparagraph (8) the vacancy will be filled at the first **council** meeting thereafter in a manner determined by the **institutional rules**. The outcome of the election will come into effect on conclusion of the election.
- (10) When the term of office of the chairperson and/or vice-chairperson expires he or she shall be eligible for re-election if he or she is still a member of **council**.

13. Meetings of Council

- (1) The ordinary meetings of **council** must be held when and where **council** decides, and at least four ordinary meetings must be held each **calendar year**.
- (2) The secretary to **council** must issue a written notice to each member of **council** at least seven days before each ordinary meeting of **council** setting out the place, date and time of the meeting, and the agenda for the meeting, but **council** may, if the chairperson so **rules** or, if such a ruling has not been made, a majority of the voting members present agree, consider any urgent matter

of which notice was not given.

- (3) At each ordinary meeting **council** must -
 - (a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members prior to the meeting; and
 - (b) deal with the business of which notice has been given and any other urgent matter agreed to in terms of subparagraph (2).

Special meetings

- (4) Special meetings must be held -
 - (a) when called by the chairperson or, in his or her absence, by the vice-chairperson; or
 - (b) when a written request, for a special meeting, stating the object of the meeting, is received by the secretary to **council** from at least five members of **council** of whom at least three must be members who are not **staff** or **students**.
- (5) At least three days' notice must be given for a special meeting, unless, in the opinion of the chairperson or in his or her absence the vice-chairperson, there is an emergency that warrants a shorter period of notice.
- (6) No matters other than those for which the meeting has been called may be dealt with at a special meeting.

14. Quorum and procedure at council meetings

- (1) The quorum as determined at the start of a meeting of **council** is half of the total membership of **council** of which at least 60% (sixty per cent) of those present at the start of a meeting must be external **council** members.
- (2) Once the quorum requirement has been met, a meeting will continue regardless of whether attendance falls below the quorum thereafter, unless the chairperson of **council** deems it inappropriate to continue with the meeting.
- (3) **Council** members must participate in the deliberations of **council** in the best interests of the **Institution**, and in accordance with the **rules** of debate as approved by **council** and contained in the **institutional rules**.

15. Conflicts of Interest of members of Council

- (1) Subject to section 27(7E)(a) of the Act, the council must, after consultation with the Institutional Forum, adopt a Code of Conduct to which all the members of the Council and all other persons who exercise functions of the council in terms of delegated authority must subscribe in writing.
- (2) Any member of **council** or a committee of **council** who has a direct or indirect financial or personal interest in any matter to be discussed at a meeting must, before or during such meeting, declare such interest, and comply with such other **institutional rules** and policies as **council** may adopt.
- (3) After such declaration such member of **council** or a committee of **council** must recuse himself or herself from the meeting and any subsequent meeting at which the matter is to be discussed, and is not entitled to receive documents relating to the matter.
- (4) A member of **council** **may not** enter into any commercial transaction with the **Institution**.
- (5) All members of **council** are required to annually submit a declaration of their interests in terms of the Code of Conduct, in a manner determined by the **institutional rules**.

16. Committees of council

- (1) **Council** may establish committees to perform any of its functions but must establish-
 - (a) an executive committee;
 - (b) an audit committee;
 - (c) a risk committee
 - (d) a finance committee; and
 - (e) a human resources committee.
- (2) The composition, manner of election, functions, procedure at meetings and dissolution of a **council** committee are determined by the **institutional rules**.
- (3) Notwithstanding subparagraph (2) -
 - (a) at least 60% (sixty per cent) of the members of a committee contemplated in subparagraph (1) must be members of **council** who are neither **staff** nor **students**;
 - (b) the chairperson of a committee contemplated in subparagraph (1) may not be a **staff member** or a **student**; and
 - (c) the quorum as determined at the start of a meeting of a committee contemplated in subparagraph (1) is half of the total membership of the committee of which at least 60% (sixty per cent) of the members present at the start of a meeting must be persons who are neither **staff** nor **students**.
- (4) A committee contemplated in subparagraph (1) may co-opt functionaries and/or experts onto such committee as non-voting members to advise the committee on the matters before it.
- (5) Notwithstanding subparagraph (4) **council** may appoint persons who are not **council** members to serve as voting members of a committee, where, in the opinion of **council**, **council** does not have among its ranks specialist skills required by a committee, *and provided that the majority of members on such a committee are Council members*.
- (6) **Council** may, in consultation with **senate**, establish such joint committees of **council** and **senate** as may be necessary for the performance of particular tasks.

SENATE**17. Powers and functions of senate**

- (1) **Senate** is accountable to **council** for the academic and research functions of the **Institution** including quality assurance and must perform such other functions as may be delegated or assigned to it by **council**.
- (2) Without derogating from the generality of subparagraph (1) **senate** -
 - (a) must organise and control the instruction, curricula, syllabuses, **student** assessments, examinations, and research of the **Institution**;
 - (b) makes the **rules** for **student** assessments and examinations and must ensure that all assessments and **examinations** are conducted in accordance with these **rules**;
 - (c) appoints assessors, examiners, supervisors, moderators, and promoters for all **student** assessments, examinations, dissertations, and theses;
 - (d) makes **rules** prescribing the requirements for each qualification, **and decides who has complied with these requirements**;
 - (e) recommends to **council** -
 - (i) the language policy of the **Institution**;
 - (ii) the faculty to which each academic department, school or other academic structure belongs;
 - (iii) awards of honorary degrees; and

- (iv) the award of prizes and awards.
- (f) advises **council** on -
 - (i) the appointment of the **vice-chancellor and principal and deputy vice-chancellors; and academic employees**
 - (ii) the admissions and re-admissions policy of the **Institution**;
 - (iii) disciplinary measures and institutional rules concerning **students**; and
 - (iv) the establishment and disestablishment of faculties, academic departments, schools, and other academic structures.
- (3) **Senate** -
 - (a) must carry out such other functions as **council** assigns to it;
 - (b) must submit to **council** such reports on its work as may be required by **council**; and
 - (c) makes recommendations to **council** on matters referred to it by **council** and on any other matter affecting the **Institution** as **senate** considers necessary.
- (4) **Senate** may by resolution -
 - (a) establish committees of **senate**;
 - (b) appoint to any such committee both members of **senate** and persons who are not members of **senate**;
 - (c) disestablish any committee it has established; and
 - (d) terminate the membership of a committee of any person it has appointed to any committee.
- (5) **Senate** may delegate or assign any of its functions to -
 - (a) a committee of **senate**;
 - (b) a member of **senate**; or
 - (c) any officer of the **Institution**,
 provided that it may not delegate or assign a function delegated to it by **council** without **council's** agreement
- (6) **Senate** remains responsible for the performance of any function delegated or assigned in terms of subparagraph (5).

18. Composition of senate

- (1) **Senate** consists of -
 - (a) the **vice-chancellor and principal**;
 - (b) the **deputy vice-chancellors**;
 - (c) the executive deans of faculties;
 - (d) the deputy deans of faculties;
 - (e) the heads of academic departments and schools;
 - (f) **other staff** as stipulated in the institutional **rules**;
 - (g) all permanent, full-time adjunct, associate, and full professors;
 - (h) three **students** appointed by the **SRC** at least one of whom must be a **postgraduate student**, and at least one of whom must be a member of the **SRC**;
 - (i) two members of **council** elected by **council** who are neither **staff** nor **students**;
 - (j) such persons as co-opted by **senate** who shall be voting members for such terms of office as the senate may decide; and
 - (k) such other persons as invited by **senate** who shall be non-voting members.
- (2) The majority of members of **senate** must be academic **staff** of the **Institution**.

19. Election of members of senate

- (1) The procedure for the election of members of **senate** in paragraphs 18(h) and (i), is determined by the bodies concerned.
- (2) The procedure for the election of members of senate in paragraph 18(f) shall be as determined

by institutional rules.

20. Term of office of senate members

- (1) The term of office of the **students appointed** by the **SRC** is one **calendar year** provided that when anyone of them ceases to be a registered **student** at the **Institution**, they forthwith cease to be a member of **senate**.
- (2) The term of office of the council members appointed to **the Senate shall be determined by the council**.
- (3) The term of office of the members elected in terms of paragraph 18(f) shall be as determined by institutional rules.

21. Office-bearers of senate

- (1) The **vice-chancellor and principal** is the chairperson of **senate**.
- (2) In the absence of the **vice-chancellor and principal** the acting **vice-chancellor and principal** presides, failing the acting **vice-chancellor and principal**, the **deputy vice-chancellor** responsible for teaching and learning, failing the latter, the meeting elects a chairperson for the meeting.
- (3) The registrar is the secretary to **senate**.

22. Ordinary meetings

- (1) Ordinary meetings must be held when and where **senate** decides and at least four ordinary meetings must be held each **calendar year**.
- (2) The secretary to **senate** must issue a notice to each member of **senate** at least five days before the date of each ordinary meeting of **senate**, setting out the place, date and time of the meeting, and the agenda for the meeting, but **senate** may if the chairperson so **rules** or, if such a ruling has not been made, if a majority of the voting members present agree, consider any urgent matter of which notice has not been given.
- (3) At each ordinary meeting **senate** must -
 - (a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members at least five days prior to the meeting;
 - (b) deal with the business of which notice has been given and any other urgent matter agreed to in terms of paragraph 23(2); and
 - (c) deal with motions placed on the agenda as determined by the **rules**.

23. Special meetings

- (1) Special meetings must be held -
 - (a) when called by the chairperson or the acting chairperson; or
 - (b) when a written request for a special meeting, stating the object of the meeting, is received by the secretary to **senate** from at least 30 members of **senate**.
- (2) At least three days' notice must be given of a special meeting, unless, in the opinion of the chairperson there is an emergency that warrants a shorter period of notice.
- (3) No matters other than those for which the meeting has been called may be dealt with at a special meeting.

24. Quorum and procedure at senate meetings

- (1) The quorum at any meeting of **senate** is a simple majority of the members of **senate**.

- (2) Once the quorum requirement has been met, a meeting will continue regardless of whether attendance falls below the quorum thereafter, unless the chairperson of **senate** deems it inappropriate to continue with the meeting.
- (3) **Senate** members must participate in the deliberations of **senate** in the best interests of the **Institution** and in accordance with the meeting procedures approved by **senate** and as contained in the **rules**.

FACULTY BOARDS

25. Powers and functions of faculty boards

- (1) A **faculty board** is appointed by **senate** for each faculty of the **Institution** to regulate the activities of each faculty.
- (2) The composition of each **faculty board** is as approved by **senate** and shall be stipulated in the constitution of each **faculty board**.
- (3) The executive dean of a faculty is the chairperson of his or her **faculty board** and presides at all meetings of that **faculty board** at which he or she is present.
- (4) In the absence of the executive dean, the acting dean presides and in the absence of the acting dean, the deputy dean presides and in the absence of all three the **faculty board** must elect a member to preside at that meeting.
- (5) A faculty board -
 - (a) is accountable to **senate** for organizing and controlling the instruction, curricula, syllabi, **student** assessments, examinations, and research of the faculty;
 - (b) must make proposals to **senate** for rules prescribing the requirements for each **degree**, **diploma** and higher **certificate** offered in the faculty, including the requirements for admission and readmission;
 - (c) must advise the executive dean of the faculty on resource allocation in the faculty;
 - (d) must carry out such functions as **senate** delegates or assigns to it;
 - (e) is accountable to **senate** for its work; and
 - (f) may by resolution establish committees of a **faculty board**, and may appoint as members of such committees any persons whether they are members of a **faculty board** or not. The compositions and functions of the committees are determined by a **faculty board**.
- (6) The quorum and procedure at meetings of a **faculty board** are as approved from time to time by **senate** on the recommendation of a **faculty board**, but the quorum may not be less than one third of the total membership of a **faculty board**.

INSTITUTIONAL FORUM

26. Functions of the institutional forum

- (1) The **institutional forum** must advise **council** on issues affecting the **Institution**.
- (2) Issues referred to in subparagraph (1) must include -
 - (a) the implementation of the **Act** and the national policy on higher education;
 - (b) race and gender equity policies;
 - (c) the selection of candidates for **senior management** positions;
 - (d) codes of conduct, mediation, and dispute resolution procedures; and
 - (e) the fostering of an institutional culture which promotes tolerance and respect for

fundamental human rights and creates an appropriate environment for instruction, research and learning.

- (3) The **institutional forum** also performs such functions as determined by **council**
- (4) The Council must consider the advice given by the institutional forum and provide written reasons if the advice is not accepted.

27. Composition of the institutional forum

The **institutional forum** consists of -

- (a) two members of **council** who are not employees or **students** of the **Institution**;
- (b) two members from senior management appointed by the vice-chancellor;
- (c) two members of senate elected by senate;
- (d) two members of the permanent academic staff elected by the academic staff;
- (e) two members of the permanent specialized professional, staff elected by these staff;
- (f) one member of the permanent administrative staff elected by these staff;
- (g) one member of each recognized trade union elected respectively by these organizations;
- (h) four **students** appointed by the **SRC** at least one of whom must be a **postgraduate student** and at least one of whom must be a member of the **SRC**;
- (i) two members of **convocation**, elected by **convocation**; and
- (j) such members as may be co-opted by the **institutional forum**.

28. Election of members of the institutional forum

- (1) The procedure for the election or co-option of members of the **institutional forum** in paragraphs 27(a), (c), (g), (h), (i) and (j) respectively, is determined by the institutional rules.
- (2) The procedure for the election of members of the **institutional forum** in paragraphs 27 (d), (e), and (f) is determined by the **institutional rules**.

29. Term of office of members of the institutional forum

- (1) The term of office of the members elected by the **SRC** is one **calendar year**.
- (2) The term of office of the members elected by each **trade union**, the **academic staff**, **specialized professional staff and administrative staff** is three years.
- (3) The term of office of the members appointed by the **vice-chancellor and principal** is for such periods as determined by the **vice-chancellor and principal**.
- (4) The term of office of the other members is two consecutive terms.
- (5) In the event of a vacancy occurring the secretary to the **institutional forum** shall request the relevant authority or body to appoint or elect a member for the unexpired period of office.

30. Office-bearers of the institutional forum

- (1) The institutional forum elects from among its members a chairperson and a deputy chairperson, who must be full time staff members or full-time students of the Institution.
- (2) The registrar is the secretary to the institutional forum.

31. Quorum and procedure at meetings of the institutional forum

- (1) The quorum at any meeting of the **institutional forum** is half the total membership of the **institutional forum** plus one.
- (2) The **institutional forum** determines its own rules and procedures subject to the following-
 - (a) ordinary meetings must be held when and where the **institutional forum** decides, and at least four ordinary meetings must be held each **calendar year**;
 - (b) special meetings must be held -

- (i) when called by a chairperson; or
- (ii) when a written request for a special meeting, stating the objective of the meeting, is received by the secretary of the **institutional forum** from at least six members of the **institutional forum**.

CONVOCATION

32. Powers and functions of convocation

- (1) **Convocation** shall be governed by a constitution which must be approved by **council**.
- (2) Convocation –
 - (a) discusses and/or expresses its opinion upon any matter relating to the **Institution**, including any matter referred to it by **council, senate, or the institutional forum**; and
 - (b) advances the interests of the **Institution** and its members.

33. Composition of convocation

Convocation comprises -

- (1) the recipients of **certificates, diplomas and degrees** conferred by the **Institution** and its **predecessor institutions**;
- (2) **the permanent academic staff** of the **Institution**, professors emeriti of the Institution and its predecessor Institutions, and all other retired **academic staff** who had been on the permanent staff in continuous employment for not less than 10 years immediately prior to retirement; and
- (3) The Vice-Chancellor and Deputy Vice-Chancellors of the Institution.

34. Office bearers of convocation

- (1) The officers of **convocation** are the president, vice-president, and secretary to **convocation**.
- (2) The president and vice-president are elected in terms of the constitution of the **convocation**.
- (3) The Manager in the Alumni Office shall serve as the secretary to **convocation**, who keeps the roll of convocation, responsible for the administration of the office of **convocation**, and performs such other tasks as determined by the constitution of the **convocation**.
- (4) The president presides at the annual general meeting, special general meetings, and executive committee meetings of **convocation**.

35. Election of president and vice-president of convocation

- (1) Nominations must be submitted in writing to the office of **convocation** in terms of a procedure determined by the constitution of **convocation**.
- (2) The president and vice-president are elected at the annual general meeting of **convocation**, by secret ballot, from the nominations received in terms of sub paragraph (1) and hold office for a period of three years.
- (3) If the position/s of president and/or vice-president become/s vacant, during the term/s of office of an incumbent/s, the executive committee shall elect a member/s of the executive to fill the position/s for the remainder of the term/s.

36. Executive committee of convocation

The constitution of **convocation** must provide for the composition, office-bearers, manner of election and powers and functions of the executive committee of **convocation**.

37. Annual general meeting

- (1) A general meeting must be convened annually.
- (2) The procedures and rules for the annual general meeting are as determined by the constitution of the **convocation**.

38. Special meetings

A special meeting may be called as determined by the constitution of the **convocation**.

STUDENTS' REPRESENTATIVE COUNCIL (SRC)**39. Powers and functions of the SRC**

- (1) The **students** of the **Institution** are represented by the **SRC** in matters that may affect them.
- (2) The matters contemplated in subparagraph (1) include -
 - (a) liaison with **council, senate, senior management**, the general public, other institutions, students' representative councils of other institutions, national or international student organisations, student unions, and news media, in keeping with the **institutional rules** of the **Institution**.
 - (b) being the umbrella organisation for all **student** committees, clubs, councils and societies, the granting or withdrawing of recognition of such **student** committees, clubs, councils and societies as it deems appropriate;
 - (c) the conducting of all authorised meetings of the **student** body as determined by the **institutional rules** of the **Institution**;
 - (d) the conveying of **student** matters in all general referenda and petitions organized by the **students** within the **institutional rules**;
 - (e) the election of such office-bearers and establishing of such committees as it deems necessary;
 - (f) the organisation and promotion of extramural activities among **students**;
 - (g) account of all monies paid over to it by **council** under the stewardship of designated **Institution** officers and also to allocate or disburse such funds for use by **students**, and to make grants to approved **student** clubs, committees, societies and councils within the **Institution** in keeping with the **institutional rules**.
 - (h) the responsibility for the preservation of order at **student** functions, and the ensuring of good conduct at other approved meetings of **students**;
 - (i) the co-ordination of **student** involvement in all community projects initiated by it;
 - (j) the recommendation to **council** of **institutional rule** to determine the conduct of the affairs of the **SRC**;
 - (k) such additional functions and privileges as may be specifically conferred upon it by **council**; and
 - (l) convening meeting/s of **students** as determined by the **SRC** constitution.
- (3) The **SRC** shall be governed by a constitution which must be approved by **council**.

40. Composition of the SRC

The constitution of the **SRC**, as approved by **council**, and set out in the institutional rules must provide for the composition of the **SRC**, provided that -

- (a) its members must be elected in a general election held annually; and
- (b) only a registered **student** may nominate a **student/s for election to the SRC**, serve on the **SRC**, and/or vote for a candidate/s.

41. Office bearers of the SRC

The **SRC** elects from among its members a president and a deputy president and any other office bearers as determined by the **SRC** constitution.

42. Term of office of the SRC members

The term of office of the **SRC** members is as determined by the **SRC** constitution.

43. Meetings

The number of meetings, the quorum at a meeting and the meeting procedures are as determined by the **SRC** constitution.

VICE-CHANCELLOR AND PRINCIPAL**44. Functions of the vice-chancellor**

- (1) The **vice-chancellor and principal** is the chief executive officer and accounting officer of the **Institution**.
- (2) The **vice-chancellor and principal** is responsible for the day to day management, leadership and administration of the **Institution** and has all the powers necessary to perform these functions.
- (3) The **vice-chancellor and principal's** functions are determined by council and he or she is accountable to and reports to council.
- (4) The **vice-chancellor and principal** is by virtue of his or her office a member of -
 - (a) **council**;
 - (b) **senate**;
 - (c) each committee of senate; and
 - (d) each joint **committee**.
- (5) When the **vice-chancellor and principal** is absent or unable to carry out his or her duties, the **council** must appoint an acting **vice-chancellor and principal in a manner determined by the Council**.

45. Appointment of the vice-chancellor and principal

- (1) Subject to sections 31 (1)(a)(iii) and 34(2) of the **Act**, council appoints the **vice-chancellor and principal** only after considering advice from **senate** and the institutional forum.
- (2) The advertising of the post, the invitation for nominations of candidates, the search for suitable candidates, the criteria for the shortlisting of candidates and for the interviewing and appointment process are in the manner determined by the **institutional rules**.

46. Term of office of the vice-chancellor and principal

The **vice-chancellor and principal** is appointed by **council** for such period as agreed upon in his or her contract.

DEPUTY VICE-CHANCELLORS

47. Functions of the deputy vice-chancellors

- (1) The functions of each **deputy vice-chancellor** are as determined by the Council.
- (2) **The deputy vice-chancellor/s** responsible for teaching, learning, and research are by virtue of their offices a member of each committee of **senate**.

48. Appointment of the deputy vice-chancellors

- (1) Subject to sections 31(1)(a)(iii) and 34(2) of the **Act**, council appoints **deputy vice-chancellors** only after considering advice from **senate** and the institutional forum.
- (2) The advertising of the post/s, the invitation for nominations of candidates, the search for suitable candidates, the criteria for the shortlisting of candidates and for the interviewing and appointment process are in the manner determined by the **institutional rules**.

50. Terms of office of the deputy vice-chancellors

A **deputy vice-chancellor** is appointed by **council** for such period as agreed upon in his or her contract.

STAFF

51. Staff

Subject to section 34 of the **Act**, **council** may appoint **staff** according to the policies of the **Institution** as determined in the **institutional rules**.

STUDENT ADMINISTRATION

52. Admission and registration of students

- (1) In order to be regarded as a **student** of the **Institution**, a person must be accepted for admission to a formal, accredited programme of study and registered for that programme at the **Institution**.
- (2) A person may be permitted by **council** to register as a **student** only if he or she satisfies all legal requirements for admission to study at the **Institution** and, further, satisfies any other requirements for admission that may be determined by **council** after consultation with **senate** and laid down in the **rules**.
- (3) The requirements for admission of a **student** to a programme of study *are* set out in the **rules and the Admissions Policy of the Institution** and may be changed by **council** after consultation with **senate**.
- (4) Every person, on admission to the **Institution** as a **student**, is required to agree and thereby bind himself or herself to the **rules** of the **Institution** and such conditions as may be determined by **council**, **including such minimum requirements for readmission to study and the Institution as the council in consultation with the senate may determine**.
- (5) A **student** is registered for one **academic year** or semester at a time, as determined by **council** and published in the Institution's academic calendar, or for such shorter period as **council** may determine in general or in a particular case.
- (6) In order for a **student** to renew his or her registration after the expiry of the period

contemplated in subparagraph (5), the **student** is required to comply with any conditions set by **council**.

- (7) Council may refuse to allow the renewal of registration if a **student** fails to meet the conditions contemplated in subparagraph (4).
- (8) The conditions contemplated in subparagraph (4) may include the payment of outstanding fees.
- (9) Granting of subject transfers and exemptions, acceptance of periods of attendance and registration and recognition of prior learning and experience are as determined by the **rules**.

53. Certificates, diplomas and degrees

Awarding of **certificates** and **diplomas** and conferment of **degrees** are as determined by the **rules**.

Subject to section 65BA of the Act, council may, in consultation with the senate, withdraw and revoke any degree, diploma, certificate or other qualification that was awarded in accordance with the rules.

54. Honorary degrees

The **Institution** may confer an honorary **degree** of master or doctor upon any person as determined by the **institutional rules**.

STUDENT DISCIPLINARY MEASURES AND PROCEDURES

55. Discipline

Every **student** must comply with all **institutional rules**.

56. Disciplinary measures and procedures

Every student is subject to the disciplinary measures and procedures determined by **council**, after consultation with **senate** and the **SRC** and as determined by the **institutional rules**.

GENERAL AND TRANSITIONAL PROVISIONS

57. Issue of notices

The inadvertent failure or omission to give notice as prescribed in this Statute to any person entitled to receive it, or the non-receipt of such notice by any person, does not invalidate the proceedings.

58. Numerical fractions

Where a numerical fraction of a number is prescribed in this Statute and where this is not an integer, the next higher integer must be taken to the prescribed number.

59. Quorum

Where a meeting of **council**, **senate**, a joint committee, the **institutional forum**, **convocation**, or any of their committees, is called in the manner this Statute requires, and there is no quorum, the chairperson may adjourn the meeting to a date not less than 5 (five) days later and require the secretary to give notice of the time and venue of the meeting to all members of the body concerned and if this is done the members present at the start of the reconvened meeting constitute a quorum despite any

provision to the contrary.

60. General and transitional provisions

- (1) Any amendment/s of this Statute require/s -
 - (a) a consultative process sanctioned and/or approved by **council**;
 - (b) approval of such amendments/s by **council**;
 - (c) approval of such amendments/s by the **Minister**; and
 - (d) publication of such amendment/s by notice in the Gazette.
- (2) Any amendment/s as determined by subparagraph (1) will come into effect on the date of the notice referred to in subparagraph (1)(d).
- (3) The existing institutional rules **made** by **council** in terms of Section 32(1)(b) of **the Act** which existed at the commencement of this Statute continue to apply until replaced.
- (4) The existing Statute shall be repealed once the Amended Statute is published through an applicable Government Gazette