

## DEPARTMENT OF HIGHER EDUCATION AND TRAINING

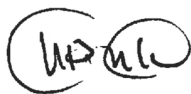
NO. 5863

14 February 2025

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

INSTITUTIONAL STATUTE  
CENTRAL UNIVERSITY OF TECHNOLOGY

I, Dr Nobuhle Pamela Nkabane, MP, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish the amended Institutional Statute of the Central University of Technology set out in the Schedule attached hereto.



Dr NP Nkabane, MP

Minister of Higher Education and Training

Date: 15/12/2024



**Institutional Statute  
of the  
Central University of Technology, Free State**

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## PART 1: DEFINITIONS

### 1. Definitions

In this statute, any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), has the meaning so assigned to it, and unless the context indicates otherwise:

“**absolute majority**” means a vote in favour by more than half (more than 50%) of the total membership (for example, where the total membership of council includes vacancies, 26 is an absolute majority, and therefore 14 votes in favour are required; or, where an absolute majority of the senate requires a vote in favour of more than half of the total membership of the senate, even when not all members are present);

“**academic employee**” means any person appointed to an academic position at the university, and any other employee designated as such by the Central University of Technology, Free State (CUT) Council;

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

“**after consultation with**” means the process of reaching a decision by a decision maker after consulting one or more third parties, whose view or views must be considered in good faith, but where the decision rests solely with the decision maker;

“**alum**” means a former student of the university or of its predecessor institutions who:

- (a) has obtained a recognised higher certificate, diploma or degree from the university or its predecessor institutions; or
- (b) has completed courses or modules equivalent to at least 36 National Qualifications Framework (NQF) credits, and includes the gender-specific terms “alumnus” and “alumna”.

“**Alums**” have the corresponding meaning, and includes the gender-specific plurals “alumni” and “alumnae”;

“**assessor member**” means a person appointed to assist a committee or other body on the grounds of expertise or experience, who may speak, but not vote in the deliberations of the committee or other body;

“**Chancellor**” means the titular head of the university, as contemplated in part 3 of this statute;

“**certificate**” means a qualification registered on the NQF, and includes a higher certificate awarded to a student on completion of the work prescribed for the award of the qualification;

“**Convocation**” means the convocation contemplated in part 15 of this statute;

“**Council**” means the body contemplated in section 27 of the Act, and provided for in part 5 of this statute;

“**Council on Higher Education**”, or “CHE”, means the body contemplated in chapter 2 of the Act;

“**CUT**” means the Central University of Technology, Free State;

“**days**” means all calendar days, including Saturdays, Sundays and public holidays;

“**department**” means the national government department responsible for higher education;

“**diplomate**” means a person who has been awarded a recognised diploma by the university or its predecessor institutions;

“**employee**” means any person employed by the university who receives, or is entitled to receive, remuneration from the university by virtue of his or her employment contract with the university, and excludes independent contractors;

“**examination**” means any test or assessment, including any written, oral, practical, or clinical test where the result obtained contributes to, or constitutes, the result for a course or module;

“**executive leadership**” means those members of the university’s leadership team occupying the senior management positions contemplated in section 31(1)(a)(iii) of the Act, and

- (a) includes the Vice-Chancellor and Principal, the deputy vice-chancellor or deputy vice-chancellors, the Registrar, and such executive directors and other employees designated as such by Council, but
- (b) excludes those people occupying Senior Management positions at Peromnes post levels 4 and 5, or their equivalent, who report to a member of the executive leadership, and whose positions are not positions contemplated in section 31(1)(a)(iii) of the Act;

“**graduate of the university**” means a person upon whom the university or its predecessor institution has conferred a degree, but does not include a person upon whom the university has bestowed an honorary degree;

“**general assembly**” means an assembly of the members of the university, convened by the Chancellor or the Vice-Chancellor and Principal, on a subject of importance to the university, where representatives of Council, Senate, employees, students and the convocation will be given an opportunity to express their views on the subject matter for which the assembly has been convened;

“**in consultation with**” means the process of reaching a decision where the decision maker consults one or more third parties, and consensus must be reached with the party or parties consulted;

“**Institutional Forum**” means the Institutional Forum (IF) contemplated in section 31 of the Act and part 12 of this statute;

“**Installation**” means the ceremony at which the Chancellor or the Vice-Chancellor and Principal is installed on taking up the position;

“**institutional rule**” means a rule made by Council following the procedure laid down in section 32 of the Act, to give effect to the institutional statute;

“**minister**” means the minister in the national government responsible for higher education;

“**month**” means a calendar month;

“**National Qualifications Framework**” or “**NQF**” means the qualifications framework established in terms of the NQF Act (Act No. 67 of 2008, as amended);



“**predecessor institutions**” means the Technikon Free State and the Welkom Campus of the former Vista University;

“**professor**” means a person appointed as a professor by Council after consultation with Senate, but does not include an emeritus professor, adjunct professor, associate professor, visiting professor or honorary professor;

“**qualification**” means a qualification registered on the Higher Education Qualifications Sub-Framework (HEQSF) of the **NQF**, and includes a degree, diploma, and higher certificate;

“**rule**” means a rule made by Council or Senate, as the case may be, but does not include an “**institutional rule**”;

“**seat**” means the seat of the university contemplated in section 65(A) of the Act, and defined in paragraph 2 of this statute, and is the principal physical location of the university;

“**simple majority**” means a majority in which the highest number of votes cast for any one candidate, issue, or item exceeds the second-highest number. (Thus, where a quorum is present, a motion succeeds if supported by more votes in favour than votes against. Abstentions do not count. For example, if the total membership of council is 26, and 20 members are present, and five abstain, a simple majority is achieved where the votes in favour (eight) are more than the votes against (seven).);

“**Senate**” means the Senate contemplated by section 28 of the Act, and provided for in part 6 of this statute;

“**SRC**” means the Students’ Representative Council contemplated by section 35 of the Act, and provided for in part 13 of this statute;

“**student**” means a person registered at the university:

- (a) for a programme of study leading to a **qualification**; or
- (b) as an occasional student, for a module or course that ordinarily gives credit towards a **qualification**; or
- (c) as a postdoctoral fellow,

but excludes a person attending any short course that is not credit bearing towards a recognised qualification;

“**university**” means the Central University of Technology, Free State; and

“**working day**” means a weekday (Mondays to Fridays), excluding public holidays.

## **PART 2: THE UNIVERSITY**

### **2. Name, status, seat and powers of the university**

- 1) The name of the university is the “Central University of Technology, Free State”.
- 2) The university is a public higher education institution, is a juristic person as contemplated in the Act, and, subject to the Act, is capable of performing such acts as juristic persons may by law perform, provided that the university may not without the concurrence of the minister dispose of, or alienate, in any manner, any immovable property acquired with the financial assistance of the state, or grant to any person any real right therein or servitude thereon.
- 3) The seat of the university is in Bloemfontein, in the Mangaung Metropolitan Municipality, and it conducts its activities in Bloemfontein, in Welkom, and at such other locations as may be agreed with the minister.
- 4) The physical location of the university, for official contact, is the Registrar’s Office, 20 President Brand Street, Westdene, Bloemfontein.
- 5) The university may confer degrees, award diplomas and certificates, and confer honorary degrees of doctor or master in its own name, as contemplated in the Act.

### **3. Composition**

- 1) The university consists of:
  - (a) the Chancellor;
  - (b) the Vice-Chancellor and Principal, as contemplated in section 30 of the Act;
  - (c) the deputy vice-chancellor or deputy vice-chancellors appointed in terms of paragraph 11 of this statute;
  - (d) the Institutional Registrar;
  - (e) the CUT Council;
  - (f) the CUT Senate;
  - (g) the IF;
  - (h) the convocation;
  - (i) the faculties, departments, and such other academic structures of the university as may be determined by Council in accordance with this statute;
  - (j) the academic employees of the university;
  - (k) the employees other than academic employees of the university;
  - (l) the students of the university, and the SRC;

- (m) the Student Services Committee of Council (SSC); and
  - (n) such other groupings and officers as may be determined by Council.
- 2) No vacancy in any office, nor any vacancy or deficiency in the numbers or defect in the composition of the bodies contemplated in subparagraph 1 above, impairs or affects the existence of the university as a juristic person, or any function or powers conferred upon the body or the university by this statute or the Act.

## **PART 3: THE CHANCELLOR**

### **4. Functions of the Chancellor**

- 1) The Chancellor is the titular head of the university, must at all times embody the aspirations and values of the university, and must actively advance its interests.
- 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.
- 3) In the absence of the Chancellor, the Vice-Chancellor and Principal, or in the latter's absence a deputy vice-chancellor, or failing a deputy vice-chancellor, a person appointed by Council, must preside at a congregation, and in the name of the university confer degrees, and award diplomas and certificates.
- 4) On the advice of Council, the Chancellor, or failing the Chancellor, the Vice-Chancellor and Principal may convene a general assembly of the members of the university.

### **5. Election of the Chancellor**

- 1) The Chancellor is elected by Council.
- 2) Six months before the period of office of the Chancellor is due to expire, or within a month of the office becoming vacant for any reason, the Chairperson of Council must schedule a date for a meeting of Council. This may be a special or ordinary meeting of Council. At least six weeks' notice must be given of the date and time of this meeting.
- 3) The Registrar must call for nominations for election to the office of Chancellor, by written notice not less than 40 working days before the date set down for the meeting of Council, to:
  - (a) members of Council, Senate, the IF and the SRC;
  - (b) the President, Deputy President, and members of the convocation's Executive Committee; and
  - (c) to members of the university via e-mail and notice on the university's website.
- 4) Nominations must reach the Registrar not later than 25 working days before the date of the Council meeting, and must be:
  - (a) in writing, signed by at least three members of the university;
  - (b) in such format as the Registrar may have prescribed;
  - (c) accompanied by the nominee's written acceptance of the nomination, the nominee's curriculum vitae (CV) and the nominators' reasons for making the nomination.
- 5) The Registrar must, within five working days after the closing date for nominations, publish the list of nominees, their CVs, and the names of the nominators in each case on the university's website, and by way of written notice to the members of Council.

- 6) The agenda for the Council meeting at which the Chancellor is to be elected must include each nominee's written acceptance of nomination, CV, and his or her nominators' written statement of the reasons for making the nomination.
- 7) If there is only one nominee, the Chairperson must declare that person elected.
- 8) If there are two or more nominees, an election must be held by secret ballot, and an election requires a vote in favour of a nominee of a majority of the members of Council present at the meeting.
- 9) If no candidate receives the necessary majority of votes, successive rounds of voting must be held, and in each successive round of voting, the candidate receiving the fewest votes is eliminated as a candidate until there are two candidates. If in the final ballot a nominee receives a vote in favour by a majority of the members of Council present at the meeting, the Chairperson of Council must declare that person elected.
- 10) In the event of a tie, either for elimination or election, the Chairperson must exercise a casting vote.
- 11) The person declared elected, or elected by ballot, must hold office:
  - (a) from the date of expiry of the period of office of the current Chancellor; or
  - (b) if the office is vacant for whatever reason, from the date of election.

## **6. Term of office of the Chancellor**

- 1) The Chancellor holds office for a period of four years, unless he or she resigns, or he or she is dismissed as contemplated in subparagraph 4 below.
- 2) A person may not be elected for more than two periods of office.
- 3) These periods of office may be consecutive.
- 4) The term of office of the Chancellor terminates on death, at the expiry of the term of office, or:
  - (a) when the Chancellor resigns by giving written notice to the Registrar; or
  - (b) is declared by a court of law to be insolvent, or otherwise incapable of attending to his or her own affairs; or
  - (c) is removed from an office of trust by a court of law; or
  - (d) is convicted of an offence involving dishonesty, or is sentenced to a period of imprisonment without the option of a fine; or
  - (e) is removed from office for good cause shown by a resolution of Council in terms of subparagraph 5.

- 5) A resolution to remove the Chancellor from office requires a vote in favour by at least two-thirds of the members of Council in an ordinary or special meeting of Council, provided that:
- (a) written notice of the motion to remove the Chancellor from office must have been given to the Chancellor at least ten working days before the meeting takes place; and
  - (b) the Chancellor may, at his or her discretion, attend the meeting to provide representation, or provide written representation, why he or she should not be removed as the Chancellor.

## **PART 4: THE VICE-CHANCELLOR AND PRINCIPAL, DEPUTY VICE-CHANCELLORS AND EXECUTIVE LEADERSHIP**

### **7. Executive leadership**

- 1) The Vice-Chancellor and Principal, the deputy vice-chancellor or deputy vice-chancellors, the Registrar, and such executive directors and other employees designated as such by Council, constitute the executive leadership team, as contemplated by section 31(i)(a)(iii) of the Act.
- 2) The members of the executive leadership team are appointed by Council for such a period and on such conditions as Council may determine in the manner set out in this statute.
- 3) The appointment contracts of the Vice-Chancellor and Principal and the deputy vice-chancellors are as determined by Council.
- 4) The vice-chancellor and deputy vice chancellors are appointed by council on a five-year performance-based contract renewable subject to performance evaluation if council deems it fit after such consultation as required by the Act, provided that the vice-chancellor and the deputy vice chancellors shall not serve more than two consecutive terms.
- 5) Appointments to the positions of the Vice-Chancellor and Principal, the deputy vice-chancellor, or deputy vice-chancellors are made by Council, after consultation with Senate and the IF.
- 6) Appointments to the positions of Registrar are made by Council, after consultation with the IF.
- 7) Appointments to posts of executive director and others designated by Council as members of the executive leadership team are made by Council, after consultation with the IF.

### **8. Functions of the Vice-Chancellor and Principal**

- 1) The Vice-Chancellor and Principal is:
  - (a) the Chief Academic Officer of the university, its Chief Executive Officer (CEO), and its Accounting Officer; and
  - (b) is responsible for its leadership, management, and administration.
- 2) The Vice-Chancellor and Principal is accountable for, and reports to:
  - (a) Council on the work of the university; and
  - (b) Senate on the management of the learning and teaching, and the research work of the university at least once every semester, or quarterly, as appropriate.
- 3) In the exercise of his or her leadership responsibility, the Vice-Chancellor and Principal must:
  - (a) give direction to strategy and the planning functions of the university;
  - (b) ensure that the university attracts and retains the talented staff necessary for the university to succeed in its role;

- (c) give priority to fundraising; and
- (d) represent the university to:
  - A. the minister, the department, and CHE; and
  - B. the city, the province, the country, and its international partners.
- 4) In the exercise of his or her management responsibility, the Vice-Chancellor and Principal:
  - (a) must lead the management and administration of the university;
  - (b) must ensure optimal structures and organisation, and the optimal use of the university's resources;
  - (c) must ensure sound working relationships with trade unions and staff bodies, in the interest of the university;
  - (d) may, in the manner set out in the applicable disciplinary rules and procedures, and for good cause shown:
    - A. suspend any employee (other than a member of the executive leadership team) on such conditions as the rules permit, and may order that person to stay away from the campuses of the university until the resolution of such charges as may be brought against him or her;
    - B. recommend to Council that it, or in urgent cases to the Chairperson of Council that he or she, suspends any member of the executive leadership team on such conditions as the rules permit, and order that person to stay away from the campuses of the university until the resolution of such charges as may be brought against him or her; and
    - C. suspend any student on such conditions as the rules permit, and order that person to stay away from the campuses of the university until the resolution of such charges as may be brought against him or her.
- 5) The Vice-Chancellor and Principal may delegate any power assigned or delegated to him or her by Council or Senate to any officer of the university, except where Council or Senate decides otherwise.
- 6) The Vice-Chancellor and Principal is, by virtue of his or her office, a member of:
  - (a) Council;
  - (b) each committee of Senate; and
  - (c) each joint committee.
- 7) In the absence of the Vice-Chancellor and Principal, or should the Vice-Chancellor and Principal be unable to carry out his or her duties, a deputy vice-chancellor designated by Council acts as Vice-Chancellor and Principal, and, failing this, Council must appoint an Acting Vice-Chancellor and Principal.



## **9. Appointment of the Vice-Chancellor and Principal**

Council appoints the Vice-Chancellor and Principal after consulting Senate and the IF. The appointment must be on such terms as Council may decide.

## **10. Termination of office of the Vice-Chancellor and Principal**

- 1) The Vice-Chancellor and Principal holds office for such period and upon such terms as Council decides.
- 2) The appointment may be terminated during the period of office by six months' notice on either side.
- 3) Any resolution of Council to give notice must be taken at a meeting of Council by an absolute majority of Council.
- 4) If the Office of the Vice-Chancellor and Principal becomes vacant, Council must:
  - (a) after consulting Senate and the IF, appoint an Acting Vice-Chancellor and Principal to hold office until such time as a new Vice-Chancellor and Principal takes up his or her appointment; and
  - (b) after consulting Senate and the IF, appoint a successor.
- 5) Council must, not less than six months before the term of office of a Vice-Chancellor and Principal is due to end:
  - (a) in respect of a first-term incumbent, decide whether to offer a first-term incumbent a second term or seek a replacement; or
  - (b) in respect of an incumbent whose second term is due to end, take steps to fill the position.

## **11. Deputy vice-chancellors**

- 1) Council may appoint deputy vice-chancellors after consulting Senate and the IF.
- 2) Each deputy vice-chancellor's functions are determined by Council on the advice of the Vice-Chancellor and Principal.
- 3) Each deputy vice-chancellor is, by virtue of his or her office, a member of each committee of Senate.

**PART 5: COUNCIL****12. Functions of Council**

- 1) The CUT Council governs the university in terms of the Act and this statute.
- 2) Without derogating from the generality of subparagraph 1, Council:
  - (a) must administer all property of the university;
  - (b) appoints all staff of the university, but, in the case of academic staff of the university, it may do so only after consultation with Senate;
  - (c) must, subject to the policy determined by the minister, and with the concurrence of Senate, determine the language policy of the university, and publish it;
  - (d) must, after consultation with Senate, determine the admissions policy of the university, as contemplated in section 37 of the Act, and publish it;
  - (e) must consult the IF, as required by the Act; and
  - (f) may make, rescind, or amend a statute in terms of the Act.
- 3) In the exercise of its governance function, Council must:
  - (a) act with care, skill, diligence and due regard to the values and interests of the university;
  - (b) after consulting the IF, adopt a code of conduct as contemplated in section 27(7E) of the Act, to which all members of Council, all members of Council committees, and all persons who exercise functions in terms of delegated authority, must subscribe in writing;
  - (c) adopt strategy appropriate to the university's role and mission, after consulting Senate, the IF and the SRC;
  - (d) adopt a procurement policy and procurement procedures for the university that ensure that when the university contracts for goods or services, it does so in accordance with a system that is fair, equitable, transparent, competitive, and cost effective;
  - (e) govern risk in a way that supports the university in setting and achieving its strategic objectives, and that places the responsibility to manage risk and compliance with Management; and
  - (f) ensure that Management keeps complete accounting records, accounts for all assets, and prepares such reports as are required to enable Council to comply with its reporting obligations under the Act.
- 4) Council may:
  - (a) establish committees of Council;
  - (b) appoint persons who are, and persons who are not members of Council as members of such committees; and

- (c) terminate the membership of any person it has appointed to any committee.
- 5) Council may delegate or assign any of its powers and functions, except those powers and functions specified in subparagraph 6, to:
  - (a) a committee of Council;
  - (b) a member of Council;
  - (c) an officer of the university; or
  - (d) other structures of the university.
- 6) Council may not delegate or assign any of the following powers and functions:
  - (a) The adoption of the strategic plan for the university.
  - (b) The appointment, suspension, or removal from office of the Vice-Chancellor and Principal.
  - (c) The appointment, suspension, or removal from office of any deputy vice-chancellor or other member of the executive leadership.
  - (d) The approval of the annual operating and capital expenditure budgets.
  - (e) The setting of tuition or student housing fees.
  - (f) The adoption of the annual financial statements and annual report.
  - (g) The making or amendment of the statute.
  - (h) The decision to embark on the construction of a permanent building or other immovable infrastructural development.
  - (i) The decision to enter into a loan or overdraft agreement.
  - (j) The purchase of immovable property, or entering into a long-term lease of immovable property.
  - (k) The establishment or disestablishment of faculties, departments or other academic structures.
- 7) Council remains responsible for the exercise and performance of any function delegated or assigned by it.

### 13. Composition of Council

- 1) Council comprises external and internal members, where the external members are not employees of the university; not students of the university; not people who hold executive leadership positions at other public universities in South Africa; and not service providers to the university, or employees of service providers to the university; and where the internal members are either employees or students, provided that:

- (a) members must be persons with knowledge and experience relevant to the objects and governance of the university;
  - (b) a person who has a conflict of interest with the university as contemplated in paragraph 16 of this statute should not seek appointment or election, or accept appointment to Council;
  - (c) an external member must be resident in South Africa, and must be able and prepared to travel to the university for meetings;
  - (d) at least 60% of the membership of Council must be external members (i.e., people who are not staff, students, service providers, or people employed by service providers);
  - (e) a person appointed as an external member who becomes a student or employee of, or a service provider to, or is appointed to an executive leadership position in another university, or is employed by a service provider to the university, forthwith ceases to be a member of Council;
  - (f) a person elected by employees to be a member of Council who ceases to be an employee, forthwith ceases to be a member of Council;
  - (g) *ex officio* members of Council are members of Council for as long as they hold the office by which they are *ex officio* members;
  - (h) a person other than an *ex officio* member holds office until the end of the term for which he or she was elected or appointed;
  - (i) an external member appointed for a four-year term of office may be reappointed or re-elected, but may not hold office as a member of Council for more than eight consecutive years, except
    - A. in the case of a person whose first period of office was for a period less than four years, and who is subsequently elected or appointed for two successive four-year terms, who may hold office until the expiry of the second full term; or
    - B. ; in the case contemplated in paragraph 14(b) below; and
  - (j) a person who became a member of Council by virtue of holding office as an SRC elect who ceases to be an SRC elect or a student, forthwith ceases to be a member of Council.
- 2) The external members of Council are:
- (a) five people appointed by the Minister;
  - (b) nine people appointed by the Nominations Committee for their expertise and experience in one or more of the following fields: education, in particular higher education; business and marketing; agriculture; finance, audit and/or risk; law; science; engineering; and technology;
  - (c) one person with local/regional development and governance expertise in the area where the university has its seat, appointed by the Metropolitan Council of Mangaung; and

- (d) one person elected by the convocation in the manner determined by the institutional rules.
- 3) The internal members of Council are:
  - (a) the Vice-Chancellor and Principal;
  - (b) two deputy vice-chancellors, or if there are more than two deputy vice-chancellors, two deputy vice-chancellors appointed to be members of Council for two-year periods by the Vice-Chancellor and Principal;
  - (c) two academic members of Senate, elected by Senate, in the manner determined by Senate;
  - (d) one academic employee elected by the academic employees, in the manner determined by the institutional rules;
  - (e) two employees who are not academic employees, elected by the employees who are not academic employees, in the manner determined by the institutional rules; and
  - (f) two students of the university, elected by the SRC.

#### **14. Terms of office of Council members**

- (a) The Vice-Chancellor and Principal, deputy vice-chancellors, and the SRC elect hold Council membership by virtue of their appointments, and remain members of Council for as long as they occupy their positions.
- (b) The term of each Council member begins on the date of their appointment, notwithstanding the date of the next Council meeting, and, subject to the other provisions of this statute, ends upon expiry of their term, or upon termination of their membership as Council members.
- (c) The term of office of the members of Council who are not students or employees of CUT is four years.
- (d) An elected member may serve up to a maximum of 2 (TWO) terms in any capacity as a Council member. A member who has served 2 (TWO) terms as Council member, in any capacity, will no longer be eligible to serve as a Council member.

#### **15. The Nominations Committee of Council**

The Nominations Committee of Council consists of:

- (a) the Vice-Chancellor and Principal;
- (b) the Chairperson of Council;
- (c) two of the external members of Council who are serving their last period of office as members of Council, appointed by Council;
- (d) the member of Council appointed by Senate;
- (e) an SRC-elected member of Council, appointed by Council; and

- (f) a member of the legal profession, nominated by the Judge President of the Free State Division of the High Court.
- 1) The term of office of each member of the committee other than the members who are *ex officio* must, unless otherwise determined by Council, extend for the duration of his or her term of office as a Council member.
- 2) The members of the Nominations Committee choose a Chairperson of the committee from amongst their members.
- 3) The quorum of the Nominations Committee is five members.
- 4) The Nominations Committee exists to ensure that the best possible candidates are identified for appointment to Council, and must:
  - (a) take steps to identify people who would be able to contribute to the work of Council. These steps must include using such media as may be suitable for this purpose, and canvassing organisations representative of the following fields: education, in particular higher education; business and marketing; the arts; agriculture; finance; audit and/or risk; law; science; engineering; and technology, in the Mangaung area and more widely; and
  - (b) appoint members to Council in terms of paragraph 13 when the term of office of the members is due to expire, and when vacancies arise during the term of office of Council.

**16. Avoiding conflicts of interest where financial, personal, family, or other interests of Council members, employees, and committee members conflict, or may be perceived to conflict, with the interests of the university**

- 1) If any member of Council, Senate, a committee of Council, a joint committee of Council and Senate, or a committee of Senate has a direct or indirect financial, personal, family or other interest, or if a member of his or her immediate family, or a family friend, has such an interest in a matter to be discussed at a meeting, or in regard to which he or she is to make a decision in terms of delegated authority, and which involves, or may give rise to a perception of, a conflict of interest with the interests of the university, he or she must:
  - (a) before the meeting, inform the chairperson the relevant committee and the Registrar of the conflict, or possible conflict; or
  - (b) where he or she has the authority to decide the matter in terms of delegated authority, decline to exercise that authority.
- 2) For these purposes:
  - A. “**immediate family**” includes:
    - (i) a spouse or life partner; and
    - (ii) a parent, a sibling, a child, and/or any other relative who resides in the same household as the individual;

B. **“family friend”** means a person:

- (i) related by blood or marriage; or
- (ii) with a friendship of such a nature

that the relationship or friendship would give rise to an actual or perceived conflict of interest should a matter arise for decision involving the person or friend, or their interest or interests;

and

C. a **“personal relationship”** must be disclosed where this includes, but is not limited to: current and past friendships; romantic or sexual relationships; kinship; contractual relationships where some form of agreement exists between two parties that may, for example, include nomination of a beneficiary, or evidence that the relationship is of a long-term nature built upon mutual dependency and trust, such as a joint bank account; joint ownership of property; long-term cohabitation; and/or relationships with a history of serious interpersonal conflict.

- 3) Any member of Council, Senate, a committee of Council, a joint committee of Council and Senate, or a committee of Senate must, after such declaration, excuse himself or herself from the meeting, or the relevant part of the meeting, as well as any subsequent meetings at which the matter is to be discussed, and he or she is not entitled to receive papers relating to the matter.
- 4) An employee may not conduct business directly or indirectly with the university, unless Council is of the opinion, and takes a decision, that:
  - (a) the goods, product or service in question is unique;
  - (b) the supplier is a sole provider; and
  - (c) it is in the best interest of the institution.
- 5) An employee may not, on behalf of the university, contract with himself or herself, or his or her relative, or any entity in which the employee or any relative has a direct or indirect financial, personal, fiduciary, or other interest. Contracting, as referred to, relates to conduct that is aimed at receiving any direct or indirect financial, personal, fiduciary, or other gain that does not form part of the employment relationship contemplated in subsection 16(4).

## 17. Termination of membership of Council members, and filling of vacancies on Council

- 1) A member of Council vacates his or her position on Council if he or she:
  - (a) resigns;
  - (b) dies;
  - (c) is absent from three consecutive ordinary meetings of Council without leave;

- (d) is, or becomes, insolvent;
  - (e) is declared to be of unsound mind by a court of law;
  - (f) is removed from an office of trust by a court of law, or is convicted of an offence, and sentenced to a term of imprisonment without the option of a fine by a court of law;
  - (g) is removed by resolution of Council, passed by two-thirds of the membership of Council, for good cause shown, as provided for in subparagraph 5 below.
- 2) In the event of a vacancy through death or otherwise, the Registrar must forthwith notify the authority or body that appointed or elected the member, requesting the authority or body to appoint or elect a successor for the unexpired portion of the former member's period of office, and the successor holds office for the unexpired term of office of the predecessor.
  - 3) If 75% or more of the members of Council resign, it is deemed that Council has resigned.
  - 4) If Council resigns as contemplated in subparagraph 3, a new Council must be constituted in terms of this statute.
  - 5) A member of Council must participate in the deliberations of Council in the best interests of the university. Failure to act in the best interests of the university, or behaviour that brings the university into disrepute, may result in the removal from office of any member of Council. If it is alleged that a member is not acting in the best interests of the university, or has engaged in conduct that brings, or tends to bring, the university into disrepute, and the majority of the members of Council present at any meeting resolve that there is a *prima facie* case to be answered, Council must appoint an *ad hoc* committee of Council to consider the allegation(s). The *ad hoc* committee:
    - (a) may take evidence;
    - (b) must hear the Council member against whom an allegation has, or allegations have, been made;
    - (c) must decide on the balance of probabilities if there is good cause as to why the person should be removed from holding office as a member of Council. Good cause would include, but would not be limited to, a breach of the member's fidelity responsibility to the university, failure to declare an interest and/or recuse where conflicted, or a breach of the code of conduct considered by the committee to be egregious;
    - (d) must invite the person(s) against whom it makes an adverse finding to consider its draft findings and make representations regarding them; and
    - (e) must consider any representations made to it, and, having done so, must report with recommendations to Council, and may recommend that the person's membership of Council be terminated.



## 18. Election and appointment of members of Council

The manner in which members of Council are elected is as determined by the institutional rules.

## 19. Chairperson and Deputy Chairperson of Council

- 1) Council must elect a Chairperson and Deputy Chairperson from amongst the members of Council who are neither staff nor students, and who meet such eligibility requirements as Council may determine from time to time.
- 2) The Chairperson must:
  - (a) provide ethical leadership;
  - (b) ensure, as far as he or she is able, the effective functioning and operation of Council;
  - (c) together with the Vice-Chancellor and Principal and the Registrar, arrange for induction and development of Council members; and
  - (d) serve as a link between Council on the one hand, and the administration of the university on the other,and must be supported in this by the Deputy Chairperson, to whom the Chairperson may assign specific functions related to these responsibilities.
- 3) The term of office of the Chairperson and of the Deputy Chairperson is four years, or until the expiry of his or her term of office as a member of the Council, whichever comes first, save that he or she continues to hold office as Chairperson or Deputy Chairperson until the start of the first following meeting of Council at which a new appointment or appointments must be made. .
- 4) The Registrar must invite Council to elect a Chairperson and a Deputy Chairperson at the first meeting following the expiry of the term or terms of office of the Chairperson and/or Deputy Chairperson, or whenever the office or offices become(s) vacant.
- 5) A retiring office-bearer is eligible for re-election if he or she is still a member of Council.
- 6) If a vacancy occurs in the office of the Chairperson or Deputy Chairperson within the term of office, the Registrar must invite Council at its next ordinary meeting to fill the vacancy for the unexpired period of the term of office.
- 7) The Chairperson presides at all meetings of Council at which he or she is present.
- 8) The Deputy Chairperson presides at meetings of Council in the absence of the Chairperson.
- 9) If both the Chairperson and the Deputy Chairperson are absent, Council must elect a Chairperson for the meeting concerned from those members present who are neither staff nor students.

## 20. The Student Services Committee of Council

- 1) Council must, after consultation with the SRC, establish as a committee of Council, namely the Student Services Committee of Council.
- 2) The role of the Student Services Committee of Council is to advise on policy for student support services, as contemplated in section 27(3) of the Act.
- 3) The charter, including the membership and terms of reference, of the Student Services Committee of Council must be determined by Council after consultation with the SRC, and must be provided for in institutional rules.

## 21. Committees of Council

- 1) Council may appoint such additional committees as it judges/decides are needed to ensure effective governance, and must appoint the following committees:
  - (a) The Executive Committee of Council.
  - (b) The Remuneration Committee of Council.
  - (c) A committee or committees to deal with audit, risk, and information and communication technology.
  - (d) The Planning, Finance and Resources Committee of Council.
  - (e) The Human Resources Committee of Council.
- 2) The composition and functions of Council committees are determined by Council, and must be set out in a charter for the committee, approved by Council, provided that:
  - (a) the Chairperson of Council must be the Chairperson of the Executive Committee of Council, must be a member of the Remuneration Committee, and must not be a member of any other committee listed in 1(c) to (e) above;
  - (b) the Deputy Chairperson of Council must be the Chairperson of the Remuneration Committee of Council; and
  - (c) at least 60% of the members of each committee listed in (a) to (e) above must be people who are not employees, students, or service providers of the university.
- 3) Council may:
  - (a) appoint persons who are, and persons who are not, members of Council as members of any committee of Council; and
  - (b) terminate the membership of any person it has appointed to any committee.

- 4) The Remuneration Committee makes recommendations to Council from time to time for the level of honoraria payable to external members of Council and its committees, provided that:

A. honoraria:

- (a) must be set having regard to such guidelines as the department or the minister may set;
- (b) must be per meeting that a member attends, and in which a member participates, and shall not be calculated on duration of meetings; and
- (c) must have regard to the not-for-profit status of the university;

and

- B. out-of-pocket expenses may be reimbursed at rates not greater than those for which employees are reimbursed when away on duty.

## 22. Council meetings

- 1) Ordinary meetings of Council must be held when and where Council decides, and at least four ordinary meetings must be held each year.
- 2) A special meeting must be held within seven working days:
  - (a) when called by the Chairperson; or
  - (b) when a written request for a special meeting, stating the object of the meeting, is received by the Registrar from at least five members of Council.
- 3) At least three days' notice must be given of a special meeting, unless, in the opinion of the Chairperson, or in the absence of the Chairperson, the Deputy Chairperson, or in the absence of both, the Vice-Chancellor and Principal, there is an emergency that warrants a shorter period of notice.
- 4) No matter other than those for which the meeting has been called may be dealt with at a special meeting.

## 23. Quorum and procedure at Council meetings

- 1) The quorum at an ordinary meeting of Council is 13, provided that at least seven of the members present are external members.
- 2) The quorum at a special meeting of Council is 15, provided that at least eight of the members present are external members.
- 3) The Chairperson of Council:

- (a) must, in consultation with the Registrar, ensure that where Council is to consider any matter on which the IF must give advice as provided for in the Act, ensure that Council gives the IF an opportunity to submit such advice in writing before deciding the matter;
  - (b) must, where the IF:
    - A. having submitted written advice to Council on any matter on which the IF is required by the Act to advise Council, or on any matter on which Council has asked the IF for advice; and
    - B. seeks permission from the Chairperson of Council to supplement the written advice it has given by an oral presentation,  
  
provide for the IF Chairperson or a member of the IF deputed by the IF for this purpose, to join the Council meeting to make an oral presentation, and to answer any questions put to him or her on the submission, after which he or she must withdraw; and
  - (c) may, after consulting the Deputy Chairperson and the Vice-Chancellor and Principal, invite any person who is not a member of Council to address Council on a specific item on the agenda, provided that such a person must not have any voting rights, and must be excused from the meeting once he or she has done so and answered any questions members of Council may have.
- 4) A member of Council, or a committee of Council, must lodge any motion for consideration at the next ordinary meeting in writing, in the prescribed format, with the Registrar at least 11 working days before the date determined by Council for such a meeting, provided that any matter of an urgent nature may, without prior notice, and with the consent of the Chairperson and a majority of the members present, be considered at such a meeting.
- 5) The Registrar must issue a written notice to each member of Council at least seven days before each ordinary meeting of Council, setting out:
- (a) the place, date and time of the meeting;
  - (b) the draft minutes of the previous ordinary meeting, and the draft minutes of any special meeting held since the last meeting; and
  - (c) the agenda for the meeting.
- 6) 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, to be taken as read if copies have been sent to members prior to the meeting;
  - (b) receive a report from the Registrar that every member of Council has, prior to the meeting, signed the statement, in the form decided by Council from time to time, confirming his or her commitment to Council's code of conduct, and declaring any financial or other interest not previously declared, and confirming that there is no matter on the agenda that would give rise to a conflict of interest, or, in the alternative, that he or she has an interest in an

item on the agenda that gives rise to a conflict, as a result of which he or she will excuse herself or himself when the matter comes up for debate; and

- (c) deal with the business of which notice has been given, and any other business that a majority of the total membership of Council agrees to consider.

7) Council decides its own rules of debate, but:

- (a) 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 must submit his or her ruling without discussion to the meeting, which decision is final and binding;
- (b) every motion and every amendment proposed must be seconded, and must, if the Chairperson requires this, be in writing;
- (c) a motion or amendment that is not seconded falls away;
- (d) a motion or an amendment that has been seconded may not be withdrawn, except with the consent of the majority of the members present;
- (e) except where the Act or this statute requires a different procedure, each question must be decided by voting and the majority of votes of the members present, and, unless the meeting decides otherwise, voting must be by show of hands;
- (f) proxy voting is not permitted, but a member of Council who is unable to attend an ordinary or a special meeting may submit his or her views on any matter on the agenda to the Chairperson and the Registrar not less than three working days before the day of the meeting, and the Chairperson must bring these views to the attention of Council;
- (g) 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;
- (h) the number of members voting for, and the number of members voting against, any proposal must be entered in the minutes;
- (i) where any member asks for this, his or her vote for or against a proposal must be entered in the minutes;
- (j) a motion to make, amend or rescind this statute may not be considered unless seven working days' notice has been given;
- (k) a member of Council may not, without the consent of the meeting, speak more than once on a motion or on any amendment, provided that the mover of any motion or any amendment has the right to reply to the debate on the motion or the amendment, as the case may be;
- (l) a member who believes that a question has been sufficiently discussed may move "that the question now be put", and if this is seconded, and:
  - A. if the Chairperson also believes that the question has been sufficiently discussed, the Chairperson must put to Council the motion "that the question now be put", which if

- carried closes the debate, except that the proposer does not lose his or her right to reply to the debate; or
- B. if the Chairperson does not believe that the question has been sufficiently discussed, the Chairperson must disallow the motion, but has the right to put it as soon as he or she believes that the question has been sufficiently discussed, in which case he or she must put to Council the motion “that the question now be put”, which if carried closes the debate, except that the proposer does not lose his or her right to reply to the debate; and
- (h) a draft resolution duly proposed and seconded by members of Council, circulated via e-mail or other secure digital means to all members of Council between scheduled meetings, to which no objection is made by any member within seven days of circulation, and to which at least 70% of the members of Council indicate assent, must be deemed to be a resolution of Council, provided that:
- A. it is reported to, and recorded in the minutes of, the next ordinary meeting of Council; and
  - B. if any objection is made by any member within seven days, the matter must stand over for decision at the next ordinary meeting of Council.
- 8) A motion to rescind a resolution of Council within 12 months after it was passed requires:
- (a) a majority of two-thirds of the members present and voting; or
  - (b) failing that, a simple majority of the members present, and voting at two consecutive ordinary meetings of Council.
  - (c) Any member of Council, a committee of Council, or a person with delegated functions in terms of subparagraph 12(4), who has a direct or indirect financial or personal interest in any matter to be discussed at a meeting must, before or during such a meeting, declare such interest, and comply with such other rules and policies as Council may adopt. (2) After such declaration, such member of Council or a committee of Council must excuse himself or herself from the part of the meeting, and the relevant part or parts of any subsequent meeting at which the matter is to be discussed, and is not entitled to receive papers relating to the matter.

## PART 6: SENATE

### 24. Functions of Senate

- 1) Senate is responsible for, and accountable to, Council for the academic and research functions of the university, encompassing the learning and teaching, research, knowledge transfer, innovation and community engagement work of the university.
- 2) Without derogating from the generality of subparagraph 1, Senate:
  - (a) must organise and control the learning and teaching, curricula, syllabuses, examinations, other forms of assessment, research, knowledge transfer, innovation and community engagement work of the university;
  - (b) may make recommendations to Council for the establishment, structure, or disestablishment of faculties, academic departments, and other academic structures;
  - (c) must make rules for examinations and other forms of assessment, and must ensure that all examinations are conducted in accordance with these rules;
  - (d) prescribes the requirements for each degree, diploma and higher certificate, and decides modes of delivery and modes of assessment;
  - (e) approves the conferment of degrees, and the awarding of diplomas and higher certificates, for candidates who have completed the requirements for the qualification;
  - (f) appoints examiners for all examinations;
  - (g) decides the conditions for the awarding of prizes, scholarships and bursaries, where applicable, in accordance with the terms of the relevant bequest, deed or gift; and determines the people to whom such prizes, scholarships and bursaries are to be awarded;
  - (h) must carry out such other functions as Council assigns to it;
  - (i) must submit to Council such reports on its work as may be required by Council; and
  - (j) makes recommendations to Council on matters referred to it by Council, and on any other matter affecting the university it considers necessary.
- 3) In the exercise of its responsibility for academic governance, Senate must submit to Council:
  - (a) quarterly reports, and an annual report on its work;
  - (b) reports on matters referred to it by Council; and
  - (c) such recommendations as Senate considers are in the interests of the university.

## 25. Composition of Senate

- 1) Senate consists of academic employees and other members, provided that the majority of the members of Senate must be academic employees of the university.
- 2) Senate consists of:
  - (a) the Vice-Chancellor and Principal;
  - (b) the deputy vice-chancellors;
  - (c) the professors and associate professors;
  - (d) the deans and acting deans, the assistant deans, and any acting deans who are not professors or associate professors;
  - (e) the heads and acting heads of academic departments who are not professors or associate professors, and departmental managers;
  - (f) two members of the non-professorial academic staff, elected by these academic staff in the manner provided for in institutional rules;
  - (g) the University Librarian and the head of the university's information technology service;
  - (h) two members of the professional, administrative, support and service staff elected by these staff;
  - (i) four students, appointed by the SRC, at least two of whom must be students who have obtained a degree or diploma, and who are registered and studying for a qualification at Higher Education Qualifications Sub-Framework (HEQSF) levels 8, 9 or 10;
  - (j) two external members of Council appointed by Council;
  - (k) up to ten additional members co-opted by Senate; and
  - (l) as assessor members without voting rights, managers responsible for academic support, student services, information technology services, risk management, marketing, institutional planning, and student administration, as may be decided by the Vice-Chancellor and Principal after consultation with the Registrar.

## 26. Term of office of Senate members

- 1) The term of office of the students elected by the SRC is one calendar year, as determined by the institutional rules.
- 2) The term of office of the other elected members of Senate is four years, from 1 July to 30 June four years later, as determined by the institutional rules.
- 3) Where a vacancy occurs, the Registrar must take steps to fill the vacancy for the balance of the term of office of the member who has vacated Senate.



- 4) The term of office of any member elected, appointed or co-opted after the start of the four-year term of office is for the balance of that four-year term of office.

## **27. 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:
  - (a) if there is an Acting Vice-Chancellor and Principal, the Acting Vice-Chancellor and Principal presides; or
  - (b) if there is no Acting Vice-Chancellor and Principal, or if the Acting Vice-Chancellor and Principal is not present, the designated deputy vice-chancellor presides; and
  - (c) in the absence of the Vice-Chancellor and Principal, an Acting Vice-Chancellor and Principal, and the designated deputy vice-chancellor, the meeting elects a Chairperson from the members present for the meeting.

## **28. Committees of Senate**

- 1) Senate may:
  - (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.
- 2) 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 university,provided that:
  - A. it may not delegate or assign a function delegated to it by Council without Council's agreement; and
  - B. it remains responsible for the performance of any function delegated or assigned.

**29. Senate meetings**

- 1) Ordinary meetings of Senate must be held when and where Senate decides, and at least four ordinary meetings must be held each year.
- 2) A special meeting must be held within seven working days:
  - (a) when called by the Chairperson; and
  - (b) when a written request for a special meeting, stating the object of the meeting, is received by the Registrar from at least five members of Senate.
- 3) At least three days' notice must be given of a special meeting, unless, in the opinion of the Vice-Chancellor and Principal, or in the absence of the Vice-Chancellor and Principal, the Acting Vice-Chancellor and Principal, there is an emergency that warrants a shorter period of notice.
- 4) No matter other than those for which the meeting has been called may be dealt with at a special meeting.

**30. Quorum and procedure at Senate meetings**

- 1) The quorum at an ordinary meeting of Senate is 50% of the voting membership of Senate.
- 2) The quorum at a special meeting of Senate is 50% of the voting membership of Senate.
- 3) The Vice-Chancellor and Principal may invite any person who is not a member of Senate to address it on a specific item on the agenda, provided that such a person must not have any voting rights, and must be excused from the meeting once he or she has done so and answered any questions members of Senate may have.
- 4) Any two members of Senate may lodge any motion for consideration at the next ordinary meeting in writing, in the prescribed format, with the Registrar at least 11 working days before the date determined by Senate for such a meeting, provided that any matter of an urgent nature may, without prior notice, and with the consent of the Chairperson and a majority of the members present, be considered at such a meeting.
- 5) The Registrar must issue a written notice to each member of Senate at least seven days before each ordinary meeting of Senate, setting out:
  - (a) the place, date and time of the meeting;
  - (b) the draft minutes of the previous ordinary meeting, and the draft minutes of any special meeting held since the last meeting; and
  - (c) the agenda for the meeting.

- 6) At each ordinary meeting, Senate:
- (a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, to be taken as read if copies have been sent to members prior to the meeting;
  - (b) deal with the business of which notice has been given, and any other business that a majority of the total membership of Senate agrees to consider.
- 7) Senate decides its own rules of debate, but:
- (a) 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 must submit his or her ruling without discussion to the meeting, which decision is final and binding;
  - (b) every motion and every amendment proposed must be seconded, and must, if the Chairperson requires this, be in writing;
  - (c) a motion or amendment that is not seconded falls away;
  - (d) a motion or an amendment that has been seconded may not be withdrawn, except with the consent of the majority of the members present;
  - (e) except where the Act or this statute requires a different procedure, each question:
    - A. may be decided by sufficient consensus, but if there is not sufficient consensus, or should any member require this,
    - B. must be decided by a simple majority of votes of the members present and voting,
  - (f) except where this statute requires a ballot, or the meeting, at the request of a member, decides to vote by ballot, voting must be by show of hands;
  - (e) proxy voting is not permitted;
  - (f) 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;
  - (g) the number of members voting for, and the number of members voting against, any proposal must be entered in the minutes;
  - (h) where any member asks for this, his or her vote for or against a proposal must be entered in the minutes;
  - (i) a member of Senate may not, without the consent of the meeting, speak more than once on a motion or on any amendment, provided that the mover of any motion or any amendment has the right to reply to the debate on the motion or the amendment, as the case may be;
  - (j) a member who believes that a question has been sufficiently discussed may move “that the question now be put”, and if this is seconded, and:

- A. if the Chairperson also believes that the question has been sufficiently discussed, the Chairperson must put to Senate the motion “that the question now be put”, which if carried closes the debate, except that the proposer does not lose his or her right to reply to the debate; or
  - B. if the Chairperson does not believe that the question has been sufficiently discussed, the Chairperson must disallow the motion, but has the right to put it as soon as he or she believes that the question has been sufficiently discussed, in which case he or she must put to Senate the motion “that the question now be put”, which if carried closes the debate, except that the proposer does not lose their right to reply to the debate; and
- (k) a draft resolution, duly proposed and seconded by members of Senate, circulated via e-mail or other secure digital means to all members of Senate between scheduled meetings, to which no objection is made by any member within seven days of circulation, must be deemed to be a resolution of Senate, provided that:
- A. it is reported to, and recorded in the minutes of, the next ordinary meeting of Senate; and
  - B. where any objection is made by a member of Senate, the matter must stand over for decision at the next scheduled meeting of Senate.
- (l) A motion to rescind a resolution of Senate within 12 months after it was passed requires:
- A. a majority of two-thirds of the members present and voting; or
  - B. failing that, a simple majority of the members present, and voting at two consecutive ordinary meetings of Senate;
- 8) Any member of Senate, a committee of Senate, or a person with delegated functions in terms of subparagraph 28(2), who has a direct or indirect financial or personal interest in any matter to be discussed at a meeting, or if a family member or family friend has such an interest, must:
- (a) before or during such a meeting, declare such interest, and comply with such other rules and policies as Senate may adopt; and
  - (b) after such declaration, excuse himself or herself from the meeting and any subsequent meetings at which the matter is to be discussed, and is not entitled to receive papers relating to the matter.

**PART 7: JOINT COMMITTEES OF COUNCIL, SENATE, AND THE IF****31. Joint committees**

- 1) Council, Senate and/or the IF may, by resolution of each body concerned, establish joint committees, determine their terms of reference, and appoint people to be members of them, provided that:
  - (a) in addition to their members, Council, Senate or the IF may each agree to appoint any other person to a joint committee; and
  - (b) any joint committee may be disestablished by Council, and the membership of any person appointed to a joint committee may be terminated by the body that appointed him or her.

**32. Delegation of authority to a joint committee**

- 1) Council may delegate or assign to a joint committee any of its powers and functions, other than those specified in paragraph 12(5), but remains responsible for the performance of those powers and functions.
- 2) Senate may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.
- 3) The IF may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.

## **PART 8: ADMISSION, REGISTRATION, READMISSION, AND CREDIT ACCUMULATION AND TRANSFER**

### **33. Admission as a student**

- 1) A person may only be admitted as a student for a programme of study leading to a qualification offered by the university if he or she has:
  - (a) met the legal requirements, if any, for admission to the study programme; and
  - (b) met such additional minimum requirements for admission to the study programme concerned as set out in rules made by Council, in consultation with Senate.
- 2) The minimum requirements for admission of a student to a programme of study leading to a qualification offered by the university are as set out in rules made by Senate.

### **34. Admission as candidates for degrees of master or doctor**

Senate may admit a person as a candidate for the degree of master or doctor:

- 1) if it is satisfied that the person is qualified to undertake the proposed study, research, or both; and
- 2) who:
  - (a) is a graduate of the university or another institution; or
  - (b) has attained a level of competence that, in Senate's opinion, is adequate for the purpose of postgraduate study, research or both in the proposed line of study, research or both.

### **35. Registration as a student**

- 1) A student is registered for one year, or for such shorter period as Council may determine in general or in a particular case.
- 2) A student must register, and, once registered, remains registered until the day before the start of the next academic year; until he or she graduates, or is awarded a diploma or higher certificate; is expelled; or for such shorter period as Council decides, whichever is the shortest, and he or she remains subject to the discipline of the university while registered.
- 3) A student must renew his or her registration annually for as long as he or she remains a student, provided that a person may not renew his or her registration as a student:
  - (a) if he or she has been refused readmission in terms of paragraph 38 below; and/or

- (b) unless he or she complies with such additional requirements as Council may lay down for the renewal of registration in general or in the student's case, which may include failure to pay outstanding fees for the previous year or years in full or in part.

### **36. Admissions and readmission of students**

- 1) Council, in consultation with Senate, having regard to the admission policy determined by Council in terms of paragraph 12(2)(d) and the provisions of section 37 of the Act:
  - (a) must determine entrance requirements for each academic programme offered by the university leading to a qualification registered on the HEQSF; and
  - (b) may limit the number of students who may be admitted to a particular academic programme, and where it does, must determine the manner in which applicants are to be selected for the programme.
- 2) Council, in consultation with Senate:
  - (a) must determine the minimum requirements to be met by a student for readmission in the following year to the programme of study for which he or she is registered, or to any other programme of study offered by the university;
  - (b) may refuse readmission to a student who fails to meet the applicable minimum requirements for readmission.

### **37. Credit accumulation and transfer**

- 1) Credit accumulation and transfer are subject to such limits as may apply in regulations, or as determined by the Council on Higher Education.
- 2) Senate may, subject to such limits:
  - (a) grant credit or credits towards a qualification offered by the university for work completed at another university or institution, recognised by Senate for the purpose that it considers equivalent to a module or course prescribed for a qualification at the university, provided that:
    - A. it may not grant more NQF credits than the student obtained for the work at another university or recognised institution; and
    - B. it may not grant credits at NQF levels higher than the levels at which the work was completed at another university or recognised institution; and/or
  - (b) grant exemption from a module or course prescribed for a qualification offered by the university to a student who has completed work at another university or institution, recognised by Senate for the purpose that, in the opinion of Senate, is equivalent to the work of the course or module concerned;

- (c) where a minimum period of attendance is required for the completion of a programme leading to a qualification offered by the university, accept all or part of the period or periods of attendance and registration at another university towards this minimum period of attendance;
- (d) grant credit for, and exemption from, work prescribed for a qualification offered by the university for work completed at the university:
  - A. towards a different and uncompleted qualification; or
  - B. towards a different and completed qualification, provided that it may not grant credit for more than half of the work prescribed for the new qualification.

### 38. Honorary degrees

- 1) The university may confer an honorary degree of doctor or master by resolution of Senate and Council on any person whom Council and Senate consider worthy of an honorary degree.
- 2) A proposal that the university confer an honorary degree:
  - (a) must be made in confidence by a member of Senate or a member of Council;
  - (b) must be in writing, and must be received by the Registrar by the date decided by Council from time to time;
  - (c) may be made by any three members of Senate or Council; and
  - (d) must state the degree proposed, and the grounds on which the proposal is made.
- 3) The procedures that Senate and Council follow in dealing with a proposal that the university confer an honorary degree must be decided by Council, after consultation with Senate, provided that:
  - (a) all voting on a proposal in either body must be by secret ballot (which may include a secure electronic ballot); and
  - (b) a resolution to confer an honorary degree requires a simple majority in favour of the members of Senate in the Senate ballot, and an absolute majority of the members of Council voting in the Council ballot.
- 4) The awarding of an honorary degree to a person does not entitle that person to practise any profession.



## PART 9: FACULTY BOARDS

### 39. Faculty boards

Senate must establish a faculty board for each faculty, and each faculty board must be a committee of Senate.

- 1) Each faculty board:
  - (a) is responsible to Senate for organising and controlling the learning, teaching, curricula, syllabuses, examinations, and research of the faculty;
  - (b) must make proposals to Senate for rules prescribing the requirements for each degree, diploma and certificate offered in the faculty, including the requirements for admission and readmission;
  - (c) must advise the dean of the faculty on policy for resource allocation in the faculty;
  - (d) must carry out such functions as Senate delegates or assigns to it;
  - (e) may, by resolution, establish committees of the faculty, and may appoint as members of such committees any people, whether they are members of the faculty board or not; and
  - (f) is accountable to Senate for its work.
- 2) The composition of each faculty board is as decided by Senate from time to time, but must include:
  - (a) the Vice-Chancellor and Principal, and any deputy vice-chancellor;
  - (b) the dean, assistant deans and the heads of academic departments in the faculty;
  - (c) the permanent academic staff in the faculty;
  - (d) student representatives appointed by the SRC;
  - (e) such other members as Senate may from time to time appoint to the faculty board concerned; and
  - (f) as assessor members without voting rights, the Registrar, Deputy Registrar and such other managers responsible for academic support, student services and student administration as may be decided by the dean, in consultation with the Registrar.
- 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. In the absence of the dean, the acting dean presides, and in the absence of both, the faculty board must elect a member to preside at that meeting.
- 4) The quorum for meetings of faculty boards is as decided by Senate from time to time, but may not be less than one-third of the total membership of the faculty board.

- 5) The procedures and rules of debate at meetings of a faculty board must be as decided by the Senate, provided that:
- (a) any two members of a faculty board may lodge any motion for consideration at the next ordinary meeting, in writing, in the prescribed format, with the dean at least 11 working days before the date determined by the board for such a meeting, provided that any matter of an urgent nature may, without prior notice, and with the consent of the chairperson and a majority of the members present, be considered at such a meeting.
  - (b) The Registrar must issue a written notice to each member of the faculty board at least seven days before each ordinary meeting of the faculty board, setting out:
    - A. the place, date and time of the meeting;
    - B. the draft minutes of the previous ordinary meeting, and the draft minutes of any special meeting held since the last meeting; and
    - C. the agenda for the meeting.
  - (c) At each ordinary meeting, the faculty board must:
    - A. confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, 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 business that a majority of the total membership of the faculty board agrees to consider.
- 6) Each faculty board decides its own rules of debate, but:
- (a) 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 must submit his or her ruling without discussion to the meeting, which decision is final and binding;
  - (b) every motion and every amendment proposed must be seconded, and must, if the chairperson requires this, be in writing;
  - (c) a motion or amendment that is not seconded falls away;
  - (d) a motion or an amendment that has been seconded may not be withdrawn, except with the consent of the majority of the members present;
  - (e) except where the Act or this statute requires a different procedure, each question must be decided by the majority of votes of the members present and voting, and unless the meeting decides otherwise, voting must be by show of hands;
  - (f) proxy voting is not permitted;
  - (g) 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;

- (h) the number of members voting for, and the number of members voting against, any proposal must be entered in the minutes;
  - (i) where any member asks for this, his or her vote for or against a proposal must be entered in the minutes;
  - (j) a member of a faculty board may not, without the consent of the meeting, speak more than once on a motion or on any amendment, provided that the mover of any motion or any amendment has the right to reply to the debate on the motion or the amendment, as the case may be;
  - (k) a member who believes that a question has been sufficiently discussed may move “that the question now be put”, and if this is seconded, and:
    - A. if the chairperson also believes that the question has been sufficiently discussed, the chairperson must put to the faculty board the motion “that the question now be put”, which if carried closes the debate, except that the proposer does not lose his or her right to reply to the debate; or
    - B. if the chairperson does not believe that the question has been sufficiently discussed, the chairperson must disallow the motion, but has the right to put it as soon as he or she believes that the question has been sufficiently discussed, in which case he or she must put to the faculty board the motion “that the question now be put”, which if carried closes the debate, except that the proposer does not lose his or her right to reply to the debate.
- 7) Any member of a faculty board who has a direct or indirect financial or personal interest in any matter to be discussed at a meeting must:
- (a) before or during such meeting, declare such interest, and comply with such other rules and policies as the faculty board may adopt; and
  - (b) after such declaration, excuse himself or herself from that part of the meeting and any subsequent meetings at which the matter is to be discussed, and is not entitled to receive papers relating to the matter.

## **PART 10: AWARDING QUALIFICATIONS, AND WITHDRAWING QUALIFICATIONS IMPROPERLY AWARDED OR OBTAINED**

### **Conferring degrees, and awarding diplomas and higher certificates**

#### **40. Qualifications registered on the NQF**

The university may confer degrees, and award higher certificates and diplomas, to students who have completed programmes of study leading to qualifications offered by the university that have been accredited by the Council on Higher Education and registered on the NQF.

#### **41. Congregations**

The Registrar must convene a meeting of the university, known as a “congregation”, for the purpose of conferring degrees, and awarding diplomas and certificates, at a date or dates and in the manner prescribed by Council, after consultation with Senate.

#### **42. Role of the Chancellor at congregations**

The Chancellor, or in the absence of the Chancellor, the Vice-Chancellor and Principal or a person nominated by the Vice-Chancellor and Principal:

- 1) presides at all congregations; and
- 2) confers degrees, and awards diplomas and higher certificates in the name of the university to candidates present at the congregation; and
  - (a) to candidates unable to be present, in their absence; or
  - (b) to candidates who have died after completing the requirements or the qualification, posthumously.

#### **43. Privileges of qualifications**

A person is entitled to the privileges of a degree, diploma or higher certificate once Senate has confirmed that the person has satisfied the requirements for such degree, diploma or higher certificate.

#### **44. Council and Senate may withdraw and revoke a qualification**

Council may, in consultation with Senate, withdraw and revoke any qualification that was awarded:

- (a) on the basis of a material error on the part of the university, provided that such withdrawal and revocation may only take place within a period not exceeding two years after the conferment or award concerned; or
- (b) as a result of a fraudulent or dishonest act in connection with obtaining the qualification.

**45. Decisions to withdraw and revoke a qualification are subject to the provisions of the Act**

Prior to withdrawing and revoking a qualification, Council must comply with the procedures laid down in section 65B of the Act.

**PART 11: EMPLOYEES OF THE UNIVERSITY****46. Conditions of employment**

- 1) Every employee's conditions of employment are determined by Council from time to time, and different conditions of employment may be determined for different categories and levels of employees.
- 2) The conditions of service of academic staff are determined by Council after consultation with Senate.
- 3) Every employee's performance at work is subject to evaluation in accordance with policies and systems approved by Council.
- 4) Every employee is subject to a disciplinary code, a disciplinary procedure, and a grievance procedure, approved for the purpose by Council, and set out in rules that are deemed to be an integral part of every employee's conditions of employment.

**47. Representative employee organisations and trade unions**

- 1) University Management may negotiate with any representative employee organisation or trade union, with a view to granting recognition and/or collective bargaining rights to the organisation or trade union.
- 2) Any agreement between a representative employee organisation or trade union and Management must be submitted to Council for approval, and will only be of force and binding on the university upon approval by Council.

**PART 12: THE IF****48. Functions of the IF**

- 1) The IF must be consulted by Council, and must advise Council on issues affecting the university, including:
  - (a) the implementation of the Act and national policy on higher education;
  - (b) race and gender equity policies;
  - (c) the selection of candidates for executive leadership positions, as contemplated by section 31(1)(9)(iii) of the Act, and defined in this statute;
  - (d) codes of conduct, mediation, and dispute resolution procedures; and
  - (e) fostering an institutional culture that promotes transformation, social cohesion, and respect for fundamental human rights, and creates an appropriate environment for teaching, research, and learning.
- 2) The IF performs such other functions as may be determined by Council.
- 3) Council must consider the advice given by the IF, and must provide the IF with written reasons if it does not accept the advice of the IF.

**49. Composition and terms of office of members of the IF**

- 1) The IF consists of:
  - (a) one person drawn from senior leadership, appointed by the Vice-Chancellor and Principal;
  - (b) one external member of Council, appointed by Council;
  - (c) one member of Senate, appointed by Senate;
  - (d) one academic employee, chosen by the academic employees in the manner provided for in institutional rules;
  - (e) one non-academic employee, chosen by the non-academic employees in the manner provided for in institutional rules;
  - (f) two students appointed by the SRC;
  - (g) one person appointed by each of the two recognised employee unions with the highest membership within the university (i.e., two in number);
  - (h) one alum, appointed by the convocation;
  - (i) one person appointed by the Student Services Committee of Council; and

- (j) up to three additional members co-opted by the IF for such periods as the IF may determine, which periods must not exceed three years.
- 2) Each body appointing a member of the IF must have a transparent and democratic process for choosing the person(s) to be appointed, and must submit the names of those whom it appoints to the Registrar.
- 3) A member of the university's Human Resources Section with background on transformational matters must act as an assessor member to the IF.
- 4) The Registrar, who is the Secretary of the IF.
- 5) Members of the IF appointed by the SRC must hold office for the duration of their term of office on the SRC, provided that membership ceases automatically when a student member ceases to be a member of the SRC.
- 6) Members of the IF other than those appointed by the SRC serve for three-year terms.
- 7) Members of the IF must be appointed or elected in the manner determined by institutional rules in such a way as to secure continuity of membership, provided that where a vacancy occurs, a replacement must be appointed for the balance of the term of the member whom he or she is to replace.
- 8) A person may serve for up to two terms of three years, provided that where a person has been appointed to fill a vacancy before the end of a term for the balance of the term of the member whom he or she is to replace, the member may serve this balance of that term and a maximum of two further terms.
- 9) A person's membership of the IF terminates when he or she:
  - (a) submits a written resignation; or
  - (b) is absent without leave from any three meetings during his or her term of office.

#### **50. Office-bearers of the IF**

- 1) The IF elects a Chairperson and a Deputy Chairperson from amongst its members, provided that a member serving his or her second term who has less than two years remaining of his or her second period of office as a member must not be eligible for election.
- 2) The Chairperson and Deputy Chairperson hold office for three years or until their term of office expires, whichever is the sooner.



**51. Meetings and meeting procedure of the IF**

- 1) The IF must meet in ordinary meetings four times per year, and may schedule extraordinary meetings on matters that require urgent attention.
- 2) The Chairperson must fix dates for the four ordinary meetings in consultation with the Registrar annually in advance.
- 3) The quorum for meetings of the IF is 50% plus one of the membership.
- 4) The IF must determine its own rules of procedure and rules of debate, having regard to the need to, where possible, reach consensus on matters referred to it by Council, and must be guided by the rules applicable to Council meetings.

## PART 13: THE SRC

### 52. Functions of the SRC

- 1) The SRC represents the students of the university.
- 2) Without limiting the generality of its representative role, the SRC must:
  - (a) represent the students of the university and their interests in the governing and decision-making structures of the university;
  - (b) liaise with the Vice-Chancellor and Principal, deputy vice-chancellors and others in leadership positions in the university;
  - (c) liaise with the SRCs of other institutions, and with national or international student organisations and unions.
- 3) The functions of the SRC include:
  - (a) granting or withdrawing recognition of student clubs, councils, and societies, as it deems appropriate;
  - (b) co-ordinating and supervising the use of student facilities, and all matters pertaining thereto, in co-operation with Management;
  - (c) taking responsibility for publications issued in its name;
  - (d) organising and promoting extramural activities amongst and for students;
  - (e) ensuring order at student functions, and good conduct at approved meetings of students;
  - (f) convening, conducting and authorising meetings of the student body, provided that such meetings must not interfere with scheduled academic activities, unless the Vice-Chancellor and Principal has been consulted, and has granted prior permission;
  - (g) initiating and co-ordinating student involvement in community projects; and
  - (h) managing referenda amongst students, receiving, and organising petitions on issues of concern to students.
- 4) In the exercise of the SRC's accountability to students, the SRC may convene general meetings of students for the purpose of reporting back to students on its work, and must convene a general meeting of students:
  - (a) at least once per semester for this purpose; and
  - (b) on receipt of a petition, which may be an online petition signed by at least 1 000 students, within two weeks of receipt of such petition, provided this date falls within term time, or within two weeks of the start of the following semester.
- 5) In the exercise of its fiduciary responsibility, the SRC:

- (a) must keep account of all monies, whether allocated to it by Council, collected from students, or received from any other source;
- (b) may allocate or disburse funds entrusted to approved student clubs, committees, societies, and councils; and
- (c) facilitate a smooth transition to the new SRC after the annual SRC elections.

### **53. Terms of Reference, composition, privileges, and meetings of the SRC**

- 1) Council must determine the constitution of the SRC, after consultation with the SRC, in a set of institutional rules, as contemplated in sections 32 and 35 of the Act, provided that:
  - (a) only registered students are eligible to vote for, or serve on, the SRC;
  - (b) the term of office of the SRC is 12 months, but terminates earlier if a member ceases to be registered as a student;
  - (c) the constitution must define quorum requirements for meetings of the SRC;
  - (d) the election of SRC members must be democratic and transparent;
  - (e) the constitution must provide for a structure and process by which the SRC may deal with breaches of discipline by its members, or by other student structures and their members; and
  - (f) the constitution must provide for office-bearers, including provision for an SRC President for each campus, to be elected by the students registered on that campus.
- 2) Council may not repeal or amend the constitution of the SRC, except after consultation with the SRC.
- 3) The privileges of members of the SRC must be as determined by Council, after consultation with the SRC.
- 4) The SRC must meet at least once per quarter, at dates and times decided by the SRC.

**PART 14: STUDENT DISCIPLINE****54. Council makes institutional rules to provide for conduct and disciplinary procedures**

- 1) Council, after consulting the SRC, must approve rules for students (including, but not limited to, library and information services rules, traffic rules, the rules of the Protection Services Unit, and residence rules), a code of conduct for students, and a set of disciplinary rules.
- 2) The disciplinary rules for students are institutional rules, and must be adopted with due regard to the provisions of sections 32 and 36 of the Act.
- 3) Allegations of misconduct and breaches of the rules are dealt with according to the disciplinary rules for students.

## **PART 15: THE CONVOCATION**

### **55. The charter of the convocation**

The convocation operates in terms of a charter, framed by the convocation in consultation with the parliament of past students, and approved by Council, subject to the provisions of this statute.

### **56. The role of the convocation**

The convocation must:

- (a) participate in the governance of the university by means of choosing members of Council and the IF, as provided for in this statute;
- (b) meet annually in a general meeting;
- (c) after polling the views of its members at a general meeting or through other means, state its views on matters of concern to the university, and submit these for consideration by Council;
- (d) work in partnership with the leadership of the university to encourage its members and all alums to be brand ambassadors for the university, to support the university and its fundraising, and to maintain and strengthen links between alums and the university; and
- (e) foster a continuing interest in the affairs of the university amongst alums, and raise funds in support of such activities.

### **57. The composition of the convocation, and provision for a community of alums**

- 1) The convocation consists of:
  - (a) all graduates and all holders of recognised diplomas and higher certificates, or their equivalent, of the university and of its predecessor institutions;
  - (b) the Vice-Chancellor and Principal, deputy vice-chancellors, and all professors, associate professors, senior lecturers, and lecturers of the university; and
  - (c) emeritus professors, emeritus associate professors, and all other retired academic employees who had been on the permanent staff in continuous employment for not less than ten years immediately prior to retirement.
- 2) The university recognises the community of past students of the university and of its predecessor institutions, which consists of:

- (a) all graduates and all holders of recognised diplomas and higher certificates, or their equivalent, of the university and of its predecessor institutions; and
- (b) every other past student who meets the definition of an alum as provided for in this statute, who, together, must constitute the parliament of past students.

#### **58. The office-bearers and committee of the convocation**

- 1) The office-bearers of the convocation must be:
  - (a) the President of convocation;
  - (b) the Deputy President of convocation; and
  - (c) the Registrar, who is the Secretary of the convocation.
- 2) The committee of the convocation comprises:
  - (a) the President;
  - (b) the Deputy President; and
  - (c) not less than five, and no more than seven, additional members, elected in the manner provided for in the charter, one of whom must be its Treasurer; and
  - (d) the Vice-Chancellor and Principal (*ex officio*).
- 3) The President and Deputy President must be elected from amongst the graduates, diplomates and holders of higher certificates of the university or its predecessor institutions by online secure ballot, which ballot is to be completed ahead of the annual general meeting for the year, to hold office for a period of three years, with the manner of the taking of the ballot to be as determined by institutional rules.
- 4) If either office becomes vacant for any reason before the expiration of the three-year term, the office must be filled by election for the balance of the three-year terms in a ballot of the graduates, diplomates, and holders of higher certificates of the university or its predecessor institutions.
- 5) The additional members of the committee are to be elected from amongst the members of the parliament of past students by means of online secure ballot, which ballot is to be completed ahead of the annual general meeting for the year, to hold office for a period of three years, the manner of the taking of the ballot to be as determined by institutional rules. Should any vacancy occur before the expiry of the three-year term of office, the vacancy must be filled by the committee by co-option.
- 6) The President must preside at all meetings of the convocation and of the parliament of past students. In the absence of the President, the Deputy President must preside, and in the absence of both, the Vice-Chancellor and Principal must preside, and failing the Vice-Chancellor and Principal, the meeting must elect a member to chair the meeting.

**59. Meetings of the convocation and of the parliament of past students**

- 1) The Secretary of the convocation, in consultation with the President of the convocation, must convene an annual meeting of the convocation by at least four weeks written, e-mail or other digital notice to all members, inviting:
  - (a) notices of motion; and
  - (b) in years in which elections are to take place, nominations for the position or positions for which an election is to be held,

to reach the Secretary at least three weeks before the scheduled date of the meeting, to allow for the online election or elections to be held before the meeting.

- 2) The virtual or hybrid annual general meeting of the convocation takes place at the same time as the annual general meeting of the parliament of past students.
- 3) The Secretary of the convocation, in consultation with the President of the convocation, must convene a virtual or hybrid special general meeting of the convocation when requested to do so by a notice, signed by not less than 70 members of the convocation, stating the business to be dealt with at the special general meeting.

The Registrar must publish the agenda for a special or annual meeting of the convocation on the university's website, and by notice to all members, not less than two weeks ahead of the meeting.

- 4) The quorum for a general meeting is 40 members.
- 5) The agenda for the annual general meeting must provide that:
  - (a) a register must be taken;
  - (b) the minutes of the last annual general meeting, and of any general meeting held since the last general meeting, must be considered, together with any matters arising from these minutes;
  - (c) the President presents a report on the work of the convocation;
  - (d) the convocation must consider motions of which due notice has been given, and, if adopted, submitted to Council for consideration; and that
  - (e) results of elections conducted prior to the meeting must be announced.

The convocation meeting must be followed by a meeting of the parliament of past students, at which the Vice-Chancellor and Principal must present a report on the work of the university for the past year and its future plans. The activities of the parliament must be as provided for in the charter.

- 6) The agenda for a special general meeting must be to consider the business for which the meeting was called, and no other matter.

7) It is expressly provided that:

- (a) notices of general meetings of the convocation may be sent to members via e-mail or other such digital method; and
- (b) general meetings of the convocation may be virtual or hybrid, as decided by the President, in consultation with the Vice-Chancellor and Principal and the Secretary of the convocation.

**60. The roll of members of the convocation, and the roll of members of the parliament of past students**

1) The Registrar must keep the rolls of:

(a) members of the convocation, comprising:

- A. all graduates and all holders of recognised diplomas and higher certificates, or their equivalent, of the university and of its predecessor institutions;
- B. the Vice-Chancellor and Principal, deputy vice-chancellors, and all professors, associate professors, senior lecturers, and lecturers of the university; and
- C. emeritus professors, emeritus associate professors, and all other retired academic employees who had been on the permanent staff in continuous employment for not less than ten years immediately prior to retirement.

The fact that the name of a person appears on the roll is, at face value, proof that he or she is a member of the convocation. The names of new graduates, diplomates, and holders of higher certificates of the university are deemed to have been inscribed in the roll after their degrees have been conferred, and their diplomas or higher certificates have been awarded; and

(b) the members of the parliament of past students, being:

- A. all graduates, and all holders of recognised diplomas and higher certificates, or their equivalent, of the university and of its predecessor institutions; and
- B. every other past student who meets the definition of an alum as provided for in this statute.

2) The onus is on each member to supply their current postal and e-mail addresses to the Registrar. A notice sent by e-mail to a member's latest recorded e-mail address is deemed to have been sent to the member.



**PART 16: THE VICE-CHANCELLOR'S MANAGEMENT COMMITTEE****61. The Vice-Chancellor and Principal must constitute a Vice-Chancellor's Management Committee:**

- 1) to assist him or her in the management and administration of the university; and
- 2) to assist him or her in ensuring compliance with the Act, this statute, and such laws and regulations as are applicable to the work of the university.

**62. The Vice-Chancellor's Management Committee:**

- 1) consists of the Vice-Chancellor and Principal, the deputy vice-chancellor or deputy vice-chancellors, the Registrar, and such other employees designated by the Vice-Chancellor and Principal; and
- 2) may appoint such additional management committees as may be needed to assist it in its work.

**PART 17: THE REGISTRAR****63. Council to appoint a Registrar**

- 1) Council must appoint a Registrar, as contemplated in the Act, after consultation with the IF.
- 2) The Registrar holds a five-year, performance-based term. There is no limit to the number of terms.

**64. Functions of the Registrar**

- 1) The Registrar must keep student records, and must issue student transcripts in the form prescribed by Senate.
- 2) The Registrar is the Secretary of Council, the Secretary of Senate, convocation, and IF, and in that capacity attends all meetings, and must ensure the preparation and custody of the records of each body.
- 3) The Registrar, in the role of secretary to a body, is accountable to the chairperson of the body concerned (Council, Senate, IF or the convocation).
- 4) The Registrar acts as the electoral officer, as provided for in institutional rules.
- 5) The Registrar:
  - (a) may delegate or assign any function provided for in this statute to a member of staff, but remains responsible for the performance of any function he or she delegates or assigns; and
  - (b) must perform such other functions as the Vice-Chancellor and Principal, after consulting the Chairperson of Council, may from time to time decide.

**PART 18: GENERAL AND TRANSITIONAL MEASURES****65. 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.

**66. Numerical fractions**

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

**67. Procedures where there is no quorum**

Where a meeting of Council, Senate, a faculty board, the IF or convocation is called in the manner this statute requires and there is no quorum, the chairperson of the committee concerned may adjourn the meeting to a date not less than seven days later, and will require the Registrar to give notice of the time and venue of the adjourned meeting to all members of the body concerned, and if this is done, the members present at the start of the adjourned meeting constitute a quorum, despite any provision to the contrary.

**68. Validity of acts predating this statute**

Anything done under any provision of the CUT Statute before this statute came into operation, is deemed to have been done under the corresponding provision of this statute.

**69. Transitional measures****1) Council**

The CUT Council in office at the date of promulgation of this statute remains in office until appointment and elections have been made in terms of the provisions of this statute, which must be effected no later than 12 months after the promulgation of this statute.

**2) The office-bearers of the Alumni Association**

Whereas this statute provides for a convocation in place of an alumni association, and whereas at the date of the commencement of this statute there exist a President, a Deputy President, a Treasurer and a committee of the Alumni Association, and no convocation office-bearers or committee, the President, Deputy President and Treasurer of the alumni association must be

deemed to be the officers of the convocation, and the committee of the Alumni Association must be deemed to be the Executive Committee (Exco) of the Convocation, and they must hold office until elections are held in terms of this statute for a President and Deputy President of the convocation, and a committee of the convocation, which elections must be held within 12 months of the publication of this statute in the gazette, and must be for a three-year term of office from the date of the election.

**70. Status of rules and institutional rules predating this statute**

Any existing rule or institutional rule in force upon the commencement of this statute continues to apply, until replaced by:

- (a) any provision of this statute; or
- (b) any rule or institutional rule that may be made in terms of this statute.

**71. Repeal of the statute of 2017**

The statute applicable to the university published under *Government Notice No. 337, Government Gazette No. 40772 of 7 April 2017* is hereby repealed.