

DEPARTMENT OF HIGHER EDUCATION AND TRAINING**NO. 7700****17 July 2026****HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)****AMENDED INSTITUTIONAL STATUTE OF THE UNIVERSITY OF SOUTH AFRICA****(UNISA)**

I, Mr Kgwaridi Buti Manamela, 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 an amended Institutional Statute of the University of South Africa as set out in the Schedule attached hereto, which comes into operation on the date of publication hereof.


Mr KB Manamela, MP**Minister of Higher Education and Training****Date:** 24 / 06 / 2026



UNISA INSTITUTIONAL STATUTE 2026



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Institutional Statute of the University of South Africa

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Institutional Statute of the University of South Africa**DOCUMENT CONTROL**

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RELATED DOCUMENTATION

1. The following documentation serves as input and supplements this document.

NAME OF DOCUMENT	DOCUMENT NUMBER
The Higher Education Act	Higher Education Act, 1997 (Act No. 101 of 1997), as amended.
The Standard Institutional Statute	The Standard Institutional Statute, subject to Section 33 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, as published under Government Notice No. 377 of 27 March 2002.
The UNISA Statute	Statute of the University of South Africa as published under Government Notice No 108 of 03 February 2006 and amendments published under Government Notice No. 1077 of 19 December 2012.

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GLOSSARY OF TERMS AND DEFINITIONS

- a. 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, hereinafter referred to as the 'HEA' or 'the Act', or the UNISA *Statute* as published in Government Gazette No. 28464, Notice No. 108 on 03 February 2006, has the meaning so *assigned* to it, unless the context otherwise indicates.
- b. The Statute is written in deliberate and precise language with meanings of words and terms intended to remove confusion and increase ease of implementation. Users of the Statute should be aware of how the following words are used in the Statute:
 - i. '*must*' (e.g. the *delegate must* consult Senate) means it is a mandatory instruction and noncompliance *must* be addressed;
 - ii. '*may*' (e.g. the *delegate may* consult Senate) means the action is optional; and
 - iii. '*shall*' (e.g. the *delegate shall* consult Senate) means the action is mandatory.
- c. All the defined terms used in this Statute are italicised throughout and are important for the correct interpretation and implementation of the Statute.

TERM	DEFINITION
Academic employee	any person appointed to do research or to teach at the University and any other employee designated as such by Council of the University.
Act	the Higher Education Act, 1997 (Act No. 101 of 1997), as amended.
Chancellor	the person contemplated in Section 26(1) of the HEA and paragraph 5 of the Standard Institutional Statute.
Convocation	the convocation contemplated in paragraph 44 of the Standard Institutional Statute.
Council	the governing body of the University contemplated in paragraph 9 of the Standard Institutional Statute.
Days	includes Saturdays, Sundays and public holidays.
Diplomate	a person who has obtained a diploma from the University.
Donor	a person, body or entity who has donated, which, in the opinion of Council warrants that person, body or entity being recognised as a donor as contemplated in paragraph 61 of the Standard Institutional Statute.
Employee	an academic or a non-academic employee of the University.
Employer	the Council of the University.
Entity	any organisation, forum or body and includes any organisational structure provided for in the HEA or determined by Council.
Functions	include powers and duties and vice versa.
Graduate	a person who has obtained a degree or diploma of the University.
Institution	the University of South Africa, as established under the Higher Education Act, 1997 (Act No. 101 of 1997).
Institutional Forum	the Institutional Forum contemplated in Section 31 of the HEA and paragraph 32 of the Standard Institutional Statute.
Interim Council	the interim Council appointed by the Minister as contemplated in Section 20(6), 21 (3A) and 23(5) of the HEA.

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TERM	DEFINITION
Management	senior management as well as management as contemplated in paragraph 48(1) of the Standard Institutional Statute.
Minister	the Minister of Higher Education and Training
Month	a calendar month
Non-academic employee	any employee who is not an academic employee.
Office bearer	a University functionary provided for in the HEA or determined by Council.
Professor	an academic employee who has been given the title of professor by the University or by another University, but does not include an emeritus, associate or assistant professor.
Qualification	a certificate, a diploma or a degree
Representative employees' organization	an organisation which consists of employees, excluding executive and senior members of the management of the University, organised in a staff association or trade union for the purpose of regulating relations between themselves and the University and which has been recognised by Council and have been reduced to writing in the collective or recognition agreement.
Rules	Institutional rules developed and approved by Council or management of the University as contemplated in Section 32 of the HEA.
Seat of the University	seat of the University for the purposes of Section 65A of the HEA and paragraph 3 of the Standard Institutional Statute means the physical location of the University set out in the notice contemplated in Section 20(1), 21(1) or 23(1) of the HEA.
Senate	the body responsible for academic matters contemplated in paragraph 22 of the Standard Institutional Statute.
Senior management	senior management as contemplated in paragraph 48(2) of the Standard Institutional Statute.
SRC	the Students' Representative Council of the University contemplated in paragraph 36 of the Standard Institutional Statute.
Student	a person registered for a qualification at the University
Sufficiently representative	representation by a representative employees' organisation, which is sufficient, as determined by the particular structure to which the representation applies.
University	a public higher education University contemplated in Section 20 of the HEA.
University events calendar	a centralised platform about all events to be held within the University, including dates, venues and event details.

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ABBREVIATIONS

4R	Round robin resolution route.
CIPC	Companies and Intellectual Property Commission.
ICT	Information and Communications Technology.
PQM	Program qualifications mix.
P&VC	Principal and Vice Chancellor.
SARS	South African Revenue Service.
SRC	Students' Representative Council.

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PREAMBLE

Whereas the University of South Africa (UNISA) is established in accordance with the Higher Education Act, 1997 (Act No. 101 of 1997);

We, the Council of UNISA, recognising the importance of education, knowledge and societal progress, hereby establish this Statute to guide our University.

Our vision is to be an African University shaping futures in service of humanity.

We are committed to the following transformation goals to guide our interactions with our varied stakeholders:

Academic Excellence: We strive for excellence in teaching, research engaged scholarship and innovation. Our pursuit of knowledge contributes to societal development and addresses pressing challenges.

Equity and Access: We commit to providing universal access and equal opportunities for all, regardless of background, race, gender or socio-economic status. Our goal is to ensure that every deserving student has access to quality education.

Diversity and Inclusion: We celebrate diversity as a strength. We aim to foster an environment where different perspectives, cultures and experiences enrich our academic community.

Social Responsibility: We recognise our role in addressing social issues. Through research, community engagement and partnerships, we seek solutions to promote advancement of science, sustainable development, social justice and human rights.

Global Engagement: We embrace international collaboration, exchange programmes and partnerships. Our graduates will be global citizens who contribute positively to a connected world.

Now, therefore, the Council of UNISA, in accordance with Section 32 of the Higher Education Act, hereby amends the Statute as set out in the Schedule hereto.

This preamble outlines the context and authority under which the Statute operates.

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CHAPTER 1: INTRODUCTION**1.1. Application**

- a. This Institutional Statute of the University of South Africa (UNISA) is made under section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended.
- b. In the case where this Statute does not address something relevant to the University, then the applicable provisions of the Standard Institutional Statute shall apply until Council makes the necessary amendments.

1.2. Name and seat

- a. The name of the institution is the University of South Africa herein referred to as UNISA or the University.
- b. The University is a comprehensive multi-modal open distance and e-learning University and has its head office at Preller St, Muckleneuk, Groenkloof, Pretoria in the Metropolitan City of Tshwane.

1.3. Powers

- a. The University is registered with the Department of Higher Education and Training (DHET) and may, subject to this Statute and the HEA, award diplomas and certificates, and confer degrees to registered students for the period prescribed by Senate, and after they have completed the work and attained the standard of proficiency determined through assessment as required by Senate.¹
- b. The University has the power to confer honorary degrees of master or doctor in any college upon any person whom Council, at the recommendation of Senate, deem worthy of such a degree.²
- c. UNISA is recognised by DHET as a public higher education institution. The University is established by Parliament in terms of the HEA and the approval of this Statute to provide higher education learning programmes and award degrees, diplomas and certificates in South Africa.
- d. Notwithstanding paragraph (b) above, the University may not, without the agreement of the Minister, dispose of or alienate in any manner any immovable property or grant any real right therein or servitude thereto³ and these are detailed in the schedules of the **UNISA Delegations of Authority Policy Framework** approved by Council.

1.4. Academic identity

- a. UNISA is categorised within the South African post-school education and training (PSET) sector as a comprehensive multi-modal open distance and e-learning (CODEL+) University with students spread around the world.

¹ HEA 65B² HEA 65C³ HEA 20(5), 40(2)(b), 40(3)(b)

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- b. The University provides qualifications from graduate level up to post graduate doctoral level.
- c. The University is a research-led University with some elements of research being informed in programmes inherited from the rationalisation of universities in South Africa of 2004.

1.5. Composition of the University**1.5.1. The peoples of the University**

- a. The following people constitute the University:
 - i. The Chancellor.
 - ii. The Principal and Vice-Chancellor within the meaning of the HEA.
 - iii. Managers.
 - iv. The employees.
 - v. The students.
- b. No vacancy in any of the offices contemplated above, where applicable, has any effect on the existence or functioning of the University as provided by the HEA or this Statute.

1.5.2. Statutory structures of the University

- a. The University is also constituted by the following structures:
 - i. Council.
 - ii. Senate.
 - iii. Colleges.
 - iv. The Institutional Forum.
 - v. The Principal and Vice-Chancellor.
 - vi. The Convocation.
 - vii. The Students' Representative Council.
 - viii. Employees: Academic, Professional and Administrative.
 - ix. Such other structures, as may be determined by Council.
- b. No vacancy, any deficiency in the numbers, or defect in the composition of the structures contemplated in subparagraph (a), has any effect on the existence or functioning of the University as provided by the HEA or this Statute.

1.5.3. Assets of the University

- a. The University is also constituted by the following assets:
 - i. University brand.
 - ii. Property, plant and equipment.
 - iii. Intellectual property and intangible assets such as copyrights, patents and trademarks.
 - iv. Cash and investments.
 - v. Entities and subsidiaries.
 - vi. Any other assets of the University not included above.

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- b. No deficiency in the numbers or defect in the composition of the assets in subparagraph (b), has any effect on the existence or functioning of the University as provided by the HEA or this Statute.

CHAPTER 2: CHANCELLOR OF THE UNIVERSITY**2.1. Establishment of the Chancellery of the University**

- a. The Chancellery of the University is established in line with Section 26(1) of the HEA and is a statutory office to be occupied by a person as per paragraph 1.5 of this Statute.

2.2. Functions and powers of the Chancellor

- a. Council may appoint a Chancellor as the titular head⁴ of the University, and the Chancellor does not have executive powers.
- b. The Chancellor, or in their absence, the Principal and Vice-Chancellor, or the Vice Principal appointed by the P&VC, confers all University qualifications on behalf of the University.
- c. The Chancellor, or in their absence, the Principal and Vice-Chancellor, or the Vice Principal appointed by the P&VC, opens and dissolves all congregation of the University.
- d. The Chancellor performs any other tasks as requested and assigned by the Council, subject to the provisions of paragraph (a) above.

2.3. Election of the Chancellor

- a. The Chairperson of Council sets the date for a meeting of Council to elect the Chancellor in the manner prescribed in the **UNISA Institutional Rules**.

2.4. Term of office of the Chancellor

- a. The Chancellor holds office for five years from the date of investiture unless s/he resigns or is removed from the office in accordance with paragraph (d) below.
- b. The Chancellor shall be appointed by Council for a term of five (5) years, after his or her election and acceptance of terms of the position of the chancellor and is eligible for re-election when his or her term expires, subject to consultation with the Institutional Forum.
- c. The term of office of the Chancellor terminates in the event of any of the following:
 - i. The effluxion of the appointment period;
 - ii. Death or incapacity of the Chancellor;
 - iii. Upon written resignation by Chancellor; or
 - iv. Upon removal from office by Council.
- d. The Chancellor may only be removed from office by Council through a resolution passed by at least two-thirds of the members in a properly constituted meeting of

⁴ HEA 26(1)

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Council and then only after s/he has been given the opportunity to answer to the reasons provided by Council for his or her removal from office.

2.5. Investiture of the Chancellor

- a. The Chancellor shall be inaugurated at a ceremony on a date set by Council.
- b. The processes and proceedings at this ceremony shall be determined in the Institutional Rules.

CHAPTER 3: COUNCIL OF THE UNIVERSITY

3.1. Establishment of Council of the University

- a. Council of the University is established in line with Section 26(2)(a) of the HEA and is a statutory University structure as per paragraph 1.5 of this Statute.

3.2. Functions of Council of the University

- a. The primary function and role of Council is to govern the University subject to the HEA⁵, this Statute and following best practice in governance.
- b. Without derogating from the generality of the above paragraph (a), Council has the following strategic role in the University:
 - i. Strategic leadership – Approving the strategic plans setting out where the University is going i.e. its vision, mission, strategic goals, strategic objectives, AND annual performance plans setting out the implementation of initiatives, projects and activities to attain the agreed strategic objectives.
 - ii. Policies – Approving Institutional policies that guide and set the pathways for achieving the University's goals, in accordance to applicable laws, regulations and national policies.
 - iii. Resource allocation – Approving proposals related to the funding and allocation of resources (budgets) to attain what has been set out to be achieved.
 - iv. Risk governance – Approving plans and strategies meant to ensure that risks that may affect the University are identified and planned for.
 - v. Audit – Approving plans and reports requiring that periodic and special audits be conducted to ensure that everything happens within plans, and in accordance to approved University policies, rules, resources allocated, professional standards and protocols.
 - vi. Stakeholder relations – Approving plans and strategies to ensure that value-added relations are established, maintained and serviced with strategic stakeholders to the University, to enable them to support and partner with the University to attain its mission and strategic objectives, initiatives, projects and its activities.
 - vii. Governance oversight – Receiving and approving mandated reports monitoring performance in the University and evaluating whether it is on course in furtherance and in pursuit of what the University has set out to do in its strategic and performance plans, in compliance with policy and in line with allocated resources and reaching promised milestones.

⁵ HEA 27(1)

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- c. The Principal and Vice-Chancellor shall represent management submissions and/or reports for the consideration and approval OR for its information and noting OR for its discussion and advice, through a mandated Committee of Council, on the various policies, plans, strategies, budgets, etc. as anticipated in paragraph (b) above.

3.3. Powers and authorities of Council of the University

- a. Council has the power and authority to do the following:
- i. Make and recommend the Institutional Statute and any amendments thereto to the Minister;⁶
 - ii. Make the Institutional Rules for the University;⁷
 - iii. Approve the University entering into a loan or an overdraft agreement;⁸
 - iv. Approve any construction of a permanent building, immovable infrastructural development; the purchase of immovable property; or the long-term lease of immovable property;⁹
 - v. Establish and name any number of Committees of Council, and approve fit for purpose and appropriate charters of the committees and their terms of reference;¹⁰
 - vi. Establish, in consultation with Senate, joint committees of Council and Senate to perform functions common to Council and Senate;¹¹
 - vii. Appoint all employees of the University,¹² subject to the condition that academic employees may only be appointed after consultation with Senate¹³, and further that the appointment of senior management will occur with the advice of the Institutional Forum;¹⁴
 - viii. Determine the conditions of service, disciplinary provisions, privileges and functions of the employees of the University subject to applicable labour law;¹⁵
 - ix. Determine, with the concurrence of Senate, the language policy of the University;¹⁶

⁶ HEA 32(1)(a)

⁷ HEA 32(1)(b)

⁸ HEA 40(2)(a)

⁹ HEA 40(3)(a)

¹⁰ HEA 29(1)

¹¹ HEA 29(3)

¹² HEA 34(1)

¹³ HEA 34(2)

¹⁴ HEA 31(1)(iii)

¹⁵ HEA 34(3)

¹⁶ HEA 27(2)

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- x. Determine, with the concurrence of Senate or on the recommendation of Senate, what academic project structures are required in the universities and the functions of each structure;^{17 & 18}
- xi. Determine, after consulting Senate, the student admission policy of the University;¹⁹
- xii. Determine, with the approval of Senate:²⁰
 - 1. Entrance requirements in respect of particular higher education programmes;
 - 2. The number of students who may be admitted for a particular degree programme and the manner of their selection;
 - 3. The minimum requirements for readmission to study at the University; and
 - 4. Refuse the readmission of a student who fails to satisfy the set minimum requirements for readmission.
- xiii. Determine monies payable by students for tuition, programmes provided by the University,²¹ accommodation and any other services they get from the University²², provided that Council may discriminate in a fair manner between students who are not citizens or permanent residents of the Republic and students who are citizens or permanent residents of the Republic when the amount payable is determined;²³
- xiv. Provide, after consultation with the SRC, for an appropriate structure to advise on the policy for student support services within the University.²⁴ Without derogating from the generality of this, this should include the following:
 - 1. Resourcing the SRC;
 - 2. Establishing and running of an SRC and management chamber;
 - 3. Student financial aid;
 - 4. Student health and wellness.
- xv. Provide, after consultation with the SRC and Senate, for an appropriate **UNISA Code of Conduct for students at the University**, which will be used in disciplining students of the University;²⁵
- xvi. Approve the annual operations budget (Opex) and the capital expenditure budgets (Capex);
- xvii. Adopt the annual financial statements and the annual report;

¹⁷ HEA 32(2)(b)

¹⁸ HEA 28(1)

¹⁹ HEA 37(1)

²⁰ HEA 37(4)

²¹ HEA 40(1)(g)

²² HEA 40(1)(h)

²³ HEA 40(1)(g)

²⁴ HEA 27(3)

²⁵ HEA 36

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- xviii. Adopt a protocol to be followed in the event that the Council, any member(s) or Committee of Council need to obtain independent and external professional advice at the expense of the University on matters within the scope of their duties;
 - xix. Seek the advice of the Institutional Forum as stipulated by the HEA²⁶ and any other statutory structure established in paragraph 1.5 above;
 - xx. Hold the Principal and Vice-Chancellor accountable, and conduct his or her performance reviews;
 - xxi. Delegate, through Council approved **UNISA Delegations of Authority Policy Framework** and on such conditions as it may determine, any of its powers under the HEA or those above, except the power to:
 - 1. Amend this Statute;
 - 2. Approve a loan or an overdraft;
 - 3. Construct permanent buildings or other immovable infrastructural development;
 - 4. Purchase immovable property;
 - 5. Enter into long-term lease of immovable property;
 - 6. Appoint the Principal and Vice-Chancellor;
 - 7. Determine the monies payable by students, as described above;
 - 8. Approve the annual operations budget (Opex) and the capital expenditure budgets (Capex);
 - 9. Adopt the annual financial statements and the annual report; or
 - 10. Establish or disestablish colleges, schools and/or academic departments.
 - xxii. Council has the power to, after consultation with the Institutional Forum, adopt a **UNISA Code of Conduct for Members of Council**, as part of the Institutional Rules, to which all the members of Council and its Committees of Council must subscribe and adhere to;
 - xxiii. Council has the power to suspend any of its members if:
 - 1. A member fails to exercise adequate duty of care towards the University;
 - 2. A member fails to act in the best interest of the University;
 - 3. A member exhibits behaviour that brings the University into disrepute; or
 - 4. A member contravenes the **UNISA Code of Conduct for Members of Council**, which forms part of the Institutional Rules.
- b. The Principal and Vice Chancellor shall present management submissions and/or reports presenting proposals for the consideration and approval of Council, through a mandated Committee of Council, requesting that Council exercise its powers as anticipated in paragraph (a) above.

²⁶ HEA 31(1)(a)

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3.4. Composition of Council

- a. Council, as contemplated in Section 27 of the HEA, shall consist of no more than thirty (30) members as constituted below.
- b. Council shall consist of members drawn from the broad public (South African or international) and from internal members, as appointed in accordance with the applicable rules from their respective nominating or appointing body, and in line with the membership criteria set out in the Institutional Rules.

3.4.1. Internal members

- a. Council shall be constituted in part by no more than nine (9) members from inside the University environment and shall be as follows:
 - i. The Principal and Vice Chancellor as an ex-officio member;
 - ii. Two members of Senate, elected by Senate;
 - iii. Two permanent academic employees who are not members of Senate, elected by the permanent academic employees;
 - iv. Two permanent non-academic employees, elected by such employees;
 - v. Two members of the SRC: the President and Secretary General.

3.4.2. External members

- a. Council shall be constituted in part by no more than twenty-one (21) members from outside the University environment and shall be as follows:
 - i. No more than five persons appointed by the Minister;
 - ii. One person nominated by Council from the local government sector;
 - iii. Two persons nominated by Council from the UNISA donor community;
 - iv. Two persons nominated by the Convocation provided one is the president;
 - v. Ten members nominated by the public, to be selected and appointed by Council, with a broad spectrum of competencies in fields such as education, business, finance, further education and training, strategy, tourism, law, engineering, fundraising, auditing, marketing, information technology, human resource management and employee relations.
- b. External members are not permitted to be employees or students of the University.
- c. No member of the Council of another University or employee of another University may serve as a member of the Council of UNISA.

3.4.3. Observers, guests and resources

- a. Council may grant observer status to a person, which will entitle him or her to attend a Council meeting and participate in the proceedings without a vote.
- b. The P&VC can, with the permission of the Chairperson, invite members of staff to attend parts or the whole meeting of Council to provide services or to make contributions to the deliberations of the meetings of Council and any of its Committees of Council.

3.5. Appointment process of members of Council

- a. The nomination, election and appointment of the various categories of members appointed to Council are detailed in the Institutional Rules.

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- b. The election or nomination of persons to serve as members of Council of the University is through processes determined by designated electing or nominating structure or organ with due regard to the membership criteria above or in the Institutional Rules.
- c. The Secretary to Council shall notify the designated electing or nominating structure or organ to either elect or nominate members to serve on Council of the University as the case may be.

3.6. Membership of Council**3.6.1. Membership criteria**

- a. The eligibility criteria for nomination, election and continuing as a member of Council are outlined in the Institutional Rules.
- b. In appointing, electing or nominating persons to serve as members of Council of the University, the designated appointing, electing or nominating office, organ, organisation or individual should consider whether the persons nominated for appointment have the following competencies and/or attributes:
 - i. Their appointment will enhance the desire to reflect sensitivity to race, gender and disability.
 - ii. They are credible individuals who will participate and serve with the best interests of the University at heart.
 - iii. They *must* be individuals with knowledge and experience relevant to the objects and governance of the University.
 - iv. They are ethically sound, independent and are committed to upholding good governance practices.
 - v. They have good interpersonal relations skills.
 - vi. Their appointment contributes and enhances the desire to have a collective of competencies in fields such as education, ICT, business, law, finance, marketing, human resource management and employee relations.
- c. In appointing, electing or nominating persons to serve as members of Council of the University, the designated appointing, electing or nominating office, organ, organisation or individual should at least enquire from their intended appointee, candidate or nominee if they do not fall foul of the following disqualifiers:
 - i. The intended appointee, candidate or nominee is currently declared insolvent by a court of law;
 - ii. The intended appointee, candidate or nominee is currently declared to be of unsound mind by a court of law;
 - iii. The intended appointee, candidate or nominee has been removed from an office of trust by a court of law;
 - iv. The intended appointee, candidate or nominee is currently a service provider to the University;
 - v. The intended appointee, candidate or nominee is a current student or employee of the University;
 - vi. The intended appointee, candidate or nominee has been previously disqualified to be a member of a statutory Council of a state-owned enterprise (SOEs) or a board of a private company because of failing a due diligence test based on the law.

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- d. In recommending members for appointment or reappointment, Council will consider inter alia:
 - i. The desire to close any skills gaps within Council;
 - ii. The desire not to unjustifiably lose organisational memory;
 - iii. The desire to maintain or have seamless continuity of the operations;
 - iv. The desire to encourage succession planning; and
 - v. The desire to encourage heightened performance and contribution towards the University.

3.6.2. Term of office of members of Council

- a. The term of office of external members of Council is four (4) years from the first ordinary meeting of Council they are invited to after their appointment.
- b. The term of office of internal members of Council is determined as follows:
 - i. The Principal and Vice-Chancellor is an ex-officio member and remains a member as long as they are still in office unless s/he resigns or vacates office in accordance with the applicable event in paragraph 3.6.3 below.
 - ii. The members nominated by Senate serve for two years from the first ordinary meeting of Council they are invited to after their appointment.
 - iii. The permanent academic employees who are not members of Senate serve for two years from the first ordinary meeting of Council they are invited to after their appointment.
 - iv. The permanent employees other than academic employees serve for two years from the first ordinary meeting of Council they are invited to after their appointment.
 - v. The members nominated by the SRC serve for a period no more than two years from the first ordinary meeting of Council they are invited to after their appointment provided that their membership terminates automatically, they cease to be a member of the SRC or the SRC that nominated them vacates office.
- c. Members of Council are eligible for reappointment provided no person may be reappointed to serve for more than two (2) consecutive terms of office.

3.6.3. End of term of office of members of Council

- a. The term of office of a member terminates in the event of any of the following:
 - i. The effluxion of the appointment period of the member;
 - ii. Upon written resignation by the member;
 - iii. If the member is absent from three consecutive ordinary meetings of Council without leave;
 - iv. The member is declared insolvent by a court of law;
 - v. The member is declared to be of unsound mind by a court of law;
 - vi. The member is removed from an office of trust by a court of law;
 - vii. The member is convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of law;
 - viii. Death or incapacity of the member;
 - ix. The member is otherwise disqualified in terms of the Rules;
 - x. Is withdrawn for whatever reason by an authorised letter from the designating, appointing or electing University organ or interest group; or

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- xi. Upon removal from office by Council for contravening the **UNISA Code of Conduct for Members of Council** after following due process.

3.6.4. Filling of vacancies in Council

- a. Vacancies should be filled within ninety (90) days of their occurring in accordance with the Institutional Rules.

3.6.4.1. *Filling of vacancies of internal members of Council*

- a. In the case of a vacancy as a result of there being no P&VC, the appointed acting P&VC shall fill the position until Council decides otherwise.
- b. For the other internal members, a vacancy arising within Council is filled in the same manner used to fill it in the first instance as determined in the Institutional Rules.

3.6.4.2. *Filling of vacancies of external members of Council*

- a. A vacancy arising within Council is filled in the same manner used to fill it in the first instance as determined in the Institutional Rules.

3.7. Secretary to Council and the Committees of Council

- a. The Secretary of Council and its Committees is the Registrar, provided that the Principal and Vice-Chancellor may assign any other employee to assist the Secretary or to act as Secretary.
- b. Amongst other duties of the Registrar, the Registrar is the Secretary to Council and the Committees of Council and performs all the duties and functions assigned to the office by this Statute and the Institutional Rules.²⁷
- c. The Secretary to Council acts as electoral officer at all meetings of Council and its committees.
- d. The Secretary to Council attends all meetings of Council and its committees but is not a member of any and has no vote in decisions of Council and the Committees of Council.
- e. The Secretary to Council should, after consultation with the Chairperson of Council, prepare an annual budget providing for the full operations of Council and its Committees.

3.8. Chairperson of Council**3.8.1. Election of Chairperson and Deputy Chairperson of Council**

- a. The Chairperson and Deputy Chairperson of Council shall be elected, from the members of Council who are not employees or students of the University, at the first meeting of Council constituted in accordance with this Statute and, thereafter, as and when it becomes necessary at an ordinary meeting Council.²⁸

²⁷ HEA 26(4)(b)

²⁸ HEA 26(3)

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- b. The election of the Chairperson and the Deputy Chairperson must be by secret ballot, conducted by the Secretary to Council through a process outlined in the Institutional Rules.

3.8.2. The term of office of the Chairperson and Deputy Chairperson of Council

- a. The term of office of the Chairperson and the Deputy Chairperson is for two (2) years from the date of their election up to the eve of the anniversary date, or for such shorter period as they each may remain members of Council or until they resign their position, with the option for re-election for one further term.

3.8.3. The powers and duties of the Chairperson of Council

- a. The Chairperson of Council is the leader of Council and has a role and powers that are outlined in the Institutional Rules and following best practice in chairing and leading governance organs.

3.9. Responsibilities of members of Council

3.9.1. Acting in the best interests of the University over time

- a. Members of Council are expected to always act in the best interests of the University and owe it this duty in law.

3.9.2. Declaration of conflict of interests

- a. Members of Council shall submit an annual declaration of interests and recuse themselves from any decision-making processes where a real or perceived conflict of interest exists. The Institutional Forum may recommend measures for managing such conflicts.

3.9.3. Adherence to the UNISA Code of Conduct for Members of Council

- a. Members of Council are expected to adhere to the **UNISA Code of Conduct for Members of Council** as established in accordance with the Institutional Rules.
- b. A member suspended as contemplated in paragraph 3.3 above may be removed from office as a Member of Council, after Council has followed due process.

3.10. Term of office and quorum of Council

- a. The Council of the University exists in perpetuity and its membership shall be renewed through the periodic appointment of new members as the terms of office of members come to an end through any of the events contemplated in paragraph 3.6.3 above.
- b. In instances where there are vacancies in Council as a result of any of the events contemplated in paragraph 3.6.3 above Council remains competent to function and take all steps and make decisions to bring its quorum to the requisite levels and balance as stipulated in the HEA.²⁹

²⁹ HEA 27(6)

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3.11. Meetings of Council

- a. Council shall meet in meetings categorised as follows:
 - i. Quarterly ordinary meetings as per the approved University events calendar;
 - ii. Special meetings as per resolutions of Council or petition by members;
 - iii. Emergency meetings as per decision of the Chairperson;
 - iv. Round robin meetings as per resolutions of Council.
- b. The terms of reference and procedures of these categories of meetings are determined in the Institutional Rules.

3.11.1. Agenda of meetings of Council

- a. The agenda of the meetings of Council is driven by the decisions that the Council has to make as per the Statute and the UNISA Delegations of Authority policy.
- b. All meetings of Council are driven by reports presented by the P&VC unless if Council decides otherwise by majority of the vote of members.
- c. The rules of how the agenda is developed are detailed in the Institutional Rules.

3.11.2. Decision on the nature of a meeting of Council

- a. The decision of whether a meeting of Council will be face-to-face or by virtual means is a matter for the Chairperson of Council to decide after receiving advice from the Secretary to Council and the P&VC.

3.12. Committees of Council**3.12.1. The establishment of Committees of Council**

- a. Council may establish a number of standing committees, ad hoc committees or task teams to assist it to undertake its role, and for the effective and improved execution of its mandate.³⁰
- b. All Committees of Council are established by Council through the adoption of a Charter for each of the Committees of Council in accordance with paragraph 3.3³¹ of this Statute.
- c. Council must establish, at a minimum, standing committees to deal with matters within the areas mentioned below:
 - i. A Committee of Council to primarily deal with urgent matters in between ordinary meetings of Council;
 - ii. A Committee of Council to deal with governance issues within Council;
 - iii. A Committee of Council to deal with audit matters within the University;
 - iv. A Committee of Council to deal with risk, compliance and governance matters within the University;
 - v. A Committee of Council to deal with the finances of the University;
 - vi. A Committee of Council to deal with the infrastructure (property, plant and equipment) and other appropriate assets of the University;

³⁰ HEA 29(1)³¹ HEA 29(4)

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- vii. A Committee of Council to deal with the human resources of the University;
- viii. A Committee of Council to deal with the Information, Communications and Technology resources of the University.
- d. Council may establish or rationalise any such other number of Committees of Council as may be required to assist Council with its oversight role over any other of the various disciplines in the execution of the Council mandate as described in paragraph 3.3 above.
- e. The composition, manner of election, functions and powers, procedure at meetings, and dissolution of a committee and a joint committee are determined by the Institutional Rules³² or in their absence are managed in the same way as those applicable to the Executive Committee (EXCO).

3.12.2. Meetings of Committees of Council

- a. Meetings of Committees of Council can take any of the following forms:
 - i. Quarterly ordinary meetings;
 - ii. Special meetings.
- b. The procedures governing the meetings of Committees of Council are managed in the same way as those performed with respect to Council with the necessary changes unless determined otherwise in the Institutional Rules.

3.13. Compensation of members of Council

- a. External members of Council are entitled to compensation for their services to the University.
- b. Internal members of Council are not entitled to any compensation for their participation in Council and/or its Committees unless these activities happen outside the normal operations of the University, whereupon they will be compensated through the Overtime policy of the University.
- c. The Principal and Vice Chancellor shall propose, as part of the annual budget process, emoluments for the external members of Council as members, members of Committees of Council and as occupying offices of the Committees of Council and of Council itself.
- d. External members of Council are expected to provide the Secretary to Council with updated details and addresses for purposes of correctly calculating claims and producing SARS documents.

3.14. Accountability and performance of Council

- a. Council of the University is accountable to the University community, the public and citizens of the country by releasing reports required by mandated structures in accordance with the law and maintaining academic freedom and Institutional autonomy of the University.

³² HEA 29(4)

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- b. Council conducts biennial reviews of its own performance in executing its mandate and the contribution of its members to its activities.

3.15. Dissolution of Council**3.15.1. Dissolution through resignation of members**

- a. If seventy-five per cent (75%) or more of the members of the Council resign at a meeting of Council, it is deemed that all members of Council have resigned, and Council is dissolved.
- b. If Council is dissolved in this manner, a new Council must be constituted in terms of paragraph 3.2 of this Statute subject to Section 27 of the HEA.

3.15.2. Dissolution through an act of the Minister

- a. The Council is deemed to have been dissolved if the Minister appoints an Administrator in line with any of the circumstances contemplated in section 49(B) of the HEA unless otherwise provided by law.³³
- b. If Council is dissolved in this manner, a new Council must be constituted by the Administrator in terms of paragraph 3.2 of this Statute subject to Section 27 of the HEA in line with the terms of reference of the Administrator.³⁴

CHAPTER 4: SENATE OF THE UNIVERSITY**4.1. Establishment of Senate**

- a. The Senate of the University is a statutory University structure established in line with Section 26(2)(b) of the HEA as a body of equals.
- b. It is comprised of individuals drawn from various offices, structures and organs of the University as per paragraph 4.6 to undertake the mandate and role of Senate in line with the HEA, this Statute and any other Institutional Rules and policy approved by Council.

4.2. Perpetual existence of Senate

- a. The Senate of the University exists in perpetuity even during the time when the University may be under administration.
- b. Depending on the terms of reference of the Administrator, the appointed administrator shall be the chairperson of Senate and SENEX.

4.3. Functions of Senate of the University

- a. The Senate has the following functions within the University:
 - i. Assistance in designated appointments;
 - ii. Assistance on the management of the academic project;
 - iii. Advises on the determination and implementation of the academic mission;

³³ HEA 49E³⁴ HEA 49F(1)(e)

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- iv. Assists in the establishment of an academic project quality assurance system;
- v. To participate and be consulted on the appointment of academic employees of the University by Council;³⁵
- vi. The Senate determines the rules to establish a quality management and assurance system to ensure quality promotion and quality assurance in the academic project;
- vii. Advises on the resourcing of the academic project;
- viii. Determines and recommends policies and rules for student admissions;³⁶
- ix. Sets the rules for the awarding of qualifications;³⁷
- x. Assists in student discipline.³⁸

4.4. Powers and authorities of Senate of the University

- a. The Senate has the power and authority to do the following:
 - i. To participate and be consulted on the composition of Senate in instances of the making or review of the Statute of the University;³⁹
 - ii. To concur with Council in the determination of the language policy of the University;⁴⁰
 - iii. To establish committees to perform any of its functions⁴¹ and subject to the provisions of the HEA and this Statute, delegate appropriate powers and authorities to any Committee of Senate it establishes⁴² either by a time bound resolution or by including these in the charter of a committee so delegated;
 - iv. To establish joint committees with Council to perform functions that are common to Council and Senate;⁴³
 - v. To elect members to serve on Council of the University;⁴⁴
 - vi. To elect members to serve on the Institutional Forum;⁴⁵
 - vii. To exercise such power and authority as may be delegated to it by resolutions of Council.⁴⁶

4.5. Composition of Senate

- a. The Principal and Vice-Chancellor.
- b. The majority of members of Senate should always be senior academics of the University.

³⁵ HEA 34(2)

³⁶ HEA 37(4)

³⁷ HEA 65B(2)(b)

³⁸ HEA 32(2)(d)

³⁹ HEA 32(2)(a)

⁴⁰ HEA 27(2)

⁴¹ HEA 29(1)

⁴² HEA 68(2)

⁴³ HEA 29(3)

⁴⁴ HEA 27(4)(d)

⁴⁵ HEA 31(2)(c)

⁴⁶ HEA 68(2)

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4.5.1. Ex-officio members of Senate

- a. The following are members of the University management and administrators:⁴⁷
 - i. Principal and Vice Chancellor.
 - ii. The Vice Principals.
 - iii. The Executive Deans of the colleges.
 - iv. The Deputy Executive Deans of the colleges that are otherwise not full professors.

4.5.2. Members by virtue of being academic leaders or academic heads

- a. The following are members by virtue of being academic leaders:⁴⁸

4.5.2.1. Full professors

- a. All full professors in the University.

4.5.2.2. Heads of academic departments

- a. The heads or chairpersons of academic departments that are otherwise not full professors.
- b. The duly appointed heads of institutes, bureaus and centres that are formally constituted that are otherwise not full professors.

4.5.2.3. Heads of academic structures

- a. The directors of the following academic structures:⁴⁹
 - i. Directors of schools and other directors in the colleges that are otherwise not full professors;
 - ii. The director of the Directorate: Curriculum Development and Transformation that is otherwise not a full professor;
 - iii. The academic director of the Graduate School of Business Leadership that is otherwise not a full professor;
 - iv. The director responsible for short learning programmes that is otherwise not a full professor;
 - v. The Dean of students that is otherwise not a full professor.

4.5.3. Members elected by designated structures

- a. The following members are elected by designated structures:⁵⁰
 - i. A permanent non-academic employee other than an academic employee from each college, elected by employees of the college who are not academic employees;
 - ii. A permanent academic employee who is not a full professor from each college and the Graduate School of Business Leadership elected by the permanent academic employees of the college concerned, the Graduate School of Business Leadership, or the Thabo Mbeki School as the case may be;

⁴⁷ HEA 28(2)(a-b)

⁴⁸ HEA 28(2)(c)

⁴⁹ HEA 28(2)(c)

⁵⁰ HEA 28(3)

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- iii. Two members of Council, who are neither employed by nor students of the University, elected by Council;
- iv. Two students elected by the SRC.

4.5.4. Co-opted members

- a. Not more than five additional persons designated by Senate for their knowledge, expertise or contribution to the University.⁵¹

4.6. Membership of Senate**4.6.1. Appointment of members of Senate**

- a. The Secretary to Senate shall notify the designated appointing, electing or nominating office or organ to either appoint, elect or nominate members to serve on Senate of the University as the case may be.
- b. The manner in which people to be appointed, elected or nominated to serve as representatives of the designated structures or organs i.e. those who are not members of Senate by virtue of their offices is determined in the Institutional Rules or their Council approved Constitutions, Charters and/or protocols with due regard to the membership criteria as per the Institutional Rules apply to Senate with the necessary changes.
- c. The Secretary to Senate shall ensure that the approved Constitutions, Charters and/or protocols of the designated structures or organs appointing, electing or nominating persons to serve as members of Senate of the University incorporate the principles of this Statute.

4.6.2. Term of office and vacation of office of members of Senate

- a. Members of Senate serve for two years, except:
 - i. Members referred to in paragraph 4.5.1 who serve by virtue of their offices;
 - ii. Members referred to in paragraph 4.5.2 who are full professors and those who serve by virtue of their offices;
 - iii. Members elected by the SRC in terms of paragraph 4.5.3 (a)(iv) above whose term of office is determined by the SRC, provided that membership automatically lapses when a student ceases to be a registered student or a member of the SRC.
- b. The suspension of a member of Senate and their vacation of office applies in the same manner as they apply to Council with the necessary changes unless determined otherwise in the Institutional Rules.

4.6.3. Filling of vacancies in Senate

- a. A vacancy arising in Senate is filled in the same manner in which it was filled originally.
- b. In the event of a vacancy, regardless of the cause, the Secretary to Senate shall notify the designated appointing, electing, or nominating office, organ, or organisation of the vacancy. The designated body shall then be requested to appoint, elect, or nominate a replacement within thirty (30) days.

⁵¹ HEA 28(2)(g)

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4.7. Chairperson of Senate**4.7.1. Appointment of the Chairperson Senate**

- a. The Principal and Vice-Chancellor, as the Chief academic officer of the University, is the chairperson of Senate of the University and presides at meetings of Senate.⁵²
- b. The chairperson performs such other functions as Senate may determine.

4.7.2. Acting chairperson of a meeting of Senate

- a. If the chairperson is absent from any meeting of Senate, the Principal and Vice Chancellor appoints any of the Deputy Principals from the academic project portfolios to act as chairperson for the meeting.
- b. In the absence of the Principal and Vice-Chancellor, and any of the Deputy Principals from the academic project portfolios, Senate will elect any of its members to chair the meeting.

4.7.3. Role and responsibilities of the Chairperson of Senate

- a. The role and responsibilities of the Chairperson of Council as detailed in paragraph 3.8.3 above apply to Senate in the same manner as they apply to Council with the necessary changes unless determined otherwise in the Institutional Rules.

4.8. Committees of Senate**4.8.1. Standing or ad hoc committees of Senate**

- a. Senate may establish a number of Committees of Senate (standing or ad hoc) to assist it to undertake its role, and for the effective and improved execution of its mandate.⁵³
- b. Senate may, subject to the provisions of the HEA and this Statute, delegate appropriate powers and authorities to any Committee of Senate it establishes⁵⁴ either by a time bound resolution or by including these in the charter of a committee so delegated.
- c. The composition, manner of election, functions and powers, procedure at meetings and dissolution of a committee of Senate are determined by the Institutional Rules⁵⁵ or in their absence are managed in the same way as those applicable to the EXCO.

⁵² HEA 26(4)(a)

⁵³ HEA 29(1)

⁵⁴ HEA 68(2)

⁵⁵ HEA 29(4)

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4.8.2. Joint committees of Council and Senate

- a. Council and Senate of the University may establish joint committees to perform functions that are common to Council and Senate.⁵⁶
- b. Any Joint Committee contemplated shall be formed in line with the provisions of paragraph 3.12 above.

4.8.3. College boards

- a. A College board for each college shall be established in accordance with paragraph 1.5 above as a statutory structure of Senate.
- b. Senate may, subject to the provisions of the HEA and this Statute, delegate appropriate powers and authorities to a College board established⁵⁷ which shall be outlined in its charter.
- c. The composition, manner of election, functions and powers, procedure at meetings and dissolution of a College or Inter-college board are determined by the Institutional Rules⁵⁸ or in their absence are managed in the same way as those applicable to the EXCO.

4.8.4. Inter-college board

- a. The Inter-college board is established to assist Senate in respect of academic units that do not form part of colleges.
- b. The Inter-college board is equal in status to a college board.
- c. The composition and functions of the Inter-college board are determined by Council on the recommendation of Senate.
- d. The procedures governing College boards meetings apply in the same manner as they apply to Council with the necessary changes unless determined otherwise in the Institutional Rules.

4.9. Processes and procedures incidental to meetings of Senate and its Committees

- a. The procedures governing the meetings of Senate, Committees of Senate, College or Inter-college boards are managed in the same way as those performed with respect to Council or EXCO with the necessary changes unless determined otherwise in the Institutional Rules.

4.10. Accountability and reporting of Senate

- a. Senate is accountable to Council for the execution of its functions⁵⁹ and any other function as may be delegated or assigned to it by Council.
- b. Senate shall present quarterly reports to the ordinary meetings of Council on its planning and execution of its functions and as detailed in the Institutional Rules.

⁵⁶ HEA 29(3)

⁵⁷ HEA 68(2)

⁵⁸ HEA 29(4)

⁵⁹ HEA 28(1)

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4.11. Secretary to Senate and the Committees of Senate

- a. The Registrar is the secretary to Senate and the Committees of Senate.
- b. The Secretary to Senate performs the role and functions as determined in this Statute or in the same way as those performed with respect to Council with the necessary changes unless determined otherwise in the Institutional Rules.

CHAPTER 5: MANAGERS AND MANAGEMENT OF THE UNIVERSITY**5.1. Category of managers as executive and senior managers**

- a. Executive managers of the University are those executive managers at the head of portfolios, established by Council on the recommendation of the Principal and Vice Chancellor, and are reporting to the Principal and Vice Chancellor.
- b. Senior managers of the University are those managers at the head of academic divisions and structures (colleges, institutes and/or units) and are reporting directly to an executive portfolio head in the academic project/sector, and those who head administrative and/or support divisions (departments and/or units) and report directly to an executive portfolio head in the administration and/or support portfolios/sectors. These positions are approved by Council on the recommendation of the Principal and Vice Chancellor.

5.2. The Principal and Vice Chancellor of the University**5.2.1. Appointment of the Principal and Vice Chancellor**

- a. The appointment of the Principal and Vice Chancellor (P&VC) is the sole responsibility of Council upon the recommendation of a panel set by Council for the search and selection of an appropriate candidate for this position, and after the seeking of the advice of the Institutional Forum, as contemplated in section 31 of the HEA.⁶⁰
- b. The Principal and Vice Chancellor of the University shall be recruited, selected and appointed in accordance with a Council approved **UNISA Guidelines for the Appointment of Executive and Senior Management**, as part of the Institutional Rules.
- c. The P&VC is appointed for a term of five (5) years and may only be re-appointed for one additional term not exceeding five (5) years or part thereof.

5.2.2. Functions of the Principal and Vice Chancellor

- a. The P&VC is appointed as the chief executive, administrative and academic officer of the University.

⁶⁰ HEA 31(1)(iii)

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- b. P&VC performs all statutory duties as required by legislation, those assigned by Council and is responsible for the day-to-day management, administration and leadership of the University,⁶¹ and ensuring that management implements decisions of Council and Senate throughout the University. Without derogating from the generality of this, the P&VC is accountable for the following executive management roles:
 - i. Strategic planning and management of the University.
 - ii. Planning, organising, staffing, directing, controlling and reporting on the academic project i.e. the learning and teaching, research and community functions of the University.
 - iii. Planning, organising, staffing, directing, controlling and reporting on functional outputs and/or services to support and service the academic project and other functions.
 - iv. Acquisition, utilisation and maintenance of human resources.
 - v. Procurement of goods and services.
 - vi. Allocation, utilisation, maintenance and disposal of University property, plant and equipment.
 - vii. Risk management in the University.
 - viii. Ensuring University compliance to legislative prescripts and Institutional policies.
 - ix. Management of financial affairs and reporting requirements.
 - x. Management of legal affairs.
 - xi. Management of the University brand, image and stakeholder affairs.
 - xii. Management of all non-academic and extracurricular student activities and affairs.
 - xiii. Ensuring University performance towards the realisation of the mission and strategic objectives of the University, and optimal utilisation of its resources (human, physical and intellectual).
- c. By virtue of the powers, functions and status accorded to Council in terms of the HEA, the P&VC is accountable and reports to Council for performance of her or his duties and functions.

5.2.3. Powers and authorities of the Principal and Vice Chancellor

- a. The P&VC has all the *powers* derived directly from *the HEA* necessary to perform this function.
- b. The P&VC shall have all the necessary powers and authorities to perform this function as may be delegated by Council through a Council approved **UNISA Delegations of Authority Policy Framework**.⁶²
- c. The P&VC has the unique responsibility of being the sole signatory of all management submissions or reports to Council unless exceptional circumstances arise, or a standard or protocol set by the HEA, this Statute or any directive must be followed.
- d. The P&VC is a member of all Committees of Council and Senate, unless Council or Senate decides otherwise.

⁶¹ HEA 30

⁶² HEA 68(2)

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5.3. Acting Principal

- a. In the absence of the P&VC, an acting Principal and Vice-Chancellor shall be appointed from amongst the members of the Management Committee (MANCOM) in accordance with the Institutional Rules.
- b. An acting Principal and Vice-Chancellor has all the powers, duties and functions of the P&VC unless determined otherwise by Council.

5.4. Executive managers**5.4.1. Appointment of the executive managers**

- a. Council appoints the executive managers at the recommendation of the Principal and Vice Chancellor, and after the seeking of the advice of the Institutional Forum, as contemplated in section 31 of the HEA.⁶³
- b. All executive managers of the University shall be recruited, selected and appointed in accordance with a Council approved **UNISA Guidelines for the Appointment of Executive and Senior Management** as part of the Institutional Rules.
- c. Executive managers are appointed for a period of five (5) years and may be re-appointed for one further term or part thereof.

5.4.2. Functions of the executive managers

- a. Each of the executive managers is appointed to be a portfolio head and is accountable for the delivery of all functional outputs (services and/or products) from their portfolios i.e. they are principal delivery, administrative and accounting officer of their portfolios.
- b. The P&VC shall develop a fit for purpose job description for each executive manager and recommend each for the consideration and approval of Council.

5.4.3. Powers and authorities of the executive managers

- a. The P&VC shall develop a fit for purpose delegations profile for each executive manager delegating all the necessary powers and authorities for them to perform their functions in line with an approved **UNISA Delegations of Authority Policy Framework**.

5.5. Senior managers**5.5.1. Appointment of the senior managers**

- a. The P&VC appoints the senior managers at the recommendation of respective executive managers and after the seeking of the advice of the Institutional Forum as contemplated in section 31 of the HEA.⁶⁴

⁶³ HEA 31(1)(iii)⁶⁴ HEA 31(1)(iii)

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- b. All senior managers of the University shall be recruited, selected and appointed in accordance with a Council approved **UNISA Guidelines for the Appointment of Executive and Senior Management** as part of the Institutional Rules.
- c. The senior managers are appointed for a period of five (5) years and may be re-appointed for one further term or part thereof.

5.5.2. Functions and powers of the senior managers

- a. Each of the senior managers is responsible for the delivery of all functional outputs (services and/or products) from their portfolios i.e. they are the principal delivery, administrative and accounting officer for their divisions, departments, institutes and/or units.
- b. The P&VC, or a properly delegated executive manager, shall develop a fit for purpose job description for each senior manager and recommend each of them for the consideration and approval of Council.

5.5.3. Powers and authorities of the senior managers

- a. The executive managers shall develop a fit for purpose delegation profile for each senior manager, delegating all the necessary powers and authorities for them to perform their functions in line with an approved **UNISA Delegations of Authority Policy Framework**.

5.6. Establishment of the Management Committee of the University

- a. The MANCOM of the University is established as a functional structure as per paragraph 1.5 above.
- b. The MANCOM consists of the following members:
 - i. The Principal and Vice Chancellor;
 - ii. The Vice Principals;
 - iii. The Registrar who acts as its secretary.

5.7. The functions of the Management Committee of the University

- a. The functions and powers of the MANCOM shall be determined in a UNISA Charter of the Management Committee incorporating the terms and reference of the MANCOM as shall be recommended from time to time by the P&VC for the recommendation and approval of Council in line with an approved UNISA Delegations of Authority Policy Framework.

CHAPTER 6: STUDENTS' REPRESENTATIVE COUNCIL**6.1. Establishment of the Students' Representative Council of the University**

- a. The Students' Representative Council (SRC) of the University is established in line with Section 26(2)(e) of the HEA and is a statutory University structure as per paragraph 1.5 above.

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6.2. Principles about the Students' Representative Council of the University

- a. The SRC is the recognised student representation and advocacy body on behalf of all the students of the University on their interests whilst they are registered with the University.
- b. The SRC has to establish credibility amongst students and always determine the student voice and ensure that it is representative of the students themselves and not individual nor sectarian interests.
- c. The SRC is not a decision-making structure of the University but an important partner, contributor and advisor on many of the decisions and activities affecting students of the University.
- d. The SRC does not have legal status that is separate from the University and cannot sue or be sued on its own.

6.3. The constitution of the SRC of the University

- a. The SRC is governed by its constitution, that Council approves and puts into operation, and it forms part of the Institutional Rules.⁶⁵

6.4. Procedures at meetings of the SRC

- a. The SRC determines its own meeting procedures in line with its approved Constitution with due regard of accepted standards, protocols, norms and best practices of fair administrative processes and the common law of meetings.
- b. In the absence of these procedures, Council procedures apply in the same manner as they apply to Council with the necessary changes unless determined otherwise in the Institutional Rules.

CHAPTER 7: INSTITUTIONAL FORUM**7.1. Establishment of the Institutional Forum of the University**

- a. The Institutional Forum (IF) of the University is established in line with Section 26(2)(f) of the HEA and is a statutory University structure as per paragraph 1.5 above.
- b. The IF is not a legal entity separate from the University and cannot sue or be sued on its own.

7.2. Principles about the Institutional Forum of the University

- a. The IF is the consultative and advisory organ of the University on matters of the transformation of the University away from a society that was divided, discriminating, denying opportunities of access and progress to others, towards a University that is reflective of the aspirations and interests of all the peoples of the country, and to create an environment characterised by a continuing Institutional culture, which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for research, teaching, learning and community outreach.

⁶⁵ HEA 35

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- b. The IF is not a decision-making structure of the University but an important contributor and advisor on many of the decisions affecting the University.
- c. The IF does not assume a posture of being parallel to the other statutory structures of the University but is a value-added partner in those structures undertaking their mandates.

7.3. Functions of the Institutional Forum

- a. The IF advises Council on issues affecting the University, including:⁶⁶
 - i. The implementation of the HEA and the national policy on higher education;
 - ii. Race, gender and equity policies;
 - iii. The selection of candidates for senior management positions;
 - iv. Codes of conduct, mediation and dispute resolution procedures;
 - v. Fostering of an Institutional culture, which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and
 - vi. The language policy of the University.
- b. The IF may perform such other functions as determined by Council.⁶⁷

7.4. Powers of the Institutional Forum

- a. The IF may establish committees to perform any of its functions, provided that the IF is not divested of responsibility for the performance of any such function assigned or delegated to a committee, provided further that any actions resulting from such assignment or delegation are ratified by IF at its next meeting.
- b. To make resolutions on the advice it will provide to Council as per its own mandate.
- c. To agree to a protocol with Council on how its advice will be transmitted to Council.

7.5. Composition of the Institutional Forum

- a. Subject to the HEA, the IF consists of the following members:⁶⁸
 - i. The Principal and Vice-Chancellor;
 - ii. Two members of MANCOM appointed by it;
 - iii. The Dean of students;
 - iv. The Executive Director: Tuition and facilitation of learning;
 - v. One member of Council, who is neither an employee nor a student of the University, elected by Council;
 - vi. Two members of Senate, elected by Senate;
 - vii. Two permanent academic employees elected by such employees;
 - viii. Two permanent non-academic employees other than academic employees elected by such employees;
 - ix. Two students appointed by the SRC provided one is the President;

⁶⁶ HEA 31(1)(a)⁶⁷ HEA 31(1)(b)⁶⁸ HEA 31(2)

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- x. Two members nominated by each sufficiently representative employees' organisation;
- xi. Two external members recommended by MANCOM and approved by Council; and
- xii. The IF can co-opt no more than four persons at a time to assist it with any specific project or projects.

7.6. Term of office of members of the Institutional Forum

- a. The term of office of all designated, elected or appointed members shall be for two (2) years and may only be extended for a further term.
- b. Membership of the Institutional Forum terminates in the same manner as it does with Council with the necessary changes unless determined otherwise in the Institutional Rules.
- c. When a vacancy occurs, the Registrar will request the designating, appointing or electing University organ or interest group concerned to fill the vacancy in accordance with this Statute and the Institutional Rules. The term of office of the new member will be for the unexpired term of office of the previous incumbent.
- d. The term of office of the elected, designated or appointed members will correspond with their respective terms of office as members of the Institutional Forum but may not exceed two years.

7.7. Support of the Institutional Forum

- a. Council shall adopt a protocol to be followed to allocate resources and charge the P&VC to provide support to the IF to run its programmes and projects, and to obtain independent and external professional advice at the expense of the University on matters within the scope of its mandate and functions.

7.8. Election of office bearers of the Institutional Forum

- a. The election of the office bearers of the IF is at a properly constituted meeting of the IF convened for this purpose and in accordance with the Institutional Rules.

7.9. Procedures at meetings of the Institutional Forum

- a. The IF determines its own meeting procedures with due regard of accepted standards, protocols, norms and best practices of fair administrative processes and the common law of meetings.
- b. In the absence of these procedures, Council procedures apply in the same manner as they apply to Council, with the necessary changes, unless determined otherwise in the Institutional Rules.

CHAPTER 8: CONVOCAATION**8.1. Establishment of the Convocation of the University**

- a. The Convocation of the University is established as a statutory University structure as per paragraph 1.5 above of this Statute.

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- b. The Convocation is not a legal entity separate from the University and cannot sue or be sued on its own.

8.2. Principles about the Convocation of the University

- a. The Convocation is the body through which the alumni of the University make representation about, and to, their alma mater on any matter, with the intended purpose of the preservation and continued value they draw from their association with the University.
- b. The Convocation is not a decision-making structure of the University but an important partner, contributor and advisor on many of the decisions and activities affecting alumni of and the University itself.

8.3. The constitution of the Convocation of the University

- a. The constitution of the Convocation, detailing the composition, the powers and functions of the Convocation, the election and powers of the office bearers of the Convocation, forms part of the Institutional Rules that Council approves and put into operation.

CHAPTER 9: EMPLOYEES OF THE UNIVERSITY**9.1. Appointment of employees**

- a. All employees of the University are employed under the name of Council according to the human resources policies and procedures of the University as approved by Council from time to time,⁶⁹ provided that Senate, through its designated standing Committee of Senate, shall be consulted in the employment of all academic staff/employees.⁷⁰
- b. The recruitment and staff retention policies of the University shall provide appropriate measures for the redress of past inequalities and may not unfairly discriminate in any way.

9.2. Conditions of employment

- a. Council must determine the conditions of service, disciplinary provisions, privileges and functions of the employees of the University, subject to the applicable labour law.⁷¹
- b. Council shall establish such terms of employment that would protect the University from appointing employees who have conflict of interest with the University.

9.3. Evaluation of employee performance

- a. All employees of the University are subject to continuous evaluation of their performance in accordance with a performance management system as approved by Council from time to time.

⁶⁹ HEA 34(1)

⁷⁰ HEA 34(2)

⁷¹ HEA 34(3)

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- b. At the recommendation of the relevant Committee of Council, such evaluation may be tied to the remuneration system in operation in the University or employment status at the University.

9.4. Conflict of interest**9.4.1. Obligations of the University to create an enabling environment**

- a. Council shall develop and approve a **UNISA Protocol on Conflict of Interest** as part of the Institutional Rules.
- b. Council shall establish such terms of employment that would protect the University from appointing employees who may have conflict of interest with the University in that they are in the following situations:
 - i. They own, operate or are part of business entities that sells goods or services that the University may want to buy from service providers and may raise a conflict or possible conflict of interest with the University.
 - ii. They are in positions that involve their participation in the possible employ of applicants with whom they have familial, personal, or business relationship with him or her.
 - iii. They are engaging in any other remunerative employment with any other entity that may interfere with their work at the University.

9.4.2. Employee obligations with respect to conflict of interest

- a. An employee must ensure that their financial, and other personal interests and actions do not and may not reasonably be seen to be in conflict with his or her official duties, requirements and obligations in terms of his or her employment relationship with the University.
- b. An employee may not conduct business directly or indirectly with the University that brings about or will bring about a conflict of interest with the University, unless authorised otherwise by Council.
- c. An employee must, in writing, declare any business that may raise a conflict of interest or possible conflict of interest with the University according to the code of ethics and conduct of the University.
- d. An employee will notify the University of any real conflict or possible conflict of interest before the University buys any goods or services from the employee, family or an organisation within which the employee holds an interest.
- e. That they will not knowingly conduct business directly or indirectly with an entity that entails or may entail a conflict of interest with the University.
- f. They will notify the University of any conflict or possible conflict of interest before the University employs any prospective employee that has a familial, plutonic, business relationship with him or her.
- g. They shall not take private work without the necessary approval by Council.

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9.5. Employee discipline

- a. All employees of the University are subject to the **UNISA Disciplinary code and Procedure for employees** approved by Council from time to time subject to the provisions of the relevant labour legislation.⁷²

9.6. Representative employees' organisations

- a. Employees may join any representative employees' organisation of their choice.
- b. Council shall accord organising or recognition status to any organisation of employees that seeks to organise employees of the University subject to the provisions of the relevant labour legislation.⁷³

CHAPTER 10: STUDENTS OF THE UNIVERSITY**10.1. Admission and registration of students**

- a. Subject to the HEA and this Statute and after consulting Senate, Council shall determine the admission policy of the University.⁷⁴
- b. The admission policy of the University shall provide appropriate measures for the redress of past inequalities and may not unfairly discriminate in any way.⁷⁵
- c. Subject to the HEA, Council shall, with the approval of Senate:
 - i. Determine entrance requirements in respect of particular certificates, diplomas, undergraduate degrees and post graduate degrees at the honours, masters or doctoral levels being offered at the University;⁷⁶
 - ii. Determine the minimum requirements for readmission to study at the University;⁷⁷ and
 - iii. Not admit a student who fails to satisfy stipulated minimum requirements for readmission.⁷⁸

10.2. Student rights, advocacy and privileges

- a. Any person who applies to the University and meets the requirements for registration for the certificate, diploma or degree they have applied for shall be accepted⁷⁹ provided that such registration will not cause the number of students who may be admitted for a particular certificate, diploma or degree to be exceeded as determined by Council after approval by Senate⁸⁰ or may be excluded based on criteria in the Statute or Institutional Rules.

⁷² HEA 34(3)⁷³ HEA 34(3)⁷⁴ HEA 37(1)⁷⁵ HEA 37(3)⁷⁶ HEA 37(4)(a)⁷⁷ HEA 37(4)(c)⁷⁸ HEA 37(4)(d)⁷⁹ Constitution 29(1)⁸⁰ HEA 37(4)(b)

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- b. Any student has the right to participate within the SRC elections as a candidate or a voter as long as they are not excluded by any criteria in this Statute or Institutional Rules including the SRC constitution as approved by Council from time to time.
- c. In general, all students are entitled to the following rights:
 - i. Right to a quality education;
 - ii. Right to assessed and accountable educational quality standards;
 - iii. Right to student involvement, through the SRC, in Institutional decision-making where called for by the HEA, this Statute or Institutional Rules;
 - iv. Right to the protection of student information;
 - v. Right to safety and security when on facilities of the University.

10.3. Student discipline

- a. Every student at the University is subject to such disciplinary measures and disciplinary procedures as may be determined, after consultation with Senate and the SRC⁸¹, by this Statute or the Institutional Rules.⁸²

CHAPTER 11: ASSETS OF THE UNIVERSITY**11.1. Acquisition of assets**

- a. Council shall determine and put in operation fit for purpose asset acquisition policies and provide resources to support and enable the provision of service to the stakeholders of the University.
- b. The procurement policies of the University shall provide appropriate measures for the redress of past inequalities and may not unfairly discriminate in any way.

11.2. Upkeep and maintenance of University assets

- a. Council shall determine and put in operation fit for purpose policies and provide resources for the proper accounting, upkeep and maintenance of the assets of the University.

11.3. Third stream income**11.3.1. Use of University assets for private purposes**

- a. The University has the power to lease any of its property, plant and equipment, where appropriate, to the public and staff for due consideration and fair value in return.

11.3.2. Donations and grants

- a. The University may receive conditional or unconditional donations of monies, equipment or services of any sort from donors to assist the University realise its mission and are for the benefit of the University and has the power to establish vehicles appropriate for it to receive and raise these donations.
- b. No condition placed on any donation shall be accepted if it interferes with the University's Institutional autonomy or impacts on its stance on academic freedom.

⁸¹ HEA 32(2)(d)⁸² HEA 36

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11.3.3. Production and sale of goods and services

- a. The University may embark on any form of enterprise to produce and sell any goods or services based on or out of its assets and has the power to establish commercial vehicles appropriate for it to do so.
- b. The University shall be the shareholder in these enterprises and the P&VC or their designate shall be the shareholder representative in such enterprises in line with their founding documents.

11.4. Misuse of University assets

- a. Council shall determine appropriate policies that will detect and prevent irregular, fruitless and wasteful expenditure, and possible misuse of University assets by any stakeholder.

CHAPTER 12: GENERAL PROVISIONS**12.1. Repeal of the current Statute**

- a. The Statute of the University of South Africa, published under Government Gazette No. 36006, Notice No. 1077 on 19 December 2012, is hereby repealed in its entirety.

12.2. Transitional provisions

- a. Council, Senate and the Institutional Forum, which existed at the commencement of this Statute continue to exist as far as they are consistent with the provisions of the HEA and this Statute.

12.3. Review of the Statute

- a. Council shall review this Statute every five (5) years after it is approved by the Minister or as may be required, informed by relevant changes in the operating environment of the University.

CHAPTER 13: AUTHORISATION**13.1. Approval and authorisation process**

- a. This Statute was approved by Council at its meeting of the 9th of December 2024.
- b. The Statute is authorised through the approval of the Minister of Higher Education and Training.