DEPARTEMENT VAN HOËR ONDERWYS EN OPLEIDING

NO. 8012 **16 Oktober 2026**

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

INSTITUTIONAL STATUTE
UNIVERSITY OF THE WESTERN CAPE

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 the amended Institutional Statute of the University of the Western Cape set out in the Schedule attached hereto.

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

THE STATUTE OF THE UNIVERSITY OF THE WESTERN CAPE

The Council of the University of the Western Cape has made this Statute set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training and which comes into operation on the date of this publication.

SCHEDULE

STATUTE OF THE UNIVERSITY OF THE WESTERN CAPE

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CHAPTER 1
Definitions

1 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), has the meaning so assigned to it, and unless the context indicates otherwise –

"academic employees" means those persons employed by the University primarily to teach and/or to do research, including the Vice-Chancellor/Rector, the Deputy Vice-Chancellor(s)/Vice-Rector(s), and the Deans;

"Act" means the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, and includes any regulations promulgated in terms thereof;

"campus" means the physical grounds and buildings of the University and encompasses the various facilities used for teaching, research, and student life, such as libraries, lecture halls, laboratories, and residential accommodations, and "**main campus"** means the University campus situated on Robert Sobukwe Road, Bellville;

"Chancellor" means a person as contemplated in paragraph 5.1;

"Convocation" means the assembly of persons contemplated in paragraph 11.1;

"Council" means the governing body of the University as contemplated in paragraph 8.2;

"day" means weekdays including Saturday, Sunday and any public holiday;

"Deputy Vice-Chancellor/Vice-Rector" means a person or persons appointed by the Council for purposes of assisting the Vice-Chancellor/Rector as contemplated in paragraph 6.2, and includes a vice-principal as contemplated in the Act;

"donors" means those persons or organisations determined in accordance with paragraph 12.1;

"due process" means a process compliant with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), as well as the principles of natural justice;

"electronic communication" means electronic communication as contemplated in the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), and when employed at a meeting such communication ordinarily enables all members participating in the meeting to communicate concurrently with each other without an intermediary, and to participate reasonably effectively in the meeting, and for the avoidance of doubt such communication shall include communication by teleconference and e-mail, as contemplated in the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), or any legislation which replaces it;

"executive management" means those persons contemplated in paragraph 7.2;

"graduate" means a person who has graduated from the University with a degree or a diploma;

"Institutional Forum" means the Institutional Forum of the University contemplated in paragraph 10.2;

"management" means senior management and the professional, support or administrative staff members of the University designated by the Council as managers;

"majority (vote/decision)" means fifty percent plus one;

"Minister" means the Minister responsible for higher education and training;

"professional, support or administrative staff members" mean those members of staff who are not employed on academic terms and conditions and who provide

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professional, administrative and support services to the University;
"professor" means a person appointed as a professor by the Council, after consultation with the Senate, but does not include an adjunct, associate, emeritus, extraordinary or honorary professor;
"qualification" means a registered national qualification as defined in the National Qualifications Framework Act 67 of 2008;
"Registrar" means the Registrar of the University to perform the function contemplated in section 26(4)(b) of the Act;
"Returning Officer" means the Registrar, or a person appointed by the Registrar, to conduct an election and announce the results;
"rules" means the institutional rules of the University made in terms of section 32 of the Act and includes all policies and standing orders approved by the Council;
"Senate" means the Senate of the University contemplated in paragraph 9.2;
"senior management" means the executive management and the Deans;
"standing orders" means the written rules which regulate the proceedings of Council, Senate, and any Committee and/or body constituted in terms of this Statute;
"Statute" means the institutional statute of the University;
"student" means a person registered for a qualification offered by the University;
"University" means the University of the Western Cape;
"University constituencies" includes students, employees, and Convocation office holders;
"urgent matter" means a matter, which, if not addressed before the next ordinary or special meeting of the Council or the Senate, could cause irreversible harm or prejudice to the University, its employees or students;
"UWC Medal" means the award to be bestowed on individuals in the community who have made a significant and extraordinary contribution to the upliftment of the community through exceptional leadership, community involvement and related activities;
"Vice-Chancellor/Rector" means a person as contemplated in paragraph 6.1, and includes a principal as contemplated in section 30 of the Act; and
"virtual attendance" means attendance at a specified meeting by way of electronic meeting platforms.

CHAPTER 2
Structure, Purpose and Seat

2.1 The University is constituted in the manner, exists for the purposes, and has the rights, powers, privileges and duties, provided for in the Act and in this Statute.
2.2 The University is a multi-campus institution with its seat at its main campus in Bellville in the Western Cape Province.

CHAPTER 3
Status and Proprietary Capacity

3.1 The University is, subject to the provisions of the Act, a juristic person.
3.2 Notwithstanding paragraph 3.1 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.

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CHAPTER 4
Constitution of the University

4 The University consists of –
4.1 the Chancellor;
4.2 the Vice-Chancellor/Rector;
4.3 the Deputy Vice-Chancellor/Vice-Rector/s;
4.4 the Registrar;
4.5 the Executive Director/s;
4.6 the Council;
4.7 the Senate;
4.8 the Institutional Forum;
4.9 the Students' Representative Council;
4.10 the academic employees of the University;
4.11 the professional, support or administrative staff members of the University;
4.12 the Convocation; and
4.13 the students of the University.

CHAPTER 5
Chancellor

5.1 The Chancellor is the titular and ceremonial head of the University and, subject to the provisions of the Act and this Statute, confers degrees on behalf of the University.
5.2 The Chancellor has no executive authority or executive powers.

Election
5.3 Whenever the Council has to elect a Chancellor, the Registrar must notify the members of the Council in writing at least six weeks before the election and call for nominations to be submitted to the Registrar.
5.4 Nominations must be in writing and must reach the Registrar at least three weeks before the date of election.
5.5 Each nomination must contain the signatures of at least two members of the Council and the written acceptance of the nomination by the nominee.
5.6 A list of duly nominated persons must be sent to the members of the Council at least ten days before the meeting of the Council where voting will take place.
5.7 Voting shall take place by ballot, but where members of the Council cannot attend the meeting in person, they may participate in the meeting by virtual attendance and vote by electronic communication.
5.8 The nominee receiving a majority of the votes of the members of the Council present at the meeting must be declared by the Chairperson to be the duly elected Chancellor.
5.9 In the case of no nominee receiving such a majority of votes, the nominee/s receiving the lowest number of votes must be eliminated, and the election must be repeated until one of the nominees receives a majority of the votes as contemplated in paragraph 5.8.
5.10 When the office of Chancellor becomes vacant, the Council must as soon as practicable thereafter elect a new Chancellor.
5.11 After the Council has elected the Chancellor, the name of the Chancellor is announced by the Chairperson of the Council.

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Term of office

5.12 The Chancellor holds office for a period of five years, and is eligible to serve a second term, with the approval of Council. .

5.13 If the Chancellor is unable, for any reason, to perform the functions of their office, or if the office of Chancellor becomes vacant, the Vice-Chancellor/Rector or acting Vice-Chancellor/Rector performs the functions of the Chancellor.

Termination/removal from office

5.14 The term of office of the Chancellor is terminated in the event of –

5.14.1 death;

5.14.2 incapacity;

5.14.3 resignation; or

5.14.4 removal from office by the Council.

5.15 The Chancellor may only be removed from office by the Council by means of a resolution, passed by at least two-thirds of the members of the Council present at the meeting, whether present in person or by virtual attendance.

CHAPTER 6
Senior Management

Senior Management consists of the Vice-Chancellor/Rector; Deputy Vice-Chancellor/Vice-Rector/s; the Registrar; the Executive Director/s; and the Deans.

6.1 Vice-Chancellor/Rector Functions and Duties

6.1.1 The Vice-Chancellor/Rector is the chief executive officer of the University and is, subject to paragraph 8.23, responsible for, *inter alia*, the day-to-day management, administration and operations of the University, and is vested with all the managerial, administrative and operational powers necessary to perform these functions.

6.1.2 In the absence of the Chancellor, or at their request, the Vice- Chancellor/Rector performs the functions of the Chancellor.

6.1.3 The Vice-Chancellor/Rector is by virtue of their office a member of all committees and joint committees of the Council and of the Senate.

6.1.4 The Vice-Chancellor/Rector, in accordance with the directives and policies of the Council and the Senate, exercises general managerial, administrative and operational authority over the University.

Appointment

6.1.5 The Council appoints the Vice-Chancellor/Rector after consultation with Senate, and having obtained advice from the Institutional Forum, in accordance with the University rules.

6.1.6 The appointment of the Vice-Chancellor/Rector, as contemplated in 6.1.5 above, is subject to the Act, this Statute, the University rules and any other applicable policy.

Term of Office

6.1.7 Subject to the rules of the University, The Vice-Chancellor/Rector holds office for five years, and may be eligible for reappointment for another term but shall not serve for more than two terms.

6.1.8 The Vice-Chancellor/Rector may resign at any time, on six months' notice.

6.1.9 The appointment of the Vice-Chancellor/Rector may be terminated by the Council

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at any time:

6.1.9.1 by a vote consisting of not less than three quarters of the Council members holding office; and

6.1.9.2 after consultation with Senate and obtaining advice from the Institutional Forum.

6.1.10 The Vice-Chancellor/Rector may be removed from the position by the Council before their term of office expires if-

6.1.10.1 convicted of an offence that, in the opinion of the Council, renders the Vice-Chancellor/ Rector unfit to perform their duties; or

6.1.10.2 in the opinion of the Council, the Vice-Chancellor/Rector becomes incapacitated; and/or

6.1.10.3 their continued tenure would bring the name of the University into disrepute.

Absence of Vice-Chancellor/Rector

6.1.11 In the event of the Vice-Chancellor/Rector being absent for a period less than one month, the Vice-Chancellor/Rector, after consultation with the Executive Management, may appoint a member of the Executive Management as acting Vice-Chancellor/Rector.

6.1.12 In the event of the Vice-Chancellor/Rector being absent for a period in excess of one month but less than six months, the Vice-Chancellor/Rector, after consultation with the Executive Committee of the Council, must appoint a member of Executive Management as acting Vice-Chancellor/Rector.

6.1.13 While the appointment of a Vice-Chancellor/Rector is pending or if the Vice-Chancellor/Rector is absent for a period in excess of six months, the Deputy Vice-Chancellor/Vice-Rector, or, if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellor/Vice-Rector designated by the Council after consultation with the Senate and Institutional Forum, shall be the acting Vice-Chancellor/Rector.

6.2 Deputy Vice-Chancellor/Vice-Rector(s)

Functions and Duties

6.2.1 The Deputy Vice-Chancellor/Vice-Rector(s) is responsible for, *inter alia*, assisting the Vice-Chancellor/Rector in the management, administration and operations of the University and has the powers and duties conferred upon them by the Council.

6.2.2 The Deputy Vice-Chancellor/Vice-Rector(s) is further responsible for any specific managerial, administrative and operational functions delegated to them by the Vice-Chancellor/Rector, from time to time.

Appointment

6.2.3 Paragraphs 6.1.5 - 6.1.6 apply, with the necessary changes, to the selection and appointment of a Deputy Vice-Chancellor/Vice-Rector.

Term of Office

6.2.4 The provisions of paragraphs 6.1.7 to 6.1.10 apply, with the necessary changes, to the term of office of a Deputy Vice-Chancellor/Vice-Rector.

Absence of Deputy Vice-Chancellor/Vice-Rector

6.2.5 In the event of the Deputy Vice-Chancellor/Vice-Rector being absent for a period less than one month, the Vice-Chancellor/Rector may appoint, after consultation

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with the Executive Management, a member of the Senior Management as acting Deputy Vice-Chancellor/Vice-Rector.

6.2.6 In the event of a Deputy Vice-Chancellor/Vice-Rector being absent for a period in excess of one month but less than six months, the Vice-Chancellor/Rector may appoint, after consultation with the Executive Committee of the Council, a member of the Senior Management as an acting Deputy Vice-Chancellor/Vice-Rector.

6.2.7 Pending the appointment of a Deputy Vice-Chancellor/Vice-Rector, or if a Deputy Vice-Chancellor/Vice-Rector is absent for a period in excess of six months, the Vice-Chancellor/Rector may appoint, after consultation with the Council, a member of Senior Management or a professor of the University as an acting Deputy Vice-Chancellor/Vice-Rector.

6.3 Registrar(s) and Executive Director(s) Functions and Duties

6.3.1 The Registrar and the Executive Director/s assist the Vice-Chancellor/Rector in the management, administration and operations of the University.

6.3.2 The Registrar and Executive Director/s perform such other functions and duties as determined by the Vice-Chancellor/Rector, from time to time.

6.3.3 The Registrar:

6.3.3.1 is, by virtue of the office, the secretary to the Council and the Senate and the committees of the Council and the Senate;

6.3.3.2 supports the good governance and administration of the University;

6.3.3.3 ensures compliance with the Act and other applicable legislation, this Statute, and relevant policies and rules of the University.;

6.3.3.4 acts as the electoral and returning officer at all meetings of the Council, and the Senate;

6.3.3.5 is the holder of the records of the University;

6.3.3.6 may designate any other administrative staff member to assist them;

6.3.3.7 provides administrative support to the governance structures of the University; and

6.3.3.8 is responsible for the academic administration support functions of the University.

6.3.4 The Executive Director/s has such duties and powers as conferred upon them by Council.

6.3.5 In the absence of the Registrar, the functions are performed by a person designated by the Vice-Chancellor/Rector.

6.3.6 Persons designated in terms of sub-paragraph 6.3.5 have the same fiduciary duties and obligations as the Registrar.

Appointment

6.3.7 The appointment of a Registrar or Executive Director takes place in accordance with the procedure determined by the Council.

Term of Office

6.3.8 The Registrar and Executive Director/s may be appointed permanently, or on a fixed term basis, as determined by the Council.

6.3.9 The provisions of paragraphs 6.1.7 to 6.1.10 apply, with the necessary changes, to the term of office of a Registrar and Executive Director appointed on a fixed term basis; and 6.1.8 to 6.1.10 apply, with the necessary changes, to the term of office of a Registrar and Executive Director appointed permanently.

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6.4 Dean(s)

Functions and Duties

6.4.1 The functions and duties of a Dean are determined by the Executive Management, after consultation with the Senate.

6.4.2 A Dean performs such other functions and duties as determined by the Vice-Chancellor/Rector, from time to time.

Appointment

6.4.3 The appointment of a Dean takes place in accordance with the procedure decided upon by the Council.

Term of office

6.4.4 The provisions of paragraphs 6.1.7 to 6.1.10 apply, with the necessary changes, to the term of office of a Dean.

CHAPTER 7
Executive Management

Functions and duties

7.1 Subject to the provisions of the Act and this Statute, in particular paragraph 6.1.1, the Executive Management assists the Vice-Chancellor/Rector with the day-to-day management, administration and operations of the University.

Composition

7.2 The Executive Management consists of –

7.2.1 the Vice-Chancellor/Rector;

7.2.2 the Deputy Vice-Chancellor/Vice-Rector/s;

7.2.3 the Registrar; and

7.2.4 the Executive Director/s.

Committees of Executive Management

7.3 The Vice-Chancellor/Rector may establish committees consisting of the members of the Executive Management, and such other persons as may be determined by the Rector, provided that at meetings of any committee of the Executive Management such other person shall not have the right to vote.

7.4 The composition, manner of election, functions, quorum and procedure at meetings of any committee, may be determined by the Vice-Chancellor/Rector, in consultation with the Executive Management.

CHAPTER 8
Council

Functions and duties

8.1 Subject to the provisions of the Act and this Statute, the Council governs the University by exercising a general oversight responsibility over the institution as

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contemplated in s27(1) of the Act.

Composition

8.2 The Council of the University shall consist of not more than thirty members of which at least 60 percent must be members who are not registered students or employees of the university, including –

8.2.1 the Vice-Chancellor/Rector

8.2.2 and the Deputy Vice-Chancellor/Vice- Rector, or if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellors/Vice-Rectors, provided that if the inclusion of all the Deputy Vice-Chancellors/Vice-Rectors on the Council would result in -

8.2.2.1 the total number of members of the Council exceeding 30 members; or

8.2.2.2 the total number of members of the Council who are registered students or employees of the University exceeding 40 percent of all members of the Council, the Executive Management must designate the Deputy Vice-Chancellor(s)/Vice-Rector(s) that may serve on the Council;

8.2.3 five persons appointed by the Minister;

8.2.4 two members of the Senate who are not student representatives, elected by the Senate;

8.2.5 one academic employee of the University, not being a member in terms of paragraph 8.2.4, elected by the academic employees in the manner provided for in the University rules;

8.2.6 one professional, support or administrative staff member of the University, not being a member in terms of paragraph 8.2.4, elected by the professional, support or administrative staff members in the manner provided for the University rules;

8.2.7 two members of the Students' Representatives Council, one of whom may be the President of the Students' Representative Council and the other as designated by the Student's Representative Council;

8.2.8 two persons, elected by the Convocation from among its members in the manner provided for in terms of this Statute;

8.2.9 two persons who are donors as determined in accordance with paragraphs 12.1 to 12.3, and appointed as members in accordance with paragraph 12.4;

8.2.10 one member of the Council of the City of Cape Town, designated by such Council;

8.2.11 one person designated by the Premier of the Western Cape Province;

8.2.12 one member of organised business in the Western Cape Province, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;

8.2.13 one member of organised business in the Republic of South Africa, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;

8.2.14 one member of organised labour in the Western Cape Province, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;

8.2.15 one member of organised labour in the Republic of South Africa, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;

8.2.16 not more than five additional members having special knowledge or expertise, as may be determined in terms of paragraphs 8.27 to 8.30.

8.3 If 60 per cent of the members of the Council, not being persons in the employ or students of the University, vacate their office, it is deemed that the Council has

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resigned.

8.4 A member of the Council may not serve on the Council of another university.

8.5 Members contemplated in paragraphs 8.2.3 and 8.2.8 to 8.2.16, may not be persons who are employees or students of the University.

8.6 The members of the Council owe a fiduciary duty to the University, and in this regard the members must –

8.6.1 be persons with knowledge and experience relevant to the objects and governance of the University;

8.6.2 adhere to the standards of conduct and behaviour prescribed in a code of conduct applicable to members of the Council as contemplated in section 27(7E) of the Act, and such code of conduct must be provided for in the rules;

8.6.3 participate in the deliberations of the Council with unfettered discretion and in the best interests of the University; and

8.6.4 must be eligible to serve on the Council at all times in accordance with the provisions of the Act and the rules of the University.

Term of Office

8.7 The term of office of members of the Council is as follows –

8.7.1 members contemplated in paragraphs 8.2.3 to 8.2.6, and 8.2.8 to 8.2.16, three years;

8.7.2 members contemplated in paragraph 8.2.7, one year; and

8.7.3 all other members for as long as they hold the particular office.

8.8 Members who are employees of the University cease to be members on resignation, retirement or termination from their position in the University.

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

8.10 Where applicable and notwithstanding anything to the contrary contained in this Statute, any member re-elected or reappointed in terms of paragraph 8.9 to serve a second term shall not be automatically entitled to resume their membership on the Senate, Institutional Forum or any other committee, unless specifically elected or appointed to serve, pursuant to their re-election or re-appointment.

Termination and Vacating of Office

8.11 A vacancy on the Council may be filled for the unexpired portion of the period of office of such member.

8.12 A member of the Council, other than the Vice-Chancellor/Rector and any Deputy Vice-Chancellor/Vice-Rector, vacates their office if such person–

8.12.1 resigns from the Council or has their membership terminated in writing by the entity who appointed or elected the member to the Council;

8.12.2 is absent from two consecutive ordinary meetings of the Council without apology;

8.12.3 is declared by a court of law to be insolvent or otherwise incapable of attending to their own affairs;

8.12.4 has been declared by a High Court with jurisdiction to be mentally ill;

8.12.5 has at any time been removed from an office of trust on account of a breach of fiduciary duties or due to misconduct involving dishonesty;

8.12.6 is convicted of an offence and is sentenced to imprisonment without the option of a fine;

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

8.12.8 accepts a permanent appointment as an employee at the University, excludes members contemplated in paragraphs 8.2.4, 8.2.5 and 8.2.6; or registers as a student at the University, excludes members contemplated in paragraph 8.2.7; or

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8.12.9 after due process has been followed, is removed from the Council by a sanction imposed by the Council by reason of a contravention of the code of conduct contemplated in paragraph 8.6.2.

8.13 The Council has the power to take disciplinary action against any member of the Council who fails to adhere to, or comply with, any of the functions, duties, including fiduciary duties, responsibilities or standards of conduct and behaviour prescribed herein or in any other code of conduct or set of rules that are applicable to members of the Council from time to time. Such disciplinary action shall include, but shall not be limited to, suspending a member from attending meetings of the Council and suspending or terminating a member's membership of the Council, on such terms as the Council may in its sole and absolute discretion determine.

Chairperson, Vice-Chairperson and Secretary

8.14 The Council must elect one of its members as Chairperson and one of its members as Vice-Chairperson, provided that such persons may not be employees, students, or office bearers of any constituency of the University.

8.15 In the absence of the Chairperson, or on their request, the Vice-Chairperson performs the functions of the Chairperson.

8.16 Whenever both the Chairperson and Vice-Chairperson are absent from a meeting of the Council, the Chairperson may, in consultation with the Registrar, designate another member, as stipulated in paragraph 8.14, to preside at that meeting.

8.17 The Chairperson and Vice-Chairperson shall hold office for the duration of their respective terms as members of the Council and may be re-elected for a second term, provided that they have also been re-appointed as members of the Council.

8.18 The Registrar is the secretary of the Council, provided that they may designate one or more of the employees of the University to assist them in the performance of their duties or to take their place as secretary in their absence.

Quorum

8.19 At all meetings of the Council, a quorum is fifty percent plus one of members of the Council.

8.20 Members may be present in person or by way of virtual attendance.

8.21 In the event of there being no quorum at the time determined for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the meeting will be deemed to be quorate if no fewer than 40 percent (subject to 8.2) of the members are present, whether present in person or by virtual attendance. In the instance of a deemed quorum, matters that require a decision must be communicated to members of Council with the request for approval within a timeframe determined by the Registrar.

8.22 In the event that a quorum or deemed quorum is not achieved or lost during the course of a meeting, no further business may be discussed, and the meeting may be rescheduled.

Responsibilities of the Council

8.23 The Council has particular oversight responsibility for –

8.23.1 strategic governance;

8.23.2 financial governance;

8.23.3 student discipline, in accordance with Chapter 15;

8.23.4 staff matters, in accordance with Chapter 16; and

8.23.5 formulating overall policy for the University.

8.24 The Council receives and considers written advice from the Institutional Forum in

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terms of 10.1.

8.25 The Council –

8.25.1 shall ensure and exercise oversight over the proper keeping of the accounting records of the assets, liabilities, income, expenditure and other financial transactions of the University and its substructures; and

8.25.2 is responsible for the submission of reports, financial and otherwise, to the Minister as may be required in terms of the Act.

Delegation

8.26 In accordance with section 68(2) of the Act, the Council may, on such conditions as it may determine, delegate any of its powers, except the power to –

8.26.1 make an institutional statute;

8.26.2 enter into any loan or overdraft agreement contemplated in section 40(2) of the Act; or

8.26.3 perform any of the following action contemplated in section 40(3) of the Act,

8.26.3.1 construction of a permanent building or other immovable infrastructural development;

8.26.3.2 purchasing of immovable property; or

8.26.3.3 long-term lease of immovable property,

and may, on such conditions as it may determine, assign any of its duties, to any sub-committee, other internal structure(s), the Vice-Chancellor/Rector or any other employee(s) of the University.

Appointment of additional members

8.27 Nominations for persons to be appointed as additional members of the Council in terms of the provisions of paragraph 8.2.16 must be submitted to the Registrar, by the Executive Management.

8.28 At the meeting of the Council all the nominations must be scrutinised with a view to determine the expertise or representation of particular interests that each of the nominees may bring to the Council.

8.29 Decisions as to the number of additional members to be appointed are taken by an ordinary majority vote of members of the Council present at the meeting, whether present in person or by way of virtual attendance.

8.30 Decisions as to which of the nominees are to be appointed to the Council as additional members and as to their respective periods of office, are taken by an ordinary majority vote of the Council members present at the meeting.

Election of academic employees and professional, support or administrative staff members

8.31 The election by the Academic members of the University for the appointment of an Academic employee to serve as a member of the Council in terms of paragraph 8.2.5 takes place in the manner provided for in the applicable University rules.

8.32 The election by the professional, support or administrative staff members of the University for the appointment of a professional, support or administrative staff member to serve as a member of the Council in terms of paragraph 8.2.6, takes place in the manner provided for in the applicable University rules.

Meetings of the Council

8.33 At least two ordinary meetings of the Council must be held each semester.

8.34 At least ten calendar days before the date set for an ordinary meeting, the Registrar must notify each member in writing of the time and place of the meeting as well as of the matters to be considered at the meeting.

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8.35 The Chairperson of the Council, may after consultation with the Vice- Chairperson of the Council, and must at the request in writing by at least ten members of the Council, call a special meeting.

8.36 For a special meeting at least three calendar days written notice must be given to every member of the Council and in such notice the Registrar must state the time and place of the meeting and the business for which the meeting is called.

8.37 The meetings of Council shall be subject to the provisions and procedures as set out in this Statute, and the applicable standing orders.

Committees

8.38 The Council must establish an executive committee of Council, and may establish any other committee consisting of members of Council, as well as other persons to perform any of its functions, as it deems necessary. The Council may, on the advice of Senate, establish joint committees of Council and Senate, consisting of members of Council and Senate, as well as other persons to perform any of their respective functions.

8.39 Except as otherwise provided in the Statute, the composition, election of members, terms of office, functions and procedures of Council committees and joint committees of Council and Senate are as prescribed in the applicable committee standing orders.

8.40 The Council is not divested of the responsibility for the performance of any function delegated or assigned to a committee and may, subject to 8.44 below, alter or set aside decisions of such committees.

Executive Committee of Council

8.41 The functions and powers of the Executive Committee of the Council are determined by the Council.

8.42 The Executive Committee consists of-

8.42.1 the Chairperson of the Council;

8.42.2 the Vice-Chairperson of the Council;

8.42.3 the Vice-Chancellor/Rector;

8.42.4 the Deputy Vice-Chancellor, appointed by the Vice-Chancellor / Rector;

8.42.5 any other person as Council may determine.

8.43 The Chairperson of the Council is also the Chairperson of the Executive Committee, and the Secretary of the Council is also the Secretary of the Executive Committee.

8.44 The Executive Committee of the Council may take any decision with regard to urgent matters in the interest of the University and matters delegated to the Committee by Council, provided that the Council must be informed at the earliest opportunity of such decisions in writing, and provided further that the Council may not revoke decisions taken on an urgent basis and decisions taken on account of delegated authority, that are already implemented.

Executive Committee of Council and Council and Joint Council and Senate Committee Procedures

8.45 Except as otherwise provided in the Statute, the composition, election of members, terms of office, functions and procedures of Council committees and joint committees of Council and Senate are as prescribed in the applicable committee standing orders.

Allowances

8.46 The Council may decide to pay an allowance to office bearers and members of the

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Council, not being students or persons in the employ of the University, and may determine the amount of such allowance.

Attendance of meetings of the Council by non-members

8.47 A person who is not a member of the Council may, on the invitation of the Chairperson of the Council on behalf of the Council, attend any meeting of the Council either in person or by virtual attendance and may, on the invitation of the Chairperson, address the Council on any matter, provided that such person has no vote.

Declaration of interests

8.48 A member of the Council or a member of a committee of the Council must in writing, before they assume office, declare any business, commercial or financial activities undertaken for financial gain that may raise a conflict or a possible conflict of interest with the University.

8.49 A member of the Council or a member of a committee of the Council who has a direct or indirect business, commercial, financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before the meeting, declare and inform the Chairperson in writing of the conflict or possible conflict of interest.

8.50 After making the declaration contemplated in paragraph 8.48 or 8.49 such member of the Council or a committee of the Council must be excused from the meeting during the discussion of the matter and the voting thereon, unless Council decides otherwise by a majority vote.

8.51 In accordance with section 27(7E) of the Act, the Council must determine the procedures for an annual declaration –

8.51.1 by each member of the Council, each member of a committee of the Council and each person who exercises functions of the Council in terms of delegated authority;

8.51.2 of their financial interests and fiduciary roles, the latter to include but not be limited to offices, directorships of companies, memberships of close corporations and trusteeships held; and

8.51.3 of the financial interests and fiduciary roles of the members of their immediate family, and such procedures must be provided for in the rules.

CHAPTER 9
Senate

Functions and duties

9.1 Subject to the provisions of the Act and this Statute, the Senate is responsible and accountable to the Council, for the general academic and research functions of the University and performs such other functions as may be delegated or assigned to it by the Council.

Composition

9.2 The Senate of the University consists of –

9.2.1 the Vice-Chancellor/Rector;

9.2.2 the Deputy Vice-Chancellor/Vice-Rector/s;

9.2.3 the Deans;

9.2.4 the Executive Director/s;

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9.2.5 such visiting, extraordinary and honorary professors attached to the University as decided upon by the Council on the recommendation of the Senate;

9.2.6 the directors of the different schools, centres and institutes of the University and such directors or heads of similar structures as decided upon by the Council on the recommendation of the Senate;

9.2.7 the Chairpersons of the different academic departments or similar academic structures;

9.2.8 the professors of the University, which, for purposes of paragraph 9.2, includes associate professors, but excludes professors contemplated in paragraph 9.2.5 and professors who are members of the Senate in terms of paragraphs 9.2.3, 9.2.6 and 9.2.7;

9.2.9 the University librarian;

9.2.10 two members of the Council designated by the Council;

9.2.11 one academic employee per faculty of the University, not being members of the Senate in terms of paragraphs 9.2.3 and 9.2.5 to 9.2.8, elected from within the relevant faculty in terms of the University rules, provided that each faculty must be represented by a person attached to the teaching or research staff of such faculty;

9.2.12 eight professional, support or administrative staff members of the University, elected in the terms of the University rules;

9.2.13 eight registered students of the University, designated by the Students' Representative Council, provided that each one of the faculties must be represented by at least one student registered in such faculty; and

9.2.14 such additional persons, but not more than eight in number, as may be decided upon by the Senate.

9.3 The provisions of paragraph 8.6 apply, with the necessary changes, to members of the Senate.

Term of office

9.4 The period of office of members of the Senate is as follows-

9.4.1 members contemplated in paragraphs 9.2.11, 9.2.12 and 9.2.14, three years;

9.4.2 members contemplated in paragraph 9.2.13, one year; and

9.4.3 all other members for as long as they hold the particular office,

unless, before the expiry of such period, a member submits their resignation in writing to the Senate or vacates their office for any other reason.

Vacancies

9.5 A vacancy on the Senate in categories 9.2.10 – 9.2.14 caused by –

9.5.1 the death of a member; or

9.5.2 a member vacating their office, in the manner as contemplated in paragraph 8.12 with the necessary changes applying thereto, must, with due regard to the provisions of paragraph 9.2, be filled for the unexpired portion of the period of office of such member.

Chairperson, Vice-Chairperson and Secretary

9.6 The Vice-Chancellor/Rector is the Chairperson of the Senate.

9.7 The Chairperson, may designate one of the Deputy Vice-Chancellor/Vice-Rector/s to act as the Chairperson in their absence;

9.8 the Registrar is the secretary of the Senate, provided that the Registrar may designate one or more of the employees of the University to assist them in the performance of their duties or to take their place as secretary in their absence.

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Quorum

9.9 At all meetings of the Senate fifty percent plus one of the total number of members, present in person or by virtual attendance, constitutes a quorum, provided that members of the Senate who are in the employ of the University and who are on approved leave are deemed not to be members of the Senate for the purpose of constituting a quorum.

9.10 In the event of there being no quorum at the time determined for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the meeting will be deemed to be quorate if no fewer than 40% of the members are present, whether present in person or by virtual attendance. In the instance of a deemed quorum, matters that require a decision must be communicated to members of Senate with the request for approval within a timeframe determined by the Registrar.

9.11 In the event that a quorum or deemed quorum is not achieved or lost during the course of a meeting, no further business may be discussed, and the meeting may be rescheduled.

Specific functions of the Senate

9.12 Subject to the provisions of paragraphs 9.1 and 9.23, the functions of the Senate include, but are not limited to –

9.12.1 the superintendence and regulation of instruction and research in the various faculties, academic departments, centres, institutes, lectures and classes of the University;

9.12.2 the organisation and control of the curricula, syllabi and examinations of the University; and

9.12.3 the performance of such other functions as may be delegated or assigned to it by the Council.

Election of academic employees and professional, support or administrative staff members

9.13 The election of academic employees and professional, support or administrative staff members to serve as members of the Senate in terms of the provisions of paragraphs 9.2.11 and 9.2.12, takes place in the manner provided for in the University rules.

Meetings of the Senate

9.14 At least two ordinary meetings of the Senate must be held each semester.

9.15 At least five days before the date set for an ordinary meeting the Registrar must notify each member in writing of the time and place of the meeting as well as of the matters to be considered at the meeting.

9.16 The Chairperson of the Senate may, after consultation with the Registrar, and must at the request in writing by at least fifty members of the Senate, call a special meeting.

9.17 For a special meeting, at least two days written notice must be given to every member of the Senate and in such notice the Registrar must state the time and place of the meeting and the business for which the meeting is called.

9.18 The meetings of Senate shall be subject to the provisions and procedures as set out in this Statute, and the applicable standing orders.

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Committees

9.19 The Senate must establish an executive committee, and may establish any other committee consisting of members of Senate, as well as other persons to perform any of its functions, as it deems necessary.

9.20 Except as otherwise provided in the Statute, the composition, election, terms of office, functions and procedures of Senate committees are as prescribed in the applicable committee standing orders.

9.21 The Senate is not divested of the responsibility for the performance of any function delegated or assigned to a committee and may, subject to 9.23 below, alter or set aside decisions of such committees.

Executive Committee of the Senate

9.22 The Executive Committee of Senate consists of –

9.22.1 the Vice-Chancellor/Rector, who is the Chairperson;

9.22.2 the Deputy Vice-Chancellor/Vice-Rector/s;

9.22.3 the Executive Director/s;

9.22.4 the Deans;

9.22.5 one person being a member of the Senate in terms of paragraph 9.2.11, designated by the Senate;

9.22.6 one person being a member of the Senate in terms of paragraph 9.2.12, designated by the Senate;

9.22.7 one person being a member of the Senate in terms of paragraph 9.2.13, designated by the Senate;

9.22.8 a maximum of four other members of the Senate designated by Senate; and

9.22.9 the Registrar, in attendance.

9.23 The Executive Committee of the Senate may take any decision on behalf of the Senate with regard to urgent matters within the mandate of the Senate and matters delegated to the committee by the Senate, provided that the Senate must be informed at the earliest opportunity of such decisions in writing, and provided further that the Senate may not revoke decisions taken on an urgent basis and decisions taken on account of delegated authority that are already implemented.

Attendance of meetings of the Senate by non-members

9.24 A person who is not a member of the Senate may, on the invitation of the Chairperson of the Senate on behalf of the Senate, attend any meeting of the Senate either in person or by virtual attendance and may, on the invitation of the Chairperson, address the Senate on any matter, provided that such person has no vote.

CHAPTER 10
Institutional Forum

Functions and duties

10.1 The Institutional Forum of the University –

10.1.1 must advise the Council on issues affecting the University, including –

10.1.1.1 the implementation of the Act and state policy on higher education;

10.1.1.2 policy regarding race, gender, disability and labour equity;

10.1.1.3 the selection of candidates for senior management positions;

10.1.1.4 codes of conduct, mediation and dispute resolution procedures; and

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10.1.1.5 the creating of an appropriate environment for teaching, research and learning and the fostering of a culture which promotes tolerance and respect for fundamental human rights at the University;

10.1.2 may advise the Council on any matter it deems fit; and

10.1.3 performs such other functions as may be determined by the Council.

Composition

10.2 The Institutional Forum of the University consists of –

10.2.1 three representatives of the Executive Management of the University, appointed by the members of the Executive Management;

10.2.2 three representatives of the Senate designated by the Senate;

10.2.3 three representatives of the Council designated by the Council from the members who are not employees or students of the University;

10.2.4 three representatives of the academic employees of the University elected by an organisation representing such employees and recognised by the Council as such, provided that if no such organisation exists such representatives are to be elected in the manner provided for in the University rules;

10.2.5 three representatives of the professional, support or administrative staff members of the University elected by an organisation representing such employees and recognised by the Council as such, provided that if no such organisation exists such representatives are to be elected in the manner provided for in the University rules;

10.2.6 three representatives of the registered students of the University elected by the Students' Representative Council; and

10.2.7 one or more members co-opted by the Institutional Forum for the specific purpose of assisting the Institutional Forum in respect of any area of expertise.

10.3 The provisions of paragraph 8.6 apply, with the necessary changes, to members of the Institutional Forum.

Term of office

10.4 The period of office of members of the Institutional Forum is as follows-

10.4.1 members contemplated in paragraph 10.2.1 to 10.2.5, three years;

10.4.2 members contemplated in paragraph 10.2.6, one year; and

10.4.3 members contemplated in paragraph 10.2.7, for such period as may be determined by the Institutional Forum not exceeding three years

unless, before the expiry of such period, a member submits their resignation in writing to the Institutional Forum or vacates their office for any other reason.

Vacancies

10.5 A vacancy on the Institutional Forum caused by –

10.5.1 the death of a member; or

10.5.2 a member vacating office, in the manner as contemplated in paragraph 8.12 with the necessary changes applying thereto,

must, with due regard to the provisions of paragraph 10.2, be filled for the unexpired portion of the period of office of such member.

Chairperson, Vice-Chairperson and secretary

10.6 The Institutional Forum must elect one of its members as Chairperson and one of its members as Vice-Chairperson, provided that such persons may not be students of the University;

10.7 In the absence of the Chairperson, or on their request, the Vice-Chairperson performs the functions of Chairperson, and if both the Chairperson and the Vice-

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Chairperson are absent from a meeting of the Institutional Forum, then the members present must elect a person from among themselves to preside at that meeting.

10.8 The Registrar is the Secretary of the Institutional Forum, provided that the Registrar may designate one or more of the employees of the University to assist them in the performance of their duties or to take their place as secretary in their absence.

10.9 The Chairperson and Vice-Chairperson shall hold office for a period of three years, provided they are a member of the Institutional Forum.

Quorum

10.10 At all meetings of the Institutional Forum, a quorum is fifty percent plus one of the members, present in person or by virtual attendance.

10.11 In the event of there being no quorum at the time determined for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the meeting will be deemed to be quorate if no fewer than 40% of the members are present, whether present in person or by virtual attendance. In the instance of a deemed quorum, matters that require a decision must be communicated to members of the Institutional Forum with the request for approval within a timeframe determined by the Registrar.

10.12 In the event that a quorum or deemed quorum is not achieved or lost during the course of a meeting, no further business may be discussed, and the meeting may be rescheduled.

Meetings of Institutional Forum

10.13 At least two ordinary meetings of the Institutional Forum must be held each semester.

10.14 At least five days before the date set for an ordinary meeting the secretary to the Institutional Forum must notify each member in writing of the time and place of the meeting as well as of the matters to be considered at the meeting.

10.15 The Chairperson of the Institutional Forum may, after consultation with the Registrar, and must at the request in writing by at least ten members of the Institutional Forum, call a special meeting.

10.16 For a special meeting, at least two days written notice must be given to every member of the Institutional Forum and in such notice the secretary must state the time and place of the meeting and the business for which the meeting is called.

10.17 The process and procedure for meetings of the Institutional Forum are subject to the applicable standing order(s).

CHAPTER 11
Convocation

Composition

11.1 The Convocation consists of the assembly of –

11.1.1 the academic employees whilst in the employ of the University, appointed permanently or on contract for a period of not less than one year to posts at the University;

11.1.2 the Vice-Chancellor/Rector, the Deputy Vice-Chancellor/s/Vice- Rector/s, the Registrar, the Executive Director/s, and the University librarian;

11.1.3 the two members of the Council designated by the Council as members of the Senate;

11.1.4 emeritus professors of the University

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11.1.5 the graduates of the University, provided that any graduate who notifies the Council in writing that they do not wish to continue to be a member of the Convocation ceases to be a member upon receipt of that notice by the Council.

Office-Bearers of the Convocation

11.2 The following office-bearers of the Convocation will be elected by the Convocation from its own ranks-

11.2.1 President;

11.2.2 Deputy President;

11.2.3 Secretary; and

11.2.4 Treasurer

11.3 The term of office of the office-bearers shall be for a period of three years;

11.4 Office-bearers shall not have executive authority or powers on behalf of the Convocation.

11.5 The election of office-bearers, shall be done in accordance with the standing orders of the Convocation.

Secretary

11.6 The Registrar of the University shall be the Secretary of the Convocation AGM, General Meeting and Special Meeting/s, provided that the Registrar may appoint one or more employees of the University to assist with their performance of their duties, or to take their place as secretary in their absence.

11.7 The Secretary contemplated in 11.2.3 above, shall be the secretary of the Convocation Executive Committee.

Meetings of the Convocation

11.8 The Convocation shall hold an annual general meeting during the first semester of each academic year, and a general meeting during the second semester, which meetings shall be convened by the Registrar of the University after consultation with the President of the Convocation and in accordance with the applicable standing orders.

11.9 A special meeting of the Convocation must be convened by the President within two months of the receipt by the Registrar of a written request signed by not less than one hundred members, stating by way of specific motion the business for consideration at such meeting.

11.10 A notice of a meeting of the Convocation, with a short statement of the business must be published by the Registrar on the University website at least twenty-one days and no more than thirty days before the day appointed for such meeting, and where appropriate, sent via email to the last known email address of Convocation members on the Convocation database.

11.11 No business other than that for which the meeting was called may be dealt with at a special meeting.

Quorum at meetings of the Convocation

11.12 One hundred members of the Convocation constitute a quorum.

11.13 In the event of there being no quorum at the time determined for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the meeting will be deemed to be quorate if no fewer than 51 members are present, whether present in person or by virtual attendance.

11.14 In the event that a quorum or deemed quorum is not achieved or lost during the course of a meeting, no further business may be discussed, and the meeting may be

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rescheduled.

Procedure at meetings of the Convocation

11.15 The meetings of the Convocation shall be subject to the provisions and procedures as set out in this Statute, and the applicable standing orders.

Activities of the Convocation

11.16 The Convocation-

11.16.1 subject to the provisions of paragraphs 11.18 to 11.25, elects such number of members to serve on the Council as the Convocation is entitled to elect in terms of paragraph 8.2.8;

11.16.2 elects the Executive Committee of Convocation members;

11.16.3 discusses such matters as may have been referred to it by the Council during the period since the previous meeting of the Convocation or such matters pertaining to the University as may have come to the attention of the President of the Convocation since the previous meeting;

11.16.4 may discuss any matter relating to the University or referred to it by the Council, and may convey its decision thereon to the Council.

11.17 As soon as possible after a meeting of the Convocation, a copy of all resolutions passed by the Convocation and a statement on any other matters on which decisions were passed by the Convocation must be sent to the Council for information.

Election of members of the Council

11.18 Whenever the Convocation has to elect member(s) to serve on the Council in terms of paragraph 8.2.8, the Registrar must, at least two months before the relevant annual general meeting, invite the Convocation, by publication of such invitation on the University website, to nominate in writing a member of the Convocation for election as a member of the Council, and each nomination must be accompanied by a written motivation.

11.19 Each nomination, must be signed by not less than five members of the Convocation and countersigned by the member so nominated to signify their acceptance of such nomination, and must be lodged with the Registrar not less than one month before the date set for such election.

11.20 Members of Convocation who intend to vote in an election for members to serve on Council, must register to vote in terms of the applicable process or rules as published from time to time.

11.21 If, upon the expiry of the period contemplated in paragraph 11.18, the number of persons nominated does not exceed the number of vacancies, the Registrar immediately declares such person/s duly elected.

11.22 In the event of more persons being nominated than the number of vacancies, an election by paper ballot or electronic means will be held, and the Registrar must, not less than three weeks prior to the election date contemplated in paragraph 11.18, publish on the University website the names of the duly nominated candidates in alphabetical order.

11.23 The Registrar acts as a returning officer at all elections.

11.24 The candidates, equal to the number of vacancies existing, receiving the highest number of votes are declared duly elected by the secretary of the Convocation.

11.25 Where the number of votes recorded for two or more candidates is equal and affects the result of the election, the Registrar must announce a re-election between the candidates who received the equal number of votes, and the candidate, or candidates as the case may be, who receives the highest number of votes in such re-election

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must be declared duly elected.

Roll of the Convocation

11.26 The Institutional Advancement Office must keep the Convocation roll, and a member of the Convocation is required to register their name and contact details, as determined by the Institutional Advancement Office, with the said Office and to notify them of any change of such details.

11.27 The Convocation roll is proof that a person whose name appears thereon at the time of a meeting of, or election by, the Convocation is entitled to attend such meeting or to register to vote in Convocation elections, and that a person whose name does not appear therein is not so entitled.

Executive Committee of Convocation

11.28 The Convocation shall establish an Executive Committee to assist with the performance of its activities.

11.29 The Executive Committee consists of the office-bearers as set out in 11.2 above, and three additional members of Convocation as elected by the Convocation from its own ranks, for a three-year term.

11.30 The meetings of the Executive Committee of the Convocation shall be subject to the provisions and procedures as set out in this Statute, and the applicable standing orders.

11.31 The outcome of meetings of the Executive Committee must be submitted to the Convocation annual general meeting, or general meeting, for ratification.

11.32 None of the members of the Executive Committee shall have executive authority or powers.

Election of Members of the Executive Committee

11.33 The election of the office bearers and the three additional members shall be done in accordance with the Convocation standing orders.

11.34 A special election may be held at an annual general meeting to elect an office-bearer or fill a casual vacancy in the Executive Committee, should it be required.

CHAPTER 12
Donors

12.1 For purposes of this Statute, the donors shall comprise those persons or organisations, excluding those bodies contemplated in paragraphs 8.2.10 and 8.2.11, government departments and parastatal organisations, who made a donation to the University during a specified period, and in compliance with all criteria to be determined by the Executive Management after consultation with Council, from time to time.

12.2 The Executive Management shall be empowered to determine criteria from time to time, including the minimum donation threshold, and the period of donation, to qualify as a donor in terms of paragraph 12.1.

12.3 The Executive Management shall identify and compile a list of donors on the basis of the criteria determined in terms of paragraph 12.1 which list shall be maintained and kept up-to-date by the department of the University responsible for fundraising.

12.4 Subject to paragraph 8.2.9, the relevant committee responsible for membership of the Council and committees shall recommend donors to the Council, from the list

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of donors contemplated in paragraph 12.3, for appointment as members of the Council.

CHAPTER 13
Vacancies Do Not Affect Powers

13. Subject to the provisions of the Act, a vacancy in the office of Chancellor or Vice-Chancellor/Rector or a deficiency in the number of the members of the Council, the Senate, the Institutional Forum or the Students' Representative Council does not affect or impair the corporate existence of the University or any of the powers, rights, duties and privileges conferred by the Act and this Statute upon the University, the Council, the Senate, the Institutional Forum, or the student's representative Council.

CHAPTER 14
Students' Representative Council

Constitution

14.1 The constitution of the Students' Representative Council, which forms part of the rules, must provide for –

14.1.1 the composition of the Students' Representative Council;

14.1.2 the election of members of the Students' Representative Council;

14.1.3 the election of office bearers of the Students' Representative Council;

14.1.4 the number of meetings of the Students' Representative Council, the quorum at meetings and meeting procedures; and

14.1.5 the general functions of the Students' Representative Council.

14.2 The Students' Representative Council is not a juristic person and is not the bearer of its own rights, except that it exists as a structure according to the provisions of the Act, with powers delegated to it by the Council.

14.3 The constitution of the Students' Representative Council will have no legal force and effect unless such constitution is, or any amendments thereto are, approved by the Council.

Composition

14.4 Only students registered for a qualification at the University are eligible to serve as members of the Students' Representative Council.

Functions and Duties

14.5 The students of the University are represented by the Students' Representative Council in matters that may affect such students.

14.6 The matters contemplated in paragraph 14.5 include –

14.6.1 liaison with the Council, the Senate, the Executive Management, the general public, other higher education institutions, Students' Representative Councils of other higher education institutions, national and international student organisations, unions and news media;

14.6.2 being an umbrella organisation for all student committees, clubs, Councils and societies, granting or withdrawing recognition of such student committees, clubs,

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Councils and societies as it deems appropriate;

14.6.3 the co-ordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the executive management;

14.6.4 the convening and conducting of all authorised meetings of the student body and to be the managing body in all general referenda and petitions organised by the students within the University's Rules;

14.6.5 the appointment of such office-bearers and the establishing of such committees as it deems necessary;

14.6.6 the organisation and promotion of extramural activities among students;

14.6.7 keeping account of all moneys paid over to it by the Council and any other moneys which may accrue to it in its capacity as representative of the students and allocating and disbursing such funds for use by students as well as making grants to approved clubs, committees, societies and Councils;

14.6.8 the responsibility for the preservation of order at student functions and meetings and the ensuring of good conduct at such functions and meetings;

14.6.9 the co-ordination of student involvement in all community projects initiated by it;

14.6.10 the responsibility for student publications;

14.6.11 the recommendation to the Council of rules to determine the conduct of its affairs;

14.6.12 the final decision making in all matters falling within its jurisdiction; and

14.6.13 such additional functions and privileges as may be specifically conferred on it by the Council.

Term of office

14.7 The term of office of the members of the Students' Representative Council is one year.

Committees

14.8 The Students' Representative Council may establish such committees as it may deem fit.

CHAPTER 15
Student Discipline

Code of conduct

15.1 The Council, after consultation with the Senate and the Students' Representative Council, must prescribe a code for student conduct and behaviour as well as disciplinary rules and procedures where a student of the University has transgressed any provision of such code.

Disciplinary measures

15.2 Every student of the University is subject to the code of conduct and disciplinary rules and procedures contemplated in paragraph 15.1.

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CHAPTER 16
Employees

Staffing establishment

16.1 The Council determines the academic as well as the professional, support or administrative staffing establishment of the University.

16.2 Academic employees as well as the professional, support or administrative staff members of the University are appointed by the Council, provided that the Council must consult with the Senate, or with a committee of the Senate appointed for that purpose or with a joint committee of the Council and the Senate appointed for that purpose, before an academic employee is appointed.

Secondment of staff

16.3 The Council, after consultation with the Senate, may second any employee of the University, with the employee's consent, to the service of a body or person for such period and on such conditions as the Council may determine in consultation with the Senate.

Conditions of service

16.4 Subject to applicable laws with regard to employment, and any regulations made thereunder, the Council must determine the conditions of service, disciplinary provisions, duties, privileges and functions of the employees of the University.

Disciplinary measures

16.5 Every academic employee and every professional, support or administrative staff member of the University is subject to such code of conduct, disciplinary measures and disciplinary procedures as may be determined by the Council, provided that such measures and procedures may only be made or amended after consultation with an organisation representing such employees and recognised by the Council as such, should such organisation exist.

Declaration of interests

16.6 An employee of the University must, in writing –

16.6.1 before they assume office, declare any business that may raise a conflict or possible conflict of interest with the University; and

16.6.2 notify the University of any conflict or possible conflict of interest before the University procures any goods or services from the employee or an organisation within which the employee holds an interest.

16.7 An employee of the University may not conduct business directly or indirectly with the University which would entail or may entail a conflict of interest with the University unless the Council is of the opinion that –

16.7.1 the goods, product or service in question are unique;

16.7.2 the supplier is a sole provider; and

16.7.3 it is in the best interests of the University.

16.8 An employee of the University may not on behalf of the University contract (as defined in section 34 of the Act) with themselves or any entity in which they have a direct or indirect financial or personal interest.

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CHAPTER 17
Faculties, Academic Departments and Schools

17 The Council may, on the recommendation of and in concurrence with the Senate, and subject to such other approvals as may be required in terms of the Act or any regulation made thereunder, establish or disestablish such faculties, academic departments or similar academic structures, centres and institutes it deems appropriate.

CHAPTER 18
Institutes and Centres

18.1 A body created for the management of an institute or centre has the power, subject to the authority of the Council and the Senate, to –

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

18.1.2 make recommendations to the Council, after consultation with the Senate, on the creation of posts and the appointment of staff in such institute or centre;

18.1.3 prepare estimates of revenue and expenditure for such institute or centre and control the funds allocated or donated to it; and

18.1.4 perform such other activities as may be necessary for the efficient management of such institute or centre.

CHAPTER 19
Admission

Admission to University

19.1 Subject to the provisions of the Act, the Council must, after consultation with the Senate, determine the admissions policy of the University and must publish such policy and make it available on request.

19.2 Subject to the provisions of the Act, the Council, with the concurrence of the Senate, must –

19.2.1 determine entrance requirements in respect of particular programmes and courses of study offered by the University;

19.2.2 determine the number of students who may be admitted to a particular programme or course of study offered by the University; and

19.2.3 determine the minimum requirements for readmission to study at the University, and may refuse readmission to any student who fails to satisfy such minimum requirements.

Award of credits and exemptions

19.3 Subject to the provisions of the admissions policy contemplated in paragraph 19.1, and to the provisions of paragraphs 19.4, 19.5 and 19.6, the Senate may –

19.3.1 grant credit for a course prescribed for a degree, diploma or certificate to a student who has completed a course or courses or other work which the Senate considers

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equivalent at another university, or at any institution, whether in or outside the Republic of South Africa;

19.3.2 grant exemption from a course prescribed for a degree, diploma or certificate to a student who has completed a course or courses or work which the Senate considers equivalent at another university, or at any institution, whether in or outside the Republic of South Africa; and

19.3.3 accept as part of the period of attendance and registration prescribed for a degree, other than an honours degree of bachelor, diploma or certificate, a period or periods of attendance and registration, at another university, or at any institution, whether in or outside the Republic of South Africa.

19.4 Except on good cause shown by the student in question, in which case the Senate may exercise its discretion, the Senate may not grant credit for more than half of the courses prescribed for the degree, diploma or certificate in question in respect of a course, or courses, or other work completed at another university, or at any institution, whether in or outside the Republic of South Africa.

19.5 A candidate for the granting of credit or an exemption in respect of a degree, diploma or certificate must attend and be registered as a student of the University –

19.5.1 for a one-year programme, for a full academic year;

19.5.2 for a three-year programme, for at least two academic years, one of which must be the final year;

19.5.3 for a four-year programme, for at least the final two years; or

19.5.4 for a five- or six-year programme, for at least three academic years, including the final two years.

19.6 The combined periods of attendance and registration at the University, and at another university or institution, whether in or outside the Republic of South Africa, accepted by the Senate as contemplated in paragraph 19.3.3 must be not less than the minimum period prescribed by the Senate for the degree, diploma or certificate in question.

19.7 The Senate may –

19.7.1 grant credit for a course prescribed for a degree, diploma or certificate to a student who has completed the course, or an equivalent course, while registered at the University for another degree, diploma or certificate; and

19.7.2 accept, as part of the period of registration prescribed for the degree, diploma or certificate, all or part of a period of attendance at the University while registered for another degree, diploma or certificate, provided that where the degree, or degrees, diploma or diplomas, certificate or certificates concerned has or have been conferred or awarded the Senate may not –

19.7.3 grant credit for more than half of the prescribed courses except to the extent that it grants credit for courses previously completed over and above the requirements prescribed for the completed degree, diploma or certificate; or

19.7.4 accept as part of the prescribed period of attendance and registration –

19.7.4.1 for a one-year programme, any period;

19.7.4.2 for a three-year programme, more than one and a half years;

19.7.4.3 for a four-year programme, more than two years; or

19.7.4.4 for a five- or six-year programme, more than three years.

Admission to equivalent status at University

19.8 Subject to such provisions as may be contained in the Act or this Statute, the Council may on the recommendation of the Senate –

19.8.1 admit a graduate of any other university or any institution considered by the Senate

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to be equivalent to the University, whether in or outside the Republic of South Africa, to a status at the University equivalent to that which they possess at such other university or institution; and

19.8.2 admit as a candidate for the honours degree of bachelor or for the degree of master or doctor of the University any person who has passed at any other university or institution, whether in or outside the Republic of South Africa, considered by the Senate to be the equivalent to the University, such examinations as in the opinion of the Senate are equivalent to or higher than the examinations prescribed for a degree of the University which is a prerequisite for such honours degree of bachelor or degree of master or doctor of the University.

CHAPTER 20
Examinations and Other Tests

20 An examination or other test of the University must be conducted under the control of the Senate and in the manner determined by the Senate.

CHAPTER 21
Language Policy

21 Subject to the provisions of the Act and any policy determined by the Minister, the Council, with the concurrence of the Senate, must determine the language policy of the University, publish such policy and make it available on request

CHAPTER 22
Student Support Services

22 Subject to the provisions of the Act, the Council must, after consultation with the Students' Representative Council, provide for a suitable structure to advise the Council and the Senate on policy for student support services within the University.

CHAPTER 23
Degrees, Diplomas and Certificates

Conferment

23.1 Subject to the provisions of the Act and this Statute, the University may confer such degrees in a faculty as it may deem fit.

23.2 Subject to the provisions of Chapter 24, the University may not confer a degree upon any person who has not attained the required standard of proficiency in an

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examination or other test.

23.3 Subject to the provisions of the Act and this Statute, the University may award a diploma or certificate to any person who has pursued a course of study provided by the University and who has complied with the requirements for such diploma or certificate.

Withdrawal

23.4 The Council, at the request and instance of the Senate, may withdraw the award or conferment of any qualification –

23.4.1 that was awarded or conferred in error; or

23.4.2 if the recipient of such qualification had committed a dishonest or fraudulent act in connection with the obtaining thereof,

provided that –

23.4.3 the necessary due process has been followed, as prescribed in the rules; and

23.4.4 the decision to withdraw a qualification must be a resolution passed at a meeting of the Council by a majority vote, consisting of not less than three quarters of the number of members present at the meeting, whether present in person or by virtual attendance.

CHAPTER 24
Honorary Degrees and UWC Medal

Conferring of Honorary Degrees and UWC Medal

24.1 The University may, by resolution of the Council passed on the recommendation of the Senate, and without examination, confer an Honorary Degree of Doctor in any faculty or a UWC Medal upon any person who has rendered distinguished services in the advancement of any branch of learning, or upon any person who the Council may deem worthy of such Degree or Medal, provided that such person exemplifies the values and purposes of the University.

Candidates for Honorary Degrees and UWC Medal

24.2 The procedure relating to the nomination of a candidate for the award of an Honorary Degree or UWC Medal shall be determined by the Council after consultation with the Senate.

Voting on conferring of Honorary Degrees and UWC Gold Medal

24.3 Voting with regard to the conferring of an Honorary Degree or UWC Medal shall take place by ballot.

24.4 Decisions to confer an Honorary Degree or UWC Medal in either the Council or the Senate, as the case may be, are valid only if two-thirds of the members present at the meeting, whether present in person or by virtual attendance, vote in favour of the proposal.

Consideration of proposals

24.5 The procedure relating to the consideration of proposals to confer honorary degrees or UWC Medal to be adopted by the Council and the Senate shall be determined by the Council after consultation with the Senate.

Does not entitle to practice

24.6 The award of an honorary degree to a person does not entitle that person to practice any profession nor use the title Doctor.

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CHAPTER 25
General Assembly

25 A General Assembly of the University is only called under certain circumstances. It is an extraordinary event, convened on special occasions, with the aim of uniting all constituencies in a joint stance on an issue of national importance. The role of the General Assembly is to adopt resolutions reached by consensus in the University. A decision to call a General Assembly is made by the Council of the University. The Chancellor presides over the Assembly and the Vice-Chancellor/Rector or University Registrar issues the notice to convene the Assembly. The following constituencies present their statements: the Chancellor of the University; the Chairperson of Council; the Chairperson of Senate; the Chairperson of the Institutional Forum; the President of the Students' Representative Council; and the President of Convocation. Other representatives may speak at a General Assembly subject to confirmation by the University.

CHAPTER 26
Repeal

26 The Statute of the University of the Western Cape, published under Government Notice No. 10177, Vol 639, 7 September 2018, is hereby repealed in its entirety.

CHAPTER 27
Transitional arrangements

27.1 Subject to the provisions of section 27(4) of the Act, no person who, at the date of the publication of this Statute in the Government Gazette, is a member of the Council in terms of paragraph 8.2 of the statute contemplated in Chapter 26 is required to vacate their membership of the Council before their term of office expires.

27.2 No person who, at the time of the publication of this Statute in the Government Gazette, is a member of the Senate in terms of paragraph 9.2 of the statute contemplated in Chapter 26 is required to vacate their membership of the Senate before their term of office expires.

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