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## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

### DEPARTMENT OF EDUCATION DEPARTEMENT VAN ONDERWYS

No. 1111

15 August 1997

UNIVERSITIES ACT, 1955

### STATUTE OF THE UNIVERSITY OF NORTH-WEST

The council of the University of North-West has, with the approval of the Minister of Education, framed the Statute set out in the Schedule hereto under section 17 of the Universities Act, 1955 (Act No. 61 of 1955).

## **SCHEDULE**

### **STATUTE**

**To introduce a new Statute for the University of North-West to give effect to any law relating to the University; and to promote the effective management of the University in respect of matters not expressly prescribed by any law**

### **PREAMBLE**

**WHEREAS IT IS DESIRABLE** that the University of North-West -

**PROMOTE** the redress of past discrimination and ensure representivity;

**CONTRIBUTE** to excellence in education and research;

**PURSUE** the equal treatment of all employees and students;

**AND WHEREAS IT IS DESIRABLE** that the University of North-West be committed to uphold the values and principles contained in the Constitution of the Republic of South Africa

**NOW THEREFORE**, the University will, from time to time, adopt policy and set in place procedures and mechanisms to ensure the realisation of these objectives.

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## CHAPTER 1

### DEFINITIONS

#### 1. Definitions

In this Statute any word or expression to which a meaning has been assigned by section 1 of the University of North-West (Private) Act, 1996 (Act No. 17 of 1996), has the meaning so assigned to it and, unless the context otherwise indicates -

**"absolute majority"** means half the total number of members plus one of the voting body concerned;

**"academic board"** means the body contemplated in paragraph 54;

**"council"** means the body contemplated in paragraph 18;

**"department"** means any faculty or college or any unit within any of the foregoing, and any other academic or administrative unit recognised by the council as an integral part of the University;

**"financial controller"** means the financial controller of the University of North-West;

**"first semester"** means that half of the year from the first day of registration to the day before the June vacation;

**"second semester"** means that half of the year commencing from the first day of registration to the last day before the December to February vacation;

**"senate"** means the body contemplated in paragraph 46;

**"simple majority"** means the majority of votes cast, excluding abstentions;

**"SRC"** means the students' representative council established in terms of section 10 of the Act;

**"student"** means any person who has registered with the University for a particular semester;

**"university day"** means any university day - Monday to Friday - during the first or second semester but does not include public holidays or any mid-term vacations; and

**"the Act"** means the University of North-West (Private) Act, 1996 (Act No. 17 of 1996).

## CHAPTER 2

### CHANCELLOR, VICE-CHANCELLOR, DEPUTY VICE-CHANCELLOR AND REGISTRAR

#### CHANCELLOR

#### 2. Manner of election of chancellor

(1) Whenever the post of chancellor becomes or is about to become vacant, the secretary to the council must notify each member of the council thereof.

(2) The council must as soon as reasonably practicable thereafter appoint a recruiting committee, the membership of which is determined by a resolution of the council after consulting the constituent parts as contemplated in section 3 of the Act.

(3) The recruiting committee contemplated in subparagraph (2) must -

- (a) instruct the secretary to the council to advertise the vacant post of the chancellor and to call for applications or nominations on or before a specified date;
- (b) determine the format and placement of the advertisement and of the notice calling for nominations or applications; and
- (c) submit to the council all the names of those who have been nominated or who have applied, placing them in the order of the committee's preference.

(4) The council meets, after due notice has been given of the meeting, to consider the appointment of a chancellor.

(5) The election is by secret ballot unless otherwise agreed.

(6) Where there are more than two nominees, successive ballots are held, after which the nominee with the least number of votes is excluded until a point is reached where the council must choose between the remaining nominees.

(7) When two nominees tie for the least number of votes, both are excluded and if there is a tie in the final ballot, the chairperson of the electoral meeting has a casting vote.

(8) If only one nomination is received, the council requests the secretary to the council to re-advertise the post in terms of subparagraph (3) above.

### **3. Privileges and functions of chancellor**

The chancellor is the titular head of the University, oversees fund-raising activities and confers all degrees in the name of the University.

## **VICE-CHANCELLOR**

### **4. Manner of appointment of vice-chancellor**

(1) Whenever the post of vice-chancellor becomes or is about to become vacant the secretary to the council must notify each member of the council thereof.

(2) The council must as soon as reasonably practicable thereafter appoint a recruiting committee, the membership of which is determined by a resolution of the council after consulting the constituent parts as contemplated in section 3 of the Act.

(3) The recruiting committee contemplated in subparagraph (2) must -

- (a) instruct the secretary to the council to advertise the vacant post of vice-chancellor and to call for applications or nominations on or before a specified date;
- (b) determine the format and placement of the advertisement and of the notice calling for nominations or applications;
- (c) interview any of the nominees or applicants or request them to address the university community; and
- (d) submit to the council in the order of the committee's preference, the names of all those who have been nominated or who have applied.

(4) The council must select not more than three names from the list contemplated in subparagraph (3)(d) for submission to the senate for its approval.

(5) The finding of the senate must be conveyed to all members of the council.

(6) The council meets, after due notice has been given of the meeting, to consider the appointment of a vice-chancellor.

(7) The election is by secret ballot.

(8) Successive ballots are held, after which the nominee with the least number of votes is excluded until a point is reached where the council must choose between the remaining nominees.

(9) When two nominees tie for the least number of votes, both are excluded and if there is a tie in the final ballot, the chairperson of the electoral meeting has a casting vote.

(10) Extraordinary meetings of the council and the senate may be convened for the purposes of advice and appointment in terms of this paragraph.

#### **5. Privileges and functions of vice-chancellor**

(1) The vice-chancellor is the principal and chief executive officer of the University, a member of the council and the senate, the chairperson of the senate, and a member of all committees of the council and the senate, except where otherwise resolved by the council or the senate.

(2) The vice-chancellor, as chief executive officer responsible to the council for the management and administration of the University, exercises general supervision over the University.

(3) The vice-chancellor may, with the approval of the council, delegate such powers and duties as the council may determine.

(4) The vice-chancellor may constitute committees to make recommendations on specific matters.

(5) The vice-chancellor is, subject to the provisions of paragraph 18, and without varying any previous resolution of the council, empowered to act or take such steps and make such decisions on behalf of the council on any matter affecting the University, during any period in between meetings of the council, provided that such decisions taken on behalf of the council are reported to the next meeting of the council for consideration and ratification.

#### **6. Term of office of vice-chancellor**

(1) The vice-chancellor holds office for a period determined by council at the time of his or her appointment and is eligible for re-appointment on the expiry of such period.

(2) Despite subparagraph (1), the vice-chancellor must retire on 31 December of the year in which he or she attains the age of sixty-five.

(3) Despite subparagraph (2), such vice-chancellor may be re-appointed by council for a further period of one year, up to a maximum of three years.

(4) The term of office of the vice-chancellor may at any time, subject to the conditions of service applicable to the office, be terminated by the council by a resolution passed at an ordinary meeting of the council by a majority vote consisting of not less than two thirds of the total membership of the council.

(5) The vice-chancellor may resign by giving notice in writing to the chairperson of the council.

(6) In the event of the termination of an appointment by council in terms of subparagraph (4) otherwise than on the grounds of grave misconduct, the council must determine an amount to be paid to the vice-chancellor in lieu of notice, which must not be less than three months' salary.

#### **7. Absence of vice-chancellor**

(1) If the vice-chancellor is absent or is unable to perform the duties of his or her office for any other reason, the council may appoint another person as acting vice-chancellor for that period after consultation with the senate, provided that if the vice-chancellor is absent for -

- (a) a period less than fourteen days, he or she may delegate his or her duties to another person; or
- (b) if the period is fourteen days or more, but not exceeding two months, he or she, with the consent of the chairperson of the council, may delegate his or her duties to another person.

(2) An acting vice-chancellor has the privileges and functions of the vice-chancellor, provided that the acting vice-chancellor may not change an existing policy.

#### **8. Vacancy in office of vice-chancellor**

If the office of the vice-chancellor becomes vacant, the council must appoint an acting vice-chancellor in terms of paragraph 7 until a successor appointed in terms of paragraph 4 assumes office.



**9. Vacating of office by vice-chancellor**

The vice-chancellor vacates office if he or she -

- (a) resigns by giving written notice to the chairperson of the council;
- (b) is declared insolvent, or is convicted of an offence involving dishonesty or of an offence for which he or she is imprisoned without the option of a fine; or
- (c) is declared unable to attend to his or her personal affairs by a court of law.

**DEPUTY VICE-CHANCELLOR OR VICE-CHANCELLORS****10. Manner of appointment of deputy vice-chancellor**

Paragraph 4, read with such changes as are required by the context, applies.

**11. Privileges and functions of deputy vice-chancellor**

(1) A deputy vice-chancellor assists the vice-chancellor in the carrying out of his or her functions and exercises such powers and performs such other duties as may be assigned to him or her by the vice-chancellor or the council.

(2) A deputy vice-chancellor is accountable to the vice-chancellor and the council in respect of the performance of the duties assigned to him or her by the vice-chancellor or the council.

**12. Term of office of deputy vice-chancellor**

Paragraph 6, read with such changes as are required by the context, applies.

**13. Absence of deputy vice-chancellor**

Paragraph 7, read with such changes as are required by the context, applies.

**14. Vacancy in office of deputy vice-chancellor**

If the office of a deputy vice-chancellor becomes vacant, the council must appoint an acting deputy vice-chancellor in terms of paragraph 13 and a successor in terms of paragraph 10.

**15. Vacation of office by deputy vice-chancellor**

Paragraph 9, read with the changes required by the context, applies.

**REGISTRAR****16. Manner of appointment of registrar**

A registrar or any other senior official may be appointed at any meeting of the council by resolution of the majority of the members of the council after consultation with the senate.

**17. Functions, powers and duties of registrar**

(1) A registrar is the secretary to the council, the senate and the convocation.

(2) If more than one registrar is appointed, the council designates, from among the registrars, a secretary to the council, a secretary to the senate and a secretary to the convocation.

(3) In his or her capacity as secretary to the council, a registrar attends the meetings of the council in an advisory capacity.

(4) If a registrar does not qualify as a member of the senate or the convocation in terms of the provisions of the Act and this statute, he or she attends the meetings of the said bodies in an advisory capacity.

(5) During the absence of a registrar, his or her functions and duties are performed and his or her powers are exercised by another registrar or another senior official to be determined by the vice-chancellor.

## CHAPTER 3

### COUNCIL

#### 18. Council of University

(1) The council of the University constituted in terms of section 6 of the Act is -

- (a) responsible for the governance of the University; and
- (b) the executive authority of the University.

(2) The council may from time to time delegate to the vice-chancellor, or to any committee referred to in paragraph 41, or to any other employee of the University, such of its powers, functions or duties as the council may determine, provided that none of the council's powers, functions or duties in relation to any of the following matters may be so delegated -

- (a) the establishment or abolition of faculties, schools, departments, institutes, clinics or centres which constitute part of the University;
- (b) the establishment or abolition of any posts at the University;
- (c) the dismissal of any permanent employee of the University;
- (d) the framing or modification of conditions of service or terms of appointment of employees where such conditions or terms have been prescribed by the council;
- (e) the approval of the annual estimates of revenue and expenditure of the University;
- (f) the adoption of the annual accounts of revenue and expenditure and the balance sheet of the University;
- (g) the determination of the fees to be paid by students;
- (h) the limitation of the number of students to be permitted to register at the University for any course of study leading to the conferment of a degree, diploma or certificate by the University; and
- (i) the alienation of University property.

(3) Any action taken by the vice-chancellor or by a committee referred to in subparagraph (2) or by an employee of the University in the exercise or performance of any powers, functions or duties specifically or generally delegated, must be reported in writing by the vice-chancellor or by such committee or such employee at the next ordinary meeting of the council or at a special meeting of the council called for that purpose.

(4) The council is not divested of any power, nor relieved of any function or duty delegated in terms of subparagraph (2), and may amend or set aside any decision of any such person or committee at the meeting of the council following such decision.

#### **19. Manner of election of council members**

(1) The senate from among its members elects in the manner contemplated in paragraph 49, three members to serve as members of the council.

(2) The convocation elects two members to serve as members of the council in the manner contemplated in Chapter 5.

(3) A member to the council designated by persons who are donors, is designated in the manner contemplated in Chapter 6.

(4) The employees of the University elect by secret ballot three employees, other than members of the senate, to serve as members of the council.

(5) Two members of the students' representative council designated to the council by the students' representative council is designated in accordance with a resolution of such students' representative council.

(6) A member of the council designated by a body or bodies determined by the council is designated in accordance with a resolution of such a body or bodies.

(7) A member of the council co-opted by the council is co-opted in accordance with a resolution of the council.

(8) The name of a person appointed, elected, designated or co-opted as a member of the council, must be furnished to the secretary to the council by the body or person concerned as soon as reasonably practicable.

#### **20. Term of office of council members**

(1) Members appointed, elected, designated or co-opted in terms of section 6(1) of the Act, excluding members designated in terms of section 6(1)(h) of the Act, hold office for four years.

(2) The term of office of members designated in terms of section 6(1)(h) of the Act is one year.

(3) An officer of the University who becomes a member of the council by virtue of his or her office, remains a member of the council as long as he or she holds the office to which he or she was appointed and by virtue of which he or she is a member of the council.

**21. Termination of membership of council members**

A member of the council ceases to be a member of the council if the member -

- (a) resigns by giving written notice to the secretary to the council;
- (b) is absent from three consecutive ordinary meetings of the council without the leave of the chairperson of the council;
- (c) is declared insolvent by a court of law or is convicted of an offence involving dishonesty or of an offence for which the member is imprisoned without the option of a fine;
- (d) is declared unable to attend to his or her personal affairs by a court of law; or
- (e) is recalled by his or her constituency.

**22. Casual vacancies in council**

If the membership of a member of the council is terminated for any reason before the expiry of the period for which he or she was appointed, elected or designated, the secretary to the council must inform the body or person that appointed, elected or designated the member of the vacancy, and that body or person must appoint, elect, designate or co-opt a successor for a period determined in section 6(4) of the Act as soon as reasonably practicable thereafter.

**23. Vacancies in council by effluxion of time**

The secretary to the council must at least three months prior to the expiry of the term of office of a member, give written notice of such expiry to the body or person that appointed, elected or designated the member, whereupon the body or person concerned must nominate, elect or designate a successor to the person who is retiring.

**24. Chairperson, vice-chairperson and other office-bearers of council**

- (1) The council elects by secret ballot from among its members -
  - (a) a chairperson and a vice-chairperson who are not employed by the University; and
  - (b) other office-bearers.
- (2) The chairperson, vice-chairperson and other office-bearers hold their respective offices for a period of four years.
- (3) The chairperson, vice-chairperson or other office-bearers may be removed from office by a two-thirds majority decision of the council.
- (4) If the chairperson and the vice-chairperson are absent, the council elects, from among its members, a chairperson for the meeting concerned.

**25. Casual vacancies in the office of chairperson or vice-chairperson**

- (1) If the office of chairperson or vice-chairperson becomes vacant for any reason other than effluxion of time, the secretary to the council must notify each member of the council thereof in writing, and the council must elect a successor at its next meeting.
- (2) A chairperson or vice-chairperson elected under subparagraph (1), holds office for the unexpired period of office of his or her predecessor.

**26. Vacancies by effluxion of time in the office of chairperson or vice-chairperson**

Whenever the office of chairperson or vice-chairperson becomes vacant by effluxion of time, the secretary to the council must give notice thereof at the penultimate meeting of the council during the relevant period of office and the council elects at its next ordinary meeting, a successor whose period of office commences after the conclusion of the meeting.

**27. Council members in senate**

The council, at its first meeting, elects by secret ballot two of its members to serve as members of the senate for a period of four years.



**28. Casual vacancies: Council members in senate**

If any member of the senate elected by the council, for any reason ceases to be a member of the council before his or her term of office expires, the council must, at its next meeting, elect another member to the senate for the unexpired period of office of his or her predecessor.

**29. Vacancies by effluxion of time: Council members in senate**

Before the expiry of the period of office of a member of the senate elected by the council, the secretary to the council must give written notice thereof to each member of the council, and at its last ordinary meeting before the expiry of such period of office, the council elects a member to fill the vacancy.

**30. Notice of meetings of council**

The secretary to the council must at least fourteen days prior to the date determined for an ordinary meeting, give each member written notice of the time and place of the meeting, and provide details of all matters to be dealt with at the meeting.

**31. Notice of matters to be dealt with at council meeting**

(1) Notice of any motion for consideration must be in writing and must be lodged with the secretary to the council at least five days prior to the date on which he or she is required to give notice of the meeting.

(2) Despite subparagraph (1), matters of an urgent nature may be raised at an ordinary meeting without prior notice if the majority of members of the council present agree thereto.

**32. Quorum for meetings of council**

(1) One half of the members of the council constitutes a quorum if half of the external members are present as part of the quorum.

(2) If a quorum does not exist, the meeting must be postponed and if at the next meeting, a quorum still does not exist, those present constitute a quorum and conduct the business of the original agenda.

(3) Decisions taken under the circumstances described in subparagraphs (1) and (2) will be as valid as decisions taken when a true quorum is present.

### **33. Discussion of motions**

(1) A member may not, except by leave of the meeting, speak more than once on any motion or amendment thereto, but the proposer of a motion or amendment has the right to reply.

(2) Despite subparagraph (1), any member may move that the subject under discussion be dealt with in committee, and if seconded, such motion must be put to the vote without further discussion and if the motion is adopted, the council must go into committee forthwith, whereupon any member is entitled to speak more than once on the subject under discussion.

(3) Confidential matters such as appointments of employees and discipline of students and employees must be discussed in committee.

### **34. Voting at council meetings**

(1) Except where otherwise provided, all questions are decided by a majority of votes of the members present and voting.

(2) The chairperson has a deliberative vote on every question and, in addition, a casting vote in the event of equality of votes.

(3) The chairperson or the meeting may decide that voting is by secret ballot.

(4) No motion for the framing, amending or repealing of this paragraph may be moved without written notice of at least fourteen days, having been given to members of the council by the secretary to the council.

**35. Recording of votes at council meetings**

(1) The number of votes for, abstentions and votes against a motion are not recorded in the minutes, unless the meeting so decides.

(2) At the request of a member, the chairperson may direct that the vote of such member be recorded.

**36. Proposals to be seconded at council meetings**

(1) No motion or any amendment thereto is dealt with unless it has been seconded, and if the chairperson so directs, the motion or amendment must be submitted in writing.

(2) A motion may not be withdrawn except by leave of the meeting.

**37. Rulings by chairperson of council**

The ruling of the chairperson of the council on any point of order or procedure is binding unless immediately challenged by a member, in which case the ruling must be submitted to the meeting without discussion, and the decision of the meeting is final.

**38. Minutes of council meetings**

(1) An ordinary meeting of the council, after being constituted and opened, commences with the reading and confirmation, by signature of the chairperson, of the minutes of the preceding ordinary meeting and the minutes of all subsequent extraordinary meetings.

(2) Any objection to the minutes must be raised and disposed of before the minutes are confirmed.

(3) A meeting may consider the minutes as read, if a copy thereof was sent to each member previously with the notice convening the meeting concerned.

**39. Council resolutions**

The vice-chancellor is responsible to the chairperson of the council for the expeditious implementation of council resolutions.

**40. Extraordinary meetings of council**

An extraordinary meeting of the council may be convened by the chairperson at any time, at the written request of at least five members if -

- (a) the purpose of the meeting is stated in such a request; and
- (b) no business other than that stated in the request is dealt with at the meeting.

**41. Executive committee of council and other committees**

(1) The executive committee of the council is constituted by resolution of the council.

(2) The executive committee of the council has the power to dispose of urgent business on behalf of the council, subject to the provisions of paragraph 18(2).

(3) Business disposed of as contemplated in subparagraph (2) must be confirmed by the council at the next meeting.

(4) Subject to the provisions of the Act, the council may establish committees of the council, and the following standing committees: -

- (a) a building committee;
- (b) a finance committee; and
- (c) a staffing committee

and the composition of all such committees is by council resolution.

**42. Meetings, quorum and procedure of meetings of committees of council**

The provisions of paragraphs 30, 31, 32, 33, 34, 35, 36, 37 and 38, read with such changes as are required by the context, apply to the meetings of all the committees of the council.

**43. Financial interests of members of council**

(1) A member of the council may not take part in the discussion of or vote on any matter in which he or she has a direct financial interest, unless he or she first discloses the nature and extent of his or her interest and obtains the leave of the meeting to take part in the discussion or the vote.

(2) A resolution of the council arrived at in violation of subparagraph (1) has no legal force or validity.

**44. Secretary to council**

(1) The registrar is the secretary to the council and the vice-chancellor may assign any other administrative employee to assist the secretary or to act in his or her place.

(2) The secretary to the council or his or her delegate acts as the electoral officer at all the council meetings.

(3) The secretary to the council attends all meetings of the council and of committees of the council and may take part in discussions, but is not entitled to a vote.

(4) The secretary must timeously publicise resolutions of the council affecting the University community.

(5) The provisions of subparagraph (3), read with such changes as are required by the context, apply to a registrar not acting as a secretary.

**45. Framing, amendment, supplementation or repeal of statute**

(1) The council has the power to frame, amend, add to or repeal the statute when it is inconsistent with the provisions of the Act or any other law in relation to any matter which, in terms of the Act, prescribes, determines or governs in accordance with or by statute, or in order to give effect to any law relating to the University, and for the general and effective governance and control of the University in consultation with all relevant stakeholders.

(2) Despite subparagraph (1), the statute relating to the studies, instruction, examinations and discipline at or of the University is framed, amended, substituted, added to or repealed only after consultation with the senate.

## CHAPTER 4

### SENATE, EXECUTIVE COMMITTEE OF SENATE AND ACADEMIC BOARD

#### SENATE

#### 46. Constitution of senate, manner of election or designation of senate members and terms of office of senate members

- (1) The senate is constituted in terms of sections 7(1)(a) to (m) of the Act.
- (2) The two members of senate contemplated in section 7(1)(j) of the Act serve for one calendar year following the date of their election and are designated as follows -
  - (a) one representing the rectors of colleges affiliated to the University, jointly elected by such rectors; and
  - (b) one representing the students' representative councils of such colleges, jointly elected by such students' representative councils.
- (3) The academic employees of institutes, centres, bureaux or sections contemplated in paragraph (k) of section 7(1) of the Act, elect by secret ballot, administered by the registrar, two of their members to serve as members of the senate for two calendar years following the date of their election.
- (4) In order to be eligible for election in terms of subparagraph (3), each candidate must -
  - (a) have been nominated for office by two members of the constituencies contemplated in subparagraph (3); and
  - (b) have agreed, in writing, to stand for election.
- (5) Subparagraphs (3) and (4), read with the changes required by the context, apply to the election of two employees other than full professors contemplated in section 7(1)(l) of the Act.
- (6) The manner of election or designation of senate members and their respective terms of office that are not expressly provided for in this paragraph are as determined by the senate from time to time.



**47. Functions of senate**

(1) For the purpose of the control and regulation of instruction and research at the University and subject to the provisions of sections 7(4) and (6)(a), (b) and (c) of the Act, the senate may -

- (a) make rules for the organisation and control of the examinations of the University;
- (b) make recommendations to the council on the appointment of external examiners for the examinations of the University;
- (c) frame, subject to the approval of the council and in accordance with any relevant deed or gift, conditions for the award and tenure of any scholarship, bursary or other prize at the disposal of the University and to submit recommendations to the council from time to time on persons to whom such scholarships, bursaries and other prizes may be awarded;
- (d) make recommendations to the council on the appointment of deans and deputy deans of faculties of the University after consultation with the academic boards of the faculties in question;
- (e) appoint committees, which report to the senate;
- (f) advise the council on all matters relating to academic affairs;
- (g) make recommendations to the council on the appointment of academic employees;
- (h) discuss confidential matters such as the appointment of academic employees and examinations in committee; and
- (i) formulate rules, regulations and procedures on student discipline and oversee their implementation.

(2) The senate may delegate any of its powers to a member or a committee of the senate.

(3) The senate is not divested of any power, nor relieved of any function or duty delegated in terms of subparagraph (2), and may amend or set aside any decision of any such person or committee at the meeting of the senate following such decision.

**48. Chairperson of senate**

(1) The vice-chancellor is the chairperson of the senate in terms of section 7(1)(a) of the Act.

(2) If the vice-chancellor or any of the deputy vice-chancellors are absent, the senate from among its own members, elects a chairperson for the meeting concerned.

**49. Senate members on council**

(1) Three members of the senate must be elected by the senate to the council in terms of section 6(1)(d) of the Act for a term of four years.

(2) The members contemplated in subparagraph (1) are elected by secret ballot at an ordinary meeting of the senate.

(3) The method of conducting the ballot is as determined by the senate from time to time.

(4) A person must have been nominated for office by two members of the senate in order to be eligible.

(5) If a member of the council elected by the senate vacates office before the expiry of his or her period of office, the senate must immediately proceed to elect another member for the unexpired period of office of his or her predecessor.

(6) If a member of the council elected by the senate is, during his or her term of office, granted leave for six months or longer, the senate must forthwith elect a replacement for the unexpired period of office of his or her predecessor.

**50. Procedure for and quorum at meetings of senate**

(1) The quorum at meetings of the senate is one half of the total membership of the senate.

(2) If no quorum exists, the meeting must be postponed and reconvened within fourteen working days of that semester.

(3) Should a quorum still not exist at the next meeting, those present constitute a quorum and conduct the business of the original agenda.

(4) Decisions taken under the circumstances described in subparagraphs (2) and (3) are as valid as decisions taken as if a true quorum is present.

(5) The secretary to the senate must at least seven days before the holding of any ordinary meeting, issue a written notice to each member stating the place and the time at which such meeting is to be held, and the business to be discussed.

(6) Notice of subjects for consideration at an ordinary meeting must be in writing and must be lodged with the secretary to the senate not less than fourteen days before the date of the meeting.

(7) Despite subparagraph (6) any member may, without notice, bring forward business of an urgent nature at any ordinary meeting with the consent of a majority of the members present.

(8) An ordinary meeting commences with the reading and confirmation by the signature of the chairperson of the meeting of the minutes of the preceding ordinary meeting and of the minutes of any subsequent special meetings.

(9) Any objection to the minutes must be raised and disposed of before the minutes are confirmed.

(10) The minutes may be considered as read if a copy thereof has previously been forwarded to every member of the meeting with the notice convening the meeting.

(11) No member may, without the approval of the chairperson, speak more than once on any motion or on any amendment.

(12) Despite subparagraph (11), the mover of any motion or any amendment has the right to reply.

(13) All questions are decided by a majority of votes of the members present and voting, except where otherwise provided.

(14) The chairperson has a deliberative vote on every question and, in addition, a casting vote in the event of an equality of votes.

(15) The number of members voting for and the number of members voting against any proposal must be entered in the minutes.

(16) Every motion or amendment to a motion must be seconded, and, if the chairperson so directs, must be in writing, and a motion may not be withdrawn except by permission of the meeting.

(17) The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which event it must be submitted without discussion to the meeting, whose decision is final.

(18) At the request of a member, the chairperson may direct that the vote of such member be recorded.

(19) A member of the senate may not take part in the discussion of or vote on any matter in which he or she has a direct financial or family interest, unless he or she first discloses the nature and extent of his or her interest and obtains the leave of the meeting to take part in the discussion or to vote.

(20) A resolution of the senate arrived at in violation of subparagraph (19) has no legal force or validity.

(18) No member of the senate may absent himself or herself from an ordinary meeting of the senate without written leave of absence from the chairperson.

#### **51. Special meetings of senate**

(1) A special meeting may be called by the chairperson at the written request of not fewer than ten members, the object of such meeting being stated in the request.

(2) At least seven days' notice of a special meeting must be given unless, in the opinion of the chairperson, the business to be discussed at such meeting relates to an emergency.

(3) No business other than that for which the meeting has been called may be discussed at a special meeting, unless otherwise decided by the meeting.

### **EXECUTIVE COMMITTEE**

#### **52. Executive committee of senate**

- (1) The executive committee of the senate consists of -
- (a) the vice-chancellor, who is the chairperson;
  - (b) the deputy vice-chancellors;
  - (c) the registrar;
  - (d) the deans of the University;
  - (e) a member of the council who has a seat in the senate in terms of the provisions of the Act;
  - (f) three members of the senate elected as members of the council by the senate in terms of the provisions of the Act; and

(g) a representative of an employee organisation designated for the purpose of collective bargaining as laid down in a recognition agreement.

(2) Two thirds of the members of the executive committee constitute a quorum.

### **53. Powers and duties of executive committee**

(1) The powers and functions of the executive committee are determined by a resolution or resolutions of the senate.

(2) The executive committee submits reports on all its proceedings to the senate.

## **ACADEMIC BOARDS**

### **54. Composition of academic boards, election of students as members of academic boards and terms of office of members of academic boards**

(1) An academic board is constituted in terms of sections 13(3)(a) to (e) of the Act for each faculty of the University.

(2) The members of an academic board contemplated in section 13(3)(e) of the Act are elected in a manner prescribed by each academic board from time to time.

(3) The term of office of a member of an academic board is one year.

### **55. Functions of academic boards**

An academic board may -

- (a) make recommendations to the senate and the council on the appointment of the dean or the deputy dean or deputy deans of the faculty concerned;
- (b) make recommendations to the senate on the syllabi, timetables, courses of study and examinations as far as they affect the departments of the faculty and on such other matters as the senate may refer to it from time to time;
- (c) make recommendations to the appropriate University body or officer on any matter pertaining to the administration or academic function of the faculty concerned, including finance and other resources;
- (d) appoint committees as deemed appropriate; and

## CHAPTER 5

### CONVOCATION

#### 64. Composition of convocation

The convocation of the University is constituted as determined in section 9 of the Act.

#### 65. Convocation roll

(1) The secretary to the convocation keeps a convocation roll showing the full names and the addresses of the members of the convocation.

(2) Every member of the convocation furnishes his or her name and address to the secretary and notifies him or her in writing of any change of address and such address is regarded as his or her registered address.

(3) The fact that the name of a person appears on the convocation roll is sufficient proof of his or her membership of the convocation and of the fact that he or she is entitled to vote.

(4) When an election is to take place, the convocation roll is closed from the last date on which ballot papers are sent out up to and including the day of the election.

#### 66. Executive committee of convocation

(1) The executive committee of the convocation consists of -

(a) the president of the convocation;

(b) the immediate past president of the convocation;

(c) the vice-chancellor or, in his or her absence, a deputy, who is a member of the convocation, nominated by him or her;

(d) the secretary to the convocation or, in his or her absence, a deputy, who is a member of the convocation, nominated by him or her;

(e) the convocation's representatives on the council;

(f) five persons elected by the convocation from among the members of the convocation;



(g) a representative of the senate appointed by the senate from among its members who are members of the convocation; and

(h) a representative of the students' representative council appointed by that council from among its members who are members of the convocation.

(2) The manner of election of members in terms of subparagraph (1)(f), the terms of office of such members and of the members appointed in terms of subparagraphs (1)(g) and (h), and provision as to the filling of casual vacancies in membership in terms of subparagraphs (1)(f), (g) and (h), are as prescribed by resolution of the council after consultation with the executive committee of the convocation.

(3) The president of the convocation is the chairperson of the executive committee of the convocation, and the committee elects from among its members a vice-chairperson, an honorary treasurer and such other officers in such manner and for such period of office as the executive committee determines from time to time.

#### **67. President of convocation**

(1) The president of the convocation is elected by the convocation from among its own members in the prescribed manner contemplated in paragraph 70.

(2) No employee of the University may be elected president of the convocation and no employee of the University may be elected to the council of the University by the convocation.

(3) The president holds office for two years from the date of his or her election, which is held on a day determined by the council, and he or she is eligible for re-election.

(4) In the event of the president vacating office before the expiry of his or her term of office, the vice-chancellor acts as president for the remainder of the period of office, subject to elections being held in accordance with paragraph 70, as soon as reasonably practicable after the president vacated office.

#### **68. Meetings of the convocation**

(1) A meeting of the convocation may be called by the president of his or her own accord at any time for a purpose to be stated by him or her, and is called by him or her or, failing whom, by the secretary, within two months after the receipt of a written request from no fewer than ten members of the convocation.

(2) The request must state the subjects proposed for consideration at the meeting in the form of specific motions.

(3) No business other than that of which notice has been so given must be discussed at such meeting.

(4) An amendment to a specific motion stated in the request may be moved only with the consent of the chairperson of the meeting and the mover or movers, as the case may be, of such motion.

(5) Notice of every meeting of the convocation, with a statement of the business to be brought before the meeting, must be published by the secretary to the convocation in such newspaper or newspapers as the convocation determines, at least fourteen days before the date of such meeting.

#### **69. Quorum and procedure at meetings of convocation**

(1) Fifty members form a quorum.

(2) The president of the convocation presides at meetings of the convocation.

(3) In the absence of the president, the vice-chairperson of the executive committee of the convocation presides, or, in his or her absence, a member of the executive committee elected for such purpose by the members present at the meeting.

(4) In the absence of all persons thus qualified to preside, the meeting may elect a chairperson from among those members present.

(5) No member may, without special leave of the chairperson, speak more than once on any motion or on any amendment thereto, provided that the mover of any motion or any amendment has the right to reply.

(6) All questions are decided by a majority of votes of the members present and voting.

(7) The chairperson has a deliberative vote on every question and, in addition, a casting vote in the event of an equality of votes.

(8) The number of members voting for and the number of members voting against any proposal are entered in the minutes if the meeting so decides.

(9) The chairperson at the request of any member may direct that a record of the vote of such member be entered in the minutes.

(10) Every motion or amendment to a motion must be seconded, and, if the chairperson so directs, must be in writing, and a motion may not be withdrawn except by permission of the meeting.

(11) The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which event it must be submitted without discussion to the meeting, whose decision is final.

(12) A copy of all resolutions of the convocation and a statement of such other matters as the convocation may from time to time decide, duly certified by the chairperson and by the secretary to the convocation, must be sent to the chairperson of the council for the information of the council and to the vice-chancellor for the information of the senate.

**70. Election of president of convocation and election of members of council elected by convocation**

(1) Whenever a vacancy in the office of president of the convocation or in the membership of the council in respect of the members elected thereto by the convocation, is about to occur through the effluxion of time, or a notification of resignation to take effect from a specified future date, the president or, failing whom, the secretary to the convocation, determines a closing date for the return of voting papers, which may be a date before that on which the afore-mentioned vacancy will occur, and causes notices calling for nominations for election to such office to be sent to enrolled members of the convocation at least nine weeks before such date.

(2) Whenever a vacancy in the office of president of the convocation or in the membership of the council in respect of members elected thereto by the convocation, occurs through death or a notification of resignation to take immediate effect, the president or, failing whom, the secretary to the convocation, determines a closing date for the return of voting papers and causes notices calling for nominations for election to such office for the unexpired period thereof to be sent to enrolled members of the convocation at least nine weeks before such date.

(3) Written nominations must be lodged with the secretary to the convocation at least seven weeks before the closing date for the return of voting papers and each such nomination must be signed by no fewer than two members, jointly and severally, and must be accompanied by the written acceptance of nomination by the person nominated.

(4) If the number of persons nominated for an office does not exceed the number to be elected to such office, the secretary to the convocation forthwith declares such person or persons duly elected or, where this is appropriate, duly elected with effect from the date on which the vacancy concerned will occur.

(5) If more persons are nominated than are to be elected, the secretary to the convocation must send a written notice together with a printed voting paper to each enrolled member of the convocation at least thirty days before the closing date for the return of voting papers.

(6) The voting papers for all elections must be in a form to be determined by the secretary to the convocation from time to time and approved by the council, provided that they contain no other particulars of a candidate than his or her name, address, academic and professional qualifications, present occupation and important offices that he or she holds or has held, the date on which he or she became a member of the convocation and the offices, if any, held by him or her at the University.

(7) The inadvertent failure or omission by a member of the convocation, to return a voting paper, the inadvertent issue of a voting paper to a person who is not a member of the convocation or the submission by such person of a completed voting paper, does not invalidate the result of any election, nor is the result of any election invalidated on the ground of any infringement of the rules governing such election or any improper practice if, in the opinion of the vice-chancellor, such infringement or improper practice is unlikely to have influenced the result in a material way.

(8) At all elections the secretary to the convocation acts as returning officer and is assisted by two scrutineers appointed by the president or, if he or she is either a candidate or absent, by the vice-chancellor, or in his or her absence by the deputy vice-chancellor or the acting vice-chancellor.

(9) A successful candidate is deemed to have been elected as from the date of the announcement of the result of the election by the returning officer or, where this is appropriate, with effect from a date thereafter on which such vacancy will occur.

## CHAPTER 6

### DONORS

#### 71. Qualification as donors

(1) Any person who has donated to the University an amount which is deemed as substantial by the University foundation during the two years preceding his or her designation to the council, is deemed a donor for the purpose of section 9(1) of the Act.

(2) The secretary to the council keeps a list of names of donors and each donor may register his or her address with the secretary and inform him or her of any change of address or name.

(3) The list of names is conclusive proof that a person or body whose name appears therein at the time of the election by the donors, is entitled to vote and that a person or body whose name does not appear on the list is not entitled to vote.

(4) Whenever it is necessary for donors to elect a member of the council, the secretary to the council must direct that an election be held, the procedure of which must be the same as that prescribed for the election of a member of the council by the convocation as contemplated in paragraph 70.

## CHAPTER 7

### DEGREES

#### 72. Designation of degrees and diplomas

The degrees of the University of North-West are identified by the abbreviated form UNW placed in brackets behind the degree.

#### 73. Conferment of degrees

(1) For the purposes of conferring degrees, a meeting to be called "Congregation of the University" is held, to which are invited the members of the council, the academic employees, the persons upon whom degrees are to be conferred and such other persons as the vice-chancellor may determine.

(2) The congregation of the University is held at least once a year at such time as determined by the council, and is presided over by the chancellor or the vice-chancellor in the absence of the chancellor.

(3) The procedure relating to the conferment of degrees and the academic dress to be worn are as determined by the council, and all other matters concerning the congregation are as determined by the senate.

#### 74. Criteria for conferring of honorary degrees

(1) The award of an honorary degree is in recognition of achievement in -

- (a) the academic field;
- (b) research and publications;
- (c) administration;
- (d) community or public service; or
- (e) commerce and industry.

(2) The following degrees are used for honorary degree purposes: -

- (a) DLitt;
- (b) LLD;

- (c) DCom;
- (d) DSc; or
- (e) PhD.

(3) A candidate who has made his or her mark and is respected in his or her particular field, is recognised for an award.

(4) A deceased person may be awarded an honorary degree posthumously.

#### **75. Nomination of candidates for honorary degrees**

(1) At a specific time of the year, members of the senate and the council are requested to submit nominations for honorary degree awards accompanied by a statement containing detailed reasons for such nomination for consideration and recommendation by the honorary degrees committee.

(2) Proposals and recommendations by the honorary degrees committee, including the rationale behind such recommendations, are tabled in the senate and thereafter at the council, but no discussion of the candidates is permitted.

(3) Voting in the senate and the council is by secret ballot and a resolution to award an honorary degree is carried by a two-thirds majority of members present in the senate and the council.

(4) A proposal that does not receive a two-thirds majority in the senate is not passed on to the council.

(5) The honorary degrees committee may -

- (a) agree that a particular proposal is deferred for consideration at a later stage;
- (b) agree that the proposed candidate does not merit recognition; or
- (c) recommend the award of an honorary degree.

(f) The honorary degrees committee is not obliged to give reasons to a proposer if a nominee is not accepted for an award.



## CHAPTER 8

### STUDENTS

#### 76. Registration of students

(1) Every person registering as a student at the University must sign the official registration form, thereby binding himself or herself to such conditions and rules as the council may determine.

(2) A person registered as a student of the University is registered for the ensuing academic year or semester or for such shorter period as may be determined by the council after consultation with senate generally or in any particular case.

(3) No person is enrolled for a course for any degree or diploma or certificate unless he or she has satisfied all the pre-requisites laid down in the rules concerned.

#### 77. Student discipline

A student of the University is subject to the disciplinary provisions contained in the statute or prescribed by resolution of the council as the case may be, and the council may cancel or, for a specified period suspend registration of a student or admission to and accommodation in any student hostel or residence of the University or his or her right or entitlement to utilise any other University facilities if, at any time after due inquiry, the council is satisfied that such disciplinary measures are in the best interest of the University.

## CHAPTER 9

### APPOINTMENT AND CONDITIONS OF SERVICE OF UNIVERSITY EMPLOYEES

#### 78. Appointment and conditions of service of University employees

(1) An employee of the University holds his or her appointment under such terms and conditions of service as the council and recognised employee organisation or organisations in each case determine, subject to applicable labour law.

(2) The terms and conditions of service of every employee of the University must be set out in a written contract of service signed on behalf of the University by the registrar or by some other person authorised by the council for that purpose.

(3) Without prejudice to the foregoing, every employee of the University is subject to the general authority of the council and of the vice-chancellor.

(4) Every contract of service between the University and an employee of the University must contain or must be deemed to contain a provision that renders it subject to the statute and to all collective agreements between the University and the employee organisation or organisations recognised for the purposes of collective bargaining.

(5) Without prejudice to the provisions of Chapter 10, no employee of the University if convicted by a court within or outside the Republic of South Africa of an offence which is a criminal offence under the laws of South Africa and in consequence thereof sentenced to imprisonment, whether in respect of the non-payment of a fine imposed for the offence or otherwise, is entitled to receive any remuneration in respect of the period he or she is detained in prison in execution of that sentence, unless the council otherwise directs.

(6) The conditions of service and terms of employment of University employees relating to hours of work, leave, holidays, benefits, salaries, allowances, grievances, achievement, working conditions, and others are as determined by the council after negotiation with employee organisation as designated for the purpose of collective bargaining under a recognition agreement.

(7) Membership of the University of North-West Pension Fund is compulsory for all permanent employees subject to the rules and regulations of the fund.

## CHAPTER 10

### MISCONDUCT

#### 79. Definition of misconduct

(1) An employee is guilty of misconduct if it is proven that he or she -

- (a) contravenes or fails to comply with a provision of the Act, the statute or the rules, with which it is his or her duty to comply;
- (b) does, or causes, or permits to be done, or connives at, an act which is prejudicial to the administration, discipline or efficiency of the University;
- (c) disobeys, disregards or wilfully defaults in carrying out a lawful order given to him or her, or by word or conduct displays insubordination;
- (d) is negligent or indolent in the discharge of his or her duties;
- (e) undertakes without the permission of the council, any private agency or private work in relation to any matter connected with the performance of his or her official functions or the discharge of his or her official duties;
- (f) maliciously or without attempting to ascertain the factual situation, publicly comments adversely on the administration of the University;
- (g) attempts to secure intervention through any person not in the employ of the University in relation to his or her position and conditions of employment, unless it is done to obtain redress of any grievance;
- (h) conducts himself or herself in a disgraceful, improper or unbecoming manner or, while on duty, is grossly discourteous to any person;
- (i) uses intoxicants or stupefying drugs excessively or, while he or she is or should be on duty, is under the influence of intoxicants or stupefying drugs to an extent which is prejudicial to the University or to the efficient performance of his or her duties, unless it is proved that it is not due to any improper conduct or action on his or her part;
- (j) without the prior permission of the vice-chancellor, discloses otherwise than in the performance of his or her official duties, confidential information gathered or obtained by him or her through his or her employment at the University, or uses such information for any purpose other than for the performance of his or her official duties, whether or not he or she discloses such information, provided that an employee of the University may publish, with or without remuneration, articles in any journal on any matter related to his or her duties at the University;
- (k) accepts or demands in respect of the performance of or the failure to perform his or her duties any commission, fees or other rewards to which he or she is not entitled by virtue of his office, or fails to report to the vice-chancellor the offer of any such commission, fee or reward;

- (l) misappropriates or improperly uses any property of the University, or fails to take proper care of such property under his or her supervision and control;
- (m) commits an offence;
- (n) is absent from his or her office or duty without leave or a valid reason;
- (o) makes a false or incorrect statement, knowing it to be false or incorrect, with a view to obtaining any privilege or advantage in connection with his or her official position or duties, or to cause prejudice or damage to the University or the educational service or a member of such service;
- (p) contravenes any provision of the rules of the constitution of a medical aid fund or medical aid society of which he or she is required to be a member in terms of the rules of the University, or fails to comply with any of the provisions of the said rules with which it is his or her duty to comply by virtue of his or her membership of such medical aid fund or medical aid society; or
- (q) borrows from or lends money to another employee of the University in such a way that it may compromise his or her position at the University.

#### 80. Procedure in case of misconduct

- (1) If an employee is accused of misconduct as defined in paragraph 79 -

- (a) the vice-chancellor may, with salary, suspend an employee accused of misconduct from service for such period as it may deem necessary whether or not such employee has been charged;
- (b) an employee appointed by the vice-chancellor as prosecutor or a tribunal as the case may be, charges the accused in writing under his or her signature with that misconduct, provided that such prosecutor or tribunal as the case may be is higher in rank than the accused and provided further that in the case of the vice-chancellor or a deputy vice-chancellor a tribunal consisting of members of the council performs the functions of the prosecutor;
- (c) the prosecutor or tribunal, as the case may be, may at any time withdraw a charge of misconduct;
- (d) If no charge under this paragraph is preferred against an employee referred to in subparagraph (a) within a period of 12 months after the date of his or her suspension, he or she must be allowed to assume duty as soon as practicable.

(2) The charge of misconduct must be served upon the accused by causing it to be delivered or sent by registered letter to him or her, or be left at his or her place of residence or last known place of residence, and the charge must be accompanied by a request that the accused, within 14 days after the charge has been served upon him or her, submit to the prosecutor or tribunal, as the case may be, a written admission or denial of the charge and, should he or she so prefer, a written explanation in connection with the charge.

(3) If the accused admits the charge, he or she is deemed to have been found guilty of the misconduct with which he or she has been charged, on the date on which the prosecutor or the tribunal, as the case may be, receives the admission.

(4) If the accused denies the charge or fails to comply with the request referred to in subparagraph (2), the council must appoint a person (hereinafter referred to as the presiding officer) to inquire into the charge and to preside over the procedures during the disciplinary hearing, provided that at the request of the presiding officer no more than two assessors may be appointed by the council to form a disciplinary panel to assist the presiding officer in the execution of his or her duties.

(5) If the misconduct with which a person is charged, amounts to an offence of which he or she has been convicted by a court of law, a certified copy of the record of his or her trial and conviction by that court, after he or she has been identified as the person who according to the record has been convicted, is sufficient proof of the commission by him or her of that offence unless -

- (a) the conviction has been set aside by a competent court of law; or
- (b) the person proves that he or she has been in fact wrongfully convicted.

(6) The prosecutor or tribunal as the case may be must, after consultation with the presiding officer and the accused, fix the time and place of the disciplinary hearing and the prosecutor or tribunal as the case may be must give the accused reasonable written notice of the time, date and place so fixed, provided that the presiding officer may postpone the inquiry on good cause shown.

- (7) The accused has the following rights concerning the disciplinary charge against him or her -
- (a) the right to be told (and given in writing) the nature of the breach;
  - (b) the right to raise an objection on factual grounds against the presiding officer or the composition of the disciplinary panel;
  - (c) the right to call witnesses and to cross-examine witnesses;
  - (d) the right to inspect any document produced in evidence;
  - (e) the right to be disciplined timeously;
  - (f) the right to an interpreter to interpret proceedings in his or her mother tongue;
  - (g) the right to representation;
  - (h) the right to prepare;
  - (i) the right to state a case in defence;
  - (j) the right to a finding;
  - (k) the right to have any previous disciplinary records considered only after having been found guilty;
  - (l) the right to present mitigating circumstances before a penalty is decided on;
  - (m) the right to be advised of a penalty;
  - (n) the right to appeal;

- (o) the right against victimisation as a result of any statements and or allegations or actions taken during a disciplinary hearing or on the grounds of membership of any organisation or union.

(8) The presiding officer may subpoena to appear before him or her any person who in his or her opinion is able to furnish information of material importance concerning the charge being inquired into.

(9) The legal rules in respect of the privilege that applies in the case of a person who has been subpoenaed to give evidence before a court of law, are applicable in respect of a question or order referred to in subparagraph (8).

(10) The prosecutor or tribunal, as the case may be, may adduce evidence and arguments in support of the charge and cross-examine any person who has given evidence in rebuttal of the charge.

(11) At the enquiry the accused may be present, has the right to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence and to call other persons as witnesses, and may give evidence himself or herself.

(12) The failure of the accused to be present at the inquiry, either personally or through a representative, does not invalidate the proceedings and the inquiry is then heard in his or her absence and the documentation must reflect this.

(13) The presiding officer must keep a record of the proceedings at the inquiry and of the evidence given thereat.

(14) The presiding officer must, after the conclusion of the enquiry, find the accused guilty or not guilty of the misconduct with which he or she has been charged.

(15) If the accused is found not guilty of the misconduct with which he or she has been charged and he or she has been suspended from service in terms of subparagraph (1)(a), he or she must be allowed to resume duty as soon as practicable thereafter.

(16) An accused who is suspended from service and upon whom a punishment referred to in subparagraph (19) (a) to (f) is imposed, must be allowed to resume duty in an appropriate post as soon as is practicable thereafter.

(17) If the finding is one of guilty, the accused must be given an opportunity to lead evidence in mitigation of sentence which must be taken into consideration by the presiding officer when he or she makes a recommendation in relation to the punishment which should be imposed.



(18) If the presiding officer finds an accused guilty of the misconduct of which he or she has been charged, he or she must submit to the vice-chancellor (or in the case of the vice-chancellor or a deputy vice-chancellor, must submit to the council) -

- (a) the record of the proceedings, including all evidence given and all documents admitted at the inquiry;
- (b) a written exposition of his or her finding and the reasons therefor;
- (c) any extenuating or aggravating circumstances he or she may have found; and
- (d) a recommendation in relation to the punishment which should be imposed.

(19) If an accused other than the vice-chancellor or a deputy vice-chancellor is found guilty of misconduct, or if he or she admits that he or she is guilty of the misconduct with which he or she has been charged, the vice-chancellor may, taking into consideration the documents referred to in subparagraph (18) -

- (a) caution and reprimand him or her;
- (b) order that his or her annual increment be withheld;
- (c) order the forfeiture of any service benefit to which he or she is entitled, excluding membership of a pension fund or medical aid or provident society;
- (d) reduce his or her salary or rank or both his or her salary and rank;
- (e) impose on him or her a fine not exceeding R2000;
- (f) if the accused is found guilty of a contravention of paragraph 71 (1)(l), order him or her to refund to the University the amount of damage suffered by the University as a result of the accused's conduct; or
- (g) recommend to council to dismiss the accused, or call upon him or her to resign.

(20) The vice-chancellor may -

- (a) except in the case of subparagraphs (19) (a) or (g), impose more than one of the punishments indicated in that subparagraph;
- (b) order that the accused submit himself or herself to medical treatment, psychological or psychiatric counselling or treatment for alcohol or drug addiction;
- (c) recommend that the accused be transferred to some other post in the University; or
- (d) postpone the imposition of punishment for a period not exceeding 12 months after the date of the finding.

(21) If the vice-chancellor or a deputy vice-chancellor is found guilty of misconduct, the council may -

- (a) caution or reprimand the vice-chancellor or deputy vice-chancellor, as the case as may be; or
- (b) dismiss the vice-chancellor or deputy vice-chancellor, as the case may be, or call upon him or her to resign.



(22) The fact that a person has been convicted or acquitted by a court of law of the commission of an offence, does not preclude the taking of any steps in terms of this against such person.

(23) (a) If an accused is discharged in terms of subparagraphs (19)(g) or (21)(b), the discharge takes effect on a date fixed by the council.

(b) If an accused is called upon to resign in terms of subparagraphs (19)(g) or (21)(b) and such accused fails so to resign with effect from the date fixed by council, he or she is deemed to have been discharged on account of misconduct with effect from that date.

(24) If any person who has been suspended or charged with misconduct resigns from the employment of the University or assumes other employment before the appropriate charge of misconduct has been disposed of, he or she is deemed to have been discharged on account of misconduct with effect from a date fixed by the council, unless before the receipt of his or her notification of resignation or his or her assumption of other employment, he or she was notified that he or she would not be charged with misconduct or, as the case may be, that the charge of misconduct against him or her has been withdrawn.

## **81. Appeal**

(1) An accused, other than the vice-chancellor or a deputy vice-chancellor, may appeal to the council against his or her conviction or punishment, or both.

(2) An appeal contemplated in subparagraph (1) must be in writing, setting out the grounds of appeal and must be lodged with the executive officer of the council, within 14 days from the date upon which the accused has been notified by the vice-chancellor of the punishment imposed upon him or her.

(3) After consideration of the record of the proceedings and of all relevant information, the council may either allow or dismiss the appeal, and may set aside, amend or confirm the decision of the presiding officer or the vice-chancellor, as the case may be.

## **82. Investigation into a charge of inefficiency or incompetence**

If it is alleged that an employee is inefficient or incompetent to carry out the duties attached to his or her post, the employee may be charged with being inefficient or incompetent to perform the duties attached to his or her post.

**83. Preliminary inquiry and procedure**

(1) If an employee's immediate superior alleges that such employee is inefficient or incompetent to perform the duties attached to his or her post, the employee's immediate superior must conduct informal discussions with him or her.

(2) After hearing any explanations by the employee regarding the allegation referred to in subparagraph (1), the immediate superior may recommend appropriate counselling, supervision or corrective and training programmes.

**84. Procedure for formal inquiry**

(1) If the procedure referred to in paragraph 83 fails to bring about the intended improvement in the employee's efficiency or competence, and the immediate superior of the employee alleges that the employee is still inefficient or incompetent to perform his or her duties, the provisions of paragraph 80, excluding subparagraph (19) thereof, read with such changes as are required by the context, apply.

(2) If it is found that the employee concerned is inefficient or incompetent to perform the duties attached to his or her post, the vice-chancellor may -

- (a) order that the counselling, supervision, or corrective and training programmes continue;
- (b) recommend to council to discharge him or her.

(3) If it is found that the vice-chancellor or a deputy vice-chancellor is inefficient or incompetent to perform the duties attached to his or her post, the council may -

- (a) order that the counselling, supervision, or corrective and training programmes continue;
- (b) discharge him or her.

## **CHAPTER 11**

### **AFFILIATION WITH UNIVERSITY OF CERTAIN COLLEGES AND CERTAIN OTHER EDUCATIONAL INSTITUTIONS**

#### **85. Affiliation with university of certain colleges and certain other educational institutions**

(1) The governing body of any college of education or nursing or of any other institution which has as its object the carrying on of any branch of higher education may, with the approval of the council, conclude an agreement with the University to be affiliated with the University.

(2) The students of such college or such institution referred to in subparagraph (1), may be admitted as candidates to any examinations, degrees, diplomas and certificates of the University on such conditions as may be prescribed in the statute or in any rules made by the senate and approved by the council.

## **CHAPTER 12**

### **REPEAL OF PREVIOUS STATUTE**

#### **86. Repeal of previous statute**

(1) The statute applicable to the University of Bophuthatswana under section 29 of the University of Bophuthatswana Consolidation Act, 1988 (Act No. 33 of 1988), is hereby repealed with effect from the date on which this statute comes into operation.

(2) Anything done, any body established and person appointed to an office under a provision of the statute repealed by subparagraph (1) is deemed to have been done, established or appointed under the corresponding provision of this statute, provided that such provisions are not inconsistent with any provision of this statute or the University of North-West (Private) Act (Act No. 17 of 1996).

## **ANNEXURE 1**

### **VISION OF THE UNIVERSITY OF NORTH-WEST**

The University of North-West was born out of resistance to Apartheid and the struggle to provide quality education to the disadvantaged and rural communities from where many of its students come. This University was amongst the first to democratise governance structures, to negotiate procedures for the resolution of conflict, in the process building capacity amongst staff and students.

The University of North-West has embarked upon a self-sustaining expansion of its basic mission to develop centres of excellence in teaching and research, providing relevant services to its clients: communities, government and business in the region. The University commits itself to:

- a strategic shift towards scientific, technological and business subjects
- the expansion of research and post-graduate programmes
- the provision of shorter training courses in response to changes in the labour market
- the sustained educational, economic, social and cultural development of staff, students and communities.

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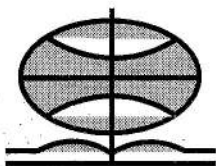
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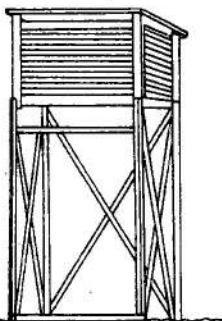
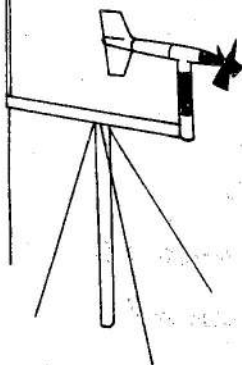
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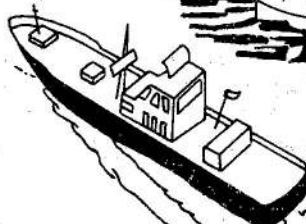
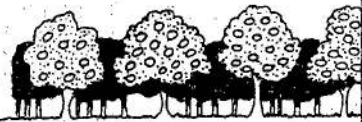
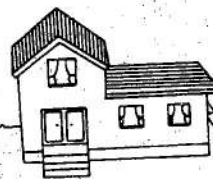
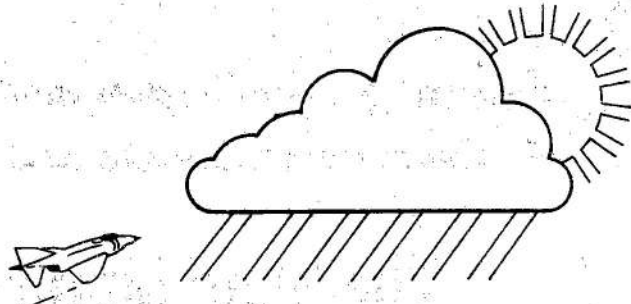
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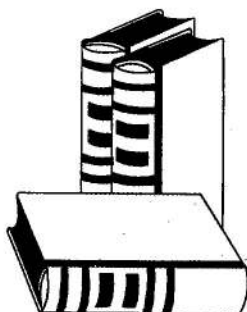
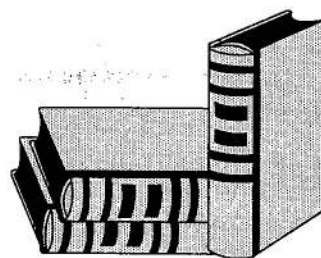


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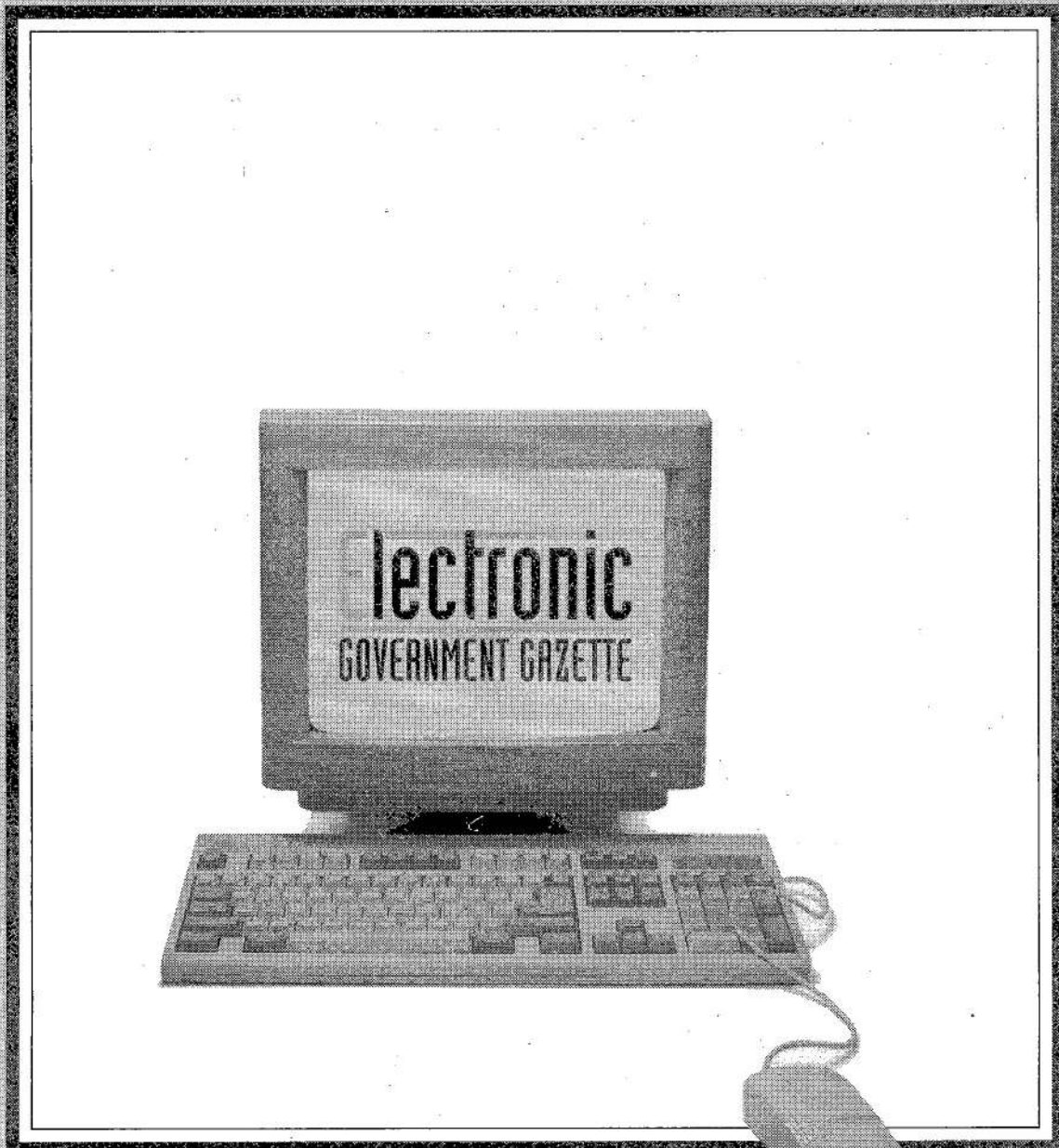


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