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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 193

6 February 1998

HIGHER EDUCATION ACT, 1997

STATUTE OF THE UNIVERSITY OF VENDA

The council of the University of Venda 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 Higher Education Act, 1997 (Act No. 101 of 1997), hereby published with the approval of the Minister of Education and which comes into operation on the date of this publication.

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CHAPTER 1

DEFINITIONS

1. Definitions

In this Statute, unless the context otherwise requires, any word or expression to which a meaning has been assigned by section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997), 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 a voting body;

"appoint" means -

- (a) to employ;
- (b) to assign to; or
- (c) to designate an office or duties;

"days" means calendar days;

"due notice" means notice that has been given if a written notification has been dispatched by registered post to the last address registered with the registrar concerned at the commencement of the period of notice required;

"institutional forum" means the body contemplated in Chapter 6 and includes the broad transformation committee contemplated in section 10(6) of the private Act.

"majority" means a simple majority unless otherwise indicated;

"months" means calendar months;

"nominate" means the act of submitting names for election;

"registrar" means the registrar academic unless otherwise specified,

"rules" mean rules of the council concerning degrees, diplomas and certificates;

"semester" means one half of the portion of a calendar year approved by the council on the recommendation of the senate for the academic activities of the University;

"simple majority" means more than half of the votes cast, excluding abstentions;

"the Act" means the Higher Education Act, 1997 (Act No. 101 of 1997);

"the private Act" means the University of Venda Act of 1996 (Act No. 89 of 1996);

"University" in the application of this Statute means the University of Venda;

"vice-chancellor" means the chief executive and accounting officer of the University and includes the principal.

CHAPTER 2

CHANCELLOR

2. Functions of chancellor

The chancellor is the titular head of the University and confers all degrees on behalf of the University subject to the provisions of the private Act.

3. Term of office of chancellor

(1) The chancellor occupies his or her office for a period specified in the private Act unless he or she tenders his or her resignation in writing to the council or vacates his or her office for any reason before the expiry of the term concerned.

(2) The chancellor may be removed from office by a resolution of the majority of all members of the council on account of -

- (a) misconduct,
- (b) incapacity to carry out his or her official duties; or
- (c) any other reason that the council deems adequate.

4. Election of chancellor

(1) The chairperson of the council or in his or her absence the vice-chancellor, determines the date on which a meeting of the council must be held for the purpose of electing a chancellor.

(2) The date contemplated in subparagraph (1) must be within 90 (ninety) days after the office of chancellor becomes vacant.

(3) The secretary to the council must, at least two (2) months, but not more than four (4) months prior to the expiry of the term of office of the chancellor, give due notice to every member of the council of the date, place, and time of the meeting contemplated in

sub-paragraph (1) and invite members of the council to submit nominations for the office of chancellor on a form approved by the vice-chancellor.

(4) A member may supplement the information on the prescribed form contemplated in subparagraph (3) by the submission of additional information.

(5) The completed documents for the nomination of candidates must reach the secretary to the council at least 21 (twenty-one) days before the date of the meeting contemplated in subparagraph (1).

(6) The secretary to the council must, within three (3) days of receiving a valid nomination, give due notice to every member of the council of such nomination.

(7) In order to be eligible for election, a candidate for the office of chancellor must have been nominated, with his or her written consent, by at least four (4) members of the council.

(8) The election of the chancellor is by secret ballot.

(9) A candidate is elected to the office of chancellor by an absolute majority.

(10) Each member of the council has only one vote during each ballot.

(11) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as a candidate.

(12) The name of the newly elected chancellor is announced at the next meeting of the senate.

5. Vacancy in office of chancellor

(1) If the office of chancellor becomes vacant or the chairperson of the council receives the chancellor's written resignation, the secretary to the council must, within fourteen (14) days of the occurrence of the vacancy or of the receipt of the resignation, as the case may be, give due notice to each member of the council of such vacancy or resignation and call for nominations.

(2) The council must within 90 (ninety) days of the occurrence of the vacancy elect a new chancellor in accordance with the provisions of paragraph 4.

CHAPTER 3

VICE-CHANCELLOR AND VICE-PRINCIPAL

VICE-CHANCELLOR

6. Powers and duties of vice-chancellor

- (1) The vice-chancellor is the chief executive and accounting officer of the University.
- (2) The vice-chancellor exercises the functions of the chancellor in his or her absence.

7. Period of office of vice-chancellor

The vice-chancellor is appointed for a contract period of five (5) years subject to renewal if the council deems it fit.

8. Conditions of service

The conditions of service of the vice-chancellor are as determined by the council from time to time.

9. Appointment of vice-chancellor

(1) The secretary to the council must at least 6 (six) months before the retirement, resignation or end of the term of service of the vice-chancellor or, if the office becomes vacant for any reason, within fourteen (14) days of the occurrence of the vacancy, give due notice to the chairperson of the council.

(2) The secretary to the council in liaison with the chairperson of the council must advertise the vacant post in reputable local as well as international newspapers.

(3) The secretary to the council must give due notice to every member of the council of the applications received.

(4) Each university constituency represented on the council must submit three (3) names, from the applications which were received for the post, as their candidates for possible short-listing, to the secretary of the council, within ten (10) working days after receiving notice of such applications as contemplated in subparagraph (3).

(5) The short-listing of candidates for the post of vice-chancellor is done by a search committee.

(6) The search committee is a special committee of the council with at least two (2) members from other Universities.

(7) The search committee must formulate procedures for the short-listing and interviewing of candidates, and must also decide on the composition of the interview committee.

(8) After the interviews, a full report must be submitted by the interview committee to the council at its ordinary meeting with all available information on the nominees.

(9) The council then finalises the appointment.

10. 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 vice-chancellor in consultation with the council may designate a vice-principal as acting vice-chancellor for that period.

(2) An acting vice-chancellor has the privileges and functions of the vice-chancellor.

(3) Despite subparagraph (2), an acting vice-chancellor may not change existing policy.

11. 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 10 until a successor appointed in terms of paragraph 9 assumes office.

12. 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 unfit to attend to his or her personal affairs by a court of law.

VICE-PRINCIPAL**13. Powers and duties of vice-principal**

The powers and duties of a vice-principal are determined by the vice-chancellor in consultation with the council.

14. Period of office of vice-principal

Paragraph 7, with the changes required by the context, applies.

15. Manner of appointment of vice-principal

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

16. Conditions of service of vice-principal

The conditions of service of the vice-principal are determined by the council.

CHAPTER 4

COUNCIL

17. Manner of election of council members

(1) The senate from amongst its members elects in the manner contemplated in paragraph 50, two (2) members to serve as members of the council.

(2) The convocation elects two (2) members to serve as members of the council in the manner contemplated in paragraph 83.

(3) The two (2) members to the council designated by persons who are donors, are designated in the manner contemplated in Chapter 9.

(4) The election of persons contemplated in sections 8(1)(i), (k) and (l) of the private Act is by secret ballot in open general elections conducted by an independent outside body where all tiers of employees are allowed to vote across the board for colleagues within their constituencies.

(5) The two (2) members of the students' representative council elected by the students' representative council to serve as members of the council are elected in accordance with a resolution of such students' representative council.

(6) The designation of persons contemplated in section 8(1)(n) to the council by a body or bodies determined by the council is done in accordance with a resolution of such body or bodies.

(7) The person designated by the Thohoyandou Town Council to serve as member of the council is designated in accordance with a resolution of such council.

(8) The three experts designated by the council to serve as members of the council are designated in accordance with a resolution of the council.

(9) The name of a person appointed, elected or designated as a member of the council, must be furnished to the secretary to the council by the relevant body or person as soon as reasonably practicable after such appointment, election or designation.

18. Term of office of council members

(1) The members appointed, elected or designated in terms of section 8(1) of the private Act, excluding the members designated in terms of section 8(1)(j) of the private Act, hold office for four (4) years.

(2) The term of office of the members designated in terms of section 8(1)(j) of the private Act is one (1) 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.

19. 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 (3) 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 unfit to attend to his or her personal affairs by a court of law; or
- (e) is recalled by his or her constituency.

20. Casual vacancies in council

If the membership of a member of the council terminates 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 or designate a successor for a period determined in section 8(6)(b) of the private Act as soon as reasonably practicable thereafter.

21. Notification of expiry of terms of office

The secretary to the council must at least three (3) 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 appoint, elect or designate a successor to the person whose terms of office is expiring.

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

(1) Nominations for the chairperson, vice-chairperson and other office-bearers of the council must be submitted in writing to the secretary to the council.

(2) The vice-chancellor, the vice-principal or any employee of the University is not eligible for nomination as chairperson or vice-chairperson.

(3) If more than one candidate is nominated for each portfolio, voting must be by secret ballot.

(4) The chairperson, vice-chairperson and other office-bearers of the council must be elected by an absolute majority of the members at a duly constituted meeting of the council.

(5) The council decides, before the elections contemplated in subparagraph (4), on the electoral system to be employed.

(6) The chairperson, the vice-chairperson and other office-bearers occupy their respective offices for a term of one (1) year from the date following the day on which the previous chairperson, vice-chairperson or other office bearer's term expires.

(7) If the chairperson for any reason vacates his or her office prior to the expiry of his or her term of office, the vice-chairperson presides at all council meetings pending the election of a new chairperson.

(8) If the chairperson and the vice-chairperson are not available for any council meeting, members of council elect an acting chairperson to preside at a particular meeting.

23. Secretary to council

(1) The registrar academic 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 is the electoral officer at all meetings.

(3) The registrars may attend all meetings of the council.

(4) A committee of the council must have a registrar or his or her nominee as secretary.

(5) A registrar may take part in discussions but is not entitled to vote.

24. Attendance of council meetings by non-members

The council may invite persons who are not members to attend meetings, provided that such persons may take part in the discussions but are not entitled to vote.

25. Notice of meeting

The secretary to the council must, at least seven (7) days before the date set for any meeting, give due notice to each member of all matters to be dealt with at the meeting, stating the time and place of such meeting.

26. Notice of matters to be dealt with at council meeting

(1) Notice of matters for consideration must be submitted in writing to the secretary to the council at least five (5) 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, without prior notice, be placed on the agenda at an ordinary meeting if the majority of members present agrees thereto.

27. Quorum for council meeting

A quorum consists of half plus one of the total number of members.

28. Minutes

(1) The secretary to the council keeps the minutes of each meeting of council and must include such minutes in the notice of the next council meeting.

(2) 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.

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

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

29. Discussion of proposals

(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.

30. Voting procedure at council meeting

(1) Except where otherwise provided, all matters are decided by a majority of all members present.

(2) The chairperson is a voting member of the meeting and, if he or she desires to cast his or her ordinary vote, he or she must do so simultaneously with the general voting and not thereafter.

(3) In the event of a tie, the chairperson has, in addition to his or her ordinary vote, also a casting vote.

(4) Despite subparagraph (3), the chairperson does not have a casting vote in the case of a vote by secret ballot.

(5) A tie in votes means that a motion is rejected, unless the chairperson declares that he or she will use his or her casting vote in favour thereof, in which case the motion is adopted.

(6) The chairperson may also use his or her casting vote against a motion or may decide not to use his or her casting vote.

(7) If members present during any vote on a motion abstain from voting, this must be recorded in the minutes.

31. Recording of votes at council meeting

(1) The number of votes for or against a proposal must be noted in the minutes if a meeting so decides.

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

32. Proposal to be seconded at council meeting

(1) A proposal or an amendment must be seconded and if the chairperson so directs, must be submitted in writing.

(2) A proposal may not be withdrawn without the consent of the meeting.

33. Ruling of chairperson

The ruling of the chairperson of the meeting on a point of order or procedure is binding unless a member immediately objects, in which case such ruling must be put to the vote without discussions and the decision of the meeting is final.

34. Extraordinary meeting

An extraordinary meeting of the council may be convened by the chairperson at any time, at the written request of at least nine (9) members if -

- (a) the purpose of the meeting is stated in such a request;
- (b) no business other than that stated in the request is dealt with at the meeting; and
- (c) at least ten (10) days notice of such meeting can be given.

35. Motions in connection with drafting, amending, supplementing or repealing of statute

(1) A motion to draft, amend, supplement, or repeal the statute may only be adopted if at least two-thirds of the members at the meeting vote in favour of it.

(2) If fewer than two-thirds of the members vote for such a motion, the motion may be resubmitted at the next ordinary meeting, where it may only be adopted if at least three-quarters of the members present vote in favour thereof.

(3) If the motion has not been adopted by at least two-thirds of the members present at the meeting referred to in subparagraph (2), the motion lapses.

36. Financial and other interests of members

(1) Any member of the council or a committee who has a direct financial or personal interest in any matter to be discussed at the meeting must declare such an interest before the commencement of such meeting.

(2) Any member of the university community has the right to inform the chairperson in writing, before any meeting, of any possible conflict of interest in respect of any member of the council or a committee.

(3) The chairperson is then obliged to place the matter as a first item on the agenda for the council or a committee to discuss.

(4) The member so affected must be given an opportunity to respond, whereafter a ruling is made in his or her absence.

(5) The affected member is thereafter called into the meeting where the decision of the council or a committee must be communicated to him or her.

(6) After such declaration or in the event of the committee finding that such an interest exists, such member of the council or a committee must excuse himself or herself from the meeting before such issue is discussed.

(7) If the person excusing himself or herself is an officer of the University, the chairperson of the council or a committee may nominate a suitable substitute from the relevant structure or department to attend in the place of the person who has excused himself or herself.

(8) In the event of the person excusing himself or herself being the chairperson of the meeting, the vice chairperson assumes the duty as chairperson of such meeting.

(9) In the event of there being no vice-chairperson, the council or a committee elects by a majority vote any member of the council or a committee to act as the chairperson.

(10) Failure to disclose an interest by an employee of the University in terms of subparagraph (1), or to excuse himself or herself in terms of subparagraph (6), constitutes misconduct in terms of Chapter 11.

(11) A resolution of the council or a committee arrived at in violation of this paragraph has no legal force or validity.

37. Executive committee and other committees of council

If the council appoints a committee in terms of section 10 of the private Act, the provisions of paragraphs 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33, with the changes required by the context, apply.

(2) The members of committees other than the executive committee appointed by the council in terms of section 10 of the private Act hold office for a maximum period of four (4) years and the powers and duties of such committees are as determined by the council.

CHAPTER 5

SENATE

38. The manner of election or designation of members of senate

(1) The manner of election or designation of the members contemplated in sections 9(1)(c), (j) and (k) of the private Act is determined by the respective bodies themselves.

(2) The election of the members contemplated in sections 9(1)(f), (g), and (h) of the private Act is by secret ballot in primary and open general elections conducted by an independent outside body.

39. Primary elections

(1) Primary elections are held for the three tiers of academic employees which are professors, senior lecturers and lecturers to elect one representative per school thereby meeting the requirements of the private Act.

(2) Schools with only one qualifying member do not participate in the primary elections, since their members are duly elected by virtue of being the sole and automatic candidates within their schools.

40. Open general elections

(1) Open general elections allowing all three tiers of academic employees to vote across the board for colleagues within their respective constituencies, precluding those members already elected in the primary elections, are held to meet the requirements of sections 9(1)(f), (g) and (h) of the private Act.

(2) Paragraph 39(2), with the changes required by the context, applies to schools with only one qualifying candidate per tier of academic employees.

41. Term of office of members of senate

(1) The members of the senate elected by the council and referred to in paragraph 9(1)(c) of the private Act hold office for as long as they are members of the council.

(2) Elected members of the senate in terms of sections 9(1)(f), (g) and (h) of the private Act hold office for a period of three (3) years.

(3) In the event of a vacancy, the constituency that elected or designated such a member must fill such vacancy.

42. Functions of senate

(1) Subject to the provisions of the private Act, the senate -

- (a) makes recommendations to council concerning the creation of new programmes and structures as well as the dissolution of such structures and programmes;
- (b) makes recommendations to the council regarding the creation of new schools under which departments, centres or institutes fall and the representation of departments, centres and institutes on the school boards of studies;
- (c) approves the appointment of the dean, the deputy dean and the acting dean of each school upon the submission of the names of the persons elected by the school boards of studies;
- (d) prescribes the functions of deans and deputy deans;
- (e) approves the appointment of heads of departments and directors of centres or institutes in the case of new schools or as approved by school boards of studies;
- (f) monitors and advises on tuition in the various schools, departments, centres, institutes, lectures and classes subject to the rules approved by the council on the recommendation of the senate;
- (g) appoints all internal examiners and moderators and submits recommendations to the council on the appointment of external examiners and moderators;

- (h) makes recommendations to the council concerning degrees, diplomas and certificates offered by the various schools, after consultation with the various school boards of studies.
- (i) makes recommendations to the council on the conditions for the awarding of degrees, diplomas or certificates by the University and monitors the requirements for admission to study for such degrees, diplomas and certificates and the conditions for the granting of equal status to persons who have studied at other institutions or universities;
- (j) approves the procedure for the awarding of degrees, diplomas, and certificates as well as the nature of academic dress;
- (k) regulates all matters relating to academic meetings for which no provision has been made in the statute;
- (l) makes recommendations to council concerning the appointment of professores emeriti, special category appointments and persons to whom honorary degrees may be awarded;
- (m) subject to the approval of the council and in accordance with the deeds of gift concerned, draws up rules concerning conditions for the awarding of and duration of scholarships and prizes at the disposal of the University, makes submissions to the council for consideration from time to time in respect of the awarding of such scholarships and prizes and determines from time to time the extent to which a holder of any scholarship has complied with the conditions;
- (n) makes recommendations to council concerning the amendment, supplementation or repeal of disciplinary rules in the academic sphere;
- (o) determines the quorum and procedures of committees of the senate; and
- (p) ensures that the academic programme of various schools adhere to the mission of the University.

(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 functions 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.

43. Chairperson and acting chairperson of senate

- (1) The vice-chancellor is the chairperson of the senate.
- (2) In the absence of the chairperson, the vice-principal acts as chairperson and in the absence of the vice-principal, the members of the senate must elect a chairperson from amongst the members present by a simple majority.

44. Secretary to senate

- (1) The registrar academic is the secretary to the senate and he or she may designate any other official to assist him or her or act on his or her behalf as secretary to the senate.
- (2) The secretary to the senate attends all meetings of the senate and of committees of the senate and may take part in the discussions but may not vote.

45. Meetings of senate

- (1) At least two (2) ordinary meetings of the senate must be held during each semester of the academic year.
- (2) Ordinary meetings of the senate are held on the dates, and at the times and places, as determined by the senate.

46. Attendance of meetings by non-members

- (1) The senate may invite persons who are not members to attend a meeting.
- (2) The persons contemplated in subparagraph (1) may take part in the discussions but are not allowed to vote.

47. Quorum for senate meetings

A quorum consists of half plus one of the total number of members.

48. Agenda for senate meetings

At least seven (7) days before an ordinary meeting and at least two (2) days before an extraordinary meeting of the senate, the secretary to the senate must provide to every member an agenda reflecting, among others, the date, time and venue of the meeting and the matters to be considered.

49. Compilation of agenda

(1) Submissions must be in writing and must be lodged with the secretary to the senate at least fourteen (14) days before the appointed date of an ordinary meeting.

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

50. Representatives of senate on council

(1) The senate decides before the election on the electoral system to be employed.

(2) The members are elected by an absolute majority at an ordinary senate meeting.

(3) Nominations of candidates must be in writing, and must be signed by at least two (2) members of the senate and the nominee, and must reach the secretary at least three (3) days before the senate meeting concerned.

(4) Notice of the expiry of a term of office of a senate member on council must be given by the secretary to the senate by including an item on the agenda of the ordinary meeting of the senate preceding the last meeting of council which takes place during the term of office of such a member.

(5) A member whose term of office expires may be re-elected.

(6) If a representative of the senate on the council vacates his or her office prematurely, the senate elects a successor for the remaining part of his or her term of office at its next meeting.

51. Amendment of rules of senate

(1) No proposal to make, amend, or repeal a rule of the senate may be considered unless it is included and set out in detail in the agenda of an ordinary meeting of the senate.

(2) A resolution to make, amend or repeal a rule of the senate must be accepted by at least two-thirds of the total number of members of the senate.

52. Minutes of senate meetings

(1) The secretary to the senate keeps the minutes of the proceedings at all meetings and forwards a report of all resolutions, as well as all the necessary documentation concerning matters for decision by the council, to the secretary to the council after each meeting.

(2) The minutes of an ordinary meeting of the senate must be provided to all members within three (3) weeks after such meeting.

(3) At the commencement of an ordinary meeting, after it has been constituted, the minutes of the previous ordinary meeting and of any extraordinary meeting held subsequently must be read and, if adopted, must be confirmed by the signature of the chairperson of the senate.

(4) An objection to the minutes must be raised and dealt with before the confirmation contemplated in subparagraph (3).

(5) The meeting may take the minutes as read if a copy thereof has been delivered to every member at least three (3) days before the meeting.

53. Register of resolutions

A complete and accessible register of senate resolutions must be kept available by the secretary to the senate.

54. Discussion of proposals

(1) A member may not, without the permission of the chairperson, speak more than once on a motion or an amendment, but the proposer of a motion or amendment has the right of reply.

(2) A member may move that the matter under discussion be dealt with in committee and, if his or her motion is seconded, it must be put to the vote without further discussion, and if his or her motion is carried, the senate must go immediately into committee, whereafter a member may speak more than once on the subject under discussion.

(3) The opinion of a member who cannot attend a meeting personally may be submitted to the meeting if it is in writing, but it is not deemed as a vote by such a member.

55. Voting procedures and minuting of resolutions

(1) Except as otherwise provided in this statute, all matters are decided by a majority vote of all members present.

(2) The chairperson is a voting member of the meeting and if he or she desires to cast his or her ordinary vote he or she does so simultaneously with the general voting and not thereafter.

(3) In the event of a tie, the chairperson has, in addition to his or her ordinary vote, a casting vote.

(4) Despite subparagraph (3), the chairperson does not have a casting vote in the case of a vote by secret ballot.

(5) A tie in a vote means that a motion is rejected unless the chairperson declares that he or she will use his or her casting vote in favour thereof, in which case the motion is adopted.

(6) The chairperson may also use his or her casting vote against a motion or may decide not to use his or her casting vote.

(7) The number of votes for a proposal together with all abstentions must be recorded in the minutes.

(8) At the request of a member, the chairperson may direct that -

- (a) voting be by secret ballot; or
- (b) the vote of the member in question be recorded in the minutes.

56. Ruling of chairperson

The ruling of the chairperson of the meeting on a point of order or procedure raised by the chairperson or a member of the meeting is binding, unless a member immediately objects, in which event such ruling is subjected to the final decision of the meeting without discussion.

57. Extraordinary meetings

(1) The chairperson or in his or her absence his or her representative may convene an extraordinary meeting at any time if he or she deems it necessary, and must convene such a meeting if he or she is requested to do so in writing by at least 10 (ten) members of the senate if the purpose of such meeting is stated in such request.

(2) No matter not stated in such request may be considered at such meeting contemplated in subparagraph (1), except with the consent of the meeting following an uncontested motion.

58. Executive committee of senate

- (1) The executive committee of the senate consists of -
- (a) the vice-chancellor, who is the chairperson;
 - (b) the vice-principal;

- (c) the registrar academic;
 - (d) the deans;
 - (e) the directors of academic centres and institutes or their representatives; and
 - (f) such other members as the senate may appoint biennially from amongst its members.
- (2) The functions of the executive committee of the senate are determined by the senate.
- (3) An extraordinary meeting of the executive committee may be convened at any time by the chairperson or, in his or her absence, by his or her representative for the consideration of a matter referred to the executive committee by the senate or the council or any other matter which in the discretion of the chairperson cannot be held over until the next ordinary meeting of the executive committee of the senate.
- (4) At least three (3) days before an ordinary meeting of the executive committee of the senate, the secretary to the senate must send to each member an agenda stating, among others, the date, time and venue of the meeting and the matters to be discussed.
- (5) The executive committee of the senate may, from time to time, invite persons who are not members of the committee to attend a meeting.
- (6) The persons contemplated in subparagraph (5) may take part in the discussions but are not allowed to vote.
- (7) Despite subparagraph (6), a representative of a dean elected by a school board of studies may represent a school and, in the absence of the dean, has full voting status.

59. Quorum and procedures for meetings of executive committee of senate

- (1) A quorum consists of half of the number of members plus one.
- (2) The provisions in respect of the procedures at meetings of the senate, with the changes required by the context, apply to meetings of the executive committee of the senate.

(3) Despite subparagraph (2), a member may request that the chairperson rule that the formal rules of procedure be observed.

(4) The executive committee must furnish the senate with a report on its meetings and the senate may confirm, amend or set aside resolutions adopted by the executive committee.

60. Other committees of senate

(1) Committees of the senate other than the executive committee may be established in terms of section 10 of the private Act.

(2) The members of standing committees of the senate are elected biennially by secret ballot by means of an electoral system previously determined by the senate.

(3) Members of committees established for particular purposes hold office as long as it is deemed necessary by the senate.

(4) The first meeting of every committee is called by the person elected by the senate as the convenor of that committee, or failing the election of a convenor, by the secretary to the senate.

(5) Every committee elects a chairperson at its first meeting before transacting any other business, unless the senate at the time of electing the committee appointed a chairperson.

(6) The chairperson of a committee must, at every ordinary meeting of the senate, submit a report of the activities of the committee concerned.

61. Financial or other interests of committee members to be declared

The statement on conflict of interest in paragraph 36, with the changes required by the context, applies to the senate and all its committees.

62. School board of studies

(1) For every school there is a committee known as the school board of studies.

- (2) A school board of studies consists of -
- (a) the vice-chancellor by virtue of his or her office;
 - (b) the vice-principal by virtue of his or her office;
 - (c) the registrar academic or his or her representative;
 - (d) the dean of the school;
 - (e) the professors;
 - (f) all lecturers of that school; and
 - (g) such other persons as the school board of studies itself may from time to time determine.

(3) Persons invited to a meeting of the school board of studies who are not members of the school may take part in the discussions but may not vote.

(4) A school board of studies meets once a term at such time and place as may be determined by the school board of studies itself.

(5) The dates of such meetings contemplated in subparagraph (4) must be reflected in the University calendar.

(6) A special meeting of a school board of studies, of which not less than 24 hours notice must be given to all members, may be convened by the dean or vice-dean at any time, if the reason for convening such a meeting is clearly stated.

(7) Subject to the provisions of subparagraph (6), a special meeting of the school board of studies may also be convened by the dean or vice-dean at the written request of at least one third of the members of the school board of studies if the purpose of such meeting is clearly stated in such a request and if no other matter is dealt with at such a meeting, except the one stated in the request.

(8) The date, time and venue of all special meetings are determined by the dean or vice-dean and no elections or nominations of persons into offices within the school may be conducted at such special meetings.

(9) A quorum comprises one half plus one member of the total voting membership of the board.

63. Functions of school board of studies

(1) A school board of studies must present to the senate, for the senate's consideration and recommendation to the council, all matters relating to the curricula, syllabi, courses, research and examinations to the extent that the departments, centres or institutes of the school are concerned, on such matters as may be referred to it by the senate and on other matters affecting the interests of the schools.

(2) A school board of studies elects biennially at an ordinary meeting, from amongst its professors, associate professors and heads of departments, a dean as well as a vice-dean for the school.

(3) The vice-dean performs all duties and functions of the dean during the dean's absence, and all other functions assigned to him or her by the dean.

(4) The deans and vice-deans of the schools serve in their respective positions until the expiry of their terms of offices, resignation or until an occurrence that renders them incapable of executing their duties and functions as deans and vice-deans respectively.

(5) Subject to the provisions of subparagraph (4), a dean or vice-dean of a school must resign his or her position if a vote of no confidence is passed by a two-thirds majority of all members of the school board of studies at its ordinary meeting.

64. Functions of a dean of a school

(1) The dean is the chairperson of the school board of studies and a member of the committees of the school board of studies by virtue of his or her office.

(2) The dean must ensure that the registration of students in the school is carried out according to regulations.

(3) The dean must ensure that the work of the departments, centres, institutes and the programmes in the school is effective and well organised.

(4) The dean reports to the senate in respect of the activities of the school.

(5) The dean is the chief administrator of the school and administers the budget of the school.

65. Academic departmental board

- (1) There is for every department an academic departmental board.
- (2) An academic departmental board consists of all lecturing members of the department.
- (3) Persons invited to meetings of an academic departmental board who are not members of the department may take part in discussions but are not allowed to vote.
- (4) An academic departmental board meets regularly to discuss departmental matters.
- (5) A quorum at a meeting of an academic departmental board comprises one half plus one of the total number of voting members.

66. Functions of academic departmental board

- (1) An academic departmental board recommends to the school board of studies for recommendation to senate, all matters relating to curricula, syllabi, courses, research, and examinations.
- (2) All rules concerning curricula, syllabi, courses, research or examinations of a particular department must be adopted by the school board of studies after they have been formally approved by the academic departmental board.
- (3) An academic departmental board elects biennially at an ordinary meeting, from amongst its professors, associate professors and senior lecturers, a head of department.

67. Functions of head of department

A head of department must -

- (a) serve the interest of such department at school boards of studies and senate meetings;
- (b) administer the work of such department;
- (c) execute all decisions of the school board of studies and the senate; and
- (d) evaluate the academic programme in respect of such department's responsibility in relation to its discipline and the mission of the University.

CHAPTER 6

INSTITUTIONAL FORUM

68. Institutional forum

(1) The institutional forum is a committee of council that retains its operational independence.

(2) In the event of the institutional forum holding a view that is at variance with council's opinion on a particular matter, the opinion of council prevails.

69. Composition of institutional forum

(1) The institutional forum must be comprised of all statutory and non-statutory bodies at the University which are recognised by council.

(2) All participants on the institutional forum must have an identifiable and significant constituency and mandated capacity to act on behalf of their constituencies.

(3) A body or structure is represented by three (3) members.

70. Executive committee of institutional forum

The executive committee of the institutional forum consists of -

- (a) the chairperson;
- (b) the deputy chairperson;
- (c) the secretary to the institutional forum; and
- (d) three (3) additional members.

71. Functions of institutional forum

The functions of the institutional forum are -

- (a) to develop a comprehensive framework of principles and values that will ensure maximum representativity of all statutory and non-statutory structures on campus in the decision making organs of the University;
- (b) to facilitate the transformation of curricula to address core issues of the society; and
- (c) to serve as a consultative forum for all issues relevant to the work of the University.

72. Meetings of institutional forum

The meetings of the institutional forum must be convened and held in the manner, at the time and places and for the purposes prescribed by the committee's constitution which must be submitted to council for approval.

CHAPTER 7

CONVOCATION

73. Composition of convocation

The convocation of the University is constituted as determined in section 11 of the private Act.

74. 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) It is the duty of every member to notify the secretary in writing of any change of address and such address is regarded as the member's 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.

75. Secretary to convocation

(1) The registrar academic or his or her representative is the secretary to the convocation.

(2) At an election the secretary to the convocation acts as electoral officer and he or she must be assisted by two (2) scrutineers appointed by the vice-chancellor, provided that if a scrutineer is nominated, he or she must be replaced by another person appointed by the vice-chancellor.

76. President of convocation

- (1) No employee of the University may be elected president of the convocation.
- (2) The president of the convocation holds office for a period of four (4) years.
- (3) If the president for any reason vacates his or her office prior to the expiry of his or her term of office, the vice-president must act as president until the convocation has elected a new president for the unexpired portion of such term of office.
- (4) The president is the chairperson of all meetings of the convocation and in his or her absence the vice-president must act as chairperson.
- (5) In the absence of both the president and vice-president, the members present must, under the guidance of the secretary to the convocation, elect a chairperson for that meeting from amongst themselves.

77. Meetings of convocation

- (1) All meetings of the convocation take place at the University, unless the council, after consultation with the senate, decides otherwise.
- (2) There must be at least two (2) meetings per year, one of which is an annual general meeting at which the election of office bearers take place.
- (3) A meeting of the convocation may be convened by the president at any time if he or she deems it necessary, and must be convened by the secretary when a written request signed by at least twenty (20) members is lodged with him or her, provided that the matters for consideration at such meeting are stated in the form of specific motions and that no matters other than those stated in such request may be discussed at such meeting.
- (4) The meeting contemplated in subparagraph (3) must be convened by the secretary as soon as possible after but in any event within two (2) months of receipt of such request.

78. Executive committee of convocation

- (1) The executive committee of the convocation consists of -
- (a) the president and the vice-president of the convocation;
 - (b) the secretary to the convocation, or in his or her absence, a representative who is a member of convocation;
 - (c) one (1) member of council elected by council;
 - (d) five (5) persons elected by the convocation from amongst convocation members;
 - (e) one (1) member of senate appointed by senate; and
 - (f) the vice-chancellor and the vice-principal.

79. Duties of the executive committee

- (1) The executive committee of the convocation must -
- (a) administer the affairs of the convocation;
 - (b) discuss and on behalf of the convocation state its opinion upon any matters relating to the university or to the convocation, including matters that may be referred to it by council; and
 - (c) administer such funds as may be allocated to it from time to time by council.

(2) Executive committee members are elected in accordance with the procedure determined by the electoral officer, who for this purpose is the secretary to the convocation.

80. Funds of convocation

All monies pertaining to the business of the convocation are administered by the finance department of the University according to the University's financial policies.

81. Notice of meetings of convocation

Notice of a meeting of the convocation with a statement of the business to be brought before the meeting must be sent to every person who is a member, or who at the time of the meeting, will be eligible to be a member at least fourteen (14) days before such meeting.

82. Quorum and procedure at meetings of convocation

(1) Fifty (50) members constitute a quorum for the purposes of convocation meetings and five (5) members constitute a quorum for purposes of executive committee meetings.

(2) The procedure at a meeting of the council, with the changes required by the context, applies to meetings of the convocation.

(3) A copy of all resolutions of the convocation and declarations concerning all other matters on which the convocation may decide, duly certified by the chairperson and the secretary, must be sent to the secretary to the council and the secretary to the senate for the information of the council and the senate respectively.

83. Representatives of convocation on council

The election of members of the convocation to represent the convocation on the council is in a manner as determined by the secretary to the convocation.

CHAPTER 8

UNIVERSITY OF VENDA FOUNDATION

84. University of Venda foundation

(1) The University of Venda foundation is a trust created by the University for purposes of fund-raising.

(2) The foundation must present a report of its activities at every meeting of council in the manner prescribed by council.

CHAPTER 9

DONORS

85. 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 (2) years preceding his or her designation to the council, is deemed a donor for the purpose of section 9(1) of the private 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 is as decided by the donors themselves.

CHAPTER 10

STUDENTS

86. 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.

87. Student discipline

A student of the University is subject to the disciplinary provisions contained in the *regulations in respect of disciplinary action* as determined by the council 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 11

APPOINTMENT AND CONDITIONS OF SERVICE OF UNIVERSITY EMPLOYEES

88. Appointment of employees

Every employee of the University is subject to the general authority of the council and of the vice-chancellor.

89. Conditions of service, service benefits and leave privileges of employees

The conditions of service and terms of employment of University employees relating to hours of work, leave privileges, holidays, benefits, allowances, grievances, achievement, working conditions and others are as determined by the council.

90. 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 private 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 council, discloses otherwise than in the performance of his or her official duties, 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 or her office, or fails to report to the council 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;
- (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;
- (r) does, causes or permits to be done by any person any act which imperils the smooth course of teaching, research administration and general activities at the University;
- (s) behaves improperly or unfittingly; or
- (t) fails to disclose an interest at a meeting in a case where there is a conflict of interest between the staff member and the University.

91. Procedure in case of misconduct

(1) If an employee is accused of misconduct as defined in paragraph 90 the council or the vice-chancellor must establish a committee consisting of one or more employees to conduct a preliminary inquiry into the allegations and to submit a written report within five (5) working days of its establishment.

(2) Pending on the outcome of the preliminary inquiry, minor disciplinary issues which in the opinion of the vice-chancellor are of a less serious disciplinary nature, may, in the principal's discretion be resolved between the vice-chancellor and the dean and or the head of department concerned and the affected party by way of a written reprimand or warning.

(3) If the preliminary inquiry points at reasonable grounds for a charge of misconduct, the employee must be charged in writing by the vice-chancellor or council for such misconduct and a hearing by a disciplinary committee of the principal or council must be ordered.

(4) The composition of the disciplinary committee to be appointed to conduct the hearing of a case of misconduct by a junior employee may be determined by the principal, provided that it consists of five (5) members and its chairperson must be a jurist of a lawyer.

(5) The composition of the disciplinary committee to be appointed to conduct the hearing of a case of misconduct by a senior employee must be determined by the principal, in consultation with the chairperson of the council, provided that the disciplinary committee must consists of five (5) members and its chairperson must be a jurist or lawyer.

(6) For the purpose of subparagraphs (4) and (5), junior employees mean employees at post level 5 and below, and where it affects administrative employees and in the case of academic employees, those who are not members of the senate.

(7) The vice-chancellor or registrar, in consultation with an employee appointed by the council or vice-chancellor to act as pro-forma prosecutor in the further prosecution of the case, must at least ten (10) working days prior to the date set for the hearing, charge the accused in writing with that misconduct and notify the accused of the date, time and place of the disciplinary committee hearing.

(8) 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 seven (7) working days after the charge has been served upon him or her, submit to the principal, registrar or prosecutor a written admission or denial of the charge and, should he or she so prefer, a written explanation in connection with the charge.

(9) 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 such admission is received.

(10) The accused has the following rights concerning a 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 pro-forma prosecutor 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.

(11) The chairperson of the disciplinary committee determines the procedures to be followed at a hearing.

(12) The pro-forma prosecutor 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.

(13) 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 (12).

(14) The prosecutor may adduce evidence and arguments in support of the charge and cross-examine any person who has given evidence in rebuttal of the charge.

(15) 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.

(16) 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.

(17) The registrar or his or her nominee is responsible for the recording, either on tape or in writing, of the proceedings at the hearing and all evidence adduced.

(18) The hearing must be conducted in camera and the proceedings of the hearing will not be published.

(19) If the disciplinary committee fails to arrive at a unanimous decision, the decision of the majority prevails.

(20) The council or the vice-chancellor may, with or without benefits, suspend an employee accused of misconduct from service for a maximum period of ninety (90) days, provided that such charge be investigated as soon as reasonably possible.

(21) The suspended employee may within five (5) working days of being notified of his or her suspension, address written representations to the vice-chancellor or council, advancing reasons why he or she should not be suspended.

(22) Disciplinary action must be instituted against an employee who has been suspended not later than twenty (20) working days after the commencement of such suspension, failing which such suspension must be rescinded.

(23) The vice-chancellor or council, as the case may be, may at any time withdraw a suspension of an employee.

(24) 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.

(25) The disciplinary committee 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.

(25) 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 he or she must be allowed to resume duty as soon as practicable thereafter.

(26) An accused who is suspended from service and upon whom a punishment referred to in subparagraph (28) (a) to (f) is imposed, must be allowed to resume duty in an appropriate post as soon as is practicable thereafter.

(27) If the disciplinary committee finds an accused guilty of the misconduct of which he or she has been charged, it must submit to the vice-chancellor or council

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

(28) If an accused 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 or council may, taking into consideration the documents referred to in subparagraph (27) -

- (a) caution and reprimand him or her, which may or may not be entered on his or her personal record;
- (b) withhold one salary increment or deprive him or her of his or her leave privileges temporarily or partially;
- (c) suspend him or her from duty for a maximum of three (3) months, with or without salary;
- (d) transfer him or her to another post;
- (e) reduce his or her salary or rank or both his or her salary and rank;
- (f) 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;
- (g) discharge the accused summarily or after the required written notice; or
- (h) call upon him or her to resign.

- (29) The vice-chancellor may -
- (a) impose more than one of the punishments;
 - (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.

- (31) (a) If an accused is discharged in terms of subparagraph (28)(g), the discharge takes effect on a date fixed by the council.
- (b) If an accused is called upon to resign in terms of subparagraph (28)(h) 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.

(32) 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.

92. Appeal

(1) An accused may appeal to an external appeals committee appointed by 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 secretary to the council, within 10 days from the date upon which the accused has been notified by the vice-chancellor of the punishment imposed upon him or her.

(3) On receipt of the appeal, a copy thereof must be forwarded to the chairperson of the disciplinary committee, whereupon the disciplinary committee, assisted by the pro forma prosecutor, must, within a reasonable time period, compile a response to the grounds of appeal and submit it to the principal or to council.

(4) After an appeals committee, consisting of five (5) members who are not employees of the University and whose chairperson is a lawyer or a jurist, has considered the record of the proceedings, all relevant information and the response of the disciplinary committee to the grounds of appeal, the appeals committee must recommend its verdict or sentence to council for ratification and approval.

(5) An appeal is heard solely on the grounds of the record of the hearing and any documents submitted to the disciplinary committee during the course of the hearing except where the appeal is based on a material irregularity alleged to have occurred in the course of the said proceedings which is not reflected as such in the record of the proceedings.

(6) The appeals committee may -

- (a) uphold the decision of the disciplinary committee either wholly or in part;
- (b) set aside or amend the decision and sentence;
- (c) disallow the appeal;
- (d) confirm the decision and sentence either wholly or in part;
- (e) refer any query back to the disciplinary committee; or
- (f) conduct a further inquiry.

93. 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.

94. 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 concerning the allegation referred to in subparagraph (1), the immediate superior may recommend appropriate counselling, supervision or corrective and training programmes.

95. Procedure for formal inquiry

(1) If the procedure referred to in paragraph 94 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 91, with the changes 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 or the council may -

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

96. Pension fund

Membership of the University of Venda Provident Fund is compulsory for all permanent employees subject to the rules and regulations of the fund.

97. Appointment of auditors

The University is responsible for the appointment of external auditors.

CHAPTER 12

DEGREES, HONORARY DEGREES, SPECIAL CATEGORY ACADEMICS AND EXAMINATIONS AND TESTS

98. Degrees, diplomas and certificates

(1) The University has the power to confer in the school of human sciences the following -

(a) degrees -

| | | |
|--------|-----------------------------------------|---------------|
| (i) | Bachelor of Arts | BA; |
| (ii) | Bachelor of Arts in Social Work | BA(SW); |
| (iii) | Bachelor of Arts in Religious Studies | BA(RS); |
| (iv) | Bachelor of Arts with Honours | BA(Hons); |
| (v) | Bachelor of Arts Music | BA(Mus); |
| (vi) | Bachelor of Theology | BTH; |
| (vii) | Master of Theology | MTH; |
| (viii) | Doctor of Theology | DTH; |
| (ix) | Bachelor of Arts in Social Work Honours | BA(SW)(Hons); |
| (x) | Master of Arts | MA; |
| (xi) | Doctor of Philosophy | PhD; and |

(b) certificates -

| | | |
|-------|------------------------------------------------|------|
| (i) | Certificates Certificate in Christian Ministry | CCM; |
| (ii) | Certificate in Music | CMU; |
| (iii) | Certificate in Religious Studies | CRS. |

(2) The University has the power to confer in the school of education the following -

(a) degrees -

| | | |
|-------|-------------------------------------------|--------------------|
| (i) | Bachelor of Arts in Education (Secondary) | BA (Ed-Secondary); |
| (ii) | Bachelor of Arts in Education (Primary) | BA (Ed-Primary); |
| (iii) | Bachelor of Agriculture in Education | B.Agric (Ed); |
| (iv) | Bachelor of Arts in Education (Music) | BA.Ed (Mus); |
| (v) | Bachelor of Education | B Ed; |
| (vi) | Master of Education | M Ed; |
| (vii) | Doctor of Education | D Ed; and |

(b) diplomas -

- | | | |
|-------|---------------------------------------------------|-------------|
| (i) | University Education Diploma (Post-graduate) | UED; |
| (ii) | Diploma in Education Management | Dip Ed Man; |
| (iii) | Diploma in School Library and Information Science | Dip Sc Lib; |
| (iv) | Diploma in early Childhood Education | Dip Ece. |

(3) The University has the power to confirm in the school of mathematics and natural sciences the following degrees -

- | | | |
|-----|-------------------------------------------|---------------------|
| (a) | Bachelor of Agriculture | B Agric; |
| (b) | Bachelor of Science | B Sc; |
| (c) | Bachelor of Science in Agriculture | B Sc (Agric); |
| (d) | Bachelor of Science with Honours | B Sc (Hons); |
| (e) | Bachelor of Science in Agriculture (Hons) | B Sc (Hons)(Agric); |
| (f) | Master of Science | M Sc; |
| (g) | Master of Science in Agriculture | M Sc (Agric); |
| (h) | Doctor of Philosophy | PhD; |
| (i) | Doctor of Philosophy in Agriculture | PhD (Agric). |

(4) The University has the power to confirm in the school of business, economics and administrative sciences the following degrees -

- | | | |
|-----|-----------------------------------------|-----------------|
| (a) | Bachelor of Administration | B Admin; |
| (b) | Bachelor of Commerce | B Com; |
| (c) | Bachelor of Economics | B Econ; |
| (d) | Bachelor of Administration with Honours | B Admin (Hons); |
| (e) | Bachelor of Commerce with Honours | B Com (Hons); |
| (f) | Bachelor of Economics with Honours | B Econ (Hons); |
| (g) | Master of Administration | M Admin; |
| (h) | Master of Commerce | M Com; |
| (i) | Master of Economics | M Econ; |
| (j) | Doctor of Administration | D Admin; |
| (k) | Doctor of Commerce | D Com; |
| (l) | Doctor of Economics | D Econ; |
| (m) | Doctor of Philosophy | PhD; |
| (n) | Doctor of Economic Geography | D Econ. |

(5) The University has the power to confirm in the school of law the following degrees -

- | | | |
|-----|---------------------------|-----------|
| (a) | Bachelor of Arts in Law | BA (Law); |
| (b) | Baccalaureus Iuris | B Juris; |
| (c) | Baccalaureus Procuratoris | B Proc; |

- | | | |
|-----|---------------------------------------------|---------------|
| (d) | Bachelor of Laws | LLB; |
| (e) | Bachelor of Arts in Criminal Justice | BA. Crim; |
| (f) | Bachelor of Arts (Honours) Criminal Justice | BACrim(Hons); |
| (g) | Master of Laws | LLM; |
| (h) | Doctor of Laws | LLD. |

(6) The University has the power to confirm in the school of environmental sciences the following degrees -

- | | | |
|-----|---------------------------------------------------------------|------------------------|
| (a) | Bachelor of Science in Environmental Sciences | BSc Environ; |
| (b) | Bachelor of Science in Environmental Sciences with Honours | BSc Environ (Hons); |
| (c) | Master of Science in Environmental Sciences | MSc Environ; |
| (d) | Doctor of Philosophy in Environmental Sciences | PhD Environ. |

(7) The University has the power to confirm in the school of agriculture, rural development and forestry the following degrees -

- | | | |
|-----|--------------------------------------------|-------------------|
| (a) | Degrees Bachelor of Agriculture | B Agric; |
| (b) | Bachelor of Science in Agriculture | B Sc. (Agric); |
| (c) | Honours Bachelor of Science in Agriculture | BSc.(Hons) Agric; |
| (d) | Master of Science in Agriculture | MSc. (Agric); |
| (e) | Doctor of Philosophy in Agriculture | PhD Agric. |

(8) The University has the power to confirm any new degrees approved by council from time to time.

99. Admission to degrees

(1) Subject to the provisions of the private Act and this statute, a candidate must attend regular courses from his or her first registration as an admitted student of the University for at least the periods contemplated in subparagraph (2) before he or she may obtain such degree.

(2) The minimum period of attendance for the -

- | | |
|-----|------------------------------|
| (a) | B A degree is 3 years; |
| (b) | B A (SW) degree is 4 years; |
| (c) | BA (ED) degree is 4 years; |
| (d) | B A (Law) degree is 3 years; |
| (e) | B Admin degree is 3 years; |

- (f) B Agric degree is 3 years;
- (g) BCom degree is 3 years;
- (h) BEcon degree is 3 years;
- (i) B A Crim degree is 3 years;
- (j) B Ed degree is 5 years;
- (k) B Iuris degree is 3 years;
- (l) B Proc degree is 4 years;
- (m) B Sc degree is 4 years;
- (n) B Sc (Agric) degree is 4 years;
- (o) B Sc (Ed) degree is 4 years;
- (p) B Sc Environmental Sciences degree is 4 years; and
- (q) LLB degree is 5 years.

(2) Subject to the provisions of the private Act and of this statute, an honours bachelor's degree may not be awarded to any person unless he or she has been registered at the University for at least one year after obtaining the qualifications by virtue of which he or she was admitted to the study for the honours bachelor's degree.

(3) Subject to the provisions of the private Act and of this statute, a master's degree may not be awarded to any person before -

- (a) at least one year has elapsed since obtaining the Honours Bachelor's degree or another degree as set out in the school rules;
- (b) such candidate has also been registered at the University for at least one academic year for the degree; and
- (c) all regular requirements have been complied with.

(4) Subject to the provisions of the private Act and of this statute, the Doctor's degree may only be conferred on a candidate after -

- (a) a period of two (2) years, or such longer period as may be prescribed in the school rules, has elapsed since obtaining the master's degree;
- (b) such candidate has also been registered for two (2) academic years at the University for the degree; and
- (c) all regular requirements have been complied with.

100. Admission to diplomas and certificates

(1) Subject to the provisions of the private Act and this statute, a candidate must attend regular courses from his or her first registration as an admitted student of the

University for at least the periods contemplated in subparagraph (2) before he or she may obtain such diploma or certificate.

- (2) The minimum period of attendance for the post graduate -
 - (a) Advanced Diploma in Social Work is 1 year;
 - (b) Cost and Management Accounting Diploma is 1 year;
 - (c) Diploma in Advanced Accounting is 1 year; and
 - (d) University Education Diploma is 1 year.
- (3) The minimum period of attendance for the undergraduate -
 - (a) Diploma in Education Management is 1 year; and
 - (b) Diploma in School Library and Information Science is 2 years.

101. Congregation and conferring of degrees, diplomas or certificates

(1) No degree, diploma or certificate, other than an honorary degree, may be conferred upon any person unless the registrar academic certifies that such person has satisfied all the requirements prescribed for such degree, diploma or certificate.

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

(3) No person is entitled to any privileges attached to a degree, diploma or certificate until such time as such degree, diploma or certificate has been conferred upon or awarded to him or her at a congregation

(4) 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.

(5) 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.

102. Honorary degrees

(1) A proposal for a honorary degree, doctor or magister, to be conferred must be submitted to the vice-chancellor in writing by a member of the senate or the council.

(2) The proposal contemplated in subparagraph (1) must be seconded by three (3) other members of the body concerned, and must set out clearly why the degree should be conferred, taking into account the guidelines set out in the policy documents in this respect.

(3) The vice-chancellor must refer any such proposals to the University's honorary degrees committee which must consist of the -

- (a) vice-chancellor as a chairperson;
- (b) the chairperson of council;
- (c) two (2) members of council;
- (d) two (2) members of senate;
- (e) two (2) members of the relevant school board of studies;
- (f) the chairperson of convocation; and
- (g) the president of the students' representative council.

(4) The honorary degrees committee must make a recommendation concerning the candidate or candidates and the degree or degrees which are to be conferred, and must submit it, with detailed reasons, to a special senate meeting called for this purpose.

(5) In the event of the honorary degrees committee deciding not to make such recommendations, this decision must be conveyed to the proposer by the vice-chancellor.

(6) Any proposal must be treated as confidential, and all documentation in respect of any proposals for conferring honorary degrees must be retrieved by the secretary after every meeting.

(7) The senate must, at the meeting called for this purpose as contemplated in subparagraph (4), be provided with documentation in respect of the proposal or proposals.

(8) There must be no discussions at the special senate meeting and members of the senate must vote by secret ballot on the recommendation submitted to it.

(9) If a two-thirds majority of the members present at the special senate meeting vote in favour thereof, the recommendation must be submitted to the council.

(10) The council must at its first meeting after the special senate meeting, be provided with documentation in respect of the proposal or proposals and be addressed by the proposer or proposers.

(11) There must be no discussion at the council meeting and the council must vote by secret ballot on the recommendation submitted to it.

(12) The honorary degree may only be conferred if a two-thirds majority of the members present vote in favour of the recommendation.

103. Guidelines in respect of honorary degrees

(1) Honorary degrees may be conferred on persons who -

- (a) have made an outstanding contribution to scholarship and research;
- (b) have made an outstanding contribution to economic and industrial development in South Africa or the region;
- (c) have an outstanding record in leadership in their professions; or
- (d) have made an outstanding contribution to community health, welfare or the cultural well-being of the community which the University serves.

(2) Honorary degrees may not be conferred on any current employee of the University, or anybody serving on a statutory body of the University.

(3) On council recommending that a degree be conferred, the vice-chancellor must approach the candidate or candidates to ascertain whether they are willing to accept such a degree.

104. Professores Emeriti

(1) Persons who retire from the University having served as vice-chancellor or as vice-principal or persons who retire after ten (10) years of service as full professors, may be appointed as professores emeriti of the University.

(2) Such appointment does not take place automatically but follows a recommendation to senate from the school board of studies concerned, and is based on a significant contribution made in respect of academic and administrative leadership.

(3) Persons who retire from the University, but who have not served as full professors for ten (10) years, may be appointed professors emeriti of the University on a written and substantiated recommendation made to the senate by the honorary degrees committee, after being requested to do so by the vice-chancellor.

(4) The privileges and the duties of the professor emeritus may include the following -

- (a) referring to himself or herself as a professor emeritus of the University;
- (b) being invited to all graduation ceremonies and related functions of the University, and to take part in any academic ceremony of the University, being placed immediately behind members of the council of the University;
- (c) having free membership of the University Library;
- (d) supervising post-graduate research if requested to do so by the senate;
- (e) undertaking and publishing research approved by senate, and having access to funding to make this possible;
- (f) having office or laboratory space allocated when available and if approved by senate; and
- (g) qualifying for fee remission benefits as approved by council on a recommendation by senate.

(5) Besides administrative functions contemplated in subparagraph (4)(d), a professor emeritus may exercise no administrative or executive duties at the University, and may not be a member of the senate of the University.

105. Special category academics

(1) Academics who have made outstanding contributions in their respective fields to the university may be considered for appointments or promotions to special category teachers.

(2) Appointments or promotions to the positions contemplated in subparagraph (1) follow the normal appointment or promotion procedures.

CHAPTER 13

REPEAL OF PREVIOUS STATUTE

106. Repeal of previous statute

(1) The statute applicable to the University of Venda under section 29 of the University of Venda Act, 1981 (Act No. 19 of 1981)(Venda), 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 Venda (Private) Act (Act No. 89 of 1996).

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