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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 788

17 June 1999

HIGHER EDUCATION ACT, 1997

STATUTE OF THE UNIVERSITY OF NORTH-WEST

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

SCHEDULE

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.

CONTENTS OF STATUTE

CHAPTER 1

DEFINITIONS

1. Definitions

CHAPTER 2

CHANCELLOR, VICE-CHANCELLOR AND DEPUTY VICE-CHANCELLOR CHANCELLOR

2. Manner of election of chancellor
3. Functions of chancellor

VICE-CHANCELLOR

4. Manner of appointment of vice-chancellor
5. Functions of vice-chancellor
6. Term of office of vice-chancellor
7. Absence of vice-chancellor
8. Vacancy in office of vice-chancellor
9. Vacating of office by vice-chancellor

DEPUTY VICE-CHANCELLOR

10. Manner of appointment of deputy vice-chancellor
11. Functions of deputy vice-chancellor
12. Term of office of deputy vice-chancellor
13. Absence of deputy vice-chancellor
14. Vacancy in office of deputy vice-chancellor
15. Vacation of office by deputy vice-chancellor

CHAPTER 3

COUNCIL

16. Functions of council
17. Composition of council
18. Manner of election of council members
19. Term of office of council members
20. Termination of membership of council members
21. Casual vacancies in council
22. Vacancies in council by effluxion of time
23. Chairperson, vice-chairperson and other office-bearers of council
24. Casual vacancies in the office of chairperson or vice-chairperson
25. Vacancies by effluxion of time in the office of chairperson or vice-chairperson
26. Council members in senate
27. Casual vacancies of council members in senate
28. Vacancies by effluxion of time of council members in senate
29. Notice of meetings of council
30. Notice of matters to be dealt with at council meeting
31. Quorum for meetings of council
32. Discussion of motions
33. Voting at council meetings
34. Recording of votes at council meetings
35. Proposals to be seconded at council meetings
36. Ruling by chairperson of council
37. Minutes of council meetings
38. Council resolutions
39. Extraordinary meetings of council
40. Executive committee of council and other committees
41. Meetings, quorum and procedure of meetings of committees of council
42. Financial interests of members of council
43. Secretary to council
44. Making, amending or repealing Statute or Rule

CHAPTER 4

SENATE, EXECUTIVE COMMITTEE OF SENATE AND FACULTY ACADEMIC BOARD

SENATE

45. Functions of senate
46. Constitution of senate, manner of election or designation of senate members and terms of office of senate members
47. Chairperson, vice-chairperson, secretary and other office-bearers
48. Senate members on council
49. Procedure for and quorum at meetings of senate
50. Special meetings of senate

EXECUTIVE COMMITTEE

51. Functions of executive committee of senate
52. Composition of executive committee of senate

FACULTY ACADEMIC BOARDS

53. Functions of faculty academic boards
54. Composition of faculty academic boards, election of students as members of faculty academic boards and terms of office of members of faculty academic boards
55. Procedure at and quorum for meetings of faculty academic boards
56. Implementation of Rules
57. Dean and deputy dean of faculty
58. Powers and duties of dean of faculty

DEPARTMENT BOARDS

59. Functions of department boards
60. Composition of department boards
61. Appointment of heads of department
62. Procedure at and quorum for meetings of department boards

CHAPTER 5

INSTITUTIONAL FORUM

63. Composition of institutional forum
64. Term of office of members of institutional forum
65. Termination of membership of institutional forum
66. Casual vacancies in institutional forum
67. Vacancies in institutional forum by effluxion of time
68. Manner of election of chairperson, vice-chairperson, secretary and other office-bearers of the institutional forum
69. Executive committee of institutional forum
70. Notice of meetings of institutional forum
71. Notice of matters to be dealt with at institutional forum meeting
72. Quorum for meetings of institutional forum
73. Discussion of motions
74. Voting at institutional forum meetings
75. Recording of votes at institutional forum meetings
76. Ruling by chairperson
77. Minutes of meetings
78. Extraordinary meetings
79. Resolutions of institutional forum
80. Financial and other interests of members
81. Attendance by non-members

CHAPTER 6

CONVOCATION

82. Composition of convocation
83. Convocation roll
84. Executive committee of convocation
85. President of convocation
86. Meetings of the convocation
87. Quorum and procedure at meetings of convocation

88. Election of president of convocation and election of members of council elected by convocation

CHAPTER 7

DONORS

89. Qualification of donors

CHAPTER 8

DEGREES

90. Designation of degrees and diplomas
91. Conferment of degrees
92. Criteria for conferring of honorary degrees
93. Nomination of candidates for honorary degrees

CHAPTER 9

STUDENTS

94. Registration of students
95. Student discipline
96. Misconduct by students
97. Students' court
98. Students' disciplinary committee
99. Appeals

CHAPTER 10

STUDENTS' REPRESENTATIVE COUNCIL (SRC)

100. Composition of the SRC
101. Eligibility for membership
102. SRC elections
103. Voters' roll
104. Nominations

- 105. Voting
- 106. Counting of votes
- 107. Election report
- 108. Term of office
- 109. Termination of membership
- 110. Casual vacancies
- 111. Functions of SRC
- 112. Functions of SRC members
- 113. Committees of SRC
- 114. Meetings of SRC
- 115. General meetings of students
- 116. Notice of meetings
- 117. Discussion of motions
- 118. Voting at SRC meetings
- 119. Recording of votes at SRC meetings
- 120. Minutes of SRC meetings
- 121. Financial or other interests of members of SRC
- 122. Attendance by non-members

CHAPTER 11

APPOINTMENT AND CONDITIONS OF SERVICE OF UNIVERSITY EMPLOYEES

- 123. Appointment and conditions of service of University employees

CHAPTER 12

MISCONDUCT BY EMPLOYEES

- 124. Definition of misconduct
- 125. Procedure in case of misconduct
- 126. Appeal
- 127. Investigation into a charge of inefficiency or incompetence
- 128. Preliminary inquiry and procedure
- 129. Procedure for formal inquiry

CHAPTER 13

AFFILIATION OF CERTAIN COLLEGES AND CERTAIN OTHER EDUCATIONAL INSTITUTIONS WITH UNIVERSITY

130. Affiliation of certain colleges and certain other educational institutions
with University

CHAPTER 14

REPEAL OF PREVIOUS STATUTE

131. Repeal of previous Statute

CHAPTER 1

DEFINITIONS

1. Definitions

In this Statute any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No. 101 of 1997), has the same 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;

"council" means the body contemplated in paragraph 16;

"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;

"faculty academic board" means the body contemplated in paragraph 53;

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

"management" means the vice-chancellor, deputy vice-chancellor and deputy vice-chancellors, deans of faculties, and other members who are co-opted by the executive committee;

"represent" means the power to speak for, make representation and conduct negotiations on behalf of the student body of the University of North-West;

"Rules" means the institutional rules of the University made in terms of section 32 of the Higher Education Act;

"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 45;

"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;

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

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

"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.

CHAPTER 2

CHANCELLOR, VICE-CHANCELLOR AND DEPUTY VICE-CHANCELLOR

CHANCELLOR

Manner of election of chancellor

2. (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 nominations on or before a specified date;
- (b) determine the format and placement of the advertisement and of the notice calling for nominations; 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.

Functions of chancellor

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

VICE-CHANCELLOR

Manner of appointment of vice-chancellor

- 4. (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 the nominees or applicants and may 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.

Functions of vice-chancellor

5. (1) The vice-chancellor is the principal and chief executive officer of the University, a member of the council and 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 is responsible to the council for the management and administration of the University and exercises general supervision over the University.
- (3) The vice-chancellor may constitute committees to make recommendations on specific matters.
- (4) The vice-chancellor is, subject to the provisions of paragraph 17, 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.

Term of office of vice-chancellor

6. (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) Notwithstanding 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.

Absence of vice-chancellor

7. (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 designate 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 designate his or her duties to another person.

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

Vacancy in office of vice-chancellor

8. 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.

Vacating of office by vice-chancellor

9. 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

Manner of appointment of deputy vice-chancellor

10. Paragraph 4, with the necessary changes, applies.

Functions of deputy vice-chancellor

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

Term of office of deputy vice-chancellor

12. Paragraph 6, with the necessary changes, applies.

Absence of deputy vice-chancellor

13. Paragraph 7, with the necessary changes, applies.

Vacancy in office of deputy vice-chancellor

14. 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.

Vacation of office by deputy vice-chancellor

15. Paragraph 9, with the necessary changes, applies.

CHAPTER 3**COUNCIL****Functions of council**

16. (1) The council of the University constituted in terms of paragraph 17 is-

- (a) responsible for the governance of the University;
- (b) the executive authority of the University;
- (c) subject to the policy determined by the Minister, and with the concurrence of the senate, responsible for determining the language policy of the University and publishing and making it available on request; and
- (d) after consultation with the students' representative council, responsible for the provision of a suitable structure to advise on the policy for student support services within the University.

(2) The council may from time to time delegate to the vice-chancellor, or to any committee referred to in paragraph 40, or to any other employee of the University, such of its functions as the council may determine, provided that none of the council's functions 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 immovable property of the University.

(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 functions 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, 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.

Composition of council

17. (1) The council consists of-

- (a) the vice-chancellor;
- (b) the deputy vice-chancellor or deputy vice-chancellors;
- (c) five persons appointed by the Minister;

- (d) three persons elected by the senate from among its members;
- (e) three persons elected by the convocation;
- (f) four persons designated by persons who, in terms of this Statute, are donors;
- (g) four employees of the University, of which two must be academic employees other than members of the senate, elected by the academic employees in the manner prescribed by this Statute and two non-academic employees elected by such employees in the manner prescribed by this Statute;
- (h) two members of the SRC, designated by the SRC in the manner prescribed by this Statute;
- (i) one person appointed by the Premier of the Province of North-West;
- (j) one person appointed by the City Council of Mafikeng;
- (k) not more than four persons, designated by a body or bodies determined by the council in the manner prescribed by this Statute;
- (l) not more than two persons co-opted by the council in the manner prescribed by this Statute;
- (m) one person appointed by the Premier of the Province of Northern Cape; and
- (n) two representatives from local bodies such as the local chambers of commerce and mines, employer organisations and organised agriculture, co-opted in accordance with a resolution of the council.

(2) The persons referred to in subparagraphs 1(c), (e), (f), (h), (i), (j), (k), (m) and (n) must not be employees of the University.

(3) Two of the employees contemplated in paragraph 17(1)(g) must be non-academic employees of the University.

Manner of election of council members

18. (1) The senate from among its members elects in the manner contemplated in paragraph 48, 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 paragraph 88.

(3) A member to the council designated by persons who are donors, is designated in the manner contemplated in paragraph 89.

(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 SRC are designated in accordance with a resolution of such SRC.

(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 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.

Term of office of council members

19. (1) Members appointed, elected, designated or co-opted in terms of paragraph 17(1), excluding members designated in terms of paragraph 17(1)(h), hold office for four years.

(2) The term of office of members designated in terms of paragraph 17(1)(h) is one year.

(3) Notwithstanding subparagraph (1), 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.

Termination of membership of council members

20. 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.

Casual vacancies in council

21. If the membership of a member of the council is terminated for any reason before the expiry of the term 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 the unexpired portion of the term of office of his or her predecessor as soon as reasonably practicably thereafter.

Vacancies in council by effluxion of time

22. The secretary to the council must at least three months prior to 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 who is retiring.

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

23. (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 and 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.

Casual vacancies in the office of chairperson or vice-chairperson

24. (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 term of office of his or her predecessor.

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

25. 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 term of office and the council elects at its next ordinary meeting, a successor whose term of office commences after the conclusion of the meeting.

Council members in senate

26. 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.

Casual vacancies of council members in senate

27. 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 term of office of his or her predecessor.

Vacancies by effluxion of time of council members in senate

28. Before the expiry of the term 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 term of office, the council elects a member to fill the vacancy.

Notice of meetings of council

29. 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.

Notice of matters to be dealt with at council meeting

30. (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) Notwithstanding 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.

Quorum for meetings of council

31. (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.

Discussion of motions

32. (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) Notwithstanding 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.

Voting at council meetings

33. (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.

Recording of votes at council meetings

34. (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.

Proposals to be seconded at council meetings

35. (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.

Ruling by chairperson of council

36. 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.

Minutes of council meetings

37. (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.

Council resolutions

38. (1) The secretary must keep a complete register of council resolutions adopted in terms of this Statute and all members of council have access to such register.

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

Extraordinary meetings of council

39. 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.

Executive committee of council and other committees

40. (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 16(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

(5) The composition of the committees referred to in this paragraph is by council resolution.

Meetings, quorum and procedure of meetings of committees of council

41. The provisions of paragraphs 29, 30, 31, 32, 33, 34, 35, 36 and 37, with the necessary changes, apply to the meetings of all the committees of the council.

Financial interests of members of council

42. (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.

Secretary to council

43. (1) The council elects by secret ballot from among its members a secretary, provided that the council may appoint any employee to assist the secretary or to act in his or her place.

(2) The secretary to the council acts as the electoral officer at all the meetings of the council and its committees.

(3) The secretary to the council acts as secretary to all committees and joint committees of the council.

(4) The secretary to the council must keep the minutes of meetings of the council and its committees and distribute copies of the minutes together with the agenda and notices for the next meeting of the council and its committees, as the case may be.

(5) The secretary to the council must keep a register of resolutions adopted by the council.

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

(7) If the office of the secretary becomes vacant for any reason other than effluxion of time, the council must elect a successor in terms of subparagraph (1) who must hold office for the unexpired term of office of his or her predecessor.

(8) Whenever the office of secretary becomes vacant by effluxion of time the council must elect at its next ordinary meeting, a successor whose term of office commences after the conclusion of the meeting.

Making, amending or repealing Statute or Rule

44. (1) The council has the power to make, amend or repeal the Statute or any Rule 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) Notwithstanding subparagraph (1), the Statute or Rules relating to the studies, instruction, examinations and discipline at or of the University are made, amended or repealed in accordance with the provisions of section 32(2) of the Higher Education Act.

CHAPTER 4
SENATE, EXECUTIVE COMMITTEE OF SENATE AND FACULTY
ACADEMIC BOARD

SENATE

Functions of senate

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

- (a) recommend to the council 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) recommend to the council and in accordance with any relevant deed of gift, Rules for the award and tenure of any scholarship, bursary or other prize at the disposal of the University and 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 faculty 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) recommend to the council Rules and procedures on student discipline and oversee their implementation.

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

(3) The senate is not divested or relieved of any function, 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.

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

46. (1) The senate is constituted as follows-

- (a) the vice-chancellor;
- (b) the deputy vice-chancellor or deputy vice-chancellors;
- (c) the deans of faculties;
- (d) two members of the council, elected by the council;
- (e) the full professors of the University and the heads of departments;
- (f) two members, other than full professors, elected by the faculty academic board of each faculty;
- (g) the chief librarian of the University;
- (h) a director or head of an institute, centre, bureau or section of the University, designated by the council after consultation with the senate;
- (i) for each faculty one student, other than a first year student, elected by the registered students of the faculty concerned;
- (j) two representatives of colleges affiliated to the University, designated in the manner prescribed by this Statute;
- (k) two academic members of the institute, centre, bureau, or section referred to in subparagraph (h), elected by the academic employees in the manner prescribed by this Statute;
- (l) not more than two employees other than academic employees, elected by such employees in the manner prescribed by this Statute; and

(m) not more than two members of the academic employees of other higher education institutions, designated by the senate.

(n) two members of the SRC designated by the SRC in the manner prescribed by this Statute.

(2) The two members of senate contemplated in subparagraph (1)(j) 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, bureau or sections contemplated in subparagraph (1)(k) elect by secret ballot, administered by the deputy vice-chancellor, finance and administration, 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), with the necessary changes, apply to the election of two employees other than academic employees contemplated in subparagraph (1)(l).

(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.

Chairperson, vice-chairperson, secretary and other office-bearers of senate

47. (1) The senate elects by secret ballot and a majority of members present at an ordinary meeting of the senate from among its members-

- (a) a chairperson;
- (b) a vice-chairperson
- (c) a secretary; and
- (d) other office-bearers.

(2) The chairperson, vice-chairperson, secretary and other office-bearers hold their respective offices for a period of one academic year, or for such shorter period as the chairperson, vice-chairperson, secretary or other office-bearers may be members of the senate.

(3) The chairperson, vice-chairperson, secretary and other office-bearers may be removed from office by two-thirds majority decision of the senate.

(4) If the chairperson is absent, the vice-chairperson must act as chairperson.

(5) If neither the chairperson nor the vice-chairperson of the senate is present at a meeting of the senate, the members present must elect from among its members a chairperson to preside at that meeting.

(6) If the office of chairperson, vice-chairperson or secretary becomes vacant for any reason other than effluxion of time, the senate must elect a successor at its next ensuing meeting and such elected successor must hold office for the unexpired term of office of his or her predecessor.

Senate members on council

48. (1) Three members of the senate, as contemplated in paragraph 17(1)(d), must be elected by the senate to the council 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 be 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 term of office, the senate must immediately proceed to elect another member for the unexpired term 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.

Procedure for and quorum at meetings of senate

49. (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 an 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) Notwithstanding 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) Notwithstanding 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.

(21) 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.

Special meetings of senate

50. (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

Functions of executive committee

51. (1) The 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.

Composition of executive committee of senate

52. (1) The executive committee of the senate consists of-

- (a) the vice-chancellor, who is the chairperson;
- (b) the deputy vice-chancellors;
- (c) secretary to senate;
- (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;
- (g) a representative of an employee organisation designated for the purpose of collective bargaining as laid down in a recognition agreement; and
- (h) one representative of the students' representative council designated in accordance with a resolution of the SRC.

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

FACULTY ACADEMIC BOARDS

Functions of faculty academic boards

53. A faculty 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
- (e) make recommendations to the senate and the council to remove the dean or the deputy dean from office by a two-thirds majority vote of the faculty academic board, which vote must be by secret ballot.

Composition of faculty academic boards, election of students as members of faculty academic boards and terms of office of members of faculty academic boards

54. (1) A faculty 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 a faculty academic board contemplated in section 13(3)(e) of the Act are elected in a manner prescribed by each faculty academic board from time to time.

(3) An academic employee of the University who becomes a member of the faculty academic board by virtue of his or her employment, remains a member of the board as long as he or she holds the employment to which he or she is a member of the board.

(4) A student member of the faculty academic boards holds office for one year.

Procedure at and quorum for meetings of faculty academic boards

55. (1) A faculty academic board meets at least twice a semester.

(2) In the absence of the vice-chancellor, the dean of such faculty, or in his or her absence, the deputy dean of such faculty, or in his or her absence such other member of the faculty academic board of such faculty present at the meeting may be elected by such faculty academic board as the chairperson for that meeting.

(3) Notwithstanding subparagraph (1) a special meeting of a faculty academic board may be called by its chairperson at the written request of at least five members of such academic board, the object of such meeting being stated in the request.

(4) No business other than that for which the meeting has been called may be dealt with at a special meeting, unless a majority of the members of the board agree to consider such business.

(5) Paragraph 49, with the necessary changes, applies in respect of the quorum and the procedure at a faculty academic board meeting.

Implementation of Rules

56. A rule affecting syllabi, timetables, courses of study or examinations may be implemented by an faculty academic board, if it is approved by the senate and made by the council.

Dean and deputy dean of faculty

57. (1) A dean of a faculty is appointed for a period of two years by the council after a recommendation of the academic board of such faculty following a call for nominations and the holding of a secret ballot by such faculty academic board.

(2) A dean may be re-appointed for no more than three consecutive terms.

(3) A dean must have a minimum of 5 years' academic or equivalent experience and must be above the rank of lecturer.

(4) A dean may resign by giving three months' written notice to the vice-chancellor, the council and the faculty academic board concerned.

(5) If a dean of a faculty by reason of his or her absence from the University or for any other reason is unable to carry out his or her functions, the deputy dean of such faculty acts as dean for such period and under such conditions as may be determined by the vice-chancellor in consultation with such faculty academic board, provided that the period of acting must not exceed the unexpired portion of the term of office of the substantive dean of such faculty.

(6) Subparagraphs (1) to (4), with such necessary changes apply to a deputy dean of a faculty.

Powers and duties of dean of faculty

58. A dean is accountable to the academic board of a faculty for the administrative and academic governance of such faculty within the framework of University policy as determined by the council and the senate and may be assisted by a deputy dean or deputy deans and any other faculty employee.

DEPARTMENT BOARDS

Functions of department boards

59. A department board may-

- (a) make recommendations to the faculty academic board and the senate on the appointment of a head of department;
- (b) oversee the general organisation of courses of study, including syllabi and books to be prescribed;
- (c) make recommendations to a faculty academic board on the establishment of new courses and the amendment of existing Rules and syllabi relating to studies and programmes within a department;
- (d) oversee the general organisation of research within a department;
- (e) exercise such powers as may be conferred upon it by a faculty academic board, the senate or the vice-chancellor;
- (f) designate functions and responsibilities to individuals or groups of individuals within a department;

- (g) recommend candidates for appointment, leave, promotion, and employees' development programmes;
- (h) assist the University in implementing its policy on outside academic and non-academic employment so as to ensure that such employment does not conflict with general interests, policies and the mission of the University;
- (i) deal with all outside commitments or conflict of interest situations concerning employees, which must be channelled through a department board for approval by the vice-chancellor; and
- (j) oversee the management of the department's financial resources.

Composition of department boards

60. (1) Each department of a faculty has a department board which is constituted in terms of sections 13(5)(a), (b) and (c) of the Act.

(2) There is a head of department for each department or centre or institute.

(3) A department board discusses confidential matters such as the appointment and promotion of academic employees and examinations in committee.

Appointment of heads of department

61. (1) A head of department is appointed by the vice-chancellor, on behalf of the University council, from among full-time members of the academic employees of a specific department or institute or centre on the recommendation of the department board concerned.

(2) The department board elects by secret ballot a person to be recommended to the vice-chancellor as head of department.

(3) No person is considered unless-

- (a) he or she has been nominated for the office by two members of such department board; and
- (b) he or she has three years' academic experience and holds a rank above that of junior lecturer.

(4) A head of department holds office for a period of two years, and may be re-elected for not more than three consecutive terms.

(5) A department board may, with a two-thirds majority of the total membership of such board, recommend to the vice-chancellor that the appointment of a head of department be terminated.

(6) A head of department may resign by giving three months' written notice to the vice-chancellor and the department board concerned.

(7) In the event of a head of department being unable, either by reason of his or her absence from the University or for any other reason, to carry out his or her functions as head of department, the vice-chancellor must, on the recommendation of the department board concerned, appoint an acting head of department for such period and under such conditions as he or she may determine, in consultation with such department board and the dean concerned, provided that the period of appointment must not exceed the unexpired period of appointment of the substantive head of department.

Procedure and quorum for meetings of department boards

62. (1) At any meeting at which the head of department is not present, another academic member of a department board may be appointed to preside.

(2) The department boards meet at such times as determined by each department board.

(3) A special meeting of a department board may be called by the chairperson or at the written request of a member of a board, stating the object of the meeting in the request.

(4) No business other than that of which notice has so been given must be dealt with at a special meeting, unless a majority of the members of such board agree to consider such other business.

CHAPTER 5

INSTITUTIONAL FORUM

Composition of institutional forum

63. The institutional forum of the University as contemplated in section 31 of the Higher Education Act consists of-

- (a) the vice-chancellor;
- (b) a deputy vice-chancellor or vice-chancellors;
- (c) two representatives of the senate elected in accordance with a resolution of senate, provided that a representative ceases to be a member of the institutional forum if he or she ceases to be a member of the senate;
- (d) deans of faculties designated by the academic employees of the University in accordance with a resolution of such employees, provided that a representative ceases to be a member of the institutional forum if he or she ceases to be a dean;
- (e) two representatives of the council elected in accordance with a resolution of the council, provided that a representative ceases to be a member of the institutional forum if he or she ceases to be a member of the council;
- (f) student representatives on senate as contemplated in paragraphs 46(1) and (2);
- (g) four representatives of the SRC designated in accordance with a resolution of the SRC;
- (h) four students representing student bodies and formations affiliated to the SRC designated in accordance with a resolution of such bodies and formations;
- (i) one representative of the staff association designated in accordance with a resolution of the association;
- (j) three representatives of employees in grades 1-3 designated in accordance with a resolution of such employees;
- (k) one representative each from the institutes, centres and bureaux designated in accordance with a resolution of the institutes, centres and bureaux concerned;

- (l) one representative of the University library designated in accordance with a resolution of the employees of the library;
- (m) one representative of each non-academic department or unit from a list designated by the council in accordance with a resolution of the council;
- (n) two representatives of the alumni association designated in accordance with a resolution of that association, provided that the representative ceases to be a member of the institutional forum if he or she ceases to be a member of the alumni association;
- (o) one representative of the Provincial Education Department designated by that department;
- (p) the University planning officer; and
- (q) such additional members as the institutional forum may co-opt from time to time.

Term of office of members of institutional forum

64. (1) Members designated or elected in terms of paragraph 63(i) (j), (k), (l), (m), (n) and (o), excluding members designated or elected in terms of paragraph 63(f), (g) and (h) hold office for three years.

(2) The term of office of members designated or elected in terms of paragraph 63(f), (g) and (h) is one year.

(3) An officer of the University who becomes a member of the institutional forum by virtue of his or her office, remains a member of the institutional forum 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 institutional forum.

Termination of membership of institutional forum

65. A member of the institutional forum ceases to be a member if the member-

- (a) resigns by giving written notice to the secretary to the institutional forum;

- (b) is absent from three consecutive ordinary meetings of the institutional forum without the leave of the chairperson of the institutional forum;
- (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.

Casual vacancies in institutional forum

66. If the membership of a member of the institutional forum is terminated for any reason before the expiry of the term for which he or she was elected or designated, the secretary to the institutional forum must inform the body or person that elected or designated the member of the vacancy, and that body or person must elect or designate a successor for the unexpired portion of the term of office of his or her predecessor.

Vacancies in institutional forum by effluxion of time

67. The secretary to the institutional forum 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 that elected or designated the member, whereupon the body concerned must nominate, elect or designate a successor to the person who is retiring.

Manner of election of chairperson, vice-chairperson, secretary and other office-bearers of institutional forum

68. (1) The institutional forum elects by secret ballot from among its members-

- (a) a chairperson and a vice-chairperson;
- (b) a secretary; and
- (c) other office-bearers.

(2) The chairperson, vice-chairperson, secretary and other office-bearers hold their respective offices for a period of three years, or for such

shorter period as the chairperson, vice-chairperson, secretary or other office-bearers may be members of the institutional forum.

(3) The chairperson, vice-chairperson, secretary or other office-bearers may be removed from office by a two-thirds majority decision of the institutional forum.

(4) If the chairperson and the vice-chairperson are absent, the institutional forum elects, from among its members, a chairperson for the meeting concerned.

Executive committee of institutional forum

69. (1) The executive committee of the institutional forum is constituted by resolution of the institutional forum.

(2) The executive committee of the institutional forum has the power to dispose of urgent business on behalf of the institutional forum.

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

Notice of meetings of institutional forum

70. The secretary to the institutional forum must at least seven 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.

Notice of matters to be dealt with at institutional forum meeting

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

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

Quorum for meetings of the institutional forum

72. (1) One third of the members present constitutes a 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 subparagraph (2) will be as valid as decisions taken when a true quorum is present.

Discussion of motions

73. (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) Notwithstanding 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 institutional forum must go into committee forthwith, whereupon any member is entitled to speak more than once on the subject under discussion.

Voting at institutional forum meetings

74. (1) Except as otherwise provided in this Statute, all matters are decided by a majority of votes of the members present and voting.

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

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

Recording of votes at institutional forum meetings

75. (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.

Ruling by chairperson

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

Minutes of institutional forum meetings

77. (1) An ordinary meeting of the institutional forum, 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) The meeting may consider the minutes as read, if a copy thereof was sent to each member previously with the notice convening the meeting concerned.

Extraordinary meetings of institutional forum

78. An extraordinary meeting of the institutional forum 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.

Resolutions of institutional forum

79. The secretary to the institutional forum must keep a complete register of institutional forum resolutions adopted in terms of this Statute and all members of the institutional forum have access to such register.

Financial and other interests of members of institutional forum

80. (1) A member of the institutional forum may not take part in the discussion of or vote on any matter in which he or she has a direct or indirect pecuniary or financial or other material 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 vote on the matter or both.

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

Attendance by non-members

81. The institutional forum may invite persons who are not members to attend meetings of the institutional forum, provided that such persons may take part in discussions, but may not vote.

CHAPTER 6

CONVOCATION

Composition of convocation

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

Convocation roll

83. (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.

Executive committee of convocation

84. (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 office-bearers in such manner and for such period of office as the executive committee determines from time to time.

President of convocation

85. (1) The president of the convocation is elected by the convocation from among its own members in the prescribed manner contemplated in paragraph 88.

(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 88, as soon as reasonably practicable after the president vacates office.

Meetings of convocation

86. (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 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.

Quorum and procedure at meetings of convocation

87. (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.

Election of president of convocation and election of members of council elected by convocation

88. (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 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 7

DONORS

Qualification as donors

89. (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 88.

CHAPTER 8

DEGREES

Designation of degrees and diplomas

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

Conferment of degrees

91. (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.

Criteria for conferring of honorary degrees

92. (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) Dlitl;
- (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.

Nomination of candidates for honorary degrees

93. (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.

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

CHAPTER 9

STUDENTS

Registration of students

94. (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.

Student discipline

95. (1) A student of the University is subject to the disciplinary provisions contained in this 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.

(2) If a student is accused of criminal conduct or omission, the vice-chancellor must refer the matter to the police.

Definition of misconduct by students

96. A student is guilty of misconduct if it is proved that he or she-

- (a) conducts himself or herself in a dishonest manner with regard to examinations, tests and assignments such as being in possession of a book, paper or any material with the aim of gaining an unfair advantage from the use of such book, paper or material, or attempts to help another student or is helped by

- another student or communicates with another student with a view to gaining an unfair advantage from such communication;
- (b) is grossly discourteous to officers of the University;
 - (c) obstructs an employee of the University in the performance of his or her duties;
 - (d) damages, defaces or destroys any building, furniture, equipment, books or any other property of the University;
 - (e) harrasses fellow students and employees of the University;
 - (f) disrupts lawful activities of the University including graduation ceremonies, lectures, tutorials, practicals, demonstrations and field trips;
 - (g) takes any person hostage;
 - (h) occupies or is present on any University property or premises after being required to leave such property or premises by a member of staff acting within the scope of his or her duties;
 - (i) does or causes or permits to be done or connives at, an act which is prejudicial to the good administration, efficiency or discipline of the University;
 - (j) maliciously or without attempting to ascertain the factual situation, publicly comments adversely on the administration of the University;
 - (k) without the permission of the vice-chancellor or any other relevant authority, discloses confidential information gathered or gained through his or her association with the University;
 - (l) uses intoxicating or stupefying drugs or any other related substances in such a manner as to be prejudicial to the good name and discipline of the University;
 - (m) misappropriates or improperly uses any property of the University or fails to take proper care of such property under his or her control;
 - (n) is in possession of a firearm or any other dangerous weapon while on University premises;

- (o) threatens another student with bodily harm or reprisal in order to induce such other student to act or refrain from acting in any particular manner; or
- (p) conducts himself or herself in a manner which is deemed disgraceful to the good name of the University.

Students' court

97. (1) (a) If a student is accused of contravening the SRC constitution, standing orders or disrupting any of the activities arranged in accordance with the SRC constitution or any of the constitutions of organisations affiliated to it, the vice-chancellor may refer the allegation to the students' court.
- (b) The students' court is appointed by the vice-chancellor on the recommendation of the dean of the faculty of law and after consultation with the SRC.
- (c) The court consists of five students who are-
- (i) post-graduate law students; and
 - (ii) able and willing to serve on the court.
- (d) A member of the court must hold office for such a period as determined by the vice-chancellor, but may be removed from office on grounds of inability to perform the functions of his or her office or if he or she is guilty of gross misconduct.
- (e) A student who feels aggrieved by the decision of the students' court may appeal to the students' disciplinary committee, with further appeals to the council.

Students' disciplinary committee

98. If a student is accused of misconduct as defined in paragraph 96-
- (a) the vice-chancellor must refer the allegation to the students' disciplinary committee, established for that purpose by the senate in accordance with a resolution of senate;

- (b) the students' disciplinary committee must deal with the matter in accordance with the Rules and the procedures recommended by senate in terms of paragraph 45(1)(i) of this Statute and made by the council in terms of the Higher Education Act and make appropriate recommendations to the vice-chancellor for final determination.

Appeals

99. (a) A student aggrieved by the decision of the vice-chancellor may appeal to the council.
- (b) The decision of the council is final.

CHAPTER 10

STUDENTS' REPRESENTATIVE COUNCIL (SRC)

Composition of SRC

100. The students' representative council contemplated in section 35 of the Higher Education Act consists of-

- (a) the president;
- (b) the deputy president (internal affairs);
- (c) the deputy president (external affairs);
- (d) the general secretary;
- (e) the deputy general secretary;
- (f) the treasurer;
- (g) the public relations officer;
- (h) the projects councillor;
- (i) the gender councillor;
- (j) the legal affairs councillor;
- (k) the catering and entertainments councillor;
- (l) the education and transformation councillor;
- (m) the sports councillor;
- (n) the residence councillor;
- (o) the religious affairs councillor;
- (p) the cultural affairs councillor;
- (q) the oppidan and part-time councillor;

- (r) student senators elected by the students from the various faculties;
- (s) the speaker of the students' parliament; and
- (t) the SRC employees.

Eligibility for membership

101. A person is eligible for membership of the SRC if he or she-

- (a) is a registered student of the University for the semester or year concerned;
- (b) has already been registered for at least one semester; and
- (c) does not have a criminal record.

SRC elections

102. (1) The election of members of the SRC, as contemplated in paragraphs 100(a) to (l), takes place annually before the end of September.

(2) The elections are conducted and supervised by an independent electoral commission which must be appointed by the SRC at its first meeting of the second semester or by the vice-chancellor.

(3) Voting is by secret ballot.

(4) Polling officers and observers are appointed by the electoral commission.

(5) The member contemplated in paragraph 100(m) is elected by card-carrying members of associations affiliated to the sports council.

(6) The member contemplated in paragraph 100(n) is elected by students resident in the halls of residence.

(7) The member contemplated in paragraph 100(o) is elected by the general assembly of religious organisations affiliated to the students' religious fraternity.

(8) The member contemplated in paragraph 100(p) is elected by the general constituency of the cultural union.

(9) The member contemplated in paragraph 100(q) is elected by non-resident and part-time students.

(10) The members contemplated in paragraph 100(r) are elected in separate elections held in various faculties.

(11) The member contemplated in paragraph 100(s) is elected by the members of the students' parliament at its first meeting each year.

Voters' roll

103. (1) The electoral commission referred to in paragraph 102(2) must obtain from University management a list of the names and academic status of all registered students entitled to vote.

(2) The voters' roll must be posted by the polling officers at the official polling booths at least twenty University days before the polling day.

Nominations

104. (1) Two University days after the posting of the voters' rolls, the electoral commission calls for nominations by putting up notices at the official polling booths with a fixed period for receipt of two University days.

(2) Only nominations placed in the official boxes provided are valid.

(3) A nomination paper is not valid unless it contains the consent signature of the nominee, and the signature of at least five and not more than ten nominators who must be registered voters, provided that no voter may nominate more than three candidates.

(4) On the day following the closing of nominations, lists giving the names and academic status of all nominees, must be posted at the official polling booths.

(5) One University day must be set aside for objections to nominations which must be considered by the electoral commission.

(6) Two University days must be set aside for campaigning or canvassing.

(7) After the campaigning period is over, at least two University days must be kept open for voting purposes.

Voting

105. (1) There must be at least one polling booth.

(2) Voting takes place for no fewer than two University days.

(3) Voting takes place between the hours of 12:00 and 22:00.

- (4) A voter may enter a polling booth only immediately after receipt of blank ballot paper from a polling officer.
- (5) Only ballot papers provided by the polling officers are valid.
- (6) Voting by proxy is not allowed.
- (7) During polling, polling officers, or their duly appointed assistants, must be in constant attendance at the polling booths.

Counting of votes

106. (1) At the end of the voting period, ballot boxes must be removed unopened from the polling booths.

(2) Votes are counted after closing of polling and must be counted in the presence of polling officers.

(3) Only such assistants as polling officers may appoint may be employed and the names of these assistants must be duly submitted at the conclusion of the election.

(4) Only the following may attend the counting of votes-

- (a) polling officers;
- (b) their duly appointed assistants; and
- (c) duly appointed observers.

Election report

107. (1) The electoral commission must submit a full report on the conduct of the elections, together with an account of expenses incurred and recommendations as to future elections.

(2) The report is to be considered by the incoming SRC at its first meeting and by the office of the vice-chancellor.

Term of office

108. Except as otherwise provided, a member of the SRC must hold office for a period of one year.

Termination of membership

109. (1) A member of the SRC ceases to hold office if the member-

- (a) ceases to be a student of the University;

- (b) tenders his or her resignation in writing and such resignation is accepted by the SRC;
- (c) absents himself or herself without leave of the SRC or a reasonable excuse acceptable to the SRC from two consecutive ordinary meetings of the SRC during his or her term of office;
- (d) fails, without a reasonable excuse acceptable to the SRC, to carry out his or her duties;
- (e) commits a misdemeanour;
- (f) is declared insolvent by a court of law or is convicted of an offence involving dishonesty;
- (g) is of unsound mind and has been so declared by a competent court; or
- (h) is declared to be incapable of managing his or her own affairs by a competent court.

(2) When a member of the SRC ceases to be a member, he or she automatically ceases to be a member of any office in connection therewith.

(3) The entire SRC may be dissolved by way of a motion of no confidence passed by a two-thirds majority of students present and voting at a general meeting or a special general meeting attended by at least 15 percent of the registered students.

(4) A transitional SRC must be elected by show of hands following nominations that are seconded at the general meeting or special general meeting at which the entire SRC is dissolved as contemplated in subparagraph (3).

(5) A transitional SRC consists of-

- (a) a chairperson;
- (b) a secretary;
- (c) six additional members; and
- (d) the SRC employees.

(6) Such transitional SRC exists until the election of a new SRC which must be as soon as reasonably practicable thereafter.

Casual vacancies

110. A casual vacancy in the membership of the SRC must be filled by way of a by-election held in accordance with the SRC constitution.

Functions of SRC

111. The SRC is responsible for-

- (a) representing students of the University of North-West in general and in particular in dealings with-
 - (i) the vice-chancellor;
 - (ii) the deputy vice-chancellor or deputy vice-chancellors;
 - (iii) the other administrative authorities of the University;
 - (iv) the students' representative councils or student bodies of other universities and academic institutions with the permission of the vice-chancellor or deputy vice-chancellor or deputy vice-chancellors; and
 - (v) the government and any other external bodies;
- (b) communicating to the vice-chancellor or deputy vice-chancellor or deputy vice-chancellors on its own initiative or at the request of the vice-chancellor or deputy vice-chancellor or deputy vice-chancellors its views on general matters affecting students' affairs;
- (c) co-ordinating, promoting and encouraging all student activities to the extent that such activities are not in conflict with the Act and Statutes of the University;
- (d) administering, in the interests of the students and in the manner prescribed by the council, financial by-laws promulgated under the SRC constitution, such funds and other assets as may be received by it from time to time;
- (e) exercising such disciplinary powers as may be delegated to the SRC by the University council;
- (f) receiving financial statements and other assets administered by the SRC from the SRC after the SRC has consulted with the University management;

- (g) appointing such office-bearers and sub-committees of the SRC as it deems necessary for the administration of student affairs;
- (h) approving or rejecting the constitution or any amendments to the constitution of the SRC, a society or any students' organisation, provided that rejection is limited to points where it conflicts or overlaps with the provisions of the SRC constitution;
- (i) considering and recommending to the council the design of colours and badges of the student societies and clubs purporting to represent the University, to supervise the wearing and use thereof and to control the award of such colours and badges;
- (j) convening and conducting student meetings and conduct referenda to ascertain the opinion of students, provided that the result of a referendum is not binding on the SRC, unless the majority of registered students have voted in its favour;
- (k) formulating standing orders not inconsistent with the constitution;
- (l) opening and maintaining SRC banking accounts;
- (m) the signatories to the banking account who must be the president, the general secretary and the treasurer.

Functions of SRC members

112. (1) The president is the chief executive officer of the SRC and-
- (a) chairs SRC meetings, general meetings and special general meetings;
 - (b) is a member of all SRC sub-committees;
 - (c) co-ordinates the duties and functions of the SRC;
 - (d) is a signatory to all finance related matters;
 - (e) prepares and presents the presidential report at the general meeting;
 - (f) deals with the media in conjunction with the public relations officer; and
 - (g) designates duties to SRC members or sub-committees.
- (2) The deputy president (internal affairs)-

- (a) deputises for the president when he or she is unable to perform his or her functions, provided that the power to be a signatory to the banking account must not be delegated to the deputy president (internal affairs);
- (b) deals with internal affairs of students in conjunction with other office-bearers;
- (c) is responsible for all other activities delegated to him or her by the SRC.

(3) The deputy president (external affairs)-

- (a) deputises for the president in the absence of both the president and the deputy president (internal affairs), provided that the power to be a signatory to the banking account must not be delegated to the deputy president (external affairs);
- (b) deals with the external affairs of students.

(4) The general secretary-

- (a) is the chief custodian of documents and assets of the SRC;
- (b) is responsible for the processing of all correspondence of the SRC;
- (c) convenes SRC meetings, students' parliament meetings and general meetings in consultation with the president;
- (d) is responsible for all aspects relating to staff employed by the SRC;
- (e) is responsible for liaison with departments of the University which are responsible for supporting the SRC;
- (f) prepares and presents the general secretary's report to the general meeting; and
- (g) is a signatory to the banking account.

(5) The deputy general secretary assists the general secretary in the performance of his or her functions and deputises for the general secretary whenever he or she is absent, provided that the power to be a signatory to the banking account must not be designated to the deputy general secretary.

- (6) The treasurer-
 - (a) is responsible for all finances and financial policies of the SRC;
 - (b) is responsible for all financial transactions, records and accounts of the SRC;
 - (c) is responsible for the budget of the SRC and any matters incidental thereto;
 - (d) prepares and presents a quarterly financial update and an annual audited financial statement;
 - (e) ensures proper administration and accounting of funds allocated to the affiliates of the SRC;
 - (f) heads the fund-raising and finance committees of the SRC;
 - (g) is a signatory to the banking account.
- (7) The projects councillor is responsible for all projects of the SRC.
- (8) The gender councillor-
 - (a) is responsible for gender related affairs of the SRC;
 - (b) heads the gender sub-committee of the SRC;
 - (c) articulates all gender policies of the SRC.
- (9) The legal affairs councillor-
 - (a) is responsible for constitutional affairs of the SRC;
 - (b) ensures that the constitutional principles of the SRC affiliates are in conformity with the constitution of the SRC;
 - (c) ensures the observance of procedures, Rules and regulations set by the council;
 - (d) co-ordinates procedures and arrangements of the students' court;
 - (e) takes up all students' problems in relation to the grievance procedures of the University.
- (10) The public relations officer-
 - (a) is responsible for advancing and facilitating the use of mass media by students of the University;

- (b) is responsible for the public relations of the SRC as the chief marketing officer of the SRC;
- (c) manages the production of all SRC publications;
- (d) consolidates all media activities;
- (e) is responsible for fund-raising in conjunction with the treasurer.

(11) The catering and entertainment councillor as head of the catering and entertainment sub-committee of the SRC is responsible for the catering and welfare of students and for the articulation of the SRC's policy on catering.

(12) The education and transformation councillor-

- (a) as head of the transformation sub-committee of the SRC is responsible for the general transformation programme of the SRC and represents the SRC on all transformation committees of the University;
- (b) as head of the education desk of the SRC is responsible for all matters relating to academic programmes.

(13) The residence councillor serves according to the provisions of the constitution of the central housing committee and is responsible for the welfare of all students staying in residences.

(14) The religious affairs councillor serves according to the provisions of the constitution of the religious students' fraternity and is responsible for co-ordinating students' congregations.

(15) The cultural affairs councillor serves according to the provisions of the constitution of the cultural union and is responsible for cultural activities of the SRC as well as cultural groupings affiliated to the SRC.

(16) The oppidan and part-time councillor is responsible for the welfare of all off-campus resident students and part-time students of the University.

Committees of SRC

113. The SRC may establish the following committees-

- (a) executive committee;
- (b) students' fund-raising committee;

- (c) students' media and publicity committee;
- (d) finance committee;
- (e) gender committee;
- (f) transformation committee;
- (g) catering and entertainments committee;
- (h) any other committee or committees that may be necessary.

Meetings of SRC

114. (1) The first meeting of the newly elected SRC must be held not later than one week after the posting of the election results and the president of the outgoing SRC presides at this meeting and subsequent meetings until the election of the new SRC president.

(2) Meetings of the SRC are held at least once every four weeks during the academic year.

(3) The general secretary must give all members at least three university days' notice of such meeting.

(4) An extraordinary meeting of the SRC may be called by the president at twenty-four hours' notice to members of the SRC if-

- (a) he or she, at his or her own discretion, deems it to be necessary; or
- (b) eight or more members of the SRC jointly petition him or her to do so having handed him or her the text of the motion to be put to the SRC.

(5) The president is the chairperson at all meetings of the SRC.

(6) In the absence of the president a vice-president deputises and in the absence of the president and the vice-presidents, the meeting elects a chairperson.

(7) The general secretary takes minutes at all SRC meetings, seminars or conferences and in the absence of the general secretary the deputy general secretary must deputise.

(8) The quorum of the SRC consists of a simple majority of its total membership.

General meetings of students

115. (1) An annual general meeting of students approved by the vice-chancellor or deputy vice-chancellor or deputy vice-chancellors or their duly authorised representative is convened in the second semester by the 10th of September of each year.

(2) The president may when he or she deems it necessary to do so with the approval of the vice-chancellor, deputy vice-chancellor or deputy vice-chancellors, by notice to the students, convene a special general meeting of students where only the special matter may be discussed and resolved.

(3) The president must call a special general meeting of students whenever the SRC so directs, or alternatively within five days after a petition in writing, voted for by no fewer than ten per cent of all students enrolled with the University.

(4) A quorum is one third of the members entitled to vote and if there is no quorum at the time notified for the commencement of the meeting, 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.

(5) The president or in his or her absence a deputy president, is the chairperson at general meetings and in the absence of the president and the deputy presidents, the meeting elects, from among its members, a chairperson for the meetings concerned.

(6) The chairperson has control of the general meeting and has the power to request any student whose conduct is unruly to leave the meeting which ruling is binding, unless it is immediately challenged, in which case the challenge must be submitted to the meeting and discussed, the decision of the meeting is final.

Notice of meetings

116. The general secretary or the deputy general secretary must at least seven 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.

Discussion of motions

117. 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.

Voting at SRC meetings

118. (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 vote.

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

Recording of votes at SRC meetings

119. (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.

Minutes of SRC meetings

120. (1) An ordinary meeting of the SRC, 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) The meeting may consider the minutes as read, if a copy thereof was sent to each member previously with the notice convening the meeting concerned.

Financial interest of members of SRC

121. (1) A member of the SRC 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 SRC arrived at in violation of subparagraph (1) has no legal force or validity.

Attendance by non-members

122. (1) Non-members of the SRC may not attend meetings of the SRC except with special leave of the SRC.

(2) The non-members referred to in subparagraph (1) may take part in the discussions, but may not vote.

CHAPTER 11

APPOINTMENT AND CONDITIONS OF SERVICE OF EMPLOYEES

Appointment and conditions of service of employees

123. (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 a 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 12, 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, 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 12

MISCONDUCT BY EMPLOYEES

Definition of misconduct

- 124. (1)** An employee is guilty of misconduct if it is proved 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 or her 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.

Procedure in case of misconduct

125. (1) If an employee is accused of misconduct as defined in paragraph 124-

- (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) the vice-chancellor must then refer the charges in writing to the staff disciplinary committee established for that purpose by the vice-chancellor, provided that in the case of misconduct by the vice-chancellor or a deputy vice-chancellor, the allegations must be referred to a disciplinary committee consisting of members of the council;
- (c) the vice-chancellor or council, 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 staff disciplinary committee or disciplinary committee, 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 staff disciplinary committee or disciplinary committee, 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 staff disciplinary committee or disciplinary committee, as the case may be, must inquire into the charge and conduct a disciplinary hearing.

(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 staff disciplinary committee or disciplinary committee, as the case may be, must fix the time and place of the disciplinary hearing and the chairperson of the committee must give the accused reasonable written notice

of the time, date and place so fixed, provided that the committee 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 chairperson or the composition of the disciplinary committee;
- (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 chairperson 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 complainant, supervisor or any other officer appointed by the vice-chancellor, 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 chairperson must keep a record of the proceedings at the inquiry and of the evidence given thereat.

(14) The 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.

(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 committee when it makes a recommendation in relation to the punishment which should be imposed.

(18) If the committee finds an accused guilty of the misconduct of which he or she has been charged, the committee 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 the findings and the reasons therefor;
- (c) any extenuating or aggravating circumstances the committee 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 124(1)(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; 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 (10)(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 paragraph against such person.

(23) (a) If an accused is dismissed in terms of subparagraphs (19)(g) or (21)(b), the dismissal 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.

Appeal

126. (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 committee or the vice-chancellor, as the case may be.

Investigation into a charge of inefficiency or incompetence

127. 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.

Preliminary inquiry and procedure

128. (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.

Procedure for formal inquiry

129. (1) If the procedure referred to in paragraph 128 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 125 excluding subparagraph (19) thereof, with the necessary changes, 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 13

AFFILIATION OF CERTAIN COLLEGES AND CERTAIN OTHER EDUCATIONAL INSTITUTIONS WITH UNIVERSITY

Affiliation of certain colleges and certain other educational institutions with University

130. (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 this Statute or in any Rules recommended by the senate and made by the council.

CHAPTER 14**REPEAL OF PREVIOUS STATUTE****Repeal of previous Statute**

131. (1) The Statute applicable to the University of North-West published by Government Notice No. 1111 of 15 August 1997, 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 provisions of this Statute, provided that such provisions are not inconsistent with any provision of this Statute, the Higher Education Act or the Act.

CONTENTS

No.	Page No. Gazette No.
GOVERNMENT NOTICE	
Education, Department of Government Notice	
788 Higher Education Act (101/1997): Statute of the University of North-West.....	1 20225