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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 825

28 June 1999

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

AMENDMENT OF THE STATUTE OF THE UNIVERSITY OF THE NORTH

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

SCHEDULE

1. *In this Schedule the expression "the Statute" means the Statute of the University of the North promulgated by Government Notice No. R. 3263 of 1 December 1992.*

2. *Paragraphs 5 up to and including paragraph 48 are hereby amended by the substitution for these paragraphs of the following paragraphs:*

"COUNCIL**Composition**

5. The council consists of -

- (a) the principal;
- (b) the vice-principals;

- (c) two members of the senate elected by the senate;
- (d) one academic employee of the University, other than those contemplated in subparagraph (c), elected by such employees;
- (e) two employees other than academic employees, elected by such employees;
- (f) the president of the students' representative council of the main campus;
- (g) the presidents of the students' representative councils of the satellite campuses;
- (h) five persons appointed by the Minister;
- (i) one person appointed by the Premier of the Northern Province;
- (j) one person representing the Pietersburg-Polokwane Transitional Council or its successor;
- (k) one person representing the Mankweng Transitional Council or its successor;
- (l) two members of the convocation who may not be students or employees of the University, elected by the convocation;
- (m) two donors designated by the donors of the University;
- (n) one person representing organised labour; and
- (o) such additional persons as contemplated in paragraph 8(5).

Chairperson and deputy chairperson

6. (1) Nominations for the chairperson and the deputy chairperson of the council are made in writing.
- (2) No employee or student of the University is eligible for nomination as chairperson or deputy chairperson.
- (3) If more than one candidate is nominated, voting must be by secret ballot.
- (4) A candidate may be elected chairperson or deputy chairperson of the council only by a majority of the members present at a duly constituted meeting of the council.

(5) The council decides before the election on the electoral system to be employed.

(6) The term of office of the chairperson and the deputy chairperson is two years, provided that they may be re-elected.

(7) If the chairperson for any reason fails to execute his or her duties or vacates the office prior to the end of the term of office, the deputy chairperson presides at all council meetings pending the election of a new chairperson.

(8) If both the chairperson and the deputy chairperson are not available for any council meeting, members of the council must from the members present elect an acting chairperson to preside at a particular meeting.

(9) An acting chairperson contemplated in subparagraph (8) is elected by a majority of the members present.

Term of office

7. (1) All members of the council other than the principal, the vice-principals, the registrar and the respective presidents of the students' representative councils, hold office for a period of four years.

(2) The presidents of the respective students' representative councils hold office for one year.

Manner of election of members

8. (1) The manner of election of persons contemplated in paragraph 5(d) and (e) is as follows -

(a) the elections are conducted by an independent external body and voting is by secret ballot; and

(b) general elections allow all designated staff levels to vote for colleagues on other staff levels within their constituencies.

(2) In terms of members contemplated in paragraph 5(h), the secretary to the council must two months before a vacancy is due to occur by effluxion of time invite the members of the council, the senate and the institutional forum to nominate suitable persons and such nominations together with letters of

acceptance by such nominees and a recent curriculum vitae of each nominee must be forwarded to the Minister, who may appoint persons from these nominees or use his or her prerogative in appointing members to the council.

(3) Members contemplated in paragraph 5(l) are elected by secret ballot at a general meeting of the convocation where the registrar acts as electoral officer.

(4) The organisation contemplated in paragraph 5(n) is the Congress of South African Trade Unions (COSATU).

(5) The additional persons contemplated in paragraph 5(o) must be elected by the council from nominations invited from the following organisations -

- (a) the South African Chamber of Business (SACOB);
- (b) the National African Federated Chamber of Commerce (NAFCOC);
- (c) the National African Farmers' Union (NAFU);
- (d) the Black Management Forum (BMF); and
- (e) the Human Rights Commission.

Secretary

9. The members of the council elect from among their number a secretary to the council, provided that the council may appoint the registrar to assist the secretary or to act in his or her place as secretary to the council and its committees.

Attendance of meetings by non-members

10. The council may invite members of the administration to attend meetings for clarification of issues that may arise.

Quorum

11. Half of the total number of members plus one constitutes a quorum.

Notice of meeting

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

Notice of proceedings

13. Notice of matters for consideration must be submitted in writing to the secretary to the council at least 10 working days prior to the date on which the secretary is required to give notice of the meeting, provided that matters of an urgent nature may, without prior notice, be placed on the agenda at an ordinary meeting if the majority of members present consent thereto and if such matter is placed at the beginning of the agenda.

Minutes

14. (1) The secretary to the council keeps minutes of each meeting of the council and includes such minutes in the agenda of the next ordinary meeting.

(2) All resolutions of the council must be recorded and the implementation thereof is the responsibility of the registrar.

(3) Once a meeting has been duly constituted on the basis of a quorum, the minutes of the previous ordinary meeting and the minutes of any extraordinary meeting held subsequently must be adopted and confirmed by the signature of the chairperson of the meeting, provided that any objection to the minutes is raised and dealt with before confirmation thereof.

(4) The meeting may take the minutes as read if a copy thereof was sent to each member at least five days before the meeting.

Discussion of proposals

15. A member of the council may not without the leave of the chairperson speak more than once on a motion or an amendment, but the proposer of a motion or an amendment has the right to reply, provided that a member may move that the matter under discussion be dealt with in committee, and if the

motion is seconded, the chairperson determines whether there is consensus, without further discussion and, if there is, the council immediately goes into committee, whereafter a member may speak more than once on the subject under discussion.

Agreements and voting procedure

16. (1) Except as otherwise provided in this Statute, all matters are decided on a basis of consensus.

(2) If consensus cannot be reached, the matter is decided by a majority of all members present.

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

(4) In the event of a tie, the chairperson has in addition to his or her ordinary vote, also a casting vote, provided that in the case of a vote by secret ballot he or she does not have a casting vote.

(5) A tie in votes means that a motion is rejected unless the chairperson declares that he or she is to use the casting vote in favour thereof, in which case the motion is adopted, provided that the chairperson may also use the casting vote against a motion or may decide not to use it.

(6) If members present during any vote on a motion abstain from voting, their abstentions may be minuted as such.

Recording of votes

17. If the meeting so decides, the number of votes for or against a proposal must be recorded in the minutes, and if a member so requests, the chairperson must direct that the vote of such member be similarly recorded.

Seconding of proposal

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

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

Ruling of chairperson

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

Extraordinary meetings

20. The chairperson or the deputy chairperson, in the absence of the chairperson, may call an extraordinary meeting of the council at any time, and must convene such a meeting at the written request of at least 11 members of the council, provided that the purpose of the meeting is stated in such request and that no matters other than those mentioned in the notice may be transacted at such meeting.

Motions in connection with drafting, amending, or repealing of Statute or Rules

21. (1) A motion to draft, amend, supplement or repeal an institutional Statute or an institutional Rule of the University made in terms of section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997) may be adopted only if at least two-thirds of the members who hold office at the time of the meeting vote in favour of it.

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

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

Financial and other interests of members

22. (1) Any member of the council or a committee of the council who has a direct pecuniary or personal interest in any University matter must declare such interest before the commencement of the discussion on the matter, and such member may not participate in the discussion of or vote on such matter.

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

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

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

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

(6) After such declaration or in the event of the council or the committee finding that such an interest exists, such member of the council or the committee must recuse himself or herself from the meeting before the issue on which he or she has an interest, is discussed.

(7) In the event of the person recusing himself or herself being the chairperson of the meeting, the vice-chairperson acts as chairperson of the meeting.

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

(9) Failure to disclose an interest by a University staff member, or to recuse himself or herself, constitutes misconduct in terms of the staff disciplinary code of the University.

(10) The registrar keeps a register of interests or possible conflict of interests.

(11) If a member of the council or a committee participates, without the council's or the committee's permission, in proceedings of the council or the

committee in connection with a matter in which the member does have a financial or other interest, voting by the council or the committee on such a matter is invalid.

(12) Any allowances payable to members of the council or committees of the council are determined by the council.

Expiry of term of office

23. The secretary to the council must notify the structure that appointed or elected a member of the council of the expiry of such member's term of office in writing at least three months prior to such expiry so as to enable such structure to fill the vacancy.

Casual vacancy

24. If the office of a member of the council for any reason becomes vacant prior to the end of the member's term of office, the secretary to the council must notify the structure that appointed or elected the member in writing within 30 days of the occurrence of the vacancy to enable the structure to fill the vacancy.

Executive committee

25. (1) The executive committee of the council consists of -

- (a) the chairperson and the deputy chairperson;
- (b) five additional persons elected by the council from among its members;
- (c) the principal and the vice-principals; and
- (d) any employee of the University as co-opted from time to time.

(2) The employees of the University contemplated in subparagraph (d) may not serve in the executive committee unless as resource persons.

(3) At least 60 per cent of the members of the executive committee of the council must be members who are not employees or students of the University.

(4) The council establishes such other committees as it may deem necessary.

Other committees

26. (1) The members of committees of the council other than the executive committee hold office for a maximum period of four years and the functions of such committees are determined by the council.

(2) The quorum and the procedure at a meeting of any such committee are determined by the council.

SENATE

Functions

27. The senate is accountable to the council for the academic and research functions of the University and must perform such other functions as are delegated or assigned to it by the council.

Composition

28. (1) The senate consists of -

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) the deans of faculties;
- (d) all heads or acting heads of academic departments or schools;
- (e) forty per cent of professors other than those contemplated in subparagraphs (c) and (d);
- (f) thirty five per cent of senior lecturers other than those contemplated in subparagraphs (c) and (d) elected by senior lecturers from their own ranks;
- (g) ten per cent of academic employees other than professors and senior lecturers elected by such employees from their own ranks;

- (h) two members of the council nominated by the council;
- (i) two employees other than academic employees, elected by such employees;
- (j) every visiting professor and emeritus professor;
- (k) the president of each students' representative council of the University;
- (l) for each faculty, one student who is also a member of the students' representative council;
- (m) for each faculty, one post-graduate student elected by the post-graduate students of that faculty;
- (n) the University librarian;
- (o) the registrar;
- (p) the head of student counselling and development;
- (q) the head of research administration and development;
- (r) the head of the information technology division;
- (s) the heads of satellite campuses; and
- (t) two students representing disabled students.

(3) The majority of members of the senate must be academic employees of the University and the gender composition of membership must be taken into account.

Term of office of members

29. (1) The members of the senate elected by the council referred to in paragraph 28(1)(h) hold office for as long as they are members of the council.

(2) Elected members of the senate in terms of section 28(1)(e), (f) and (g) hold office for a period of four years.

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

(4) The manner of election of persons contemplated in paragraph 28(1)(e), (f), and (g) is as follows -

- (a) the election is conducted by an independent outside body and voting is by secret ballot; and
- (b) the election is divided into a primary and an open general election -
 - (i) a primary election is held for the three tiers of academic staff, namely professors, senior lecturers and lecturers, aiming to elect at least one representative per department or school;
 - (ii) departments or schools with only one qualifying member do not participate in the primary election, as their members are duly elected by virtue of being the sole and automatic candidates within their schools or departments;
 - (iii) the second round of the election is held if the total number of members required is incomplete and in the second round all three tiers of academic staff may vote across the board for any colleague on another tier, provided that the said colleague is within the same department or school, and precluding those already elected in the primary elections; and
 - (iv) departments or schools with only one qualifying candidate per tier of academic staff have those staff members declared duly elected by virtue of being the sole and automatic candidates within their schools or departments.

Chairperson

30. (1) The senate elects a chairperson from among its members who are senior academics.
- (2) Nominations for the chairperson are by secret ballot.
 - (3) If more than one candidate is nominated, voting is by secret ballot.

Secretary to senate

31. The senate elects from among its members a secretary, provided that the registrar may assist the secretary or act in his or her place.

Attendance of meetings by non-members

32. The senate may invite persons who are not members to attend a meeting, provided that such persons may take part in discussions but may not vote.

Ordinary meetings

33. (1) During each semester of the academic year, at least two ordinary meetings of the senate must be held.
- (2) Ordinary meetings of the senate are held on the date, and at the time and place, as determined by the senate.

Functions of senate

34. The senate must -
- (a) make recommendations to the council concerning the creation of new programmes and structures as well as the dissolution of such structures and programmes;
 - (b) make recommendations to the council concerning the creation of new schools or faculties under which each department, centre or institute must fall and the representation of departments, centres and institutes on the respective faculty or school board of studies or faculty or school boards of studies;
 - (c) make recommendations to the council concerning the appointment of a dean as well as a deputy dean of each faculty or school, upon the submission of the names of the persons elected by the school or faculty boards of studies;
 - (d) prescribe the duties of deans and deputy deans;

- (e) make recommendations to the council concerning the appointment of acting deans, heads of department and directors of centres or institutes in the case of new schools or faculties;
- (f) make recommendations to the council concerning the appointment of heads of department, directors of centres and institutes as approved by faculty or school boards of studies;
- (g) monitor and advise on tuition in the various schools, departments, centres, institutes, lectures and classes subject to the institutional Rules made by the council on the recommendation of the senate in terms section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997);
- (h) appoint all internal examiners and moderators and submit recommendations to the council on the appointment of external examiners and moderators;
- (i) make recommendations to the council concerning the degrees, diplomas and certificates offered by the various faculty or school boards of studies, after consultation with the various faculty or school boards of studies;
- (j) make recommendations to the council on the conditions for the awarding of degrees, diplomas or certificates by the University and monitor the requirements for admission to study for such degrees, diplomas and certificates and the conditions for the granting of equal status to persons who have studied at other institutions or universities;
- (k) approve the procedure for the awarding of degrees, diplomas, and certificates as well as the nature of the academic dress;
- (l) regulate all matters relating to academic meetings for which no provision has been made in the Statute;
- (m) make recommendations to the council concerning the appointment of emeritus professors, special category appointments and persons to whom honorary degrees may be awarded;

- (n) subject to the approval of the council and in accordance with the deeds of gift concerned, recommend institutional Rules concerning the conditions for the award and duration of scholarships and prizes at the disposal of the University;
- (o) make submissions to the council for consideration from time to time with regard to the award of such scholarships and prizes;
- (p) determine from time to time the extent to which a holder of any scholarship has complied with the conditions;
- (q) make recommendations to the council concerning the amendment, supplementation or repeal of institutional Rules concerning discipline made in terms of the Higher Education Act, 1997 (Act No. 101 of 1997);
- (r) determine the quorum and procedure of committees of the senate;
- (s) ensure that the academic programmes of various faculties or schools adhere to the mission of the University; and
- (t) determine and maintain academic standards.

Representatives of senate on council

35. (1) Notice of the expiry of the term of office of a senate member on the council must be given by the secretary to the senate by including an item on the agenda of the ordinary meeting of the senate preceding the last meeting of the council which takes place during the term of office of such member.
- (2) A nomination must be in writing and signed by at least two members of the senate and the nominee, and must reach the secretary at least three days before the meeting concerned.
- (3) If the number of candidates is greater than the number of vacancies to be filled, voting must be by secret ballot.
- (4) The senate must decide before the election on the electoral system to be employed, provided that a majority is required.
- (5) An elected candidate holds office for the term determined by the senate.

- (6) A member whose term of office expires may be re-elected.
- (7) If a representative of the senate on the council vacates his or her office prematurely, the senate must at its next meeting elect a successor for the remaining part of his or her term of office.
- (8) The function of the senate representatives on the council is in accordance with the provisions of the Higher Education Act, 1997 (Act No. 101 of 1997).

Quorum

36. A quorum consists of half the members plus one.

Agenda

37. At least seven days before an ordinary meeting and at least two days before an extraordinary meeting of the senate, the secretary must provide to every member an agenda reflecting, *inter alia*, the date, time and venue of the meeting and the matters to be considered.

Compilation of agenda

38. Submissions must be in writing and must be lodged with the secretary at least 14 days before the date of an ordinary meeting, provided that matters of an urgent nature may, without prior notice, be placed on the agenda at an ordinary meeting if the majority of the members present consent thereto and such matters are placed at the beginning of the agenda.

Amendment of Rules of senate

39. (1) No proposal to make, amend, or repeal an institutional Rule of the senate made in terms of the Higher Education Act, 1997 (Act No. 101 of 1997), may be considered unless it is included and set out in detail in the agenda of an ordinary meeting of the senate.
- (2) A resolution to make, amend or repeal a Rule of the senate must be accepted by at least two-thirds of the total number of members of the senate.

Minutes

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

(2) Minutes of ordinary meetings of the senate must be provided to all members within three weeks after the meeting.

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

(4) An objection to the minutes must be raised and dealt with before their confirmation.

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

Register of resolutions

41. The secretary keeps available a complete register of senate resolutions.

Discussion of proposals

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

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

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

Voting procedures

43. (1) Except as otherwise provided in this Statute, all matters are decided by consensus.

(2) Only in instances where consensus cannot be reached, may a matter be decided by a majority vote of all members present.

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

(4) In the event of a tie, the chairperson has, in addition to his or her ordinary vote, a casting vote, provided that in the case of a vote by secret ballot he or she does not have a casting vote.

(5) A tie in a vote means that a motion is rejected unless the chairperson declares that he or she wants to use his or her casting vote in favour thereof, in which case the motion is adopted, provided that the chairperson may use his or her casting vote against a motion or may decide not to use his or her casting vote.

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

(7) At the request of a member, the chairperson may direct that –

(a) voting be by secret ballot; or

(b) the vote of the member in question be recorded in the minutes.

Proposals

44. The ruling of the chairperson of the meeting on a point of order or procedure raised by a member of the meeting is binding, unless a member

immediately objects, in which event such ruling must without discussion be subjected to the final decision of the meeting.

Extraordinary meeting

45. The chairperson, or in his or her absence his or her representative, may convene an extraordinary meeting at any time if he or she deems it necessary, and must convene such a meeting if he or she is requested to do so in writing by at least 10 members of the senate, provided that the purpose of such meeting is stated in such request and that no matter not stated in such request may be dealt with at such meeting except with the consent of the meeting following an uncontested motion.

Executive committee of senate

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

- (a) the principal;
- (b) the vice-principal;
- (c) the registrar;
- (d) the deans;
- (e) the University librarian; and
- (f) such other members as the senate may appoint from amongst its members.

(2) The functions of the executive committee of the senate are determined by the senate.

(3) An extraordinary meeting of the executive committee may be convened at any time by the chairperson or, in his or her absence, by his or her representative for the consideration of a matter referred to the executive committee by the senate or the council or any other matter which in the discretion of the chairperson cannot be held until the next ordinary meeting of the executive committee of the senate.

(4) At least three days before an ordinary meeting of the executive committee of the senate, the secretary must send to each member an agenda.

stating, *inter alia*, the date, time and venue of the meeting and the matters to be discussed.

(5) The executive committee of the senate may, from time to time, invite persons who are not members of the committee to attend a meeting, provided that such persons may take part in the discussions but may not vote, provided further that a representative of a dean elected by the school board, in the absence of the dean, has full voting status.

Quorum and procedures

47. (1) A quorum consists of that number of members which is half plus one.

(2) The provisions with regard to the procedure at meetings of the senate apply with the necessary changes to meetings of the executive committee of the senate, provided that the meeting is in committee, unless the chairperson rules or a member requests that the formal rules of procedure be observed, provided further that a proposal to this effect must be put to the vote without discussion.

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

INSTITUTIONAL FORUM

Institutional forum

48. (1) The institutional forum comprises all statutory and non-statutory structures at the University which are recognised by the council.

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

(3) Each structure is represented by four members.

(4) The institutional forum may invite persons who are not members to attend a meeting, provided that such persons may take part in discussions but may not vote.

(5) The main objectives of the institutional forum are as contemplated in section 31 of the Higher Education Act, (Act No. 101 of 1997) and also to serve as a consultative forum for all issues relevant to the work of the University.

Executive committee of institutional forum

- 48A.** (1) The institutional forum has an executive committee consisting of -
- (a) the chairperson, the deputy chairperson and the secretary-general;
 - (b) the principal; and
 - (c) such other members as the institutional forum may designate.
- (2) The institutional forum may establish committees to perform various tasks as the need arises.
- (3) The term of office of members of the executive committee is four years.

Voting procedures

- 48B.** (1) Except as otherwise provided in this Statute, all matters are decided by consensus.
- (2) Only in instances where consensus cannot be reached, a matter must be decided by a majority vote of all the members present.

Relation between council and institutional forum

- 48C.** (1) The institutional forum is accountable to the council.
- (2) The constitution of the institutional forum must be submitted to the council for approval.
- (3) The council may assign any task to the institutional forum.
- (4) The institutional forum must submit quarterly reports to the council."

3. *Paragraphs 64 up to and including paragraph 69 are hereby deleted.*

Transitional provisions

4. (1) *With the coming into force of this Statute, the existing structures of the University have the power and authority to take steps to implement the provisions of the Higher Education Act, 1997 (Act No. 101 of 1997), this Statute and the Institutional Rules made in terms of section 32 of the said Act.*

(2) *The steps contemplated in subparagraph (1) include the termination of the membership of council and senate members, to make it possible to reconstitute such structures in accordance with the Statute.*

(3) *The steps contemplated in subparagraph (1) also include the regulation of academic matters by institutional Rules made in terms of section 32(2)(b) of the Higher Education Act, 1997 (Act No. 101 of 1997).*

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