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## GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 826

28 June 1999

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

### AMENDMENT OF THE STATUTE OF THE UNIVERSITY OF SOUTH AFRICA

The council of the University of South Africa 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 hereby published with the approval of the Minister of Education in terms of section 33 of the said Act 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 South Africa promulgated by Government Notice No. R. 1699 of 10 August 1979.*

2. *Paragraph 1 up to and including paragraph 3 of the Statute are hereby amended by the substitution for the paragraphs of the following paragraphs:*

### **"GENERAL PROVISIONS"**

#### ***Purpose and status***

1. (1) The University exists and functions in terms of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), the Higher Education Act, 1997 (Act No. 101 of 1997), the University of South Africa Act, 1959 (Act No. 19 of 1959), as well as the University's Statute and Rules.

(2) The University commits itself to maintain and promote the values and objectives contained in the Constitution of the Republic of South Africa, and the preamble to the Higher Education Act.

(3) The University serves the South African society through excellent academic research, tuition and community development involvement.

### **Definitions**

2. In this Statute, unless the context requires otherwise, any word or phrase which has been defined in section 1 of the Higher Education Act has the meaning assigned to it -

**"absolute majority"** means half the total number of members of a voting structure plus one;

**"academic employees"** means employees whose primary task is teaching and research, including researchers, or employees who have been designated as academic employees by the council, provided that the principal, the vice-principals, other members of the management committee and the deans of faculties are not considered to be academic employees;

**"administrative employees"** means employees who render academic, student and institutional support services, including clerical and secretarial services;

**"after consultation with"** means that a decision must be taken in good faith, after consultation has taken place and serious consideration has been given to the view of those consulted, and that reasons be furnished for the decision;

**"appoint"** includes -

- (a) to employ;
- (b) to assign to; and
- (c) to designate;

**"chancellor"** means the chancellor of the University;

**"council"** means the council of the University;

**"days"** means working days;

**"deputy vice-chancellor"** means a vice-principal of the University, when temporarily performing the functions of principal and vice-chancellor;

**"due notice"** means notice given by the dispatch of a written notification, including electronic messages to the person concerned at the beginning of the period of notice required;

**"employees other than academic employees"** means employees of the University whose primary task is not tuition or research, and includes administrative employees, professional employees and support employees;

**"faculty"** or **"school"** means a sector of the University in which a particular academic discipline or cluster of disciplines is taught and researched and, where appropriate, includes institutes, bureaux, centres and units of the University;

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

**"in consultation with"** means that the consent of the person or persons or structure or structures to be consulted is necessary before a decision may be taken, such consent to be signified by the achievement of sufficient consensus via an ordinary majority vote, unless expressly provided otherwise;

**"institutional forum"** means the structure established in terms of section 31 of the Higher Education Act;

**"lecturers"** means academic employees of the University including professors, associate professors, senior lecturers and junior lecturers, but excluding tutors;

**"majority"** means a simple majority unless indicated otherwise;

**"management committee"** means the persons contemplated in paragraph 20T;

**"Minister"** means the Minister of Education;

**"months"** means calendar months;

**"national students' representative council"** means the national students' representative council of the University;

**"nominate"** means the submission of names for election to office;

**"non-academic employees"** means employees other than academic employees as defined above;

**"on the advice of"** means after consultation;

**"ordinary or simple majority"** means the greatest number of votes cast;

**"principal"** means the person appointed as principal of the University;

**"professional employees"** means employees trained in specialised fields whose work complies with specific professional or industrial standards, including library, language editing services employees, and information technology employees;

**"professors"** means employees of the University, whether permanent or temporary, full-time or part-time, who have the status of professors, including emeritus, honorary and extraordinary professors, but excluding associate professors;

**"registrar"** means the senior employee responsible for the administration and documentation of Rules and policies of the University, and the administration, accreditation and documentation of student records and enrolments;

**"research"** means the scientific accumulation and production of knowledge;

**"researchers"** means employees other than lecturers and who hold research posts recognised by the senate as having academic status and whose primary task is research rather than tuition;

**"Rules"** mean the rules of the council, the senate or the institutional forum made in terms of section 32 of the Higher Education Act;

**"senate"** means the senate of the University;

**"Statute"** means the institutional statute of the University;

**"student"** means a person registered for full-time or part-time study at the University for a degree, diploma, certificate, course, paper, module or programme provided that a student who is a full-time academic employee of the University, whether temporary or permanent, is not regarded as a student for the purposes of membership of the council, the senate or the national students' representative council;

**"student support services"** means services and strategies aimed at assisting and supporting students, including career and personal development and counselling, financial assistance, environmental support, and student representation, but excluding learner support methods and strategies employed in the presentation and delivery of courses directly concerned with the teaching and learning process;

**"support employees"** means employees who render general routine services, including protection services, maintenance services in respect of buildings and grounds, and manual labour services;

**"the University"** means the University of South Africa;

**"tuition"** means -

- (a) the formal instruction of students, whether for the purpose of obtaining a degree, diploma, certificate or other qualification, or not;
- (b) the formal evaluation of academic work done by students and lecturers, including the appointment of promoters, supervisors, examiners and moderators;



- (c) the determination of curricula, programmes and requirements for degrees and other qualifications as well as the assessment of compliance with such requirements; and

- (d) the design, development and delivery of tutorial matter;

"unions" means the labour unions of employees of the University recognised by the University and registered in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995);

"Unisa Foundation" means the trust of that name created to manage the investment of funds derived from donations, bequests and the like to the benefit of the University;

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

"vice-principals" means the persons appointed as vice-principals.

#### *Quorums and required majorities*

3. (1) If a quorum or required majority of votes is expressed as a mathematical fraction and it happens that the consequent quorum or majority is not a whole number, the next greater whole number is the required quorum or majority.

(2) If the required quorum is not present when any meeting is due to begin, the chairperson must immediately give due notice of another meeting and if the required quorum is not present at this second meeting, those members present constitute a quorum.

(3) If any category of persons entitled to appoint, elect or designate members of any University structure refuses to do so, such a structure is constituted by all members duly elected, appointed or nominated.

#### *Office bearers, governance structures and consultative structures*

3A. In order to carry out its academic, management and control functions, the University has the following office bearers and structures -

(a) office bearers -

- (i) the chancellor;
- (ii) the principal;
- (iii) the vice-principals; and
- (iv) other management officials;

(b) governance structures and consultative structures -

- (i) the council;
- (ii) the senate;
- (iii) the management committee;
- (iv) the institutional forum;
- (v) the convocation;
- (vi) the national students' representative council; and
- (vii) the unions."

3. Paragraph 9 of the Statute is hereby amended by the deletion of subparagraphs (2) and (3).

4. Paragraphs 11 up to and including paragraph 20 of the Statute are hereby amended by the substitution for the paragraphs of the following paragraphs:

**"COUNCIL**

***Functions of council***

11. (1) The council is the highest authority of the University, and governs the University in accordance with the Higher Education Act and the Statute.
- (2) The integration and co-ordination of all University processes and activities and the functioning of the University are determined by the council.
- (3) The council has particular responsibility in regard to -
- (a) strategic governance;
  - (b) financial governance;
  - (c) human resources matters;
  - (d) the discipline of employees and students;
  - (e) academic welfare; and
  - (f) the admission policy and the language policy of the University.
- (4) The council has the primary responsibility for upholding its Private Act, subject to the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and the Higher Education Act.

***Qualifications of council members***

12. The members of the council must be persons with knowledge and experience relevant to the governance, management, resources and financial matters of the University, and must, in their capacity as members of the council, act in the best interests of the University at all times.

***Composition of council***

13. (1) The council has not more than 35 members of whom at least 60 per cent must be persons who are not employees or students.
- (2) The council is composed of the following persons -
- (a) employees or students -
    - (i) the principal;
    - (ii) the vice-principals;
    - (iii) two members of the senate, designated by the senate in the manner provided in paragraph 14(1)(a);
    - (iv) one academic employee who is not a member of the senate, designated in the manner provided in paragraph 14(1)(b);
    - (v) two non-academic employees of the University who are not members of the senate, designated in the manner provided in paragraph 14(1)(c);
    - (vi) two members of the national students' representative council, designated by the national students' representative council;
    - (vii) one representative from each union, designated by the respective unions;
  - (b) members who are not employees or students -
    - (i) five members appointed by the Minister;
    - (ii) two members designated by the donors represented on the Unisa Foundation;

- (iii) one member designated by the Greater Pretoria Metropolitan Council;
  - (iv) two members designated by the National Council of Provinces;
  - (v) between 10 and 15 persons appointed by the council on the advice of the institutional forum on the strength of their knowledge and experience in fields such as labour relations, business, finance and law, and issues relating to higher education matters; and
- (c) not more than two persons co-opted by the council on the advice of the institutional forum for specified periods for specific purposes, provided that such members may not have voting rights.

#### *Election of council members*

14. Apart from the persons who are members of the council by virtue of their respective offices, the other members of the council are elected as follows with due regard to race, gender and rank -

- (1) Members who are employees or students -
- (a) the two members of the senate designated by the senate are elected at an ordinary or special senate meeting in accordance with the election procedure of the senate, as prescribed by the Rules;
  - (b) the person contemplated in paragraph 13(2)(a)(iv) is nominated and elected by the permanent academic employees;
  - (c) the persons contemplated in paragraph 13(2)(a)(v) are nominated and elected by the permanent non-academic employees;
  - (d) the two student members are nominated and elected by the national students' representative council at an ordinary or a special meeting in accordance with the election procedures determined in the constitution of the national students' representative council and contained in the Rules; and
  - (e) the representative of each of the unions is nominated and elected in accordance with the constitutions of the respective unions.
- (2) The persons referred to in paragraphs 13(2)(a)(iv) and (v) are elected in the following manner, which is controlled by the secretary and the management committee -
- (a) the secretary must within 10 days before a specific election deadline, request a nomination or nominations in writing from every permanent academic employee, and from every permanent employee other than academic employees, for the election of the representatives contemplated in paragraphs 13(2)(a)(iv) and (v);
  - (b) the nominees contemplated in subparagraph (a) must provide brief curricula vitae to the secretary for circulation before the election;
  - (c) the candidates must be formally nominated and seconded and must accept the nomination by counter-signing the nomination;
  - (d) once the nominations have closed, the secretary makes arrangements for an election, convenes an election meeting for the employees concerned, or sends appropriate ballot papers to every such employee, and arranges for the completed ballot papers to be returned to him or her;
  - (e) an election is valid only if a minimum of 25% of the employees concerned have participated in the election; and
  - (f) the secretary immediately announces the results of an election in writing.

- (3) Members who are not employees or students -
  - (a) the Unisa Foundation appoints its representatives to the council by means of a suitable democratic process, in accordance with the rules of the Unisa Foundation;
  - (b) for the appointment of the council members who represent the interests of the State, the secretary addresses a written request to the Minister of Education, the Greater Pretoria Metropolitan Council and the National Council of Provinces, at least one calendar month before a specific appointment deadline, to appoint a member or members for a term of four years; and
  - (c) the persons referred to in paragraph 13(2)(b)(v) are appointed by the council on the advice of the institutional forum in accordance with the Rules.
- (4) Co-opted members -
  - (a) the co-option of members to the council takes place under the control of the secretary and the council; and
  - (b) when the council decides to co-opt a person as a council member for a specific term, the secretary invites the person in writing to serve on the council as a co-opted member for a specific term not exceeding two years; and
  - (c) a person co-opted in this manner is deemed to be a member of the council from the date of receipt of his or her acceptance of the invitation, subject to paragraph 13(2)(c).

#### *Committees of council*

15. (1) The council may at any time establish committees which it considers necessary to assist it in the performance of its functions, and dissolve such committees, provided that members of the council and non-members may be appointed to such committees.

(2) The composition, manner of election and appointment, functions, procedure at meetings and dissolution of committees of the council are determined by the council in terms of the Rules.

(3) The council may delegate or assign any of its functions to any committee established in terms of subparagraph (1), but is not divested of its responsibility for the exercise or the performance of any function so delegated or assigned.

#### *Term of office of council members*

16. (1) The members of the council who do not serve by virtue of their offices serve for a term of four years, provided that a certain number of members must retire annually, which persons or categories of persons are determined by the council in accordance with the Rules.

(2) The members whose term of office has expired, are eligible for re-election, re-designation or re-appointment for one further term of four years, provided that they continue to qualify to represent the group, category or structure in question and provided further, that a period of at least two years must elapse after the expiry of the second successive term before a person may be elected, designated or appointed to office for a further term.

(3) The term of office of student members of the council is determined by the national students' representative council, provided that no student may serve on the council for a term exceeding two years and provided further, that membership is automatically terminated when a student ceases to be a registered student.

(4) A council member may submit his or her resignation in writing at any time.



- (5) Membership of the council is terminated -
- (a) if a person's membership is terminated by the group, category or structure that appointed, elected or nominated him or her, provided that in making its decision whether or not to terminate membership, the group, category or structure must consider the advice of the council; or
  - (b) in the case of -
    - (i) inefficiency and incompetence;
    - (ii) serious physical or mental illness;
    - (iii) misconduct;
    - (iv) absence from two consecutive meetings without a written apology;
    - (v) unfitness to serve;
    - (vi) insolvency; or
    - (vii) conviction of a criminal offence for which a sentence of imprisonment without the option of a fine is imposed, or any offence involving dishonesty.

(6) The membership of a member elected by a specific organisation, group or category to represent such organisation, group or category, lapses automatically upon termination of his or her association with or membership of the relevant organisation, group or category.

(7) The membership of a member who is not an employee or a student lapses if he or she becomes a permanent employee.

(8) If a vacancy arises in the council, it is filled as soon as possible for the remainder of the term of the relevant post.

#### *Vacancies in council*

17. A vacancy arising in the council is filled in the same way as that in which the member who previously held office was elected, appointed or designated.

#### *Chairperson, vice-chairperson and secretary*

18. (1) The council must elect a chairperson and a vice-chairperson from among its members who are not employees or students and a secretary from among its members who are employees.

(2) The council may delegate purely administrative functions to the registrar, provided that the registrar has no vote in the council.

#### *Meeting procedure*

19. (1) The council determines its own procedure for meetings, in accordance with the accepted norms of fair administrative procedure.

(2) Seventeen members of the council form a quorum, provided that the majority of the quorum may not be students or employees.

(3) No resolution of the council is valid unless passed at a meeting at which a quorum is present and the provisions of the Rules relating to any such meeting are in all other respects complied with.

(4) Prior to a meeting, the secretary gives every member at least 10 days' written notice of the date, venue, time and agenda of the meeting.

(5) Members wishing to place points of discussion on the agenda, must address them to the secretary in writing at least 5 days before the date of a meeting.

(6) With the permission of the chairperson, matters of urgency may be placed on the agenda during a meeting.

- (7) Resolutions taken at a council meeting must be recorded and approved at the same meeting.
- (8) The secretary ensures that comprehensive minutes are kept of the proceedings of every meeting.
- (9) The council makes decisions by ordinary majority vote.
- (10) The chairperson of the meeting has an ordinary vote only.
- (11) The chairperson may convene an extraordinary meeting at any time after 10 days' notice has been given, with a statement of the point or points of discussion.
- (12) At the request of a minimum of 10 members of the council, the chairperson must convene an extraordinary meeting after 10 days' notice has been given, provided that the request is in writing and the point or points of discussion is or are stated and briefly substantiated.

#### ***Executive committee of council***

- 20. (1) The council appoints an executive committee, as well as any other committee as standing committees of the council, and the council determines their functions and powers.
- (2) The executive committee of the council consists of -
  - (a) the principal by virtue of his or her office;
  - (b) the vice-principals by virtue of their office; and
  - (c) the chairperson, the vice-chairperson and the secretary of the council, and seven additional council members designated by the council of whom at least five must be members who are not employees or students.
- (3) The chairperson, the vice-chairperson and the secretary of the council act as chairperson, vice-chairperson and secretary of the executive committee of the council.
- (4) The executive committee of the council may delegate purely administrative functions to the registrar, provided that the registrar has no vote.
- (5) Fifty per cent of the executive committee constitutes a quorum.
- (6) The council may appoint any other committees as well as joint committees with the senate.

### **SENATE**

#### ***Role of senate***

- 20A. (1) The senate is responsible for and accountable to the council for the academic, research, tuition and community service functions of the University.
- (2) The senate must advise the council on the integration and co-ordination of the functions contemplated in subparagraph (1).
- (3) The senate must further perform any other function delegated or assigned to it by the council.
- (4) As the senate is accountable to the council, it must submit to the council -
  - (a) reports on all its activities;
  - (b) recommendations on any matter referred to it by the council; and
  - (c) recommendations on any matter of interest to the University as it may deem expedient.

#### ***Composition of senate***

- 20B. (1) The senate is composed of not more than 200 members, of whom at least 120 must be permanent academic employees of the University -
  - (a) members by virtue of their office -
    - (i) the principal;
    - (ii) the vice-principals;

- (iii) the other members of the management committee;
- (iv) deans of faculties;
- (v) an equal number of heads of administrative departments to the number referred to in subparagraph (iv), elected by such heads of departments with due regard to race and gender;
- (b) designated and elected members -
  - (i) academic employees elected in the manner contemplated in paragraph 20C(1) to (3);
  - (ii) non-academic employees elected in the manner contemplated in paragraph 20C(4) to (5);
- (c) not more than two members of the council designated by the council in terms of the Rules;
- (d) five students designated by the national students' representative council as contemplated in paragraph 20C(6);
- (e) not more than five additional persons designated by the senate on the strength of their knowledge, expertise or contribution to the University; and
- (f) one representative of each union, designated by the respective unions.

(2) The senate may confer observer status on persons who do not otherwise qualify as members of the senate, provided that such persons may take part in discussions of the senate, but have no vote.

#### *Election procedure*

20C. (1) The academic members of the senate are divided into two categories, namely professors and associate professors, and other ranks, which categories enjoy equal representation in the senate.

(2) The first 60 academic representatives are elected by the academic employees of the respective faculties in such a way that each faculty has 10 representatives, of whom at least two must be black persons and five must be women.

(3) The second 60 academic representatives are elected by all academic employees of the University in such a way that -

- (a) the two largest faculties have 16 representatives each, the two medium-sized faculties 10 representatives each, and the two smallest faculties four representatives each;
- (b) there are at least 15 representatives who are black persons, spread across the six faculties in the same ratios contemplated in subparagraph (3)(a), provided that fractions are rounded off to the next higher whole number;
- (c) there are at least 20 representatives who are women, spread across the six faculties in the same ratios contemplated in subparagraph (3)(a), provided that fractions are rounded off to the next higher whole number; and
- (d) at least 30 representatives fall within the category of professors or associate professors and 30 in the category of the other ranks, spread across the six faculties in the same ratios contemplated in subparagraph (3)(a), provided that fractions are rounded off to the next higher whole number.

(4) The non-academic members of the senate are divided into two categories, namely all ranks including and above deputy director, and other ranks, which categories are represented in the senate in the ratio of 1:2.

- (5) The non-academic members of the senate must be nominated and elected by all permanent non-academic employees in accordance with a duly constituted democratic process-
- (a) the various categories consisting of non-academic employees must be represented in proportion to the number of their respective permanent employees; and
  - (b) the non-academic members of the senate must be elected with due regard to race and gender, in such a way that -
    - (i) at least 50% of members must be black persons;
    - (ii) at least 25% of members must be women; and
    - (iii) if the proportionate number of black persons and women is expressed as a mathematical fraction, the next greater whole number is the required number.
- (6) The student members are nominated, elected and designated with due regard to race and gender by the national students' representative council at an ordinary or special meeting of the national students' representative council in accordance with the election procedures prescribed in the constitution of the national students' representative council as contained in the Rules.
- (7) The representatives of the unions are nominated, elected and designated in accordance with the constitutions of the respective unions.

#### *Vacancies and promotions in senate*

20D. If a member of the senate -

- (a) vacates his or her seat during the member's term of office for any reason, the senate replaces that person for the remainder of the term of office from the list of candidates compiled for the previous election for the senate, provided that the incoming member must belong to the same category as the previous incumbent, and must have polled the next greatest number of votes in that category in the previous election; and
- (b) falling within a junior category in terms of paragraphs 20C(1) or 20C(4) is promoted during his or her term of office to a rank within the senior category, such a member will serve the remainder of his or her term of office as a representative of the junior category.

#### *Term of office of senate*

20E. (1) The principal, the vice-principals, the registrar, the deans of faculties and the heads of administrative departments referred to in paragraph 20B(1)(a)(v) remain members of the senate for as long as they hold their posts.

(2) The persons elected by employees of the University hold office for two years and are eligible for re-election, provided that they continue to qualify to represent the group, category or structure in question.

(3) The term of office of student members of the senate is determined by the national students' representative council, provided that no student may serve on the senate for a term exceeding two years and provided further, that membership is automatically terminated when a student ceases to be a registered student.

#### *Committees of senate*

20F. (1) The senate may from time to time establish committees and entrust to such committees any functions which the senate itself is competent to perform, and may delegate the exercising of any of its powers to any such committee.



(2) Both members and non-members of the senate are eligible to serve on a committee contemplated in subparagraph (1).

(3) Every act whereby a function or a duty is entrusted or a power delegated must be in writing, and the senate is not divested of responsibility for any function or duty so entrusted or any power delegated to a committee.

#### ***Chairperson, vice-chairperson and secretary***

20G. (1) The senate must elect a chairperson, a vice-chairperson and a secretary from amongst its members.

(2) The senate may delegate purely administrative functions to the registrar.

#### ***Meeting procedure***

20H. (1) The senate determines its own procedure for meetings, in accordance with the accepted norms for fair administrative procedure.

(2) Fifty per cent of the senate constitutes a quorum.

(3) No resolution of the senate is valid unless passed at a meeting at which a quorum is present and the provisions of the Statute relating to any such meeting have in all other respects been complied with.

(4) The secretary must give every member at least 10 days' written notice of the date, time, venue and agenda of the meeting.

(5) Reports serving as part of the agenda at a meeting must be submitted to the secretary at least 15 days before the meeting.

(6) Any other points of discussion, with a brief written substantiation, must be submitted to the secretary 15 days before the meeting, provided that the chairperson, a dean or any other member may raise an urgent case or cases for discussion or a decision, with the approval of the majority of the members who are present.

(7) The secretary must ensure that comprehensive minutes of the proceedings are kept.

(8) Subject to a contrary provision or a senate decision to that effect, decisions are taken by majority vote or by preferential-order vote of the members present.

(9) Voting for a person occurs by way of a voting system as determined by the senate.

(10) In other cases, voting occurs by way of a majority vote cast by a show of hands, or by another procedure agreed upon by those present.

(11) The chairperson has an ordinary vote only.

(12) The chairperson may convene an extraordinary meeting at any time after 10 days' notice has been given, with a statement of the point or points of discussion.

(13) At the request of a minimum of 20 members of the senate, the chairperson must convene an extraordinary meeting after 10 days' notice has been given, provided that the request is in writing and the point or points of discussion is or are stated and briefly substantiated.

#### ***Joint committees of council and senate***

20I. (1) The council and the senate may jointly establish committees of the council and the senate, to be known as joint committees, to perform functions common to the council and the senate.

(2) The establishment, composition, manner of election, functions, procedure at meetings and dissolution of joint committees are governed by a procedure mutually agreed upon by the council and the senate, determined in the Rules until the matter can be provided for in the Statute.

***Allowances paid to members of council, senate, institutional forum,  
students' representative council and committees***

20J. (1) The council determines any allowance payable for the purpose of attendance of meetings to members of the council, the senate, the institutional forum and the national students' representative council, and to any committee of the council or the senate or the institutional forum or any joint committee of the council and the senate in accordance with the Rules.

(2) Any allowance payable to a member who is in the full-time service of the University is subject to the law governing that member's conditions of employment, and covers only costs incurred by the member.

***Committees***

20K. (1) The senate has the following standing committees -

- (a) the executive committee; and
- (b) any other committee which the senate deems necessary.

(2) The composition, election, terms of office, functions and procedures of standing committees are prescribed by the Rules.

(3) The senate also constitutes joint committees of the senate and the council in consultation with the council.

(4) Unless the senate determines otherwise, the members of a standing committee, except the members serving by virtue of their office, are appointed for a term of two years, provided that the terms of one-third of the members lapse annually.

(5) Members of standing committees of the senate are elected annually at the last senate meeting of the year.

***Executive committee of senate***

20L. (1) The functions of the executive committee of the senate are set out in the Rules.

(2) The executive committee of the senate consists of -

- (a) the chairperson, the vice-chairperson and the secretary of the senate;
- (b) the principal, if not already a member under subparagraph (a);
- (c) the management committee;
- (d) deans of faculties;
- (e) the heads of administrative departments referred to in paragraph 20B(1)(a)(v);
- (f) six senate representatives, elected by the senate, of whom at least two must be non-academic employees.

(3) The chairperson, the vice-chairperson and the secretary of the senate act as chairperson, vice-chairperson and secretary of the executive committee of the senate.

(4) The executive committee of the senate may delegate purely administrative functions to the registrar, unless the registrar has already been elected as the secretary of the senate.

**INSTITUTIONAL FORUM**

***Function and role of institutional forum***

20N. (1) The institutional forum -

- (a) advises the council and the senate on issues affecting the University, including -
  - (i) the implementation of the Higher Education Act and the national policy on higher education;
  - (ii) race and gender equity policies;

- (iii) the selection of candidates for senior management positions;
  - (iv) codes of conduct, mediation and dispute resolution procedures;
  - (v) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning;
  - (vi) the language policy of the University; and
  - (b) performs such other functions as determined by the council.
- (2) The council may decide on an issue contemplated in subparagraph (1) only after consultation with the institutional forum.

#### ***Composition of institutional forum***

- 20O. (1) The institutional forum is composed as follows -
- (a) three representatives of the management committee, designated by the management committee;
  - (b) three representatives of the council, designated by the council;
  - (c) eight representatives of the senate, designated by the senate;
  - (d) four academic employees, who are not members of the senate, elected by such employees;
  - (e) four non-academic employees, who are not members of the senate, elected by such employees;
  - (f) ten students, designated by the national students' representative council;
  - (g) two representatives of each of the unions, designated by the respective unions;
  - (h) not more than five members belonging to any other category.
- (2) Retiring members are eligible for re-election or reappointment, provided that they continue to qualify to represent the group, category or structure in question.

#### ***Election procedure***

- 20P. (1) The persons referred to in paragraph 20O(1)(a) to (c) are designated in accordance with the Rules.
- (2) Persons referred to in subparagraph 20O(1)(d) and (e) are elected in the same way as the representatives of those categories of employees on the council.
- (3) The student members must be nominated and elected by the national students' representative council at an ordinary or a special meeting of the national students' representative council in accordance with the election procedures prescribed in the constitution of that structure as contained in the Rules.
- (4) The two representatives of each of the unions must be nominated and elected in accordance with the constitutions of the respective unions.
- (5) The persons referred to in paragraph 20O(1)(h) are appointed by the council on the advice of the members referred to in paragraph 20O(1)(a) to (g).

#### ***Chairperson, vice-chairperson and secretary***

- 20Q. (1) The institutional forum must elect a chairperson, a vice-chairperson and a secretary from among its members.
- (2) Purely administrative functions may be delegated to the registrar, provided that the registrar has no vote in the institutional forum, unless he or she is already a designated member in terms of paragraph 20O(1)(a) or (c).

***Term of office of members of institutional forum***

20R. (1) The members of the institutional forum who are members by virtue of their office hold office for as long as they hold their posts.

(2) All other members hold office for two years and are eligible for re-election, provided that they continue to qualify to represent the group, category or structure in question, and that the institutional forum itself determines a procedure for ensuring that at least half of such members retire each year.

(3) The persons representing the national students' representative council remain members of the institutional forum for the term determined by the national students' representative council at their election, provided that membership lapses automatically if a student member ceases to be a registered student.

(4) The vacancy created when a member of the institutional forum resigns, is filled for the remainder of that member's term.

***Meeting procedure***

20S. (1) The institutional forum determines its own procedures for meetings in accordance with the accepted norms of fair administrative procedure.

(2) Fifty per cent of the members of the institutional forum constitute a quorum.

(3) No resolution of the institutional forum is valid unless passed at a meeting at which a quorum is present and the provisions of the Statute relating to any such meeting have in all other respects been complied with.

(4) The secretary must give every member at least 10 days' written notice of the time, date, venue and agenda of any meeting.

(5) Members wishing to place a point or points of discussion on the agenda should submit them to the secretary in writing at least 15 days before the date of the meeting.

(6) The secretary must ensure that comprehensive minutes are kept of the proceedings of every meeting.

(7) The institutional forum makes decisions by ordinary majority vote.

(8) The chairperson has a casting vote only.

(9) The chairperson may convene an extraordinary meeting at any time, after 10 days' notice has been given, with a statement of a point or points of discussion.

(10) The chairperson must convene a meeting at the request of at least six members of the institutional forum, after 10 days' notice, provided that the request is in writing, including a statement of a point or points of discussion.

(11) The institutional forum may appoint standing and other committees as the need arises.

**MANAGEMENT COMMITTEE*****Composition of management committee***

20T. The management committee consists of -

(a) the principal;

(b) the vice-principals;

(c) the registrar; and

(d) such other management office-bearers as co-opted from time to time."

***Transitional provisions***

5. (1) *The University of South Africa Act, the Statute and Rules in force at the commencement of this Statute remain in force to the extent that they are compatible with the*



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*Constitution of the Republic of South Africa, the Higher Education Act and this Statute, and until they are repealed or amended.*

(2) *All agreements entered into and acts done in terms of laws, an institutional Statute and Rules in force at the commencement of this Statute, remain valid and have full legal force and effect.*

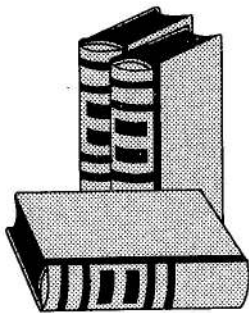
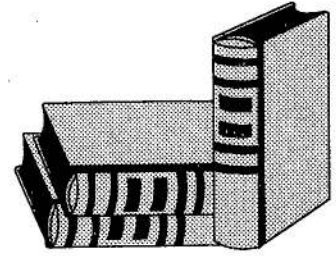
(3) *Once this Statute takes effect, the existing council has the power and capacity to institute measures to implement the provisions of the Higher Education Act and the Statute as soon as is reasonably possible.*

(4) *These measures include the termination of the membership of the council and the senate members, in order to constitute the council and the senate respectively in accordance with the requirements of the Statute.*

(5) *The Broad Transformation Forum of the University remains in existence for a period of not more than six months after the Institutional Forum has come into being and the relationship between the two structures is determined by the council, but there is no prohibition on any person being a member of the management or office-bearers of both structures.*

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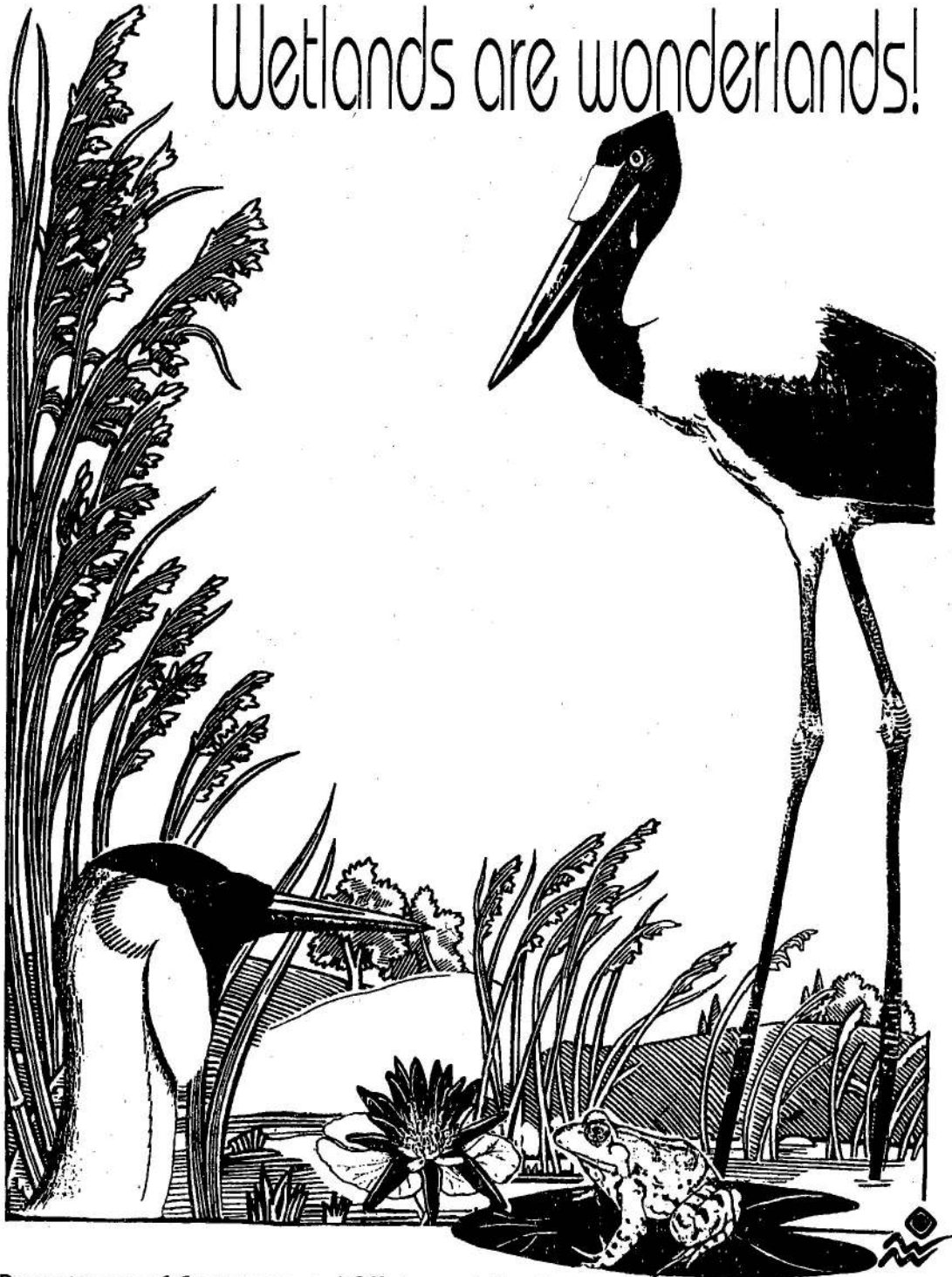
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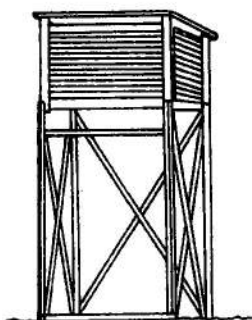
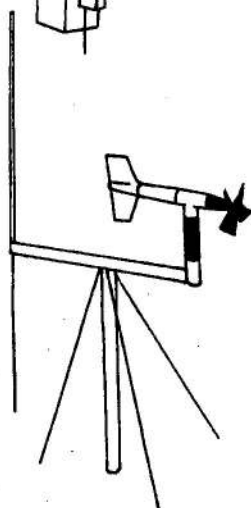
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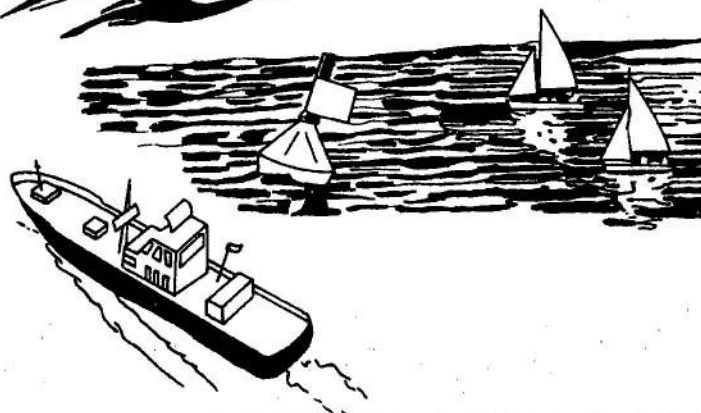
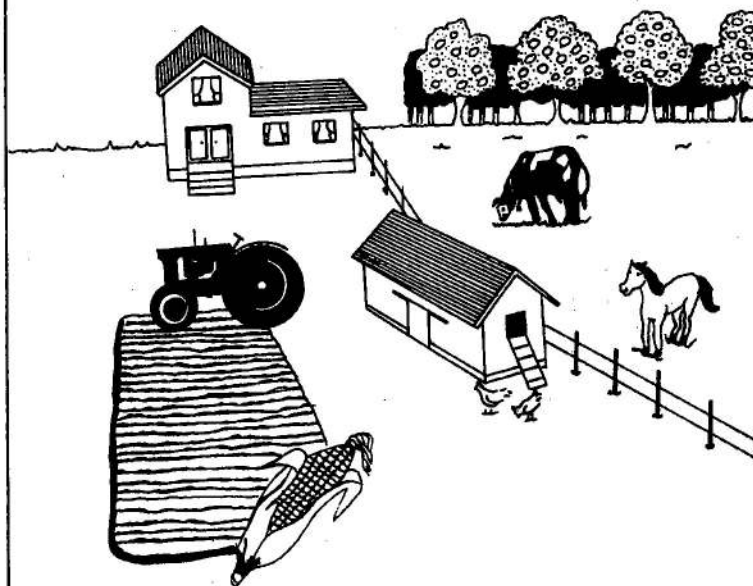
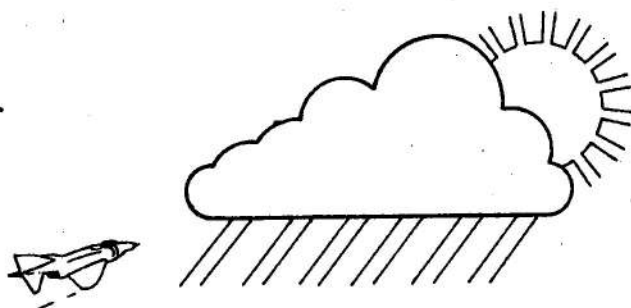


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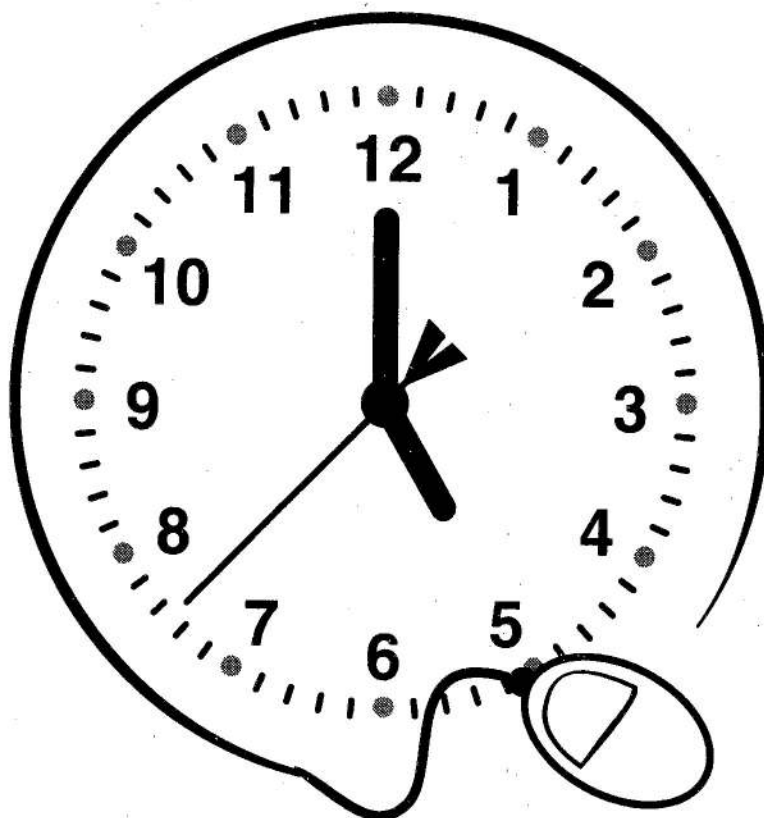


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**CONTENTS****No.****Page  
No.      Gazette  
No.****GOVERNMENT NOTICE****Education, Department of****Government Notice**

826 Higher Education Act (101/1997): Amendment of the Statute of the University of South Africa.....	1	20250
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