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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 849

2 July 1999

HIGHER EDUCATION ACT, 1997 STATUTE OF THE UNIVERSITY OF FORT HARE

The council of the University of Fort Hare after consultation with the senate and the interim institutional forum (Fort Hare Transformation Forum) has made the Statute set out in the Schedule hereto, in terms of 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 Fort Hare 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.

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DEFINITIONS

Definitions

1. 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 meaning so assigned, and unless the context indicates otherwise-

"academic year" means that portion of a calendar year during which instruction is given at the University, provided that a student may be considered to have attended courses for an academic year if he or she attended courses for such portions of two or more academic years as may be deemed by the senate to be equivalent to one academic year;

"broad university community" means the members of all structures and offices of the University as contemplated in section 26(2) of the Act and such other structures as may be determined by the Rules;

"council" means the governing structure of the University contemplated in paragraph 8;

"course" means a breakdown of a learning programme which is constituted by modules;

"institutional forum" means the advisory structure to the council as contemplated in section 31 of the Act and as contemplated in paragraph 41;

"management" means the vice-chancellor, the deputy vice-chancellors and the registrar;

"Rules" means the institutional rules made by the council in terms of section 32(1)(b) of the Act;

"semester" means one half of the academic year;

"senate" means the academic structure of the University contemplated in paragraph 25;

"student" means a person registered full-time or part-time for a degree, diploma or certificate at the University and who has paid the prescribed fees, provided that a person so registered and who is also a full-time or part-time member of the academic, non-academic or administrative staff at the University, must for the purposes of membership of the council, the senate or the students' representative council, be deemed not to be a student;

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

"TLC" means the Alice, Bisho/King Williams Town Transitional Local Councils or the successors in title;

"UFH Foundation" means the University of Fort Hare Foundation, a trust established to raise funds and hold moneys for the benefit of the University; and

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

POLICY

Policy

2. In line with the constitution of the country the University has a diverse character and does not discriminate on the basis of race, ethnicity, gender, physical ability, religion and sexual orientation.

CHANCELLOR

Functions and term of office of chancellor

3. (1) The chancellor is the titular head of the University and must confer all degrees, diplomas and certificates on behalf of the University.

(2) The chancellor holds office for a period of five years unless he or she tenders his or her resignation in writing to the council or for any other reason vacates his or her office before the expiry of his or her term of office.

(3) The chancellor may be removed from office by the council, by majority decision of all its members on account of misconduct, incapacity to carry out his or her duties or on account of any other reason which the council deems adequate.

Manner of election

4. (1) In the event of a vacancy in the office of the chancellor the council must instruct the registrar to invite nominations from the broad university community.

(2) Each nomination must be signed by at least 20 persons and must be accompanied by a document in which the person nominated signifies his or her willingness to accept the nomination.

(3) Nominations must reach the registrar at least 14 days before the date of the election.

(4) On receipt of the nomination documents, the secretary to the council must not later than 7 days after the closing date for nominations notify each member of the council and the secretary to the institutional forum of the nominations received.

(5) From nominations received the institutional forum must by sufficient consensus select a person or persons and recommend such person or persons to the council for election.

(6) At an ordinary meeting of the council or a meeting of the council convened for the purpose of electing a chancellor, the candidate in whose favour a majority of votes of the total number of serving members of the council is recorded must be declared duly elected by the person presiding at such meeting.

(7) The chancellor is elected by consensus or in the event of a deadlock, by secret ballot.

Vacancy

5. (1) Whenever the office of chancellor becomes vacant, the secretary to the council must notify each member of the council of such vacancy.

(2) A new chancellor must be elected as set out in paragraph 4 and for the period as set out in paragraph 3(2).

VICE-CHANCELLOR AND PRINCIPAL

Functions of vice-chancellor and principal

6. (1) The vice-chancellor and principal is the chief executive officer of the University.

(2) The vice-chancellor and principal is responsible for the day to day management of the University.

(3) The vice-chancellor and principal reports to the council.

(4) By virtue of his or her office, the vice-chancellor and principal may be requested by the council to become a member of particular council committees, joint committees of the council and the senate and committees of the senate.

(5) The council may grant additional powers to the vice-chancellor and principal to enable him or her to perform his or her functions.

Appointment, term of office of and acting vice-chancellor and principal

7. (1) After the procedures concerning consultation, nomination, short-listing and election as determined by the Rules have been followed, the vice-chancellor and principal is appointed at a meeting of the council by a majority of the members holding office on the date of such meeting.

(2) The vice-chancellor and principal is appointed for a period determined by the council.

(3) When the vice-chancellor and principal is absent or unable to carry out his or her functions, the council appoints an acting vice-chancellor and principal.

COUNCIL

Functions and composition of council

8. (1) The function of the council is to govern the University.

(2) The council, subject to the provisions of the Act, consists of the following members -

- (a) employees or students of the University-
 - (i) the vice-chancellor and principal;
 - (ii) the deputy vice-chancellors;
 - (iii) two members of the senate, elected by the senate;
 - (iv) two members of the students' representative council, elected by the students' representative council;
 - (v) two academic employees elected by such employees;
 - (vi) two non-academic employees elected by such employees;

- (vii) two members elected by the institutional forum;
- (viii) the registrar, who may not vote;
- (b) persons who are neither employees nor students of the University-
 - (i) five members appointed by the Minister;
 - (ii) two members designated by the UFH Foundation;
 - (iii) seven persons appointed by the council on the strength of their special relevant competencies;
 - (iv) one member designated by the Alice Transitional Local Council;
 - (v) one member designated by the TLC;
 - (vi) not more than two members appointed by the Provincial Government;
- (c) two members elected by the convocation; and
- (d) not more than two persons co-opted by the council for specified short periods for specific purposes, who will have no voting rights.

Term of office of members of council

9. The term of office of members of the council is five years, except-
- (a) members referred to in paragraph 8(2)(a)(i) and (ii) who serve by virtue of their offices and remain members of the council for as long as they occupy their posts; and
 - (b) members elected by the students' representative council in terms of paragraph 8(2)(a)(iv) whose term of office is one year.

Manner of election of members

10. (1) The election of the members of the council referred to in paragraph 8(2)(a)(iii) must take place at a properly constituted ordinary meeting of the senate by a majority vote of the members of the senate present.

(2) If the office of any member of the council referred to in paragraph 8(2)(a)(iii) becomes vacant before his or her term of office has expired, the senate must elect another member for the unexpired period of

such term of office as soon as practicable in accordance with the procedure determined in subparagraph (1).

(3) The election of the members of the council referred to in paragraph 8(2)(a)(iv) must be in terms of the election procedure laid down in the constitution of the students' representative council as determined by the Rules.

(4) The election of members of the council referred to in paragraph 8(2)(a)(v) and 8(2)(a)(vi) must be as determined by the Rules.

(5) The election of the members of the council referred to in paragraph 8(2)(a)(vii) must be in accordance with the election procedure of the institutional forum contained in the Rules.

(6) The designation of the members of the council referred to in paragraph 8(2)(b)(ii) must be made in accordance with the procedure determined by the board of trustees of the UFH Foundation.

(7) The members of the council referred to in paragraph 8(2)(c) must be elected by means of a secret ballot and a majority of the members present at an ordinary meeting of the convocation.

(8) The composition of the council must broadly reflect the demographics of South Africa with due regard to race, gender and disability.

Election of chairperson and vice-chairperson of council

11. (1) The members of the council at the first meeting of the council and thereafter when it becomes necessary, elect from among its members a chairperson and a vice-chairperson who each holds office for a period of one year, or for such shorter period as he or she is a member of the council.

(2) The chairperson or the vice-chairperson of the council may not be an employee or a student of the University.

(3) Nominations for chairperson or vice-chairperson must be given in writing to the secretary to the council on a date determined by him or her.

(4) Each nomination must be signed by at least three members of the council and countersigned by the nominee to denote his or her acceptance of the nomination.

(5) If more than one candidate is nominated for one of the offices, voting is by secret ballot.

(6) A candidate may be elected to the office of chairperson or vice-chairperson only by a majority of the members present at the meeting of the council.

(7) Each member of the council may have only one vote during each round of voting, provided that there be a series of ballots if no candidate gains a majority of the votes in the first ballot.

(8) In each successive round of voting the candidate who gained the least support in the previous ballot is eliminated as candidate.

(9) If a vacancy occurs in the office of chairperson or vice-chairperson, the provisions of subparagraphs (1) to (8) apply to the filling of such vacancy.

(10) The person elected in terms of subparagraph (9) holds office for the unexpired period of office of his or her predecessor.

(11) The chairperson and the vice-chairperson are eligible for re-election if they are still members of the council.

Secretary to council

12. (1) Whenever it is necessary for the council to elect from among its members a secretary in terms of section 26(3) of the Act, such secretary is elected by secret ballot and a majority of the members of the council at an ordinary meeting of the council.

(2) The council may appoint any employee to assist the secretary to the council or to act in his or her place.

Quorum

13. One half of the members of the council constitutes a quorum.

Meetings

14. (1) The secretary to the council must, at least 10 days before the date of an ordinary meeting, give notice thereof to all members of the council in writing, setting forth the matters to be dealt with at the meeting, as well as the time and place of such meeting, including a copy of the minutes of any previous meeting.

(2) Should a member of the council want to submit any matter for consideration at an ordinary meeting, he or she must inform the secretary to the council of the matter in writing at least 14 days before the date of the meeting in question, provided that matters of an urgent nature may be raised in a meeting without previous notice with the consent of at least two-thirds of the members present.

(3) The chairperson may convene an extraordinary meeting whenever he or she deems it necessary, and he or she must convene such meeting at the written request of any five members of the council, the purpose of such meeting being clearly stated in such request.

(4) No matters other than those for which the extraordinary meeting was convened, must be discussed at such meeting, except with the consent of the meeting granted by a two-thirds majority of the members present.

(5) An emergency meeting may be convened by the chairperson at any time, provided that members be given at least 24 hours' notice of such meeting.

(6) The notice contemplated in subparagraph (5) may be given in any manner that is reasonable and deemed expedient by the chairperson in the circumstances.

(7) Members must be notified of the reason for an emergency meeting and no matters other than those of which notice has been given to the members may be considered at such meeting.

Minutes of council meetings

15. (1) The secretary to the council must keep minutes of each meeting of the council and must include such minutes with the agenda of the next council meeting.

(2) At every ordinary meeting of the council, the minutes of the last preceding ordinary meeting and of any extraordinary or emergency meeting held subsequently, must be read and confirmed by the signature of the chairperson, provided that any objection to any of the minutes must be raised and dealt with before confirmation of the minutes.

(3) The meeting may take the minutes as read if a copy thereof was sent to each member in accordance with subparagraph (1) and paragraph 14(1).

Register of resolutions of council

16. The secretary to the council must keep a complete register of the resolutions adopted by the council in terms of this Statute and all members of the council must have access to such register.

Discussion of motions

17. (1) No member of the council may, without the leave of the meeting, speak more than once on a specific motion or amendment, but the proposer of a motion or amendment has the right to reply, provided that the member may propose that the matter under discussion be dealt with in committee.

(2) If the motion contemplated in subparagraph (1) is seconded, it must be put to the vote without further discussion and, if such motion is adopted, the council must immediately go into committee, whereafter a member may speak more than once on the matter under discussion.

(3) A motion or amendment must be seconded and, if so directed by the chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer, the seconder and the meeting.

Voting

18. (1) Except as otherwise provided in this Statute all matters must be decided by a majority of all members present.

(2) The chairperson has an ordinary and a casting vote, provided that in the case of a vote by secret ballot, he or she does not have a casting vote.

(3) In the event of a tie of votes in a secret ballot, the issue must be decided by lot.

(4) In the event of a tie of votes excluding the secret ballot as contemplated in subparagraph (3), a motion must be rejected.

(5) If members present during any vote abstain from voting, their abstentions must be noted as such and not as opposing votes.

(6) If it is so decided by the meeting, the number of members voting for or against any motion must be recorded and, at the request of any member, the chairperson must direct that the vote of such member be recorded.

(7) Where at least 75% of the members of the council have reached agreement on a matter referred to them by letter or telefax by the chairperson of the council without convening a meeting, and have conveyed their resolutions by letter or telefax, such resolutions must be deemed to be a resolution of the council and must be recorded as such in the minutes of the next ordinary meeting.

(8) If a member of the council is unable to attend a meeting, his or her views on any matter on the agenda concerned may be communicated to such meeting in writing, but may not count as a vote by the member concerned.

(9) No member of the council may participate in the discussion of, or vote on a matter in which he or she has a direct pecuniary or financial or other material interest, unless he or she first discloses the extent of his or her interest and obtains the permission of the meeting to participate in the discussion or to vote on the matter or both.

(10) If a member of the council without the council's permission, participates in the proceedings of the council in connection with the matter in which such member does have a direct or indirect pecuniary or financial or other material interest, voting by members of the council is invalid.

Ruling by chairperson

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

Drafting, amending or repealing of Statute or Rule

20. (1) No motion to draft, amend or repeal any Statute or Rule may be adopted unless agreed to by at least 75% of the members present at the

meeting, provided that such meeting is constituted of not less than fifty per cent of all members.

(2) Any motion to draft, amend or repeal any Statute or Rule must be in accordance with the provisions of section 32(2) of the Act.

Vacation of office by members of council

21. (1) The office of a member of the council becomes vacant if a member-

- (a) dies;
- (b) resigns from office by giving written notice to the chairperson of the council;
- (c) is absent from three consecutive meetings of the council without leave of the council;
- (d) is found guilty of an offence and sentenced to imprisonment without the option of a fine;
- (e) is declared insolvent by a court of law;
- (f) becomes a patient in an institution for mental health;
- (g) becomes incapable of performing the functions of a member of the council by reason of disease, or mental or bodily infirmity;
- (h) ceases to be a member of the structure which elected, appointed or designated him or her as a member of the council;
- (i) contemplated in paragraph 8(2)(b) is appointed as an employee of the University;
- (j) contemplated in paragraph 8(2)(a) is, subject to the disciplinary procedure of the University, dismissed, suspended, expelled, demoted or his or her service is terminated for whatever reason by the University.

Vacancies

22. (1) At least three months before the expiry of the term of office of any member, the secretary to the council must give written notice of such expiry to the authority, constituency or structure which appointed, designated

or elected such member and request such authority, constituency or structure immediately to appoint, designate or elect a successor.

(2) If a member dies, resigns or vacates office for any reason other than effluxion of time, the secretary to the council must, within 30 days, give written notice to the authority, constituency or structure concerned of such vacancy requesting such authority, constituency or structure concerned to democratically to appoint, designate or elect a successor for the unexpired term of office of such member within 21 days.

Filling of vacancies

23. (1) Any vacancy on the council is filled in the same manner as that in which the member who previously held office was appointed, designated or elected.

(2) A person appointed, designated or elected as contemplated in subparagraph (1) to fill a casual vacancy must hold office for the unexpired portion of his or her predecessor's term of office, if such unexpired portion is longer than three months.

Committees

24. (1) The council appoints the following committees to assist in the performance of its functions –

(a) an executive committee which –

- (i) must, as the representative of the council when the council is not in session, assume the authority of the council and act on behalf of the council;
- (ii) must report to the council on its actions in accordance with subparagraph (i), which actions must be ratified or revised at the next council meeting;
- (iii) may be delegated by the council, generally and specifically, the authority to finalise matters on behalf of the council, in which case the executive committee reports to the council and the action is neither ratified nor reviewed by the council, provided

that the secretary to the council maintains a detailed consolidated record of all delegated powers, provided further that the council must ratify or review such delegated power at least every two years;

- (b) such other committees as are deemed necessary by the council; and
- (c) such joint committees as are deemed necessary by the council.

(2) The composition and functions of the committees contemplated in subparagraph (1) are determined by the council.

(3) Notwithstanding subparagraph (2) at least 60% of the members of the executive committee must be neither employees nor students of the University and must consist of at least the following –

- (a) the chairperson of the council;
- (b) the vice-chairperson of the council;
- (c) three other members of the council who are neither students nor employees of the University;
- (d) the vice-chancellor and principal; and
- (e) a deputy vice-chancellor.

(4) The allowance payable to the chairperson and members of the council or a committee of the council is determined by the council.

(5) The council must, in appointing its committees, take due regard of the required expertise and democratic principles, including broad representivity.

SENATE

Functions of senate

25. (1) Subject to the Act, the senate must recommend to the council-

- (a) Rules prescribing the requirements for each degree, diploma and certificate, including the requirements for admission, and decide who has complied with such requirements; and
- (b) Rules for all assessment.

- (2) The senate must, subject to the approval of the council-
 - (a) appoint examiners for all assessment;
 - (b) organise and control the teaching and research activities of members of the academic staff; and
 - (c) create such academic structures as may be deemed necessary.

Composition of senate

26. (1) The senate consists of-
- (a) the vice-chancellor and rector;
 - (b) the deputy vice-chancellors;
 - (c) the deans;
 - (d) the director of student affairs;
 - (e) the heads of department;
 - (f) the directors of institute, centre and school;
 - (g) the professors;
 - (h) six members of the academic employees elected by such employees;
 - (i) six members of the administrative and support employees elected by the administrative and support employees;
 - (j) two members of the council elected by the council;
 - (k) six students elected by the students' representative council, two of whom must be postgraduate students;
 - (l) the University librarian; and
 - (m) such other members as may be co-opted by the senate, in the manner determined by the senate.

(2) The election of the members of the senate referred to in subparagraph (1)(j) must take place at a properly constituted ordinary meeting of the council by a majority vote of the members of the council present.

(3) The election of members of the senate referred to in subparagraphs (1)(h) and (i) must be as determined by the Rules.

(4) The election of the members of the senate referred to in subparagraph (1)(k) must be in terms of the election procedure laid down in

the constitution of the students' representative council as determined by the Rules.

Term of office

27. (1) All members who are members of the senate because of their position, will hold office for the period while they are in the specific position.

(2) Members of the senate contemplated in paragraph 26(1)(h) to (j) hold office for a period of four years.

(3) The representatives of the students' representative council contemplated in paragraph 26(1)(k) hold office for a period of one year.

Committees of senate

28. The senate may establish such committees as it deems necessary, but is not divested of responsibility for the performance of any function delegated or assigned to any of its committees.

Quorum of senate

29. One-third of the members constitutes a quorum.

Meetings

30. (1) The secretary to the senate must, at least 14 days before the date of an ordinary meeting, give notice thereof to all members of the senate in writing, setting forth, wherever possible, the matters to be dealt with at the meeting, as well as the time, date and place of such a meeting, including a copy of the minutes of any previous meeting.

(2) Notice of matters for consideration at an ordinary meeting must be lodged with the secretary to the senate, in writing, at least seven days before the date of an ordinary meeting by faculties or the executive committee of the senate or by notice of motion, provided that a matter of an urgent nature may be raised at the meeting without previous notice with the consent of at least two-thirds of the members present.

(3) The time, date and place of an ordinary meeting must be determined by the senate, provided that at least two ordinary meetings are held during each semester.

(4) The chairperson may convene an extraordinary meeting whenever he or she deems it necessary, and he or she must convene such meeting at the written request of any five members of the senate, the purpose of such meeting being clearly stated in such request.

(5) No matters other than those for which the extraordinary meeting was convened, may be discussed at such meeting, except with the consent of the meeting granted on an unopposed motion.

(6) An emergency meeting may be convened by the chairperson at any time, provided that all members are given at least 24 hours notice of such meeting.

(7) The notice contemplated in paragraph (6) may be given in any manner that is reasonable and deemed expedient by the chairperson in the circumstances.

(8) Members must be notified of the reason for an emergency meeting and no matters other than those of which notice has been given to the members may be considered at such meeting.

Election of chairperson and vice-chairperson of senate

31. When members of the senate elect a chairperson and a vice-chairperson from among its members, the provisions of paragraph 11(3) to (11) apply with the necessary changes.

Election of secretary to senate

32. When members of the senate elect a secretary from among its members, the provisions of paragraph 12 apply with the necessary changes.

Minutes of meetings of senate

33. The provisions of paragraph 15 apply, with the necessary changes, to the minutes of meetings of the senate.

Register of resolutions of senate

34. The provisions of paragraph 16 apply, with the necessary changes, to the register of resolutions of the senate.

Discussions of motions

35. The provisions of paragraph 17 apply, with the necessary changes, to discussions of motions of the senate.

Voting

36. Voting must be conducted according to the procedure determined by paragraph 18 with the necessary changes.

Ruling by chairperson of senate

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

Vacancies on senate

38. (1) The provisions of paragraph 22(1) apply, with the necessary changes, to vacancies by effluxion of time on the senate.

(2) The provisions of paragraph 22(2) apply, with the necessary changes, in respect of casual vacancies on the senate.

Filling of vacancies

39. The provisions of paragraph 23 apply, with the necessary changes, to the filling of vacancies on the senate.

Attendance by non-members

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

THE INSTITUTIONAL FORUM**Functions of institutional forum**

41. (1) The institutional forum must-

- (a) advise the council on issues affecting the University, including-

- (i) the implementation of the 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; and
 - (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; and
- (b) perform such functions as determined by the council.

Composition

42. The institutional forum consists of-

- (a) two representatives of management, elected by management;
- (b) two representatives of the council, elected by the council;
- (c) two representatives of the senate, elected by the senate;
- (d) two academic employees of the University, who are preferably not members of the senate, elected by such employees;
- (e) two employees of the University other than academic employees, who are preferably not members of the senate, elected by such employees;
- (f) two students elected from the students' representative council;
- (g) two students, preferably not members of the students' representative council, from the student general council as determined in the Rules;
- (h) one member of the Alice Transitional Local Council, designated by the Alice Transitional Local Council;
- (i) one member of the TLC, designated by the TLC;
- (j) four representatives from the unions, elected by such unions;

- (k) two members representing local business interests of whom one must be from the UFH Foundation, appointed by the institutional forum;
- (l) one member representing non-governmental organisations, appointed by the institutional forum; and
- (m) one representative of the convocation, elected by the convocation.

Manner of election of members of institutional forum

43. Each constituency must, within 21 days, after notification by the electoral officer appointed by the council for the institutional forum, elect, designate or appoint its representatives and submit the names of such elected, designated or appointed representatives to the electoral officer of the institutional forum.

Term of office of members of institutional forum

44. The term of office of members of the institutional forum is two years.

Election of chairperson and vice-chairperson

45. (1) The members of the institutional forum, at the first meeting of the institutional forum and thereafter whenever it becomes necessary, elect from among its members a chairperson and a vice-chairperson who each holds office for two years, or for such shorter period as the chairperson or vice-chairperson may be a member of the institutional forum.

(2) Nominations for the office of chairperson and vice-chairperson of the institutional forum must be given in writing to the secretary to the institutional forum on a date determined by him or her.

(3) Each nomination must be signed by at least five members of the institutional forum and countersigned by the nominee to denote his or her acceptance of the nomination.

(4) If more than one person is nominated for one of the offices, voting must be by secret ballot.

(5) A candidate may be elected to the office of chairperson or vice-chairperson only by a majority of members present at the meeting of the institutional forum.

(6) Each member of the institutional forum has only one vote during each round of voting.

(7) If no candidate receives a majority of votes with the first ballot, successive rounds of voting must be held.

(8) In each successive round of voting, the candidate receiving the least number of votes in the previous round is eliminated as a candidate.

(9) If a vacancy occurs in the office of chairperson or vice-chairperson for any reason, the provisions of subparagraphs (1) to (8) apply to the filling of such vacancy.

(10) A person elected as contemplated in subparagraph (9) to fill a casual vacancy holds office for the unexpired portion of his or her predecessor's term of office.

(11) The vice-chancellor and principal acts for the duration of the election of a chairperson as acting chairperson.

(12) The chairperson and the vice-chairperson cease to hold their respective offices when the incumbent is removed from that office by a majority decision of the institutional forum or when the incumbent ceases to be a member of the institutional forum.

Secretary to institutional forum

46. When members of the institutional forum elect a secretary, the provisions of paragraph 12 apply with the necessary changes.

Quorum of institutional forum

47. The quorum of the institutional forum must be fifty per cent of the members of the institutional forum, provided that no fewer than fifty per cent of the constituent members as contemplated in paragraph 42 are present at the meeting.

Meetings of institutional forum

48. (1) The institutional forum must meet at least once every three months.

(2) Such meetings must be convened by the chairperson in consultation with the members of the executive committee.

(3) The secretary must at least 14 days before the date of an ordinary meeting give notice thereof to all members of the institutional forum in writing, setting forth the matters to be dealt with at the meeting, as well as the time and place of such meeting, including a copy of the minutes of any previous meeting.

(4) Should a member of the institutional forum want to submit any matter for consideration at an ordinary meeting, he or she must inform the secretary of the institutional forum of the matter in writing at least ten days before the date of the meeting in question, provided that a matter of an urgent nature may be raised in a meeting without previous notice with the consent of a least two-thirds of the members.

(5) The chairperson may convene an extraordinary meeting whenever he or she deems it necessary, and he or she must convene such meeting at the written request of any five members of the institutional forum, the purpose of such meeting being clearly stated in such request.

(6) No matters other than those for which the extraordinary meeting was convened, may be discussed at such meeting, except with the consent of the meeting granted on an unopposed motion.

(7) An emergency meeting may be convened by the chairperson at any time, provided that all members are given at least 24 hours notice of such meeting.

(8) The notice contemplated in subparagraph (7) may be given in any manner deemed expedient by the chairperson in the circumstances.

(9) Members must be notified of the reason for an emergency meeting and no matters other than those of which notice has been given to the members may be considered at such meeting.

Minutes of meetings of institutional forum

49. The provisions of paragraph 15 in respect of the minutes of council meetings apply with the necessary changes to the minutes of meetings of the institutional forum.

Register of resolutions of institutional forum

50. The provisions of paragraph 16 in respect of the register of resolutions of the council apply with the necessary changes to the register of resolutions of the institutional forum.

Discussion of motions

51. The provisions of paragraph 17 in respect of discussion of motions by the council apply with the necessary changes to the discussion of motions by the institutional forum.

Voting

52. Matters must be dealt with as far as practicable by way of consensus, failing which, voting must be conducted, according to the procedure determined by paragraph 18, with the necessary changes.

Ruling by chairperson

53. The provisions of paragraph 19 apply to a ruling by the chairperson of the institutional forum.

Vacation of office by members of institutional forum

54. The provisions of paragraph 21 in respect of the vacation of office by members of the council apply with the necessary changes to the vacation of office by members of the institutional forum.

Vacancies by effluxion of time

55. The provisions of paragraph 22(1) apply with the necessary changes to vacancies by effluxion of time on the institutional forum.

Casual vacancies

56. The provisions of paragraph 22(2) apply with the necessary changes in respect of casual vacancies on the institutional forum.

Filling of vacancies

57. The provisions of paragraph 23 apply with the necessary changes to the filling of vacancies on the institutional forum.

Committees of institutional forum

58. (1) The institutional forum may establish such committees as it deems necessary.

(2) The composition, functions, term of office of members, meetings and meeting procedures of the committees contemplated in subparagraph (1) are as determined by the Rules.

CONVOCATION**Name and membership**

59. (1) The convocation of the University is known as the convocation of the University of Fort Hare.

(2) The convocation consists of -

- (a) all persons to whom the University has awarded a diploma or a degree;
- (b) the academic employees permanently appointed to posts on the establishment of the University; and
- (c) such other persons and employees of the University as the council may determine.

Manner of election of president

60. (1) The president of the convocation must-

- (a) be elected by the convocation from among its members at an annual general meeting by secret ballot and a majority of the members present; and
- (b) hold office until the close of the second annual general meeting thereafter.

- (2) The registrar must keep the roll of the convocation.
- (3) It is the duty of every graduate of the University and of every holder of a diploma or a certificate awarded by the University to notify the registrar of his or her address and of any change of address.
- (4) If a vacancy occurs in the office of president of the convocation, the vice-chancellor acts as president until the next general meeting which must in accordance with the provisions of subparagraph (1)(a) elect a president to hold office until the close of the second annual general meeting thereafter.
- (5) The president of the convocation may not be a full-time employee of the University.

Meetings of convocation

61. (1) There must be an annual general meeting of the convocation.
- (2) Special general meetings of convocation-
- (a) may be called by the president at his or her own instance; or
 - (b) must be called by the president, or in his or her absence by the registrar, when a written request for a special meeting, stating the object of the meeting, is received by the president, or the registrar, from at least 50 members of the convocation.
- (3) The registrar must give notice in a form to be decided by the president of the date, time and place of the annual general meeting of the convocation at least ten weeks before the date of the meeting and must include in this notice-
- (a) the date by which notices of motions to be considered at the meeting must be received by him or her; and
 - (b) details as to when and how the agenda for the meeting will be published, the form and the manner of publication to be decided by the president, or alternatively by the vice-chancellor.
- (4) The registrar must give notice of the date of any general meeting at least 21 days before the date of the meeting in the form and manner

decided by the president, or failing which, by the vice-chancellor and this must include-

- (a) at least one prominent notice in at least one national newspaper; and
- (b) a notice on the University's home page on the world wide web.

Quorum and procedure

62. (1) The procedure at a meeting of the convocation is decided by the meeting, but-

- (a) the quorum at an annual general meeting is 30;
- (b) the quorum at a special meeting is 25;
- (c) notwithstanding subparagraphs (a) and (b), if a quorum is not present at a meeting of the convocation, a follow-up meeting must be scheduled and if a quorum is still not present at such follow-up meeting, the members present constitute a quorum;
- (d) at the annual general meeting the convocation must-
 - (i) confirm the minutes of the last annual general meeting of any special general meeting held since then, with or without amendment; and
 - (ii) deal with business of which notice has been given, and any other business which a 75% majority of those present agree to consider; and
- (d) at a special general meeting the convocation must deal with the business, and only the business, of which notice has been given.

(2) In the absence of the president, the meeting must elect a member to preside at that meeting.

STUDENTS' REPRESENTATIVE COUNCIL

Composition of students' representative council

63. The students' representative council contemplated in section 35 of the Act, consists of-

- (a) the president;
- (b) the deputy president; and
- (c) any other members appointed, designated or elected by their respective constituencies as determined by the Rules.

Functions of students' representative council

64. The students' representative council, in terms of its constitution, as determined by the Rules, must-

- (a) preserve and promote the interests of the student community;
- (b) carry out all duties and responsibilities as agreed upon in meetings of the students' representative council within the Rules and policies of the University;
- (c) represent all students as their democratically elected highest representative structure;
- (d) respect and uphold the constitution and the code of conduct of the students' representative council as determined by the Rules;
- (e) protect and promote the good image of the students' representative council;
- (f) enhance unity and co-operation among students;
- (g) manage society life on campus and render any assistance necessary;
- (h) convene all student general meetings on campus;
- (i) act as liaison between the University authorities and the student community; and
- (j) focus primarily on the enhancement of the formal learning experience of all students of the University.

Term of office

65. (1) The term of office of members of the students' representative council is one year.

(2) A member of the students' representative council may serve for more than one term.

Election of office-bearers

66. (1) The president and the deputy president are elected from among the members of the students' representative council in accordance with the provisions of the constitution of the students' representative council as determined by the Rules.

(2) When members of the students' representative council elect a secretary from among its members, the provisions of paragraph 12(1) apply, with the necessary changes.

Meetings of students' representative council

67. (1) The number of meetings and meeting procedures are determined by the constitution of the students' representative council as determined by the Rules.

Privileges of students' representative council

68. The privileges of members of the students' representative council are determined by the council after consultation with the students' representative council.

Election of members of students' representative council

69. (1) The council must after consultation with the students' representative council in office nominate a person to officiate as electoral officer to administer the students' representative council election.

(2) The electoral officer must compile a voters' roll on the condition that-

- (a) all registered University students are eligible to vote;
- (b) notification of the drawing up of the voters' roll must be given at least 14 days prior to the holding of the students' representative council elections;
- (c) the voters' roll must be open to students for inspection;
- (d) objections and requests for the inclusion or exclusion of names must be submitted in writing with supporting arguments, to the electoral officer not later than 48 hours after the closure of the voters' roll for inspection; and

- (e) any objections in terms of subparagraph (d) must be considered by the electoral officer, whose decision is final.

(3) The electoral officer must call for nominations for the students' representative council elections by means of a notice in which the office where the nomination forms may be obtained and the deadline for their submission must be indicated.

(4) Nominations must be submitted within two weeks of the date of notice.

(5) A nomination is valid only if it contains-

- (a) the name, student number, faculty and postal address of the nominee;
- (b) the name, student number, faculty and signature of the proposer;
- (c) the names, student numbers, faculties and signature of two seconders; and
- (d) a written, signed declaration by the nominee that he or she is willing to seek election.

(6) The electoral officer must ensure that a nominee is a registered student of the University.

(7) The electoral officer must consider all nominations and must determine whether the nominations are accepted or not and his or her decision is final.

(8) After the decision contemplated in subparagraph (7) has been taken, notice must be given to the persons nominated as candidates for the election.

(9) The students' representative council and the students' general council must determine the election programme in consultation with the electoral officer.

(10) The electoral officer must give notice of the day, time and venue of the election.

(11) The election must take place on the appointed day, time and venue by means of secret ballot, under the supervision of the electoral officer.

(12) The electoral officer is in full control of the election process and is empowered to deal with any irregularities that arise.

(13) Only ballot papers supplied by the electoral officer may be used.

(14) Each voter must vote in person.

(15) No voter may vote for more than one candidate per portfolio, and if a voter votes for more than one candidate per portfolio, the ballot paper is rendered spoilt and the vote is thus disqualified.

(16) The students' representative council may appoint monitors to observe the counting of votes.

(17) The electoral officer announces the results of the election within 24 hours of the completion of the count and must also ensure that a notice with the names of elected candidates is posted on notice boards within 24 hours after the votes have been counted.

(18) In the case of a by-election to fill a vacant position on the students' representative council, the above provisions are applicable.

(19) A by-election contemplated in subparagraph (18) may only take place during the first semester of the academic year.

(20) After the election of the students' representative council, the electoral officer convenes a meeting of all elected members at a determined date, time and place and declares the students' representative council as properly constituted and empowered to function in accordance with the provisions of the constitution of the students' representative council as determined by the Rules.

ADMISSION, REGISTRATION AND DISCIPLINE OF STUDENTS

Admission

70. Subject to the Act, the council, after consulting the senate, determines and publishes the admission policy of the University.

Registration

71. (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) Such a student must be considered to be registered if he or she has paid the prescribed fees.

(3) The council must determine when the fees payable by students to the University are paid.

Student disciplinary measures and procedures

72. Student disciplinary measures and procedures are instituted and conducted in terms of the Rules.

CONFERRING OF DEGREES, HONORARY DEGREES AND AWARDING OF DIPLOMAS AND CERTIFICATES

Conferring of degrees and awarding of diplomas and certificates

73. (1) The University may confer the degrees and award the diplomas and certificates for which official approval has been obtained, in accordance with the Rules.

Congregation

74. (1) For the purpose of conferring degrees and awarding diplomas and certificates, a meeting or meetings of the members of the University must be held, to be known as a congregation, to which must be invited members of the senate, academic employees, the persons upon whom degrees, diplomas and certificates are to be conferred and awarded and such other persons as the vice-chancellor may determine.

(2) A congregation must be presided over by the chancellor, or in his or her absence, the vice-chancellor.

(3) The vice-chancellor must determine the congregation at which any graduand is to be admitted to a degree.

(4) The procedure and requirements for the presentation of graduands, for the conferring of degrees and the awarding of diplomas and certificates, for academic dress and for all other matters relating to the congregation not provided for in this statute must be as determined by the vice-chancellor with the approval of the council.

Manner of assessment

75. Any assessment by the University must be conducted in accordance with the Rules made by the council.

Honorary degrees

76. (1) Any member of the broad university community may submit a proposal to confer an honorary degree to the registrar in writing.

(2) Each such proposal must be signed by such members, and must reach the registrar at least six months before graduation and must contain a detailed statement of the reasons for such a proposal.

(3) The registrar must refer all such proposals to an honorary degrees committee, which must consist of the chairperson of the senate, the deans of faculties, the representatives of the council on the senate, and the members of the senate on the council.

(4) The names of persons recommended by the honorary degrees committee must be submitted to the senate together with a detailed statement of the reasons for such recommendations.

(5) The chairperson of the senate must have a deliberative vote on each proposal and, in the event of an equality of votes, also a casting vote.

(6) At the first meeting after the meeting of the honorary degrees committee, the senate must, without discussion, vote by ballot on the person recommended by the honorary degrees committee.

(7) A recommendation by the senate for the conferment of an honorary degree must be submitted to the council at its next meeting.

(8) Voting in the council on the conferment of an honorary degree must be by secret ballot, and such an honorary degree must not be conferred, unless the majority of the members present are in favour thereof.

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

77. (1) The Statute applicable to the University of Fort Hare and published under Government Notice R.2670 of 19 December 1986 is hereby repealed.

(2) Notwithstanding subparagraph (1) any structure of the University which existed immediately prior to the publication of this Statute continues to exist and function in terms of this Statute until the day prior to the day when each new structure, reconstituted in terms of this Statute, becomes functional.

LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF
ENVIRONMENTAL AFFAIRS AND TOURISM





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