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GOEWERMENTSKENNISGEWING GOVERNMENT NOTICE

DEPARTEMENT VAN ONDERWYS
DEPARTMENT OF EDUCATION

No. 1937

17 Augustus 1999

UNIVERSITEIT VAN DIE ORANJE-VRYSTAAT WYSIGING VAN STATUUT

Die Raad van die Universiteit van die Oranje-Vrystaat het die Statuut wat in die Bylae hiervan uiteengesit word, uitgevaardig ooreenkomstig artikel 32 van die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997), en dit word ingevolge die bepalings van artikel 33 van genoemde Wet hierby met die goedkeuring van die Minister van Onderwys afgekondig en tree in werking op die dag van hierdie publikasie.

BYLAE

1. In hierdie bylae beteken die uitdrukking "die Statuut" die Statuut afgekondig by Goewermentskennisgewing R.429 van 22 Maart 1963, soos gewysig by Goewermentskennisgewings R.1418 van 13 September 1963, R.634 van 23 April 1971, R.1525 van 25 Augustus 1972, R.521 van 5 April 1973, R.348 van 8 Maart 1974, R.512 van 1 April 1977, R.2231 van 10 November 1978, R.296 van 23 Februarie 1979, R.283 van 15 Februarie 1980, R.2405 van 28 November 1980, R.1253 van 19 Junie 1981, R.2836 van 31 Desember 1981, R.175 van 28 Januarie 1983, R.567 van 15 Maart 1985, R.2592 van 15 November 1985, R.316 van 21 Februarie 1986, R.2661 van 8 Desember 1989, R.1967 van 16 Augustus 1991, R.2127 van 12 November 1993 en R.333 van 3 Maart 1995.

2. Hoofstuk I van die Statuut word hierby gewysig deur die invoeging in paragraaf 1 (in die korrekte alfabetiese volgorde) van die volgende woordskrywings:

“Die Wet op Hoër Onderwys” die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997);

“Reëls” die Institusionele Reëls van die Universiteit deur die Raad van die Universiteit uitgevaardig ingevolge artikel 32 van die Wet op Hoër Onderwys;

“Rektor” sluit die Visekanselier in;

“uitvoerende bestuur” beteken die uitvoerende bestuur van die Universiteit in paragraaf 32 beoog;

“Universiteit” beteken die Universiteit van die Oranje-Vrystaat.”.

3. Die volgende Hoofstuk vervang hierby Hoofstuk II van die Statuut:

“HOOFSTUK II

AARD EN GRONDSLAG VAN UNIVERSITEIT

2. Die Universiteit –

- (a) erken die soewereine gesag en leiding van God;
- (b) erken sy multikulturele samestelling;
- (c) respekteer die reg van enige persoon om nie teen gediskrimineer te word nie op enige van die gronde vermeld in artikel 9 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 of 1996);
- (d) erken elkeen se reg om uit vrye keuse Afrikaans of Engels te gebruik;
- (e) bied onderrig in Afrikaans en Engels op parallelmediumbasis aan en neem die behoefte in ag om Sesotho as 'n wetenskaptaal te bevorder in sover dit redelikerwys uitvoerbaar is; en
- (f) is verbind tot uitnemendheid.”.

4. Hoofstuk III van die Statuut is hierby gewysig deur –

- (a) die vervanging van die opskrif "KANSELIER, VISE-KANSELIER, REKTOR, VISE-REKTOR" deur die volgende opskrif "KANSELIER, VISEKANSELIER EN REKTOR, EN VISEREKTOR";
- (b) die skrap van paragraaf 6;
- (c) die skrap van paragraaf 7; en
- (d) die vervanging van paragraaf 8 deur die volgende paragraaf:

"VISEKANSELIER EN REKTOR

Wersaamhede, ampstermyne en wyse van verkiesing.

8. (1) Die Rektor is *ex officio* 'n lid van die Raad, die Senaat en al die komitees van die Raad en van die Senaat.
- (2) Die Rektor is die hoof uitvoerende en rekenpligtige beampste van die Universiteit en oefen toesig en beheer uit oor die Universiteit en Universiteitskoshuise.
- (3) Die Rektor kan sy of haar wersaamhede aan enige werknemer of struktuur van die Universiteit deleger.
- (4) Behoudens artikel 31(1)(a)(iii) van die Wet op Hoër Onderwys word die Rektor deur die Raad verkies.
- (5) Wanneer die Rektor aangestel word, geld die volgende-
- (a) Die ampstermyne van die Rektor en die voorwaardes van sy of haar aanstelling word bepaal in oorleg met die persoon wat tot die amp verkies word deur die Raad: Met dien verstande dat die ampstermyne, behoudens die bepalinge van subparagraaf (b) in geen geval sal duur tot na die 31ste dag van Desember van die jaar waarin hy of sy die ouderdom van 65 jaar bereik nie.
 - (b) 'n Kontrak-aanstelling kan in buitengewone omstandighede, na die ouderdom van 65 jaar gemaak word.

- (6) Daar moet met die huidige bekleër van die amp onderhandel word in verband met sy of haar heraanstelling.
- (7) Behoudens artikel 31(1)(a)(iii) van die Wet op Hoër Onderwys word die Rektor deur die Raad verkies, na oorlegpleging met die Senaat, tydens 'n vergadering wat spesiaal vir die doel belê is, en deur 'n volstrekte meerderheid van die totale aantal lede van die Raad wat op die datum van die verkiesing die amp beklee.”;
- (e) die vervanging van paragraaf 11 deur die volgende paragraaf:
“Ampstermyn.
11. (1) Behoudens artikel 31(1)(a)(iii) van die Wet op Hoër Onderwys word die Viserektore deur die Raad verkies na oorlegpleging met die Senaat.
(2) Die bepalings van paragraaf 8(4) tot (6) geld met die nodige veranderings vir die aanstelling van 'n Viserektor.”.

5. Hoofstuk IV van die Statuut word hierby vervang deur die volgende Hoofstuk:

“HOOFSTUK IV

RAAD

Samestelling.

- 12. (1) Behoudens die bepalings van die Private Wet op die Universiteit van die Oranje-Vrystaat, 1949 (Wet No. 21 van 1949), van hierdie Statuut en die Wet op Hoër Onderwys word die Universiteit deur die Raad beheer.
- (2) Die Raad bestaan uit –
 - (a) die Rektor;
 - (b) die Viserektore;

- (c) 'n Registrateur van die Universiteit;
- (d) twee persone deur die Minister aangestel;
- (e) twee persone deur die Premier van die Vrystaat Provinsie aangestel, van wie minstens een besondere kennis van gesondheidsorg of gesondheidsadministrasie moet hê;
- (f) drie lede van die Senaat deur die Senaat verkies, van wie minstens een die geesteswetenskaplike fakulteite en een die natuurwetenskaplike fakulteite moet verteenwoordig;
- (g) twee persone van die godsdiensgemeenskap van wie een deur die kuratoria van die fakulteit teologie aangewys word en die ander een verkies word deur 'n paneel van leiers van die geloofsgroeperinge wat op die kampus verteenwoordig is, welke paneel deur die Rektor aangestel word;
- (h) twee Alumni deur die Alumni verkies;
- (i) twee lede van die Konvokasie deur die Konvokasie verkies;
- (j) drie persone aangewys deur die Donateurs van die Universiteit;
- (k) twee akademiese werknemers wat nie lede van die Senaat is nie, deur die akademiese werknemers verkies;
- (l) een administratiewe werknemer deur die administratiewe werknemers verkies;
- (m) een dienswerknemer deur die dienswerknemers verkies;
- (n) twee studente deur die Verteenwoordigende Studenteraad aangewys;
- (o) twee persone deur die Plaaslike Regeringsvereniging van die Vrystaat aangestel; en

- (p) hoogstens agt persone deur die Raad aangestel, insluitende -
 - (i) een persoon op grond van sy of haar kundigheid met betrekking tot finansiële aangeleenthede;
 - (ii) een persoon op grond van sy of haar kundigheid met betrekking tot regsangeleenthede; en
 - (iii) een persoon op grond van sy of haar kundigheid met betrekking tot beplanningsaangeleenthede.
- (3) Geen permanente werknemer en geen voltydse student van die Universiteit mag 'n posisie ingevolge subparagraaf (2)(d), (e), (g), (h), (i), (j), (o) of (p) beklee nie.
- (4) Minstens sestig persent van die lede van die Raad moet persone wees wat nie permanente werknemers of geregistreerde voltydse studente van die Universiteit is nie.
- (5) Persone wat vir lidmaatskap van die Raad genomineer, verkies of aangewys staan te word -
 - (a) mag nie ongerehabiliteerde insolvente wees nie;
 - (b) mag nie persone wees wat deur 'n geregshof as geestesongesteld verklaar is nie; en
 - (c) mag nie persone wees wat aan 'n misdryf skuldig bevind is en tot meer as 12 maande gevangenisstraf sonder die keuse van 'n boete gevonnissen is nie: Met dien verstande dat 'n onbevoegdheid ingevolge hierdie subparagraaf verstryk vyf jaar nadat die vonnis voltooi is.
- (6) Lede van die Raad word aangestel, verkies of aangewys ooreenkomstig paragraaf 14.
- (7) Indien 'n lid sy of haar amp ontruim, moet die gevolglike vakature by wyse van aanstelling, verkiesing of aanwysing ooreenkomstig paragrawe 12(2) en 14 gevul word.
- (8) Vergaderings van die Raad word op die tye en plekke wat die Raad bepaal, gehou.

- (9) Die prosedure en kworum op vergadering van die Raad is soos deur paragraaf 18 bepaal.
- (10) Wanneer beide die Voorsitter en die Ondervoorsitter afwesig is van 'n vergadering van die Raad, verkies die aanwesige lede iemand uit hulle geledere om op daardie vergadering as Voorsitter op te tree.

Ampstermyn.

- 13. (1) (a) Behoudens andersluidende bepalings van hierdie Statuut beklee 'n lid van die Raad die amp vir 'n tydperk van vier jaar.
(b) Die Voorsitter, die Ondervoorsitter en die Sekretaris beklee sy of haar amp vir 'n tydperk van drie jaar of vir die korter tydperk wat hy of sy lid van die Raad is.
- (2) Die Rektor en die Viserektore bly lede van die Raad solank hulle die ampte van onderskeidelik Rektor en Viserektor beklee.
- (3) 'n Verteenwoordiger van die Senaat tree uit sodra hy of sy nie meer lid van die Senaat is nie.
- (4) Die verteenwoordigers van die verteenwoordigende Studenteraad bly lede van die Raad tot die volgende Studenteraadsverkiesing.
- (5) (a) Die ampstermyn van 'n lid van die Raad word bereken vanaf die datum waarop die lid of persoon wat hy of sy opvolg, die amp ontruim.
(b) Die ampstermyn van die Rektor en 'n Viserektor neem 'n aanvang op die datum wat so 'n lid die betrokke amp begin beklee.
- (6) 'n Raadslid se ampstermyn eindig nie later nie as die laaste dag van Desember van die jaar waarin hy of sy die ouderdom van 70 jaar bereik.

- (7) 'n Lid van die Raad, anders as die Rektor en Viserektore, ontruim sy of haar amp indien hy of sy -
- (a) van twee opeenvolgende gewone vergaderings van die Raad afwesig is sonder verlof;
 - (b) deur 'n geregshof bankrot verklaar word;
 - (c) skuldig bevind word aan 'n misdryf en gevangenisstraf sonder die keuse van 'n boete opgelê word; of
 - (d) deur 'n geregshof as geestesongesteld verklaar word.
- (8) 'n Lid van die Raad, uitgesonderd 'n lid in paragraaf 12(2)(a), (b), (c), (f), (h), (i), (j), (k), (l) en (m) bedoel, ontruim sy of haar amp sodra hy of sy 'n permanente werknemer of 'n geregistreerde voltydse student van die Universiteit word.

Wyse van verkiesing.

14. Behalwe soos in paragraaf 15(2) bepaal, gee die Sekretaris minstens drie maande voordat die ampstermyn van 'n lid verstryk, aan die persoon of liggaam wat die lid aangestel, verkies of benoem het skriftelik kennis, en daarna stel daardie persoon of liggaam 'n opvolger aan of benoem of verkies 'n opvolger om die vakature te vul.

Vakatures.

15. (1) Indien 'n lid sterf, bedank of die amp om 'n ander rede as tydsverloop neerlê, gee die Sekretaris die persoon of liggaam wat die lid aangestel het kennis van die vakature, en stel die betrokke persoon of liggaam onverwyld 'n opvolger aan wat die amp gedurende die onverstreke ampstermyn van sy of haar voorganger beklee.
- (2) Indien dit vir die Konvokasie of die Alumni of die Donateurs nodig word om 'n lid van die Raad te benoem, nooi die Sekretaris van die Raad by wyse van 'n kennisgewing in die media soos deur die Raad bepaal elke lid van die Konvokasie

- of die Alumni of die Donateurs uit om hoogstens soveel persone as waarvoor daar vakatures bestaan, skriftelik vir verkiesing as lede van die Raad te nomineer drie maande voordat die ampstermyn van die lid verstryk.
- (3) Die nominasies word twee maande voordat die ampstermyn van die lid verstryk, aan die verteenwoordigende strukture van die Konvokasie of die Alumni of die Donateurs voorgelê, soos deur die Raad bepaal, wat oor die genomineerde kandidate stem en die stemtotale aan die Sekretaris verskaf.
- (4) Die persoon wat die meeste stemme ontvang, word vir die volgende termyn tot die Raad verkies.

Vakatures raak nie bevoegdhede nie.

16. (1) 'n Vakature in die amp van Kanselier, Visekanselier en Rektor of Viserektor, of in die ledetal van die Raad, die Senaat of die Institusionele Forum, maak nie inbreuk op of raak nie die regspersoonlikheid van die Universiteit of enige bevoegdhede, regte of voorregte wat deur hierdie Statuut of die Wet op Hoër Onderwys aan die Universiteit, die Raad, die Senaat of Institusionele Forum verleen word nie.
- (2) Ondanks die bepalings van subparagraaf (1) is geen besluit van die Raad, die Senaat of die Institusionele Forum geldig nie tensy dit geneem is op 'n vergadering waarop 'n kworum aanwesig was en alle ander toepaslike bepalings van hierdie Statuut nagekom is.

Verkiesing van Voorsitter, Ondervoorsitter en Sekretaris.

17. (1) Die Raad kies uit sy geledere 'n Voorsitter, 'n Ondervoorsitter en 'n Sekretaris.
- (2) Indien die amp van Voorsitter of van Ondervoorsitter deur tydsverloop vakant word, stel die Sekretaris alle Raadslede minstens een-en-twintig dae voor die laaste gewone

vergadering van die Raad wat voor die verstryking van die ampstermyn gehou word, skriftelik daarvan in kennis en die Raad verkies op daardie gewone vergadering 'n opvolger wie se ampstermyn op die eerste dag van Junie 'n aanvang neem: Met dien verstande dat die uittredende Voorsitter of Ondervoorsitter herkiesbaar is vir 'n maksimum tydperk van nege jaar.

- (3) Indien daar 'n vakature in die amp van Voorsitter of van Ondervoorsitter om enige ander rede as tydsverloop ontstaan, stel die Sekretaris die lede van die Raad skriftelik daarvan in kennis, en die Raad kies op sy eerste gewone vergadering wat minstens een-en-twintig dae na sodanige kennisgewing plaasvind, 'n ander lid as Voorsitter of Ondervoorsitter, na gelang van die geval, om die amp gedurende die onverstreke ampstermyn van sy of haar voorganger te beklee.

Vergaderings.

18. (1) 'n Derde van die lede van die Raad vorm 'n kworum.
- (2) Die Sekretaris moet minstens vyf dae voor die datum van 'n gewone vergadering alle lede van die Raad skriftelik, by die adres wat vir die doeleindes van sodanige kennisgewing skriftelik aan die Sekretaris verstrek is, kennis gee met vermelding van die aangeleenthede vir behandeling.
- (3) Kennisgewings van aangeleenthede vir oorweging op 'n gewone vergadering moet minstens nege dae voor die datum daarvan skriftelik by die Sekretaris skriftelik ingedien word: Met dien verstande dat 'n lid aangeleenthede van dringende aard sonder kennisgewing op die vergadering kan voorbring, mits hy of sy toestemming daartoe van twee derdes van die aanwesige lede van die Raad verkry.
- (4) Die Voorsitter kan 'n buitengewone vergadering belê wanneer hy of sy dit nodig ag, en moet dit belê op die skriftelike

- versoek van enige vyf lede, met duidelike vermelding in die versoek van die doel met die vergadering.
- (5) Geen ander aangeleenthede as dié waarvoor die vergadering belê is, word daarop behandel nie, behalwe met goedkeuring van die vergadering op 'n onbestrede mosie.
 - (6) Die notule van 'n gewone of buitengewone vergadering word op die eersvolgende gewone vergadering gelees, en na goedkeuring word dit deur die handtekening van die Voorsitter bekragtig: Met dien verstande dat die vergadering die notule as gelees kan beskou, mits 'n afskrif daarvan vooraf aan elke lid gestuur is.
 - (7) Alle aangeleenthede word deur 'n meerderheid van die aanwesige en stemmende lede beslis, behalwe by die verkiesing van die Kanselier en die Rektor, waar die besluit geneem moet word deur 'n volstreckte meerderheid van die aantal lede wat werklik die amp op die datum van die verkiesing bekleed.
 - (8) In verband met elke aangeleentheid het die Voorsitter, of die persoon wat op 'n vergadering as Voorsitter optree, 'n stem en by staking van stemme het hy of sy 'n beslissende stem benewens sy of haar gewone stem.
 - (9) Die Voorsitter kan 'n persoon wat nie 'n lid van die Raad is nie, toelaat om sonder stemreg vergaderings van die Raad by te woon, welke persoon nie daarop geregtig is om aan enige bespreking van die Raad deel te neem nie tensy hy of sy eers die verlof van die vergadering daartoe verkry het.
 - (10) Indien 'n vergadering aldus besluit, word per stembriefie gestem.
 - (11) Op versoek van 'n lid gelas die Voorsitter dat-
 - (a) die stem van die betrokke lid; of
 - (b) die aantal stemme vir en teen 'n voorstel, in die notule aangeteken word.

- (12) Geen lid van die Raad mag deelneem aan die bespreking van, of stem oor 'n saak waarin hy of sy 'n direkte geldelike belang het nie, tensy hy of sy eers die aard en omvang van sy of haar belang openbaar en verlof van die vergadering verkry het om aan die bespreking deel te neem en te stem.
- (13) Die beslissing van die Voorsitter op 'n punt van orde of prosedure is bindend, tensy 'n lid onmiddellik daarteen beswaar maak, in welke geval dit sonder bespreking aan die vergadering voorgelê word, en wie se beslissing finaal is.
- (14) Elke voorstel of amendement moet gesekondeer word, en indien die Voorsitter dit gelas, moet dit op skrif gestel word.
- (15) Geen voorstel word sonder toestemming van die vergadering teruggetrek nie.
- (16) Geen voorstel tot uitvaardiging, wysiging of herroeping van 'n Statuut word gemaak nie, tensy voorafgaande skriftelike kennisgewing van minstens veertien dae ingedien word.
- (17) 'n Voorstel in subparagraaf (16) beoog, word volledig in die kennisgewing uiteengesit en, tensy dit met 'n meerderheid van driekwart van die aanwesige lede aangeneem word, moet dit op die volgende gewone vergadering deur 'n meerderheid van stemme bekragtig word.

Werksaamhede.

- 19. (1) Benewens die bevoegdhede soos in die Wet op Hoër Onderwys, of enige ander toepaslike wet bepaal, het die Raad oor die algemeen 'n beleidmakende en moniterende verantwoordelikheid met inbegrip van die neerlê van riglyne met betrekking tot -
 - (a) strategiese bestuur;
 - (b) finansiële bestuur waarby ingesluit is die vasstelling van klasgelde;
 - (c) personeelaangeleenthede;

- (d) die skep van 'n positiewe akademiese klimaat;
 - (e) dissiplinêre aangeleenthede ten aansien van personeel en studente; en
 - (f) die toelating van studente.
- (2) Die Raad stel die persone wat die Raad nodig ag aan om die Universiteit doeltreffend te bestuur en te bedryf: Met dien verstande dat onderrig- en navorsingspersoneel slegs op aanbeveling van die Senaat of 'n komitee van die Senaat aangestel word.
- (3) Die Raad moet volledig rekord hou van sy werksaamhede asook van alle bates, laste, inkomste, uitgawes en ander finansiële transaksies soos vereis deur artikel 41(1) van die Wet op Hoër Onderwys en moet aan die Minister van Onderwys die verslae lewer soos in artikel 41(2) en 41(3) van die genoemde Wet beoog.
- (4) Die Raad moet na oorleg met die Verteenwoordigende Studenteraad voorsiening maak vir 'n gepaste struktuur om die Raad van advies te bedien oor die lewering van studentedienste aan die Universiteit, soos verder in die Reëls voorsien word.
- (5) Die Raad is bevoeg om-
- (a) op aanbeveling van die Senaat, departemente, sentrums, skole, fakulteite of institute en ander akademiese funksionele eenhede in te stel, af te skaf of te herstruktureer; en
 - (b) enige personeellid te skors of te ontslaan in ooreenstemming met toepaslike arbeidswetgewing.

Uitvoerende Komitee.

20. (1) Die Raad benoem 'n uitvoerende komitee.

- (2) Die samestelling, wyse van verkiesing, werksaamhede en prosedure op vergaderings van die uitvoerende komitee word in die Reëls bepaal.”.

6. Die volgende Hoofstuk vervang hierby Hoofstuk V van die Statuut:

“HOOFSTUK V

SENAAT

Werksaamhede.

21. (1) Die Senaat organiseer en beheer die onderrig, navorsing en gemeenskapsdiens van die Universiteit en is ook verantwoordelik vir die dissipline in die onderskeie akademiese departemente, soos in die Reëls uiteengesit.
- (2) Die Senaat verrig enige ander werksaamheid deur die Raad aan hom gedelegeer of opgedra en is verantwoordbaar aan die Raad.
- (3) Benewens die bevoegdhede soos in die Wet op Hoër Onderwys bepaal, is die Senaat bevoeg om –
- (a) onderworpe aan die goedkeuring van die Raad, die grade, diplomas en sertifikate wat aangebied word en die voorwaardes vir die behaal van grade, diplomas of sertifikate te bepaal, en om te besluit watter persone aan voormelde voorwaardes voldoen het;
- (b) toesig te hou en beheer uit te oefen oor alle eksamens wat deur die Universiteit gehou word ooreenkomstig die Reëls wat van tyd tot tyd deur die Senaat vir die doel aanbeveel word en deur die Raad goedgekeur en uitgevaardig word;
- (c) te besluit oor die eksaminatore vir die Universiteitseksamens;

- (d) by die Raad aanbevelings te maak oor die instelling en ontbinding van departemente, sentrums, institute, skole, fakulteite en ander akademiese funksionele eenhede;
- (e) by die Raad aan te beveel watter akademiese en ander personeel lede van elk van die verskillende fakulteite van die Universiteit moet wees en om op advies van die betrokke fakulteit die aanstelling van 'n dekaan van elke fakulteit by die Raad aan te beveel;
- (f) by die Raad Reëls aan te beveel vir uitvaardiging, ooreenkomstig die onderskeie skenkingsaktes, met betrekking tot die voorwaardes vir die toekenning en die hou van 'n studiebeurs of prys wat ter beskikking van die Universiteit is en om te besluit aan watter persone sulke studiebeurse en pryse van tyd tot tyd toegeken moet word;
- (g) toesig te hou en beheer uit te oefen oor die werk van navorsers onder beheer van die Raad; en
- (h) die maatreëls wat nodig is vir die behoorlike uitoefening van sy bevoegdhede en uitvoering van sy pligte, te tref.

Samestelling.

22. (1) Die Senaat bestaan uit:-

- (a) die Rektor;
- (b) die Viserektore;
- (c) die Registrateurs;
- (d) twee lede van die Raad deur die Raad verkies;
- (e) die dekane van fakulteite van die Universiteit;
- (f) akademiese werknemers;
- (g) administratiewe werknemers;
- (h) twee lede van die Verteenwoordigende Studenteraad deur die Verteenwoordigende Studenteraad verkies; en

- (i) die ander persone wat die Senaat met die goedkeuring van die Raad mag bepaal.
- (2) Die lidmaatskapsvereistes van persone wat ingevolge subparagraaf (1)(f), (g) en (i) verkies of aangewys word, word deur die Reëls bepaal.
- (3) Die meerderheid lede van die Senaat moet akademiese werknemers van die Universiteit wees.
- (4) Die ampstermyn van lede, die diskwalifikasie van lede en die vul van vakatures van die Senaat word deur die Reëls bepaal.
- (5) Vergaderings van die Senaat word gehou op die tye en plekke wat die Senaat bepaal.

Voorsitter, Ondervoorsitter en Sekretaris

- 23. (1) Die Senaat verkies 'n Voorsitter, 'n Ondervoorsitter en 'n Sekretaris uit eie geledere op 'n gewone vergadering, met 'n meerderheid van stemme en vir 'n termyn van vier jaar.
- (2) Indien sowel die Voorsitter as die Ondervoorsitter van 'n vergadering van die Senaat afwesig is, kies die aanwesige lede 'n persoon uit eie geledere om op daardie vergadering as Voorsitter op te tree.

Vergaderings.

- 24. (1) Een derde van die totale aantal lede van die Senaat vorm 'n kworum.
- (2) Aan alle lede van die Senaat word, sover moontlik, drie dae voor die datum van 'n gewone vergadering deur die Sekretaris skriftelik daarvan kennis gegee, met vermelding van die aangeleenthede vir behandeling.
- (3) Kennisgewings van aangeleenthede vir oorweging op 'n gewone vergadering word minstens sewe dae voor die datum van die vergadering skriftelik by die Sekretaris ingedien: Met dien verstande dat 'n lid aangeleenthede van dringende aard

sonder kennisgewing op 'n vergadering kan voorbring mits hy of sy toestemming daartoe van twee derdes van die aanwesige lede van die Senaat verkry.

(4) Die Senaat bepaal die plekke en tye van sy gewone vergaderings: Met dien verstande dat daar minstens een gewone vergadering gedurende elke semester gehou word, en dat, sover moontlik, die vergaderings by die Universiteit gehou word.

(5) Die Voorsitter belê 'n buitengewone vergadering indien hy of sy dit nodig ag, of op die skriftelike versoek van minstens een vyfde van die lede van die Senaat, met duidelike vermelding in die versoek van die doel van die vergadering.

(6) Geen ander aangeleenthede as dié waarvoor die spesiale vergadering in subparagraaf (5) beoog, belê is, word by die vergadering behandel nie, behalwe met goedkeuring van die vergadering op 'n onbestrede mosie.

(7) Die notule van 'n gewone of buitengewone vergadering word op die eersvolgende gewone vergadering gelees, en na goedkeuring word dit deur die handtekening van die Voorsitter bekragtig: Met dien verstande dat die vergadering die notule as gelees kan beskou, mits 'n afskrif daarvan vooraf aan elke lid gestuur is.

(8) Alle aangeleenthede word deur 'n meerderheid van die aanwesige en stemmende lede beslis, behalwe waar die Reëls anders bepaal.

(9) Indien een of meer lede so versoek, word per stembriefie gestem.

(10) Op versoek van enige lid gelas die Voorsitter dat:-

(a) die stem van die betrokke lid; of

(b) die aantal stemme vir of teen 'n voorstel,

in die notule aangeteken word.

- (11) In verband met elke aangeleentheid het die Voorsitter of die persoon wat op 'n vergadering as Voorsitter optree, 'n stem en by staking van stemme 'n beslissende stem benewens sy of haar gewone stem.
- (12) Die Voorsitter kan iemand wat nie lid van die Senaat is nie, toelaat om sonder stemreg die vergaderings van die Senaat by te woon, welke persoon nie daarop geregtig is om aan enige besprekings van die Senaat deel te neem nie tensy hy of sy eers die goedkeuring van die vergadering daartoe verkry het.
- (13) Die beslissing van die Voorsitter op 'n punt van orde of prosedure of met betrekking tot die reg van persone wat nie lede van die Senaat is nie om vergaderings van die Senaat by te woon, is bindend, tensy 'n lid onmiddellik daarteen beswaar maak, in welke geval dit sonder bespreking aan die vergadering voorgelê word, wie se beslissing finaal is.
- (14) Elke voorstel of amendement moet gesekondeer word, en indien die Voorsitter dit gelas, word dit op skrif gestel.
- (15) Geen voorstel mag sonder toestemming van die vergadering teruggetrek word nie.
- (16) Sonder skriftelike kennisgewing van minstens tien dae word geen voorstel tot uitvaardiging, wysiging of herroeping van 'n Reël gemaak nie.
- (17) 'n Voorstel in subparagraaf (16) beoog, word volledig in die kennisgewing uiteengesit, en tensy dit met 'n meerderheid van drie kwart van die aanwesige lede aangeneem word, moet dit op die volgende gewone vergadering deur 'n meerderheid van stemme bekragtig word.

Verteenwoordigers in die Raad.

25. (1) Die drie lede van die Raad wat deur die Senaat verkies moet word, beklee die amp vir 'n tydperk van vier jaar.

- (2) Die verkiesing geskied by wyse van geslote stembriefies, en niemand mag verkies word nie tensy hy of sy met sy of haar goedkeuring deur twee lede van die Senaat per brief genomineer is, welke brief die Sekretaris minstens sewe dae voor die datum van die verkiesing moet bereik.
- (3) Minstens een maand voor die datum van die verkiesing in subparagraaf (1) bedoel, gee die Sekretaris of die Voorsitter van die Senaat die lede van die Senaat kennis van die vakature en die datum van die vergadering waarop lede van die Senaat uit eie geledere 'n opvolger in die amp kies: Met dien verstande dat 'n uittredende lid herkiesbaar is.

Verteenwoordigers van die Verteenwoordigende Studenteraad.

26. (1) Die lede van die Senaat wat deur die Verteenwoordigende Studenteraad verkies word, beklee die amp vir dieselfde tydsduur as waarvoor hulle as lede van die Verteenwoordigende Studenteraad verkies word.
- (2) Indien 'n lid van die Senaat wat deur die Verteenwoordigende Studenteraad gekies is, sterf of bedank of sy of haar amp om 'n ander rede as tydsverloop neerlê, stel die Sekretaris die Verteenwoordigende Studenteraad van die vakature in kennis en moet die Verteenwoordigende Studenteraad onverwyld 'n opvolger verkies wat die amp gedurende die onverstreke ampstermyn van sy of haar voorganger beklee.
- (3) Die Verteenwoordigende Studenteraad moet die Sekretaris onverwyld skriftelik in kennis stel van die naam en adres van elke persoon wat as lid van die Senaat verkies word.

INSTITUSIONELE FORUM

Werksaamhede.

27. Die Institusionele Forum moet die Raad oor aangeleenthede rakende die Universiteit adviseer soos deur die Wet op Hoër Onderwys vereis, en moet die ander werksaamhede verrig soos deur die Raad besluit.

Samestelling.

28. (1) Die Institusionele Forum bestaan uit -
- (a) twee verteenwoordigers van die uitvoerende bestuur deur die uitvoerende bestuur aangewys;
 - (b) twee verteenwoordigers van die Raad, deur die Raad aangewys;
 - (c) twee verteenwoordigers van die Senaat, deur die Senaat verkies;
 - (d) twee verteenwoordigers van die akademiese werknemers, wat nie lede van die Senaat is nie, deur die akademiese werknemers verkies;
 - (e) twee verteenwoordigers van die administratiewe werknemers, deur die administratiewe werknemers verkies;
 - (f) twee verteenwoordigers van die dienswerknemers, deur die dienswerknemers verkies;
 - (g) twee verteenwoordigers van die Verteenwoordigende Studenteraad, deur die Verteenwoordigende Studenteraad aangewys;
 - (h) twee verteenwoordigers van die vakbonde wat werknemers van die Universiteit verteenwoordig, deur die vakbonde aangewys; en
 - (i) die bykomende persone soos deur die Institusionele Forum bepaal en deur die Raad goedgekeur.

- (2) Die ampstermyn en die wyse waarop lede van die Institusionele Forum verkies word, word deur die Reëls bepaal.
- (3) Die Institusionele Forum verkies uit sy geledere 'n Voorsitter, 'n Ondervoorsitter en 'n Sekretaris.
- (4) Wanneer beide die Voorsitter en die Ondervoorsitter afwesig is van 'n vergadering van die Institusionele Forum, moet die aanwesige lede 'n persoon uit hulle geledere verkies om by daardie vergadering as Voorsitter op te tree.

ALGEMENE BEPALINGS

Verteenwoordigendheid van Raad, Senaat en Institusionele Forum.

29. By die aanstelling, verkiesing en aanwysing van lede van die Raad, die Senaat en die Institusionele Forum moet die nodige aandag aan verteenwoordigendheid op toepaslike gronde soos ras, geslag en gestremdheid gegee word.

Komitees van Raad, Senaat en Institusionele Forum.

30. (1) Die Raad, die Senaat en die Institusionele Forum kan elk komitees aanstel om enige van hulle werksaamhede te verrig en kan persone as lede van die komitees aanstel, hetsy hulle lede van die Raad, die Senaat of die Institusionele Forum is al dan nie.
- (2) Die Raad, die Senaat en die Institusionele Forum is nie ontdoen van die verantwoordelikheid vir die verrigting van enige werksaamheid wat kragtens hierdie paragraaf aan 'n komitee gedelegeer of toegewys is nie.
- (3) Die Raad en die Senaat kan komitees gesamentlik benoem, wat bekend staan as gesamentlike komitees, om werksaamhede te verrig wat gemeenskaplik aan die Raad en die Senaat is.

- (4) Die samestelling, wyse van verkiesing of aanstelling, werksaamhede, prosedure op vergaderings en ontbinding van 'n komitee en 'n gesamentlike komitee word deur die Reëls bepaal.

VERTEENWOORDIGENDE STUDENTERAAD

Verteenwoordigende Studenteraad.

31. Die instelling en samestelling, wyse van verkiesing, ampstermyn, werksaamhede en voorregte van die Verteenwoordigende Studenteraad word by die Reëls bepaal.

UITVOERENDE BESTUUR

Uitvoerende Bestuur.

32. (1) Daar is 'n uitvoerende bestuur van die Universiteit wat bestaan uit die Rektor, die Viserektore en die ander persone soos deur die Reëls bepaal.
- (2) Die werksaamhede en bevoëghede van die uitvoerende bestuur word deur die Reëls bepaal.”
7. Hoofstuk VIII van die Statuut word hierby gewysig deur paragraaf 61, 62, 63, 64 en 65 met die volgende paragrafe te vervang:

“GRADE, DIPLOMAS EN SERTIFIKATE

Grade, diplomas en sertifikate.

61. Die Universiteit is bevoeg om, behoudens die bepalings van die Statuut en enige ander toepaslike wet, grade van baccalaureus, honneurs-baccalaureus, magister en doktor, asook enige ander grade wat hy dienstig ag, in te stel en toe te ken.

62. Behalwe eregrade mag geen graad toegeken word aan 'n persoon wat nie-
- (a) vir 'n tydperk en onder die voorwaardes deur die Senaat bepaal as student van die Universiteit geregistreer was nie; en
 - (b) die kursusse voltooi en in die eksamens geslaag het soos deur die Senaat bepaal nie.
63. Die Universiteit kan, behoudens die bepalings van hierdie Statuut 'n diploma of sertifikaat instel en uitreik aan enige persoon wat 'n studiekursus gevolg het wat deur die Universiteit aangebied word en wat in 'n eksamen bewys gelewer het dat hy of sy die peil van bekwaamheid wat deur die betrokke fakulteit of fakulteite bepaal word, bereik het.
64. Die Universiteit kan, indien hy dit dienstig ag, die benaming van 'n bestaande graad, diploma of sertifikaat verander.
65. Die gevolge van 'n verandering van benaming in paragraaf 64 beoog, is soos deur die Reëls bepaal.”.
8. Hoofstuk IX van die Statuut word hierby gewysig deur paragraaf 73 met die volgende paragraaf te vervang:

“Aanvaarding van bywoning en sertifikate van bekwaamheid en erkenning van kursusse geslaag aan 'n universiteit of ander inrigting.

73. Die Senaat kan, as deel van die tydperk van bywoning van die klasse deur 'n geregistreerde student van die Universiteit wat vir toelating tot 'n sertifikaat, diploma of graad kwalifiseer, tydperke van bywoning aan 'n ander universiteit of inrigting wat die Senaat spesiaal vir dié doel erken, aanvaar en eksamens waarin aan so 'n universiteit of inrigting geslaag is, of ander eksamens wat die Senaat spesiaal vir

dié doel in enige vak erken, as vrystelling van eksamens van die Universiteit in so 'n vak aanvaar op die voorwaardes soos in die Reëls uiteengesit.”.

9. Hoofstuk XII van die Statuut word hierby gewysig deur die Hoofstuk met die volgende Hoofstuk te vervang:

“HOOFSTUK XII

STUDENTE TUG

Wangedrag.

82. (1) Wangedrag in hierdie Hoofstuk sluit in enige optrede wat die goeie naam, orde, regte, dissipline of die behoorlike voortsetting van die werksaamhede van die Universiteit of van enige afdeling van die Universiteit insluitende enige van sy fakulteite, skole, departemente, afdelings, ampsdraers, personeellede, studente of ondersteuners aantas of kan aantas.

(2) Ernstige wangedrag sluit in wangedrag ten aansien van lesings, toetse, eksamens, werkstukke of enige ander akademiese aangeleenthede en optrede van 'n student wat ook kriminele gedrag uitmaak waardeur 'n ander persoon of groep persone op enige wyse onbillik geteister of verneder of vyandig of gewelddadig behandel word.

Aanmelding, ondersoek en summiere hantering van wangedrag.

82A. (1) Alle klagtes van wangedrag word deur 'n klaer aanhangig gemaak by 'n persoon wat as Tugbeampste deur die Rektor aangewys word.

(2) Die Tugbeampste kan ander persone of instansies aanwys waar klagtes aanhangig gemaak moet word, waarna hy of sy

'n persoon of persone aanstel om die klagte te ondersoek en daaroor verslag te doen.

(3) Na ontvangs van die verslag kan die Tugbeampte -

- (a) besluit dat die saak nie verder gevoer moet word nie; of
- (b) die tugliggaam of tugpersoon aandui wat die saak moet verhoor; of
- (c) die saak na die betrokke fakulteit verwys vir die oorweging van 'n aansoek om stuiting van die student in 'n bepaalde studierigting.

(4) Die Tugbeampte kan 'n student teen wie 'n klagte ondersoek word vir 'n tydperk verbied om enige perseel van die Universiteit of enige deel daarvan te betree, of om enige reg of voorreg wat 'n geregistreerde student mag hê, uit te oefen: Met dien verstande dat sodanige verbod slegs in werking tree nadat die student die geleentheid gehad het om redes aan te voer waarom die verbod nie in werking moet tree nie, en die redes oorweeg en nie aanvaar is nie.

(5) Die tydelike verbod in subparagraaf (4) bedoel, kan strek tot op die tydstip wanneer die aangeklaagde deur die aangestelde tugliggaam of tugpersoon onskuldig bevind is of die appèl van die aangeklaagde teen 'n skuldigbevinding of vonnis afgehandel is.

(6) Die Tugbeampte kan in oorleg met die Uitvoerende Bestuur afkoopboetes vasstel vir bepaalde kategorieë van wangedrag en hy of sy kan bepaalde kategorieë van wangedrag vasstel wat deur bepaalde tugliggame of tugpersone verhoor kan word.

Tugliggame of tugpersone en strafbevoegdheid.

82B. (1) Die volgende tugliggame of tugpersone kan klagtes van wangedrag bereg en die strawwe soos aangedui op lê:

- (a) Huiskomitees kan -

- (i) minder ernstige klagtes van wangedrag op koshuisvlak bereg; en
- (ii) as straf berispings, waarskuwings, gemeenskapsdiens binne koshuisverband of boetes oplê wat nie 5 % van die jaarlikse koshuislosiesgeld oorskry nie.

(b) Koshuishoofde kan—

- (i) appèlle teen beslissings van die Huiskomitees asook klagtes van ernstiger wangedrag op koshuisvlak bereg; en
- (ii) benewens die strawwe wat Huiskomitees kan oplê, ook 'n student uit die koshuis sit of so 'n uitsetting op gepaste voorwaardes opskort.

(c) die Studentetugkomitee wat uit senior regstudente bestaan wat jaarliks deur die Dekaan van die Fakulteit Regsgeleerdheid in oorleg met die Tugbeampte aangestel word —

- (i) bereg klagtes wat deur Huiskomitees, Koshuishoofde, of die Tugbeampte verwys word; en
- (ii) kan studente berispe of waarsku of boetes oplê wat nie 7½ % van die jaarlikse koshuislosiesgeld oorskry nie, of gemeenskapsdiens in kampusverband.

(d) die Direkteur vir Studentesake -

- (i) bereg appèlle teen beslissings deur Koshuishoofde of die Studentetugkomitee asook klagtes wat deur die Tugbeampte na hom of haar verwys word;
- (ii) kan benewens die strawwe wat Koshuishoofde kan oplê, studente beboet tot 'n maksimum boete wat nie 10 % van die jaarlikse

koshuislosiesgeld te bowe gaan nie, of tot gemeenskapsdiens in kampusverband;

- (iii) kan 'n student se ouers of voogde voor, tydens of na afloop van die verhoor oor die aangeleentheid inlig, en kan die student vir sielkundige, pastorale of ander diagnose, terapie of hulp na deskundiges verwys.

(e) 'n Viserektor –

- (i) is die finale instansie vir appèlle teen beslissings deur die Direkteur vir Studentesake; en
- (ii) bereg ook enige klagte van wangedrag, met die instemming van en skulderkenning deur die student, op 'n summiere basis en lê strawwe op wat binne die bevoegdheid van die Verhoorkomitee val.

(f) die Verhoorkomitee –

- (i) word deur die Rektor aangewys; en
- (ii) bestaan uit minstens drie lede en hulle sekundi van wie minstens een 'n regsgeleerde moet wees wat as Voorsitter optree;
- (iii) die Rektor kan 'n Tugbeampte of 'n regsgeleerde aanstel om getuienis by die verhoor voor te lê en om in enige ander opsig behulpzaam te wees;
- (iv) 'n student wat voor die Verhoorkomitee moet verskyn, ontvang minstens vyf werksdae voor die verhoor skriftelik kennis van die verhoor;
- (v) die klag wat die student ten laste gelê word asook die student se reg om by die verhoor deur 'n regsgeleerde of sy ouer of voog bygestaan te word, moet in die kennisgewing gemeld word;

(vi) versuim van 'n aangeklaagde om persoonlik by 'n verhoor aanwesig te wees of te bly, maak die verrigtinge nie ongeldig nie;

(vii) die Verhoorkomitee bereg alle appëlle teen beslissings deur 'n Viserektor asook klagtes deur die Tugbeampte verwys en kan een of meer van die volgende strawwe oplê:

(aa) 'n ernstige waarskuwing of vermaning;

(bb) ontneming van die betrokke student van bepaalde voorregte as student;

(cc) weiering van hertoelating tot die Universiteit vir 'n tydperk lank of permanent;

(dd) oplegging van 'n geldboete wat nie die jaarlikse koshuislosiesgeld te bowe mag gaan nie;

(ee) weiering van toelating tot enige eksamen of toetsgeleentheid met of sonder die verbeuring van enige punte wat reeds opgebou is en met of sonder die kansellering van enige vak of kursus;

(ff) weiering van toegang tot al of sommige van die Universiteit se geboue, terreine of dienste of om slegs op bepaalde voorwaardes toegelaat te word;

(gg) skorsing vir 'n tyd lank uit die Universiteit; of

(hh) uitsetting uit die Universiteit;

(g) enige straf opgelê, kan deur enige van die tugliggame of tugpersone op gepaste voorwaardes opgeskort word, en kan bekend gemaak word aan alle of bepaalde ander hoëronderrysinstellings, toepaslike

beroeps- of professionele liggame en deur die kampusmedia;

- (h) indien 'n student se wangedrag skade veroorsaak het, kan hy of sy bo en behalwe die opgelegde straf gelas word om die skade te betaal;
- (i) alle verrigtinge voor enige tugliggaam of tugpersoon moet voldoen aan die vereistes van natuurlike geregtigheid; en
- (j) indien 'n student van regsverteenvoording gebruik wil maak, word die saak direk na die Verhoorkomitee verwys.

(2) 'n Student wat wil appelleer-

- (a) na 'n Koshuishoof teen 'n beslissing van 'n Huiskomitee;
- (b) na die Direkteur vir Studentesake teen 'n beslissing van 'n Koshuishoof;
- (c) na die Direkteur vir Studentesake teen 'n beslissing van die Studentetugkomitee;
- (d) na 'n Viserektor teen 'n beslissing van die Direkteur vir Studentesake; of
- (e) na die Verhoorkomitee teen 'n beslissing van 'n Viserektor, anders as 'n beslissing van 'n appèl, moet dit by wyse van skriftelike kennisgewing aan die toepaslike tugliggaam of tugpersoon doen binne vyf dae na die oplegging van die straf.

Die Appèlkomitee.

- 82C. (1) Die Appèlkomitee word deur die Rektor saamgestel en bestaan uit 'n lid van die Rektooraat, een lid van die Raad en die Dekaan van die Regsfakulteit, wat as Voorsitter optree, of hulle sekundi: Met dien verstande dat indien enige van die

lede betrokke was by die beslissing van die Verhoorkomitee waarteen appèl aangeteken word, sy of haar sekundus hom of haar by die appèl moet verteenwoordig.

(2) Die Appèlkomitee bereg appèlle teen beslissings van die Verhoorkomitee slegs nadat die appellant binne vyf werksdae na die beslissing aan die Rektor skriftelik kennis gegee het van sy of haar voorneme om te appelleer en in die kennisgewing sy of haar gronde vir appèl volledig uiteensit.

(3) Die Appèlkomitee beslis die appèl slegs volgens dokumente, maar kan betoog daaroor deur die appellant of sy of haar ouer of voog of regsverteenwoordiger aanhoor.

(4) Die Rektor kan die Tugbeampte of 'n regsgeleerde aanstel om 'n betoog namens die Verhoorkomitee voor te lê en om in enige ander opsig behulpzaam te wees.

(5) 'n Student wie se appèl deur die Appèlkomitee aangehoor word, ontvang minstens vyf werksdae voor die sitting skriftelik kennis van die sitting.

(6) Die feit dat die appèl slegs op dokumente en betoog beslis kan word en van die student se reg om by die sitting deur 'n regsgeleerde of sy ouer of voog bygestaan te word, moet in die kennisgewing in subparagraaf (5) beoog, gemeld word.

(7) Versuim van 'n appellant om persoonlik by 'n sitting aanwesig te wees of te bly, maak die verrigtinge nie ongeldig nie.

(8) Na oorweging van die appèl kan die Appèlkomitee die appèl geheel of gedeeltelik toestaan en die beslissing van die Verhoorkomitee ter syde stel of wysig, of die appèl van die hand wys en die beslissing bekragtig.

(9) Die beslissing van die Appèlkomitee is finaal en geen redes hoef verskaf te word nie.

Voortgesette aanspreeklikheid vir volle gelde.

82D. Waar 'n student as gevolg van wangedrag sy of haar regte of voorregte tydelik of permanent, geheel of gedeeltelik ontnem word, of sy of haar studies onderbreek of beëindig word, of sy of haar koshuisinwoning beëindig word, verbeur die student alle aanspraak op die terugbetaling, vermindering of kwytskelding van gelde wat aan die Universiteit betaal is of betaalbaar is.”.

Oorgangsbepaling.

10. Die Raad verrig sy aktiwiteite en word saamgestel ingevolge hierdie Statuut vanaf die datum van publikasie van hierdie Statuut: Met dien verstande dat lede van die Raad wat op die datum van publikasie dien, hulle ampte behou totdat hulle ampstermyne verstryk.

No. 1937

17 August 1999

**UNIVERSITY OF THE ORANGE FREE STATE
AMENDMENT OF STATUTE**

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

SCHEDULE

1. In this Schedule the expression "the Statute" means the Statute published under Government Notice R.429 of 22 March 1963, as amended by Government Notices R.1418 of 13 September 1963, R.634 of 23 April 1971, R.1525 of 25 August 1972, R.521 of 5 April 1973, R.348 of 8 March 1974, R.512 of 1 April 1977, R.2231 of 10 November 1978, R.296 of 23 February 1979, R.283 of 15 February 1980, R.2405 of 28 November 1980, R.1253 of 19 June 1981, R.2836 of 31 December 1981, R.175 of 28 January 1983, R.567 of 15 March 1985, R.2592 of 15 November 1985, R.316 of 21 February 1986, R.2661 of 8 December 1989, R.1967 of 16 August 1991, R.2127 of 12 November 1993 and R.333 of 3 March 1995.

2. Chapter I of the Statute is hereby amended by the insertion (in the correct alphabetical order) in paragraph 1 of the following definitions:

"executive management" shall mean the executive management of the University contemplated in paragraph 32;

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

"Rector" shall include the Vice-Chancellor;

"Rules" shall mean the institutional rules of the University made by the Council in terms of section 32 of the Higher Education Act;

"University" shall mean the University of the Orange Free State."

3. The following Chapter is hereby substituted for Chapter II of the Statute:

"CHAPTER II

NATURE AND BASIS OF UNIVERSITY

2. The University -

- (a) acknowledges the sovereign authority and guidance of God;
- (b) recognises its multicultural composition;
- (c) respects the right of every person not to be discriminated against on any grounds mentioned in section 9 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (d) acknowledges the right of everyone to use Afrikaans and English by free choice;
- (e) offers tuition in Afrikaans and English on a parallel-medium basis and allows for the need to promote Sesotho as a language of science to the extent that it is reasonably practicable; and
- (f) is committed to excellence."

4. Chapter III of the Statute is hereby amended by -

- (a) the substitution for the heading "CHANCELLOR, VICE-CHANCELLOR, RECTOR, VICE-RECTOR" of the following heading "CHANCELLOR, VICE-CHANCELLOR AND RECTOR, AND VICE-RECTOR";
- (b) the deletion of paragraph 6;
- (c) the deletion of paragraph 7; and
- (d) the substitution for paragraph 8 of the following paragraph:

"VICE-CHANCELLOR AND RECTOR

Functions, term of office and manner of election.

8. (1) The Rector shall *ex officio* be a member of the Council, the Senate and all the committees of the Council and of the Senate.
- (2) The Rector shall be the chief executive and accounting officer of the University and shall exercise supervision and control over the University and University residences.
- (3) The Rector may delegate his or her functions to any employee or structure of the University.
- (4) Subject to section 31(1)(a)(iii) of the Higher Education Act, the Rector shall be elected by the Council.
- (5) When appointing the Rector the following shall apply:
 - (a) The term of office of the Rector and the conditions of his or her appointment shall be determined in consultation with the person elected to that office by the Council: Provided that the term of office shall, subject to the provisions of subparagraph (b) in no instance extend beyond the 31st day of December of the year in which he or she reaches the age of 65 years.
 - (b) A contract appointment may, in exceptional circumstances, take place after the age of 65 years.
- (6) Negotiations are to be entered into with the present incumbent of the office concerning his or her reappointment.
- (7) Subject to section 31(1)(a)(iii) of the Higher Education Act the Rector shall be elected by the Council, after consultation with the Senate, at a meeting called

especially for that purpose, and by an absolute majority of the total number of members of the Council actually holding office on the date of the election.";

- (e) the substitution for paragraph 11 of the following paragraph:

"Term of office.

11. (1) Subject to section 31(1)(a)(iii) of the Higher Education Act the Vice-Rectors shall be elected by the Council after consultation with the Senate.
- (2) The provisions of paragraph 8(4) to (6) shall apply with the necessary changes to the appointment of a Vice-Rector."

5. The following Chapter is hereby substituted for Chapter IV of the Statute:

"CHAPTER IV

COUNCIL

Composition.

12. (1) Subject to the provisions of the University of the Orange Free State (Private) Act, 1949 (Act No. 21 of 1949), this Statute and the Higher Education Act, the University is governed by the Council.
- (2) The Council consists of -
- (a) the Rector;
 - (b) the Vice-Rectors;
 - (c) a Registrar of the University;
 - (d) two persons appointed by the Minister;
 - (e) two persons appointed by the Premier of the Free State Province, of whom at least one must have special knowledge of health care or health administration;
 - (f) three members of the Senate elected by the Senate, of whom at least one must represent the human

sciences faculties and one the natural sciences faculties;

(g) two persons from the religious community of whom one is designated by the curatoria of the faculty of theology and one is elected by a panel of leaders of the religious groupings represented on campus, which panel is appointed by the Rector;

(h) two Alumni elected by the Alumni;

(i) two members of the Convocation elected by the Convocation;

(j) three persons designated by the Donors of the University;

(k) two academic employees who are not members of the Senate, elected by the academic employees;

(l) one administrative employee elected by the administrative employees;

(m) one service employee elected by the service employees;

(n) two students designated by the Students' Representative Council;

(o) two persons appointed by the Free State Local Government Association; and

(p) not more than eight persons, appointed by the Council, including -

(i) one person on account of his or her expertise in financial matters;

(ii) one person on account of his or her expertise in legal matters; and

(iii) one person on account of his or her expertise in matters of planning.

- (3) No permanent employee and no full-time student of the University may hold an appointment under subparagraph (2)(d), (e), (g), (h), (i), (j), (o) or (p).
- (4) At least sixty per cent of the members of the Council must be persons who are neither permanent employees nor registered full-time students of the University.
- (5) Persons who stand to be nominated, elected or designated to the Council -
 - (a) may not be unrehabilitated insolvents;
 - (b) may not be persons declared to be mentally ill by a court of law; and
 - (c) may not be persons who have been convicted of an offence and sentenced to more than 12 months' imprisonment without the option of a fine: Provided that a disqualification under this subparagraph ends five years after the sentence has been completed.
- (6) Members of the Council are appointed, elected or designated in accordance with paragraph 14.
- (7) If a member vacates his or her office, the resultant vacancy must be filled by appointment, election or designation in accordance with paragraphs 12(2) and 14.
- (8) Meetings of the Council are held at the times and places determined by the Council.
- (9) The procedure and quorum at meetings of the Council are as determined by paragraph 18.
- (10) Whenever both the Chairperson and Vice-Chairperson are absent from a meeting of the Council, the members present must elect a person from among themselves to preside at that meeting.

Term of office.

13. (1) (a) Subject to contrary provisions of this Statute, a member of the Council shall hold office for a period of four years.

(b) The Chairperson, the Vice-Chairperson and the Secretary shall each hold his or her office for a period of three years or for such shorter period that he or she is a member of the Council.

(2) The Rector and the Vice-Rector shall remain members of the Council for as long as they hold the offices of Rector and Vice-Rector, respectively.

(3) A representative of the Senate shall resign as soon as he or she ceases to be a member of the Senate.

(4) The representatives of the Students' Representative Council remain members of the Council until the next Student's Representative Council elections.

(5) (a) The term of office of a member of the Council is calculated from the date on which the member or person whom he or she succeeds vacates his or her office.

(b) The term of office of the Rector and a Vice-Rector commences on the date that such member begins to hold the relevant office.

(6) The term of office of a member of the Council ends at the latest on the last day of December of the year in which he or she reaches the age of 70.

(7) A member of the Council other than the Rector and the Vice-Rectors must vacate his or her office if he or she -

(a) is absent without leave from two consecutive ordinary meetings of the Council;

(b) is declared insolvent by a court of law;

- (c) is convicted of an offence and sentenced to imprisonment without the option of a fine; or
 - (d) is declared by a court of law to be mentally ill.
- (8) A member of the Council with the exception of a member contemplated in paragraph 12(2)(a), (b), (c), (f), (h), (i), (j), (k), (l) and (m), vacates his or her office as soon as he or she becomes a permanent employee or a registered full-time student of the University.

Election method.

14. Except as provided in paragraph 15(2), the Secretary gives at least three months' written notice before the term of office of a member expires, to the person or body that appointed, elected or designated such member, and thereafter that person or body appoints, elects or designates a successor to fill the vacancy.

Vacancies.

15. (1) If a member dies, resigns, or vacates office for any reason other than effluxion of time, the Secretary shall notify the person or body that appointed such member of the vacancy, and the said person or body shall forthwith appoint a successor who shall hold office during the unexpired term of office of his or her predecessor.
- (2) Should it become necessary for the Convocation or the Alumni or the Donors to nominate a member of the Council, the Secretary to the Council invites, by way of a notice in such media as determined by the Council, each member of the Convocation or the Alumni or the Donors to nominate, in writing, three months before the term of office of the member expires, at most as many persons as there are vacancies for election as members of the Council.

- (3) Two months before the term of office of the member expires, the nominations are submitted to the representative structures of the Convocation or the Alumni or the Donors, as determined by the Council, who vote on the nominated candidates and furnish the ballot totals to the Secretary.
- (4) The person who receives most votes is elected to the Council for the next term.

Vacancies not to affect powers.

16. (1) A vacancy in the office of the Chancellor, the Vice-Chancellor and Rector, the Vice-Rector or in the number of members of the Council, the Senate or the Institutional Forum, does not impair or affect the corporate existence of the University or any powers, rights or privileges conferred by this Statute or the Higher Education Act upon the University, the Council, the Senate or the Institutional Forum.
- (2) Notwithstanding the provisions of subparagraph (1), no resolution of the Council, the Senate or the Institutional Forum is valid unless passed at a meeting at which a quorum is present and all the other applicable provisions of this Statute have been complied with.

Election of Chairperson, Vice-Chairperson and Secretary.

17. (1) The Council shall elect from among its members a Chairperson, a Vice-Chairperson and a Secretary.
- (2) Whenever a vacancy is about to occur in the office of the Chairperson or of the Vice-Chairperson by effluxion of time, the Secretary shall give notice thereof in writing to all members of the Council at least twenty-one days before the last ordinary meeting of the Council held before the expiration of such term of office, and the Council shall, at

that ordinary meeting, elect a successor whose term of office shall date from the first day of June: Provided that the retiring Chairperson or the Vice-Chairperson shall be eligible for re-election for a maximum period of nine years.

(3) If a vacancy occurs in the office of the Chairperson or of the Vice-Chairperson for any reason other than effluxion of time, the Secretary shall give notice thereof in writing to the members of the Council, and the Council shall, at its first ordinary meeting, which shall be held at least twenty-one days after such notification, elect some other member as the Chairperson or the Vice-Chairperson, as the case may be, who shall hold office for the unexpired term of office of his or her predecessor.

Meetings.

18. (1) One-third of the members of the Council shall form a quorum.

(2) At least five days prior to the date of an ordinary meeting, the Secretary shall give notice in writing to all members of the Council at the address given to the Secretary in writing for the purpose of such notification, which notice shall set forth the matters to be dealt with.

(3) Notices of matters for consideration at an ordinary meeting shall be lodged in writing with the Secretary at least nine days before the date of the meeting: Provided that a member may raise matters of an urgent nature at the meeting without previous notice if he or she procures the consent of two-thirds of the members of the Council present.

(4) A special meeting may be called by the Chairperson whenever he or she deems it necessary, and shall be called by him or her when requested to do so in writing by any five

members, the object of the meeting being stated clearly in the request.

- (5) No matters other than that for which a special meeting was called shall be transacted at such meeting, except with the consent of the meeting granted on an unopposed motion.
- (6) The minutes of an ordinary or a special meeting shall be read at the next succeeding ordinary meeting and, after approval, shall be confirmed by the signature of the Chairperson: Provided that the meeting may consider the minutes as read if a copy thereof was previously forwarded to every member.
- (7) All matters shall be decided by a majority of votes of the members present and voting, except in electing the Chancellor and the Rector, where the decision must be taken by an absolute majority of the number of members that actually hold office on the date of the election.
- (8) On every matter the Chairperson or the person presiding at the meeting shall have a vote, and in the case of an equality of votes, he or she shall have a casting vote in addition to his or her ordinary vote.
- (9) The Chairperson may allow a person who is not a member of the Council to attend meetings of the Council without the right to vote, which person shall not be entitled to participate in any discussion of the Council unless he or she has obtained the prior permission of the meeting to do so.
- (10) If the meeting should so decide, voting shall take place by ballot.
- (11) Upon the request of any member, the Chairperson shall direct that -
 - (a) a vote of such member; or
 - (b) the number of votes in favour of or against any motion,

be recorded in the minutes.

- (12) No member of the Council shall take part in the discussion on or shall vote upon any matter in which he or she has a direct pecuniary interest, unless he or she first discloses the nature and extent of his or her interest and obtains the consent of the meeting for his or her taking part in the discussion and voting.
- (13) The ruling of the Chairperson on any question of order or procedure shall be binding, unless immediately challenged by a member in which case it shall be submitted without discussion to the meeting, whose decision shall be final.
- (14) Every motion or amendment shall require to be seconded, and if so directed by the Chairperson, shall be in writing.
- (15) No motion may be withdrawn without the permission of the meeting.
- (16) No motion to make, amend, or rescind a Statute shall be submitted, unless fourteen days prior notice in writing has been lodged.
- (17) The motion contemplated in subparagraph (16) shall be stated in detail in the notice and unless it is carried by a three-fourths majority of the members present, it shall require to be confirmed at the next succeeding ordinary meeting by a majority of votes.

Functions.

- 19. (1) In addition to the powers as determined in the Higher Education Act, or any other applicable law, the Council has in general a policy-making and monitoring responsibility including laying down guidelines in respect of -
 - (a) strategic management;
 - (b) financial management, including the stipulation of tuition fees;

- (c) personnel matters;
- (d) creating a positive academic climate;
- (e) disciplinary matters concerning employees and students; and
- (f) admission of students.

(2) The Council must appoint the persons deemed necessary by the Council to manage and operate the University effectively: Provided that teaching and research staff shall be appointed only on the recommendation of the Senate or a Committee of the Senate.

(3) The Council shall keep detailed records of its activities as well as all assets, liabilities, income, expenditure and other financial transactions as required by Section 41(1) of the Higher Education Act, and shall report to the Minister of Education as contemplated in Section 41(2) and 41(3) of that Act.

(4) After consultation with the Students' Representative Council, the Council shall provide a suitable structure to advise the Council on providing student services at the University as further provided for in the Rules.

(5) The Council is empowered -

- (a) on the recommendation of the Senate to establish or dissolve or restructure departments, centres, schools, faculties or institutes and other academic functional units; and
- (b) to suspend or dismiss any member of the staff in compliance with applicable labour laws.

Executive committee.

20. (1) The Council shall appoint an executive committee.

- (2) The composition, election method, functions and procedure at meetings of the executive committee are determined in the Rules."

6. The following Chapter is hereby substituted for Chapter V of the Statute:

"CHAPTER V

SENATE

Functions.

21. (1) The Senate organises and controls the instruction, research and community service of the University and is also responsible for discipline in the various academic departments, as set out in the Rules.
- (2) The Senate performs any other function delegated or assigned to it by the Council and is accountable to the Council.
- (3) In addition to the powers defined in the Higher Education Act, the Senate is empowered –
- (a) to determine, subject to the approval of the Council, the degrees, diplomas, and certificates offered and the conditions for obtaining degrees, diplomas or certificates, and to decide what persons have satisfied the said conditions;
 - (b) to superintend and control all examinations conducted by the University in accordance with such Rules as may be recommended from time to time by the Senate for that purpose and approved and made by the Council;
 - (c) to decide on examiners for University examinations;
 - (d) to make recommendations to the Council as to the establishing and dissolving of departments, centres, institutes, schools, faculties and other academic functional units;

- (e) to make recommendations to the Council as to which academic and other staff should be members of each of the several faculties of the University, and to recommend to the Council, on the advice of the faculty concerned, the appointment of a dean of each faculty;
- (f) to recommend to the Council Rules, to be made in accordance with the respective deeds of gift, concerning the conditions for the award and tenure of a scholarship or prize at the disposal of the University, and to decide as to the persons to whom such scholarships and prizes shall be awarded from time to time;
- (g) to superintend and control the work of research officers controlled by the Council; and
- (h) to adopt such measures as may be necessary for the proper discharge of its powers and execution of its duties.

Composition.

22. (1) The senate consists of -

- (a) the Rector;
- (b) the Vice-Rectors;
- (c) the Registrars;
- (d) two members of the Council elected by the Council;
- (e) the deans of faculties of the University;
- (f) academic employees;
- (g) administrative employees;
- (h) two members of the Students' Representative Council elected by the Students' Representative Council; and
- (i) such other persons as the Senate may determine with the approval of the Council.

- (2) The membership requirements of persons elected or designated in terms of subparagraph (1)(f), (g) and (i) are determined by the Rules.
- (3) The majority of the members of the Senate must be academic employees of the University.
- (4) The term of office of members, the disqualification of members and the filling of vacancies of the Senate are as determined by the Rules.
- (5) Meetings of the Senate are held at the times and places determined by the Senate.

Chairperson, Vice-Chairperson and Secretary.

23. (1) The Senate elects a Chairperson, a Vice-Chairperson and a Secretary from among its members at an ordinary meeting with a majority of votes and for a term of four years.
- (2) Whenever both the Chairperson and the Vice-Chairperson are absent from a meeting of the Senate, the members present must elect a person from among their number to preside at that meeting.

Meetings.

24. (1) One-third of the total membership of the Senate shall form a quorum.
- (2) As far as possible, a written notice shall be issued by the Secretary to each member of the Senate three days before the date of an ordinary meeting, setting forth the matters to be dealt with.
- (3) Notices of matters for consideration at an ordinary meeting shall be lodged in writing with the Secretary at least seven days before the date of the meeting: Provided that a member may raise matters of an urgent nature at the

meeting without prior notice if he or she procures the consent of two-thirds of the members of the Senate present.

- (4) The times and venue of its ordinary meetings shall be determined by the Senate: Provided that at least one ordinary meeting shall be held in each semester, and that, as far as possible, such meetings shall be held at the University.
- (5) The Chairperson shall call a special meeting whenever he or she may deem it necessary, or at the request in writing of at least one-fifth of the members of the Senate, the object of the meeting being stated clearly in the request.
- (6) No matters other than that for which the special meeting contemplated in subparagraph (5) was called shall be transacted at such meeting, except with the consent of the meeting granted on an unopposed motion.
- (7) The minutes of an ordinary or a special meeting shall be read at the next succeeding ordinary meeting, and, after approval, shall be confirmed by the signature of the Chairperson: Provided that the meeting may consider the minutes as read if a copy thereof was previously forwarded to every member.
- (8) All matters shall be decided by a majority of votes of the members present and voting except where the Rules provide otherwise.
- (9) If one or more members should so request, voting shall take place by ballot.
- (10) Upon the request of any member, the Chairperson shall direct that –
 - (a) the vote of such member; or
 - (b) the number of votes in favour of or against any motion,shall be recorded in the minutes.

- (11) On every matter the Chairperson, or the person presiding at the meeting, shall have a vote, and in the case of an equality of votes, he or she shall have a casting vote in addition to his or her ordinary vote.
- (12) The Chairperson may allow a person who is not a member of the Senate to attend meetings of the Senate without the right to vote, which person shall not be entitled to participate in any discussion of the Senate unless he or she has obtained prior permission from the meeting to do so.
- (13) The ruling of the Chairperson on any question of order or procedure or with regard to the right of persons other than members of the Senate to attend meetings of the Senate shall be binding, unless immediately challenged by a member, in which case it shall be submitted without discussion to the meeting, whose decision shall be final.
- (14) Every motion or amendment shall require to be seconded, and if so directed by the Chairperson shall be in writing.
- (15) No motion may be withdrawn without the permission of the meeting.
- (16) No motion to make, amend, or rescind any Rule shall be proposed, unless ten days' prior notice in writing has been lodged.
- (17) A motion contemplated in subparagraph (16) shall be stated in detail in the notice and, unless it is carried by a three-fourths majority of the members present, it shall require to be confirmed at the next succeeding ordinary meeting by a majority of the votes.

Representatives on Council.

25. (1) The three members of the Council to be elected by the Senate shall hold office for a period of four years.

- (2) The election shall take place by secret ballot, and no person may be elected unless he or she has been nominated for the office, with his or her consent, by two members of the Senate by letter, which letter shall reach the secretary at least seven days before the date of the election.
- (3) At least one month before the date of the meeting referred to in subparagraph (1), the Secretary, or the Chairperson of the Senate, shall give notice of the vacancy and the date of the meeting to the members of the Senate who shall elect from amongst their numbers a successor in office: Provided that a retiring member may be re-elected.

Representatives of Students' Representative Council.

26. (1) The members of the Senate who are elected by the Students' Representative Council shall hold office for the same duration of time for which they were elected as members of the Students' Representative Council.
- (2) If a member of the Senate who was elected by the Students' Representative Council dies or resigns or relinquishes his or her office for any reason other than effluxion of time, the Secretary shall notify the Students' Representative Council of the vacancy, and the Students' Representative Council shall forthwith elect a successor, who shall hold the office during the unexpired term of office of his or her predecessor.
- (3) The Students' Representative Council shall forthwith notify the Secretary in writing of the name and address of each person who is elected as a member of the Senate.

THE INSTITUTIONAL FORUM

Functions.

27. The Institutional Forum must advise the Council on issues affecting the University as required by the Higher Education Act, and must perform such other functions as decided by the Council.

Composition.

28. (1) The Institutional Forum consists of –
- (a) two representatives of the executive management, designated by the executive management;
 - (b) two representatives of the Council designated by the Council;
 - (c) two representatives of the Senate, elected by the Senate;
 - (d) two representatives of the academic employees, other than Senate members, elected by the academic employees;
 - (e) two representatives of the administrative employees, elected by the administrative employees;
 - (f) two representatives of the service employees, elected by the service employees;
 - (g) two representatives of the Students' Representative Council, designated by the Students' Representative Council;
 - (h) two representatives of the recognised trade unions representing employees of the University, designated by the trade unions; and
 - (i) such additional persons as may be determined by the Institutional Forum and approved by the Council.
- (2) The term of office and the manner in which members of the Institutional Forum are elected are as determined by the Rules.
- (3) The Institutional Forum elects from among its members a Chairperson, a Vice-Chairperson and a Secretary.
- (4) Whenever both the Chairperson and the Vice-Chairperson are absent from a meeting of the Institutional Forum, the

members present must elect a person from among themselves to preside at that meeting.

GENERAL PROVISIONS

Representivity of Council, Senate and Institutional Forum.

29. In the appointment, election and designation of members of the Council, the Senate and the Institutional Forum, due attention must be given to representivity on such relevant grounds as gender, race and disability.

Committees of Council, Senate and Institutional Forum.

30. (1) The Council, the Senate and the Institutional Forum may each establish committees to perform any of their functions and may appoint persons, whether or not they are members of the Council or the Senate or the Institutional Forum, as members of such committees.
- (2) The Council, the Senate and the Institutional Forum are not divested of responsibility for the performance of any function delegated or assigned to a committee under this paragraph.
- (3) The Council and the Senate may jointly nominate committees, to be known as joint committees, to perform functions that are common to the Council and the Senate.
- (4) The composition, manner of election or appointment, functions, procedure at meetings and dissolution of a committee and a joint committee are determined by the Rules.

THE STUDENTS' REPRESENTATIVE COUNCIL

Students' Representative Council.

31. The establishment and composition, manner of election, term of office, functions and privileges of the Students' Representative Council are determined by the Rules.

EXECUTIVE MANAGEMENT

Executive management.

32. (1) The University has an executive management which consists of the Rector, the Vice-Rectors and such other persons as determined by the Rules.
- (2) The functions and powers of the executive management are as determined by the Rules."

7. Chapter VIII of the Statute is hereby amended by the substitution for paragraphs 61, 62, 63, 64 and 65 of the following paragraphs:

"DEGREES, DIPLOMAS AND CERTIFICATES

Degrees, diplomas and certificates.

61. The University has the power, subject to the provisions of the Statute and any other applicable law, to introduce and confer degrees of bachelor, honours bachelor, master and doctor and any other degrees it may deem expedient.
62. Except for honorary degrees, no degree may be conferred upon any person who has not –
- (a) been registered as a student of the University for the period and under the conditions determined by the Senate; and
 - (b) completed the courses and passed the examinations determined by the Senate.

63. The University may, subject to the provisions of this Statute, introduce and award a diploma or a certificate to any person who has pursued a course of study offered by the University, and who has proved in an examination that he or she has attained the standard of proficiency as determined by the faculty or faculties concerned.
 64. The University may, if it deems it expedient, alter the designation of an existing degree, diploma or certificate.
 65. The consequences of an alteration of designation envisaged in paragraph 64 are as determined in the Rules."
8. Chapter IX of the Statute is hereby amended by the substitution for paragraph 73 of the following paragraph:

"Acceptance of attendance and certificates of competence and recognition of subjects passed at a university or other institution.

73. The Senate may accept as part of the attendance of classes by a registered student of the University qualifying for admission to a certificate, diploma or degree, periods of attendance at another university or institution specially recognised by the Senate for the purpose, and may accept examinations passed at such university or institution or other examinations, specially recognised by the Senate for the purpose in any subjects as exemption from examinations of the University in such subject on the grounds stipulated in the Rules."
9. Chapter XII of the Statute is hereby amended by the substitution for the Chapter of the following Chapter:

"CHAPTER XII

STUDENT DISCIPLINE

Misconduct.

82. (1) Misconduct in this Chapter includes any action that impairs or may impair the good name, order, rights, discipline or the proper continuation of the activities of the University or any section of the University including any of its faculties, schools, departments, divisions, office-bearers, staff members, students or supporters.
- (2) Serious misconduct includes misconduct in respect of lectures, tests, examinations, assignments or any other academic matters, and behaviour by a student that also constitutes criminal conduct or by which another person or group of persons is unjustly harassed or humiliated or treated antagonistically or violently in any way.

Reporting, investigating and summary dealing with misconduct.

- 82A. (1) All complaints of misconduct are reported by a complainant to a person designated by the Rector as Disciplinary Officer.
- (2) The Disciplinary Officer may designate other persons or authorities with whom complaints may be lodged, whereafter he or she appoints a person or persons to investigate the matter and report on it.
- (3) After receipt of the report the Disciplinary Officer may -
- (a) decide that the matter should not be taken further; or
 - (b) indicate the disciplinary body or disciplinary person who should hear the case; or
 - (c) refer the matter to the faculty concerned for consideration of an application to check the student in a particular field of study.
- (4) The Disciplinary Officer may for a period prohibit a student against whom a complaint is being investigated to enter any premises of the University or any part thereof, or to exercise

any right or privilege that a registered student may have: Provided that such prohibition may come into effect only after the student has had the opportunity to advance reasons why the prohibition should not come into effect, and the reasons have been considered and are not accepted.

- (5) The temporary prohibition contemplated in subparagraph (4), may extend up to the time that the person charged has been found not guilty by the appointed disciplinary body or disciplinary person or the appeal of the person charged against a conviction or sentence has been finalised.
- (6) The Disciplinary Officer may, in consultation with Executive Management, determine spot fines for particular categories of misconduct and he or she may determine particular categories of misconduct that may be heard by particular disciplinary bodies or disciplinary persons.

Disciplinary bodies or disciplinary persons and punitive jurisdiction.

82B. (1) The following disciplinary bodies or disciplinary persons may hear complaints of misconduct and impose sentences as indicated -

- (a) House Committees may -
 - (i) hear less serious complaints of misconduct at residence level; and
 - (ii) impose as sentences reprimands, warnings, community service within residence context or fines that do not exceed 5 % of the annual residence fee.
- (b) Wardens may -
 - (i) hear appeals against findings of House Committees as well as complaints of more serious misconduct at residence level; and

- (ii) in addition to sentences imposed by House Committees, also expel a student from the residence or suspend such expulsion on suitable conditions.
- (c) the Student Disciplinary Committee comprising senior law students who are appointed annually by the Dean of the Faculty of Law in consultation with the Disciplinary Officer -
 - (i) hears complaints referred by House Committees, Wardens or the Disciplinary Officer; and
 - (ii) may reprimand or warn students or impose fines that do not exceed 7½ % of the annual residence fee, or community service in campus context.
- (d) the Director: Student Affairs -
 - (i) hears appeals against findings by Wardens or the Student Disciplinary Committee as well as complaints referred to him or her by the Disciplinary Officer; and
 - (ii) may, in addition to the sentences imposed by Wardens, fine students to a maximum fine that may not exceed 10 % of the annual residence fee, or to community service in campus context;
 - (iii) may inform the student's parents or guardians before, during or after the hearing about the matter, and may refer the student to experts for psychological, pastoral or other diagnosis, therapy or help.
- (e) a Vice-Rector -

- (i) is the final authority for appeals against findings by the Director: Student Affairs; and
 - (ii) also hears any complaint of misconduct, with the consent of and admission of guilt by the student, on a summary basis and imposes sentences that fall within the competence of the Hearing Committee; and
- (f) the Hearing Committee -
- (i) is appointed by the Rector; and
 - (ii) comprises at least three members and their alternate members of whom at least one must be a jurist who acts as Chairperson;
 - (iii) the Rector may appoint a Disciplinary Officer or a jurist to submit evidence at the hearing and to be of assistance in any other respect;
 - (iv) a student who must appear before the Hearing Committee receives written notice of such hearing at least five working days before the hearing;
 - (v) the complaint that the student is charged with, as well as the student's right to be assisted at the hearing by a jurist or his or her parent or guardian, must be stated in the notice;
 - (vi) failure of an accused to be personally present or to remain at a hearing does not make the proceedings invalid;
 - (vii) the Hearing Committee hears all appeals against findings by a Vice-Rector as well as complaints referred by the Disciplinary Officer and may impose one or more of the following sentences:
 - (aa) a serious warning or caution;

- (bb) depriving the student concerned of certain privileges as student;
- (cc) refusal of re-admission to the University for a period or permanently;
- (dd) imposing a fine that may not exceed the annual residence fee;
- (ee) refusal of admission to any examination or test event with or without forfeit of any marks already obtained and with or without cancellation of any subject or course;
- (ff) refusal of admission to all or some of the University's buildings, grounds or services or to be admitted only on certain conditions;
- (gg) suspension from the University for a period; or
- (hh) expulsion from the University;
- (g) any sentence imposed may be suspended by any of the disciplinary bodies or disciplinary persons on suitable conditions, and may be made known to all or certain other higher educational institutions, applicable occupational or professional bodies and by the campus media;
- (h) if a student's misconduct has caused damage, he or she may be ordered to repay the damage in addition to the imposed sentence;
- (i) all proceedings before any disciplinary body or disciplinary person must comply with the requirements of natural justice; and

- (j) if a student wishes to use legal representation, the case is referred directly to the Hearing Committee.

(2) A student who wishes to appeal –

- (a) to a warden against a finding of a House Committee;
- (b) against a finding by a Warden to the Director of Student Affairs;
- (c) against a finding of the Student Disciplinary Committee to the Director of Student Affairs;
- (d) against a decision of the Director of Student Affairs to a Vice-Rector; or
- (e) against a finding of a Vice-Rector, other than a finding of an appeal, to the Hearing Committee,

must do so by means of a written notice to the applicable disciplinary body or disciplinary person within five working days after the sentence is imposed.

The Appeal Committee.

- 82C. (1) The Appeal Committee is constituted by the Rector and consists of a member of the Rectorate, one member of the Councillor and the Dean of the Faculty of Law who acts as Chairperson, or their alternate members: Provided that if any of the members were involved in the finding of the Hearing Committee against which an appeal has been lodged, his or her alternate member must represent him or her at the appeal.
- (2) The Appeal Committee hears appeals against findings of the Hearing Committee only after the appellant has given written notice to the Rector of his or her intention to appeal within five working days after the finding, setting out fully his or her grounds for appeal in the notice.

- (3) The Appeal Committee decides the appeal by means of documents only, but may be addressed on the matter by the appellant or his or her parent or guardian or legal representative.
- (4) The Rector may appoint a Disciplinary Officer or a jurist to make a submission on behalf of the Hearing Committee and to be of assistance in any other respect.
- (5) A student whose appeal is heard by the Appeal Committee is given at least five working days' written notice before an appeal session.
- (6) The fact that the appeal will be decided on by documents and argument alone and that the student has the right to be assisted by a jurist or his or her parent or guardian at the session must be stated in the notice contemplated in subparagraph (5).
- (7) Failure of an appellant to be personally present or remain at a session does not make the proceedings invalid.
- (8) After consideration of the appeal, the Appeal Committee may allow the appeal as a whole or partially and may set aside or amend the finding of the Hearing Committee or dismiss the appeal and uphold the finding.
- (9) The finding of the Appeal Committee is final and no reasons for such finding need to be provided.

Continued liability for full fees.

82D. If, owing to misconduct, a student's rights or privileges are taken away from him or her temporarily or permanently, completely or partially or his or her studies are interrupted or terminated, or his or her residence accommodation is terminated, such student forfeits all claims to the repayment, reduction or remission of fees paid or payable to the University."

Transitional provision.

10. The Council performs its activities and is composed in terms of this Statute from the date of publication of this Statute: Provided that members of the Council who are serving on the date of publication shall retain their offices until their terms of office expire.

INHOUD**CONTENTS**

No.	Bladsy No.	Koerant No.	No.	Page No.	Gazette No.
GOEWERMENTSKENISGEWING			GOVERNMENT NOTICE		
Onderwys, Departement van			Education, Department of		
Goewermentskennisgewing			Government Notice		
1937	Wet op Hoër Onderwys (101/1997): Universiteit van die Oranje-Vrystaat: Wysiging van Statuut	1 20383	1937	Higher Education Act (101/1997): University of the Orange Free State: Amendment of Statute	33 20383