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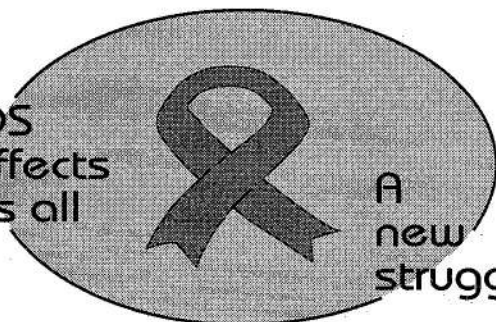
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No. 20908

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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**GOVERNMENT NOTICE**

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**DEPARTMENT OF EDUCATION****No. 174****18 February 2000****HIGHER EDUCATION ACT, 1997****(ACT No. 101 OF 1997)****VISTA UNIVERSITY****AMENDMENT OF STATUTE**

The council of the Vista University 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 of the Vista University published under Government Notice R. 1348 of 1 September 1995, as corrected by Notice 1057 of 6 October 1995.
2. The following paragraph is hereby substituted for paragraph 1 of the Statute:

***"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 otherwise indicates -

**“academic year”** means such portion of a calendar year as the council, on the recommendation of the senate, may approve for the academic activities of the University;

**“council”** means the structure contemplated in section 27 of the Higher Education Act;

**“course”** means a course of a duration of one academic year;

**“due notice”** means notice given, at the commencement of the period of notice required, by dispatching a written notice by post to the last address of the person concerned which has been registered with the registrar;

**“executive management committee”** means the rector, the vice-rectors and such other persons as the rector may determine;

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

**“registrar”** means the registrar of the University;

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

**“semester”** means the first or the second half of the academic year of the University;

**“senate”** means the structure contemplated in section 28 of the Higher Education Act;

**“Statute”** means the institutional statute of the University approved in terms of section 33 of the Higher Education Act;

**“the Act”** means the Vista University Act, 1981 (Act No. 106 of 1981);

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

**“the University”** means the Vista University;

**“union”** means an organisation of employees which has the sufficient representivity required in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995) and is recognised as such by the University.”.

3. Paragraph 4 of the Statute is hereby amended by –

- (a) the substitution in subparagraph (1) for the word “chairman” of the word “chairperson”;
- (b) the substitution in subparagraph (7) for the word “chairman” of the word “chairperson”; and

- (c) the substitution in subparagraph (1) for the word "subsections" of the word "paragraphs".
4. Paragraph 5 of the Statute is hereby amended by the substitution for the word "section" of the word "paragraph".
5. Paragraph 6 of the Statute is hereby amended by the substitution for the word "section" of the word "paragraph".
6. Paragraph 9 of the Statute is hereby amended by the substitution for the word "section" of the word "paragraph".
7. The following paragraphs are hereby substituted for paragraph 10 of the Statute:

***"Council***

***Functions***

10. (1) The council of the University governs the University subject to the Private Act, the Higher Education Act and the Statute.
- (2) Notwithstanding the provisions of the Act, the council consists of -
- (a) the vice-chancellor;
  - (b) the deputy vice-chancellor;
  - (c) two representatives of the senate elected by the senate;
  - (d) two students of the University students' representative council designated by the University students' representative council;
  - (e) two academic employees who are nominated and elected by the academic employees;
  - (f) two non-academic employees who are nominated and elected by the non-academic employees;
  - (g) two members of the institutional forum who are nominated and elected by the institutional forum;
  - (h) five persons appointed by the Minister;
  - (i) five persons appointed by the council on the recommendation of such organisations or bodies as contemplated in paragraph 47;



- (j) two persons elected from among their number by persons who are donors on account of donations made to the University;
  - (k) two parents or guardians of students of the University;
  - (l) two persons designated by the convocation to represent the alumni association; and
  - (m) two persons representing business.
- (3) A member of the council, other than the vice-chancellor, the deputy vice-chancellor and students hold office for a period of four years.
- (4) Student members of the council hold office for one year.

***Election of chairperson and vice-chairperson of council***

- 10 A.** (1) The members of the council must elect a chairperson and a vice-chairperson from among its members who are not employees or students.
- (2) Nomination for the office of the chairperson or the vice-chairperson of the council must, with their respective consent, be submitted in writing to the secretary to the council.
- (3) If more than one candidate is nominated for one of the offices, voting is by secret ballot.
- (4) A candidate is elected chairperson or vice-chairperson of the council by an absolute majority of the members present at a duly constituted meeting of the council.
- (5) In the event of a tie, the result of the election is decided by lot.
- (6) The chairperson and the vice-chairperson each holds office for a term of four years from the date following the day on which the previous chairperson's or vice-chairperson's term of office expires.
- (7) Should the chairperson or the vice-chairperson for any reason vacate his or her office prior to the expiry of his or her term of office, the council must elect a new chairperson and a new vice-chairperson by the procedure contemplated in subparagraph (3) up to and including (6) for the unexpired portion of such term of office."

8. Paragraph 11 of the Statute is hereby amended by the substitution in subparagraph (2) for the word "his" of the words "his or her".

9. Paragraph 14 of the Statute is hereby amended by the substitution in subparagraph (1) for the word "chairman" of the word "chairperson".

10. Paragraph 15 of the Statute is hereby amended by the substitution for the word "chairman" in subparagraph (2) of the word "chairperson".

11. Paragraph 17 of the Statute is hereby amended by –

- (a) the substitution in subparagraphs (1), (4) and (5) for the word "chairman" of the word "chairperson"; and
- (b) the substitution in subparagraph (1) for the word "section" of the word "paragraph".

12. The following paragraph is hereby substituted for paragraph 18 of the Statute:

***"Ruling by chairperson"***

18. 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 without discussion to the meeting, whose decision is final."

13. The following paragraph is hereby substituted for paragraph 19 of the Statute:

***"Making, amending or repealing a Statute or Rule"***

19. No motion to make, amend or repeal a Statute or Rule is of force and effect unless adopted by at least two-thirds of the members holding office on the date of the meeting concerned."

14. Paragraphs 20 and 21 of the Statute is hereby amended by the substitution for the word "chairman" of the word "chairperson".

15. The following paragraph is hereby substituted for paragraph 22 of the Statute:

***"Executive committee of the council"***

22. If the council appoints an executive committee of the council, the provisions of paragraphs 12 to 21 of this Statute apply, with the necessary changes, to the meetings of the executive committee."

16. The following paragraph is hereby substituted for paragraph 25 of the Statute:

***"Vacancy on council by effluxion of time"***

25. Not less than three months before the expiry of the term of office of any member of the council the secretary to the council must in writing give notice of such expiry to the body or person that elected, designated, appointed or nominated such member, and request such body or person immediately to elect, designate, appoint or nominate a successor to fill the vacancy."

17. The following paragraph is hereby substituted for paragraph 26 of the Statute:

***"Casual vacancy on council"***

26. If a member dies, resigns or vacates his or her office for any reason other than effluxion of time, the secretary to the council must, within 30 days from the date on which such vacancy arose, in writing give notice of such vacancy to the body or person that elected, designated, appointed or nominated such member, and request such body or person to elect, designate, appoint or nominate a successor for the unexpired term of office of such member."

18. The following paragraphs are hereby substituted for paragraphs 27 to 28 of the Statute:

***"Senate"******Composition***

27. Notwithstanding the provisions of the Act and in terms of the Higher Education Act the senate consists of -

- (a) the vice-chancellor;
- (b) the deputy vice-chancellor;



- (c) the campus principals;
- (d) the deans of faculties;
- (e) the dean of research;
- (f) the academic planner;
- (g) the programme co-ordinators, one per faculty, elected by the executive committee of the senate;
- (h) one student per campus, designated by the students' representative council of each campus;
- (i) one student representative who is a member of the University students' representative council, elected by such council;
- (j) one non-academic employee, per campus, elected by the non-academic employees;
- (k) the University librarian;
- (l) two members elected by the council from among its members in a manner determined by the council; and
- (m) two academic employees per campus, elected by the academic employees.

***Term of office of members of senate***

**28.** The term of office of members of the senate contemplated in -

- (a) paragraphs 27(a), (b), (c), (d), (e) and (f) and (k) is for long as they occupy the relevant posts;
- (b) paragraphs 27(g), (j), and (m) is two years;
- (c) paragraphs 27(h) and (i) is one year; and
- (d) paragraph 27(l) is as long as they are members of the council.

**19.** Paragraph 31 of the Statute is hereby substituted by -

(a) the substitution for subparagraph (b) of the following subparagraph:

“(b) exercise control over all examinations conducted by the University in accordance with such Rules as may from time tot time be made by the senate for this purpose if delegated to do so by resolution of the council;”;

(b) the substitution in subparagraph (e) for the word “section” of the word “paragraph”; and

(c) the substitution for subparagraph (g) of the following subparagraph:

“(g) make Rules, if delegated to do so by resolution of the council, in accordance with the respective deeds of gift governing the award and tenure of scholarships or prizes at the disposal of the University, and to recommend to the council from time to time which persons should be awarded such scholarships or prizes.”.

20. The following subparagraph is hereby substituted for subparagraph (j) of paragraph 31 of the Statute:

“(j) take, subject to the provisions of the Act, the Higher Education Act, the Statute and Rules such measures and make such Rules, if delegated to do so by resolution of the council, as may be necessary for the exercise of its powers and the discharge of its duties and functions, provided that the senate may make, amend or repeal any Rule, if delegated to do so by resolution of the council, concerning a board of faculty only after consultation with the board of faculty concerned.”.

21. Paragraph 32 of the Statute is hereby amended by the substitution in subparagraphs (1) and (2) for the word “registrar” of the word “secretary”.

22. Paragraph 33 of the Statute is hereby amended by the substitution for the word “rector” of the word “chairperson”.

23. Paragraph 34 of the Statute is hereby amended by -

(a) the substitution for subparagraph (2) of the following paragraph:

“(2) In the absence of both the chairperson and the vice-chairperson from any meeting of the senate, the members present must elect one of their number to preside at such meeting.”;

(b) the substitution in subparagraph (3) for the word “registrar” of the word “secretary”; and

- (c) the substitution in subparagraphs 4(a), 5(a), 7(b) and (c) and subparagraphs (9) and (10) for the word "chairman" of the word "chairperson".

24. Paragraph 35 of the Statute is hereby deleted

25. The following paragraphs are hereby inserted after paragraph 38 of the Statute:

### ***"Institutional forum***

#### ***Functions***

- 38 A. (1) The institutional forum must advise the council of the University on -
- (a) the issues in section 31(1)(a)(i) to (v) of the Higher Education Act, and
  - (b) other issues affecting the University, in respect of which the council makes decisions after consultation with the institutional forum.
- (2) The institutional forum must perform such other functions as determined by the council from time to time.

#### ***Composition***

- 38 B. (1) The composition of the institutional forum is as follows -
- (a) management -
    - (i) one representative of the executive management committee;
    - (ii) one representative of the deans' committee;
    - (iii) one representative of the campus principals' committee;
    - and
    - (iv) one representative of the committee of directors of the central campus;
  - (b) council: two representatives;
  - (c) senate: two representatives;
  - (d) academic employees: one representative from each campus;
  - (e) non-academic employees -
    - (i) one representative from each campus;

- (ii) one representative from the centre for community development;
- (iii) one representative from the central campus;
- (f) students -
  - (i) one representative from each campus designated by each campus students' representative council;
  - (ii) one representative of the University students' representative council; and
- (g) other categories -
  - (i) one representative from each union;
  - (ii) one representative from the institutional forum of each campus;
  - (iii) one representative from the alumni association of each of the campuses; and
  - (iv) one representative from each student structure recognised by the University.

(2) Each campus establishes an institutional forum in line with the composition set out in subparagraph (1).

***Executive committee and other committees of institutional forum***

**38 C.** (1) The University institutional forum must elect an executive committee and other committees.

(2) The procedure for such election of committees and the functions of such committees are as determined by the Rules.

***Election of members of institutional forum***

**38 D.** (1) Members of the institutional forum are elected by the constituents they represent.

(2) The manner of election of members of the institutional forum and their term of office are determined by the Rules.

***Chairperson and vice-chairperson of institutional forum***

**38 E.** (1) The members of the institutional forum must elect a chairperson and a vice-chairperson from among its members.

(2) The provisions of paragraph 10A(2) to (7) apply, with the necessary changes, to the election of the chairperson and vice-chairperson of the institutional forum.

***Secretary to institutional forum***

**38 F.** The members of the institutional forum must elect a secretary to the institutional forum.

***Meeting procedures of institutional forum***

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

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

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

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

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

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

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

(8) The chairperson has a casting vote only.

(9) The chairperson may convene an extraordinary meeting at any time, after 10 days' notice has been given, with a statement of the matters to be discussed.

(10) The chairperson must convene a meeting at the request of at least six members of the institutional forum, after 10 days' notice, provided that the request is in writing, including a statement of the matter or matters to be discussed."

**26.** The following subparagraph is hereby substituted for subparagraph (1) of paragraph 39 of the Statute:

"(1) The convocation must elect a secretary to the convocation from among its members by means of a secret ballot and a majority of members present at an ordinary meeting of the convocation."

27. The following paragraph is hereby substituted for paragraph 40 of the Statute:

***"Chairperson and vice-chairperson of convocation"***

40. (1) The members of the convocation must elect a chairperson and a vice-chairperson from among its members.

(2) The provisions of paragraph 10A(2) to (7) relating to the election of a chairperson and a vice-chairperson by the council apply, with the necessary changes, to the election of a chairperson and a vice-chairperson of the convocation.

(3) Whenever both the chairperson and the vice-chairperson are absent from a meeting of the convocation, the members present must elect a person from among themselves to preside at the meeting."

28. Paragraph 41 of the Statute is hereby amended by the substitution for the word "chairman" preceding subparagraph (a) of the word "chairperson".

29. Paragraph 43 of the Statute is hereby amended by the substitution in subparagraphs (3), (6), (7), (9) and (10) for the word "chairman" of the word "chairperson".

30. The following paragraph is hereby substituted for paragraph 46 of the Statute:

***"Representative of donors on the council"***

46. (1) Any person donating an amount as determined by the council during a term of four years immediately preceding the election of a member of the council as contemplated in paragraph 10(2)(j) is a donor for the purposes of that paragraph.

(2) The provisions of paragraph 44 apply with the necessary changes to an election contemplated in paragraph 10(2)(j)."

31. Paragraph 47 of the Statute is hereby amended by –

(a) the substitution in subparagraph (1) for the words "section 10(1)(i) of the Act" of the words "paragraph 10(2)(i); and



- (b) the substitution in subparagraph (4) for the word "subsection" of the word "subparagraph".

32. Paragraph 50 of the Statute is hereby amended by the deletion in the first line of the words "subject to the provisions of section 28 of the Act".

33. Paragraph 51 of the Statute is hereby amended by the substitution in the last two lines of the paragraph for the words "paragraphs (a) up to and including (e) of section 50 above" of the words "paragraph 50 (a) to (e)".

34. Paragraph 54 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:

***"Degrees and Diplomas"***

54. The University may confer the degrees and diplomas for which official approval has been obtained in accordance with the Rules."

35. Paragraph 56 of the Statute is hereby amended by –

- (a) the deletion in the second line of subparagraph (1) of the words ", in terms of section 28(a) of the Act,"; and
- (b) the deletion in the first line of subparagraph (2) of the words ", in terms of section 28(b) of the Act."

36. Paragraph 58 of the Statute is hereby amended by the substitution for the paragraph of the following paragraph:

***"Conduct of examinations"***

58. An examination of the University shall be conducted in accordance with the Rules made by the senate if delegated to do so by a resolution of the council."

37. Paragraph 59 of the Statute is hereby amended by the substitution for subparagraph (1) of the following subparagraph:

"(1) No student may present himself or herself for an examination in a course, unless the senate has received a certificate from the department concerned to the effect that such student has satisfactorily prepared himself or herself for such examination in accordance with the Rules made by the senate if delegated to do so by a resolution of the council."

### ***Transitional provisions***

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

(2) These measures must include the reconstitution of the council and the senate in accordance with the requirements of the Statute.

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