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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 954

28 September 2001

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

UNIVERSITY OF SOUTH AFRICA AMENDMENT OF STATUTE

The Council of the University of South Africa has, with the approval of the Minister of Education, under section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), made the amendments of the Statute set out in the Schedule hereto.

These amendments come into effect on the date of publication of this Notice.

SCHEDULE

1. In the Schedule, unless the context otherwise indicate, the expression "the Statute" means the Statute of the University of South Africa promulgated by Government Notice No. R. 1699 of 10 August 1976, as amended by Government Notice No. 826 of 28 June 1999.

2. Paragraph 2 of the Statute is hereby amended by-

- (a) the insertion of the following definitions:

"**black person**" means someone belonging to the group of black people as defined in the Employment Equity Act, 1998 (Act No. 55 of 1998);

"**junior academic employee**" means an academic employee other than a professor or an associate professor;

"**permanent employees**" means academic or non-academic employees who are employed full-time in a permanent capacity at the University in terms of the conditions of employment of the University, as well as the relevant labour legislation, including employees on probation;

"**senior academic employee**" means an academic employee who is a professor or an associate professor;"; and

- (b) the substitution of the definition of student for the following definition:

"**student**" means a person registered for study at the University for a degree, diploma, certificate, course, paper, module or programme, provided that a permanent employee of the University is not regarded as a student for the purposes of membership of the council, the senate, the institutional forum or the students' representative council, and provided further that if a person who was elected or designated as a member of council by virtue of not being an employee or a student of the University subsequently registers as a student of the University, such person remains as a member of council for the remainder of his or her term of office."

3. Paragraphs 20A to 20L of the Statute are hereby amended by the substitution for the paragraphs of the following paragraphs:

“Senate

Role of senate

20A. (1) The senate is responsible for and accountable to the council for academic, research, tuition and community service functions of the University.

(2) The senate must plan and monitor the standards, execution and co-ordination of the functions contemplated in subparagraph (1) and advise the council accordingly, and any decisions of the council in this regard, must be taken in consultation with the senate.

(3) The senate must further perform any other function delegated or assigned to it by the council.

(4) As the senate is accountable to the council, it must submit to the council –

- (a) reports on all its activities;
- (b) recommendations on any matter referred to it by the council; and
- (c) recommendations on any matter of interest to the University as it may deem expedient.

Composition of senate

20B. (1) The senate is composed of not more than 300 members, of whom at least 60 per cent must be academic employees of the University.

(2) The senate is composed as follows:

- (a) members by virtue of their office:
 - (i) the principal;
 - (ii) the vice-principals;
 - (iii) the other members of the management committee;
 - (iv) deans and deputy deans of faculties;
 - (v) heads of academic and non-academic departments, and heads of research institutes;
- (b) not more than two members of the council designated by the council, of whom at least one must be a black person;
- (c) 140 additional academic employees, elected by the academic employees;
- (d) 30 additional non-academic employees, elected by the non-academic employees;
- (e) not more than five members of the national students' representative council designated by the national students' representative council, of whom at least three must be black persons;
- (f) not more than ten additional persons designated by the senate on the strength of their knowledge, expertise or contribution to the University, of whom at least five must be black persons; and
- (g) one representative designated by each union.

(3) Any designation in terms of subparagraphs 2(b), (e), (f) and (g) must be done with due regard to gender and disability.

(4) Wherever possible the representation of disabled persons on senate should be considered.

(5) Only permanent employees of the University are eligible to be appointed, nominated, elected or designated as members of the senate.

Procedure for election and designation

20C. (1) The academic members of the senate, referred to in paragraph 20B(2)(c), are divided into two categories, namely senior academic and junior academic employees, who are elected as prescribed in subparagraphs (2) and (3) and subject to subparagraph (7), both categories enjoy equal representation in the senate.

(2) Sixty academics are nominated and elected by the permanent academic employees of the respective faculties in such a way that each faculty has ten representatives of whom at least six must be black persons and at least five must be women.

(3) The remaining eighty academics are nominated and elected by the academic employees of the University in such a way that -

- (a) the two largest faculties have twenty representatives each, the two medium-sized faculties fifteen representatives each, and the two smallest faculties five representatives each, the size of each faculty being determined by the personnel points allocated to it;
- (b) there are at least forty-eight representatives who are black persons, spread across the six faculties in the same ratios contemplated in subparagraph (3)(a), provided the fractions are rounded off to the next whole number;
- (c) there are at least thirty representatives who are women, spread across the six faculties in the same ratios contemplated in subparagraph 3(a), provided the fractions are rounded off to the next whole number; and
- (d) subject to subparagraph (7), at least forty representative fall within the category of senior academic employees and forty in the category of junior academic employees, spread across the six faculties in the same ratios contemplated in subparagraph (3)(a), provided the fractions are rounded off to the next whole number.

(4) Non-academic senate members referred to in paragraph 20B(2)(d) are divided into two categories, namely all ranks including and above assistant director, and other ranks, both of which categories are elected as prescribed in subparagraph (7).

(5) Both categories contemplated in subparagraph (4) enjoy equal representation and are subject to subparagraph (7).

(6) The non-academic senate members referred to in paragraph 20B(2)(d) are nominated and elected by all non-academic employees of the University in accordance with a duly constituted democratic process in such a way that-

- (a) at least eighteen members must be black persons;

- (b) at least eight members must be women;
- (c) if the proportionate number of black persons and women is expressed as a mathematical fraction the next greater whole number is the required number.

(7) Any algorithm, formula or calculation used during the election process to elect the persons referred to in paragraph 20B(2)(c) and (d) must be determined by the Rules, provided that in the event of a conflict between the minimum requirements of race, gender and rank, such a conflict must be resolved by giving preference to race over gender and rank, and gender over rank.

(8) The council members on senate are designated by the council in accordance with the rules of the council.

(9) The student members are nominated, elected and designated with due regard to race and gender by the national students' representative council at an ordinary or special meeting of the national students' representative council in accordance with the election procedures prescribed in the constitution of the national students' representative council.

(10) The representatives of the unions are nominated, elected and designated in accordance with the constitutions of the respective unions.

(11) The ten additional members contemplated in paragraph 20B(2)(f) are nominated, elected and designated by the members of the senate referred to in paragraph 20B(2)(a) to (e) in accordance with the Rules.

Term of office of senate and filling of vacancies

20D. (1) The principal, vice-principal, registrar, the other members of the management committee contemplated in paragraph 20B(2)(a)(iii), the deans and the deputy deans of faculties, the heads of academic and non-academic departments and the heads of research institutes remain members of senate for as long as they hold their posts.

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

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

(4) The vacancy created when a senate member resigns can be filled for the remainder of that member's term.

(5) In the case of vacancies in the categories contemplated in paragraphs 20B(2)(c) and (d), the next person on the candidates' list for the relevant category automatically becomes a member of the senate, but if the candidates' list for the particular category is exhausted, a by-election must be held in terms of the Rules to fill the vacancy.

Chairperson, vice-chairperson and secretary

20E. (1) The principal is the chairperson of the senate.

(2) The senate must elect a vice-chairperson and a secretary from amongst its members.

(3) The secretary of the senate may delegate purely administrative functions to the registrar.

Meeting procedure

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

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

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

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

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

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

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

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

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

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

(11) The chairperson has an ordinary vote only.

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

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

Committees of senate

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

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

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

(4) The senate may constitute joint committees of senate, the council and institutional forum in consultation with those structures.

(5) With the exception of the honorary degrees committee, the establishment, composition, manner of election, functions, procedure at meetings and dissolution of joint committees of the council, the senate and the institutional forum are governed by a procedure mutually agreed upon by the council, the senate and the institutional forum and included in the Rules.

Standing committees

20H. (1) The senate has the following standing committees;

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

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

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

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

(5) All standing committees of the senate must elect a chairperson, vice-chairperson and secretary from their own ranks.

Executive committee of senate

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

(2) The executive committee of the senate is constituted as follows:

- (a) the chairperson, vice-chairperson and secretary of the senate;
- (b) the management committee;
- (c) the deans and deputy deans of faculties;
- (d) six representatives of non-academic departments elected by the heads of non-academic departments with due regard to race and gender for a period of three years;
- (e) six senate representatives, elected by the senate;

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

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

Senate representatives on council

20J. (1) The senate must elect two representatives to the council at an ordinary or special meeting of senate for a term of two years.

(2) The secretary of the senate must give at least ten days' notice in writing to all members of senate of a meeting to elect a representative or representatives.

(3) At such a meeting, the chairperson requests written nominations, and a person becomes a candidate if duly nominated and seconded.

(4) An outgoing member may be re-elected.

(5) If a vacancy arises, it must be filled for the remainder of the two-year term as soon as possible.

Payment of allowances

20K. (1) Subject to any constraint imposed by the Minister, the council determines any allowance payable for the purpose of attendance of meetings of the council, the senate, the institutional forum and the national students' representative council, and to any committee of the council or the senate or an institutional forum or any joint committee of the council and the senate in accordance with the Rules.

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

Transitional arrangements

4. (1) *Where a new senate can not be constituted on the day following the expiry of the term of the previous senate, the members of the previous senate may continue to perform all the functions of the senate for a period not exceeding three months.*

(2) *Where a new institutional forum can not be constituted on the day following the expiry of the term of the previous institutional forum, the members of the previous institutional forum may continue to perform all the functions of the institutional forum for a period not exceeding three months.*

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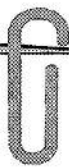
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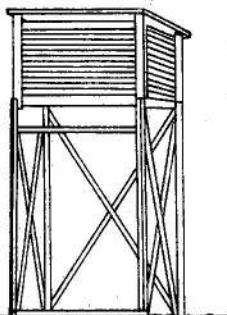
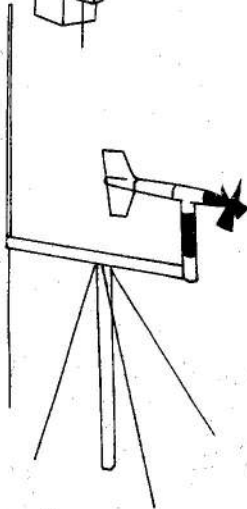
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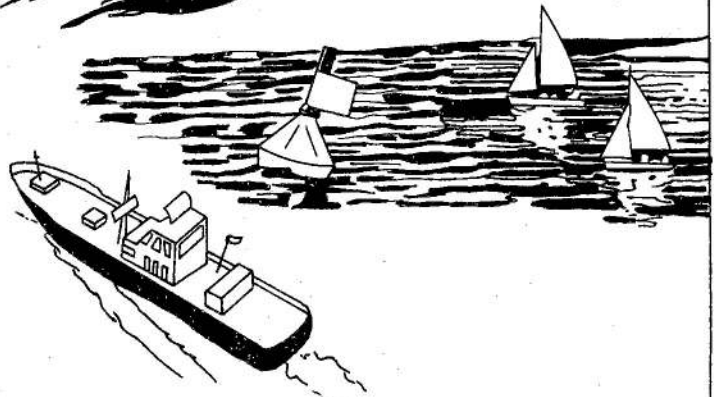
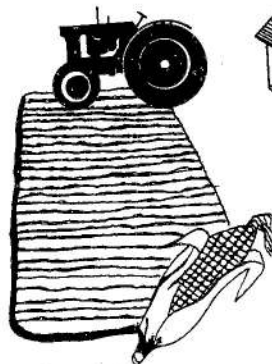
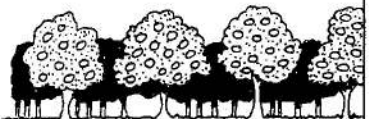
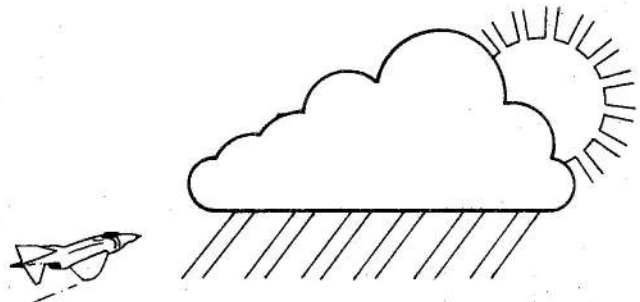
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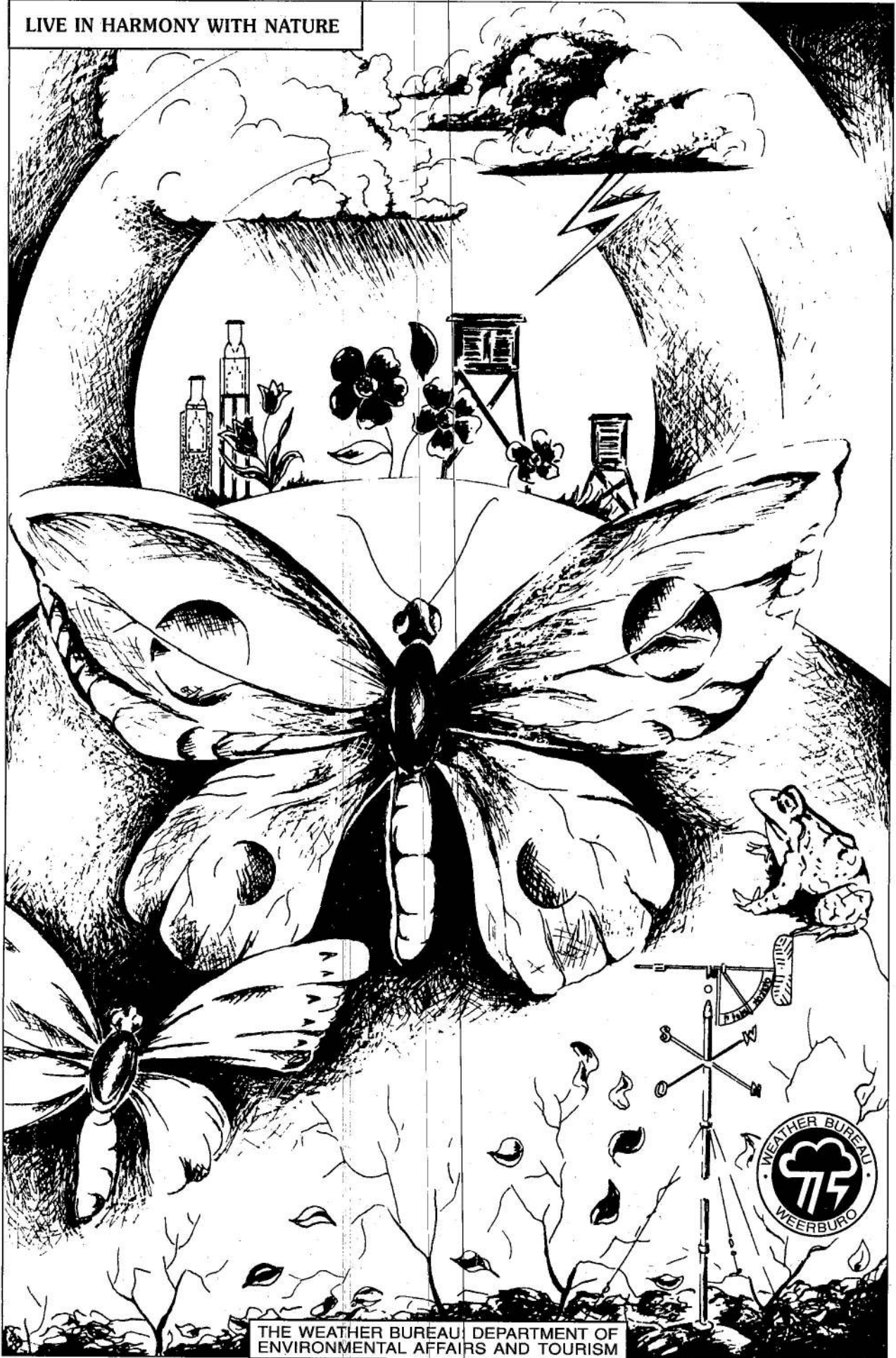
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