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# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 485

Pretoria, 25 November 2005

No. 28246



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## GOVERNMENT NOTICE

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### DEPARTMENT OF EDUCATION

No. 1131

25 November 2005

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

#### STATUTE OF THE DURBAN INSTITUTE OF TECHNOLOGY

The Council of the Durban Institute of Technology, a university of technology, has made the Statute set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997) which is, in terms of section 33 of the Act, hereby published with the approval of the Minister of Education, and which comes into operation on the date of this publication.

#### SCHEDULE

To introduce a Statute for the Durban Institute of Technology to give effect to the Higher Education Act, 1997 (Act No. 101 of 1997) and to promote the effective management and governance of the university of technology in respect of matters not expressly prescribed by any law.

#### DEFINITIONS

##### 1. Definitions

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 to it, and unless the context otherwise indicates -

**"academic development"** means interventions designed to improve teaching and learning in the institution;

**"academic staff"** means any person appointed by the council to undertake teaching, research or academic development;

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

**"associate professor"** means a person awarded an associate professorship by the council after consultation with the senate;

**"calendar month"** means a period extending from the first to the last day, both days inclusive, on any one of the 12 months of the year;

**"calendar year"** means a period extending from the first day of January to the last day of the following December;

**"certificate"** means a qualification of the Institution awarded to a student on completion of the work prescribed for the certificate by the senate;

**"chancellor"** means the person contemplated in paragraphs 4 to 6 of the Statute;

- “convocation”** means the convocation contemplated in paragraphs 34 to 41;
- “council”** means the council contemplated in paragraphs 7 to 17;
- “degree”** means a qualification of the Institution conferred upon a student on completion of the work prescribed for the degree by the senate;
- “deputy vice-chancellor”** means a person appointed in terms of paragraphs 54 and 55;
- “diploma”** means a qualification of the Institution awarded to a student on completion of the work prescribed for the diploma by the senate;
- “donor”** means a person, body, or entity who or which has made a donation as stipulated in the Rules and thus warrants that person, body or entity being recognised as a donor as contemplated in paragraph 42;
- “examination”** means any form of assessment, including any written, oral, practical or clinical test where the result obtained contributes to the summative judgment of competence;
- “formal instructional programme”** means any senate approved programme of at least one semester’s full-time equivalent duration and can be either an approved subsidy generating instructional programme or a self-funding approved instructional programme registered with the national qualifications authority;
- “graduate”** means a person upon whom a degree has been conferred;
- “Institution”** means the Durban Institute of Technology, a university of technology as contemplated in paragraph 2;
- “institutional forum”** means the institutional forum contemplated in paragraphs 27 to 32;
- “management of the Institution”** for the purposes of this Statute means senior management together with the registrar or registrars, academic heads of department and administrative positions equivalent to these;
- “Minister”** means the Minister of Education;
- “postgraduate student”**, for the purposes of appointments to the council, the senate and the institutional forum, means a person registered as a student for a postgraduate qualification of the Institution;
- “professional and administrative staff”** means the staff appointed at the Institution who are not academic, support or service staff;
- “professor”** means a person awarded a professorship or associate professorship by the council after consultation with the senate;
- “qualification”** means a certificate, a diploma or a degree;
- “rules”** means any rules made by the council in terms of section 32 of the Act;
- “seat of the Institution”** means the seat contemplated in paragraph 2 of this Statute and in section 65A of the Act;
- “senate”** means the senate contemplated in paragraphs 18 to 26;
- “senior management of the Institution”** for the purposes of this Statute and section 31 of the Act, means the vice-chancellor, deputy vice-chancellors, executive directors and executive deans of faculties;
- “SRC”** means the students’ representative council contemplated in paragraphs 43 to 50;
- “staff”** means any person appointed to a position at the Institution, whether part-time or full-time, permanent, temporary or contract, remunerated or honorary;
- “student”** means a person currently registered at the Institution for a programme of study leading to a degree, diploma or certificate;
- “support and service staff”** means the staff appointed at the Institution who are not academic, professional or administrative staff;

**“trade union”** means an association of employees registered in terms of the Labour Relations Act and recognised by council;

**“university of technology”** means a technikon as referred to in the Act;

**“vice-chancellor”** means the vice-chancellor contemplated in paragraphs 51 to 53 of this Statute and in section 30 of the Act.

## INSTITUTION

### 2. Name, status and physical location of Institution

- (1) The name of the Institution is the Durban Institute of Technology.
- (2) The seat of the Institution is at 79 Mansfield Road, Berea, Durban, 4001.
- (3) The Institution is a juristic person and, subject to the Act is capable of performing such acts as juristic persons may perform.
- (4) Notwithstanding subparagraph (3) the Institution may not, without the concurrence of the Minister, dispose of or alienate in any manner any immovable property or grant any real right therein or servitude thereto.

### 3. Constitution of Institution

- (1) The Institution consists of -
  - (a) the chancellor;
  - (b) the vice-chancellor;
  - (c) the deputy vice-chancellors;
  - (d) the registrar or registrars;
  - (e) the council;
  - (f) the senate;
  - (g) the institutional forum;
  - (h) the SRC;
  - (i) the convocation;
  - (j) the students; and
  - (k) the staff.
- (2) No vacancies in any of the offices contemplated in subparagraph (1) nor any vacancy or deficiency in the numbers or defect in the composition of the bodies contemplated in subparagraph (1) impairs or affects the existence of the Institution as a juristic person or any function or powers conferred upon the body or the Institution by this Statute or by the Act.

## CHANCELLOR

### 4. Functions of chancellor

- (1) The chancellor is the titular head of the Institution.
- (2) The chancellor, or in his or her absence the person appointed to act on behalf of the chancellor in terms of paragraph 6(2), presides at all congregations of the Institution and, in the name of the Institution, confers all degrees and awards all diplomas and certificates.



**5. Election of chancellor**

- (1) The chancellor is elected by an electoral college.
- (2) The secretary to the electoral college must constitute the electoral college at least three months before the start of the term of office or whenever the office is vacant.
- (3) The electoral college consists of -
  - (a) the chairperson of council and four other members of the council, elected from their number from the external members in the manner determined by the council;
  - (b) the vice-chancellor;
  - (c) two members of the senate, elected from their number in the manner determined by the senate;
  - (d) two members of the convocation, elected from their number in the manner determined by the convocation;
  - (e) two students appointed by the SRC;
  - (f) two members of the institutional forum, elected from their number in the manner determined by the institutional forum;
  - (g) two members of the permanent academic staff elected by these staff, in the manner determined by the rules;
  - (h) two members of the permanent professional, administrative, support and service staff elected by these staff, in the manner determined by the rules; and
  - (i) one member of each trade union elected respectively by each trade union.
- (4) The procedure for nominating candidates for election as chancellor and electing the chancellor are determined by the rules provided that -
  - (a) the chairperson of council is the chairperson of the electoral college;
  - (b) in the absence of the chairperson of council, the meeting elects a chairperson for the meeting from amongst the external members of council present at the meeting;
  - (c) the registrar (academic) is the secretary to the electoral college; and
  - (d) the quorum at any meeting of the electoral college is half of the total membership of the electoral college.
- (5) A person is not eligible for nomination for election as chancellor, or to hold or continue to hold office as chancellor, or for nomination for election to, or to be or continue to be a member of the electoral college if he or she -
  - (a) is, or becomes, insolvent; or
  - (b) is declared to be of unsound mind by a court of the Republic; or
  - (c) is, subsequent to his or her election, removed from an office of trust by a court of the Republic, or convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of the Republic.

**6. Term of office of chancellor**

- (1) The chancellor holds office for 5 years, or until he or she resigns, or dies, or until he or she ceases to qualify to hold office in terms of paragraph 5(5).
- (2) If the chancellor is absent, or if the office is vacant, the vice-chancellor, or in his or her absence the acting vice-chancellor or a deputy vice-chancellor nominated by him or her, or failing them, such other person as the council may designate for the purpose, acts for the chancellor.

- (3) Should a vacancy occur for whatever reason, the chancellor next elected holds office for 5 years, or until he or she resigns, or dies, or until he or she ceases to qualify to hold office in terms of paragraph 5(5).
- (4) The chancellor may be re-elected to one further 5 year term of office.

## COUNCIL

### 7. Functions of council

- (1) The council governs the Institution in terms of the Act and this Statute.
- (2) Without derogating from the generality of subparagraph (1), the council -
  - (a) must administer all property of the Institution;
  - (b) appoints all staff of the Institution, but, in the case of academic staff of the Institution, it may do so only after consultation with the senate;
  - (c) must, subject to the policy determined by the Minister, with the concurrence of the senate, determine the language policy of the Institution;
  - (d) must, after consultation with the SRC, establish a structure to advise on the policy for student support services within the Institution;
  - (e) must consider for approval the admissions and readmissions policy of the Institution as recommended by senate;
  - (f) must consult the institutional forum as required by the Act;
  - (g) may make, rescind or amend a statute and rules for the Institution in terms of the Act;
  - (h) may establish committees of the council, determine the composition and functions of such committees, and terminate the membership of any person it has appointed to such committee; and
  - (i) establishes, in consultation with the senate, joint committees of the council and the senate to perform functions which are common to the council and the senate.
- (3) The council may delegate or assign any of its powers and functions to -
  - (a) a committee of the council;
  - (b) a member of the council; or
  - (c) any officer of the Institution;except those powers and functions specified in subparagraph (4).
- (4) The council may not delegate or assign any of the following powers and functions -
  - (a) the appointment of the vice-chancellor or of any deputy vice-chancellor;
  - (b) the approval of the annual operating and capital expenditure budgets;
  - (c) the adoption of the annual financial statements and annual report;
  - (d) the determination of academic and residence fees to be paid by students;
  - (e) the making or approval of the statute and rules;
  - (f) the determination of conditions of service, the disciplinary provisions and the privileges and functions of staff;
  - (g) the determination, after consultation with the senate, of academic structures and the functions of each structure, in order to ensure efficient governance;
  - (h) the approval of a loan, overdraft or disposal of investments subject, where appropriate, to Ministerial approval; and
  - (i) the decision to embark on the construction of a permanent building or other

immovable infrastructural development, the purchase of immovable property, or entering into a long-term lease of immovable property subject, where appropriate, to Ministerial approval.

- (5) The council remains responsible for the exercise and performance of any function delegated or assigned in terms of subparagraph (3).

#### **8. Composition of council**

- (1) The council consists of not more than 30 members, made up of -
- (a) the vice-chancellor;
  - (b) a maximum of two deputy vice-chancellors, designated by the vice-chancellor;
  - (c) two members of the senate elected by the senate;
  - (d) one member of the permanent academic staff elected by these staff;
  - (e) one member of the permanent professional and administrative staff, elected by these staff;
  - (f) one member of the permanent support and service staff elected by these staff;
  - (g) two students appointed by the SRC;
  - (h) one member of the institutional forum elected by the institutional forum;
  - (i) five persons appointed by the Minister;
  - (j) one person appointed by the eThekweni Municipality;
  - (k) three persons elected by the convocation;
  - (l) one person appointed by the M L Sultan Charitable and Educational Trust;
  - (m) nine persons appointed by the council on the recommendation of the council membership committee.
- (2) At least 60 per cent of the voting members of the council must be persons who are not staff or students of the Institution.
- (3) No staff other than staff appointed in an honorary capacity, and no student may be elected or hold an appointment under subparagraphs (1)(i) to (m).
- (4) A person elected, appointed or co-opted under subparagraphs (1)(i) to (m) who becomes a student or a staff member, other than a staff member appointed in an honorary capacity, forthwith ceases to be a member of the council.
- (5) The vice-chancellor, with the approval of the chairperson of council, or the chairperson of council may invite any person to attend any meeting of the council in an advisory capacity or as an observer and such person does not have any voting rights.

#### **9. Election of members of council**

- (1) The procedure for the election or appointment of members of the council in paragraphs 8(1)(g), (h), (i), (j), (k) and (l), respectively, is determined by the bodies concerned.
- (2) The procedure for the election of members of the council in paragraphs 8(1)(c), (d) (e), (f), (l) and (m) respectively is determined by the rules.

#### **10. Term of office of council members**

- (1) The vice-chancellor remains a member of the council for as long as he or she occupies the post.



- (2) The term of office of the deputy vice-chancellors is for such periods as the vice-chancellor determines.
- (3) The term of office of the students appointed by the SRC is one calendar year, provided that when anyone of them ceases to be a registered student at the Institution, he or she forthwith ceases to be a member of the council.
- (4) The term of office of the remaining members is four years from their date of appointment.
- (5) Notwithstanding subparagraph (4), at the first meeting of the council it must be decided by lot which of the members hold office for 3 years.
- (6) A member may serve more than one term of office as a council member.

#### **11. Termination of membership and filling of vacancies**

- (1) A position on council becomes vacant if -
  - (a) a member resigns in writing;
  - (b) a member dies;
  - (c) the Minister, or entity who appointed or elected the member to the council terminates the membership in writing, at any time before the expiry of the member's term of office;
  - (d) a member is absent from three consecutive ordinary meetings of the council without leave;
  - (e) a member is, or becomes, insolvent;
  - (f) a member is declared to be of unsound mind by a court of the Republic;
  - (g) a member is removed from an office of trust by a court of the Republic, or is convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of the Republic; or
  - (h) a member's membership is terminated by the council in terms of the rules and the code of conduct.
- (2) In the event of a vacancy through death or otherwise, the secretary to council must forthwith notify the authority or body that appointed or elected the member, requesting the authority or body to appoint or elect a successor.
- (3) The successor holds office for the unexpired term of office of the predecessor.
- (4) The council may suspend a member's membership or take disciplinary action against a member in terms of the rules and the code of conduct.
- (5) If 75 per cent or more of the members of the council resign at a meeting of the council, it is deemed that the council has resigned.
- (6) If the council resigns as contemplated in subparagraph (5), a new council must be constituted in terms of paragraphs 8 and 9.

#### **12. Office-bearers of council**

- (1) The council must elect a chairperson and a vice-chairperson from among the members of the council who are neither staff nor students of the Institution.
- (2) The term of office of the chairperson and of the deputy chairperson is two years.
- (3) The registrar (academic) is the secretary to the council.
- (4) The secretary to the council must invite the council to elect a chairperson and a vice-chairperson at the first meeting of the new council or to fill the vacancy for the unexpired period of the term of office whenever a vacancy arises.

- (5) Nominations for the office of the chairperson and the vice-chairperson of the council must be in writing and be directed to the secretary to the council.
- (6) If only one candidate is nominated for the office of the chairperson or the vice-chairperson, such person is duly elected.
- (7) If more than one candidate is nominated for the office of the chairperson or the vice-chairperson, voting is by secret ballot.
- (8) Each member of the council has only one vote during a ballot and no proxy is allowed.
- (9) Whenever voting is necessary a majority of all members present elect the chairperson and the vice-chairperson.
- (10) In the event of a tie a further round of voting must be held.
- (11) If after a second round of voting there is still a tie, the chairperson or vice-chairperson must be decided by lot.
- (12) A retiring office-bearer is eligible for re-election, if he or she is still a member of the council.
- (13) The chairperson presides at all meetings of the council at which he or she is present.
- (14) In the absence of the chairperson the vice-chairperson presides.
- (15) If both the chairperson and the vice-chairperson are absent, the council elects a chairperson for the meeting concerned from those members present who are neither staff nor students of the Institution.

### 13. Ordinary meetings

- (1) The ordinary meetings of the council must be held when and where the council decides, and at least four ordinary meetings must be held each calendar year.
- (2) The secretary to the council must issue a written notice to each member of the council at least seven days before each ordinary meeting of the council setting out the place, date and time of the meeting, and the agenda for the meeting, but the council may, if the chairperson so rules or, if such a ruling has not been made, a majority of the voting members present agree, consider any urgent matter of which notice has not yet been given.
- (3) At each ordinary meeting the council must -
  - (a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members prior to the meeting; and
  - (b) deal with the business of which notice has been given and any other urgent matter agreed to in terms of subparagraph (2).

### 14. Special meetings

- (1) Special meetings must be held -
  - (a) when called by the chairperson or, in his or her absence, by the vice-chancellor; or
  - (b) when a written request, for a special meeting, stating the object of the meeting, is received by the secretary to the council from at least five members of the council of whom at least 60 per cent must be members who are not staff or students of the Institution.

- (2) At least three days notice must be given of a special meeting, unless, in the opinion of the chairperson or the vice-chancellor, there is an emergency that warrants a shorter period of notice.
- (3) No matters other than those for which the meeting has been called may be dealt with at a special meeting.

**15. Quorum and procedure at council meetings**

- (1) The quorum at any meeting of the council is half of the total membership of the council.
- (2) The council members must participate in the deliberations of council in the best interests of the Institution, and in accordance with the rules of debate as approved by council and contained in the rules.

**16. Financial and other interests of council members**

- (1) Any member of the council or a committee of the council who has a direct or indirect financial or personal interest in any matter to be discussed at a meeting must, before or during such meeting, declare such interest, and comply with such other rules and policies as the council may adopt.
- (2) After such declaration such member of the council or a committee of the council must excuse himself or herself from the meeting and any subsequent meeting at which the matter is to be discussed, and is not entitled to receive papers relating to the matter.

**17. Committees of council**

- (1) The council must appoint -
  - (a) an executive committee;
  - (b) an audit committee; and
  - (c) a finance committee.
- (2) At least 60 per cent of the members of a committee contemplated in subparagraph (1) must be persons who are not employees or students of the Institution.
- (3) The chairperson of a committee contemplated in subparagraph (1) may not be an employee or a student of the Institution.
- (4) The quorum at a meeting of any of a committee contemplated in subparagraph (1) is half of the total membership of the committee.

**SENATE**

**18. Functions of senate**

- (1) The senate is accountable to the council for the academic and research functions of the Institution including quality assurance.
- (2) Without derogating from the generality of subparagraph (1) the senate -
  - (a) must organise and control the instruction, curricula, syllabuses, student assessments, examinations and research of the Institution;
  - (b) makes the rules for student assessments and examinations and must ensure that all assessments and examinations are conducted in accordance with these rules;

- (c) makes rules prescribing the requirements for each degree, diploma and certificate;
  - (d) appoints assessors, examiners, supervisors and promoters for all student assessments, examinations, dissertations and theses;
  - (e) advises the council on the appointment of academic staff of the Institution;
  - (f) advises the council on the admissions and readmissions policy of the Institution;
  - (g) advises the council on disciplinary measures and rules concerning students;
  - (h) advises the council on the faculty to which each academic department, school or other academic structure belongs; and
  - (i) advises the council on the establishment and disestablishment of faculties, academic departments, schools and other academic structures.
- (3) The senate -
- (a) must carry out such other functions as the council assigns to it;
  - (b) must submit to the council such reports on its work as may be required by the council; and
  - (c) makes recommendations to the council on matters referred to it by the council and on any other matter affecting the Institution as it considers necessary.
- (4) The senate may by resolution -
- (a) establish committees of the senate;
  - (b) appoint to any such committee both members of the senate and persons who are not members of the senate;
  - (c) disestablish any committee it has established; and
  - (d) terminate the membership of a committee of any person it has appointed to any committee.
- (5) The senate may delegate or assign any of its functions to -
- (a) a committee of the senate;
  - (b) a member of the senate; or
  - (c) any officer of the Institution,
- provided that it may not delegate or assign a function delegated to it by the council without the council's agreement.
- (6) The senate remains responsible for the performance of any function delegated or assigned in terms of subparagraph (5).

#### 19. Composition of senate

The senate consists of -

- (a) the vice-chancellor;
- (b) the deputy vice-chancellors;
- (c) the executive directors;
- (d) the executive deans of faculties;
- (e) the deputy deans of faculties where appointed;
- (f) the heads of academic departments or schools where appointed;
- (g) all heads of academic programmes who are not heads of academic departments;
- (h) all academic staff at the level of senior director, director and associate director who are not already represented on senate;
- (i) all professors and associate professors;

- (j) the director of academic development;
- (k) the director of research;
- (l) the director of quality assurance;
- (m) the director of the library;
- (n) the director of co-operative education;
- (o) the director of recruitment and enrolment management;
- (p) the director of equity and change management;
- (q) one academic staff member of each trade union elected respectively by each trade union;
- (r) three students appointed by the SRC at least one of whom must be a postgraduate student, and at least one of whom must be a member of the SRC;
- (s) one member of the council elected by the council who is not staff or a student of the Institution; and
- (t) such persons as co-opted by the senate.

**20. Election of members of senate**

The procedure for the election of members of the senate in paragraphs 19(q), (r) and (s) respectively, is determined by the bodies concerned.

**21. Term of office of senate members**

- (1) The term of office of the students elected by the SRC is one calendar year provided that when anyone of them ceases to be a registered student at the Institution, they forthwith cease to be a member of the senate.
- (2) The term of office of the other elected members of the senate is three years from 1 July to 30 June three years later, and the term of office of any member elected, appointed, or co-opted after the start of the three-year term of office is for the balance of that three-year term of office.

**22. Office-bearers of senate**

- (1) The vice-chancellor is the chairperson of the senate.
- (2) In the absence of the vice-chancellor the acting vice-chancellor presides, failing the acting vice-chancellor, the deputy vice-chancellor (academic), failing the deputy vice-chancellor (academic), the meeting elects a chairperson for the meeting.
- (3) The registrar (academic) is the secretary to the senate.

**23. Ordinary meetings**

- (1) Ordinary meetings must be held when and where senate decides and at least four ordinary meetings must be held each calendar year.
- (2) The vice-chancellor, deputy vice-chancellors, a member of council, any council committee, senate committee or two members of the senate jointly, may place a motion on the agenda for a meeting of the senate by giving notice to the secretary to the senate at least fourteen days before the date of the meeting, and the secretary to the senate must include any such motion in the agenda.
- (3) The secretary to the senate must issue a notice to each member of the senate at least five days before the date of each ordinary meeting of the senate, setting out the place, date and time of the meeting, and the agenda for the meeting, but the senate may if



the chairperson so rules or, if such a ruling has not been made, a majority of the voting members present agree, consider any urgent matter of which notice has not been given.

- (4) At each ordinary meeting the senate must -
- (a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members at least five days prior to the meeting; and
  - (b) deal with the business of which notice has been given and any other urgent matter agreed to in terms of paragraph 23(3).

**24. Special meetings**

- (1) Special meetings must be held -
- (a) when called by the chairperson or the acting chairperson; or
  - (b) when a written request for a special meeting, stating the object of the meeting, is received by the secretary to the senate from at least 30 members of the senate.
- (2) At least three days' notice must be given of a special meeting, unless, in the opinion of the chairperson there is an emergency that warrants a shorter period of notice.
- (3) No matters other than those for which the meeting has been called may be dealt with at a special meeting, except that the senate may by a majority of the voting members present agree to consider any urgent matter of which notice has not been given.

**25. Quorum and procedure at senate meetings**

- (1) The quorum at any meeting of the senate is half the total membership of senate plus one of the members of the senate, the members of senate on leave at the date on any meeting not counting, for this purpose, among those present or in the membership.
- (2) The senate members must participate in the deliberations of senate in the best interests of the Institution, and in accordance with the rules of debate as approved by senate and contained in the rules.

**26. Faculty boards**

- (1) For each faculty there is a committee of the senate known as a faculty board.
- (2) The composition of each faculty board is as decided by the senate from time to time, but in each faculty the composition of the faculty board must include -
- (a) the executive dean of the faculty;
  - (b) the deputy dean where appointed;
  - (c) academic staff at the level of senior director, director and associate director in the faculty who are not already members of the faculty board;
  - (d) the professors and associate professors in the faculty;
  - (e) the heads of departments in the faculty;
  - (f) one academic appointed to represent a programme where such programme is not already represented by the head of department;
  - (g) student representatives as defined in the faculty constitution; and
  - (h) any other persons as approved by the faculty board.
- (3) The executive dean of the faculty is the chairperson of his or her faculty board and

- presides at all meetings of the faculty board at which he or she is present.
- (4) In the absence of the executive dean, the acting dean presides and in the absence of the acting dean the deputy dean presides and in the absence of all three the faculty board must elect a member to preside at that meeting.
- (5) The faculty board -
- (a) is responsible to the senate for organising and controlling the instruction, curricula, syllabuses, student assessments, examinations and research of the faculty;
  - (b) must make proposals to the senate for rules prescribing the requirements for each degree, diploma and certificate offered in the faculty, including the requirements for admission and readmission;
  - (c) must advise the executive dean of the faculty on policy for resource allocation in the faculty;
  - (d) must carry out such functions as the senate delegates or assigns to it;
  - (e) is accountable to the senate for its work; and
  - (f) may by resolution establish committees of the faculty, and may appoint as members of such committees any people whether they are members of the faculty board or not.
- (6) The quorum and procedure at meetings of faculty boards are as decided by the senate from time to time, but the quorum may not be less than one third of the total membership of the faculty board, the members of the faculty board on leave on the date of any meeting not counting for this purpose among those present or in the membership.
- (7) Ordinary meetings of faculty boards, must be held when and where the respective executive deans decide, and at least four ordinary meetings must be held each calendar year.
- (8) Special meetings must be held -
- (a) when called by the executive dean or acting dean; or
  - (b) when a written request for a special meeting, stating the object of the meeting, is received by the executive dean or acting dean from at least 10 members of the faculty board.
- (9) The faculty board decides its own rules of debate.

## INSTITUTIONAL FORUM

### 27. Functions of institutional forum

- (1) The institutional forum advises the council on issues affecting the institution, including -
  - (a) the implementation of the Act and the national policy on higher education;
  - (b) race and gender equity policies;
  - (c) the selection of candidates for senior management positions;
  - (d) codes of conduct, mediation and dispute resolution procedures; and
  - (e) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for instruction, research and learning.
- (2) The institutional forum performs such other functions as determined by the council.

**28. Composition of institutional forum**

The institutional forum consists of -

- (a) two members of the council who are not employees or students of the Institution;
- (b) two members from senior management or management appointed by the vice-chancellor;
- (c) two members of the senate elected by the senate;
- (d) two members of the permanent academic staff elected by the academic staff;
- (e) two members of the permanent professional, administrative, support and service staff elected by these staff;
- (f) two members of each trade union elected respectively by these organisations;
- (g) four students appointed by the SRC at least one of whom must be a postgraduate student and at least one of whom must be a member of the SRC;
- (h) two members of convocation, elected by the convocation;
- (i) one member of the gender forum, elected by the gender forum; and
- (j) such members as co-opted by the institutional forum.

**29. Election of members of institutional forum**

- (1) The procedure for the election or co-option of members of the institutional forum in paragraphs 28(a), (c), (f), (g), (h), (i) and (j) respectively, is determined by the bodies concerned.
- (2) The procedure for the election of members of the institutional forum in paragraphs 28(d), and (e) is determined by the rules.

**30. Term of office of members of institutional forum**

- (1) The term of office of the members elected by the SRC is one calendar year.
- (2) The term of office of the members elected by each trade union, the academic staff, and professional, administrative, support and service staff is three years.
- (3) The term of office of the members appointed by the vice-chancellor is for such periods as the vice-chancellor determines.
- (4) The term of office of the other members is three years.

**31. Office-bearers of institutional forum**

- (1) The institutional forum elects from among its members a chairperson and a deputy chairperson.
- (2) The vice-chancellor nominates a member of the permanent professional and administrative staff as the secretary of the institutional forum.

**32. Quorum and procedure at meetings of institutional forum**

- (1) The quorum at any meeting of the institutional forum is half the total membership of the institutional forum plus one of the members of the institutional forum.
- (2) The institutional forum determines its own procedures subject to the following -
  - (a) ordinary meetings must be held when and where the institutional forum decides, and at least four ordinary meetings must be held each calendar year;
  - (b) special meetings must be held -
    - (i) when called by the chairperson; or
    - (ii) when a written request for a special meeting, stating the object of the

- meeting, is received by the secretary of the institutional forum from at least six members of the institutional forum; and
- (c) the institutional forum decides its own rules of debate.

### **JOINT COMMITTEES**

#### **33. Joint Committees**

- (1) The council, the senate or the institutional forum may, by resolution of each body concerned, establish joint committees, and appoint people to be members of them.
- (2) In addition to their members the council, the senate or the institutional forum may each agree to appoint any other person to a joint committee.
- (3) Any joint committee may be disestablished by the council and the membership of any person appointed to a joint committee may be terminated by the body which appointed him or her.
- (4) The council may delegate or assign to a joint committee any of its powers and functions, other than those specified in paragraph 7(4), but remains responsible for the performance of those powers and functions.
- (5) The senate may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.
- (6) The institutional forum may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.

### **CONVOCATION**

#### **34. Functions of convocation**

The convocation may discuss and state its opinion upon any matter relating to the Institution, including any matter referred to it by the council, the senate or the institutional forum.

#### **35. Composition of convocation**

The convocation consists of -

- (a) the graduates and all holders of diplomas and certificates of the Institution including those of the former ML Sultan Technikon and Technikon Natal;
- (b) the vice-chancellor, the deputy vice-chancellors, executive directors, academic staff, registrars, and directors of library, research, quality assurance, academic development, equity and change management, co-operative education and recruitment and enrolment management who are permanent staff; and
- (c) those former professors and associate professors elected by the senate to be emeritus professors or emeritus associate professors.

#### **36. Roll of convocation**

- (1) The secretary to convocation must keep the roll of convocation.
- (2) Every member of convocation must notify the secretary to convocation of his or her address and of any change of address.

#### **37. Office bearers**

- (1) The officers of the convocation are the president, vice-president and secretary to the

convocation.

- (2) The secretary to convocation, who is an employee of the Institution is responsible for the administration of the office of the convocation, and performs such tasks as delegated by the officers.
- (3) The president may not serve for more than two consecutive terms of three years in the same office.
- (4) The president presides at the annual general meeting, special general meetings, and convocation executive committee meetings.
- (5) The president is competent to represent the convocation and perform any other duties required by the constitution of the convocation, or act upon decisions taken at the annual general meeting or by the executive committee of the convocation.
- (6) The vice-president acts as, and performs all the functions and exercise all the powers of the president if the latter is absent, or precluded from acting as president.
- (7) If the positions of president and vice-president become vacant during the term of office of an incumbent, the executive committee may elect a member or members of the executive to fill the position or positions for the remainder of the term.
- (7) The secretary to convocation is appointed by the Institution.

**38. Election of president and vice-president**

- (1) Nominations must be submitted in writing to the convocation officer in terms of a procedure determined by the constitution of the convocation.
- (2) The president is elected at the annual general meeting by the convocation from amongst its bona fide members by secret ballot, and holds office for a period of three years.
- (3) Whenever a tie for first place occurs between candidates for the office of president, successive rounds of voting must take place at the annual general meeting until a single candidate is elected.
- (4) No member is eligible for election to the office of president unless he or she is resident in the country of South Africa.
- (5) The vice-president is elected by the executive committee of the convocation at its first meeting after the annual general meeting, as provided for in the constitution of the convocation.

**39. Executive committee of convocation**

- (1) The management of the business of the convocation shall be vested in the executive committee of the convocation.
- (2) The constitution of the convocation must provide for the composition, office-bearers, powers and functions of the executive committee of the convocation.

**40. Annual general meeting**

- (1) The annual general meeting must be convened by the secretary to the convocation in consultation with the president, and must be held at a venue and at a time to be determined by the executive committee of the convocation.
- (2) Any member desiring to table any business must, at least two weeks before the meeting, forward a statement in writing to the secretary to the convocation or, failing him or her, the president, setting forth in the form of a motion the subject proposed



- for consideration,
- (3) The reason for each motion must be stated and must be signed by the proposer and seconder and the proposer and seconder, who must be bona fide members of the convocation, must be present at the annual general meeting to present and motivate the motion.
  - (4) Notice of the annual general meeting must be published in a national newspaper or publication at least four weeks before the day appointed for holding such meeting with a statement of the business to be brought before the meeting.
  - (5) Thirty members form a quorum.
  - (6) An audited statement of accounts must be tabled and presented for adoption at the annual general meeting.

#### **41. Special meetings**

- (1) A special meeting may be called by the president of his or her accord at any time for a purpose to be stated by him or her and such meeting must be called by him or her, or failing him or her, by the secretary to the convocation, on the receipt of a request in writing by not less than twenty-five members of the convocation.
- (2) No business other than for which notice has been given must be transacted at such meeting, and an amendment to a specific motion stated in the request may be moved at such meeting only with the consent of the president and the proposer of such motion.

### **DONORS**

#### **42. Donors**

- (1) The Institution may receive monies and equipment of any sort from donors to assist the Institution in providing quality education.
- (2) The Institution may recognise and register certain donors as determined in the rules.

### **STUDENTS' REPRESENTATIVE COUNCIL (SRC)**

#### **43. Functions of SRC**

- (1) The students of the Institution are represented by the SRC in matters that may affect them.
- (2) The matters contemplated in subparagraph (1) include -
  - (a) liaison with the council, the senate, the management, the general public, other institutions, students' representative councils of other institutions, national or international student organisations, unions and news media;
  - (b) being the umbrella organisation for all student committees, clubs, councils and societies, the granting or withdrawing of recognition of such student committees, clubs, councils and societies as it deems appropriate;
  - (c) the co-ordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the management of the Institution;
  - (d) the conducting of all authorised meetings of the student body and its managing body;

- (e) the conveying of student matters in all general referenda and petitions organised by the students within the Rules;
- (f) the appointment of such office-bearers and establishing of such committees as it deems necessary;
- (g) the organisation and promotion of extramural activities among students;
- (h) keeping account of all moneys paid over to it by the council and any other moneys which may accrue to it in its capacity as representatives of the students; also to allocate or disburse such funds for use by students, and to make grants to approved student clubs, committees, societies and councils;
- (i) the responsibility for the preservation of order at student functions, and the ensuring of good conduct at other approved meetings of students;
- (j) the co-ordination of student involvement in all community projects initiated by it;
- (k) the recommendation to the council of rules to determine the conduct of its affairs;
- (l) the final decision making in all matters falling within its jurisdiction; and
- (m) such additional functions and privileges as may be specifically conferred upon it by the council.

**44. Composition of SRC**

The constitution of the SRC, as approved by council, must provide for the composition of the SRC, but -

- (a) its members must be elected in a general election held during the fourth quarter of each calendar year;
- (b) only a student who has been registered for at least one semester for a formal programme of study recognised by the senate, is entitled to nominate a candidate, be nominated as a candidate or vote, in the manner the constitution prescribes; and
- (c) a member of the SRC's term of office expires, if that student's registration ceases for whatever reason.

**45. Office bearers of SRC**

- (1) The SRC elects from among its members a president to act as chairperson and a deputy president to act as deputy chairperson.
- (2) The constitution of the SRC as approved by council must provide for the functions of other office bearers and the election of such office bearers.

**46. Term of office of SRC members**

The term office of the members of the SRC is one calendar year.

**47. Privileges**

The privileges of members of the SRC are as determined by the council, after consultation with the SRC.

**48. Meetings of SRC**

The constitution of the SRC as approved by council must provide for the number of meetings, the quorum at a meeting and the meeting procedures.

**49. SRC committees**

The SRC may establish such committees as may be required.

**50. General meeting**

- (1) The SRC must convene at least two general meetings of students per annum.
- (2) A general meeting may also be requested by at least 1 000 signatories of registered students petitioning the SRC.
- (3) Meetings may not disrupt academic activities unless the vice-chancellor has granted prior permission.

**VICE-CHANCELLOR****51. Functions of vice-chancellor**

- (1) The vice-chancellor is the chief executive officer of the Institution.
- (2) The vice-chancellor's functions are determined by the council but he or she may delegate any of the powers assigned or delegated to him or her by the council or the senate to any officer of the Institution, except where the council or the senate decides otherwise.
- (3) The vice-chancellor is by virtue of his or her office a member of -
  - (a) the council;
  - (b) the senate;
  - (c) each committee of the senate; and
  - (d) each joint committee.

**52. Appointment of vice-chancellor**

The council appoints the vice-chancellor after consulting the senate and the institutional forum, for such period and upon such terms as the council decides.

**53. Termination of office of vice-chancellor**

- (1) The vice-chancellor holds office for such period and upon such terms as the council decides.
- (2) The appointment may be terminated during the period of office by six months' written notice on either side.
- (3) Any resolution of the council to give notice of termination must be taken at a meeting of the council by a majority consisting of not less than half the total membership of the council.
- (4) If the office of the vice-chancellor becomes vacant, the council must -
  - (1) after consulting the senate and the institutional forum appoint an acting vice-chancellor to hold office until such time as a new vice-chancellor takes up his or her appointment; and
  - (2) after consulting the senate and the institutional forum, appoint a successor.

### DEPUTY VICE-CHANCELLORS

#### 54. Functions of deputy vice-chancellors

- (1) The deputy vice-chancellors' functions are determined by the council.
- (2) Two deputy vice-chancellors, as determined by the vice-chancellor, are members of council.
- (3) Each deputy vice-chancellor is by virtue of his or her office a member of the senate.
- (4) The deputy vice-chancellor responsible for academic affairs is by virtue of his or her office a member of each committee of the senate.

#### 55. Appointment of deputy vice-chancellors

The council appoints deputy vice-chancellors, after consulting the senate and the institutional forum, for such period and upon such terms as the council decides.

### EMPLOYEES

#### 56. Employees

Subject to section 34 of the Act, the council may appoint employees according to the staffing policies and conditions of employment of the Institution as determined in the rules.

### STUDENT ADMINISTRATION

#### 57. Admission and registration of students

- (1) In order to be regarded as a student of the Institution, a person must be formally accepted for admission to a programme of study and registered at the Institution.
- (2) A person may be permitted by the council to register as a student only if he or she satisfies all legal requirements for admission to study at the Institution and, further, satisfies any other requirements for admission that may be determined by the council after consultation with the senate and laid down in the rules.
- (3) The requirements for admission of a student to a programme of study are set out in the rules and may be changed by the council after consultation with the senate.
- (4) Every person, on admission to the Institution as a student, is required to sign the official registration form, and by such signature he or she binds himself or herself to the rules of the Institution and such conditions as may be determined by the council.
- (5) A student is registered for one academic year or semester at a time, as determined by council and published in the Institution's academic calendar, or for such shorter period as the council may determine in general or in a particular case.
- (6) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (5), the student is required to comply with any conditions set by the council.
- (7) The council may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in subparagraph (4).
- (8) The conditions contemplated in subparagraph (4) may include the payment of outstanding fees.

**58. Granting of subject transfers and exemptions, acceptance of periods of attendance and registration and recognition of prior learning and experience**

The senate may under the conditions laid down in the rules -

- (a) grant a subject transfer for a subject prescribed for a degree, diploma or certificate to a student who has completed the subject, or an equivalent subject, while registered at the Institution for another degree, diploma or certificate;
- (b) accept, as part of the period of attendance and registration prescribed for the degree, diploma or certificate, all or part of a period or periods of attendance and registration of a student at the Institution while registered for another degree, diploma or certificate;
- (c) grant exemption from a subject prescribed for a degree, diploma or certificate to a student who has completed a subject or subjects or other work which the senate considers equivalent at another accredited educational institution regarded by the council as equivalent to a technikon;
- (d) accept as part of the period of attendance and registration prescribed for a certificate, diploma or degree, all or part of a period or periods of attendance and registration of a student at another accredited educational institution regarded by the council as equivalent to a technikon; and
- (e) assess prior learning and experience of a student as the basis for granting credit for outcomes for a degree, diploma or certificate.

**59. Awarding of certificates and diplomas and conferment of degrees**

- (1) The Institution may, subject to the Act, award certificates and diplomas and confer degrees of bachelor, master and doctor in technology.
- (1) Except as provided by paragraph 60 no certificate or diploma may be awarded to, and no degree may be conferred upon, any person who has not -
  - (a) been registered as a student of the Institution for the period and under the conditions prescribed by the senate and laid down in the rules; and
  - (b) met all the requirements for the award of a certificate or diploma or conferment of a degree as prescribed by the senate and laid down in the rules.
- (3) Certificates and diplomas are awarded and degrees are conferred at a congregation.
- (4) Congregations are held at times and places decided by the council after consultation with the senate.
- (5) The procedures at a congregation, including for the presentation of those who have qualified for certificates, diplomas and degrees, and for the award of certificates and diplomas and the conferment of degrees in a person's absence, are as decided by the council after consultation with the senate.
- (6) The effective date of issue of a certificate, diploma or degree is the date on which the final examination results towards the qualification or the student's final dissertation or thesis are approved by senate, or the date following the day on which experiential learning has been ratified as complete by senate, whichever is the latest.
- (7) Notwithstanding subparagraphs (6), the earliest effective date of issue of a certificate, diploma or degree will be the day following the minimum duration of the relevant programme of study.



**60. Honorary degrees**

The Institution may confer an honorary degree of master or doctor upon any person by a resolution of the senate and council in accordance with the policy and procedures approved by the council in consultation with the senate as laid down in the rules.

**STUDENT DISCIPLINARY MEASURES AND PROCEDURES****61. Discipline**

Every student must comply with all rules.

**62. Disciplinary measures and procedures**

Every student is subject to the disciplinary measures and procedures determined by council, after consultation with the senate and the SRC and as laid down in the rules.

**GENERAL AND TRANSITIONAL PROVISIONS****63. Issue of notices**

The inadvertent failure or omission to give notice as prescribed in this Statute to any person entitled to receive it, or the non-receipt of such notice by any person, does not invalidate the proceedings.

**64. Numerical fractions**

Where a numerical fraction of a number is prescribed in this Statute and where this is not an integer, the next higher integer must be taken to be the prescribed number.

**65. Quorum**

Where a meeting of the council, the senate, the institutional forum, or the convocation is called in the manner this Statute requires, and there is no quorum, the chairperson may adjourn the meeting to a date not less than seven days later and require the secretary to give notice of the time and venue of the meeting to all members of the body concerned and if this is done the members present at the start of the meeting constitute a quorum despite any provision to the contrary.

**66. General and transitional provisions**

- (1) Anything done under any provision of the Standard Institutional Statute promulgated by Government Gazette No. 23065, Government Notice No. 377 of 27 March 2002, as corrected by Government Gazette No. 23448, Government Notice No. 724 of 23 May 2002 and amended by Government Gazette No. 25698, Government Notice No. 1647 of 7 November 2003, before this Statute came into operation, is deemed to have been done under the corresponding provision of this Statute.
- (2) The council, the senate, faculty boards, forum, students' representative council and convocation, which existed prior to the commencement of this Statute continue to exist and perform the functions which they performed prior to such commencement, but must comply with the provisions of this Statute within 12 months after the commencement of this Statute.
- (3) The existing rules passed by council in terms of Section 32(1)(b) of the Act which existed at the commencement of this Statute continue to apply until replaced.