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GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 746

27 August 2010

HIGHER EDUCATION ACT, 1997 (Act No 101 of 1997)

INSTITUTIONAL STATUTE: UNIVERSITY OF LIMPOPO

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33(1) of the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish the Institutional Statute of the University of the Limpopo set out in the Schedule hereto.



Dr B E Nzimande, MP
Minister: Higher Education and Training

Date:

HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)**UNIVERSITY OF LIMPOPO****STATUTE**

The Council of the University of Limpopo, 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), as amended, which is, in terms of section 33 of the Act, hereby published with the approval of the Minister of Education which comes into operation on the date of this publication.

SCHEDULE

To introduce a Statute for the University of Limpopo to give effect to the Higher Education Act, 1997 (Act No. 101 of 1997) , as amended, and to promote the effective management and governance of the University in respect of matters not expressly prescribed by any law.

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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), as amended, has the same meaning so assigned to it, and unless the context otherwise indicates:

"absolute majority" means 75% of the total number voting in the body concerned;

"academic employee" means any person appointed to teach or to do research at the University and any other employee designated as such by the Council of the University;

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

"certificate" means a certificate of the University awarded to a student on completion of the work prescribed for the certificate by the Senate;

"Chancellor" means the person contemplated in paragraph 4 of this Statute and Section 26(1) of the Act;

"Convocation" means the convocation of the University contemplated in paragraphs 46 to 51 and Section 26(2) of the Act;

"Council" means the Council of the University contemplated in paragraph 20 of this Statute and Section 20 of the Act;

"days" includes Saturdays, Sundays and public holidays;

"degree" means a degree of the University conferred upon a student on completion of a programme of study prescribed for the degree by the Senate;

"diploma" means a diploma of the University awarded to a student on completion of a programme of study prescribed for the diploma by the Senate;

"diplomate" means a person who has obtained a diploma of the University;

"donor" means a person, body or entity who has made a donation to the University, which, in the opinion of the Council, warrants that person, body or entity being recognised as a donor as contemplated in paragraph 57 of this Statute;

"employer" means the Council of the University;

"entity" means any organisation, forum or body and includes any organisational structure provided for in the Act and this Statute or determined by the Council;

"examination" means any test or assessment including any written or oral assessments;

“executive management” means the rectorate and any other officer who may so be co-opted;

“faculty” means a planned cluster of learning programmes, qualifications, curricula or modules, so clustered for the purposes of effective management and enhancement of the quality of the academic programmes of the University and includes the personnel appointed to perform the tasks pertaining to the work in the faculty;

“graduate” means a person upon whom a degree has been conferred;

“graduate of the University” means a person upon whom the University has conferred a degree;

“institutional forum” means the institutional forum contemplated in paragraph 43 of this Statute and section 31 of the Act;

“majority” means half the total number of members plus one of the voting body concerned (50%+1);

“Minister” means the Minister of Education;

“non-academic staff” means any employee who is not an academic staff;

“office bearer” means a functionary provided for in the Act or determined by the Council;

“officer of the University” means a member of the staff of the University;

“postgraduate” means any student who is registered for any qualification for which the minimum admission requirement is a Bachelor's degree or equivalent;

“professor” means an academic employee who has been given the title of professor by the University or by another University, but does not include an emeritus professor, associate, adjunct or assistant professor;

“programme” a purposeful and structured set of learning experiences that leads to a qualification;

“qualification” means a certificate, a diploma or a degree;

“recognised staff body” means a body organised by and among the staff to represent their interests;

“rectorate” means the Vice-Chancellor and Principal, Deputy Vice-Chancellors, and the Registrar;

“registrar” means the officer contemplated in paragraph 16 of this Statute and Section 50(1) of the Act;

“Rules” means the institutional Rules of the University made in terms of section 32 of the Act and this Statute;

“seat of the University” means the seat contemplated in paragraph 2(2) of this Statute and section 65A of the Act;

“senate” means the Senate of the University contemplated in paragraph 31 of this Statute;

“senior management” means for the purpose of section 31 (2)(a) of the Act, the Vice-Chancellor and Principal, Deputy Vice-Chancellors, the Registrar, the deans of faculties and the administrative positions equivalent to the positions of the deans of faculties.

“simple majority” means the majority of votes cast, excluding abstentions;

“SRC” means the Student Representative Council of the University contemplated in paragraph 52 of this Statute and Section 35 of the Act;

“Statute” means the Statute framed and in force as contemplated in Section 32 of the Act;

“student” means any person who has registered for a qualification with the University;

“University” means the University of Limpopo.

UNIVERSITY

2. Name, status, seat and powers of University

- (1) The name of the University is the University of Limpopo.
- (2) The seat of the University, is Turfloop Campus, Mankweng, in the Polokwane Municipality.
 - (2.1) The University conducts its academic activities at its other campuses at Medunsa and Edupark.
 - (2.2) The official address of the University is -

University of Limpopo
Turfloop Campus
Limpopo Province
Private Bag X1106
Sovenga
0727
- (3) The University is a juristic person as contemplated in section 20(4) of the Act and is capable of performing all functions in relation thereto.
- (4) Notwithstanding subparagraph (3), the University may not, without the concurrence of the Minister, dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude.
- (5) The University may confer degrees and honorary degrees and award diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act.
- (6) It is recorded that the University is formed as a result of the merger of two former separate institutions of higher education being the University of the North and the Medical University of Southern Africa.
- (7) It is further recorded that the activities of the merged institution will continue at the campuses of the institution and beyond.

3. Constitution of the University

The University shall consist of:

- (1) Office Bearers:
 - (a) the Chancellor;
 - (b) the Council;
 - (c) the Vice-Chancellor and Principal;
 - (d) the Deputy Vice-Chancellors;
 - (e) the Registrar;
 - (f) Executive Director or Directors;
 - (g) Head of Departments;
 - (h) a Convocation;

- (i) the Institutional Forum;
 - (j) the faculties, the schools, and such other academic structures of the University as may determined by Council;
 - (k) the academic employees of the University;
 - (l) the non-academic employees of the University;
 - (m) the SRC;
 - (n) the students of the University
- (2) No vacancy in any of the officers contemplated in subparagraph (1) nor any vacancy or deficiency in the number or defect in the composition of the bodies contemplated in subparagraph (2) impairs or affects the existence of the University as a juristic person or any function or powers conferred upon the body or the University by this Statute or by the Act.

CHANCELLOR

4. Powers, duties and functions

- (1) The Chancellor is the titular head of the University with no executive powers.
- (2) The Chancellor, presides at all congregations of the University and confers all degrees and awards all diplomas and certificates in the name of the University.
- (3) The Chancellor performs such other functions as assigned to him or her by the Council.
- (4) The Chancellor must at all times embody the aspirations and values of the University and actively advance the interests of the University.

5. Election and Appointment of the Chancellor

- (1) The Chancellor is elected by the Council in the following manner –
 - (a) The Chairperson of the Council determines the date on which a meeting of the Council is to be held for the purpose of electing a Chancellor;
 - (b) The Secretary to the Council gives due notice to the members of Council of the date, time and venue for the meeting contemplated in subparagraph (1)(a);
 - (c) The Secretary to the Council invites office bearers contemplated in paragraph 3(1) to submit nominations for the office of the Chancellor;
 - (d) The nominations contemplated in subparagraph (1)(c) must reach the Secretary to the Council at least 20 working days before the meeting contemplated in subparagraph (1)(b);
 - (e) The nominations contemplated in subparagraph (1)(c) must be in writing and must include the nominee's written consent and a succinct curriculum vitae;
 - (f) The Secretary to the Council must, within five working days after the closing date for nominations, inform members of Council and the Institutional Forum in writing of the nominations received;

- (g) A special meeting of the Institutional Forum must be held before the meeting contemplated in subparagraph (1)(b) for purposes of considering the nominations and advising the Council prior to the Council meeting on the appointment of a candidate to the office of Chancellor;
 - (h) The Chancellor is elected by secret ballot and a majority of the members present at the meeting contemplated in subparagraph (1)(b);
 - (i) If no candidate receives a majority of votes, successive rounds of voting are held; and
 - (j) In each successive round of voting the candidate receiving the fewest votes is eliminated as a candidate.
- (2) After the Council has elected a Chancellor, the name of the Chancellor is announced by the chairperson of the Council.

6. Term of office of the Chancellor

- (1) The Chancellor shall be elected for a period to be determined by the Council, but not exceeding five years, unless he or she tenders a resignation in writing to the Council or vacates office for any other reason before the end his or her term of office.
- (2) The Chancellor is eligible for reappointment.
- (3) The Chancellor may be removed from office by a resolution of a two thirds majority of the members of the Council on account of unbecoming conduct or incapacity to perform the functions of the office.
- (4) The resolution contemplated in subparagraph (3) may not be passed if the Chancellor has not been given the opportunity to speak.
- (5) The term of office of the Chancellor terminates in the event of –
 - (5.1) death or incapacity;
 - (5.2) resignation; or
 - (5.3) removal from office by Council as contemplated in subparagraph 6(3) of this Statute.

7. Absence of the Chancellor

If the office of the Chancellor becomes vacant or the chancellor is absent or unable to perform his or her duties due to incapacity or any other reason, the Vice-Chancellor and Principal performs those powers, duties and functions.

VICE-CHANCELLOR AND PRINCIPAL

8. Powers, duties and functions

- (1) The Vice-Chancellor and Principal is the academic, administrative and management head of the University;
- (2) The Council shall delegate to the Vice-Chancellor and Principal all the powers necessary to perform his or her duties;

- (3) The Vice-Chancellor and Principal may in turn delegate duties to other employees or committees;
- (4) The Vice-Chancellor and Principal is accountable to the Council;
- (5) The Vice-Chancellor and Principal is a member of both Council and Senate and all their respective committees;
- (6) The Vice-Chancellor and Principal serves as chairperson of Senate;
- (7) The Council may assign additional functions, and grant additional powers and privileges to the Principal as contemplated in Section 68(2) of the Act;
- (8) When the Vice-Chancellor and Principal is absent or unable to carry out his or her duties, he or she may delegate all his or her powers and duties to a member of the Executive Management as contemplated in Section 68(3) of the Act;
- (9) An acting Vice-Chancellor and Principal must be appointed by the Vice-Chancellor and Principal for periods of absence of the Vice-Chancellor and such acting Vice-Chancellor has the same functions of the Vice-Chancellor and Principal;
- (10) The Vice-Chancellor and Principal is responsible for the day-to-day management and administration of the University and has all the powers necessary to perform these functions.
- (11) The Vice-Chancellor and Principal has the power to appoint acting officers subject to the terms of this Statute.

9. Appointment of Vice-Chancellor and Principal

Subject to the Act, the advertising of the post of Vice-Chancellor and Principal, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes are determined by Council.

10. Term of office of the Vice-Chancellor and Principal

- (1) The Vice-Chancellor and Principal holds office for such periods as determined by his or her contract.
- (2) The appointment may be terminated during the period of office by six months' notice. Any resolution by Council to give notice must be passed at a meeting of the Council by a majority vote consisting of not less than 75% of the members of Council.
- (3) If the office of Vice-Chancellor and Principal becomes vacant or the Vice-Chancellor and Principal is absent or unable to perform his or her duties due to incapacity or any other reason, the Council must –
 - (a) appoint an acting Vice-Chancellor and Principal, after consulting Senate and the institutional forum, to act as the Vice-Chancellor and Principal until such time as a new Vice-Chancellor and Principal takes up his or her appointment, and;
 - (b) after consultation with the Senate and the institutional forum, appoint a successor.

- (4) An acting Vice-Chancellor and Principal has the same powers, duties and functions as the Vice-Chancellor and Principal.

11. Delegation of duties

The Vice-Chancellor and Principal may delegate any of the powers assigned to him or her by the Council or the Senate to any officer of the University, except where the Council or the Senate decides otherwise.

12. Accountability

The Vice-Chancellor and Principal is accountable to the Council in respect of the management and administration of the University and to the Senate in respect of academic matters.

DEPUTY VICE-CHANCELLOR

13. Powers, duties and functions

- (1) The Deputy Vice-Chancellor is responsible for assisting the Vice-Chancellor and Principal in the management and administration of the University and have the powers and duties conferred upon him or her by the Council, this Statute, and the Institutional Rules and delegated to him or her by the Vice-Chancellor and Principal.
- (2) A Deputy Vice-Chancellor is a member of the Council and the Senate and their committees except that the Council may on good cause determine that one or more Deputy Vice-Chancellors should not be a member of a committee of the Council or a joint committee of the Council and the Senate.
- (3) The Deputy Vice-Chancellor may delegate any of the powers assigned to him or her by the Council to any officer of the University, except where the Council decides otherwise.
- (4) A Deputy Vice-Chancellor is accountable to the Vice-Chancellor and Principal and Council.

14. Appointment of Deputy Vice-Chancellor

Subject to the Act, the advertising of the post of Deputy Vice-Chancellor, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment process are determined by Council.

15. Term of office of the Deputy Vice-Chancellor

- (1) The Deputy Vice-Chancellor holds office for such period as determined by his or her contract.

- (2) The appointment may be terminated during the period of office by six months' notice.
- (3) If the office of Deputy Vice-Chancellor becomes vacant or the Vice-Chancellor is absent or unable to perform his or her duties due to incapacity or any other reason, the Council must-
 - (a) appoint an acting Deputy Vice-Chancellor to act until such time as a new Deputy Vice-Chancellor takes up his / her appointment and any resolution by Council to give notice must be passed at a meeting of the Council by a majority vote of not less than 75% of the members of Council;
 - (b) after consultation with the Senate and after having obtained the advice of the institutional forum, appoint a successor.
- (4) An acting Deputy Vice-Chancellor has the same powers, duties and functions as the Deputy Vice-Chancellor.

REGISTRAR

16. Powers, duties and functions

- (1) The Registrar acts as the compliance officer of the University.
- (2) The Registrar is the custodian of the Rules of the University.
- (3) The office of the Registrar is the repository of all records of the University;
- (4) The Registrar may from time to time delegate any of his or her powers, duties and functions to a University employee.
- (5) The Registrar is accountable to the Vice-Chancellor and Principal and Council.

17. Appointment of Registrar

The Registrar is appointed in such a manner and for such periods as determined by the Council and the Institutional Rules.

18. Absence of Registrar

- (1) If the Registrar is absent, or while the appointment of the Registrar is pending, the Vice-Chancellor appoints an acting Registrar.
- (2) An acting Registrar has the same powers, duties and functions as the Registrar.

19. Term of office of Registrar

- (1) The Registrar holds office for such a period as determined by his or her contract.
- (2) The appointment may be terminated during the period of six months' notice.
- (3) If the office of the Registrar becomes vacant or the Registrar is absent or unable to perform his or her duties due to incapacity or any other reason,

the Council must appoint an acting Registrar on the recommendation of the Vice-Chancellor and Principal.

COUNCIL

20. Powers, duties and functions

- (1) Subject to the provisions of the Higher Education Act and this Statute -
 - (a) the Council governs the University;
 - (b) the Council is the policy-making authority of the University;
 - (c) the Council must participate in the deliberations of Council in good faith and with care and skill in the best interest of the University;
 - (d) the Council is accountable to the Minister in terms of the provisions of Section 41 of the Act;
 - (e) the Council adopts the University vision, mission and values and monitors realisation thereof;
 - (f) the Council may establish any other committees as well as joint Council and Senate committees.
 - (g) the Council may establish, in consultation with Senate, joint committees of Council and Senate in terms of Section 29 of the Act to perform functions that are common to Council and Senate.
- (2) Without derogating from the generality sub paragraph (1) the Council -
 - (a) makes Rules for the University;
 - (b) establishes the Council committees and determines the composition and functions of each committee;
 - (c) establishes, in consultation with Senate, joint committees of the Council and the Senate to perform functions which are common to the Council and the Senate;
 - (d) appoints all the employees of the University, but, in the case of academic employees of the University, it may do so only after consultation with the Senate;
 - (e) determines the student admission policy of the University, after consultation with the Senate;
 - (f) determines, with the approval of the Senate, the entrance requirements in respect of particular higher education programmes, the number of students who may be admitted for a particular higher education programme and the manner of their selection, and the minimum requirements for readmission to study at the University;
 - (g) determines and provides student support services after consultation with the SRC.
- (3) Without derogating from the generality of subparagraph (1), the Council-
 - (a) makes the institutional Statute and any amendments thereto;
 - (b) appoints the senior management, as defined by the University Statute;

- (c) determines conditions of service, the disciplinary provisions and the privileges and functions of its employees, and may, in the manner set out in the disciplinary Rules, suspend or dismiss any employee of the University;
 - (d) may order an employee whom it has suspended to refrain from being on any premises under the control of the University and to refrain from participating in any of the University's activities or issue such other conditions as it may deem necessary;
 - (e) the Council determines the language policy of the University, after consultation with the Institutional Forum, in the event that the advice of the Institutional Forum has not been considered, the Council should inform the Institutional Forum of such decision in writing including the reasons for such a decision;
 - (f) determines, after consultation with the Senate, which academic structures are required and the functions of each structure, in order to ensure efficient governance;
 - (g) determines tuition fees, accommodation fees and any other fees payable by students as well as accommodation fees payable by employees;
 - (h) approves the annual budget of the University;
 - (i) may conclude a loan or overdraft agreement, subject to the proviso that the approval of the Minister is required whenever the aggregate of existing borrowings plus the new contemplated borrowing exceeds 5 per cent of the average income of the institution received during the two years immediately preceding such agreement;
- (4) Subject to section 68 of the Act, the Council may delegate any of the functions referred to in subparagraph (2), but the Council may not delegate any of the functions referred to in subparagraph (3).
- (5) The Council is not divested of responsibility for the performance of any function delegated or assigned under subparagraph (4)

21. Composition of Council

- (1) The Council, as contemplated in section 27 of the Act, consists of-
- (a) the Vice-Chancellor and Principal;
 - (b) the Deputy Vice-Chancellors;
 - (c) two members of the Senate elected by the Senate;
 - (d) one member of the academic staff who is not a member of the Senate elected by the academic staff.
 - (e) one member of the support staff who is not a member of Senate elected by such staff members;
 - (f) two (2) students who are members of the SRC, appointed by the SRC;
 - (g) two members of the executive of convocation elected by convocation who are not members of the University staff or students;
 - (h) not more than five persons appointed by the Minister;

- (i) ten members with a broad spectrum of competencies in fields such as education, business, finance, law, marketing, information and communication technology, human resource management, organised labour, nominated by the relevant constituencies.
- (j) no staff and no student may be elected or hold an appointment under subparagraph 1(g) to (i) as reflected in the statute.
- (k) a person elected or appointed under subparagraph 1(g) to (i) who becomes a student or staff member forthwith ceases to be a member of the Council.

2. At least 60% of the members of the Council must be persons who are not staff or students as contemplated in Section 27(6) of the Act.

22. Appointment and election procedures for Council members

Appointment procedures and terms of office of members of Council are set out in the Institutional Rules.

23. Election and termination of office of member of Council

- (1) The Registrar as electoral officer of the Council announces the results of the election or an appointment, by making information available to the University structures and to the media.
- (2) A person ceases to be a member of the Council if he or she -
 - (a) resigns;
 - (b) is absent from three consecutive meetings of the Council without reasonable cause; or
 - (c) is or becomes unable to be director of a company in terms of section 218 of the Companies Act;
 - (d) non-compliance with the provisions of paragraph 27(7) of the Act;
 - (e) physical or mental incapacity;
 - (f) misconduct; or
 - (g) impropriety.
- (3) The membership of an external member of the Council ceases if he or she becomes a permanent staff member or student of the University.

24. Office bearers, quorum, procedures and meeting procedures

- (1) At the first meeting of the Council convened in terms of this Statute, the Registrar calls for nominations according to institutional rules and criteria for a Chairperson and Vice-Chairperson, from among the external members of the Council.
- (2) At such a meeting those present and voting, elect by secret ballot a chairperson and a vice-chairperson from the external members of the Council duly nominated.

- (3) In the absence of the chairperson, the vice-chairperson exercises all the powers vested in the chairperson.
- (4) If the chairperson and the vice-chairperson are absent from a meeting, the members present at such a meeting elect one of the external members to preside at such meeting.
- (5) The chairperson and the vice-chairperson hold such office for the duration of their respective current membership of the Council, save that the chairperson and the vice-chairperson may resign from their respective offices by giving notice.
- (6) A chairperson of the Council is eligible for re-election for not more than two (2) terms.
- (7) If the chairperson vacates his or her office for any reason prior to the expiry of his or her term of office, the vice-chairperson presides at meeting of the Council pending the election of a new chairperson at the subsequent ordinary meeting.
- (8) The Registrar is secretary to the Council, its committees and joint committees.
- (9) Quorum -
 - (a) The quorum at all meetings of the Council shall consist of at least 50% + 1 of the total number of external members.
 - (b) The quorum of the executive committee of the Council may not be less than 50% + 1, of whom 60% shall be external members.
- (10) Ordinary meetings are held on dates prescribed by the Council, provided that there must be at least four ordinary meetings of the Council each calendar year.

25. Conflict of interest of Council members

- (1) A member of the Council may not have a conflict of interest with the University.
- (2) A member of the Council who has a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before or during such meeting, declare the interest.
- (3) Any person may, in writing, inform the chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a Council member of which such person may be aware.
- (4) The member is obliged to recuse him or herself from the meeting during the discussion of the matter and the voting thereon.

26. Standing committees of Council

- (1) The Council determines the composition, election, terms of office, functions and procedures of standing committees and any of its other committee in terms of Rules.
- (2) The Council appoints such committees as may be required and such committees shall include an executive committee of Council.
- (3) The Committees of Council amongst others are as follows:
 - a) Executive Committee of Council;
 - b) Audit Committee of Council;
 - c) Finance Committee of Council;
 - d) Human Resources Committee of Council; and
 - e) Joint Tender and Physical Planning Committee.

27. Executive Committee of Council

- (1) The Executive Committee of the Council comprises the following -
 - (a) Chairperson of the Council (who is also the Chairperson of its Executive Committee);
 - (b) Deputy Chairperson of the Council;
 - (c) Vice-Chancellor and Principal;
 - (d) Deputy Vice-Chancellors; and
 - (e) Chairpersons of all the Standing Committees of Council
- (2) The executive committee of the Council gives advice to the Council on any matter which the executive committee deems expedient for the efficient and effective governance of the University.
- (3) The executive committee of the Council makes decisions on matters in accordance with powers delegated to it by the Council.
- (4) The Executive Committee of the Council may dispose of urgent business on behalf of the Council, but all business so disposed of must be ratified at the first ensuing ordinary meeting of the Council.

28. Term of office of members of Council

- (1) Student members of the Council remain members of the Council for the term of office of the SRC, provided that membership ceases automatically when a student member ceases to be a registered student.
- (2) The term of office of external members of the Council who are Ministerial appointees is five years.
- (3) The term of office of external members of Council who are not Ministerial appointees is four years.
- (4) The term of office of members of Council who are employees of the the institution, except that of the Vice Chancellor and Principal and the Deputy

Vice-Chancellors, is three years.

- (5) A member may serve more than one term of office as a Council member.

29. Dissolution of Council

- (1) Should there be no quorum at three consecutive ordinary Council meetings the Council is deemed to be dissolved and must be reconstituted.
- (2) If 75% or more of the members of the Council resign at a meeting of the Council it is deemed that the Council has resigned and a new Council must be constituted.

30. Amendment of the Statute

- (1) No motion to draft, amend or rescind this Statute or a Rule is of force and effect unless adopted by not less than 75% of all members of the Council present at the meeting at which notice of such agenda item has been given.
- (2) Any motion to draft, amend or rescind this Statute or a Rule must be in accordance with the provisions of paragraph 32 of the Higher Education Act.

SENATE

31. Powers, duties and functions

- (1) Subject to the provisions of the Act, the Senate is accountable to the Council for regulating all teaching, learning, research and academic functions of the University and all other functions delegated or assigned to it by the Council.
- (2) Without derogating from the generality of subparagraph (1), the organisation and superintendence of instruction and examinations and of lectures and classes vest in the Senate and the Senate may -
- (a) if so delegated by Council, make or amend any Rule relating to the curriculum, or to the obtaining of any University degree, diploma, certificate or other qualification including the requirements for academic admission, but may do so only after consulting the relevant faculty board;
 - (b) if so delegated by Council, make or amend any Rule relating to the manner in which students are to be assessed, including but not limited to the appointment of assessors for all assessments and the overseeing and control of the implementation of Rules and assessments;
 - (c) make recommendations to the Council in regard to the introduction of programmes, degrees, diplomas, certificates or other qualification and their discontinuation

- (d) make recommendations to the Council regarding the school, faculty or other overarching structure in which each academic programme structure should be placed;
 - (e) make recommendations to the Council regarding the establishment and dissolution of faculties, schools and other academic structures;
 - (f) make recommendations to the Council on awarding the rank of professor emeritus or honorary professor in terms of the applicable Rules;
 - (g) in terms of the Rules, cancel the registration of a student in all or one or more of the courses or modules for which the student is registered in that year if in the opinion of the Senate the academic achievement of the student is such that the student may not at the end of the year obtain credit in such course or courses or module or modules;
 - (h) submit to the Council -
 - (i) such reports upon its work as may be required by the Council;
 - (ii) recommendations on matters referred to it by the Council; and
 - (iii) recommendations on any other matter affecting the University, as the Senate considers necessary or significant.
- (3) In carrying out its responsibility for organising and controlling the teaching, *curricula*, *syllabi*, assessment or evaluation, research and community engagement of the University, the Senate may –
- (a) determine what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma and certificate.;
 - (b) oversee and control the teaching, research and community engagement activities of members of the academic staff and students;
 - (c) decide the conditions, where applicable, in accordance with the relevant bequest or deed or gift, for the award of prizes, scholarships and bursaries; and
 - (d) ensure that any action taken by a committee established by the Senate in the exercise of delegated powers or functions is reported by such committee to the next ordinary meeting of the Senate which in the opinion of the secretary of the Senate is appropriate.

32. Composition of Senate

- (1) The Senate consists of -
- (a) Vice-Chancellor and Principal, who is the chairperson;
 - (b) Deputy Vice-Chancellors;
 - (c) Registrar;
 - (d) Executive Deans;
 - (e) Directors of Schools;
 - (f) all Heads of Academic Departments;

- (g) all Professors, other than associate, adjunct, emeritus and honorary Professors;
- (h) University Librarian;
- (i) the Head of Institutional planning
- (j) the Head of Research Administration and Development;
- (k) the Head of Quality Assurance;
- (l) the Head of information and communication technology;
- (m) the Head of Students Affairs;
- (n) the Head of the Centre for Academic Excellence;
- (o) Executive Assistant to the Vice-Chancellor and Principal;
- (p) an Academic employee from each faculty elected by the academic employees of each faculty who are not members of Senate;
- (q) a non-academic employee from each faculty elected by the non-academic employees of each faculty;
- (r) two members of Council designated by the Council who are not employees or students of the University;
- (s) student appointed by the SRC; and
- (t) such additional members as approved by the Senate.

(2) Members -

- (a) elected under subparagraphs 1 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q) hold office for as long as they are employed by the University in that capacity.
- (b) described in (s) are appointed and elected in terms of the SRC constitution;
- (c) described in (t) are elected in terms of the Rules determined by the Senate; and
- (d) of the Council appointed to the Senate are appointed in terms of the provisions of the Rules from amongst its own members.

33. Term of office and manner of appointment of members of the Senate

- (1) A member of the Senate who holds an office by reason of a particular appointment ceases to be a member of the Senate if he or she vacates that position.
- (2) The position of a member of the Senate who holds office by reason of a particular office or status ceases to be a member of Senate if he or she-
 - (a) is on long leave;
 - (b) vacates his or her membership of the Senate for any reason.
- (3) The term of office of the members of Senate is-
 - (a) for a period of three years for all elected academic and support staff;
 - (b) for a student appointed by the SRC is one year;
 - (c) for a period of three years for members of the Council;

34. Office bearers, quorum, procedures

- (1) The Vice-Chancellor and Principal is the Chairperson of the Senate contemplated by Section 26 (4)(a) of the Act.
- (2) The Vice-Chairperson of the Senate is the Deputy Vice-Chancellor: Academic and Research designated by the Senate as such.
- (3) The secretary of the Senate is the designated by the Senate as such.
- (4) The chairperson presides at the meetings of the Senate and the meetings of the sub-committees of the Senate.
- (5) The chairperson performs such other functions as the Senate may determine.
- (6) In the absence of the chairperson, the provisions of subparagraph (4) apply to the Vice-Chairperson.
- (7) The secretary performs those functions assigned to him or her by the Senate.
- (8) If both the chairperson and vice-chairperson are absent, the Senate elects from among its members a chairperson for the meeting concerned.
- (9) Quorum -
 - (a) The quorum at an ordinary meeting of the Senate is 50% +1;
 - (b) The quorum at a special meeting of the Senate is 50% +1;
 - (c) The quorum of the executive committee and the subcommittees of the Senate is 50% +1.
- (10) Ordinary meetings must be held when and where Senate decides

35. Ordinary and special meetings

- (1) Ordinary meetings are held on dates prescribed by the Senate, provided that there must be at least four ordinary meetings of the Senate each calendar year.
- (2) Special meetings must be held-
 - (a) when called by the chairperson; or
 - (b) when a written request for a special meeting, stating the object of the meeting, is received by the Registrar from at least 30 members of the Senate.

- (3) The Registrar must give at least three days' notice to each member of each special meeting of the Senate, setting out the place, date and time of the meeting, and the agenda for the meeting.
- (4) No other business may be dealt with at a special meeting.

36. Executive Committee of Senate

- (1) The composition of the executive committee of the Senate is -
 - (a) Vice-Chancellor and Principal;
 - (b) Deputy Vice-Chancellors;
 - (c) Registrar
 - (d) Executive Deans;
 - (e) University Librarian;
 - (f) Head of Institutional Planning
 - (g) Head of Research Administration and Development;
 - (h) four academic members of the Senate elected by the Senate;
 - (i) Head of the Centre of Academic Excellence;
 - (j) Head of Quality Assurance;
 - (k) Executive Assistant to the Vice-Chancellor and Principal;
 - (l) such additional members as approved by the Senate.
- (2) The executive committee of Senate makes decisions on matters in accordance with powers delegated to it by the Senate.
- (3) The executive committee meets to consider issues of concern to the Senate and any other matters delegated to it when the Senate is not in session.
- (4) The executive committee of the Senate may dispose of urgent business on behalf of the Senate, but all business so disposed of must be ratified or reviewed at the first ensuing ordinary meeting of the Senate.
- (5) The executive committee of the Senate gives advice to the Senate on any matter which the executive committee deems expedient for the efficient governance of the University.
- (6) The executive committee of Senate-
 - (a) coordinates all academic matters;
 - (b) recommends academic policy to the Senate;
 - (c) ensures that decisions of the Senate are implemented;
 - (d) ensures that academic standards prescribed by the Senate are maintained;
 - (e) considers matters referred by faculty boards or faculty committees and makes decisions in accordance with its delegated powers; and
 - (f) advises the Senate on academic and related matters at the request of the Senate.

37. Other committees of Senate

- (1) The Senate appoints such other committees as may be required and such committees in terms of resolution of Senate.
- (2) The composition, term of office and functions of the committees contemplated in subparagraph (1) are determined by the Senate in accordance with the nature and functions of such committees.

FACULTY BOARD**38. Powers, duties and functions of Faculty Board**

- (1) The faculty board-
 - (a) is a committee of the Senate;
 - (b) is responsible for organising the teaching, *curricula*, *syllabi*, examinations, research and community engagement of the faculty;
 - (c) makes proposals to the Senate for Rules prescribing the requirements for each program, degree, diploma and certificate offered in the faculty, including the requirements for admission and readmission;
 - (d) advises the executive dean of the faculty on policy for resource allocation in the faculty;
 - (e) carries out such functions as the Senate delegates or assigns to it;
 - (f) is accountable to the Senate for its work and tables minutes of its meetings before the Senate; and
 - (g) by resolution establishes committees of the faculty and appoints members of such committees.

39. Composition of Faculty Board

The composition of each faculty board as determined by the Senate except that such faculty board may include-

- (a) the Executive Dean (chairperson);
- (b) the Vice-Chancellor and Principal (*ex officio*);
- (c) the Deputy Vice-Chancellors (*ex officio*);
- (d) University Registrar (*ex officio*);
- (e) Executive Deans from other faculties (*ex officio*);
- (f) Directors of Schools in the faculty;
- (g) representatives from related schools in other faculties as approved by the Senate;
- (h) such other persons who because of their duties, functions and expertise may contribute to the faculty as determined from time to time by the faculty board with the approval of the Senate; and
- (i) the Senior Administrative Officer of the faculty who is the secretary of the faculty board without a vote.
- (j) Chairperson of each faculty students' Council.

40. Attendance of Faculty Board meetings by non-members

Notwithstanding the foregoing, any academic member of the faculty who wishes to attend a faculty board meeting must notify the secretary and may be allowed to speak on a particular item with the permission of the chairperson but does not have the right to vote.

41. Ordinary meeting, special meetings, quorum and procedure

- (1) Ordinary meetings are held on dates prescribed by the Senate.
- (2) During each semester of the academic year at least two ordinary meetings of the faculty board must be held.
- (3) Special meetings are held –
 - (a) when called by the executive dean; or
 - (b) when a written request for a special meeting, stating the objective of the meeting, is received by the executive dean from at least ten members of the faculty board.
- (4) The quorum at all meetings of faculty board is 50% plus 1 except that, for this purpose, the members of the faculty board on leave on the date of any meeting do not count among those present or in the membership.
- (5) The executive dean of the faculty is the chairperson of the faculty board and presides at all meetings of the faculty board.
- (6) In the absence of the executive dean the acting executive dean presides.
- (7) The code of conduct, procedure and debate for meetings of a Faculty Board and its committees are as determined by the Senate.

42. Committees of Faculty Boards

Faculty boards may appoint committees including the Faculty Executive Committee in accordance with the provisions determined by the Senate from time to time.

INSTITUTIONAL FORUM**43. Functions of Institutional Forum**

- (1) The institutional forum advises the Council on issues affecting the University, including-
 - (a) the implementation of the Higher Education Act and the national policy on higher education;
 - (b) policy regarding race, gender and employment equity;
 - (c) the appointment of candidates for senior management positions;
 - (d) codes of conduct, mediation and dispute resolution procedures;
 - (e) fostering of a University culture which promotes tolerance and respect for fundamental human rights and creates an appropriate

- environment for teaching, research and community engagement at the University; and
- (f) the language policy of the University.

- (2) The institutional forum performs such other advisory functions as may be determined by the Council.

44. Composition of Institutional Forum

- (1) The institutional forum consists of twenty-four (24) members drawn from the following -
 - (a) two members of the Council who are not employees or students of the University;
 - (b) two members from senior management;
 - (c) two (2) members of the Senate who are not members of the Council;
 - (d) two (2) members of the academic staff who are not members of the Senate or the Council;
 - (e) two (2) members of the support staff who are not members of the Senate or the Council;
 - (f) two (2) members of the SRC who are not members of the Senate or the Council; and
 - (g) one (1) member from each of the recognised employee associations
 - (h) one (1) member from Convocation
- (2) Nomination of representatives must be transparent and democratic and each constituency must follow the procedure within its own constituency and submit the names of its representatives to the Registrar.
- (3) The term of office of members is as determined by the Rules.

45. Committees of Institutional Forum

The institutional forum may appoint committees in accordance with its Rules.

CONVOCATION

46. Powers, duties and functions

- (1) The convocation -
 - (a) may discuss and state its opinion on any matter relating to the University, including matters which may be referred to it by the Council;
 - (b) assists the University through their skills, experience and expertise and
 - (c) assumes office in the University as may be provided for in this Statute.

- (2) A chapter of convocation may be established in different geographical areas other than the main campus provided such chapter complies with the Statute and Rules applicable to convocation.

47. Membership and roll

- (1) The Registrar keeps the roll and contact details of convocation.
- (2) The convocation of the University consists of the –
 - (a) graduates of the University;
 - (b) executive management committee of the University;
 - (c) academic staff of the University;
 - (d) Professors emeriti;
 - (e) Other retired academic employees; and
 - (f) And such persons as the Council may determine.

48. Executive Committee of Convocation

- (1) The executive committee of convocation consists of such office bearers as are set out in the Rules governing convocation as determined by the Council.
- (2) The functions and period of office of such office bearers are set out in the Rules of convocation.
- (3) The provisions for the election and functions of the executive committee of convocation are set out in the Rules of convocation.

49. Meetings of convocation

The provisions regarding procedure and quorum for meetings of the executive committee of convocation and of convocation are set out in the Rules of convocation.

50. Changes of Rules of Convocation

The Council may change the Rules of convocation after consultation with the executive committee of convocation.

51. Committees

Subject to the provisions of this Statute, the executive committee of convocation has the authority to establish committees as it may deem fit.

STUDENT REPRESENTATIVE COUNCIL (SRC)

52. Authority and status

- (1) The SRC is a structure established in terms of section 35 of the Act in respect of the administration of affairs pertaining to the student body at the University.
- (2) The SRC is not a juristic person and is not the bearer of its own rights, except that it exists as a structure according to the provisions of the Act and this Statute, with powers delegated from the University irrespective of changes in its membership.
- (3) The Council recognises the SRC as the body elected by the students to represent their general interests.

53. Functions, composition and term of office of the SRC

The SRC is subject to the provisions of the Act, this Statute, the Rules and the SRC constitution. The functions, composition and term of office of the SRC is set out in the SRC constitution as approved by the Council.

54. Privileges of members of the SRC

- (1) Any privileges or concessions to members of the SRC are prescribed by the Council.
- (2) Such privileges or concessions are published for information to students.
- (3) The privileges of members of the student's representative council are determined by the Council through appropriate management structures, and after consultation with the SRC.

55. Transitional provisions

- (1) Where the SRC fails to operate for any reason whatsoever or where the SRC membership has been reduced to less than a number stipulated in the SRC constitution, the Council may determine whether -
 - (a) to hold a new SRC election; or
 - (b) to create a transitional SRC to continue in office until the next SRC elections would ordinarily be held, or such earlier period as it may determine.
- (2) A transitional SRC consists of such members as set out in the SRC Constitution.
- (3) A transitional SRC constituted in terms of subparagraph 55.1(b) administers the affairs of the SRC until the election of a new SRC.

56. Alteration of the composition of the SRC

Subject to the provisions of 55.1 the Council may not alter the composition of the SRC or the SRC constitution without consultation with the SRC.

DONORS**57. Recognition and listing of donors**

- (1) A donor is a person, body or entity who has made a donation to the University which in the opinion of the Council warrants that person, body or entity being recognised as a donor.
- (2) The Council may, by simple majority, determine the amount of a donation necessary to qualify the donor for the privileges accorded to donors.
- (3) Different size of donations may accord such privileges to -
 - (a) an individual donor; or
 - (b) a corporate donor.
- (3) The Registrar keeps a list of donors.

STUDENT ADMINISTRATION**58. Admission and registration of students are determined by the Institutional Rules****59. Student discipline**

- (1) Council shall after consultation as envisaged in section 32(2) (d) of the Act prescribe a code of student conduct of behaviour together with student disciplinary rules and the procedures to be known as the Student Disciplinary Rules.
- (2) Every student of the University is subject to the Student Disciplinary Rules.

DEGREES, DIPLOMAS AND CERTIFICATES**60. The award of degrees, diplomas and certificates are determined by the Institutional Rules.**

HONORARY DEGREES

61. Conferring honorary degrees

- (1) The University may, on the resolution of the Senate and the Council, confer, without attendance or examination, an honorary degree of master or doctor in any faculty upon any person who has rendered distinguished service or made a contribution to learning or achievement.
- (2) A deceased person may be awarded an honorary degree posthumously.
- (3) The award of an honorary degree does not entitle the recipient to practice a profession or use the title inappropriately.
- (4) The procedure adopted by Senate and Council to confer an honorary degree is determined by Rules.

EMPLOYEES OF THE UNIVERSITY

62. Appointment and conditions of service of employees are determined by the Institutional Rules.

GENERAL PROVISIONS

A. Code of conduct, procedure of meetings, committees and electoral and appointment framework are determined by the Institutional Rules.

63. Making, amending or repealing Statute or Rule

- (1) Subject to the Higher Education Act, and in particular the provisions of Paragraph 30(1) and 30(2) thereof, the Council has the power, in consultation with the Senate, to make, amend or repeal the Statute or any Rule, in order to give effect to any law relating to the University, and for the general and effective governance and control of the University.
- (2) The Registrar maintains a register of rules which register may be open for inspection by any member of the University or public.

64. Transitional provisions

- (1) Notwithstanding paragraph 63(1) any structure of the University within the meaning of the Act, which existed prior to the publication of this Statute, continues to exist and function until the day when each new structure, constituted in terms of this Statute, becomes operational.