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GENERAL NOTICE

NOTICE 1088 OF 2010

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

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

INSTITUTIONAL STATUTE: UNIVERSITY OF FORT HARE

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher 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 Fort Hare set out in the Schedule hereto.



Dr B E Nzimande, MP

Minister: Higher Education and Training

DATE: 01/11/2010

DEPARTMENT OF EDUCATION**No.****HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)****THE STATUTE OF THE UNIVERSITY OF FORT HARE**

The council of the University of Fort Hare after consultation with the senate and the institutional forum has made the Statute set out in the Schedule hereto, in terms of section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Education and which comes into operation on the date of this publication.

SCHEDULE

To introduce a new Statute for the University of Fort Hare to give effect to any law relating to the University; and to promote the effective management of the University in respect of matters not expressly prescribed by any law.

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DEFINITIONS

Definitions

1. In this Statute any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, has the meaning so assigned, and unless the context otherwise indicates -

"academic employee" means an employee of the University who spends more than 50 per cent of his or her time on duty on instructional or academic activity such as teaching and learning, research and community engagement, and any other employee designated as such by the council of the institution;

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

"academic week" means weekdays, including Saturdays, but excludes Sundays and any public holidays or days on which the University is officially closed;

"academic year" means that portion of a calendar year during which instruction is given at the University, provided that a student may be considered to have attended courses for an academic year if he or she attended courses for such portions of two or more academic years as may be deemed by the senate to be equivalent to one academic year;

"alumni association" means the association of past students and staff of the University who have been at the University for at least one year;

"broad university community" means the members of all structures and offices of the University as contemplated in section 26(2) of the Act and such other structures as may be determined by the Rules;

"chancellor" means a person as contemplated in paragraph 5;

"constitution" means the manner in which the University is constituted in terms of structures and officials;

"convocation" means the vice-chancellor and principal, deputy vice-chancellor/s, registrar, deans, academic employees on permanent staff of the university, professors emeriti, retired academic employees, all graduates or diplomates of the university and such other persons as the council may determine;

"council" means the governing structure of the University contemplated in paragraph 8;

"course" means any part of a learning programme which is constituted by courses as approved by senate;

"dean" means the executive head of a faculty, the Govan Mbeki Research and Development Centre and the student affairs division;

"delegation of authority" as contemplated in paragraph 25;

"diplomate" means a person who has been awarded a diploma;

"director" means a director of a school in a faculty, centre, institute and unit;

"employee" means an academic employee or a non-academic employee of the university;

"employer" means the council of the university as contemplated in Section 9 of the Act;

"faculty" means a sector of the university in which a particular academic discipline or cluster of disciplines is taught and researched and where appropriate includes schools, institutes, centres and units of the university;

"faculty board" is a committee of senate as contemplated in paragraph 39;

"graduate" means a person upon whom a degree has been conferred;

"head of academic department" means a head of an academic department in a faculty;

"institution" means a public institution contemplated in Section 20 of the Act;

"institutional forum" means the advisory structure to the council as contemplated in section 31 of the Act and as contemplated in paragraph 42(1);

"management" means staff members of the University as contemplated in paragraph 81(1);

"management committee" means the University structure as contemplated in paragraph 81(1);

"Minister" means the Minister of Education;

"municipality" means the Nkonkobe, Buffalo City and Amathole Municipalities as defined in the Municipality Structures Act (Act No.117 of 1998);

"non-academic employee" means an employee of the University who spends less than 50 per cent of his or her time on duty on instructional or research activities and includes executive, professional, technical, administrative and support employees unless designated otherwise by the council of the institution;

"professor" means a full-time employee who has been given the title of professor by the institution, but does not include an emeritus, associate, assistant or adjunct professor;

"qualification" means a degree, diploma or certificate conferred or awarded by the university as contemplated in paragraph 94;

"registrar" means the officer as contemplated in Section 26(4)(b) of the Act;

"rules" means the institutional rules made by the council in terms of Section 32(1)(b) of the Act;

"seat of the institution" means the administrative site of the university as contemplated in paragraph 3(3);

"senior management" means any group or structure consisting of persons who perform executive functions within the institution;

"semester" means one-half of the academic year;

"senate" means the academic structure of the University contemplated in paragraph 26;

"SRC" means the student representative council of the university as contemplated in paragraph 69;

"Statute" means the institutional statute of the University;

"student" means a person registered full-time or part-time for a degree, diploma or certificate at the University, provided that a person so registered and who is also a full-time or part-time member of the academic or non-academic employees of the University, must for the purposes of membership of the council, the senate or the student representative council, be deemed not to be a student;

"FH Foundation" means the Fort Hare Foundation, a trust established to raise funds and hold moneys for the benefit of the University;

"University" means the University of Fort Hare;

"working day" means a day on which an employee is obliged to be on duty in his or her place of work in accordance with the Basic Conditions of Employment Act, 1997 (Act No.75 of 1997);

"unions" means the labour unions of employees of the University recognized by the council and registered in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995); and

"vice-chancellor and principal" means the chief executive and accounting officer of the University.

PREAMBLE

Preamble

- 2 In line with the Constitution of the Republic of South Africa and the UFH Charter of Ethical Principles and Values the University has a diverse character and may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

UNIVERSITY

Name, status and seat

3. (1) The name of the University is the University of Fort Hare;
(2) The University is a juristic person and, subject to the Act, is capable of performing such acts as juristic persons may perform;
(3) Alice is the seat of the University; and
(4) The activities of the University are principally administered at its seat and the two campuses in Bhisho and East London.

Constitution

4. (1) The University consists of –
(a) the chancellor;
(b) the council;
(c) the senate;
(d) the vice-chancellor and principal;
(e) one or more deputy vice-chancellor/s as determined by the council;
(f) the registrar;
(g) the student representative council;
(h) the institutional forum;
(i) the convocation;
(j) the faculties, the schools, the departments and such other academic structures of the University as may be determined by the council;
(k) the academic employees of the University;
(l) the non-academic employees of the University;
(m) the students of the University; and
(n) such other offices, bodies or structures as may be established by the council.
(2) No vacancy in any of the offices contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function conferred by the Act or this Statute upon the University.

CHANCELLOR

Functions of chancellor

- 5 (1) The chancellor is the titular head of the University and must confer all degrees and award all diplomas and certificates on behalf of the University.
- (2) In the absence of the chancellor, degrees, diplomas and certificates shall be conferred and awarded by the vice-chancellor or by a deputy vice-chancellor designated by the vice-chancellor.
- (3) The chancellor performs such other functions as assigned to him or her by the council.

Term of office of chancellor

- 6 (1) The chancellor holds office for a period of five years, unless he or she resigns or is removed from office in accordance with subparagraph (5).
- (2) A person may not be elected for more than two consecutive terms of office.
- (3) If the chancellor is unable, for any reasons, to perform the functions of his or her office, or if the office of chancellor becomes vacant, the vice-chancellor or acting vice-chancellor performs the functions of the chancellor.
- (4) The term of office of the chancellor terminates in the event of –
(a) death or incapacity;
(b) resignation; or
(c) removal from office by the council.
- (5) The chancellor may only be removed from office by the council by means of a resolution passed by at least two-thirds of all the members of the council and then only after the chancellor has been given the opportunity to answer to the reasons provided by the council for his or her removal.

Election and appointment of chancellor

- 7 (1) In the event of a vacancy in the office of the chancellor the council must instruct the registrar to invite nominations from the broad University community.
- (2) Each nomination must be signed by the nominator and must be accompanied by a document in which the person nominated signifies his or her willingness to accept the nomination.
- (3) Nominations must reach the registrar at least 14 days before the date of the election.
- (4) On receipt of the nomination documents, the registrar must, not later than 7 days after the closing date for nominations, notify each member of the council and the secretary to the institutional forum of the nominations received.
- (5) From nominations received, the institutional forum must by sufficient consensus select a person or persons and recommend such person or persons to the council for election.
- (6) Council elects a chancellor by consensus or in the event of a deadlock, by secret ballot.
- (7) If no candidate receives a majority of votes, successive rounds of voting are held, in each successive round of voting the candidate receiving the fewest votes is eliminated.
- (8) At an ordinary meeting of the council or a meeting of the council convened for the purpose of electing a chancellor, if consensus cannot be reached, the candidate in whose favour a majority of votes of the total number of serving members of the

council is recorded must be declared duly elected by the person presiding at such meeting.

COUNCIL

Functions of council

8. (1) The function of the council is to govern the University.
- (2) Without derogating from the generality of subparagraph (1), the council -
- (a) adopts the vision, mission and value statements of the University;
 - (b) approves policies and strategic plans of the University at institutional level;
 - (c) monitors the establishment of structures and implementation of policies approved by the council;
 - (d) identifies and monitors the risks relevant to the activities of the University;
 - (e) ensures that the University complies with all relevant laws and regulations;
 - (f) makes the Statute and any amendments thereto as well as rules for the university;
 - (g) establishes the committees of the council and, after consultation with the senate, joint committees of the council and the senate;
 - (h) adopts its own rules, including the code of conduct for members of the council, in terms of which it conducts its activities;
 - (i) determines, with the concurrence of the senate -
 - (i) the language policy of the University, as prescribed by Section 27 (2) of the Act;
 - (ii) the entrance requirements in respect of particular academic programmes;
 - (iii) the number of students who may be admitted for particular academic programmes; and
 - (iv) the minimum requirements for readmission to study at the University;
 - (j) determines, after consultation with the senate -
 - (i) the admission policy of the University; and
 - (ii) the academic structures of the University;
 - (k) establishes, after consultation with the student representative council, a structure to advise the council on the rendering of student support services;
 - (l) determines, after consultation with the student representative council -
 - (i) the tuition fees, accommodation fees and any other fees payable by the students;
 - (ii) the composition, manner of election, term of office, functions and privileges of the student representative council; and
 - (iii) the readmission of students who have been excluded on financial grounds.
 - (m) determines, after consultation with the senate and the student representative council, the disciplinary measures and disciplinary procedures applicable to the students;

- (n) appoints the employees of the University, subject to sections 31(1)(a)(iii) and 34(2) of the Act;
- (o) determines the conditions of service, disciplinary provisions, functions and privileges of the employees of the University subject to the applicable labour law;
- (p) approves the annual budget of the University;
- (q) provides the Minister with such information as the Minister prescribes in terms of section 41 of the Act;
- (r) considers the advice of the institutional forum on the matters contemplated in section 31(1)(a) of the Act; and
- (3) Subject to section 68(2) of the Act and on such conditions as it may determine, delegate any of its functions to the other internal structures, the vice-chancellor or any other employee of the University.
- (4) The council is not divested of responsibility for the performance of any function delegated or assigned under subparagraph (3).

Composition of council

- 9. (1) The Council, as contemplated in section 27 of the Act, consists of
 - (a) employees or students of the University-
 - (i) the vice-chancellor and principal;
 - (ii) the deputy vice-chancellor/s;
 - (iii) two members of the senate, who are academic employees, elected by the senate;
 - (iv) two members of the student representative council, elected by the student representative council;
 - (v) two representatives for organized labour, one being an academic employee and the other being a non-academic employee elected by organized labour;
 - (vi) two members elected by the institutional forum;
 - (vii) the registrar, who is also the secretary and who may not vote;
 - (b) persons who are neither employees nor students of the University-
 - (i) five members appointed by the Minister;
 - (ii) one members designated by the FH Foundation;
 - (iii) five persons appointed by the council on the strength of their special relevant competencies;
 - (iv) one member designated by the Nkonkobe Municipality;
 - (v) one member designated by the Buffalo City Municipality;
 - (vi) one member designated by the Amathole District Municipality;
 - (vii) two members appointed by the Provincial Government;
 - (c) one member elected by the convocation; and
 - (d) not more than two persons co-opted by the council for specified short periods for specific purposes, who will have no voting rights.
- (2) At least 60 per cent of the members of the council must be persons who are not employed by, or students of the University, and must broadly reflect the demographics of South Africa with due regard to race, gender and disability.
- (3) The council members must have knowledge and experience relevant to the objects and governance of the University.
- (4) Except as provided in subparagraph 9(1)(a) –

- (a) no student or employee of the University and no other person in receipt of regular remuneration from the institution is eligible for appointment or nomination for election or election as a member of the council; and
- (b) a member of the council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she receives regular remuneration from the institution must forthwith vacate his or her seat on the council.

Term of office of members of council

- 10 (1) The term of office of members of the council is four years, except-
- (a) members referred to in paragraph 9(1)(a)(i) and (ii) who serve by virtue of their offices and remain members of the council for as long as they occupy their posts;
 - (b) members elected by the student representative council in terms of paragraph 9(1)(a)(iv) whose term of office is one year; and
 - (c) members who are employees of the University, with the exception of the vice- chancellor and the deputy vice-chancellor, whose term of office is three years.
- (2) Notwithstanding subparagraph 9(1)(b), at the first meeting of the council it must be decided by lot which eight of the members of the council who are not students or employees of the University hold office for a period of four years.
- (3) Notwithstanding subparagraph 9(1)(c), at the first meeting of the council it must be decided by lot which three of the members of the council who are employees of the University, except the vice-chancellor and the deputy vice-chancellor/s, hold office for a period of three years.
- (4) A member may serve more than one term of office as a council member.

Manner of election of members

11. (1) The election of the members of the council referred to in paragraph 9(1)(a)(iii) must take place at a properly constituted ordinary meeting of the senate by a majority vote of the members of the senate present.
- (2) If the office of any member of the council referred to in paragraph 9(1)(a)(iii) becomes vacant before his or her term of office has expired, the senate must elect another member for the unexpired period of such term of office as soon as practicable with the procedure determined in subparagraph (1).
- (3) The election of the members of the council referred to in paragraph 9(1)(a)(iv) must be in terms of the election procedure laid down in the constitution of the student representative council as determined by the Rules.
- (4) The election of members of the council referred to in paragraph 9(1)(a)(iv) must be as determined by the Rules.
- (5) The election of the members of the council referred to in paragraphs 9(1)(a)(v) and 9(1)(a)(vii) must be in accordance with the election procedure of the institutional forum contained in the Rules.
- (5) The designation of the member of the council referred to in paragraph 9(1)(b)(ii) must be made in accordance with the procedure determined by the board of trustees of the FH Foundation.
- (6) The members of the council referred to in paragraph 9(1)(c) must be elected by means of a secret ballot and a majority of the members presented an ordinary meeting of the convocation.

- (7) The composition of the council must broadly reflect the demographics of South Africa with due regard to race, gender and disability.

Election of chairperson and vice-chairperson of council

12. (1) The members of the council at the first meeting of the council and thereafter when it becomes necessary, shall elect from among its members a chairperson and a vice-chairperson who each holds office for a period of two years, or for such shorter period as he or she is a member of the council.
- (2) The chairperson and the vice-chairperson of the council may not be an employee or a student of the University.
- (3) Nominations for chairperson or vice-chairperson must be given in writing to the secretary to the council on a date determined by him or her.
- (4) Each nomination must be signed by at least three members of the council and countersigned by the nominee to denote his or her acceptance of the nomination.
- (5) If more than one candidate is nominated for one of the offices, voting is by secret ballot.
- (6) A candidate may be elected to the office of chairperson or vice-chairperson only by a majority of the members present at the meeting of the council.
- (7) Each member of the council may have only one vote during each round of voting, except where there is a series of ballots if no candidate gains a majority of the votes in the first ballot.
- (8) In each successive round of voting, the candidate who gained the least support in the previous ballot is eliminated as candidate.
- (9) If a vacancy occurs in the office of chairperson or vice-chairperson, the provisions of subparagraphs (1) to (8) apply to the filling of such vacancy.
- (10) The person elected in terms of subparagraph (9) holds office for the unexpired period of office of his or her predecessor.
- (11) The vice-chairperson of the Council shall act as the chairperson in the absence of the chairperson, provided that if the chairperson and the vice-chairperson are both absent, the members who are present shall elect a chairperson from their own ranks for that specific meeting.
- (12) The chairperson and the vice-chairperson are eligible for re-election if they are still members of the council.

Secretary to council

13. (1) The secretary to the council is the registrar as contemplated in section 26(4)(b) of the Act.
- (2) The secretary acts as an electoral officer at meetings of the council.
- (3) The secretary attends all meetings and keeps all relevant documents of the council.

Quorum

14. (1) One-half plus one of the members of the council constitutes a quorum, provided that the 60:40 ratio of external/internal members, as prescribed by the Act, is applied.
- (2) If, for any meeting, there is no quorum, the meeting is adjourned to a date not more than seven days later, at which the members present, constitute a quorum.

Meetings of council

15. (1) The council has at least four ordinary meetings during each academic year.
- (2) The secretary to the council must, at least 10 days before the date of an ordinary meeting, give notice thereof to all members of the council in writing, setting forth the matters to be dealt with at the meeting, as well as the time and place of such meeting, including a copy of the minutes of any previous meeting.
- (3) Should a member of the council want to submit any matter for consideration at an ordinary meeting, he or she must inform the secretary to the council of the matter in writing at least 14 days before the date of the meeting in question, provided that matters of an urgent nature may be raised in a meeting without previous notice with the consent of at least two-thirds of the members present.
- (4) The chairperson may convene an extraordinary meeting whenever he or she deems it necessary, and he or she convene such meeting at the written request of any five members of the council, the purpose of such meeting being clearly stated in such request.
- (5) No matters other than those for which the extraordinary meeting was convened, shall be discussed at such meeting, except with the consent of the meeting, granted by a two-thirds majority of the members present.
- (6) An emergency meeting may be convened by the chairperson, or in his or her absence, by the vice-chancellor at any time, provided that members are given at least 24 hours' notice of such meeting.
- (7) The notice contemplated in subparagraph (6) may be given in any manner that is reasonable and deemed expedient by the chairperson under the circumstances.
- (8) Members must be notified of the reason for an emergency meeting and no matters other than those of which notice has been given to the members may be considered at such meeting.

Minutes of council meetings

16. (1) The secretary to the council must keep minutes of each meeting of the council and must include such minutes with the agenda of the next council meeting.
- (2) At every ordinary meeting of the council, the minutes of the last preceding ordinary meeting and of any extraordinary or emergency meeting held subsequently, must be read and confirmed by the signature of the chairperson, provided that any objection to any of the minutes must be raised and dealt with before confirmation of the minutes.
- (3) The meeting may take the minutes as read if a copy thereof was sent to each member in accordance with subparagraph (1) and paragraph 14(1).
- (4) The secretary to the council must keep a complete register of the resolutions adopted by the council and all members of the council must have access to such register.

Discussion of motions

17. (1) No member of the council may, without the leave of the meeting, speak more than once on a specific motion or amendment, but the proposer of a motion or amendment has the right to reply, provided that the member may propose that the matter under discussion be dealt with in committee.
- (2) If the motion contemplated in subparagraph (1) is seconded, it must be put to the vote without further discussion and, if such motion is adopted, the council must

immediately go into committee, where after a member may speak more than once on the matter under discussion.

- (3) A motion or amendment must be seconded and, if so directed by the chairperson, be in writing, and no motion or amendment may be withdrawn without the consent of the proposer, the seconder and the meeting.

Voting

- 18. (1) Except as otherwise provided in this Statute all matters must be decided by a majority of all members present.
- (2) The chairperson has an ordinary and a casting vote, provided that in the case of a vote by secret ballot, he or she does not have a casting vote.
- (3) In the event of a tie of votes in a secret ballot, the status quo obtains.
- (4) If members present during any vote abstain from voting, their abstentions must be noted as such and not as opposing votes.
- (5) If it is so decided by the meeting, the number of members voting for or against any motion must be recorded and, at the request of any member, the chairperson must direct that the vote of such member be recorded.
- (6) Where at least 75 per cent of the members of the council have reached agreement on a matter referred to them by letter or electronic means by the chairperson of the council without convening a meeting, and have conveyed their resolutions by letter or electronic means, such resolutions must be deemed to be a resolution of the Council and must be recorded as such in the minutes of the next ordinary meeting.
- (7) If a member of the council is unable to attend a meeting, his or her views on any matter on the agenda concerned may be communicated to such meeting in writing, but may not count as a vote by the member concerned.
- (8) No member of the council may participate in the discussion of, or vote on a matter in which he or she has a direct pecuniary or financial or other material interest, unless he or she first discloses the extent of his or her interest and obtains the permission of the meeting to participate in the discussion or to vote on the matter or both.

Ruling by chairperson

- 19. The ruling of the chairperson on any point of order or procedure is binding, unless immediately challenged by a member, in which event such ruling must be submitted to the meeting without discussion and the decision of the meeting is final.

Conflict of interest of council members

- 20. (1) A member of Council may not participate in council deliberations in any matter in which the member may be perceived to have a conflict of interest.
- (2) A member of 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) Members are obliged to recuse themselves from a meeting or part thereof during which a conflict of interest matter is discussed and voted upon.
- (5) The council shall keep a register of disclosed interests of members of council.

- (6) If a member of the council without the council's permission participates in the proceedings of the council in connection with the matter in which such member does have a direct or indirect pecuniary or financial or other material interest, any such resolution of the council is invalid.

Drafting, amending or rescinding of Statute or Rule

21. (1) No nomination to draft, amend or repeal any Statute or Rule may be adopted unless agreed to by at least 75 per cent of the members present at the meeting, provided that such meeting is constituted of not less than fifty per cent of all members.
- (2) Any motion to draft, amend or repeal any Statute or Rule must be in accordance with the provisions of section 32(2) of the Act.

Vacation of office by members of council

22. (1) The office of a member of the council becomes vacant if a member-
- (a) dies;
 - (b) resigns from office by giving written notice to the chairperson of the council;
 - (c) is absent from three consecutive meetings of the council without leave of the council;
 - (d) is found guilty of an offence and sentenced to imprisonment without the option of a fine;
 - (e) is declared insolvent by a court of law;
 - (f) becomes a patient in an institution for mental health;
 - (g) becomes incapable of performing the functions of a member of the council by reason of disease, or mental or bodily infirmity;
 - (h) ceases to be a member of the structure which elected, appointed or designated him or her as a member of the Council;
 - (i) 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;
 - (j) contemplated in paragraph 9(1)(b) is appointed as an employee of the University; and
 - (k) contemplated in paragraph 9(1)(a) is, subject to the disciplinary procedure of the University, dismissed, suspended, expelled, demoted or his or her service is terminated for whatever reason by the University.
- (2) The council has powers to suspend, take disciplinary action or terminate a member's membership on good cause shown.
- (3) If 75 per cent or more of the members of the council resign, the council is deemed to have resigned as contemplated in section 27(8) of the Act.
- (4) If the council resigns as contemplated in subparagraph (3), a new council must be constituted in terms of this Statute.

Vacancies

23. (1) At least three months before the expiry of the term of office of any member, the secretary to the council must give written notice of such expiry to the authority, constituency or structure which appointed, designated or elected such member and request such authority, constituency or structure immediately to appoint, designate or elect a successor.

- (2) If a member dies, resigns or vacates office for any reason other than effluxion of time, the secretary to the council must, within 30 days, give written notice to the authority, constituency or structure concerned of such vacancy requesting such authority, constituency or structure concerned to democratically appoint, designate or elect a successor for the unexpired term of office of such member within 21 days.

Filling of vacancies

24. (1) Any vacancy on the council is filled in the same manner as that in which the member who previously held office was appointed, designated or elected.
- (2) A person appointed, designated or elected as contemplated in subparagraph (1) to fill a casual vacancy must hold office for the unexpired portion of his or her predecessor's term of office, if such unexpired portion is longer than three months.

Committees of council

25. (1) The council appoints the following committees to assist in the performance of its functions:-
- (a) an executive committee;
 - (b) an audit committee;
 - (c) a finance committee;
 - (d) a human resources committee;
 - (e) such other committees as may be deemed necessary by council; and
 - (f) such joint committees as are deemed necessary by the council.
- (2) (a) The executive committee of council -
- (i) must, as the representative of the council when the council is not in session, assume the authority of the council and act on behalf of the council;
 - (ii) must report to the council on its actions in accordance with subparagraph (i), and which actions must be ratified or revised at the next council meeting; and
 - (iii) may be delegated by the council, generally and specifically, the authority to finalise matters on behalf of the council, in which case the executive committee reports to the council and the action is neither ratified nor reviewed by the council, provided that the secretary to the council maintains a detailed consolidated record of all delegated powers, provided further that the council must ratify or review such delegated power at least every two years.
- (3) The composition and functions of the committees contemplated in subparagraph (1) are determined by the council.
- (4) Notwithstanding subparagraph (2) at least 60 per cent of the members of the executive committee must be neither employees nor students of the University and must consist of at least the following-
- (a) the chairperson of the council;
 - (b) the vice-chairperson of the council;
 - (c) chairperson of the committees contemplated in subparagraphs 24(1);
 - (d) the vice-chancellor and principal; and
 - (e) the deputy vice-chancellor/s.

- (5) The allowance payable to the chairperson and members of the council or a committee of the council is determined by the council.
- (6) The council must, in appointing its committees, take due regard of the required expertise and democratic principles, including broad representivity.
- (7) At least 50 per cent of the members of a committee must be persons who are not employees or students of the institution.
- (8) The chairperson of a committee may not be an employee or student of the institution.

SENATE

Functions of Senate

- 26.** (1) Subject to the Act, the senate is accountable to the council for all the teaching, learning, research, community engagement and other academic functions of the University as well as 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 assessment, including examinations, and of lectures and classes, vest in the senate and the senate –
- (a) if delegated to do so by resolution of the council, may, after consultation with the relevant faculty board –
 - (i) determine entrance requirements in respect of particular academic programmes;
 - (ii) determine the number of students who may be admitted for a particular academic programme;
 - (iii) may, in those instances not specified in the statute, determine on whom degrees conferred and diplomas and certificates awarded;
 - (iv) determine the minimum requirements for readmission to study at the University;
 - (v) make or amend any Rule relating to the curriculum for, or to the obtaining of, any degree, diploma, or certificate; and
 - (vi) may make or amend any Rule relating to the manner in which students are to be assessed.
 - (b) determines 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, or certificate;
 - (c) advises the council –
 - (i) on the disciplinary code and measures applicable to students; and
 - (ii) on the establishment and disestablishment of faculties, academic departments, schools and other academic structures.
 - (d) determines, in accordance with any relevant deed of gift, and after consultation with the vice-chancellor and principal, the conditions applicable to any scholarships and other academic prizes;
 - (e) determines the persons to whom scholarships and academic prizes are awarded;
 - (f) may establish committees to perform any of its functions and may appoint persons who are not members of the senate as members of such committees;
 - (g) determines the functions of its committees as well as the procedure of meetings of these committees;

- (h) may make standing orders on procedures for the better carrying out of its functions; and
 - (i) may assign or delegate any of its functions, provided that the senate is not divested of responsibility for the performance of any such function assigned or delegated.
- (3) The senate submits to the council –
 - (a) such reports upon its work as may be required by the council;
 - (b) recommendations on matters referred to it by the council; and
 - (c) recommendations on any other matter affecting the University as the senate considers useful.
- (4) The senate may, in terms of the Rules, cancel the registration of a student in any one or one or more of the courses for which the student is registered if in the opinion of the senate the academic achievement of the student is such that the student will not obtain credit in such course or courses, within the relevant academic year.

Composition of senate

27. (1) The senate consists of-

- (a) the vice-chancellor and principal;
 - (b) the deputy vice-chancellor/s;
 - (c) the deans;
 - (d) the heads of academic department;
 - (e) the directors of institute, centre and school;
 - (f) the professors;
 - (g) six members of the academic employees, who are neither professors nor members of senior management, elected by such employees;
 - (h) A non-academic employee from each faculty elected by non-academic employees of each faculty, who by virtue of the nomination would also serve in the relevant faculty board;
 - (i) two members of the council elected by the council;
 - (j) six students elected by the student representative council;
 - (k) the University librarian;
 - (l) such other members as may be co-opted by the senate, in the manner determined by the senate; and
 - (m) registrar, who is also a secretary of the senate.
- (2) The election of the members of the senate referred to in subparagraph (1) (i) must take place at a properly constituted ordinary meeting of the council by a majority vote of the members of the council present.
- (3) The election of members of the senate referred to in subparagraphs (1) (g) and (h) must be as determined by the Rules.
- (4) The election of the members of the senate referred to in subparagraph (1)(j) must be in terms of the election procedure laid down in the constitution of the student representative council as determined by the Rules.

Term of office of members of senate

- 28. (1)** All members who are members of the senate because of their position will hold office for the period while they are in the specific position.
- (2) Members of the senate contemplated in paragraph 27(1) (g) to (i) hold office for a period of four years.

- (3) The representatives of the student representative council contemplated in paragraph 27(1) (j) hold office for a period of one year.

Committees of senate

29. The senate may establish such committees as it deems necessary, but is not divested of responsibility for the performance of any function delegated or assigned to any of its committees.

Quorum of senate

30. (1) One-third of the members constitute a quorum.
(2) If, for any meeting, there is no quorum, the meeting is adjourned to a date not more than seven days later, at which the members present, constitute a quorum.

Meetings of senate

31. (1) The secretary to the senate must, at least 14 days before the date of an ordinary meeting, give notice thereof to all members of the senate in writing, setting forth, wherever possible, the matters to be dealt with at the meeting, as well as the time, date and place of such a meeting, including a copy of the minutes of any previous meeting.
(2) Notice of matters for consideration at an ordinary meeting must be lodged with the secretary to the senate, in writing, at least seven days before the date of an ordinary meeting by faculties or the executive committee of the senate or by notice of motion, provided that a matter of an urgent nature may be raised at the meeting without previous notice with the consent of at least two-thirds of the members present.
(3) The time, date and place of an ordinary meeting must be determined by the senate, provided that at least two ordinary meetings are held during each semester.
(4) The chairperson may convene an extraordinary meeting whenever he or she deems it necessary, and he or she must convene such meeting at the written request of any five members of the senate, the purpose of such meeting being clearly stated in such request.
(5) No matters other than those for which the extraordinary meeting was convened, may be discussed at such meeting, except with the consent of the meeting granted on an unopposed motion.
(6) An emergency meeting may be convened by the Chairperson at any time, provided that all members are given at least 24 hours' notice of such meeting.
(7) The notice contemplated in paragraph (6) may be given in any manner that is reasonable and deemed expedient by the Chairperson in the circumstances.
(8) Members must be notified of the reason for an emergency meeting and no matters other than those of which notice has been given to the members may be considered at such meeting.

Chairperson, vice-chairperson and secretary to Senate

32. (1) In accordance with section 26(4) (a) of the Act the vice-chancellor and principal is the chairperson of the senate.
(2) In the absence of the vice-chancellor and principal from any meeting of the senate, the acting vice-chancellor and principal contemplated in paragraph 60(3) presides at such meeting.

- (3) In the absence of the vice-chancellor principal and the acting vice-chancellor and principal from any meeting, the secretary to the senate initiates an election for an acting chairperson for such meeting from among the members present.
- (4) The registrar acts as secretary to the senate, provided that the vice-chancellor may assign any other employee to assist the registrar in this regard.
- (5) The secretary attends all meetings, keeps all relevant documents of the senate and acts as an electoral officer at meetings of the senate.

Minutes of meetings of senate

33. The provisions of paragraph 16 apply, with the necessary changes, to the minutes of meetings of the senate.

Discussions of motions

34. The provisions of paragraph 17 apply, with the necessary changes, to discussions of motions of the senate.

Voting

35. Voting must be conducted according to the procedure as set out in paragraph 18 with the necessary changes for the senate.

Ruling by chairperson of senate

36. The ruling by the chairperson on any point of order or procedure is binding, unless immediately challenged by a member, in which event such ruling must be submitted to the meeting without discussion and the decision of the meeting is final.

Vacancies on senate

37. (1) The provisions of paragraph 23(1) apply, with the necessary changes, to vacancies by effluxion of time on the senate.
- (2) The provisions of paragraph 23(2) apply, with the necessary changes, in respect of casual vacancies on the senate.

Attendance by non-members

38. The senate may invite persons who are not members to attend meetings, provided that such persons may take part in discussions, but may not vote.

FACULTY BOARDS**Functions of faculty boards**

39. Faculty boards are appointed by senate to regulate the activities of the respective faculties of the University. The functions of faculty boards are determined by the senate through the Standing Orders for Faculties.

Composition of faculty boards

40. The composition of faculty board is as determined by the Rules.

Meeting procedures of faculty board

41. The provisions of paragraph 31 apply with the necessary changes to meetings of the faculty board.

THE INSTITUTIONAL FORUM

Functions of institutional forum

- 42. (1)** The institutional forum must-
- (a) advise the council on issues affecting the University, including-
 - (i) the implementation of the Act and the national policy on higher education;
 - (ii) race and gender equity policies;
 - (iii) the selection of candidates for senior management positions;
 - (iv) codes of conduct, mediation and dispute resolution procedures; and
 - (v) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates and appropriate environment for teaching, learning and research;
 - (vi) the language policy; and
 - (b) perform such other functions as determined by the council.

Composition of institutional forum

- 43.** The institutional forum consists of-
- (a) two representatives of the management committee, elected by senior management;
 - (b) two representatives of the council, elected by the council;
 - (c) two representatives of the senate, from the academic employees who are members of senate, other than members of the management committee, elected by the senate;
 - (d) two students elected from the student representative council;
 - (e) two students, other than members of the student representative council, elected by the General Student Council;
 - (f) one postgraduate student, elected by the postgraduate student council;
 - (g) four representatives from the organized labour two of whom should be academic employees and the other two being non-academics employees, elected by such labour unions; and
 - (h) one representative of the convocation, elected by the convocation.

Manner of election of members of institutional forum

- 44.** Each constituency must, within 21 days, after notification by the electoral officer appointed by the council for the institutional forum, elect, designate or appoint its representatives and submit the names of such elected, designated or appointed representatives to the electoral officer of the institutional forum.

Term of office of members of institutional forum

- 45.** The term of office of members of the institutional forum is two years.

Election of chairperson

- 46. (1)** The members of the institutional forum, at the first meeting of the institutional forum and thereafter whenever it becomes necessary, shall elect from among its

- members a chairperson who each holds office for two years, or for such shorter period as the chairperson may be a member of the institutional forum.
- (2) Nominations for the office of chairperson and vice-chairperson of the institutional forum on a date determined by him or her.
 - (3) Each nomination must be signed by at least five members of the institutional forum and countersigned by the nominee to denote his or her acceptance of the nomination.
 - (4) If more than one person is nominated for one of the offices, voting must be by secret ballot.
 - (5) A candidate may be elected to the office of the chairperson only by a majority of members present at the meeting of the institutional forum.
 - (6) Each member of the institutional forum has only one vote during each round of voting.
 - (7) If no candidate receives a majority of votes with the first ballot, successive rounds of voting must be held.
 - (8) In each successive round of voting, the candidate receiving the least number of votes in the previous round is eliminated as a candidate.
 - (9) If a vacancy occurs in the office of chairperson or vice-chairperson for any reason, the provisions of subparagraphs (1) to (8) apply to the filling of such vacancy.
 - (10) A person elected as contemplated in subparagraph (9) to fill a casual vacancy holds office for the unexpired portion of his or her predecessor's term of office.
 - (11) The vice-chancellor and principal acts for the duration of the election of a chairperson as acting chairperson.
 - (12) The chairperson ceases to hold office when the incumbent is removed from that office by a majority decision of the institutional forum or when the incumbent ceases to be a member of the institutional forum.
 - (13) The chairperson of the institutional forum may not be elected for more than one term of office.

Secretary to institutional forum

47. The registrar acts as secretary of the institutional forum, provided that the vice-chancellor may assign any other employee to assist the registrar in this regard.

Quorum of institutional forum

48. (1) The quorum of the institutional forum must be 50 per cent plus one of the members of the institutional forum.
- (2) If, for any meeting, there is no quorum, the meeting is adjourned to a date not more than seven days later, at which the members present, constitute a quorum.

Meetings of institutional forum

49. (1) The institutional forum must meet at least once every three months.
- (2) Such meetings must be convened by the chairperson in consultation with the members of the executive committee.
- (3) The secretary must at least 14 days before the date of an ordinary meeting give notice thereof to all members of the institutional forum in writing, setting forth the matters to be dealt with at the meeting, as well as the time and place of such meeting, including a copy of the minutes of any previous meeting.

- (4) Should a member of the institutional forum want to submit any matter for consideration at an ordinary meeting, he or she must inform the secretary of the institutional forum of the matter in writing at least ten days before the date of the meeting in question, provided that a matter of an urgent nature may be raised in a meeting without previous notice with the consent of a least two-thirds of the members.
- (5) The chairperson may convene an extraordinary meeting whenever he or she deems it necessary, and he or she must convene such meeting at the written request of any five members of the institutional forum, the purpose of such meeting being clearly stated in such request.
- (6) No matters other than those for which the extraordinary meeting was convened, may be discussed at such meeting, except with the consent of the meeting granted on an unopposed motion.
- (7) An emergency meeting may be convened by the chairperson at any time, provided that all members are given at least 24 hours notice of such meeting.
- (8) The notice contemplated in subparagraph (7) may be given in any manner deemed expedient by the chairperson in the circumstances.
- (9) Members must be notified of the reason for an emergency meeting and no matters other than those of which notice has been given to the members may be considered at such meeting.

Minutes of meetings of institutional forum

50. The provisions of paragraph 15 in respect of the minutes of council meetings apply with the necessary changes to the minutes of meetings of the institutional forum.

Discussion of motions

51. The provisions of paragraph 17 in respect of discussion of motions by the council apply with the necessary changes to the discussion of motions by the institutional forum.

Voting

52. Matters must be dealt with as far as practicable by way of consensus, failing which, voting must be conducted, according to the procedure determined by paragraph 18, with the necessary changes.

Ruling by chairperson

53. The provisions of paragraph 19 apply to a ruling by the chairperson of the institutional forum.

Vacation of office by members of institutional forum

54. The provisions of paragraph 22 in respect of the vacation of office by members of the council apply with the necessary changes to the vacation of office by members of the institutional forum.

Vacancies by effluxion of time

55. The provisions of paragraph 23(1) apply with the necessary changes to vacancies by effluxion of time on the institutional forum.

Casual vacancies

56. The provisions of paragraph 23(2) apply with the necessary changes in respect of casual vacancies on the institutional forum.

Filling of vacancies

57. The provisions of paragraph 24 apply with the necessary changes to the filling of vacancies on the institutional forum.

Committees of institutional forum

58. (1) The institutional forum may establish such committees as it deems necessary.
(2) The composition, functions, term of office of members, meetings and meeting procedures of the committees contemplated in subparagraph (1) are as determined by the Rules.

VICE-CHANCELLOR AND PRINCIPAL**Functions of vice-chancellor and principal**

59. (1) The vice-chancellor and principal is the chief executive and accounting officer of the University.
(2) The vice-chancellor and principal is responsible for the day-to-day management and administration of the University, and performs functions as determined by the council.
(3) The vice-chancellor and principal reports to the council.
(4) By virtue of his or her office, the vice-chancellor and principal is a member of all council committees, joint committees of the council and the senate and committees of the senate.
(5) The council may assign additional functions, and grant additional powers and privileges to the vice-chancellor and principal to enable him or her to perform his or her functions.

Appointment, term of office of the vice-chancellor and principal and acting vice-chancellor and principal

60. (1) After the appointment procedures prescribed by council have been followed, the vice-chancellor and principal shall be appointed at a meeting of the council by a majority of the members holding office on the date of such meeting.
(2) The vice-chancellor and principal is appointed for a period determined by the council.
(3) When the vice-chancellor and principal is absent or unable to carry out his or her functions, the council appoints an acting vice-chancellor, failing which, the deputy vice-chancellor designated by the council takes over as acting vice-chancellor and principal.

CONVOCATION**Name and membership**

61. (1) The convocation of the University is known as the convocation of the University of Fort Hare.
(2) The convocation consists of-
(a) the vice-chancellor and principal;
(b) the deputy vice-chancellor/s;

- (c) the registrar;
 - (d) persons to whom a diploma or a degree has been awarded or conferred by the University;
 - (e) academic employees appointed to permanent positions on the establishment of the University; and
 - (f) professors emeriti and other retired academic employees of the University.
- (3) The council may, on recommendation of the convocation, determine that persons not contemplated in subparagraph (2), may become members of the convocation.

Manner of election of president

62. (1) The president of the convocation must-
- (a) be elected by the convocation from among its members at an annual general meeting by secret ballot and a majority of the members present; and
 - (b) hold office until the close of the second annual general meeting thereafter.
- (2) The registrar must keep the roll of the convocation.
- (3) It is the duty of every graduate of the University and of every holder of a diploma or a certificate awarded by the University to notify the registrar of his or her address and of any change of address.
- (4) If a vacancy occurs in the office of president of the convocation, the vice-chancellor acts as president until the next general meeting which must in accordance with the provisions of subparagraph (1)(a) elect a president to hold office until the close of the second annual general meeting thereafter.
- (5) The president of the convocation may not be a full-time employee of the University.

Meetings of convocation

63. (1) There must be an annual general meeting of the convocation.
- (2) Special general meetings of convocation-
- (a) may be called by the president at his or her own instance; or
 - (b) must be called by the president, or in his or her absence by the registrar, when a written request for a special meeting, stating the object of the meeting, is received by the president, or the registrar, from at least 50 members of the convocation.
- (3) The registrar must give notice in a form to be decided by the president of the date, time and place of the annual general meeting of the convocation at least ten weeks before the date of the meeting and must include in this notice-
- (a) the date by which notices of motion to be considered at the meeting must be received by him or her; and
 - (b) details as to when and how the agenda for the meeting will be published, the form and the manner of publication to be decided by the president, or alternatively by the vice-chancellor.
- (4) The registrar must give notice of the date of any general meeting at least 21 days before the date of the meeting in the form and manner decided by the president, or failing which, by the vice-chancellor and this must include-
- (a) at least one prominent notice in at least one national newspaper; and

- (b) a notice on the University's home page on the world wide web.

Quorum and procedure

64. (1) The procedure at a meeting of the convocation is decided by the meeting, but-
- (a) the quorum at an annual general meeting is 30;
 - (b) the quorum at a special meeting is 25;
 - (c) notwithstanding subparagraphs (a) and (b), if a quorum is not present at a meeting of the convocation, a follow-up meeting must be scheduled and if a quorum is still not present at such follow-up meeting, the members present constitute a quorum;
 - (d) at the annual general meeting the convocation must-
 - (i) confirm the minutes of the last of the last annual general meeting of any special general meeting held since then, with or without amendment; and
 - (ii) deal with business of which notice has been given, and any other business which a 75 per cent majority of those present agree to consider; and
 - (e) at a special general meeting, the convocation must deal with the business, and only the business, of which notice has been given.
- (2) In the absence of the president, the meeting must elect a member to preside at that meeting.

ALUMNI ASSOCIATION

Name and membership

65. (1) The council grants recognition to an association of alumni of the University, known as the University of Fort Hare Alumni Association
- (2) The alumni association consist of -
- (a) the vice-chancellor and principal;
 - (b) the deputy vice-chancellor/s;
 - (c) the registrar;
 - (d) past students of the University who are either all members of the convocation or persons who obtained a diploma or certificate, the curriculum of which had been approved by the senate;
 - (e) persons with a degree from another institution who have completed at least one year of successful study at the university;
 - (f) past students and employees of the University who have been with the University for at least one year;
 - (g) such other persons or category of persons as may be determined by the council.

Office-bearers

66. (1) The office-bearers of the alumni association are –
- (a) the president;
 - (b) the vice-president;
 - (c) the secretary; and
 - (d) the treasurer.
- (2) The office-bearers contemplated in subparagraph (1)(a), (b) and (d) are elected by the alumni association from among its members by closed ballot by a majority

of members present at a meeting of the alumni association for a term of office of two (2) years, provided that no person may serve in the same office for more than three (3) consecutive terms.

- (3) An employee as determined in the constitution of the alumni association acts as secretary to the alumni association.
- (4) The president acts as chairperson at the meetings of the alumni association.
- (5) In the absence of the president from any meeting, the vice-president acts as chairperson at such meeting.

Executive committee of alumni association

67. (1) The executive committee of the alumni association –

- (a) manages the affairs of the alumni association;
- (b) may appoint part-time or full-time staff who is remunerated from the funds of the alumni association;
- (c) may appoint committees to assist it in the realisation of the objectives of the alumni association;
- (d) may co-opt additional members without voting rights on the executive committee; and
- (e) may perform such other functions as determined by the alumni association.

(2) The executive committee consists of –

- (a) the president, who is the chairperson;
- (b) the vice-president;
- (c) the treasurer;
- (d) the secretary;
- (e) the registrar;
- (f) one representative of the student representative council;
- (g) four (4) members of the alumni association elected by the members of the alumni association;
- (h) the vice-chancellor and principal, by virtue of his or her office;
- (i) the deputy vice-chancellor/s, by virtue of their offices; and
- (j) such other members as determined in the constitution of the alumni association.

Meetings and meetings procedure

68. The provisions regarding the meetings and meetings procedure of the alumni association as well as all other matters pertaining to the management of the alumni association are determined in the constitution of the alumni association.

STUDENT REPRESENTATIVE COUNCIL

Composition of student representative council

69. (1) The student representative council contemplated in section 35 of the Act, consists of-

- (a) the president to act as chairperson;
- (b) the deputy president to act as deputy chairperson;
- (c) the general secretary;
- (d) the deputy general secretary; and

- (e) any other members appointed, designated or elected by their respective constituencies as determined by the student representative council constitution.
- (2) Only registered students are eligible to serve on the student representative council.

Functions of student representative council

70. The student representative council, in terms of its constitution, as determined by the Rules, must-

- (a) preserve and promote the interests of the student community;
- (b) carry out all duties and responsibilities as agreed upon in meetings of the student representative council within the Rules and policies of the University;
- (c) represent all students as their democratically elected highest representative structure;
- (d) respect and uphold the constitution and the code of conduct of the student representative council as determined by the Rules;
- (e) protect and promote the good image of the student representative council;
- (f) enhance unity and co-operation among students;
- (g) manage society life on campus and render any assistance necessary;
- (h) convene all student general meetings on campus;
- (i) act as liaison between the University authorities and the student community; and
- (j) focus primarily on the enhancement of the formal learning experience of all students of the University.

Term of office

71. (1) The term of office of members of the student representative council is one year.
(2) A member of the student representative council may serve for more than one term.

Election of office-bearers

72. The election of office-bearers is as determined by the student representative council constitution.

Meetings of student representative council

73. The number of meetings and meeting procedures are determined by the constitution of the student representative council as determined by the Rules.

Privileges of student representative council

74. The privileges of members of the student representative council are determined by the council, after consultation with the student representative council.

Election of members of student representative council

75. The election of members of the student representative council is as determined by the student representative council constitution.

STUDENT SERVICES COUNCIL

Functions

- 76.** (1) Subject to the provisions of Section 27(3) of the Act, council, in consultation with the student representative council, shall establish a student services council to advise the council on the policy for student services within the University.
- (2) The student services council advises the council on the policies related to rendering of student services to students of the University, including policies on financial aid services, health, sport programmes, housing facilities and student governance and development.
- (3) The student services council discusses any other matters referred to it by the council and advises council on such matters.

Composition

- 77.** The composition of the student services council is in accordance with the Rules.

Office-bearers

- 78.** (1) The chairperson and vice-chairperson the student services council shall be determined in accordance with the Rules.
- (2) An employee designated by the registrar, shall act as secretary to the student services council.

Meetings and meeting procedures

- 79.** The number of meetings and meetings procedures of the student services council are in accordance with the Rules.

MANAGEMENT COMMITTEE

Functions and powers

- 80.** (1) The management committee assists the vice-chancellor in the management and administration of the University.
- (2) The management committee, in exercising the powers delegated to it by the council, acts in accordance with and subject to the directives and requirements as determined from time to time by the council.
- (3) The management committee –
- (a) makes recommendations to the respective committees of the council regarding all matters which are subject to the approval of the council, unless determined otherwise in the delegation document of the University;
 - (b) ensures that the University complies with all relevant laws and regulations in respect of matters dealt with by the management committee;
 - (c) may assign or delegate any of its functions to one or more members of the management committee, or to a committee or task team appointed by the management committee, provided that any actions resulting from such assignment or delegation are ratified by the management committee at its next meeting; and
 - (d) performs such other functions as may be determined by the council.

Composition

- 81.** (1) The management committee consists of –
- (a) the vice-chancellor and principal;
 - (b) the deputy vice-chancellor/s;
 - (c) the registrar;
 - (d) such other members as may be determined by the vice-chancellor and principal as prescribed in the Rules; and
 - (e) such other members as may be co-opted by the vice-chancellor as prescribed in the Rules.
- (2) The management committee may invite persons who are not members of the management committee on account of their relevant expertise to attend its meetings for the discussion of particular agenda items only.
- (3) The invitees contemplated in subparagraph (2) may participate in the deliberations of the management committee, but may not vote.

Chairperson and acting chairperson

- 82.** (1) The vice-chancellor and principal acts as chairperson at the meetings of the management committee.
- (2) In the absence of the vice-chancellor and principal from any meeting of the management committee, the acting vice-chancellor and principal contemplated in paragraph 13 presides at such meeting.
- (3) In the absence of the vice-chancellor and principal and the acting vice-chancellor and principal, the provisions of paragraph 32(3) apply with the necessary changes to the appointment of an acting chairperson.

Secretary

- 83.** The registrar, or an employee designated by him or her, acts as secretary to the management committee.

Committees

- 84.** (1) The management committee establishes committees, known as management subcommittees, to perform any of its functions, subject to the condition contemplated in paragraph 70(3) (c).
- (2) The management committee may, after consultation with the senate, establish joint committees to perform functions that are common to the management committee and the senate.
- (3) The composition, functions, meetings procedure and dissolution of a committee contemplated in subparagraphs (1) and (2) are determined by the Rules.

Meetings and meetings procedure

- 85.** The provisions regarding the meetings procedure and attendance of meetings of the management committee as well as all other matters relating to the activities of the management committee are determined by the Rules.

EMPLOYEES

Appointment of employees

86. Subject to section 34 of the Act, the council or its delegated structure appoints employees in accordance with the staffing policy of the University as determined in the Rules.

Conditions of service of employees

87. The conditions of service, including the remuneration of the employees, are determined by the council and set out in the Rules.

Evaluation of employees

88. All employees may be subject to continuous evaluation in the performance of their duties according to the policy and procedure determined in the Rules.

Disciplinary code and procedures for employees

89. All employees are subject to the disciplinary code, the disciplinary procedure and the grievance procedure applicable to employees as determined by the council and contained in the Rules.

Employee organisations

90. (1) The council may, for such purposes and on such conditions as it may determine, grant recognition to any employee organisation of the University.
- (2) The council may enter into an agreement with any representative employee organisation for purposes of consultation and negotiation on service benefits and conditions of service, including remuneration, of employees in accordance with the relevant labour legislation.

STUDENTS

Admission and registration

91. (1) The requirements for admission of a student to a particular academic programme are set out in the Rules.
- (2) A person is registered as a student of the University only if he or she meets the admission requirements contemplated in subparagraph (1).
- (3) A student is registered for one (1) academic year or for such shorter period as may be determined by the council in general or in a particular case.
- (4) During the period contemplated in subparagraph (3) a student is subject to the rules applicable to his or her study and such other conditions as determined by the council and set out in the Rules.
- (5) Every person registering as a student at the University must sign the official registration form, thereby binding himself or herself to such conditions and Rules as the council may determine.
- (6) The council must determine when the fees payable by students to the University are paid.

Student discipline

92. (1) The disciplinary provisions applicable to students are determined by the council after consultation with the student representative council and the senate and set out in the Rules.
- (2) Each of the disciplinary bodies, as determined in the Rules, submit an annual report to the council, listing the offences considered and the penalties imposed by it.

CONFERRING OF DEGREES AND AWARDING OF DIPLOMAS AND CERTIFICATES**Conferring of degrees and awarding of diplomas and certificates**

93. (1) The University may confer the degrees and award the diplomas and certificates for which official approval has been obtained, in accordance with the Rules.

Congregation

94. (1) For the purpose of conferring degrees and awarding diplomas and certificates, a meeting or meetings of the members of the University must be held, to be known as a congregation, to which must be invited members the senate, academic employees, the persons upon whom degrees, diplomas and certificates are to be conferred and awarded and such other persons as the vice-chancellor may determine.
- (2) A congregation must be presided over by the chancellor, or in his or her absence, the vice-chancellor.
- (3) The vice-chancellor must determine the congregation at which any graduand is to be admitted to a degree.
- (4) The procedure and requirements for the presentation of graduands, for the academic dress and for all other matters relating to the congregation not provided for in this statute must be as determined by the vice-chancellor with the approval of the council.

Manner of assessment

95. Any assessment by the University must be conducted in accordance with the Rules made by the council.

HONORARY DEGREES**Procedure**

96. (1) The person intending to nominate collects all the necessary information about the candidate from the internet, organizations and other sources, without informing the nominee;
- (2) The template is filled in and submitted to the committee section, with the supporting documents, including the curriculum vitae;
- (3) The honorary degrees committee considers the submission, and if favourable, delegates the responsibility of facilitating the faculty discussion to the relevant dean;
- (4) After consultation with the faculty, the dean presents the nominee/s to the honorary degrees committee for a decision;
- (5) The honorary degrees committee submits the recommended nominees to senate for approval;
- (6) Senate submits the recommended names to council for final approval; and

- (7) It is only after Council approval that the Registrar will communicate with the successful nominees, to verify acceptance of the nomination.

Voting

- 97.** (1) The chairperson of the senate shall have a deliberative vote on each proposal and, in the event of an equality of votes, also a casting vote.
- (2) At the first meeting after the meeting of the honorary degrees committee, the senate must, without discussion, vote by ballot on the person recommended by the honorary degrees committee.
- (3) A recommendation by the senate for the conferment of an honorary degree shall be submitted to the council at its next meeting.
- (4) Voting in the council on the conferment of an honorary degree must be by secret ballot, and such an honorary degree shall not be conferred, unless the majority of the members present are in favour thereof.

REPEAL OF PREVIOUS STATUTE**Repeal of previous Statute**

- 98.** (1) The Statute applicable to the University of Fort Hare and published under Government Notice No. 20273 of 2 July 1999 is hereby repealed.
- (2) Notwithstanding subparagraph (1), any structure of the University which existed immediately prior to the publication of this Statute continues to exist and function in terms of this Statute until the day prior to the day when each new structure, reconstituted in terms of this Statute, becomes functional.
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