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DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 927

07 SEPTEMBER 2018

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

AMENDED INSTITUTIONAL STATUTE

UNIVERSITY OF THE WESTERN CAPE

I, Mrs GNM Pandor, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish the amended Institutional Statute of the University of the Western Cape set out in the Schedule hereto.



G.N.M. Pandor
Mrs GNM Pandor, MP

Minister of Higher Education and Training

Date: 26-8-2018

THE STATUTE OF THE UNIVERSITY OF THE WESTERN CAPE

The Council of the University of the Western Cape has made this Statute set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training and which comes into operation on the date of this publication.

SCHEDULE

STATUTE OF THE UNIVERSITY OF THE WESTERN CAPE

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CHAPTER 1

Definitions

- 1 In this Statute any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act no. 101 of 1997), has the meaning so assigned to it, and unless the context indicate otherwise –
- “**academic employees**” means those persons employed by the University primarily to teach and/or to do research, including the Vice-Chancellor/Rector, the Deputy Vice-Chancellor(s)/Vice-Rector(s), and the Deans;
- “**Act**” means the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, and includes any regulations promulgated in terms thereof;
- “**Chancellor**” means a person as contemplated in paragraph 5.1;
- “**Convocation**” means the assembly of persons contemplated in paragraph 12.1;
- “**Council**” means the governing body of the University as contemplated in paragraph 8.2;
- “**day**” means weekdays including Saturday, Sunday and any public holiday;
- “**Deputy Vice-Chancellor/Vice-Rector**” means a person or persons appointed by the Council for purposes of assisting the Vice-Chancellor/Rector as contemplated in paragraph 6.2, and includes a vice-principal as contemplated in the Act;
- “**donors**” means those persons or organisations determined in accordance with paragraph 13.1;
- “**due process**” means a process compliant with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) as well as the principles of natural justice;
- “**electronic communication**” means electronic communication as contemplated in the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), and when employed at a meeting such communication ordinarily enables all members participating in the meeting to communicate concurrently with each other without an intermediary, and to participate reasonably effectively in the meeting, and for the avoidance of doubt such communication shall include communication by teleconference and e-mail, as contemplated in the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), or any legislation which replaces it;
- “**executive management**” means those persons contemplated in paragraph 7.2;
- “**Institutional Forum**” means the Institutional Forum of the University contemplated in paragraph 10.2;
- “**management**” means senior management and the professional, support or administrative staff members of the University designated by the Council as managers;
- “**Minister**” means the Minister responsible for higher education;
- “**professional, support or administrative staff members**” mean those members of staff who are not employed on academic terms and conditions and who provide professional, administrative and support services to the University;
- “**professor**” means a person appointed as a professor by the Council, after

consultation with the Senate, but does not include an adjunct, associate, emeritus, extraordinary or honorary professor;

“**qualification**” means a registered national qualification as defined in the National Qualifications Framework Act 67 of 2008;

“**Registrar**” means the Registrar of the University, or if more than one Registrar has been appointed, the Registrar designated by the Council to perform the function contemplated in section 26(4)(b) of the Act;

“**Returning Officer**” means the Registrar or a person appointed by the Registrar to conduct and preside at an election;

“**rules**” means the institutional rules of the University made in terms of section 32 of the Act, and includes all policies and standing orders approved by the Council;

“**Senate**” means the Senate of the University contemplated in paragraph 9.2;

“**senior management**” means the executive management, the Deans and other senior managers as determined by the Vice-Chancellor/Rector, after consultation with the executive management, from time to time;

“**Statute**” means the institutional statute of the University;

“**student**” means a person registered for a qualification offered by the University;

“**the graduates**” means persons who have graduated from the University with a degree or a diploma;

“**University**” means the University of the Western Cape;

“**urgent matter**” means a matter, which, if not addressed before the next ordinary or special meeting of the Council or the Senate, could cause irreversible harm or prejudice to the University, its employees or students;

“**UWC Gold Medal for Commitment to Community Service**” means the award to be bestowed on individuals in the community who have made a significant and extraordinary contribution to the upliftment of the community through exceptional leadership, community involvement and related activities; and

“**Vice-Chancellor/Rector**” means a person as contemplated in paragraph 6.1, and includes a principal as contemplated in section 30 of the Act.

CHAPTER 2

Structure, purpose and seat

- 2.1 The University is constituted in the manner, exists for the purposes, and has the rights, powers, privileges and duties, provided for in the Act and in this Statute.
- 2.2 The seat of the University is in Bellville in the Western Cape Province.

CHAPTER 3

Status and proprietary capacity

- 3.1 The University is, subject to the provisions of the Act, a juristic person.

- 3.2 Notwithstanding paragraph 3.1 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 thereon.

CHAPTER 4 **Constitution of the University**

- 4 The University consists of –
- 4.1 a Chancellor;
 - 4.2 a Vice-Chancellor/Rector;
 - 4.3 a Deputy Vice-Chancellor/Vice-Rector or, if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellors/Vice-Rectors;
 - 4.4 a Registrar, or if more than one Registrar has been appointed, the Registrars;
 - 4.5 an Executive Director or, if more than one Executive Director has been appointed, the Executive Directors;
 - 4.6 a Council;
 - 4.7 a Senate;
 - 4.8 an Institutional Forum;
 - 4.9 a Students' Representative Council;
 - 4.10 the academic employees of the University;
 - 4.11 the professional, support or administrative staff members of the University;
 - 4.12 a Convocation; and
 - 4.13 the students of the University.

CHAPTER 5 **Chancellor**

Titular head

- 5.1 The Chancellor is the titular and ceremonial head of the University and, subject to the provisions of the Act and this Statute, confers degrees on behalf of the University.
- 5.2 The Chancellor has no executive authority or executive powers.

Election

- 5.3 Whenever the Council has to elect a Chancellor, the Registrar must notify the members of the Council in writing at least six weeks before the election and call for nominations to be submitted to him or her.
- 5.4 Nominations must be in writing and must reach the Registrar at least three weeks before the date of election.
- 5.5 Each nomination must contain the signatures of at least two members of the Council and the written acceptance of the nomination by the nominee.

- 5.6** A list of duly nominated persons must be sent to the members of the Council at least ten days before the meeting of the Council where voting will take place.
- 5.7** Voting shall take place by ballot, but where members of the Council cannot attend the meeting in person, they may participate in the meeting and vote by electronic communication.
- 5.8** The nominee receiving a majority of the votes of the members of the Council holding office at the date of the meeting must be declared by the Chairperson to be the duly elected Chancellor.
- 5.9** In the case of no nominee receiving such a majority of votes, the nominee receiving the lowest number of votes or, where applicable, more than one nominee together receiving less than half plus one of the votes must be eliminated, and the election must be repeated until one of the nominees receives a majority of the votes as contemplated in paragraph 5.8.
- 5.10** When the office of Chancellor becomes vacant, the Council must as soon as practicable thereafter elect a new Chancellor.
- 5.11** After the Council has elected the Chancellor, the name of the Chancellor is announced by the Chairperson of the Council.

Term of office

- 5.12** The Chancellor holds office for a period of five years, and is eligible for re-election.
- 5.13** If the Chancellor is unable, for any reason, to perform the functions of his or her office, or if the office of Chancellor becomes vacant, the Vice-Chancellor/Rector or acting Vice-Chancellor/Rector performs the functions of the Chancellor.

Termination/removal from office

- 5.14** The term of office of the Chancellor is terminated in the event of –
- 5.14.1** death;
 - 5.14.2** incapacity;
 - 5.14.3** resignation; or
 - 5.14.4** removal from office by the Council.
- 5.15** The Chancellor may only be removed from office by the Council after following due process, by means of a resolution, passed by at least two-thirds of the members of the Council present at the meeting, whether present in person or by electronic communication.

CHAPTER 6

Senior management

6.1 Vice-Chancellor/Rector

Functions and duties

- 6.1.1** The Vice-Chancellor/Rector is the chief executive officer of the University and is, subject to paragraph 8.19, responsible for, *inter alia*, the day-to-day management, administration and operations of the University, and is vested with all the managerial, administrative and operational powers necessary to perform

these functions.

- 6.1.2 In the absence of the Chancellor or at his or her request, the Vice-Chancellor/Rector performs the functions of the Chancellor.
- 6.1.3 The Vice-Chancellor/Rector is by virtue of his or her office a member of all committees and joint committees of the Council and of the Senate.
- 6.1.4 The Vice-Chancellor/Rector, in accordance with the directives and policies of the Council and the Senate, exercises general managerial, administrative and operational authority over the University.
- 6.1.5 The Vice-Chancellor/Rector may establish a committee of members of the executive management to assist him or her with the day-to-day management, administration and operations of the University.
- 6.1.6 The composition, manner of election, functions, quorum and procedure at meetings of any such committee must be determined by the Vice-Chancellor/Rector, and provided for in the rules.

Process of selection and appointment

- 6.1.7 The Vice-Chancellor/Rector is selected by the Council from the names of candidates put forward to the Council by the Senate and the Institutional Forum.
- 6.1.8 The procedure regarding the advertisement of the vacancy, recruitment of candidates and interviewing of candidates shall be determined by the Council after consultation with the Senate and the Institutional Forum.
- 6.1.9 The Senate and the Institutional Forum must, independently from each other, submit to the Council a maximum of three names of candidates from the list of eligible candidates who applied, or who were recruited in accordance with the determination of the Council contemplated in paragraph 6.1.7, in order of priority, whom they consider to be persons fit and proper for appointment as Vice-Chancellor/Rector.
- 6.1.10 If the Senate or the Institutional Forum is of the opinion that none of the applicants are persons fit and proper for appointment as Vice-Chancellor/Rector, they must advise the Council accordingly whereupon the Council may allow such further period it deems fit for re-advertisement of the vacancy and/or for recruitment.
- 6.1.11 Voting in the Council shall be by ballot, but where members of the Council cannot attend the meeting in person, they may participate in the meeting and vote by electronic communication. The candidate receiving a majority of the votes of the members of the Council holding office at the date of the meeting is declared by the Chairperson to be duly selected for appointment as Vice-Chancellor/Rector of the University.
- 6.1.12 If no candidate receives such a majority of votes, the candidate who has received the lowest number of votes must be eliminated and the voting process shall be repeated until one of the candidates receives a majority of the votes.
- 6.1.13 Voting in the Senate and the Institutional Forum to determine the candidates whose names are to be put forward to Council, takes place in the manner provided for in paragraphs 6.1.11 and 6.1.12.

Term of office

- 6.1.14** The Vice-Chancellor/Rector is appointed by the Council for such period of office as may be agreed upon between the Vice-Chancellor/Rector and the Council, provided that the initial period of office of the Vice-Chancellor/Rector shall not be more than five years, and any additional periods of office shall not in total exceed five years.
- 6.1.15** A Vice-Chancellor/Rector is eligible, on application to the Council, to apply for re-appointment to serve for a second term of office.
- 6.1.16** Should the Vice-Chancellor/Rector elect to apply for re-appointment in terms of paragraph 6.1.15, the application must be submitted to the Council at least eighteen (18) months prior to the date of conclusion of his or her contract of employment as Vice-Chancellor/Rector.
- 6.1.17** Subject to the provisions of paragraph 8.20.3, the Council may, after consultation with the Senate and Institutional Forum, waive the requirements and provisions contained in paragraphs 6.1.7 to 6.1.13.
- 6.1.18** Should the Vice-Chancellor/Rector:
- 6.1.18.1 not apply for re-appointment in terms of paragraph 6.1.15; or
 - 6.1.18.2 apply for re-appointment in terms of paragraph 6.1.15 and his or her application is unsuccessful; or
 - 6.1.18.3 complete his or her second term of office after being successfully re-appointed in terms of paragraph 6.1.15,
- he or she may, notwithstanding the provisions of paragraph 6.1.14, serve an additional term of office if he or she is selected and appointed as Vice-Chancellor/Rector, in accordance with the process contemplated in paragraphs 6.1.7 to 6.1.13.
- 6.1.19** The Vice-Chancellor/Rector may resign at any time on six months' notice to the Council, unless the Council, after consultation with the Senate and after having obtained advice from the Institutional Forum, dispenses with such notice period.
- 6.1.20** The appointment of the Vice-Chancellor/Rector may be terminated by the Council at any time, by a majority vote consisting of not less than three quarters of the number of members present at the meeting, whether present in person or by electronic communication, and not less than half of the members holding office at the date of the meeting, after following due process, and after consultation with the Senate and after having obtained advice from the Institutional Forum.

Absence of Vice-Chancellor/Rector

- 6.1.21** In the event of the Vice-Chancellor/Rector being absent for a period less than one month, he or she may appoint, after consultation with the executive management, a member of the executive management as acting Vice-Chancellor/Rector.
- 6.1.22** In the event of the Vice-Chancellor/Rector being absent for a period in excess of one month but less than six months, he or she, after consultation with the Executive Committee of the Council, must appoint a member of executive management as acting Vice-Chancellor/Rector.
- 6.1.23** While the appointment of a Vice-Chancellor/Rector is pending or if the Vice-

Chancellor/Rector is absent for a period in excess of six months, the Deputy Vice-Chancellor/Vice-Rector, or, if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellor/Vice-Rector designated by the Council after consultation with the Senate and Institutional Forum, shall be the acting Vice-Chancellor/Rector.

6.2 Deputy Vice-Chancellor/Vice-Rector(s)

Functions and duties

6.2.1 The Deputy Vice-Chancellor/Vice-Rector(s) is responsible for, *inter alia*, assisting the Vice-Chancellor/Rector in the management, administration and operations of the University and has the powers and duties conferred upon him or her by the Council.

6.2.2 The Deputy Vice-Chancellor/Vice-Rector(s) is further responsible for any specific managerial, administrative and operational functions delegated to him or her by the Vice-Chancellor/Rector, from time to time.

Selection and appointment

6.2.3 The provisions of paragraphs 6.1.7 to 6.1.13 apply, with the necessary changes, to the selection and appointment of a Deputy Vice-Chancellor/Vice-Rector.

Term of office

6.2.4 The provisions of paragraphs 6.1.14 to 6.1.20 apply, with the necessary changes, to the term of office of a Deputy Vice-Chancellor/Vice-Rector.

Absence of Deputy Vice-Chancellor/Vice-Rector/vice-rector

6.2.5 In the event of the Deputy Vice-Chancellor/Vice-Rector being absent for a period less than one month, the Vice-Chancellor/Rector may appoint, after consultation with the executive management, a member of the senior management as acting Deputy Vice-Chancellor/Vice-Rector.

6.2.6 In the event of a Deputy Vice-Chancellor/Vice-Rector being absent for a period in excess of one month but less than six months, the Vice-Chancellor/Rector, after consultation with the Executive Committee of the Council, must appoint an acting Deputy Vice-Chancellor/Vice-Rector.

6.2.7 Pending the appointment of a Deputy Vice-Chancellor/Vice-Rector, or if a Deputy Vice-Chancellor/Vice-Rector is absent for a period in excess of six months, the Vice-Chancellor/Rector, after consultation with the Council, shall appoint a member of Senior Management or a professor of the University as an acting Deputy Vice-Chancellor/Vice-Rector, or, in the case of two Deputy Vice-Chancellors/Vice-Rectors in office prior to the contemplated period of absence, designate the other Deputy Vice-Chancellor/Vice-Rector to assume the role and responsibility of the absent Deputy Vice-Chancellor/Vice-Rector.

6.3 Registrar(s) and Executive Director(s)

Functions and duties

6.3.1 The Registrar, or, if more than one Registrar has been appointed, the Registrars

and the Executive Director, or if more than one Executive Director has been appointed, the Executive Directors, support the Vice-Chancellor/Rector in managing and administering the University.

6.3.2 A Registrar and an Executive Director perform such other functions and duties as determined by the Vice-Chancellor/Rector, from time to time.

6.3.3 The Registrar:

6.3.3.1 is, by virtue of his or her office, the secretary to the Council and the Senate and the committees of the Council and the Senate;

6.3.3.2 is not a member of the Council;

6.3.3.3 acts as the compliance officer of the University;

6.3.3.4 acts as the returning officer at all meetings of the Council, the Senate and the Convocation;

6.3.3.5 acts as the electoral officer of the University;

6.3.3.6 maintains the Convocation Roll of the University;

6.3.3.7 is the holder of the records of the University;

6.3.3.8 may designate any other administrative staff member to assist him or her;

6.3.3.9 provides administrative support to the governance structures of the University, which includes, but is not limited to –

(a) keeping the minutes of the Council and the Senate meetings;

(b) keeping the minutes of the meetings of all committees of the Council and the Senate; and

(c) keeping a register of all resolutions adopted by the Council and the Senate, and providing access to the register to members of the Council and the Senate respectively;

6.3.3.10 is accountable through the office of the Vice-Chancellor/Rector for his or her governance support responsibilities; and

6.3.3.11 is responsible for the academic administration support functions of the University.

6.3.4 In the absence of the Registrar, his or her powers must be exercised and his or her functions performed by a person designated by the Vice-Chancellor/Rector.

6.3.5 Employees designated in terms of subparagraph 6.3.3.8 have the same fiduciary duties and obligations as the Registrar.

Selection and appointment

6.3.6 Subject to the provisions of paragraph 8.20.3, the appointment of a Registrar or Executive Director takes place in accordance with the procedure determined by the Council.

Term of office

6.3.7 The Registrar(s) and any Executive Director(s) may be appointed permanently, or on a fixed term basis in terms of paragraph 6.3.6, as determined by the Council.

6.3.8 The provisions of paragraphs 6.1.14 to 6.1.20 apply, with the necessary changes, to the term of office of a Registrar and Executive Director not appointed on a

permanent basis.

6.4 Dean(s)

Functions and duties

- 6.4.1** The functions and duties of a Dean are determined by the Council, after consultation with the Senate.
- 6.4.2** A Dean performs such other functions and duties as determined by the Vice-Chancellor/Rector, from time to time.

Selection and appointment

- 6.4.3** Subject to the provisions of paragraph 8.20.3, the appointment of a Dean takes place in accordance with the procedure decided upon by the Council, after consultation with the Senate.

Term of office

- 6.4.4** The provisions of paragraphs 6.1.14 to 6.1.20 apply, with the necessary changes, to the term of office of a Dean.

CHAPTER 7 **Executive management**

Functions and duties

- 7.1** Subject to the provisions of the Act and this Statute, in particular paragraph 6.1.1, the executive management assists the Vice-Chancellor/Rector with the day-to-day management, administration and operations of the University.

Composition

- 7.2** The executive management consists of –
- 7.2.1** the Vice-Chancellor/Rector;
 - 7.2.2** the Deputy Vice-Chancellor/Vice-Rector, or if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellors/Vice-Rectors;
 - 7.2.3** the Registrar, or if more than one Registrar has been appointed, the Registrars; and
 - 7.2.4** the Executive Director, or if more than one Executive Director has been appointed, the Executive Directors.

Committees of executive management

- 7.3** The Vice-Chancellor/Rector may establish committees consisting of the members of the executive management, and such other persons as may be determined by him or her, provided that at meetings of any committee of the executive management such person shall not have the right to vote.

- 7.4 Decisions of committees of executive management are subject to the policy and decisions of the Council and the Senate and ratification or otherwise by the executive management.
- 7.5 The composition, manner of election, functions, quorum and procedure at meetings of any committee, must be determined by the Vice-Chancellor/Rector, in consultation with the executive management, and provided for in the rules.

CHAPTER 8

Council

Functions and duties

- 8.1 Subject to the provisions of the Act and this Statute, the Council governs the University by exercising a general oversight responsibility over the institution as contemplated in s27(1) of the Act.

Composition

- 8.2 The Council of the University shall consist of not more than thirty members of which at least 60 percent must be members who are not registered students or employees of the university, including –
- 8.2.1 the Vice-Chancellor/Rector and the Deputy Vice-Chancellor/Vice-Rector, or if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellors/Vice-Rectors, provided that should the total number of the members of the Council exceed the maximum number allowed by the Act, or the internal membership of the Council exceed 40 percent of the total number of members as a result of the number of Deputy Vice-Chancellors/Vice-Rectors appointed by the University, the Vice-Chancellor/Rector must designate the Deputy Vice-Chancellor(s)/Vice-Rector(s) that may serve on the Council;
- 8.2.2 five persons appointed by the Minister;
- 8.2.3 two members of the Senate who are not student representatives, elected by the Senate;
- 8.2.4 one academic employee of the University, not being a member in terms of paragraph 8.2.3, elected in the manner provided for in paragraphs 8.28 to 8.34, by the academic employees;
- 8.2.5 one professional, support or administrative staff member of the University, not being a member in terms of paragraph 8.2.3, elected in the manner provided for in paragraph 8.36, elected by the professional, support or administrative staff members;
- 8.2.6 two registered students of the University, one of whom may be the President of the Students' Representative Council, elected by the Students' Representative Council;
- 8.2.7 two persons, elected in the manner provided for in paragraphs 12.17 and 12.20 to 12.26, by the Convocation from among its members;
- 8.2.8 two persons who are donors as determined in accordance with paragraphs 13.1 to 13.3, and appointed as members in accordance

- with paragraph 13.4;
- 8.2.9** one member of the Council of the City of Cape Town, elected by such Council;
- 8.2.10** one person designated by the Premier of the Western Cape Province;
- 8.2.11** one member of organised business in the Western Cape Province, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;
- 8.2.12** one member of organised business in the the Republic of South Africa, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;
- 8.2.13** one member of organised labour in the Western Cape Province, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;
- 8.2.14** one member of organised labour in the Republic of South Africa, elected by such organisation, provided that if more than one such organisation exists, the Council may determine which of such organisations may elect such person;
- 8.2.15** not more than five additional members having special knowledge or expertise, as may be determined in terms of paragraphs 8.23 to 8.26;
- 8.2.16** If 60 per cent of the members of the Council, not being persons in the employ or students of the University, vacate their office, it is deemed that the Council has resigned; and
- 8.2.17** A member of the Council may not without prior written notice to the Council serve on the Council of another university.
- 8.3** Members contemplated in paragraphs 8.2.2 and 8.2.8 to 8.2.15, may not be persons who are employees of the University.
- 8.4** The members of the Council owe a fiduciary duty to the University, and in this regard the members must –
- 8.4.1** be persons with knowledge and experience relevant to the objects and governance of the University;
- 8.4.2** adhere to the standards of conduct and behaviour prescribed in a code of conduct applicable to members of the Council as contemplated in section 27(7E) of the Act, and such code of conduct must be provided for in the rules; and
- 8.4.3** participate in the deliberations of the Council with unfettered discretion and in the best interests of the University,
- 8.4.4** must be eligible to serve on the Council at all times in accordance with the provisions of the Act and the rules of the University.

Term of office

- 8.5** The term of office of members of the Council is as follows –
- 8.5.1** members contemplated in paragraphs 8.2.2 to 8.2.5, and 8.2.7 to 8.14, three years;

- 8.5.2 members contemplated in paragraph 8.2.6, one year;
 - 8.5.3 members contemplated in paragraph 8.2.15, a minimum of one year and a maximum of three years; and
 - 8.5.4 all other members for as long as they hold the particular office.
- 8.6 Members, whose terms of office have expired, may be re-elected or reappointed for a second term only.
- 8.7 Where applicable and notwithstanding anything to the contrary contained in this Statute, any member re-elected or reappointed in terms of paragraph 8.6 to serve a second term shall not be automatically entitled to resume his or her service on the Senate, Institutional Forum or any other committee, unless specifically elected or appointed to serve, pursuant to his or her re-election or re-appointment.

Termination and vacating of office

- 8.8 A casual vacancy on the Council caused by the death of, or the vacating of his or her office by a member must, with due regard to the provisions of paragraph 8.2, be filled for the unexpired portion of the period of office of such member.
- 8.9 A member of the Council, other than the Vice-Chancellor/Rector and any Deputy Vice-Chancellor/Vice-Rector, vacates his or her office if he or she –
- 8.9.1 resigns from the Council or has his or her membership terminated in writing by the entity who appointed or elected the member to the Council;
 - 8.9.2 is absent from two consecutive ordinary meetings of the Council without apology;
 - 8.9.3 is declared by a court of law to be insolvent or otherwise incapable of attending to his or her own affairs;
 - 8.9.4 has been declared by a High Court with jurisdiction to be mentally ill;
 - 8.9.5 has at any time been removed from an office of trust on account of a breach of fiduciary duties or due to misconduct involving dishonesty;
 - 8.9.6 is convicted of an offence and is sentenced to imprisonment without the option of a fine;
 - 8.9.7 subject to paragraph 8.2.16, accepts an appointment as a member of the Council of, or an offer of employment in an executive managerial capacity at another higher education institution;
 - 8.9.8 accepts a permanent appointment as an employee at the University or registers as a student at the University, except in the case of members contemplated in paragraphs 8.2.3, 8.2.4 and 8.2.5; or
 - 8.9.9 after due process has been followed, is removed from the Council by a sanction imposed on him or her by the Council by reason of a contravention of the code of conduct contemplated in paragraph 8.4.2.
- 8.10 The Council has the power to take disciplinary action against any member of the Council who fails to adhere to, or comply with, any of the functions, duties,

including fiduciary duties, responsibilities or standards of conduct and behaviour prescribed herein or in any other code of conduct or set of rules that are applicable to members of the Council from time to time. Such disciplinary action shall include, but shall not be limited to, suspending a member from attending meetings of the Council and suspending or terminating a member's membership of the Council, on such terms as the Council may in its sole and absolute discretion determine.

Chairperson, Vice-Chairperson and secretary

- 8.11** The Council must elect one of its members as Chairperson and one of its members as Vice-Chairperson, provided that such persons may not be employees, students, members of the Senate or members of any other constituency of the University.
- 8.12** In the absence of the Chairperson, or on his or her request, the Vice-Chairperson performs the functions of the Chairperson.
- 8.13** Whenever both the Chairperson and Vice-Chairperson are absent from a meeting of the Council, the members present must elect a person from among their number to preside at that meeting.
- 8.14** The Chairperson and Vice-Chairperson shall hold office for the duration of their respective terms as members of the Council and may be re-elected for a second term, provided that they have also been re-elected as members of the Council, and provided further that they were not removed from office by a resolution of the Council.
- 8.15** The Registrar or if more than one Registrar has been appointed, the Registrar designated by the Council is the secretary of the Council, provided that he or she may designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.

Quorum

- 8.16** At all meetings of the Council one more than half the number of members envisaged in paragraphs 8.2.1 to 8.2.15, present in person or by electronic communication, constitutes a quorum.
- 8.17** In the event of there being no quorum fifteen minutes after the time determined for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the members present, whether present in person or by electronic communication, shall be deemed to constitute the requisite quorum.
- 8.18** Matters that require a decision must be communicated to members of Council with the request for approval within a timeframe determined by the Registrar.

Responsibilities of the Council

- 8.19** The Council has particular oversight responsibility for –
- 8.19.1** strategic governance;
 - 8.19.2** financial governance;
 - 8.19.3** student discipline, in accordance with Chapter 16;
 - 8.19.4** staff matters, in accordance with Chapter 17; and

- 8.19.5** formulating overall policy for the University.
- 8.20** The Council receives and considers written advice from the Institutional Forum before taking decisions on the following matters –
- 8.20.1** the implementation of the national higher education policy;
 - 8.20.2** policy regarding race, gender, disability and employment equity;
 - 8.20.3** the selection or appointment of persons to senior management positions;
 - 8.20.4** codes of general conduct as well as procedures for mediation and dispute resolution; and
 - 8.20.5** the establishment of a positive academic environment and an institutional culture to promote human rights .
- 8.21** The Council –
- 8.21.1** shall ensure and exercise oversight over the proper keeping of the accounting records of the assets, liabilities, income, expenditure and other financial transactions of the University and its substructures; and
 - 8.21.2** is responsible for the submission of reports, financial and otherwise, to the Minister as may be required in terms of the Act.

Delegation

- 8.22** In accordance with section 68(2) of the Act, the Council may, on such conditions as it may determine, delegate any of its powers, except the power to –
- 8.22.1** make an institutional statute;
 - 8.22.2** enter into an agreement contemplated in section 40(2) of the Act; or
 - 8.22.3** perform an action contemplated in section 40(3) of the Act, and may, on such conditions as it may determine, assign any of its duties, to any other internal structure(s), the Vice-Chancellor/Rector or any other employee(s) of the University.

Appointment of additional members

- 8.23** Nominations for persons to be appointed as additional members of the Council in terms of the provisions of paragraph 8.2.15 must be submitted to the Registrar at least two weeks before the meeting of the Council.
- 8.24** Nominations in writing may be submitted by any person or body having an interest in the University and must contain the nominee's full particulars as well as his or her written acceptance of the nomination.
- 8.25** At the meeting of the Council all the nominations must be scrutinized with a view to determine the expertise or representation of particular interests each of the nominees may bring to the Council.
- 8.26** Decisions as to the number of additional members to be appointed are taken by an ordinary majority vote of members of the Council present at the meeting, whether present in person or by electronic communication.
- 8.27** Decisions as to which of the nominees are to be appointed to the Council as additional members and as to their respective periods of office, are taken by an ordinary majority vote of the Council members holding office at the date of the meeting.

Election of academic employees and professional, support or administrative staff members

- 8.28** In order for the academic employees of the University to elect a member of the Council in terms of the provisions of paragraph 8.2.4, the Registrar must invite such employees, by way of a notice in writing which must either be mailed or sent by electronic communication to their campus addresses, to nominate, within a period of at least fourteen days, one academic employee to serve as a member of the Council.
- 8.29** Each nomination must be in writing and signed by two academic employees and countersigned by the nominee to signify his or her acceptance of such nomination.
- 8.30** If on the expiry of the period referred to in paragraph 8.28, the number of persons nominated does not exceed one in number, the Registrar must immediately declare such person to be duly elected.
- 8.31** In the event of more than one person being nominated, the Registrar must, within a period of fourteen days after the period referred to in paragraph 8.28, mail or send by electronic communication to each academic employee a ballot, in the form determined by the Council, bearing the names of the duly nominated candidates in alphabetical order and informing the academic employees of the date by which completed ballots must reach the Registrar's office.
- 8.32** A ballot that is not completed in accordance with the instructions on such ballot is invalid.
- 8.33** The Registrar acts as returning officer and he or she may be assisted by one or more members of his or her staff.
- 8.34** The candidate who received the highest number of votes must be declared to be duly elected by the Registrar.
- 8.35** Where the number of votes recorded for two or more candidates is equal and affects the result of the election, the Registrar must announce a re-election between the candidates who received the equal number of votes, and the candidate who receives the highest number of votes in such re-election must be declared duly elected.
- 8.36** The election of a professional, support or administrative staff member to serve as a member of the Council in terms of paragraph 8.2.5, takes place, with the necessary changes, in the manner provided for in paragraphs 8.28 to 8.35.

Meetings of the Council

- 8.37** At least two ordinary meetings of the Council must be held each semester.
- 8.38** At least ten calendar days before the date set for an ordinary meeting, the Registrar must notify each member in writing of the time and place of the meeting as well as of the matters to be considered at the meeting.
- 8.39** The Chairperson of the Council, may after consultation with the Vice-Chairperson of the Council, and must at the request in writing by at least ten members of the Council, call a special meeting.
- 8.40** For a special meeting at least three days written notice must be given to every member of the Council and in such notice the Registrar must state the time and place of the meeting and the business for which the meeting is called.

Agenda of ordinary meetings of the Council

- 8.41** Subject to paragraph 8.42, the Council may at a meeting deal only with those matters which appear on the agenda and of which notice has been given to members.
- 8.42** Any member of the Council who desires to have a matter placed on the agenda must notify the Registrar accordingly in writing at least three days before the date on which the Registrar must give notice of the meeting.
- 8.43** With the consent of at least two-thirds of the members present at the meeting, whether present in person or by electronic communication, any member may at an ordinary meeting table a motion of an urgent nature without prior notice.
- 8.44** A matter may not be withdrawn or removed from the agenda without the consent of a majority of the members present at the meeting, whether present in person or by electronic communication, and any matter so withdrawn or removed may not be tabled as a motion or otherwise discussed at such meeting.

Procedure at meetings of the Council

- 8.45** When an ordinary meeting of the Council has been constituted, the minutes of the previous meeting and of any special meetings held subsequent thereto must be read and confirmed under the signature of the Chairperson.
- 8.46** The meeting may take the minutes as read if a copy thereof has been forwarded to each member at least ten days before the meeting.
- 8.47** Any objections to the minutes must be raised and dealt with before the confirmation thereof.
- 8.48** A motion, or any amendment thereof, must be seconded and, should the Chairperson so direct, must be in writing.
- 8.49** No motion may be withdrawn without the consent of the meeting.
- 8.50** After a quorum has been established and save as otherwise provided for in this Statute, a resolution of the majority of the members present at the time of voting, whether present in person or by electronic communication, is deemed to be a resolution of the Council, provided that in the case of an equality of votes, the Chairperson has a casting vote in addition to his or her deliberative vote.
- 8.51** The number of members voting for and against a motion must be recorded in the minutes.
- 8.52** At the request of a member, the Chairperson must direct that the vote of such member be recorded in the minutes.
- 8.53** The opinion of a member who is unable to attend a meeting either in person or by electronic communication must, if it has been put in writing, be laid before the meeting, but, save as provided for in Chapter 25, may not count as such member's vote.
- 8.54** Without the consent of the Chairperson no member may speak more than once to a motion or an amendment thereto, but the mover of the motion or amendment may reply to any discussion thereon.
- 8.55** The ruling of the Chairperson on any question of order or procedure at meetings for which no provision is made in the Act or this Statute, is final, unless immediately challenged by a member, upon which the matter must be put before

the meeting, without any further discussion, for a final decision.

- 8.56** The Registrar must keep minutes of the proceedings at all meetings of the Council.

Executive Committee of the Council

- 8.57** The Council must establish an Executive Committee consisting of –
- 8.57.1** the Chairperson of the Council, who is the Chairperson;
 - 8.57.2** the Vice-Chairperson of the Council;
 - 8.57.3** four members of the Council, not being employees or students of the University, elected by the Council;
 - 8.57.4** the Vice-Chancellor/Rector;
 - 8.57.5** the Deputy Vice-Chancellor/Vice-Rector, or if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, a Deputy Vice-Chancellor/Vice-Rector designated by the Vice-Chancellor/Rector;
 - 8.57.6** one of the representatives of the Senate on the Council, designated by the Senate for that purpose;
 - 8.57.7** the person being a member of the Council in terms of paragraph 8.2.4;
 - 8.57.8** the person being a member of the Council in terms of paragraph 8.2.5;
 - 8.57.9** one person being a member of the Council in terms of paragraph 8.2.6 designated by the Students' Representative Council; and
 - 8.57.10** if the Council so decides, a maximum of three other members of the Council, not being employees or students of the University, elected annually from its own ranks.
- 8.58** The time, place and agenda for meetings are determined by the Chairperson after consultation with the Vice-Chairperson and the Vice-Chancellor/Rector.

Quorum

- 8.59** At all meetings of the Executive Committee of the Council one more than half of the members, present in person or by electronic communication, constitutes a quorum, provided that at least two of such members must be persons not being in the employ or students of the University.
- 8.60** Subject to the proviso to paragraph 8.59, in the event of there being no quorum fifteen minutes after the time fixed for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the members present, whether present in person or by electronic communication, shall be deemed to constitute the requisite quorum.
- 8.61** The provisions of paragraph 8.50 apply, with the necessary changes, to meetings of the Executive Committee of the Council.
- 8.62** The Executive Committee of the Council may take any decision with regard to urgent matters in the interest of the University and matters delegated to the committee by the Council, provided that the Council must be informed at the earliest opportunity of such decisions in writing, and provided further that the

Council may not revoke decisions taken on an urgent basis and decisions taken on account of delegated authority that are already implemented.

Term of office

- 8.63** The term of office of members of the Executive Committee of Council is as follows –
- 8.63.1** members contemplated in paragraphs 8.57.1 to 8.57.3, and 8.57.6 to 8.57.8, three years;
 - 8.63.2** member contemplated in paragraph 8.57.9, one year;
 - 8.63.3** members contemplated in paragraph 8.57.10, one year; and
 - 8.63.4** all other members for as long as they hold the particular office.
- 8.64** Members, whose terms of office have expired, may be re-elected or reappointed for a second term only.
- 8.65** Where applicable and notwithstanding anything to the contrary contained in this Statute, any member re-elected or reappointed in terms of paragraph 8.6 to serve a second term shall not be automatically entitled to resume his or her service on the Senate, Institutional Forum or any other committee, unless specifically elected or appointed to serve, pursuant to his or her re-election or re-appointment.

Allowances

- 8.66** The Council may decide to pay an allowance to office bearers and members of the Council, not being students or persons in the employ of the University, and may determine the amount of such allowance.

Attendance of meetings of the Council by non-members

- 8.67** A person who is not a member of the Council may, on the invitation of the Chairperson of the Council on behalf of the Council, attend any meeting of the Council either in person or by electronic communication and may, on the invitation of the Chairperson, address the Council on any matter, provided that such person has no vote.

Declaration of interests

- 8.68** A member of the Council or a member of a committee of the Council must in writing, before he or she assumes office, declare any business, commercial or financial activities undertaken for financial gain that may raise a conflict or a possible conflict of interest with the University.
- 8.69** A member of the Council or a member of a committee of the Council who has a direct or indirect business, commercial, 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 the meeting, declare and inform the Chairperson in writing of the conflict or possible conflict of interest.
- 8.70** After making the declaration contemplated in paragraph 8.68 or 8.69, such member of the Council or a committee of the Council must excuse himself or herself from the meeting during the discussion of the matter and the voting thereon, unless Council decides otherwise by a majority vote, and while absent he or she is not to be regarded as being present for purposes of paragraph 8.50.
- 8.71** In accordance with section 27(7E) of the Act, the Council must determine the

procedures for an annual declaration –

- 8.71.1** by each member of the Council, each member of a committee of the Council and each person who exercises functions of the Council in terms of delegated authority;
- 8.71.2** of his or her financial interests and fiduciary roles, the latter to include but not be limited to offices, directorships of companies, memberships of close corporations and trusteeships held; and
- 8.71.3** of the financial interests and fiduciary roles of the members of his or her immediate family, and such procedures must be provided for in the rules.

CHAPTER 9

Senate

Functions and duties

- 9.1** Subject to the provisions of the Act and this Statute, the Senate is responsible and accountable to the Council, for the general academic and research functions of the University and performs such other functions as may be delegated or assigned to it by the Council.

Composition

- 9.2** The Senate of the University consists of –
 - 9.2.1** the Vice-Chancellor/Rector;
 - 9.2.2** the Deputy Vice-Chancellor/Vice-Rector, or if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellors/Vice-Rectors;
 - 9.2.3** two members of the Council elected by the Council;
 - 9.2.4** the Deans;
 - 9.2.5** the Registrar, or if more than one Registrar has been appointed, the Registrars;
 - 9.2.6** the Executive Director, or if more than one Executive Director has been appointed, the Executive Directors;
 - 9.2.7** such visiting, extraordinary and honorary professors attached to the University as decided upon by the Council on the recommendation of the Senate;
 - 9.2.8** the directors of the different schools, centres and institutes of the University and such directors or heads of similar structures as decided upon by the Council on the recommendation of the Senate;
 - 9.2.9** the Chairpersons of the different academic departments or similar academic structures;
 - 9.2.10** the professors of the University, which, for purposes of paragraph 9.2, includes associate professors, but excludes professors contemplated in paragraph 9.2.7 and professors who are members of the Senate in terms of paragraphs 9.2.4, 9.2.8 and

- 9.2.9;
- 9.2.11** one academic employee per faculty of the University, not being members of the Senate in terms of paragraphs 9.2.4 and 9.2.7 to 9.2.10, elected from within the relevant faculty in terms of paragraph 9.20, provided that each faculty must be represented by a person attached to the teaching or research staff of such faculty;
- 9.2.12** eight professional, support or administrative staff members of the University, elected in the terms of paragraph 9.20;
- 9.2.13** eight registered students of the University elected by the Students' Representative Council, provided that each one of the faculties must be represented by at least one student registered in such faculty;
- 9.2.14** the University librarian; and
- 9.2.15** such additional persons, but not more than eight in number, as may be decided upon by the Senate.
- 9.3** The provisions of paragraph 8.4 apply, with the necessary changes, to members of the Senate.

Term of office

- 9.4** The period of office of members of the Senate is as follows-
- 9.4.1** members contemplated in paragraphs 9.2.11, 9.2.12 and 9.2.15, two years;
- 9.4.2** members contemplated in paragraph 9.2.13, one year; and
- 9.4.3** all other members for as long as they hold the particular office, unless, before the expiry of such period, a member submits his or her resignation in writing to the Senate or vacates his or her office for any other reason.

Vacancies

- 9.5** A casual vacancy on the Senate caused by –
- 9.5.1** the death of a member; or
- 9.5.2** the vacation of a member's office, in the manner as contemplated in paragraph 8.9 with the necessary changes applying thereto, must, with due regard to the provisions of paragraph 9.2, be filled for the unexpired portion of the period of office of such member.

Chairperson, Vice-Chairperson and secretary

- 9.6** The Vice-Chancellor/Rector is the Chairperson of the Senate.
- 9.7** The Deputy Vice-Chancellor/Vice-Rector is the Vice-Chairperson of the Senate, but if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, then the Senate must elect one of the Deputy Vice-Chancellors/Vice-Rectors as the Vice-Chairperson.
- 9.8** In the absence of the Chairperson, or on his or her request, the Vice-Chairperson performs the functions of the Chairperson, and if both the Chairperson and the Vice-Chairperson are absent from a meeting of the Senate, then the other Deputy Vice-Chancellor/Vice-Rector in office, if any, shall preside at that meeting. Should there not be another Deputy Vice-Chancellor/Vice-Rector in office as

contemplated, then the members present at the meeting, whether present in person or by electronic communication, must elect a person from among their number to preside at that meeting, provided that such elected member must also be a member of senior management.

9.9 The Registrar, or if more than one Registrar has been appointed, the Registrar designated by the Council is the secretary of the Senate, provided that he or she may designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.

9.10 The Vice-Chairperson holds office for a period of two calendar years.

Quorum

9.11 At all meetings of the Senate one more than half of the total number of members, present in person or by electronic communication, constitutes a quorum, provided that members of the Senate who are in the employ of the University and who are on approved leave are deemed not to be members of the Senate for the purpose of constituting a quorum.

9.12 In the event of there being no quorum fifteen minutes after the time fixed for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the members present, whether present in person or by electronic communication, shall be deemed to constitute the requisite quorum.

Specific functions of the Senate

9.13 Subject to the provisions paragraphs 8.1 and 8.19, the functions of the Senate include, but are not limited to –

9.13.1 the superintendence and regulation of instruction and research in the various faculties, academic departments, centres, institutes, lectures and classes of the University;

9.13.2 the organisation and control of the curricula, syllabi and examinations of the University; and

9.13.3 the performance of such other functions as may be delegated or assigned to it by the Council.

Appointment of additional members

9.14 The appointment of persons as additional members of the Senate in terms of the provisions of paragraph 9.2.15, is made by the Senate.

9.15 Nominations for additional persons to be appointed as additional members of the Senate must be submitted to the Registrar at least two weeks before the meeting of the Senate.

9.16 Nominations may be submitted by any structure of the University having an interest in the academic activities of the University and must contain the nominee's full particulars as well as his or her written acceptance of the nomination.

9.17 At the meeting of the Senate all nominations must be scrutinized with a view to determine the academic expertise or representation of particular interests each of the nominees may bring to the Senate.

- 9.18** Decisions as to which of the nominees are to be recommended to the Council to be appointed as additional members of the Senate, are taken by an ordinary majority vote of the members of the Senate present at the meeting, whether present in person or by electronic communication.
- 9.19** Voting takes place by ballot, but where members of the Senate cannot attend the meeting, they may participate in the meeting and vote by electronic communication, and the nominees receiving the highest number of votes are deemed to be duly recommended to the Council for appointment as additional members.

Election of academic employees and professional, support or administrative staff members

- 9.20** The election of academic employees and professional, support or administrative staff members to serve as members of the Senate in terms of the provisions of paragraphs 9.2.11 and 9.2.12, takes place, with the necessary changes, in the manner provided for in paragraphs 8.28 to 8.35.

Meetings of the Senate

- 9.21** At least two ordinary meetings of the Senate must be held each semester.
- 9.22** At least five days before the date set for an ordinary meeting the Registrar must notify each member in writing of the time and place of the meeting as well as of the matters to be considered at the meeting.
- 9.23** The Chairperson of the Senate may, after consultation with the Vice-Chairperson of the Senate, and must at the request in writing by at least fifty members of the Senate, call a special meeting.
- 9.24** For a special meeting at least two days written notice must be given to every member of the Senate and in such notice the Registrar must state the time and place of the meeting and the business for which the meeting is called.

Procedure at meetings of the Senate

- 9.25** The provisions of paragraphs 8.45 to 8.54 apply, with the necessary changes, to meetings of the Senate.

Executive Committee of the Senate

- 9.26** At its first ordinary meeting during the calendar year the Senate must establish an Executive Committee consisting of –
- 9.26.1** the Vice-Chancellor/Rector, who is the Chairperson;
 - 9.26.2** the Deputy Vice-Chancellor/Vice-Rector, or if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellors/Vice-Rectors;
 - 9.26.3** the Registrar, or if more than one Registrar has been appointed, the Registrars;
 - 9.26.4** the Executive Director, or if more than one Executive Director has been appointed, the Executive Directors;
 - 9.26.5** the Deans;
 - 9.26.6** one person being a member of the Senate in terms of

- paragraph 9.2.11, elected by the Senate;
- 9.26.7** one person being a member of the Senate in terms of paragraph 9.2.12, elected by the Senate;
- 9.26.8** one person being a member of the Senate in terms of paragraph 9.2.13, elected by the Senate; and
- 9.26.9** a maximum of four other members of the Senate elected from its own number.

Term of office

- 9.27** The period of office of members of the Executive Committee of Senate is as follows-
- 9.27.1** members contemplated in paragraphs 9.26.6, 9.26.7 and 9.26.9, two years;
- 9.27.2** members contemplated in paragraph 9.26.8, one year; and
- 9.27.3** all other members for as long as they hold the particular office, unless, before the expiry of such period, a member submits his or her resignation in writing to the Executive Committee of Senate or vacates his or her office for any other reason.
- 9.28** The time, place and agenda for meetings are determined by the Vice-Chancellor/Rector.

Quorum

- 9.29** At all meetings of the Executive Committee of the Senate one more than half of the members, present in person or by electronic communication, constitutes a quorum.
- 9.30** In the event of there being no quorum fifteen minutes after the time fixed for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the members present, whether present in person or by electronic communication, shall be deemed to constitute the requisite quorum.
- 9.31** The provisions of paragraph 8.50 apply, with the necessary changes, to meetings of the Executive Committee of the Senate.
- 9.32** The Executive Committee of the Senate may take any decision on behalf of the Senate with regard to urgent matters within the mandate of the Senate and matters delegated to the committee by the Senate, provided that the Senate must be informed at the earliest opportunity of such decisions in writing, and provided further that the Senate may not revoke decisions taken on an urgent basis and decisions taken on account of delegated authority that are already implemented.

Attendance of meetings of the Senate by non-members

- 9.33** A person who is not a member of the Senate may, on the invitation of the Chairperson of the Senate on behalf of the Senate, attend any meeting of the Senate either in person or by electronic communication and may, on the invitation of the Chairperson, address the Senate on any matter, provided that such person has no vote.

CHAPTER 10

Institutional Forum

Functions and duties

- 10.1** The Institutional Forum of the University –
- 10.1.1** must advise the Council on issues affecting the University, including –
 - 10.1.1.1** the implementation of the Act and state policy on higher education;
 - 10.1.1.2** policy regarding race, gender, disability and labour equity;
 - 10.1.1.3** the selection of candidates for senior management positions;
 - 10.1.1.4** codes of conduct, mediation and dispute resolution procedures; and
 - 10.1.1.5** the creating of an appropriate environment for teaching, research and learning and the fostering of a culture which promotes tolerance and respect for fundamental human rights at the University;
 - 10.1.2** may advise the Council on any matter it deems fit; and
 - 10.1.3** performs such other functions as may be determined by the Council.

Composition

- 10.2** The Institutional Forum of the University consists of –
- 10.2.1** three representatives of the executive management of the University, appointed by the members of the executive management;
 - 10.2.2** three representatives of the Senate elected by the Senate;
 - 10.2.3** three representatives of the Council elected by the Council from the members who are not employees or students of the University;
 - 10.2.4** three representatives of the academic employees of the University elected by an organisation representing such employees and recognised by the Council as such, provided that if no such organization exists such representatives are to be elected in manner provided for in paragraphs 8.28 to 8.35;
 - 10.2.5** three representatives of the professional, support or administrative staff members of the University elected by an organisation representing such employees and recognised by the Council as such, provided that if no such organization exists such representatives are to be elected in the manner provided for in paragraph 8.36;
 - 10.2.6** three representatives of the registered students of the University elected by the Students' Representative Council; and
 - 10.2.7** one or more members co-opted by the Institutional Forum for the specific purpose of assisting the Institutional Forum in respect of

any area of expertise.

- 10.3** The provisions of paragraph 8.4 apply, with the necessary changes, to members of the Institutional Forum.

Term of office

- 10.4** The period of office of members of the Institutional Forum is as follows-
- 10.4.1** members contemplated in paragraph 10.2.3, three years;
 - 10.4.2** members contemplated in paragraph 10.2.6, one year; and
 - 10.4.3** all other members, two years,
- unless, before the expiry of such period, a member submits his or her resignation in writing to the Institutional Forum or vacates his or her office for any other reason.

Vacancies

- 10.5** A casual vacancy on the Institutional Forum caused by –
- 10.5.1** the death of a member; or
 - 10.5.2** the vacation of a member's office, in the manner as contemplated in paragraph 8.9 with the necessary changes applying thereto,
- must, with due regard to the provisions of paragraph 10.2, be filled for the unexpired portion of the period of office of such member.

Chairperson, Vice-Chairperson and secretary

- 10.6** The Institutional Forum must elect one of its members as Chairperson and one of its members as Vice-Chairperson, provided that such persons may not be employees, students or office bearers of any other constituency of the University.
- 10.7** In the absence of the Chairperson, or on his or her request, the Vice-Chairperson performs the functions of Chairperson, and if both the Chairperson and the Vice-Chairperson are absent from a meeting of the Institutional Forum, then the members present must elect a person from among themselves to preside at that meeting.
- 10.8** The Registrar or if more than one Registrar has been appointed, the Registrar designated by the Council is the Secretary of the Institutional Forum, provided that he or she may designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.
- 10.9** The Chairperson and Vice-Chairperson shall hold office for a period of two calendar years.

Quorum

- 10.10** At all meetings of the Institutional Forum one more than half of the total number of members, present in person or by electronic communication, constitutes a quorum.
- 10.11** In the event of there being no quorum fifteen minutes after the time fixed for the meeting, the meeting shall adjourn without motion or vote, for fifteen minutes, after which the members present, whether present in person or by electronic

communication, shall be deemed to constitute the requisite quorum.

Meetings of Institutional Forum

- 10.12** At least two ordinary meetings of the Institutional Forum must be held each semester.
- 10.13** At least five days before the date set for an ordinary meeting the secretary to the Institutional Forum must notify each member in writing of the time and place of the meeting as well as of the matters to be considered at the meeting.
- 10.14** The Chairperson of the Institutional Forum may, after consultation with the Vice-Chairperson of the Institutional Forum, and must at the request in writing by at least ten members of the Institutional Forum, call a special meeting.
- 10.15** For a special meeting at least two days written notice must be given to every member of the Institutional Forum and in such notice the secretary must state the time and place of the meeting and the business for which the meeting is called.
- 10.16** The provisions of paragraphs 8.41 to 8.56 apply, with the necessary changes, to meetings of the Institutional Forum.

CHAPTER 11

Committees

- 11.1** The Council, the Senate and the Institutional Forum may each establish committees consisting of members of the Council, the Senate and the Institutional Forum respectively, as well as other persons to perform any of their respective functions.
- 11.2** The Council and the Senate may establish joint committees consisting of members of the Council and the Senate as well as other persons to perform their respective functions.
- 11.3** The Council, the Senate and the Institutional Forum are not divested of responsibility for the performance of any function delegated or assigned to a committee and may alter or set aside decisions of such committees.
- 11.4** The Council may decide to pay an allowance to anyone, not being an employee or student of the University, serving on a committee of the Council, the Senate, a joint committee of the Council and the Senate or a committee of the Institutional Forum, and may determine the amount of such allowance.
- 11.5** Subject to the provisions of paragraphs 8.57 to 8.61, and paragraphs 9.26 to 9.31, the composition, manner of election, functions, quorum and procedure at meetings of any committee or joint committee, must be provided for in the rules.

CHAPTER 12

Convocation

Composition

- 12.1** The Convocation consists of the assembly of –
- 12.1.1** the academic employees whilst in the employ of the University, appointed permanently or on contract for a period of not less than one year to posts at the University;
 - 12.1.2** the Vice-Chancellor/Rector, the Deputy Vice-Chancellor/Vice-Rector or, if more than one Deputy Vice-Chancellor/Vice-Rector has been appointed, the Deputy Vice-Chancellors/Vice-Rectors, the Registrar, or if more than Registrar has been appointed, the Registrars; the Executive Director, or if more than one Executive Director has been appointed, the Executive Directors, and the University librarian;
 - 12.1.3** the two members of the Council elected by the Council as members of the Senate;
 - 12.1.4** all emeritus professors of the University;
 - 12.1.5** the graduates of the University, provided that any graduate who notifies the Council in writing that he or she does not wish to continue to be a member of the Convocation ceases to be a member upon receipt of that notice by the Council; and
 - 12.1.6** for the avoidance of doubt but subject to the proviso to paragraph 12.1.5, all persons who were members of the Convocation at the commencement of this Statute.

President of the Convocation

- 12.2** The President of the Convocation is the Chairperson of the Convocation, elected from its own ranks, and has no executive authority or executive powers.
- 12.3** Nominations for the President of the Convocation shall be presented at the annual general meeting of the Convocation where the election shall take place, and each nomination must be supported by a substantive motivation.
- 12.4** The nominee receiving the majority of the votes shall be elected as the President of the Convocation, provided that such nominee is present in person at the annual general meeting where the election took place. If no nominee receives such a majority of votes, the nominee who has received the lowest number of votes must be eliminated and the voting process shall be repeated until one of the nominees receives a majority of the votes.
- 12.5** After the Convocation has elected a President, his or her term as President of the Convocation subsists until such time as his or her successor is appointed at the following annual general meeting.

Secretary

- 12.6** The Registrar is the secretary of the Convocation, provided that he or she may

designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence.

Meetings of the Convocation

- 12.7** The Convocation shall hold an annual general meeting at the seat of the University, which meeting shall be convened by the secretary of the Convocation after consultation with the President of the Convocation.
- 12.8** Any notice of motion or matters for discussion must be submitted in writing to the secretary of the Convocation at least fourteen days before the date of the meetings contemplated in paragraphs 12.7 and 12.9.
- 12.9** A special meeting of the Convocation may at any time be convened by the President of the Convocation, and must be convened by him or her within two months of the receipt by the secretary of the Convocation of a written request signed by not less than one hundred members, stating by way of specific motion the subject for consideration at such meeting.
- 12.10** No business other than that for which the meeting was called may be dealt with at a special meeting.
- 12.11** The Convocation may discuss any matter relating to the University or referred to it by the Council, and may convey its decision thereon to the Council.
- 12.12** The President of the Convocation is the Chairperson at all meetings of the Convocation, and in his or her absence from a meeting of the Convocation, the members present at the meeting must elect a member from their own ranks to act as Chairperson at that meeting.
- 12.13** A notice of a meeting of the Convocation, with a short statement of the business to be considered, must be placed by the secretary of the Convocation, in one local and one national newspaper at least thirty days before the day appointed for such meeting, or, alternatively, and if practicable and feasible, such may be sent by the secretary of the Convocation to each member by electronic communication to the appropriate address as it appears on the roll of the Convocation, and such notice must be sent to members at least fourteen days before the date appointed for the meeting.

Quorum at meetings of the Convocation

- 12.14** One hundred members of the Convocation constitute a quorum.

Procedure at meetings of the Convocation

- 12.15** In the event of there being no quorum fifteen minutes after the time fixed for the meeting, the meeting may proceed with such formal business as the Chairperson may deem necessary for the continuity of the Convocation's activities.
- 12.16** Subject to the provisions of paragraphs 12.14 and 12.15, the procedure at all meetings of the Convocation is, with the necessary changes, that which is provided for in paragraphs 8.41 to 8.56.

Activities of the Convocation

- 12.17** Subject to the provisions of paragraphs 12.20 to 12.26, the Convocation elects

such number of members of the Council as the Convocation is entitled to.

- 12.18** The Convocation discusses such matters as may have been referred to it by the Council during the period since the previous meeting of the Convocation or such matters pertaining to the University as may have come to the attention of the President of the Convocation since the previous meeting.
- 12.19** As soon as possible after a meeting of the Convocation, the secretary of the Convocation must send to the Chairperson of the Council, for the Council's information, and to the Chairperson of the Senate, for the Senate's information, and electronically to members of Convocation on the Convocation roll database a copy of all resolutions passed by the Convocation and a statement on any other matters on which decisions were passed by the Convocation.

Election of members of the Council

- 12.20** Whenever the Convocation has to elect a member of the Council in terms of paragraph 8.2.7, the secretary of the Convocation must, at least two months before the annual general meeting, invite each member of the Convocation by written invitation to nominate in writing a member of the Convocation for election as a member of the Council, and each nomination must be accompanied by a written motivation.
- 12.21** Each nomination, signed by not less than five members of the Convocation and countersigned by the member so nominated to signify his or her acceptance of such nomination, must be lodged with the secretary of the Convocation not less than one month before the date set for such election.
- 12.22** The secretary of the Convocation may, by way of the notice contemplated in paragraph 12.20, invite members of the Convocation to inform the secretary in writing, within four weeks of the date on which the notice was placed, whether they intend to, subject to the provisions of paragraph 12.21, take part in the election contemplated in paragraph 12.20.
- 12.23** Members of the Convocation who are not able to attend the meeting, and who have not informed the secretary of the Convocation in terms of the provisions of paragraph 12.22 of their intention to take part in the election of a member of the Council, are deemed to be members of the Convocation choosing to abstain from voting in such election, provided further that members may participate in the election via electronic means where circumstances permit, even if they have not informed the secretary of their intention to do so prior to the meeting.
- 12.24** If, upon the expiry of the period contemplated in paragraph 12.20, the number of persons nominated does not exceed the number of vacancies, the secretary of the Convocation immediately declares such person or persons duly elected.
- 12.25** In the event of more persons being nominated than the number of vacancies, the secretary of the Convocation must, not less than three weeks prior to the election date contemplated in paragraph 12.20, mail or send by electronic communication to each member of the Convocation a ballot, in the form determined by the Council, bearing the names of the duly nominated candidates in alphabetical order.
- 12.26** A ballot that is not completed in accordance with the instructions on such ballot is invalid.

- 12.27** The secretary of the Convocation acts as a returning officer at all elections and is assisted by two scrutineers appointed by the President of the Convocation or, in the event of the President of the Convocation not appointing such scrutineers, by the Vice-Chancellor/Rector.
- 12.28** The candidates, equal to the number of vacancies existing, receiving the highest number of votes is declared duly elected by the secretary of the Convocation.
- 12.29** Where the number of votes recorded for two or more candidates is equal and affects the result of the election, the Registrar must announce a re-election between the candidates who received the equal number of votes, and the candidate, or candidates as the case may be, who receives the highest number of votes in such re-election must be declared duly elected.

Roll of the Convocation

- 12.30** The secretary of the Convocation must keep the Convocation roll, and a member of the Convocation is required to register his or her name and contact details, as determined by the secretary, with the secretary and to notify him or her of any change of such details.
- 12.31** The Convocation roll is proof that a person whose name appears thereon at the time of a meeting of, or election by, the Convocation is entitled to attend such meeting or to vote in such election, and that a person whose name does not appear therein is not so entitled.

CHAPTER 13

Donors

- 13.1** For purposes of this Statute, the donors shall comprise those persons or organisations, with the exception of those bodies contemplated in paragraphs 8.2.9 and 8.2.10, government departments and parastatal organisations, who made a donation to the University during a specified period, and in compliance with all criteria to be determined by the executive management after consultation with Council, from time to time.
- 13.2** The executive management shall be empowered to determine criteria from time to time, including the minimum donation threshold, and the period of donation, to qualify as a donor in terms of paragraph 13.1.
- 13.3** The executive management shall identify and compile a list of donors on the basis of the criteria determined in terms of paragraph 13.1, which list shall be maintained and kept up-to-date by the department of the University responsible for fundraising.
- 13.4** Subject to paragraph 8.2.8, the relevant committee responsible for membership of the Council and committees shall recommend donors to the Council, from the list of donors contemplated in paragraph 13.3, for appointment as members of the Council.

CHAPTER 14**Vacancies do not affect powers**

- 14** Subject to the provisions of the Act, a vacancy in the office of Chancellor or Vice-Chancellor/Rector or a deficiency in the number of the members of the Council, the Senate, the Institutional Forum or the Students' Representative Council does not affect or impair the corporate existence of the University or any of the powers, rights, duties and privileges conferred by the Act and this Statute upon the University, the Council, the Senate, the Institutional Forum, or the student's representative Council.

CHAPTER 15**Students' Representative Council****Constitution**

- 15.1** The constitution of the Students' Representative Council, which forms part of the rules, must provide for –
- 15.1.1** the composition of the Students' Representative Council;
 - 15.1.2** the election of members of the Students' Representative Council;
 - 15.1.3** the election of office bearers of the Students' Representative Council;
 - 15.1.4** the number of meetings of the Students' Representative Council, the quorum at meetings and meeting procedures; and
 - 15.1.5** the general functions of the Students' Representative Council.
- 15.2** The Students' Representative Council 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, with powers delegated to it by the Council.
- 15.3** The constitution of the Students' Representative Council will have no legal force and effect unless such constitution is, or any amendments thereto are, approved by the Council.

Composition

- 15.4** Only students registered for a qualification at the University are eligible to serve as members of the Students' Representative Council.

Functions and Duties

- 15.5** The students of the University are represented by the Students' Representative Council in matters that may affect such students.
- 15.6** The matters contemplated in paragraph 15.5 include –
- 15.6.1** liaison with the Council, the Senate, the executive management, the general public, other higher education institutions, Students' Representative Councils of other higher education institutions, national and international student organisations, unions and news media;
 - 15.6.2** being an umbrella organisation for all student committees, clubs,

- Councils and societies, granting or withdrawing recognition of such student committees, clubs, Councils and societies as it deems appropriate;
- 15.6.3** the co-ordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the executive management;
- 15.6.4** the convening and conducting of all authorised meetings of the student body and to be the managing body in all general referenda and petitions organised by the students within the University's Rules;
- 15.6.5** the appointment of such office-bearers and establishing of such committees as it deems necessary;
- 15.6.6** the organisation and promotion of extramural activities among students;
- 15.6.7** keeping account of all moneys paid over to it by the Council and any other moneys which may accrue to it in its capacity as representative of the students and allocating and disbursing such funds for use by students as well as making grants to approved clubs, committees, societies and Councils;
- 15.6.8** the responsibility for the preservation of order at student functions and meetings and the ensuring of good conduct at such functions and meetings;
- 15.6.9** the co-ordination of student involvement in all community projects initiated by it;
- 15.6.10** the responsibility for student publications;
- 15.6.11** the recommendation to the Council of rules to determine the conduct of its affairs;
- 15.6.12** the final decision making in all matters falling within its jurisdiction; and
- 15.6.13** such additional functions and privileges as may be specifically conferred on it by the Council.

Term of office

- 15.7** The term of office of the members of the Students' Representative Council is one year.

Committees

- 15.8** The Students' Representative Council may establish such committees as it may deem fit.

CHAPTER 16 **Student Discipline**

Code of conduct

16.1 The Council, after consultation with the Senate and the Students' Representative Council, must prescribe a code for student conduct and behaviour as well as disciplinary rules and procedures where a student of the University has transgressed any provision of such code.

Disciplinary measures

16.2 Every student of the University is subject to the code of conduct and disciplinary rules and procedures contemplated in paragraph 16.1.

CHAPTER 17 **Employees**

Staffing establishment

17.1 The Council determines the academic as well as the professional, support or administrative staffing establishment of the University.

17.2 Academic employees as well as the professional, support or administrative staff members of the University are appointed by the Council, provided that the Council must consult with the Senate, or with a committee of the Senate appointed for that purpose or with a joint committee of the Council and the Senate appointed for that purpose, before an academic employee is appointed.

Secondment of staff

17.3 The Council, after consultation with the Senate, may second any employee of the University, with the employee's consent, to the service of any body or person for such period and on such conditions as the Council may determine in consultation with the Senate.

Conditions of service

17.4 Subject to applicable laws with regard to employment, and any regulations made thereunder, the Council must determine the conditions of service, disciplinary provisions, duties, privileges and functions of the employees of the University.

Disciplinary measures

17.5 Every academic employee and every professional, support or administrative staff member of the University is subject to such code of conduct, disciplinary measures and disciplinary procedures as may be determined by the Council, provided that such measures and procedures may only be made or amended after consultation with an organisation representing such employees and recognised by the Council as such, should such organisation exist.

Declaration of interests

- 17.6** An employee of the University must, in writing –
- 17.6.1** before he or she assumes office, declare any business that may raise a conflict or possible conflict of interest with the University; and
 - 17.6.2** notify the University of any conflict or possible conflict of interest before the University procures any goods or services from the employee or an organisation within which the employee holds an interest.
- 17.7** An employee of the University may not conduct business directly or indirectly with the University which would entail or may entail a conflict of interest with the University unless the Council is of the opinion that –
- 17.7.1** the goods, product or service in question are unique;
 - 17.7.2** the supplier is a sole provider; and
 - 17.7.3** it is in the best interests of the University.
- 17.8** An employee of the University may not on behalf of the University contract (as defined in section 34 of the Act) with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.

CHAPTER 18**Faculties, academic departments and schools**

- 18** The Council may, on the recommendation of and in concurrence with the Senate, and subject to such other approvals as may be required in terms of the Act or any regulation made thereunder, establish or disestablish such faculties, academic departments or similar academic structures, centres and institutes it deems appropriate.

CHAPTER 19**Institutes and centres**

- 19** A body created for the management of an institute or centre has the power, subject to the authority of the Council and the Senate, to –
- 19.1** determine the policy and programme of such institute or centre and to exercise control over the execution thereof and in particular, without derogating from the generality of the foregoing, to undertake research, publication, training and the rendering of services to the University or to the community in connection with it and with the other activities associated with it;
 - 19.2** make recommendations to the Council, after consultation with the Senate, on the creation of posts and the appointment of staff in such institute or centre;
 - 19.3** prepare estimates of revenue and expenditure for such institute or centre and control the funds allocated or donated to it; and

- 19.4 perform such other activities as may be necessary for the efficient management of such institute or centre.

CHAPTER 20

Admission

Admission to University

- 20.1 Subject to the provisions of the Act, the Council must, after consultation with the Senate, determine the admissions policy of the University and must publish such policy and make it available on request.
- 20.2 Subject to the provisions of the Act, the Council, with the concurrence of the Senate, must –
- 20.2.1 determine entrance requirements in respect of particular programmes and courses of study offered by the University;
- 20.2.2 determine the number of students who may be admitted to a particular programme or course of study offered by the University; and
- 20.2.3 determine the minimum requirements for readmission to study at the University, and may refuse readmission to any student who fails to satisfy such minimum requirements.

Award of credits and exemptions

- 20.3 Subject to the provisions of the admissions policy contemplated in paragraph 20.1, and to paragraphs 20.4, 20.5 and 20.6, the Senate may –
- 20.3.1 grant credit for a course prescribed for a degree, diploma or certificate to a student who has completed a course or courses or other work which the Senate considers equivalent at another university, or at any institution, whether in or outside the Republic of South Africa;
- 20.3.2 grant exemption from a course prescribed for a degree, diploma or certificate to a student who has completed a course or courses or work which the Senate considers equivalent at another university, or at any institution, whether in or outside the Republic of South Africa; and
- 20.3.3 accept as part of the period of attendance and registration prescribed for a degree, other than an honours degree of bachelor, diploma or certificate, a period or periods of attendance and registration, at another university, or at any institution, whether in or outside the Republic of South Africa.
- 20.4 Except on good cause shown by the student in question, in which case the Senate may exercise its discretion, the Senate may not grant credit for more than half of the courses prescribed for the degree, diploma or certificate in question in respect of a course, or courses, or other work completed at another university, or at any institution, whether in or outside the Republic of South Africa.

- 20.5** A candidate for the granting of credit or an exemption in respect of a degree, diploma or certificate must attend and be registered as a student of the University –
- 20.5.1** for a one year programme, for a full academic year;
 - 20.5.2** for a three year programme, for at least two academic years one of which must be the final year;
 - 20.5.3** for a four year programme, for at least the final two years; or
 - 20.5.4** for a five or six year programme, for at least three academic years including the final two years.
- 20.6** The combined periods of attendance and registration at the University, and at another university or institution, whether in or outside the Republic of South Africa, accepted by the Senate as contemplated in paragraph 20.3.3 must be not less than the minimum period prescribed by the Senate for the degree, diploma or certificate in question.
- 20.7** The Senate may –
- 20.7.1** grant credit for a course prescribed for a degree, diploma or certificate to a student who has completed the course, or an equivalent course, while registered at the University for another degree, diploma or certificate; and
 - 20.7.2** accept, as part of the period of registration prescribed for the degree, diploma or certificate, all or part of a period of attendance at the University while registered for another degree, diploma or certificate, provided that where the degree, or degrees, diploma or diplomas, certificate or certificates concerned has or have been conferred or awarded the Senate may not –
 - 20.7.2.1** grant credit for more than half of the prescribed courses except to the extent that it grants credit for courses previously completed over and above the requirements prescribed for the completed degree, diploma or certificate; or
 - 20.7.2.2** accept as part of the prescribed period of attendance and registration –
 - 20.7.2.2.1** for a one year programme, any period;
 - 20.7.2.2.2** for a three year programme, more than one and a half years;
 - 20.7.2.2.3** for a four year programme, more than two years; or
 - 20.7.2.2.4** for a five or six year programme, more than three years.

Admission to equivalent status at University

- 20.8** Subject to such provisions as may be contained in the Act or this Statute, the Council may on the recommendation of the Senate –
- 20.8.1** admit a graduate of any other university or any institution considered by the Senate to be equivalent to the University,

- whether in or outside the Republic of South Africa, to a status at the University equivalent to that which he or she possesses at such other university or institution; and
- 20.8.2** admit as a candidate for the honours degree of bachelor or for the degree of master or doctor of the University any person who has passed at any other university or institution, whether in or outside the Republic of South Africa, considered by the Senate to be the equivalent to the University, such examinations as in the opinion of the Senate are equivalent to or higher than the examinations prescribed for a degree of the University which is a prerequisite for such honours degree of bachelor or degree of master or doctor of the University.

CHAPTER 21

Examinations and other tests

- 21** An examination or other test of the University must be conducted under the control of the Senate and in the manner determined by the Senate.

CHAPTER 22

Language policy

- 22** Subject to the provisions of the Act and any policy determined by the Minister, the Council, with the concurrence of the Senate, must determine the language policy of the University, publish such policy and make it available on request.

CHAPTER 23

Student support services

- 23** Subject to the provisions of the Act, the Council must, after consultation with the Students' Representative Council, provide for a suitable structure to advise the Council and the Senate on policy for student support services within the University.

CHAPTER 24

Degrees, diplomas and certificates

Conferment

- 24.1** Subject to the provisions of Act and this Statute, the University may confer such degrees in a faculty as it may deem fit.

- 24.2** Subject to the provisions of Chapter 25, the University may not confer a degree upon any person who has not attained the required standard of proficiency in an examination or other test.
- 24.3** Subject to the provisions of the Act and this Statute, the University may award a diploma or certificate to any person who has pursued a course of study provided by the University and who has complied with the requirements for such diploma or certificate.

Withdrawal

- 24.4** The Council, at the request and instance of the Senate, may withdraw the award or conferment of any qualification –
- 24.4.1** that was awarded or conferred in error; or
- 24.4.2** if the recipient of such qualification had committed a dishonest or fraudulent act in connection with the obtaining thereof,
- provided that –
- 24.4.3** the necessary due process has been followed, as prescribed in the rules; and
- 24.4.4** the decision to withdraw a qualification must be a resolution passed at a meeting of the Council by a majority vote, consisting of not less than three quarters of the number of members present at the meeting, whether present in person or by electronic communication.

CHAPTER 25

Honorary degrees and UWC Gold Medal

Conferring of honorary degrees and UWC Gold Medal

- 25.1** The University may, by resolution of the Council passed on the recommendation of the Senate, and without examination, confer an honorary degree of doctor in any faculty or a UWC Gold Medal upon any person who has rendered distinguished services in the advancement of any branch of learning, or upon any person who the Council may deem worthy of such degree or medal, provided that such person exemplifies the values and purposes of the University.

Candidates for honorary degrees and UWC Gold Medal

- 25.2** The procedure relating to the nomination of a candidate for the award of an honorary degree or UWC Gold Medal shall be determined by the Council after consultation with the Senate.

Voting on conferring of honorary degrees and UWC Gold Medal

- 25.3** Voting with regard to the conferring of an honorary degree or UWC Gold Medal shall take place by ballot.
- 25.4** Decisions to confer an honorary degree or UWC Gold Medal in either the Council or the Senate, as the case may be, are valid only if two-thirds of the members present at the meeting, whether present in person or by electronic communication, vote in favour of the proposal, provided that members who are

unable to attend the meeting as contemplated may record their votes before the meeting by letter addressed to the Registrar.

Consideration of proposals

25.5 The procedure relating to the consideration of proposals to confer honorary degrees or UWC Gold Medal to be adopted by the Council and the Senate shall be determined by the Council after consultation with the Senate.

Does not entitle to practice

25.6 The award of an honorary degree to a person does not entitle that person to practise any profession nor use the title Doctor.

CHAPTER 26

General Assembly

26 A General Assembly of the University is only called under certain circumstances. It is an extraordinary event, convened on special occasions, with the aim of uniting all constituencies in a joint stance on an issue of national importance. The role of the General Assembly is to adopt resolutions reached by consensus in the University. A decision to call a General Assembly is made by the Council of the University. The Chancellor presides over the Assembly and the Vice-Chancellor/Rector or University Registrar issues the notice to convene the Assembly. The following constituencies present their statements: the Chancellor of the University; the Chairperson of Council; the Chairperson of Senate; the Chairperson of the Institutional Forum; the President of the Students' Representative Council; and the President of Convocation. Other representatives may speak at a General Assembly subject to confirmation by the University.

CHAPTER 27

Repeal

27 The Statute of the University of the Western Cape, published under Government Notice No. R.427 of 4 May 2005, is hereby repealed in its entirety.

CHAPTER 28

Transitional arrangements

28.1 Subject to the provisions of section 27(4) of the Act, no person who, at the date of the publication of this Statute in the Government Gazette, is a member of the Council in terms of paragraph 8.2 of the statute contemplated in Chapter 27 is required to vacate his or her membership of the Council before his or her term of office expires.

28.2 No person who, at the time of the publication of this Statute in the Government Gazette, is a member of the Senate in terms paragraph 9.2 of the statute

contemplated in Chapter 27 is required to vacate his or her membership of the Senate before his or her term of office expires.