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DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 5366

4 October 2024

HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)**INSTITUTIONAL STATUTE****WALTER SISULU UNIVERSITY**

I, Dr Nobuhle Pamela Nkabane, MP, 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 Walter Sisulu University set out in the Schedule attached hereto.



Dr NP Nkabane, MP

Minister of Higher Education and Training

Date: 09/09/2024

HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)**INSTITUTIONAL STATUTE, 2024****WALTER SISULU UNIVERSITY****CONTENTS**

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TERMS AND INTERPRETATION

1. Terms and Interpretation

In this Statute, applicable to Walter Sisulu University, any word or expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, has that meaning, unless the context indicates otherwise:

"academic department" means a department consisting of teaching and learning, community engagement and research within specific or cognate disciplinary areas;

"academic employee" means any person appointed by the council to a teaching or research position at the University, including any other employee designated as such by the council, as well as honorary and adjunct appointments;

"academic year" means that part of a calendar year approved by the senate for the academic activities of the University, and ratified by the council;

"campus(es)" means the divisions of the University, other than the institutional office, being the physical sites and tangible or intangible infrastructure of the University where learning, teaching and research is delivered, as are established by the council from time to time after consultation with the senate, with the approval of the Minister;

"campus SRC committee" means the committee established to represent the students at a campus of the University, contemplated in paragraph 45(2);

"certificant" means a person to whom a certificate has been awarded by an accredited institution;

"chancellor" means the person contemplated in paragraph 4;

"community engagement" means community engagement as contemplated in paragraph 19(1), as approved by the council from time to time;

"congregation" means a meeting convened by the University for the purpose of conferring degrees and awarding diplomas and certificates as contemplated in paragraph 79(2);

"constitution of the SRC" means the Rules of the SRC approved by the council after consultation with the SRC;

"convocation" means the body contemplated in paragraph 47;

"**council**" means the Council of the University contemplated in paragraph 7;

"**days**" includes Saturdays, Sundays and public holidays;

"**executive dean**" means a person appointed as the executive head of a faculty, as contemplated in paragraph 80;

"**deputy executive dean**" means a person appointed to manage the affairs of a faculty in support of the executive dean, as contemplated in paragraph 69;

"**deputy vice-chancellor**" means the person(s) appointed as vice-principal(s) in accordance with section 26(2)(d), read with section 27(4)(b) of the Act, this Statute and the Rules;

"**diplomat**" means a person upon whom a diploma has been conferred by an accredited institution;

"**donor**" includes a person, body or legal entity who has made a donation to the University of the prescribed minimum value determined by the council from time to time, and who has been recognised as a donor as contemplated in paragraph 81(2);

"**due notice of a meeting**" means a written notice within the prescribed time, providing the agenda, time and place of the meeting and, where applicable, how to get sight of relevant additional information, irrespective of the means employed to convey the message or information to the addressee(s);

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

"**executive management committee**" means the executive management committee of the University as contemplated in paragraph 66;

"**faculty**" means a cluster of academic departments functioning on a specific campus of the University, established by the council in terms of paragraph 7(2)(h);

"**functionaries of the council**" means all persons who exercise functions of the council in terms of delegated authority, and includes the secretary contemplated in paragraph 12 and any person co-opted by the council or a committee of the council as such, as contemplated in paragraph 8(1)(m);

"**functions**" includes powers and duties and vice versa;

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

"group of donors" means the group established by the council as contemplated in paragraph 81(3);

"head of department" means the head of an academic department or cluster of departments of the University;

"institutional forum" means the institutional forum contemplated in section 31 of the Act and paragraph 29;

"institutional manager" means a member of the senior management of the University, who may be a member of the executive management committee and is based in the institutional office;

"institutional office" means a division of the University, being the physical head office of the University, not situated on any of the campuses of the University, at Nelson Mandela Drive, Mthatha, or another address identified in the Rules;

"legal entity" as contemplated in paragraph 83(6) means any juristic person, including those incorporated in terms of the Companies Act, Act No. 71 of 2008 or the Close Corporations Act, Act No. 69 of 1984;

"management" means, for the purpose of section 31(2)(a) of the Act, senior management as well as management as determined by the council;

"mandate" means the set of Rules describing the composition, terms of reference and functioning of a committee of the council, senate and any other structure, body or committee established in terms of this Statute;

"Minister" means the minister of state responsible for tertiary education;

"month" means a calendar month;

"non-academic employee" means a person on the permanent or temporary, full-time or part-time administrative or support staff of the University, other than an academic employee, and includes a person in this category who is serving a probationary period in terms of his or her contract of service prior to permanent appointment;

"professor" means an academic employee who has been given the status of professor and associate professor by the University, but does not include an emeritus professor, or a reader; an academic associate, visiting or assistant professor;

"qualification" means a certificate, a diploma or a degree;

"registrar" means the person appointed as registrar of the University as contemplated in section 26(4)(b) of the Act;

"representative employee organisation" means a registered employee organisation in accordance with sections 95 to 97 of the Labour Relations Act, Act No. 66 of 1995, as amended;

"Rules" means any Rules of the University made in terms of section 32 of the Act and published after approval by the council;

"senate" means the body responsible for academic matters contemplated in paragraph 19;

"senior management of the University" for the purposes of section 31 (l)(a)(iii) of the Act, and paragraphs 7(3)(c) and 29(a)(iii) of this Statute, means the vice-chancellor, the deputy vice-chancellor(s), the registrar, chief finance officer, chief operations officer, executive director: human resources, executive director: planning, monitoring and evaluation, executive deans, and deputy executive deans. and any other employee appointed by council to the senior management of the University;

"student" means any person registered by the University in terms of the Rules, for full-time or part-time study for a degree, diploma, or certificate of the University, or registered or enrolled for any course or programme of instruction offered by the University, provided that a person so registered or enrolled who is also a full-time or part-time employee of the University is not a student for the purpose of membership of the council, senate or any other structure or body of the University;

"SRC" means the students' representative council of the institution contemplated in paragraph 40, established by the council in accordance with the Rules, and includes a campus SRC committee contemplated in paragraph 45(2);

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

"the University" means the Walter Sisulu University;

"urgent matter" means a matter, which, if not addressed before the next ordinary or special meeting of council or senate, could cause irreversible harm or prejudice to the University, its employees or students;

"vice-chancellor" means the principal of the University as contemplated in section 26(2)(c) of the Act; and

"written notice" means any notice in writing and includes any notice contemplated in terms of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), or any Act that amends or repeals it.

UNIVERSITY

2. Name, status, seat and powers of University

- (1) The name of the University is Walter Sisulu University.
- (2) The University is a public higher education institution in terms of the Act, and is recognised as a juristic person, as contemplated in section 20(4) of the Act.
- (3) The University, in accordance with Notice No. 1749 published *Government Gazette* No. 25787 dated 28 November 2003, and as contemplated in sections 20(3)(c), 21(2)(c), and 23(3)(b)(iii) of the Act, has its seat in Mthatha, Eastern Cape Province, South Africa. This is where the institution's activities are principally administered.
- (4) The official physical address of the University is Nelson Mandela Drive, Mthatha, Eastern Cape Province, South Africa.
- (5) The official postal address of the University is Private Bag X 1, Mthatha, 5117, South Africa.
- (6) Notwithstanding subparagraph (2), the institution 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.
- (7) The University functions in accordance with the Act, the Statute and the Rules approved by the council.

- (8) The University may confer degrees, award diplomas and certificates as approved by the council on recommendation of the senate. Such degrees, diplomas and certificates are to be approved, accredited and registered for by the University in accordance with the provisions of the Act.

3. Constitution of the University

- (1) The University consists of –
- (a) the chancellor;
 - (b) the council;
 - (c) the senate;
 - (d) the vice-chancellor;
 - (e) the deputy vice-chancellor(s);
 - (f) the executive deans;
 - (g) one or more registrars and other institutional managers as determined by the council;
 - (h) the SRC;
 - (i) the institutional forum;
 - (j) the student support services structure contemplated in section 27(3) of the Act and paragraph 7(2)(i);
 - (k) the faculties, departments and such other academic structures of the University as may be determined by the council in accordance with the Statute;
 - (l) the academic employees of the University;
 - (m) the non-academic employees of the University;
 - (n) the students of the University;
 - (o) the convocation; and

(p) all its property, infrastructure and assets, whether immovable, movable or intangible, and the rights thereto.

- (2) No vacancy in any of the offices contemplated in subparagraph 3(1), nor any deficiency in the numbers or defect in the composition of the structures or bodies contemplated in subparagraph 3(1)(I) impairs or affects the existence of the University as a juristic person or any function conferred upon the University by the Act or this Statute.

CHANCELLOR

4. Functions of chancellor

- (1) The chancellor is the titular head of the University and is responsible for conferring degrees and awarding diplomas and certificates in the name of the University.
- (2) The chancellor performs such other functions as are assigned to him or her by the council.

5. Election and appointment of chancellor

- (1) The chancellor is elected by the council in the following manner:
- (a) the chairperson of the council, after consultation with the vice-chancellor, determines the date on which a meeting of the council is to be held for the purpose of electing a chancellor, or, in the absence of the chairperson of the council, the vice-chancellor determines the date for such meeting, provided that such meeting must be held within ninety (90) days after the office of chancellor becomes vacant;
 - (b) the secretary of council gives due notice to the members of the council of the date, time of and venue for the meeting contemplated in subparagraph 5(1)(a);
 - (c) the secretary to the council invites the members of the council and other University structures, employees and students referred to in paragraph 3(1), to submit nominations for the office of the chancellor;
 - (d) the nominations contemplated in subparagraph 5(1)(c) must reach the secretary to the council at least twenty (20) working days before the meeting contemplated in subparagraph 5(1)(a);

- (e) the nominations contemplated in subparagraph 5(1)(c) must be in writing and must include the nominee's written consent and complete curriculum vitae;
 - (f) the secretary to the council must, within five working days after the closing date for nominations, inform members of the council in writing of the nominations received;
 - (g) the chancellor is elected by secret ballot by the majority of the members present at the meeting contemplated in subparagraph 5(1)(a);
 - (h) if no candidate receives a majority of votes, successive rounds of voting are held; and
 - (i) in each successive round of voting, the candidate receiving the fewest votes is eliminated as a candidate.
- (2) After the council has elected a chancellor, the name of the chancellor is announced by the chairperson of the council.

6. Term of office of chancellor

- (1) The Chancellor holds office for a term of four (4) years, unless he or she passes away, becomes incapacitated, resigns, or ceases to qualify to hold office as outlined in subparagraph (4).
- (2) A person may not be elected as a chancellor for more than two (2) consecutive terms of office.
- (3) If the chancellor is unable, for any reason, to perform the functions of the office, or if the office of chancellor becomes vacant, the vice-chancellor, a deputy vice-chancellor, or any person acting in their capacity may act for the chancellor, or failing them, any person designated by the council for this purpose, shall act for the chancellor until the vacancy is filled.
- (4) A person ceases to qualify to hold office as Chancellor if he or she:
 - (a) is removed from office by the Council;
 - (b) is, or becomes, insolvent;
 - (c) is declared to be of unsound mind by a court of law;

(d) is convicted of an offence subsequent to election and sentenced to a term of imprisonment without the option of a fine by a court of law; or

(e) reaches the expiry of the term of office.

- (5) The chancellor may only be removed from office by the council by means of a resolution passed by at least two-thirds of the members of the council. The resolution may not be passed without giving prior notice to the chancellor of the pending motion and its reasons, as well as affording him or her a reasonable opportunity to make representations.

COUNCIL

7. Functions of council

- (1) The council governs the University, subject to the Act and this Statute.
- (2) Without limiting the scope of subparagraph 7(1), the council has the powers and functions contemplated in subparagraphs 7(2)(a) to (m) below and may, in accordance with section 68 of the Act, delegate or assign to other University structures, the vice-chancellor or any other employee of the University, any of these powers and functions to –
- (a) make Rules under section 32 of the Act, which Rules must be published after approval by the council and have legal force, provided that the council may not change the composition of the SRC, the SRC's Constitution or establish a campus SRC committee before it has consulted with the SRC;
- (b) establish committees, determine the mandates and composition of such committees, including appointing persons who are not members of the council as members of such committees, and set the procedural requirements for each committee;
- (c) monitor and, if required, take appropriate steps to intervene in any action taken by a committee contemplated in subparagraph 7(2)(b) while exercising its delegated powers or functions, when such committee reports to council;

- (d) prepare and submit proposals for the extension of delivery sites or adoption of academic or training programmes in new fields of learning and training, in joint committees of the council and senate established for these purposes, in accordance with the Act, other legislation and the Rules;
- (e) appoint employees of the University as contemplated in paragraph 72(1) and (2), provided that academic employees may only be appointed after consultation with the senate, as contemplated in paragraph 72 (3);
- (f) determine the language policy of the University, subject to the policy determined by the Minister, with the concurrence of the senate;
- (g) determine conditions of service, the disciplinary provisions and the privileges and functions of the University's employees;
- (h) determine, after consultation with the senate, the academic structures required and the status, functions and name of each such structure, to ensure effective and efficient governance;
- (i) determine, after consultation with the SRC, the policy for the provision of student support services within the University, and must provide for a suitable structure to facilitate such consultation, as contemplated in section 27(3) of the Act;
- (j) suspend or dismiss any employee of the University, in the manner set out in the disciplinary Rules;
- (k) order an employee whom it has suspended to refrain from being on any premises under the control of the University and to refrain from participating in any of the University's activities, or set such other conditions as it may deem necessary;
- (l) establish legal entities in terms of the applicable legislation, for the benefit of the University; and
- (m) order the closure of the University in response to a life-threatening situation or circumstance such as a natural disaster or a threat to the safety or security of the students, staff or property.

- (3) Without limiting the scope of subparagraph 7(1), the council has the powers and functions contemplated in subparagraphs 7(3)(a) to (m) below, provided that the council, in accordance with section 68 of the Act, may not delegate or assign to other University structures, the vice-chancellor or any other employee of the University, any of these powers and functions to –
- (a) make the institutional Statute and any amendments thereto;
 - (b) draft and adopt the University's vision, mission and values and monitor the realisation thereof;
 - (c) appoint the senior managers of the University within Peromnes grades 1 to 4, subject to obtaining the advice of the senate and the institutional forum on the selection of candidates in accordance with paragraphs 19(4)(e) and 29(a)(iii);
 - (d) determine the student admission policy of the University, after consultation with the senate;
 - (e) determine, with the approval of the senate, the entrance requirements in respect of particular programmes, the number of students that may be admitted for a particular higher education programme and the manner of their selection, and the minimum requirements for readmission to study at the University;
 - (f) refuse, with the approval of the senate, readmission to a student who fails to satisfy the minimum requirements for readmission;
 - (g) determine tuition fees, accommodation fees or any other fees payable by students after consultation with the SRC;
 - (h) determine rental fees payable by staff making use of University accommodation;
 - (i) approve the annual budget of the University;
 - (j) conclude a loan or an overdraft agreement, subject to the approval of the Minister, when required;

- (k) enter into an agreement for the construction of a permanent building or other immovable infrastructural development, the purchasing of immovable property or the long-term lease of immovable property, subject to the approval of the Minister, when required;
 - (l) repeal or amend the composition of the senate, after consulting with the senate;
 - (m) make, repeal or amend any Rules relating to the academic functions of the University, subject to approval by the senate; and
 - (n) establish a commission of enquiry to investigate, and make recommendations for action by the council or senior management on matters involving significant risk to the University as determined by the council.
- (4) The council remains accountable for the performance of any function delegated or assigned in terms of subparagraph 7(2).
- (5) The council may appoint an independent body to conduct a performance evaluation of the council and its individual members at intervals determined by the council.

8. Composition of council

- (1) Although the Act allows for up to thirty (30) members, the Walter Sisulu University council shall comprise a maximum of twenty-one (21) members, made up of –
- (a) the vice-chancellor;
 - (b) not more than one (1) deputy vice-chancellor, designated by the vice-chancellor, provided that, in the case of more deputy vice-chancellors having been appointed, the remaining incumbent/s may attend council meetings without voting rights;
 - (c) five (5) persons appointed by the Minister, who must not be employees or students of the University;
 - (d) not more than two (2) members of the senate, elected by the senate;
 - (e) one (1) non-senate academic employee, elected by the academic employees;
 - (f) one (1) non-academic employee, elected by the non-academic employees;
 - (g) not more than two (2) students elected by the SRC;

- (h) not more than two (2) members of the convocation, who must not be employees or students of the University, elected by the executive committee of the convocation;
 - (i) one (1) person with expertise in law, who must not be an employee or student of the University, elected by the council;
 - (j) one (1) person with expertise in financial and investment matters, who must not be an employee or student of the University, elected by the council;
 - (k) two (2) persons with expertise in commerce and industry, who must not be employees or students of the University, elected by the council;
 - (l) not more than two (2) persons from the donors, who must not be employees or students of the University nor conduct business directly or indirectly with the University, elected by the council; and
 - (m) the council may when and for such period as is necessary co-opt no more than two (2) persons to advise the council on any specific matter relevant to the functions of the council, who will not have voting rights.
- (2) At least sixty per cent (60%) of the members of the council must be persons who are not employees or students at the University.
 - (3) When members are elected or appointed to the council, under-representation in terms of race, gender or persons with disabilities must be taken into consideration.
 - (4) A council member or a member of a committee of council -
 - (a) must be a person with knowledge and experience relevant to the objects and governance of the University;
 - (b) must participate in the deliberations of the council in the best interests of the University;
 - (c) must 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;

- (d) may not place himself or herself under any financial or other obligation to any individual or organisation that might seek to influence the performance of any function of the council; and
 - (e) may not –
 - (i) have a conflict of interest with the University;
 - (ii) have a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest with the University; and
 - (f) must before the meeting and in writing, inform the chairperson of that meeting of that conflict or possible conflict of interest.
- (5) Except as provided in subparagraphs 8(1) (a), (b) and (d) to (g) –
- (a) no student or employee of the University and no other person in receipt of regular remuneration from the University is eligible for appointment or nomination for election or election as a member of the council; and
 - (b) a member of council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University must forthwith vacate his or her seat on the council.
- (6) The manner of appointment or election of candidates for the offices mentioned in subparagraphs 8(1)(d) to (l) is provided for in the Rules.

9. Election and term of office of council members

- (1) Members of council are elected in the manner determined by the Statute and Rules.
- (2) Subject to paragraph 11, the term of office of members of the council is five (5) years, except in the case of –
 - (a) members referred to in paragraph 8(1)(a) and (b), who serve by virtue of their offices and remain members of the council for as long as they occupy their offices; and

- (b) members referred to in paragraph 8(1)(g), elected by the SRC, whose term of office is one (1) year from the date of their election, provided that membership ceases automatically when a student member ceases to be a student.
- (3) The membership of a member who is elected from among the ranks of a specific interest group or body lapses upon termination of his or her association with that interest group or body.
- (4) Any member may serve as a member of the council for a maximum of two (2) terms, except that no student may serve as a member of the council for a term exceeding one (1) academic year.
- (5) If a vacancy arises in the council, it shall be filled using the same procedure as the original appointment.
- (6) A new member of the council appointed or elected in terms of subparagraph 9(5) to fill a vacancy occurring before the expiry of the term of office of the member being replaced, serves for the remainder of that term.

10. Termination of membership and filling of vacancies of members of council

- (1) A member of the council's term of office terminates if –
 - (a) he or she tenders a written resignation;
 - (b) the Minister or body who appointed or elected the member to the council, terminates such membership in writing at any time before the expiry of the member's term of office;
 - (c) he or she is absent from three (3) consecutive meetings without leave of the council;
 - (d) he or she is declared insolvent;
 - (e) he or she is removed from an office of trust by a court of law or is convicted of an offence;
 - (f) A council member removed from office as contemplated in sections 27(5B)(a) and (b) of the Act, read with the provisions of this statute, can never serve on the council of a public higher education institution.

- (f) he or she is removed from office subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) by vote of a majority of the members of the council present at any meeting;
 - (g) a member of the council who was not an employee or a student at the University is appointed as an employee or becomes a student of the University.
 - (h) is declared to be of unsound mind by a court of law; or
 - (i) is otherwise disqualified in terms of the Rules.
- (2) The council has the power to suspend any member from attending a meeting, or take disciplinary action or terminate his or her membership, under the following circumstances:
- (a) If such a member conducts him or herself in a manner that is or may not be in the best interest of the University, or that brings or may bring the council or the University into disrepute while identifiable as a council member, after the council has followed due process in terms of the Rules.
 - (b) If at least one-third of the members of the council at any meeting resolve that alleged conduct contemplated in subparagraph 10(2)(a) be investigated, the council must instruct that a disciplinary hearing be conducted by an ad hoc committee of council.
 - (c) If the ad hoc committee contemplated in subparagraph 10(2)(b) finds that the affected member failed to act in the best interests of the University or has behaved in a manner that brings or may bring the University into disrepute, then the committee may recommend the termination of the membership of such member from the council.
 - (d) If the ad hoc committee contemplated in subparagraph 10(2)(b) recommends the termination of the affected member from the council, and at least two-thirds of the members of council present at any meeting vote for his or her removal, such member will cease to be a member of council.
- (3) In the event of a vacancy due to death or any other reason, as contemplated in subparagraphs 10(1) and (2), the secretary to the council shall notify the constituency

that appointed or elected the affected member, requesting that constituency to appoint or elect a successor.

- (4) If seventy-five per cent (75%) or more of the members of the council resign, the council is deemed to have resigned, as contemplated in section 27(8) of the Act.
- (5) If the council resigns, as contemplated in subparagraph 10(4), a new council must be constituted in terms of the Statute.
- (6) The council may remove a member of the council as contemplated in subparagraph 10(1)(f) on the basis of poor performance indicated by a performance evaluation conducted in terms of paragraph 7(5).

11. Election and functions of the chairperson and deputy chairperson of council and their terms of office

- (1) The chairperson and the deputy chairperson of the council shall not be elected from the members contemplated in paragraph 8(1)(a), (b) and (d) to (g).
- (2) (a) The chairperson presides at meetings of the council and the executive committee of the council.
(b) The council determines any additional functions of the chairperson.
- (3) (a) The deputy chairperson presides at meetings of the council and the executive committee of the council in the absence of the chairperson.
(b) The deputy chairperson performs such other functions as the council may determine.
- (4) The chairperson and the deputy chairperson of the council are elected to their respective offices for a period of five years.
- (5) The chairperson and the deputy chairperson are eligible for re-election for a maximum of two terms.
- (6) Nominations for the office of the chairperson and the deputy chairperson of the council must be in writing and be directed to the secretary to the council.
- (7) If more than one candidate is nominated, voting is by secret ballot.
- (8) Each member of the council has only one vote during a ballot and no proxy is allowed.

- (9) A majority of all members present elects the chairperson and the deputy chairperson.
- (10) Whenever a vacancy occurs in the office of the chairperson or the deputy chairperson, the provisions of subparagraph (6) to (9) apply, with the necessary changes, to the filling of such vacancy.
- (11) A person who fills a vacancy in terms of subparagraph (10) holds office until the end of the predecessor's term;
- (12) The chairperson and the deputy chairperson may not be elected for more than two consecutive terms of five years each.

12. Secretary of council

- (1) The secretary of council is the registrar as contemplated in section 26(4)(b) of the Act, who must ensure compliance with the Statute, relevant legislation and national higher education and training policies, as well as the policies and Rules of the University.
- (2) The registrar may participate in the discussions of the council but may not vote.
- (3) The secretary acts as an electoral officer in all matters pertaining to council.
- (4) The secretary attends all meetings and keeps all relevant documents of the council.
- (5) The registrar may appoint an employee of the University to assist him or her but remains responsible for the performance of his or her functions.

13. Meetings of council

- (1) The council has at least three ordinary meetings during each academic year.
- (2) The notice of any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least twenty (21) days before the date determined by the council for such meeting, provided that any matter of an urgent nature may, without prior notice and with the consent of the chairperson and a majority of the members present, be considered at such meeting.
- (3) At least fourteen (14) days prior to the date of an ordinary meeting, the secretary gives due notice to each member of all the matters to be dealt with at such meeting. The notice shall include the time and place of the meeting as well as the agenda.

- (4) A special meeting may be called at any time by the chairperson, provided that at least seven (7) days' notice of the special meeting is given, and further provided that the chairperson may reduce the period of notice to twenty-four (24) hours if circumstances require, in which instance, notice may be given in any manner deemed convenient under the circumstances.
- (5) A special meeting must be called by the chairperson at the written request, of at least six members, with the objective of the meeting being clearly stated in the request provided that at least seven (7) days' notice of a special meeting is given.
- (6) An emergency meeting may be called by the chairperson at any time provided that members are given at least twenty-four (24) hours' notice of the meeting.
- (7) The notice of an emergency meeting may be given in any manner deemed convenient under the circumstances
- (8) No business other than that which the special meeting or emergency meeting was called may be transacted at such meeting, irrespective of the notice period.

14. Council meeting procedures

- (1) Council members must participate in the deliberations of the council meetings in the best interest of the University.
- (2) The quorum required for a meeting of council or its committees to be properly convened, is that at least one-half plus one (50% plus one) of the total number of members of the council or its committees, holding office on the date of such meeting which must be present at the start of the meeting, and further provided that a majority of the members present at the start of the meeting must be persons who are not employees or students of the University.
- (3) A properly convened meeting of council or its committees is not voided if, after the meeting begun, enough members end their participation in a manner, thereby leaving the meeting without the quorum contemplated in subparagraph 14(2), and the meeting may proceed with and conclude its business.
- (4) Except where otherwise provided in this Statute, all acts or matters authorised or required to be done or decided by the council or its committees, and all questions that may come before it, are done or decided by the majority of the members present at any

meeting, provided that the number present at the commencement of any meeting is at least one-half plus one (50% plus one) of the total number of members of council holding office on the date of such a meeting. This provision applies equally to council committees.

- (5) In the absence of both the chairperson and the deputy chairperson of the council, the members present shall elect one of their members who is neither staff nor students, to preside at that meeting.
- (6) The first order of business at an ordinary meeting, after being constituted, is for the chairperson to read and confirm the minutes of the last preceding ordinary meeting and subsequently held, meetings by signing them, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council. However, any objections to the minutes of a meeting must be raised and decided before confirmation of the minutes.
- (7) A member of the council may not, without the consent of the chairperson, speak more than once to a motion or to any amendment and the mover of any motion or any amendment has the right to reply.
- (8) Every motion or amendment must be seconded and, if so directed by the chairperson, must be in writing.
- (9) A motion or an amendment seconded as contemplated in subparagraph (8) may not be withdrawn except with the consent of the members present at the meeting.
- (10) The chairperson has, on any matter, a deliberative vote and may also exercise, in the event of an equality of votes, a casting vote.
- (11) If so, decided by the meeting, the number of members voting for or against any motion must be recorded in the minutes, and at the request of any member the chairperson must direct that the vote of such member be likewise recorded.
- (12) When a majority of the members of the council reaches agreement on a matter referred to them by letter or electronic means by the chairperson, without convening a meeting, and conveys such resolution by letter or electronic means, such resolution is equivalent to a resolution of the council and must be recorded in the minutes of the next ordinary meeting.

- (13) The views of a member of the council who is unable to attend a meeting may be submitted to the meeting in writing but may not count as attendance by or a vote of such member.
- (14) A point of order may be raised when a member is of the opinion that-
- (a) there is a deviation from the matter under discussion;
 - (b) a member uses insulting or repulsive language; or
 - (c) discussions are contrary to procedural Rules.
- (15) The ruling of the chairperson on a point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting, and the decision of the meeting is final.

15. Conflict of interests of council members, committee members and functionaries

- (1) A member of the council must not have a conflict of interest with the University.
- (2) A member of council who has a direct financial, personal or other interest in any matter to be discussed at a meeting, which entail or may entail a conflict of interest must, before or during the meeting, declare the interest.
- (3) The council, following consultation with the institutional forum, approves a code of conduct that all council members, committee members, and other individuals exercising delegated functions of the council must adhere to. This code of conduct addresses conflicts of interest or potential conflicts of interest that may arise with the University, in accordance with sections 27(7E)(a) and 32 of the Act, read together with paragraph 8(4).
- (4) The council establishes a register to record the annual declaration of interests of each member of the council, council committees, and all functionaries of the council, as required by section 27(7E)(b) of the Act and in accordance with the Rules.
- (5) Any person may, in writing, inform the chairperson of a meeting of the council or a committee of the council, before the meeting, of a conflict of interest of a member of the council with the University, in terms of paragraph 8(4)(c) to (e), of which such person may be aware.

- (6) A member referred to in paragraph 8(4)(e) and subparagraph 15(1) above is obliged to recuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

16. Executive and other committees of council

- (1) The council appoints –
- (a) an executive committee of council;
 - (b) an audit, risk and compliance committee of council;
 - (c) a finance committee of council;
 - (d) a remuneration committee of council;
 - (e) an executive appointment and contract renewal committee of council;
 - (f) a human resource committee of council;
 - (g) a physical planning and infrastructure committee of council;
 - (h) a governance and council membership committee;
 - (i) such other committees and sub-committees as may be required.
- (2) The mandates and composition of the committees are determined by the council in the Rules. The council may:
- (a) combine any two or more of the committees contemplated in subparagraph (1);
and
 - (b) appoint a single person to be a committee.
- (3) A majority of the members of a committee must be persons who are not employees or students of the University.
- (4) The chairperson of a committee must not be an employee or a student of the University.
- (5) The meeting procedures for council meetings in terms of paragraph 14 apply, with the necessary changes, to meetings of committees of the council, provided that a committee of the council with delegated functions in terms of section 27(7C) of the Act and

paragraph 7(2)(b) may not take a decision on a matter considered by it if any member of the committee has a conflict of interest contemplated in paragraph 8(4)(c) to (e).

17. Minutes of council and council committees

- (1) The secretary to the council keeps the minutes of each meeting of the council and includes such minutes in the agenda of the next council meeting when the agenda is sent out in terms of paragraph 13(3).
- (2) The minutes of all committee meetings must be included in the agenda of the next ordinary meeting of the council following the respective committee meetings.

18. Drafting, amending or repealing of statute or a Rule

- (1) No motion to approve, amend or repeal any provision of this Statute is of force or effect without a written notice of at least fourteen (14) days, unless seventy-five per cent (75%) of all the members of council present vote in favour of dispensing with such a notice.
- (2) No motion to draft an amendment to or repeal the Statute may be adopted unless agreed to by at least seventy-five per cent (75%) of the members present at the meeting, provided that such meeting is constituted by no less than seventy-five per cent (75%) of all members.
- (3) Any motion to draft, amend or repeal the Statute or a Rule must be in accordance with the provisions of section 32(2) of the Act.

SENATE

19. Powers, functions and composition of the senate

- (1) Subject to the Act, the senate is accountable to the council and responsible for the strategic direction of all teaching, learning, research, community engagement and academic functions of the University, including the timely identification and appropriate management of risks in connection therewith, and all other functions delegated or assigned to it by the council;
- (2) The senate –
 - (a) provides academic leadership and debates matters of academic principle;
 - (b) promotes an institutional culture of high academic and ethical standards;

- (c) ensures the quality of academic programmes, research and community engagement activities; and
 - (d) co-determines with the council the language policy of the University.
- (3) Without limiting the scope of subsection 19(1) the organisation and oversight of instructions and examinations, and of lectures and classes, vest in the senate and the senate –
- (a) may make or amend any Rule relating to the curriculum for any degree, diploma, certificate or other qualification, or to the obtaining of any degree, diploma, certificate or other qualification, but may do so only after consulting the relevant faculty board and sub-committee;
 - (b) may make or amend any Rule relating to the manner in which students are to be examined;
 - (c) determines what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma, certificate or other qualification;
 - (d) advises the council on disciplinary measures and Rules concerning students;
 - (e) may make recommendations to the council regarding the faculty to which each academic department or other academic structure belongs;
 - (f) may make recommendations to the council regarding the establishment and disestablishment of faculties, academic departments, and other academic structures;
 - (g) determines, in accordance with any relevant deed or gift, and after consultation with the vice-chancellor, the conditions applicable to any scholarships and other academic prizes;
 - (h) determines the persons to whom scholarships and academic prizes are awarded;
 - (i) determines the functions of its committees;

- (j) may make standing orders on procedures and delegation of powers to improve the carrying out of its functions;
 - (k) may delegate its functions, provided that it may not delegate or assign a function delegated to it by the council without the council's agreement and remains accountable for the performance of all its functions; and
 - (l) must take note of any action taken by a committee in exercising its delegated powers or functions when such committee reports its actions to the next meeting of the senate.
- (4) The senate submits to the council –
- (a) advice with regard to the language policy of the University, in terms of section 27(2) of the Act;
 - (b) advice regarding approval of entrance requirements to specific programmes, the number and manner of selection of students admitted per academic programme, minimum requirements for readmission to study and refusal of readmission for failure to satisfy any minimum requirement set for readmission, in terms of section 37(4) of the Act;
 - (c) advice on the admission policy and Rules of the University, in terms of section 37(1) of the Act;
 - (d) such reports on its work, including on the management of risks attendant to the academic core business of the University, as may be required by the council;
 - (e) advice on matters referred to it by the council, including the appointment of senior management;
 - (f) advice on the appointment of academic employees, in accordance with the Rules; and
 - (g) recommendations on any other matter affecting the University as the senate considers useful.
- (5) The senate may, in terms of the Rules, cancel or refuse the registration of a student in all or one or more of the courses for which the student is registered or wishes to register in that year if, in the opinion of the senate, the academic achievement of the student is

such that the student may not at the end of the year obtain credit in such course or courses, as the case may be.

- (6) The senate must enhance and protect the integrity and quality of the academic activities at the University, and may to that end propose cancellation and withdrawal of any qualification, award or recognition granted by the University in error, in terms of paragraph 79(3)(i), or obtained by fraudulent or dishonest means, in terms of paragraph 79(3)(j) and may further do what is required to attain this goal.
- (7) The Senate, subject to the provisions of the Act, consists of-
- (a) the vice-chancellor;
 - (b) the deputy vice-chancellor(s);
 - (c) the registrar;
 - (d) other members of the executive management committee, on the invitation of senate;
 - (e) the executive deans;
 - (f) the executive deputy deans;
 - (g) all full and associate professors (including those appointed on a fixed term contract for a period of at least three (3) years);
 - (h) all heads of academic departments;
 - (i) the heads of academic centres that are not otherwise members of the senate;
 - (j) the head of academic planning;
 - (k) the head of quality assurance;
 - (l) the head of research and innovation;
 - (m) the head of library and information services;
 - (n) the head of student affairs;
 - (o) not more than two (2) members of the SRC, elected by the SRC, in accordance with the Rules;
 - (p) not more than two (2) non-academic permanent full-time employees, elected by the permanent non-academic employees, in accordance with the Rules;
 - (q) not more than one (1) member of the council who is not an employee or student of the University, designated by the council from time to time; and
 - (r) such additional members, without voting rights, as are approved by the senate from time to time, on the recommendation of the executive committee of senate.

- (8) The majority of the members of senate and senate committees must be senior academic employees.
- (9) The persons contemplated in subparagraphs 19(7)(a) to (o) are appointed in their official capacity as members of the senate.
- (10) The manner of election of members is as determined by each constituency.

20. Fiduciary duty and conflict of interest of senate members

- (1) Members of the senate must participate in the deliberations of the senate in the best interests of the University.
- (2) Failure to act in the best interests of the University or behaviour that brings the University into disrepute may result in the removal of such a member from the senate following due process.
- (3) If it is alleged that a member is not acting in the best interests of the University or has engaged in conduct that brings or tends to bring the University into disrepute, and at least one-third of the members of the senate at any meeting resolve that the alleged actions or conduct be investigated and suitable steps be taken against that person, the senate must instruct that a hearing by an ad hoc committee of senate take place.
- (4) If the committee finds that the member has failed to act in the best interests of the University or has behaved in a manner that brings the University into disrepute, then the committee may recommend that the member be removed from the senate.
- (5) The member may be removed from the senate if at least two-thirds of the members of the senate present at any meeting vote for his or her removal.

21. Terms of office of senate members

- (1) Members appointed in terms of paragraph 19(7)(a) to (n), (p) and (q) hold office for as long as they are appointed and/or elected in that capacity.
- (2) Members appointed in terms of paragraph 19(7)(o) hold office for a period of one (1) year, provided that membership ceases automatically when that member ceases to be a member of the SRC.

- (3) The membership of a member who is elected from among the ranks of a specific interest group or body lapses upon termination of his or her association with that interest group or body.
- (4) If a vacancy arises in the senate, it is filled using the same method as the original appointment.
- (5) The successor holds office for the full term of office.
- (6) Any member may serve as a member of the senate for more than one term, with the exception of a student representative who may not serve as a member of the senate for more than two terms.

22. Chairperson, deputy chairperson and secretary of senate

- (1) The vice-chancellor is the chairperson of the senate, as contemplated in section 26(4)(a) of the Act.
- (2) The deputy chairperson of the senate is the deputy vice-chancellor designated by the senate as such.
- (3) The secretary to the senate is the registrar.
- (4) The chairperson presides at the meetings of the senate and the meetings of the committees of the senate if deemed appropriate by the senate or senate committee.
- (5) The chairperson performs such other functions as the senate may determine.
- (6) In the absence of the chairperson, the deputy chairperson assumes the responsibilities outlined in subparagraph 22(4).
- (7) The deputy chairperson performs such other functions as the senate may determine.
- (8) If both the chairperson and the deputy chairperson are absent, the senate elects from among its members a chairperson for the meeting concerned.

23. Senate and senate committees' meetings and meeting procedures

- (1) The senate holds at least four (4) ordinary meetings during each academic year.

- (2) Unless specified otherwise in this paragraph or in the Rules, the provisions applicable to the council meetings in terms of paragraphs 13 and 14 apply, with the necessary changes, to the meetings and meeting procedures of the senate and its committees.
- (3) The chairperson of the senate may call an extraordinary or emergency meeting of the senate in accordance with the Rules.
- (4) The Senate is quorate if at least forty per cent (40%) of its members (excluding those members who have been granted official travel, research or sabbatical leave of absence) are present and remain present during the transacting of business and decision-making.

24. Executive committee and other committees of senate

- (1) The executive committee of the senate consists of –
 - (a) the vice-chancellor, who serves as the chairperson;
 - (b) the deputy vice-chancellor(s);
 - (c) the registrar;
 - (d) the executive deans;
 - (e) four (4) senate members at the rank of full professor elected by the senate, in accordance with the Rules;
 - (f) such other members as the executive committee of senate may determine, provided that the majority of the members are senior academic employees.
- (2) The executive committee of the senate –
 - (a) unless determined otherwise by the senate, makes recommendations to the senate on the reports of senate committees;
 - (b) ensures overall co-ordination of academic matters;
 - (c) ensures that policy decisions of the senate are implemented;
 - (d) ensures that academic standards, as prescribed by the senate, are maintained;
 - (e) makes decisions within its mandate in accordance with its delegated powers; and

- (f) performs such other functions, including advisory functions, as may be determined by the senate.
- (3) The executive committee of the senate has plenary powers to act on behalf of the senate between senate meetings, provided that any such resolution of the committee is ratified by senate at its next meeting.
- (4) In the absence of the vice-chancellor from any of the meetings of the executive committee of the senate, a deputy vice-chancellor designated by the vice-chancellor presides over the executive committee meetings.
- (5) In the absence of both the vice-chancellor and the deputy vice-chancellor, the provisions of paragraph 22(8) apply with the necessary changes.
- (6) The senate may constitute other committees which may include a faculty board for each faculty and such other committees as required.

25. Joint committees of council and senate

- (1) The council, in consultation with the senate, appoints such joint committees of the council and the senate as may be necessary for the performance of particular tasks.

FACULTY BOARD

26. Functions of faculty board

- (1) The faculty board of every faculty is a standing committee of the senate.
- (2) The council appoints an executive dean for every faculty in accordance with the Rules, who fulfils the functions as described in the Rules.
- (3) A faculty board –
 - (a) governs and regulates the activities of the faculty in line with the policies and Rules of the University;
 - (b) considers and recommends to the senate the academic programmes and qualifications offered by the faculty;
 - (c) promotes research and innovation in the faculty;

- (d) submits recommendations to the senate on matters that affect the faculty, as well as matters referred to it by the senate;
- (e) appoints committees of the faculty board;
- (f) advises the executive dean on policy for resource allocation in the faculty;
- (g) fulfils such other functions as the Rules may prescribe; and
- (h) is accountable to Senate for its work.

27. Composition of faculty board

- (1) Each faculty must establish a faculty board that consists of –
 - (a) the executive dean of the faculty, who serves as the chairperson;
 - (b) the executive deputy dean(s) of the faculty;
 - (c) the heads of departments of the faculty;
 - (d) all permanent full-time academic employees in the faculty and academic employees appointed on a fixed term contract for a period of at least three (3) years;
 - (e) the heads of faculty sub-committees and other academic units as approved by the faculty board;
 - (f) the head of faculty administration;
 - (g) at least two (2) undergraduate students registered in that faculty, designated by the relevant campus SRC committee, in terms of the Rules;
 - (h) at least two (2) postgraduate students in that faculty, designated by the relevant campus SRC committee in terms of the Rules;
 - (i) such other members as may be decided by the Faculty Board in terms of the Rules; and
 - (j) no more than two external members selected by the Faculty Board in a non-voting capacity for a term of two (2) years.
- (2) In the absence of the executive dean, the executive deputy dean presides, and in the absence of both the faculty board must elect a member to preside at that meeting.

28. Meetings and meeting procedures of faculty board

- (1) Unless specified otherwise in this paragraph or the Rules, the council's meetings and meeting procedures in terms of paragraphs 13 and 14 apply, with the necessary changes, to meetings of the faculty board.
- (2) The quorum of a faculty board is determined by senate from time to time but may not be less than one-third of the total membership of the faculty board excluding those who are on approved leave at the date of the meeting, and those who have missed the last three ordinary meetings of the faculty board prior to the meeting in question.
- (3) Ordinary meetings are held on the dates set by the senate.
- (4) Special meetings may be convened by the executive dean at any time and must be convened by the executive dean at the request in writing of at least ten (10) voting members, the objective of the meeting being clearly stated in the request.

INSTITUTIONAL FORUM**29. Functions of institutional forum**

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

30. Composition of institutional forum

- (1) The institutional forum consists of –
 - (a) two (2) representatives of the management, elected by the executive management committee of the University;
 - (b) the person responsible for employment equity matters;
 - (c) two (2) members of the council who are not employees or students of the University, elected by the council, who will not have the right to vote in a council meeting when advice rendered to the council by the institutional forum is considered;
 - (d) two (2) representatives of the senate, elected by the senate;
 - (e) two (2) permanent full-time non-academic employees not on senate, elected by the permanent non-academic employees, in accordance with the Rules;
 - (f) two (2) permanent full-time academic employees not on senate, elected by the permanent academic employees, in accordance with the Rules;
 - (g) not more than two (2) voting representatives of each recognised labour union at the University, elected by such labour union;
 - (h) two (2) representatives of the convocation who are not employees or students of the University, elected by the convocation;
 - (i) two (2) representatives of the SRC, elected by the SRC; and
 - (j) not more than two (2) additional members as the institutional forum may determine from time to time, to assist the institutional forum to fulfil its functions, provided that such members have no voting rights.

31. Election and terms of office of members of institutional forum

- (1) The nomination and election of members must be transparent and democratic, and each constituency must follow the procedure prescribed by its own constituency and submit the names of its designate(s) or representatives to the registrar in writing before such member may take a seat in the institutional forum.
- (2) The term of office of a member or members of the institutional forum -
 - (a) contemplated in paragraph 30(1)(c) to (h) is three (3) years.

- (b) contemplated in paragraph 30(1)(j) is one year.
- (c) contemplated in paragraph 30(1)(a) and (b) who are members of the institutional forum by virtue of their offices, remain members of the institutional forum for as long as they hold such offices, or are replaced by the bodies that elected them.
- (3) Members are eligible for re-election, provided that the members contemplated in paragraph 30(1)(i) may not be re-elected for more than two terms.
- (4) Paragraphs 10(1) to (3) apply, with the necessary changes, to the termination of the membership of members of the institutional forum.

32. Office-bearers of institutional forum

- (1) The institutional forum elects from among its members a chairperson and deputy chairperson.
- (2) The chairperson and the deputy chairperson hold their respective offices for a period of two (2) years.
- (3) The chairperson and the deputy chairperson may not be re-elected for more than two terms.
- (4) The registrar designates an employee to act as a secretary to the institutional forum.

33. Meetings and meeting procedures of institutional forum

- (1) The institutional forum must have at least two meetings during each academic year.
- (2) Fifty per cent (50%) plus one of the members forms a quorum.
- (3) The procedure applicable to the council meetings in terms of paragraphs 13 and 14 is applicable, with the necessary changes, to the meetings of the institutional forum.

34. Committees of institutional forum

- (1) The institutional forum may appoint committees as required and determine the mandates and composition of such committees.

STUDENT SERVICES COUNCIL**35. Functions of student services council**

- (1) Subject to the provisions of section 27(3) of the Act and paragraph 7(2)(i), the student services council advises the council on the policy for student support services.
- (2) The student services council advises the council on the rendering of support services to the students of the University.
- (3) The student services council discusses any other matter referred to it by the council and advises the council on such matters.

36. Composition of student services council

- (1) The student services council may consist of –
 - (a) the deputy vice-chancellor responsible for student affairs and support services;
 - (b) one (1) member of the council, who is not an employee or student of the University, elected by the council;
 - (c) one (1) member of the senate, elected by the senate;
 - (d) the chief financial officer or his or her designate;
 - (e) the registrar or his or her designate(s);
 - (f) the head of student academic support or his or her designate;
 - (g) the head of student affairs;
 - (h) the head of student residences;
 - (i) the head of campus operations;
 - (j) not more than two (2) students from the SRC, nominated by the SRC, in terms of the Rules;
 - (k) not more than two (2) students from each of the campuses of the University, nominated by the relevant campus SRC committee, in terms of the Rules; and

- (1) such further members as are co-opted from time to time, in terms of the Rules.
- (2) The manner of election or designation of members contemplated in subparagraph 36(1)(b), (c), (j) and (k) is provided for in the Rules.

37. Terms of office of student services council members

- (1) The members contemplated in paragraph 36(1) who serve by virtue of their offices, remain members of the student services council for as long as they hold those specific offices.
- (2) The representatives of the council and senate are elected for a period of two (2) years, or for such shorter period as they are members of the council or senate.
- (3) The student representatives are elected by the SRC for a period of one academic year, provided that membership lapses automatically if a student representative ceases to be a student.
- (4) The provisions of paragraph 21(3) to (6) apply, with the necessary changes, to the student support services council.

38. Chairperson, deputy-chairperson and secretary of student services council

- (1) The deputy vice-chancellor responsible for student affairs and support services serves as the chairperson of the student services council;
- (2) The person made accountable for student affairs by the vice-chancellor is the deputy chairperson of the student services council;
- (3) The registrar or his or her delegate is the secretary of the student services council;
- (4) The provisions of paragraph 22 apply, with the necessary changes, with regard to the functions of the chairperson, deputy chairperson and the secretary.

39. Meetings and meeting procedures of student services council

- (1) The provisions applicable to council meetings in terms of paragraphs 13 and 14 apply, with the necessary changes, to the meetings and meeting procedures of the student services council.

STUDENTS' REPRESENTATIVE COUNCIL (SRC)**40. Functions of SRC**

- (1) The SRC represents all students within the University in matters that may affect students, subject to the authority of the council, in accordance with the Act, this Statute and the Rules.
- (2) The SRC derives its powers from the council, is not a legal entity separate from the University, and is not a bearer of its own rights,
- (3) The primary function of the SRC is to serve and promote the interests of the University and its student community.
- (4) The matters contemplated in subparagraph 40(1) include -
 - (a) exercising its powers and functions as delegated by the council;
 - (b) liaising with the council, the senate, the management, the general public, other institutions, students' representative councils of other institutions and national or international student organisations;
 - (c) being the umbrella organisation for all student committees, clubs, councils and societies, with the authority to grant or withdraw recognition of such student committees, clubs, councils and societies in terms of the Rules, subject to council approval for campus SRC committees after consultation with the vice-chancellor and head of student affairs in accordance with paragraph 45(2);
 - (d) coordinating and supervising the use of students' facilities and all matters pertaining thereto, in conjunction with the University management;
 - (e) convening and conducting all authorised meetings of the student body, managing all general referenda and petitions organised by the students, in accordance with the Rules;
 - (f) appointing office-bearers and establishing such committees it deems necessary, subject to paragraph 45;
 - (g) organising and promoting extramural activities for students;

- (h) keeping account of all monies paid over to it by the council and any other monies which may accrue to it in its capacity as representative of the students; also allocating or disbursing such funds for use by students, and making grants to approved student clubs, committees, societies and councils;
 - (i) being responsible for the preservation of order at student functions, and ensuring good conduct at all approved meetings of students;
 - (j) coordinating student involvement in all community projects initiated by it;
 - (k) assuming the responsibility for all student publications, in accordance with the Rules;
 - (l) advising the council on risks pertaining to its affairs;
 - (m) recommending to the council Rules to determine the conduct of its affairs;
 - (n) final decision-making in all matters falling within its jurisdiction; and
 - (o) such additional functions and privileges as may be specifically conferred upon it by the council.
- (5) The SRC, as contemplated in section 35 of the Act, including campus SRC committees, must be representative of the student body in terms of the campuses and faculties of the University, in accordance with the Rules.

41. Composition of SRC and criteria for eligibility of candidates

- (1) The composition of the SRC is determined by the council in accordance with the Rules, after consultation with the SRC, as contemplated in section 35 of the Act.
- (2) Eligibility for SRC candidacy is limited to registered students in good academic and financial standing, as outlined in the Rules.
- (3) The election of SRC members must adhere to democratic and transparent procedures, in accordance with the Rules.

42. Term of office of SRC members

- (1) The term of office of members of the SRC is one (1) year.
- (2) A student may not serve as a member of the SRC for more than two terms.

43. Privileges of SRC members

- (1) The privileges of members of the SRC are determined by the council, after consultation with the SRC.

44. Meetings and constitution of SRC

- (1) The number of meetings, the quorum requirements, and the meeting procedures are determined by the constitution of the SRC, as approved by the council, on the recommendation of the SRC.
- (2) The constitution of the SRC will have no legal force and effect unless such constitution or amendments thereto, is approved by council.

45. Committees of SRC

- (1) The SRC must, subject to the student disciplinary Rules, establish a disciplinary committee responsible for the discipline of any members of the SRC and members of the student structures affiliated to the SRC.
- (2) The council, upon advice from the vice-chancellor and SRC, may establish a campus SRC committee on each campus to perform designated functions for enrolled students, subject to the Rules.
- (3) The SRC may establish such other committees as determined by the SRC constitution.

46. General meeting of students

- (1) The SRC must convene at least one general meeting of students per campus per semester, in accordance with the Rules, provided that the SRC shall convene a general meeting of all students if requested in writing by a group of at least five hundred (500) bona fide students, proportionately representing the campuses of the University.
- (2) Meetings may not conflict with academic activities unless the vice-chancellor or his or her delegate has granted prior permission, subject to such conditions as the vice-chancellor may impose.

CONVOCATION

47. Functions

- (1) The convocation promotes the University, assists in fund-raising, and discusses any matter referred to it by the council.

48. Membership of convocation

- (1) The convocation consists of the vice-chancellor, deputy vice-chancellor, registrar, academic employees, as set out in the subparagraph 48(2), and all persons who are or become graduates, diplomates or certificants of the University or its predecessors, and such other persons as the council may determine.
- (2) Academic employees on permanent staff of the University, emeritus professors and other retired academic employees who were employed by the University for at least five (5) years prior to retirement, are members of the convocation.
- (3) The fact that the name of a person appears on the convocation roll is prima facie proof of him or her being a member of the convocation and of such person being entitled to vote.
- (4) The names of new graduates, diplomates and certificants of the University are deemed to have been inscribed in the convocation roll after degrees have been conferred or diplomas have been awarded, but members so registered are required to furnish their addresses to the secretary and to notify him or her of any change of address.

49. Office-bearers and committees of convocation

- (1) The convocation, at its first meeting, elects from among its members a president to act as chairperson at all its meetings, who holds office for a period of three (3) years.
- (2) Whenever the office of president becomes vacant, the deputy president acts as president until a successor is elected for a period of three (3) years, at the next meeting of the convocation.
- (3) The convocation establishes an executive committee and such other committees as it may deem necessary to perform its functions.

- (4) The executive committee of the convocation is composed of -
- (a) the president, deputy president and treasurer, elected by the convocation who must not be employees or full-time students of the University or have graduated from the University within five (5) years of their election;
 - (b) the vice-chancellor;
 - (c) not more than four (4) additional members, who may not be employees or full-time students of the University;
 - (d) one (1) convocation member of senate, elected by the senate; and
 - (e) one (1) convocation member of the non-academic permanent staff, elected by the non-academic permanent employees of the University.
- (5) The executive committee has the right of co-option.
- (7) The executive committee meets at least once a year.

50. Meetings of convocation

- (1) The president, or if the office of the president is vacant, the deputy president, convenes a meeting of the convocation annually or as often as required, and notice of such meeting must be given at least four (4) weeks prior to the date of the meeting, by any means reasonably available, including electronic means.
- (2) A member who wishes to raise any matter at such meeting must submit a written motion with regard to the said matter to the registrar or the president, at least two (2) weeks before the date of the meeting.
- (3) An extraordinary meeting of the convocation may be convened by the president if and when required.
- (4) An extraordinary meeting of the convocation must be convened by the president or, if the office of president is vacant, by the deputy president, upon a written request signed by at least twenty-five (25) members, reflecting the matters for consideration in the form of separate motions.
- (5) An extraordinary meeting as contemplated in subparagraph 50(4) must be held within two (2) months after receipt of the request.

51. Meeting procedures of convocation

- (1) A quorum of fifty (50) members constitutes a quorum at a meeting of the convocation, provided that, if not met, the meeting may adjourn and an extraordinary meeting may be convened with at least seven (7) days' notice, at which the members present constitute a quorum.
- (2) Notwithstanding the absence of a quorum at the start of an annual meeting, such meeting may proceed to elect office-bearers and to dispose of other formal matters, but no motions may be submitted at such meeting.
- (3) After its constitution, by reading the notice in terms of which it was convened, a meeting commences with the reading and confirmation, by the signature of the chairperson, of the minutes of the previous ordinary meeting and of all subsequent extraordinary meetings.
- (4) Any objection to such minutes must be raised and determined prior to their approval.
- (5) A member may not, without the permission of the meeting, speak more than once on a motion or amendment thereof, but the mover of the motion or amendment may reply.
- (6) All matters are decided by a majority of the members present.
- (7) In addition to his or her ordinary vote, the chairperson has a casting vote in the event of an equality of votes.
- (8) If a meeting so resolves, the number of votes in favour of or against a motion must be recorded in the minutes, and, at the request of a member, the chairperson must further direct that the vote of such member be likewise recorded.
- (9) A motion or amendment thereof must be seconded, and if the chairperson so directs, such motion or amendment must be in writing.
- (10) A motion or amendment may not be withdrawn without the permission of the meeting.
- (11) The chairperson may permit the discussion of a matter of which notice was not duly given, provided such discussion is unopposed.

- (12) The ruling of the chairperson on a point of order of procedure is binding, unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting, whose decision is final.
- (13) A copy of the resolutions of the convocation, and a statement on such other matters as the convocation may determine, duly certified by the chairperson and secretary are submitted to the chairperson of the council for the information of the council and to the vice-chancellor for the information of the senate.
- (14) The election of members of the convocation to the council is in the manner as determined by the executive committee of convocation.

52. Convocation code of conduct

- (1) Convocation must develop a code of conduct that regulates the conduct of its members.
- (2) The convocation code of conduct must be approved by the council

MANAGEMENT AND SENIOR MANAGEMENT

VICE-CHANCELLOR

53. Chief executive officer of the University

- (1) The vice-chancellor serves as the chief executive officer of the University.
- (2) The council determines the powers, functions and duties of the vice-chancellor

54. Functions of vice-chancellor

- (1) The vice-chancellor is responsible for the implementation of the day-to-day management and administration of all aspects of the entire University and has all the powers necessary to perform those functions, subject to the provisions of paragraph 22 (4), (5) and (8).
- (2) The vice-chancellor reports to the council.
- (3) By way of his or her office, the vice-chancellor is a member of all the committees of the council and the senate.

- (4) Subject to paragraph 7(3), the council may delegate its powers, assign additional functions, and grant additional powers and privileges to the vice-chancellor.
- (5) When the vice-chancellor is absent or unable to carry out his or her duties, the deputy vice-chancellor designated by the council takes over, or the council may appoint an acting vice-chancellor.
- (6) The vice-chancellor may delegate his or her powers to any employee of the University, without abdicating his or her responsibilities.
- (7) Subject to the Rules and policies an acting vice-chancellor has the same powers, privileges and functions as the vice-chancellor.

55. Appointment, term of office, vacation of office and filling of vacancy in office of vice-chancellor

- (1) The council after consultation with the senate and the institutional forum appoints the vice-chancellor for a term of not more than five (5) years.
- (2) Subject to section 31(1) of the Act, the advertising of the post, the invitation for the nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes are done in the manner determined by council.
- (3) The term of office of the vice-chancellor terminates before its expiry if the incumbent dies, resigns from office or is discharged from office in the manner prescribed in the Rules.
- (4) A vice-chancellor whose term of office expires by effluxion of time may be appointed for one (1) further term of five (5) years based on proven sustainable good performance, following consultation with the senate and institutional forum.
- (5) If the office of the vice-chancellor becomes vacant, the registrar notifies the members of the council of the fact in writing.
- (6) A successor is appointed in terms of subparagraphs 55(1) and (2).

56. Discipline of vice-chancellor

The vice-chancellor is subject to the Rules governing staff discipline.

DEPUTY VICE-CHANCELLORS**57. Functions of deputy vice-chancellor**

- (1) The council determines the powers, functions and duties of the deputy vice-chancellor
- (2) The council may appoint one or more persons as deputy vice-chancellors, as contemplated in section 26(2)(d) and (g) of the Act.
- (3) The deputy vice-chancellor(s) must assist the vice-chancellor in the management and administration of the University at the institutional level, and may be given specific areas of responsibility by the vice-chancellor.
- (4) The deputy vice-chancellors are responsible for the execution of the functions designated to them by the vice-chancellor.

58. Appointment, term of office, vacation of office and filling of vacancies in office of deputy vice-chancellor

- (1) The appointment, term of office, vacation of office and filling of vacancies in the office of deputy vice-chancellors are in the manner determined by the council.

59. Discipline of deputy vice-chancellor

- (1) A deputy vice-chancellor is subject to the Rules governing staff discipline.

REGISTRAR**60. Functions of registrar**

- (1) The council appoints a person as the registrar, who will act as the electoral officer and secretary to the council, senate, student services council, institutional forum and the convocation.
- (2) The registrar supports the vice-chancellor in the management and administration of the University.
- (3) The registrar has a general custodial function at the institutional level, and in furtherance thereof ensures that the entire University complies with the Statute, relevant legislation, national higher education policies and University policies and Rules.

- (4) The registrar serves as the electoral officer for the SRC.

61. Appointment, term of office, vacation of office and filling of vacancy in office of registrar

- (1) The appointment, term of office, vacation of office and filling of a vacancy in the office of the registrar is in the manner determined in the Rules.

62. Discipline of registrar

- (1) The registrar is subject to the Rules governing staff discipline.

INSTITUTIONAL MANAGERS

63. Functions of an institutional manager

- (1) The council may appoint one or more persons as institutional managers, irrespective of the job title, to whom the council or the vice-chancellor may assign specific managerial and administrative functions at the institutional level.
- (2) An institutional manager is accountable to the vice-chancellor or his or her delegate.

64. Appointment, term of office, vacation of office, filling of vacancy and temporary absence in the office of institutional manager

- (1) The appointment, term of office, vacation of office and filling of a vacancy in the office of an institutional manager is in the manner determined in the Rules.
- (2) In the temporary absence of an institutional manager, the vice-chancellor designates another person to perform the functions of the office.

65. Discipline of institutional manager

- (1) An institutional manager is subject to the Rules governing staff discipline.

EXECUTIVE MANAGEMENT COMMITTEE

66. Functions of executive management committee

- (1) The vice-chancellor must establish an executive management committee to assist him or her in the day-to-day management and administration of the University.

- (2) The executive management committee advises the vice-chancellor on any matter pertaining to the managing of risks to achieve the goals of the University.
- (3) The executive management committee advises the vice-chancellor in accordance with the applicable legislation, this Statute and the Rules.
- (4) The executive management committee may delegate some of its functions but remains responsible and accountable for the performance and outcomes of any delegated function.

67. Composition of executive management committee

- (1) The executive management committee may consist of –
 - (a) the vice-chancellor;
 - (b) the deputy vice-chancellor(s);
 - (c) the registrar;
 - (d) the executive director of human resources;
 - (e) the executive director of planning, monitoring and evaluation;
 - (f) the chief financial officer; and
 - (g) any other employee designated by the vice-chancellor.
- (2) The executive management committee may, from time to time, co-opt any employee for a particular purpose as needed.

68. Chairperson, functioning, meetings and meeting procedures of executive management committee

- (1) The vice-chancellor serves as the chairperson of the executive management committee.
- (2) The vice-chancellor must set guidelines to ensure effective and efficient functioning of the executive management committee, to safeguard the proper functioning of institutional managers in their discrete areas of accountability.

- (3) The guidelines contemplated in subparagraph 68(2) must guide the handling of the unavoidable, necessary interaction between institutional managers on matters affecting their areas of accountability, including that -
 - (a) full, prior written disclosure of all facts pertaining to an interaction to all relevant executive managers, is required;
 - (b) no final decision affecting the area of accountability of an executive manager may be made without prior consultation with the relevant executive manager;
 - (c) the final resolution of any dispute arising from interaction between executive managers, pertaining to their respective areas of accountability, rests with the vice-chancellor;
 - (d) the executive management committee must be informed, at its next meeting, of any instance where an interaction contemplated in this paragraph arose or could arise, how it was resolved and the outcome must be recorded in the minutes;
 - (e) the council or a committee of council must regularly be informed regarding the handling of interactions between executive managers.
- (4) The vice-chancellor convenes meetings of the executive management committee and determines the agendas of such meetings.
- (5) The provisions applicable to council meetings in terms of paragraph 14 apply, with the necessary changes, to the meeting procedures of the executive management committee.

EXECUTIVE DEANS AND DEPUTY EXECUTIVE DEANS

69. Functions of executive deans and executive deputy deans

- (1) The executive dean serves as the executive and academic head of a faculty and is responsible for the overall governance, management and administration of the faculty.
- (2) The executive dean's primary reporting lines are to the deputy vice-chancellors.
- (3) The executive deputy dean act as a deputy to the executive dean, and performs any function assigned by the executive dean.

70. Appointment and term of office of executive dean

- (1) Executive deans are appointed by the council for a period of five (5) years.
- (2) The selection and appointment procedure, term of office, vacation of office and filling of a vacancy in the office of an executive dean is in the manner determined in the Rules.
- (3) In the temporary absence of an executive dean, the executive deputy dean assumes the role. If the executive deputy dean is unavailable, the vice-chancellor must designate another person to perform the functions of the office.

71. Discipline of executive deans

- (1) Executive Deans are subject to the Rules governing staff discipline.

EMPLOYEES**72. Appointment**

- (1) Subject to section 34 of the Act, the council and its delegates must appoint employees according to the staffing policies of the University as determined in the Rules.
- (2) With the exception of the appointment of the executive management from Peromnes grades 1 to 4, and provided that no person may appoint anyone who will report to him or her, the council may delegate its powers stipulated in subparagraph 72(1) to the vice-chancellor, and the council may delegate the power to make appointments to a relevant executive manager.
- (3) Notwithstanding subparagraphs 72(1) and (2), academic employees are appointed after consultation with the Senate in terms of the Rules.
- (4) An employee must in writing, before he or she assumes office –
 - (a) declare any legal entity, body or organisation that may in any way raise a conflict or possible conflict of interest with the University;
 - (b) notify the University of any conflict of interest before the University procures any goods or services from the employee, a legal entity, body or organisation in which the employee holds an interest.
- (5) An employee may not conduct business directly or indirectly with the University that entails or may entail a conflict of interest with the University, unless the council is of the opinion that –

- (a) the goods, products or services in question are unique;
 - (b) the supplier is a sole provider; and
 - (c) it is in the best interests of the University.
- (6) No employee may contract on behalf of the University with himself or herself or any legal entity, body or organisation in which he or she has any direct or indirect financial or personal interests.
- (7) Contracting referred to in subparagraph 72(6) relates to conduct that is aimed at receiving any direct or indirect personal gain that does not form part of the employment relationship contemplated in subparagraph 72(1).

73. Conditions of employment

- (1) The conditions of employment, including the determination and review of salaries of employees and all other forms of remuneration is approved by the council according to the University's policy as determined in the Rules which may be amended from time to time by the council.

74. Performance appraisal

- (1) All employees of the University are subject to continuous evaluation in the performance of their duties, in terms of the policies and Rules of the University.

75. Employees' discipline

- (1) Every employee is subject to a disciplinary code, a disciplinary procedure and a grievance procedure for employees, as approved by the council and determined in the Rules, which serve as an integral part of every employee's conditions of service.

76. Representative employees' organisations

- (1) Agreements with registered representative employees' organisations may, with reference to salary and related negotiations and according to the relevant labour legislation, be entered into by the institutional management and recommended to the council for approval.
- (2) The recognition agreement entered into between the University and a registered representative employees' organisation contemplated in subparagraph 76(1) may

periodically be reviewed and revised by the University, in terms of the Rules, and such revised recognition agreement becomes binding upon approval thereof by the council.

STUDENTS

77. Admission and registration of students

- (1) A person may be permitted by the council to register as a student only if he or she satisfies the legal requirements, if any, for admission to study at the University, and satisfies any further requirements for admission that may be determined by the council and laid down in the Rules.
- (2) The requirements for admission of a student to faculties are set out in the Rules and may be changed by the council after consultation with the senate.
- (3) A student is registered for one (1) year or for such shorter period as the council may determine in general or in a particular case.
- (4) In order for a student to renew his or her registration after expiry of the period contemplated in subparagraph 77(3), the student is required to comply with any conditions set by the council.
- (5) The council may refuse to allow the renewal of registration in accordance with the Rules, if a student fails to meet the conditions contemplated in subparagraph 77(4), which may include settling outstanding fees.
- (7) A student's signature or acceptance of online rules upon registration binds the student to abide by the Act, the Statute and the Rules of the University.

78. Discipline of students

- (1) The disciplinary procedures applicable to students are determined by the council after consultation with the SRC and the senate, and set out in the applicable Rules of the University.
- (2) The disciplinary measures and disciplinary provisions applicable to students are set out in the Rules and may be changed by the council after consultation with the senate, student services council and SRC.

- (3) Each of the disciplinary bodies, as determined by the Rules of the University, submit an annual report to the council, listing the offences and the penalties imposed by it.

DEGREES, DIPLOMAS AND CERTIFICATES

79. Authority, conferment, award and cancellation

- (1) The University has the authority to confer degrees and award diplomas and certificates, subject to the relevant legislation, this Statute and the Rules.
- (2) A congregation of the University is convened for the purpose of conferring degrees and awarding diplomas and certificates.
 - (3)
 - (a) A congregation is convened in the manner prescribed by the council in the Rules.
 - (b) The council delegates its authority contemplated in subparagraph 79(3)(a), to the vice-chancellor.
 - (c) A congregation is chaired by the chancellor or his or her delegate.
 - (d) A degree may be conferred and a diploma or certificate awarded in the absence of a graduate, diplomate or certificant, or posthumously.
 - (e) A person is not entitled to the privileges of a degree, diploma or certificate until such degree, diploma or certificate has been conferred or awarded by the University at a congregation.
 - (f) An official document confirming the conferment of a degree or the awarding of a diploma or certificate is issued once only, and this occurs at an official congregation of the University.
 - (g) If a student has satisfied the requirements for a degree, diploma or certificate and such degree, diploma or certificate has not yet been conferred or awarded, or if an official certificate has been lost, a document may be issued at the written request of the student, stating that the student has satisfied all the requirements for the degree, diploma or certificate and that it will be conferred or awarded on a certain date, or that it has already been conferred or awarded on a previous date.

- (h) In order to satisfy the requirements for the conferment of a degree, awarding of a diploma, certificate or other qualification, a student must satisfy the minimum requirements of the academic programme for that degree, diploma, certificate or other qualification, as prescribed in the Rules.
- (i) The council may, upon recommendation of the senate, withdraw any degree, diploma, certificate or other qualification or honour if any such degree, diploma, certificate or other qualification or honour was conferred in error.
- (j) The council may with regard to any completed qualification, upon recommendation of the senate, withdraw the qualification -
 - a. if it is proven that the requirements for admission to or for completion of the qualification were not satisfied before the qualification was granted or conferred; or
 - b. that the student or someone on his or her behalf acted dishonestly or fraudulently in any way with regard to admission, completing the learning or research programme or any aspect thereof, or any assessment with a view to meeting the requirements for the qualification; and
 - c. may take such further steps as it deems fit to ensure that the integrity and quality of the University's qualifications, and the academic reputation of the University is sustained.
- (k) The council may, upon recommendation of the senate, cancel, withdraw and demand summary return of all certificates, records and copies thereof that may have been issued in respect of any qualification contemplated in subparagraphs 79(3)(i) and (j).

80. Honorary degrees

- (1) The University may, without attendance and examination, confer an honorary degree of doctor in any faculty on any person who has rendered a distinguished service in the advancement of any branch of learning or technology, or upon any person the University deems worthy of such a degree.

- (2) The conferment of an honorary degree on a person does not entitle that person to practise any profession based solely on that honorary degree.
- (3) The criteria and procedures for conferring an honorary degree are determined in the Rules.

DONORS

81. Donors and donations

- (1) The University may receive donations in cash or in kind from donors, to assist the University in providing quality education, training, research and community service.
- (2) The University may recognise and register certain donors, as determined in the Rules.
- (3) The University may organise its recognised donors in terms of the Rules, and the council may to that end make policy and the vice-chancellor shall put the necessary processes and structures in place to ensure that such group of donors operates to the benefit of the University.

GENERAL PROVISIONS

82. Legal force of rules

- (1) The Rules made by the council have legal force.

83. Statute repealed and transitional provisions

- (1) The Statute of the Walter Sisulu University published in Notice No.13, Government Gazette No. 37235 of 17 January 2014, is hereby repealed. This Statute will come into effect on date of publication by Notice in the Government Gazette.
- (2) Persons holding office in terms of the Statute repealed as per subparagraph 83(1) are deemed to hold office under the corresponding provisions of this Statute.
- (3) Notwithstanding subparagraph 83(1), existing University structures defined in the Act continue under this Statute until new structures defined herein become operational.
- (4) Any actions taken under the Statute contemplated in subparagraph 83(1) are deemed to have been taken under corresponding provisions of this Statute.

- (5) All Rules in force at the commencement of this Statute remain applicable until replaced by provisions of this Statute or new Rules made under this Statute.
- (6) The senate, faculty boards, institutional forum, SRC and convocation which existed prior to the commencement of this Statute continue to exist and perform their functions as before, but must comply with the provisions of this Statute within twelve (12) months of the commencement of this Statute.
- (7) References in this statute to provisions of the Act shall be interpreted to encompass any amendments thereto. In the event of the repeal of such provisions, they shall be construed as referring to corresponding provisions, if any, of the successor Act