THE STATUTE
OF THE UNIVERSITY OF KWAZULU-NATAL

INSPIRING GREATNESS
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1. **Definitions**

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

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

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

“campus” means any one of the five campuses of the University being, Westville, Howard College, the Medical School, Edgewood and Pietermaritzburg and any campus that may be added to the University in the future;

“chancellor” means the person contemplated in paragraph 4;

“convocation” means the convocation contemplated in paragraph 49;

“college” means the primary academic structure established by the University consisting of substructures as approved by the council;

“council” means the governing body of the University contemplated in paragraph 7;

“CSRC” means the central students’ representative council contemplated in paragraphs 41 and 42;

“days” includes Saturdays, Sundays and public holidays but “working days” excludes Saturdays, Sundays and public holidays;
“deputy vice-chancellor” means the person or persons appointed in terms of paragraph 59 read with paragraph 7(3)(b);

“diplomate” means a person who has obtained a diploma from a university;

“donor” means a person, body or entity who has made a donation, which, in the opinion of the council warrants that person, body or entity being recognised as a donor as contemplated in paragraph 67;

“due process” means giving the affected party the opportunity to be heard;

“employee” means any person employed by the University;

“employer” means the University;

“fellow” means a person to whom a fellowship has been awarded by the University in accordance with its rules and procedures applicable in this regard from time to time;

“functions” include powers and duties and vice versa;

“graduate” means a person who has obtained a degree from a university;

“institution” means a public higher education institution contemplated in the Act;

“institutional forum” means the institutional forum contemplated in paragraph 37 and in the Act;

“management” means senior management as well as management as contemplated in paragraph 53;

“Minister” means the Minister responsible for Higher Education;
“month” means a calendar month;

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

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

“qualification” means a certificate or diploma awarded or a degree conferred;

“rules” mean rules made by the council as contemplated in the Act;

“school” means the group of academic disciplines that form the secondary academic structure within a college;

“seat of the University” is as defined in paragraph 2(2);

“semester” means an academic period at the University constituting either the first or second half of a year as determined by the University’s sessional dates;

“senate” means the body responsible for academic matters contemplated in paragraph 21;

“senior management” means senior management as contemplated in paragraph 53(2);

“SRC” means a students’ representative council of the University contemplated in paragraphs 41 and 42;

“structure” means any organisation, forum or body and includes any organisational entity provided for in the Act or determined by the council;
“student” means a person registered for a qualification at the University;

“support staff” means all employees other than academic employees;

“University” means the University of KwaZulu-Natal which incorporates the erstwhile University of Natal and University of Durban-Westville;

“vice-chancellor” means the vice-chancellor contemplated in paragraph 54 (the term “principal” must be synonymous with the term “vice-chancellor”);

“year” means a calendar year.
2. **Name, seat and powers**

(1) The name of the University is the University of KwaZulu-Natal.

(2) The seat of the University is at Westville in the eThekwini Municipality where the activities of the University are principally administered. Subject to the provisions of the Act, the University may carry out its functions beyond its seat, on the campuses and any premises under its control.

(3) The University is a juristic person, as contemplated in the Act and has the powers conferred on it in terms of the Act as read with this Statute.

(4) Notwithstanding subparagraph (3), the University may not, without the concurrence of the Minister, dispose of, or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.

(5) The University may confer degrees and honorary degrees and award diplomas and certificates in its own name as contemplated in 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, within the meaning of the Act;

(e) two or more officers, as the council may determine, each of whom is called a deputy vice-chancellor, or such other title as the council may determine;
(f) one or more registrars as determined by the council;
(g) the SRC;
(h) the institutional forum;
(i) the colleges, their structures and such other academic structures of the University as may be determined by the council;
(j) the academic employees of the University;
(k) the support staff of the University;
(l) the students of the University;
(m) the convocation of the University; and
(n) such other offices, bodies or structures as may be established by the council.

(2) No vacancy in any of the offices contemplated in subparagraph (1) or any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function conferred by the Act or this Statute upon the University.
4. **Functions of the chancellor**

(1) The chancellor is the titular head of the University.

(2) The chancellor, or in his or her absence, the person appointed to act on behalf of the chancellor, presides over all congregations of the University and, in the name of the University, confers all degrees and awards all diplomas and certificates.

(3) The chancellor performs such other functions as assigned to him or her by the council.

5. **Election and appointment of the chancellor**

(1) The chancellor is elected by the council in the following manner:

(a) The chairperson of the council determines the date on which a meeting of the council is to be held for the purpose of electing a chancellor;

(b) The secretary to the council gives due notice to the members of the council of the date, time of and venue for the meeting contemplated in subparagraph (1)(a);

(c) The secretary to the council invites the members of the council, the senate and the institutional forum to submit nominations for the office of the chancellor;

(d) The nominations contemplated in subparagraph (1)(c) must reach the secretary to the council at least 20 (twenty) working days before the meeting contemplated in subparagraph (1)(a);

(e) The nominations contemplated in subparagraph (1)(c) must be in writing and must include the nominee’s written consent and a succinct curriculum vitae;

(f) The secretary to the council must, within 5 (five)
working days after the closing date for nominations, inform members of the council, the senate and the institutional forum in writing of the nominations received;

(g) A special meeting of the institutional forum must be held before the meeting contemplated in subparagraph (1)(a) for purposes of considering the nominations and advising the council prior to the election meeting on the appointment of a candidate to the office of chancellor;

(h) The chancellor is elected by secret ballot and by a majority of the members of the council present at the meeting contemplated in subparagraph (1)(a);

(i) If no candidate receives a majority of votes, successive rounds of voting are held; and

(j) In each successive round of voting the candidate receiving the fewest votes is eliminated as a candidate.

(2) After the council has elected a chancellor, the name of the chancellor is announced by the chairperson of the council.

6. **Term of office of the chancellor**

(1) The chancellor holds office for a period of four years, unless he or she resigns or is removed from office in accordance with subparagraph (5).

(2) A person may not be elected as chancellor for more than two consecutive terms of office.

(3) If the chancellor is unable, for any reason, to perform the functions of his or her office, or if the office of chancellor becomes vacant, the vice-chancellor or the acting vice-chancellor and failing any of the aforementioned any
person appointed by the council shall perform the functions of the chancellor.

(4) The term of office of the chancellor terminates in the event of:

(a) death or incapacity;
(b) resignation; or
(c) removal from office by the council.

(5)

(a) 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.

(b) before a resolution contemplated in subparagraph (a) above is passed a fully motivated draft resolution must be lodged with the secretary of the council.

(c) The secretary of the council must copy the draft resolution to the chancellor who must have the right to respond to it in writing within 20 (twenty) days of receipt of the document.

(d) 20 (twenty) days after the notification contemplated in subparagraph (c) above, or on receipt of the chancellor's response (whichever occurs the earlier) the secretary of the council must call a special meeting of the council in accordance with the provisions of paragraph 15(2).

(e) At the special meeting contemplated in subparagraph (d) above the chancellor may with the permission of the chairperson of council address the council before a vote on the resolution is called for.
7. **Functions of council**

(1) Subject to the Act and this Statute, the council governs the University.

(2) Without derogating from the generality of subparagraph (1), the council:

(a) makes rules for the University;

(b) establishes the council committees and determines the composition and functions of each committee;

(c) establishes, in consultation with the senate, joint committees of the council and the senate to perform functions which are common to the council and the senate;

(d) appoints all employees of the University, but, in the case of academic employees of the University, it may do so only after consultation with the senate;

(e) determines the student admission policy of the University, after consultation with the senate;

(f) determines, with the approval of the senate, the entrance requirements in respect of particular higher education programmes, the number of students who may be admitted for a particular higher education programme and the manner of their selection, and the minimum requirements for readmission to study at the University;

(g) may, with the approval of the senate, after each examination session exclude or refuse to renew or continue the registration of a student who has failed to meet the academic requirements for continued registration;

(h) determines and provides student support services after consultation with the SRC;
(i) determines conditions of service, the disciplinary provisions and the privileges and functions of its employees, and may, in the manner set out in the disciplinary rules, suspend or dismiss any employee of the University; and

(j) may order an employee whom it has suspended to refrain from being on any premises under the control of the University and to refrain from participating in any of the University’s activities or issue such other conditions as it may deem necessary.

(3) Without derogating from the generality of subparagraph (1), the council:

(a) may frame the institutional Statute and any amendments thereto;

(b) appoints the senior management;

(c) subject to the policy determined by the Minister, determines the language policy of the University after consultation with the senate;

(d) determines, after consultation with the senate, which academic structures are required and the functions of each structure, in order to ensure efficient governance;

(e) determines tuition fees, accommodation fees and any other fees payable by students as well as accommodation fees payable by employees;

(f) approves the annual budget of the University;

(g) may conclude loan or overdraft agreements, subject to the proviso that the approval of the Minister is required whenever the aggregate of existing borrowings plus the new contemplated borrowing exceeds 5 per cent of the average annual income of the University during the two years immediately preceding such agreement;
(h) may enter into an agreement for the construction of a permanent building or other immovable infra-structural development, the purchasing of immovable property or the long term lease of immovable property, subject to the proviso that the approval of the Minister is required if the value of such development or property exceeds 5 per cent of the average annual income of the University during the two years immediately preceding such agreement.

(4) Subject to the Act, the council may delegate any of the functions referred to in subparagraph (2), but the council may not delegate any of the functions referred to in subparagraph (3).

(5) The council is not divested of responsibility for the performance of any function delegated under subparagraph (4).

8. **Composition of council**

(1) The council, as contemplated in the Act, consists of:

(a) the vice-chancellor;
(b) two members of the senior management elected by the senior management;
(c) five persons appointed by the Minister;
(d) two members of the senate elected by the senate;
(e) two permanent academic employees of the University, who are not members of the senate at the time of their election, elected by the academic employees;
(f) two students who are members of the central SRC and are elected by the central SRC;
(g) two permanent support staff employees, who are not members of the senate at the time of their election, elected by the support staff employees;

(h) the president of the convocation;

(i) two members of the convocation elected by the convocation;

(j) eleven members with a broad spectrum of competence in the fields of education, business, finance, law, health, marketing, information technology and human resource management elected by the council which appointments are subject to paragraph 10(5); and

(k) such non-voting members as are co-opted by the council for a period specified by the council.

(2) At least 60 per cent of the voting members of the council must be persons who are not employed by or are not students of the University and due regard must be had to the racial and gender representation on the council.

(3) The council members must have knowledge and experience relevant to the objects and governance of the University.

(4) Except as provided in subparagraphs (1)(a), (b), (d), (e), (f) and (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 election as a member of the council; and

(b) a member of the council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University
must be deemed with effect from such date, to have vacated his or her seat on the council.

9. **Election of council members**

   (1) Members of the council contemplated in subparagraph 8(1)(j) above shall be elected in the following manner:

      (a) the secretary of the council must not less than 20 (twenty) days before an appropriate meeting of the council call on members of the council, the senate, the convocation executive and the institutional forum in writing to put forward nominees;

      (b) nominations must be made in writing to the secretary not less than 10 (ten) days before the council meeting;

      (c) the council at its meeting must vote on the basis of a simple majority of members of the council present at the meeting;

      (d) in the event that there is a tie in the voting in respect of any of the positions those nominees who received fewer votes than the tied nominees must be eliminated and a further vote must take place in respect of the tied nominees.

   (2) If the council resigns as contemplated in paragraph 12(2), all members of the council are elected in the manner determined by the administrator referred to in the Act.

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

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

    (2) Student members of the council remain members of the council for the term of office determined by the central SRC when they are elected, provided that membership
ceases automatically when a student member ceases to be a member of the central SRC.

(3) The term of office of council members who are not students or employees of the University, is not more than 4 (four) years and, notwithstanding the date of commencement of their term of office, expires on 30 June in their fourth year on the council.

(4) The term of office of council members who are University employees is not more than 3 (three) years and, notwithstanding the date of commencement of their term of office, expires on 30 June in their third year on the council.

(5) A member of the council serving in terms of any of subparagraphs 8(1)(b) to (j) may not serve as such for more than two terms under the applicable subparagraph.

11. Casual Vacancies

In the event of a casual vacancy on the council for any reason other than the expiration of the term of office concerned then the secretary to the council shall give notice thereof in writing to the authority or body concerned and shall follow the procedures determined by the council for filling the vacancy. Such person shall be elected for a full term of office as defined in paragraph 10(3) or (4).

12. Termination of membership

(1) Notwithstanding the provisions of paragraph 10, the term of office of a council member shall terminate if:

(a) he or she tenders a written resignation to the secretary;

(b) the Minister, or entity who appointed or elected the member to the council, terminates the membership in writing at any time before the expiry of the member’s term of office;
(c) he or she is absent from three consecutive meetings without leave of the council;

(d) he or she is declared insolvent and the majority of council members disapproves the member's continuation;

(e) he or she is found guilty of an offence in a staff or a student disciplinary process which, in the opinion of the council, is serious enough to warrant termination of membership;

(f) he or she is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine;

(g) he or she is otherwise disqualified in terms of this statute; or

(h) following due process, a sanction of removal from the council is imposed by the council on him or her by reason of a contravention of the council's code of conduct.

(2) If 75 per cent or more of the members of the council resign, the council is deemed to have resigned as contemplated in the Act.

(3) If the council resigns as contemplated in subparagraph (2) a new council must be constituted in terms of this Statute and/or the Act as the case may be.

13. Election of chairperson and vice-chairperson of council and term of office

(1) The council must elect a chairperson and vice-chairperson from the members of the council who are neither staff nor students.

(2) The chairperson and the vice-chairperson of the council
are elected for a period of 2 (two) years provided that neither must be eligible for election after holding office for two consecutive terms.

(3) Nominations by members of the council for the office of the chairperson and the vice-chairperson of the council must be in writing and be directed to the secretary to the council.

(4) If more than one candidate is nominated, voting is by secret ballot.

(5) Each member of the council has only one vote during a ballot and no proxy is allowed.

(6) A majority of all members present elects the chairperson and the vice-chairperson.

(7) Whenever the term of office of the chairperson or of the vice-chairperson is due to end the secretary must give notice thereof at an ordinary meeting of the council and the council must take the necessary steps to elect a successor. The retiring chairperson or vice-chairperson is eligible for re-election subject to the provision of paragraph 13(2).

(8) If a vacancy occurs in the office of the chairperson or vice-chairperson within the term of office, the secretary to the council must invite the council at its next ordinary meeting to fill the vacancy for the unexpired period of office.

14. Secretary to council

(1) The secretary to the council is the registrar as contemplated in the Act.

(2) The secretary acts as an electoral officer.

(3) The secretary attends all meetings and keeps all relevant
documents of the council including the overseeing of the taking and preparation of minutes.

15. **Meetings of council**

(1) **Ordinary meetings**

(a) The ordinary meetings of the council must be held when and where the council decides, provided that at least four ordinary meetings must be held each year.

(b) Any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 21 (twenty one) days before the date determined by the council for such meeting, provided that any matter of an urgent nature may, without prior notice, by consent of the chairperson and a majority of the members present, be considered at such meeting.

(c) At least 7 (seven) days prior to the date of an ordinary meeting, the secretary must give in the form of an agenda with appropriate supporting documents due notice to each member of all the matters to be dealt with at such meeting and must state the time, date and place of such meeting.

(2) **Special meetings**

(a) A special meeting may be called at any time by the chairperson.

(b) A special meeting must be called by the chairperson at the request in writing of at least five members. The objective of such meeting must be clearly stated in the request. At least 7 (seven) days’ notice of a special meeting must be given.

(c) No business other than that for which the special
meeting was called may be transacted at such meeting.

(3) Emergency meetings

(a) An emergency meeting may be called by the chairperson, or in his or her absence, by the vice-chancellor at any time, provided that members are given at least 24 (twenty four) hours' notice of such meeting.

(b) Notice of an emergency meeting may be given in any manner convenient under the circumstances.

(c) The object of an emergency meeting must be stated to members and no business other than that stated may be transacted at such meeting.

(4) The quorum for all meetings of the council shall be a simple majority of the members of the council, excluding vacancies.

16. Procedures of council meetings

(1) The council members must participate in the deliberations of the council in the best interests of the University.

(2) Subject to the provisions of this Statute a majority of the persons holding office as members of the council at the date of the meeting of the council must form a quorum for such meeting and a decision by the majority of members of the council present at the meeting thereof must constitute a decision of the council.

(3) In the absence of the chairperson, the vice-chairperson must act as chairperson of the council and in the absence of the chairperson and the vice-chairperson of the council, the members present must elect one of their members to
preside at such meeting.

(4) The first act of an ordinary meeting, after being constituted, must be to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council, provided further that if objections to the minutes of a meeting are raised these must be decided before confirmation of the minutes.

(5) A member of the council may not, without the consent of the meeting, speak more than once to a motion or to any amendment. The mover of any motion or any amendment has the right of reply.

(6) Every motion or an amendment must be seconded and, if so directed by the chairperson, must be in writing.

(7) A motion or an amendment seconded as contemplated in subparagraph (6), may not be withdrawn except with the consent of the meeting.

(8) The chairperson has, on any matter, a deliberative vote and, in the event of an equality of votes, also a casting vote.

(9) If so decided by the meeting, the number of members voting for or against any motion must be recorded in the minutes, and additionally at the request of any member the chairperson must direct that the vote of such member be recorded.

(10) 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 (to be referred to as a round robin resolution) is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting.

(11) 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 a vote of such member.

(12) 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 whose decision is final.

(13) The proceedings of council meetings are confidential unless directed otherwise by the council.

17. **Conflict of interest of council members**

(1) A member of the council who has a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before or during such meeting, declare the interest.

(2) Any person may, in writing, inform the chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a council member of which such person may be aware.

(3) No member of the council must vote upon or take part in the discussion of any matter in which he or she has a conflict, or a possible conflict, of interest and the member concerned must recuse him or herself from the meeting of the council for the duration of such discussion and voting unless the council decides otherwise.
18. **Committees of council**

(1) The council must appoint:

(a) an executive committee;
(b) an audit and risk committee;
(c) a finance committee; and
(d) such other committees as may be required.

(2) Subject to the provisions contained herein, the composition, manner of election, functions, procedure at meetings and dissolution of a committee must be determined by the council by way of rules, provided that in the absence of the council determining procedural rules for a committee, the rules of procedure which governs the council must apply *mutatis mutandis* to the committee concerned.

(3) At least one half of the members of the committees referred to in subparagraphs (1)(a) to (c) above must be persons who are not employees or students of the University.

(4) The chairperson of a committee is appointed by the council for the duration of his or her term of office on the committee or until removed by the council.

(5) The chairperson of a committee referred to in subparagraphs (1)(a) to (c) above may not be an employee or a student of the University.

19. **Minutes of council and committee meetings**

The secretary to the council must keep the minutes of each meeting of the council and must include such minutes in the agenda of the next council meeting when the agenda is sent out in terms of paragraph 15(1)(c).

20. **DELETED**
21. Functions of senate

(1) Subject to the Act, the senate is accountable to the council for all the teaching, learning, research and academic functions of the University and all other functions delegated or assigned to it by the council.

(2) Without derogating from the generality of subparagraph (1) the senate:

(a) must organise and control the teaching, examinations and research of the University;

(b) if delegated to do so by resolution of the council, may make or amend any rule relating to the curriculum for the obtaining of any degree, diploma, certificate or other qualification, but may do so only after consulting the relevant academic affairs board as contemplated in paragraph 33;

(c) if delegated to do so by resolution of the council, may make or amend any rule relating to the manner in which students are to be examined;

(d) must determine the standard of proficiency required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of a degree, diploma, certificate or other qualification;

(e) must advise the council on disciplinary measures and rules concerning students;

(f) may make recommendations to the council regarding the college to which each school or other academic structure belongs;

(g) may make recommendations to the council regarding the establishment and disestablishment of colleges, schools and other academic structures;

(h) must determine, 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;

(i) must determine the principles, conditions and criteria for the award of scholarships and academic prizes;

(j) may establish committees to perform any of its functions and may appoint persons, who are not members of the senate as members of such committees, provided that a single person may for this purpose be deemed to be a committee. The composition, manner of election, functions, procedure at meetings and the dissolution of the committee must be determined by the senate, provided that in the absence of the senate determining procedural rules for a committee, the rules of procedure which govern the council must apply *mutatis mutandis* to the committee concerned; and

(k) may delegate or assign any of its functions to a committee, provided that it may not delegate or assign a function delegated to it by the council without the agreement of the council, and provided further that the senate must remain responsible for the performance of any function so delegated or assigned.

(3) The senate must:

(a) carry out such other functions as the council assigns to it;

(b) submit to the council such reports on its work as may be required by the council; and

(c) make recommendations to the council on matters referred to it by the council and on any other matters affecting the University as it considers necessary.
(4) The senate may, in terms of the rules, cancel the registration of a student in all or one or more of the modules for which the student is registered in that semester if in the opinion of the senate, having due regard to the rules, the progression of the student and the academic achievement of the student is such that the student may not at the end of the semester obtain credit in such module or modules, as the case may be.

22. Participation in the senate and removal of membership

(1) Members of the senate may participate in the deliberations of the senate.

(2) Failure to act in the best interest of the University or displaying behaviour that brings the University into disrepute may result in the removal of a member from the senate following due process.

(3) In the event of it becoming necessary to remove a member of the senate in accordance with the provisions of subparagraph (2) above the provisions relating to disqualification of membership of the council must mutatis mutandis apply.

23. Composition of senate

(1) The senate, subject to the provisions of the Act, consists of:

(a) the vice-chancellor;
(b) the deputy vice-chancellors;
(c) the executive responsible for student services;
(d) one representative from the council who must not be either an employee or student and who is elected by the council;
(e) the chair of the support services board;
(f) the director of library services;
(g) the director of quality promotion and assurance;
(h) the chair of the institutional forum;
(i) the president of convocation or nominee;
(j) the university dean of research;
(k) the college deans of research;
(l) the college deans of teaching and learning;
(m) the college managers responsible for student academic administration for the college;
(n) all heads of schools;
(o) two permanent academic employees from each school duly elected by each such school;
(p) a fellow of the University who is a permanent member of the academic staff of the University, elected by the fellows;
(q) six student representatives, one from each of the campuses, duly elected by the local SRC for that campus, and one student representative from the central SRC having been duly elected by that council;
(r) such additional members as are approved by the senate.

(2) The majority of senate members must be academic employees.

(3) The manner of election or appointment as the case may be of members of the senate is as determined by each constituency.
24. Term of office of members of senate

(1) Members appointed in terms of subparagraphs 23(1)(a), (b), (c), (f), (g), (j), (k), (l), (m) and (n) must hold office for as long as they are employed by the University in that capacity.

(2) The term of office of members referred to in subparagraph 23(1)(o) and (p) is not more than 3 (three) years and, notwithstanding the date of commencement of their term of office, expires on 31 December in their third year on the senate.

(3) Members appointed in terms of subparagraphs 23(1)(e), (h) and (i) must hold office for as long as they hold office as chairperson.

(4) The term of office for student members referred to in paragraph 23(1)(q) is determined by the SRC, provided that membership automatically lapses when a student ceases to be a member of the SRC.

(5) Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the secretary to the senate must notify the authority or body that has appointed or elected such member of the vacancy, and must, if in the opinion of the chairperson of the senate it is reasonably practicable to do so, request such authority or body to appoint or elect a successor.

(6) The successor holds office for a full term of office as specified in paragraphs 24(1) to 24(4) above.

25. Chairperson, vice-chairperson and secretary to senate

(1) The vice-chancellor is the chairperson of the senate as contemplated by the Act.
(2) The vice-chairperson of the senate is a deputy vice-chancellor elected by the senate as such.

(3) The secretary of the senate is the registrar designated by the senate as such.

(4) The chairperson presides at the meetings of the senate. The meetings of the committees of the senate must be chaired by the vice-chancellor if the senate considers it appropriate for him or her to do so alternatively by an appropriate person designated by the senate.

(5) The chairperson must perform such other functions as the senate may determine.

(6) In the absence of the chairperson, the provisions of this paragraph must apply to the vice-chairperson where appropriate.

(7) The secretary performs those functions assigned to him or her by the senate.

(8) If both the chairperson and the vice-chairperson are absent, the senate must elect from amongst its members, a chairperson for the meeting concerned.

26. **Senate meeting procedure and conflicts of interest**

The procedure applicable to meetings of the council is applicable *mutatis mutandis* to the meetings of the senate.

27. **Committees of senate**

(1) The senate appoints any committees as may be required.

(2) The composition and functions of the committees must be determined by the senate.
28. Joint committees of council and senate

(1) The council and the senate may jointly nominate committees, to be known as joint committees, to perform functions that are common to the council and the senate.

(2) The composition, manner of election, functions, procedure at meetings and dissolution of a joint committee are determined by this Statute or the rules.

(3) The council and the senate are not divested of any responsibility for the performance of any function delegated or assigned to a joint committee under this paragraph.
29. Establishment of colleges

The council, after consultation with the senate, may establish colleges incorporating such cognate schools as determined by the council from time to time.

30. Composition of the college management committee

(1) Each college must have a management committee comprising:

(a) the deputy vice-chancellor and head of college;
(b) the college dean of research;
(c) the college dean of teaching and learning;
(d) the heads of all schools in the college;
(e) the director of college professional services; and
(f) such non-voting persons as are co-opted by the committee.

(2) The deputy vice-chancellor and head of college must be the chairperson of the committee.

(3) In the event of the absence of the chairperson, the member so designated by the chairperson shall chair meetings of the committee.

31. Functions of the college management committee

The college management committee must:

(1) provide strategic and operational leadership and management of the college;

(2) supervise the budget allocated to it for devolution amongst the schools;
(3) monitor the implementation of University policies in so far as they are relevant to the college and its schools; and

(4) perform any other functions as may be prescribed by the council, the senate or the executive management committee of the university.

32. **Procedure of the college management committee**

The quorum and rules of procedure which govern the council will apply *mutatis mutandis* to the college management committee.
33. **Composition of academic affairs boards**

   (1) Each college must establish an academic affairs board.

   (2) Each board comprises:
      
      (a) the deputy vice-chancellor and head of college;
      (b) the deputy vice-chancellor for research
      (c) the deputy vice-chancellor for teaching and learning
      (d) the college dean of research
      (e) the college dean of teaching and learning
      (f) the head of each school in the college;
      (g) one academic employee from each school in the college elected by the school;
      (h) one representative from each other college appointed by that college’s academic affairs board from its members;
      (i) two students appointed by the central SRC, one of whom is a registered student in the college; and
      (j) such additional members as are approved by the senate.

   (3) The deputy vice-chancellor and head of college must be the chairperson of the board.

   (4) In the event of the absence of the chairperson, the member so designated by the chairperson shall chair meetings of the board.

34. **Term of office of the academic affairs board members**

   (1) The deputy vice-chancellors, the college deans and the heads of school remain members of the board for as long as they occupy their posts.
(2) The term of office of the members referred to in subparagraphs 33(2)(g) and (h) shall be determined by the board.

(3) The term of office of the student members shall be 1 (one) year to coincide with their term of office in the SRC, provided that the membership of the student must lapse when the person concerned ceases to be a member of an SRC or a registered student in the college, as the case may be.

35. **Functions of academic affairs boards**

(1) Each board is responsible for the academic and research functions of the schools in the college.

(2) Without derogating from the generality of subparagraph (1) above, each board, in relation to the matters pertaining to its college may:

   (a) recommend to the council and the senate the establishment, and discontinuation, of academic programmes and changes in such programmes or curricula;

   (b) recommend to the senate the establishment of school boards in the college;

   (c) advise the senate, or where appropriate the council, on new, or amended, rules proposed by the college;

   (d) recommend to the relevant authority the appointment of persons to honorary positions at the University;

   (e) register students whose academic achievements are not in compliance with the rules;

   (f) register students subject to special conditions;
(g) exercise a discretion in respect of matters referred to it by the senate as provided for in the rules;

(h) consider any other items referred to it by the senate or the constituent school boards.
36. Establishment and operation

(1) The council, on the recommendation of the senate and one or more of the colleges, may establish or disestablish schools of the University as envisaged in paragraph 21(2) (g).

(2) School boards, which are committees of the academic affairs boards, may be established on the authority of an academic affairs board pursuant to recommendations by the applicable college.

(3) The academic affairs board must decide the composition, functions and procedures of such meetings of each school board.
37. **Function of the institutional forum**

(1) The institutional forum advises the council on issues affecting the University, including:

(a) the implementation of the Act and the national policy on higher education;
(b) race, gender and equity policies;
(c) the selection of candidates for senior management positions;
(d) codes of conduct, mediation and dispute resolution procedures;
(e) 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
(f) the language policy of the University.

(2) The institutional forum may perform such other functions as determined by the council.

38. **Composition of the institutional forum**

(1) The institutional forum consists of:

(a) two members of the council who are not employees or students of the University;
(b) two members from management;
(c) two members of the senate;
(d) two members from each college representing the academic employees of the college;
(e) five members representing the support staff, one from each college and one from the support sector;
(f) two representatives of the staff unions, nominated collectively by the recognised unions;

(g) two members of convocation who are not employees or students of the university, appointed by the convocation executive;

(h) two students designated by the CSRC; and

(i) one or more non-voting members co-opted by the institutional forum for the purpose of assisting the institutional forum in respect of any specific project.

(2) The appointment of representatives must be transparent and democratic and each constituency must follow the selection procedure within its own constituency and submit the names of its representatives to the registrar.

(3) The term of office of members is up to 4 (four) years as determined by each constituency.

(4) Paragraph 12 applies, mutatis mutandis, to the termination of membership of the members of the institutional forum.

39. **Office bearers of the institutional forum**

The institutional forum must elect from among its members a chairperson and a deputy chairperson from the members appointed in terms of subparagraph 38(1)(d) or (e). The registrar shall serve as secretary to the institutional forum.

40. **Meetings and meeting procedure of the institutional forum**

(1) The number of meetings must be determined by the institutional forum.

(2) The majority of the members of the institutional forum must form a quorum.

(3) The meeting procedures are as determined by the
institutional forum provided that should no determination be made the provisions of paragraph 16 must *mutatis mutandis* apply.
41. Student representation

The students of the University are represented in matters that affect them by a central students’ representative council (“CSRC”) and local SRCs (“LSRC”). The central and local SRCs will collectively be referred to as SRCs.

42. Composition of SRCs

(1) The students of the University as a whole must be represented by the CSRC.

(2) Each campus of the University must have its own LSRC.

(3) The LSRCs are subordinate to the CSRC.

(4) The CSRC must have its seat at the seat of the University as contemplated in paragraph 2(2).

43. Election and membership of SRCs

(1) Elections for SRCs must be transparent and democratic.

(2) The CSRC and LSRCs must be elected or appointed as the case may be in accordance with the provisions of the constitution of the SRC, as approved by the council from time to time.

(3) Only students who have been registered with the University for at least one semester for a formal programme of study recognised by the senate are entitled to nominate a candidate, be nominated as a candidate or vote in the manner prescribed by the SRC constitution.

(4) A term of office of a member of an SRC expires if that student’s registration ceases for whatever reason, or if the member has been found guilty in their personal capacity of an offence under the rules for student discipline or in a
court of law.

44. **Functions of the SRCs**

(1) The functions of the CSRC include:-

(a) liaison with the council, the senate, the management, the general public, other higher education institutions, students’ representative councils of other higher education institutions, national or international student organisations, unions and news media;

(b) being the umbrella organisation for all student committees, clubs, councils and societies, granting or withdrawing recognition of such student committees, clubs, councils and societies as it deems appropriate;

(c) the co-ordination and supervision of the use of students’ facilities and all matters pertaining thereto, in conjunction with the University management;

(d) the convening and conducting of all authorised meetings of the student body and being the managing body in all general referenda and petitions organised by the students within the rules;

(e) appointing such office-bearers and establishing such committees as it deems necessary;

(f) the organisation and promotion of extramural activities among students;

(g) keeping account of all moneys paid over to it by the council and any other moneys, which may accrue to it in its capacity as the representative of students;

(h) allocating or disbursing such funds for use by students, and making grants to approved student clubs, committees, societies and councils in pursuit of *bona fide* student functions;
(i) the responsibility for the preservation of order at student functions, and the ensuring of good conduct at other approved meetings of students;
(j) the co-ordination of student involvement in all community projects initiated by it;
(k) the responsibility for all student publications;
(l) the recommendation to the council of rules to determine the conduct of its affairs;
(m) such additional functions and privileges as may be specifically conferred upon it by the council.

(2) The functions of the LSRCs are those provided for in the SRC constitution and/or as may be designated to them from time to time by the CSRC.

45. **Office bearers of the SRCs**

(1) The CSRC elects from among its members a president to act as chairperson and a deputy president to act as deputy chairperson.

(2) The LSRCs each elect from among their members a president to act as chairperson and a deputy president to act as deputy chairperson.

(3) The constitution of the SRC as approved by council must provide for the functions of other office bearers and the election of such office bearers in the SRCs.

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

The term of office of members of the central and local SRCs is 1 (one) calendar year or as the council may determine from time to time.
47. **Privileges**

The privileges of members of the SRCs are as determined by the council after consultation with the CSRC.

48. **Meetings of SRCs**

The constitution of the SRCs as approved by the council must provide for the number of meetings, the quorum of the meetings and meeting procedures and such other operational procedures as are necessary to ensure the proper functioning of the SRCs.
49. **Membership of convocation**

(1) The convocation consists of the vice-chancellor, the deputy vice-chancellor(s), the registrar(s), academic employees as set out in subparagraph (2) and all persons who are or become graduates or diplomates of the University or its predecessors and such other persons as the council, in consultation with the convocation executive, may determine.

(2) Academic employees on the permanent staff of the University, professors emeriti and retired academic employees are members of the convocation.

(3) Should the name of a person appear on the convocation roll it must be *prima facie* proof of his or her membership of the convocation and of his or her entitlement to vote.

(4) The names of new graduates and diplomates of the University are deemed to have been inscribed in the convocation roll after degrees have been conferred or diplomas have been awarded. Members so registered are required to furnish their addresses to the statutory secretary and to notify him or her of any change of address.

50. **Composition of the convocation executive**

The convocation executive must consist of:-

(1) The president who acts as chairperson at all its meetings.

(2) The two elected convocation members on the council.

(3) The registrar who must act as statutory secretary.

(4) The vice-chancellor as an ex officio member.

(5) Such additional members as may be provided for in the
constitution of the convocation provided that at least 60 per cent of the members of the executive of convocation must be persons who are employees or students of the University and due regard must be had to the racial and gender representation on the convocation executive.

(6) The members referred to in paragraph 50(1) and (2) must not be employed by nor be students of the University.

51. **Convocation representation on the council**

(1) Three convocation members who are not staff members or students of the University must be members of the council.

(2) The president of convocation must be the first convocation member of the council.

(3) Convocation in terms of its constitution must elect the two other convocation members on the council.

52. **Constitution of convocation**

(1) The council must approve the constitution for convocation.

(2) The convocation constitution must provide for all matters relating to the election and terms of office of the convocation executive and its representatives on the council and for the functions of the convocation and the convocation executive together with such other provisions as the council may consider appropriate within the context of this Statute and the Act.
53. **Management and senior management**

(1) Management means, for the purpose of the Act, senior management as well as management as determined by the council.

(2) Senior management means, for the purpose of the Act, the vice-chancellor, the deputy vice-chancellors, the registrar or the registrars, the executive directors and other administrative positions determined by the council to be executive positions.

54. **Vice-chancellor**

The vice-chancellor is the chief executive officer of the University.

55. **Functions of the vice-chancellor**

(1) The vice-chancellor and principal is responsible for the day-to-day management and administration of the University and has all the powers necessary to perform these functions.

(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) The council may 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 for an extended period of absence, the council may appoint a vice-principal from amongst the deputy vice-chancellors to act in place of the vice-chancellor during his or her absence. In the case of short absences on business, vacation or illness the vice-chancellor may delegate his authority in terms of paragraph 58.
56. Appointment of the vice-chancellor

Subject to the Act, the advertising of the post of vice-chancellor, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes are determined by the council.

57. Term of office of the vice-chancellor

The council appoints the vice-chancellor for such period as agreed upon in his or her contract.

58. Delegation of authority

The vice-chancellor may delegate any of the powers assigned or delegated to him or her by the council to any officer of the University except where the council decides otherwise.

59. Executive management committee

The deputy vice-chancellors, the registrar or registrars and other members of senior management are collectively termed the executive management committee and are responsible for assisting the vice-chancellor in the management and administration of the University.
60. **Appointment**

Subject to the Act, the council appoints employees according to the staffing policies of the University as determined in the rules.

61. **Conditions of employment**

The conditions of employment, including the determination and review of salaries of employees and all other forms of remuneration are approved by the council according to the University’s policy as determined in the rules.

62. **Evaluation and development**

All employees of the University are subject to continuous evaluation and development in the performance of their duties.

63. **Employees’ discipline**

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.

64. **Collective agreements**

Collective agreements as contemplated in terms of the Labour Relations Act of 1995 (as amended) may be entered into by the management.
65. 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 and academic requirements, if any, for admission to study at the University and, further, satisfies any other 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 the university are set out in the rules and may be changed by the council after consultation with the senate.

(3) A student is registered for 1 (one) 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 the expiry of the period contemplated in subparagraph (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 if a student fails to meet the conditions contemplated in subparagraph (4).

(6) The conditions contemplated in subparagraph (4) may include the payment of outstanding fees.

66. Student discipline

(1) The disciplinary measures and discipline provisions applicable to the students are set out in the rules, and may be changed by the council after consultation with the senate and the SRC.
(2)  

(a) The vice-chancellor may, from time to time, amend monetary penalties.

(b) Such amended penalties must be placed before the council at the next ordinary meeting of the council.

(3) If the council should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by the council is not affected.

67. Award of qualifications

(1) Degrees are conferred and diplomas and certificates are awarded at a congregation which shall be held at least once a year on a date to be announced at the beginning of every academic year.

(2) The chancellor, or in his or her absence, the vice-chancellor or a deputy vice-chancellor, shall preside at a congregation.

(3) A person is not entitled to any privilege conferred by any degree before he or she has been admitted to such a degree, or to any privilege conferred by any diploma or certificate before he or she has been awarded such a diploma or certificate at a congregation.

(4) The council, in consultation with the senate, has the power to withdraw the conferment of any degree, diploma, certificate or other qualification that was conferred in error or if the recipient of such degree, diploma, certificate or other qualification had committed a dishonest act in connection with the obtaining of such degree, diploma, certificate or other qualification.
68. Donors

(1) The University may receive moneys and equipment of any sort from donors to assist the University in providing quality education.

(2) The council may recognise and record certain donors as determined in the rules.
69. **Drafting, amending or rescinding the Statute**

(1) No motion to amend, rescind or redraft the Statute is of force and effect unless adopted by at least 75% of members of the council present at the meeting, provided that such meeting is constituted by at least one half plus one of the total number of members of the council.

(2) Any motion to amend, rescind or redraft the Statute must be in accordance with the provisions of the Act.

70. **Issue of notices**

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

71. **Numerical fractions**

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

72. **General and transitional provisions**

(1) Anything done under the Statutes relating to the University’s predecessors or the Standard Institutional Statute as envisaged in terms of the Act before this Statute came into operation is deemed to have been done under the corresponding provision of this Statute.

(2) The council, the senate, the college boards, the institutional forum and the convocation which existed prior to the commencement of this Statute continue to exist and perform the functions which they performed prior to such commencement, but must comply with the provisions of this Statute within 12 months after the commencement of
this Statute.

(3) The rules passed by the council and by its predecessors in terms of the Act existing at the commencement of this Statute continue to apply until amended or replaced.