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GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 460 **14 June 2012**

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

INSTITUTIONAL STATUTE

TSHWANE UNIVERSITY OF TECHNOLOGY

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

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

TSHWANE UNIVERSITY OF TECHNOLOGY

STATUTE

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

SCHEDULE

To introduce the new Statute for the Tshwane University of Technology, to give effect to any law relating to the University, and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

PREAMBLE

WHEREAS the Tshwane University of Technology has come into being through the merger of Technikon North West , Technikon Northern Gauteng and Technikon Pretoria, in terms of a notice issued by the Minister of Higher Education and Training in terms of Section 24 and 23(1), respectively, of the Higher Education Act, 1997 (Act 101 of 1997) as amended,

And

WHEREAS it is necessary to provide for the continued regulation of the Tshwane University of Technology in compliance with the provisions of the Higher Education Act, 1997 (Act 101 of 1997), as amended,

And

WHEREAS it has become necessary to improve the existing regulatory provisions for the Tshwane University of Technology by rescinding and replacing the Statute of the Tshwane University of Technology,

THEREFORE the council of the Tshwane University of Technology has made this Statute to ensure the effective governance and management of the University in respect of those matters not expressly prescribed by the Act in order to achieve its goals and objectives

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DEFINITIONS

Definitions

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

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

"academic employee" means any person appointed by the council to a teaching or research post at the University and any other employee designated as such by the council, and includes a person in this category who is serving a probationary period in terms of his or her contract of employment prior to permanent appointment;

"body of donors" means a body established by the council as contemplated in paragraph 77(3);

"chancellor" means the chancellor as contemplated in paragraph 4;

"community service" as contemplated in subparagraph 18(1) includes community engagement howsoever in terms of the University's mission, as approved by the council from time to time;

"Congregation" means a meeting convened by the University for the purpose of official academic openings and closures, and conferring degrees and awarding diplomas and certificates as contemplated in paragraph 75;

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

"convocation" means the convocation contemplated in paragraph 49;

"council" means the council contemplated in paragraph 7;

"days" include Saturdays, Sundays and public holidays;

"deputy vice-chancellor" means the deputy vice-chancellor as contemplated in section 26(2) (d) of the Act;

"diplomate" means a person upon whom a diploma has been conferred by a university;

"donor" means a person who has made a donation, which, in the opinion of the council, and as per applicable SARS regulations, warrants that person being recognised as a donor as contemplated in paragraph 77;

"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 vehicle used to convey the message to the addressees;

"executive management committee" means the executive management committee as contemplated in paragraph 58(1);

"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 contemplated in paragraph 8(1)(m);

"functions" include powers and duties and vice versa;

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

"head of department" means the head of an academic department of the University as contemplated in paragraph 20;

"institutional forum" means the institutional forum contemplated in paragraph 29;

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

"learning site" means the sites of the University in the city of Pretoria, Ga-Rankuwa, Nelspruit, Soshanguve, Polokwane, and eMalahleni, and such other sites as are established from time to time;

"legal entity" for the purposes of paragraph 22(2)(l), means an entity

established as a juristic person in terms of the Companies Act, 1973 (Act 61 of 1973);

"month" means a calendar month;

"non-academic employee" means a person on the permanent or temporary, full-time or part-time 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 on the permanent or temporary, full-time or part-time, salaried or honorary staff of the University who has been given the title of professor by the University, and includes a person in any of these categories who is serving a probationary period in terms of his or her contract of service prior to permanent appointment, but does not include an emeritus, adjunct, associate or assistant professor, or a reader;

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

"Rules" means any rules of the University made under section 32 of the Higher Education Act;

"senate" means the senate contemplated in paragraph 18;

"SRC" means the students' representative council of the University;

"student" means any person registered at the University full-time or part-time for a degree, diploma, or certificate of the University or registered or enrolled for any course or programme of instruction of 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 or the senate;

"the management of the University" for the purposes of section 31(2) (a) of the Act, means the vice-chancellor, the deputy vice-chancellors, the registrar(s), the executive deans, executive directors and any other position equivalent to or above that of an executive director;

"the seat of the University", for the purposes of paragraph 2 of this Statute and section 65A of the Higher Education Act, means the physical location of the University, which is in Pretoria;

"the senior management of the University" for the purposes of section 31 (1) (a)(iii) of the Act , and paragraphs 7 (3) (b) and 68 (3) of the Statute, means the vice-chancellor, the deputy vice-chancellors, the registrar and any other employee in a position equivalent to that of a deputy vice-chancellor;

"the University" means the Tshwane University of Technology;

"vice-chancellor" means the vice-chancellor of the University as contemplated in section 26(2)(c) of the Act, and includes a principal or a rector.

UNIVERSITY

Name, status, physical location and powers of University

2. (1) The name of the University is the Tshwane University of Technology.

(2) The institution is a juristic person, as contemplated in section 20(4) of the Act

(3) The seat of the Tshwane University of Technology is in Pretoria where the activities of the institution are principally administered.

(4) 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 servitute.

(5) The University may confer degrees and honorary degrees and award diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act.

Constitution of the University

3. (1) The University consists of –

(a) the chancellor;

(b) the council;

(c) the senate;

(d) the vice-chancellor, within the meaning of section 30 of the Higher Education Act,

(e) the deputy vice-chancellors;

(f) one or more registrars as determined by the council;

(g) the students' representative council

(h) the institutional forum;

(i) the student services council;

(j) the faculties, departments and such other academic structures of the University as may be determined by the council in accordance with the Statute;

(k) the academic employees of the University;

(l) the non-academic employees of the University;

(m) the students of the University; and

(n) the convocation;

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

CHANCELLOR

Functions of chancellor

4. (1) The chancellor is the titular head of the University and confers all degrees and awards all diplomas and certificates in the name of the University.

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

Election and appointment of chancellor

5. (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 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 and other University structures in terms of paragraph 3(1), to submit nominations for the office of the chancellor;

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

(e) the nominations contemplated in subparagraph (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 inwriting 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 (1)(a);

(h) if no candidate receives a majority of votes, successive rounds of voting are held;

(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.

Term of office of chancellor

6. (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 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 performs the functions of the chancellor, until the vacancy is filled.

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

(a) death or incapacity;

(b) resignation; or

(c) removal from office by the council.

(5) The chancellor may only be removed from office by the council by means of a resolution passed by at least two-thirds of the members of the council and then only after the chancellor has been given the opportunity to answer to the reasons provided by the council for the removal from office.

COUNCIL

Functions of council

7. (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) may make Rules for the University;

(b) may establish the council committees, determine the functions 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) must take note of any action taken by a committee, contemplated in subparagraph (b), in exercising its delegated powers or functions when such committee reports to council at the next meeting of the council.

(d) may establish, 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;

(e) subject to paragraph 68, appoints employees of the University , but, in the case of academic employees of the University, it may do so only after consultation with the senate;

(f) determines the language policy of the University, after consultation with the senate;

(g) determines conditions of service, the disciplinary provisions and the privileges and functions of the University's employees,

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

(i) determines and provides student support services after consultation with the SRC.

(j) may, in the manner set out in the disciplinary Rules, suspend or dismiss any employee of the University;

(k) 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; and

(l) may establish legal entities in terms of the applicable legislation for the benefit of the University.

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

(a) makes the institutional Statute and any amendments thereto;

(b) subject to paragraph 29(1) (c), appoints the senior management, as defined, of the University

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

(d) 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;

(e) may, with the approval of the senate, refuse readmission to a student who fails to satisfy the minimum requirements for readmission;

(f) determines tuition fees, accommodation fees or any other fees payable by students after consultation with the SRC, and accommodation fees payable by employees;

(g) approves the annual budget of the University;

(h) may conclude a loan or an overdraft agreement, subject to the proviso that the approval of the minister is required whenever the aggregate of existing borrowings plus the new contemplated borrowing exceeds five per cent of the average income of the University received during the two years immediately preceding such agreement; and

(i) may 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 proviso that the approval of the minister is required if the value of such development or property exceeds five per cent of the average income of the University

received during the two years immediately preceding the agreement;

(j) may not repeal or amend the composition of the senate without first consulting with the senate;

(k) may not make, repeal or amend any Rules relating to the academic functions of the University without approval of the senate.

(4) Subject to section 68 of the Act, the council may delegate any of the functions referred to in subparagraph (2), but the council may not delegate any of the functions referred to in subparagraph (3).

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

Composition of council

8. (1) The council, as contemplated in section 27 of the Act, consists of not more than 30 members, made up of –

(a) the vice-chancellor;
(b) not more than one deputy vice-chancellor, designated by the vice-chancellor;
(c) five persons appointed by the minister, who may not be employees or students of the University;
(d) two members of the senate, elected by the senate;
(e) one non-senate academic employee, elected by the academic employees;
(f) one non-academic employee, elected by the non-academic employees;

(g) two students elected by the students' representative council;

(h) two members of the convocation, who may not be employees or students of the University, elected by the convocation; (i) one person with expertise in law, who may not be an employee or student of the University, elected by the council;

(j) one person with expertise in financial and investment matters, who may not be an employee or student of the University, elected by the council;

(k) two members of organised commerce and industry, who may not be employees or students of the University, elected by the council;

(l) two persons from the donors, who may not be employees or students of the University, designated by the board of directors of the University Advancement Office, and

(m) Council may, from time to time, in accordance with the Rules co-opt one or more experts in the relevant fields who will not have voting rights.

(2) At least 60 per cent of the members of the council must be persons who are not employees or students of the University, and any racial and gender under-representation on the council must be taken into consideration.

(3) 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 organization that might seek to influence the performance of any function of the council; and

(e) (i) may not have a conflict of interest with the University;

(ii) may not 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;

(iii) must, before the meeting and in writing, inform the chairperson of that meeting of that conflict or possible conflict of interest.

(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 nomination for election or election as a member of the council; and

(b) a member of the council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University must forthwith vacate his or her seat on the council.

(5) The manner of appointment or election of candidates for the offices mentioned in subparagraphs (1) (c), (d), (e), (f), (g), (h), (i), (j), (k) (l) and (m) is provided for in the Rules.

Term of office of members of the council

9. (1) The term of office of members of the council is four years, except in the case of –

(a) members referred to in paragraphs 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;

(b) members referred to in paragraphs 8(1)(d), (e), and (f) whose term of office is two years;

(c) members referred to in paragraphs 8(1) (h), (i), (k) and (l), whose term of office is three years;

(d) members referred to in paragraph 8(1)(g), elected by the students' representative council, whose term of office is one year from the date of their election, with the proviso that membership ceases automatically when a student member ceases to be a student.

(2) The membership of a member who is elected from among the ranks of a specific interest group or organisation lapses upon termination of his or her association with that interest group or organisation.

(3) Any member may serve as a member of the council for a maximum of two terms, provided that no student may serve as a member of the council for a term exceeding one academic year.

(4) If a vacancy arises in the council, it is filled in the same manner as the manner in which it was filled originally.

(5) A new member of the council, appointed or elected in terms of subparagraph (4) in a vacancy occurring before the expiry of the term of office concerned, is appointed or elected for the unexpired term of office of the member being replaced.

Termination of membership and filling of vacancies

10. (1) A member of the council's term of office terminates if –

(a) he or she tenders a written resignation;

(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 removed from an office of trust by a court of law or is convicted of an offence which, in the opinion of the majority of the council renders the member not fit and proper;

(f) he or she, in the majority opinion of the council, is seen to be incapacitated; and

(g) the member of the council who was not an employee or a student of the University is appointed an employee or becomes a student of the University.

(2) In the event of a vacancy through death or otherwise, the secretary to the council notifies the vacancy to the constituency that has appointed or elected such member, requesting such constituency to appoint or elect a successor.

(3) The council has the power to suspend a member from attending a meeting, or disqualify a member as a member of the council or a committee of the council, after the council has followed due process in terms of the Rules, if

(a) a council member conducts him- or herself in a manner that is or may not be in the best interests of the University, or that brings or may bring the council or the University into disrepute in any situation where he or she is identifiable as a member of the council; and

(b) it is alleged that a member is not or may not be acting in the best interests of the University or has engaged or may engage in conduct that brings or may bring the University into disrepute, and at least one-third of the members of the council at any meeting resolve that the matter must be investigated, the council must instruct that a hearing by an ad hoc committee of council take place; and

(c) the committee finds that the member has failed to act in the best interest of the University or has behaved in a manner that brings or may bring the University into disrepute, then the committee may recommend that the member be removed from the council; and then

(d) the member may be removed from the council, provided that at least two-thirds of the members of the council present at any meeting vote for his or her removal."

(4) If 75 (seventy five) per cent or more of the members of the council resign, the council is deemed to have resigned, as contemplated in section 27(8) of the Act.

(5) If the council resigns, as contemplated in subparagraph (4), a new council must be constituted in terms of this Statute.

Chairperson and deputy chairperson of council and their terms of office

11. (1) The chairperson and the deputy chairperson of the council may not be elected from the members who are employees or students of the University.

(2) (a) The chairperson presides at meetings of the council and the executive committee of the council.

(b) The council determines any further 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 two 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.

Secretary of council

12. (1) The secretary of council is the registrar, who ensures 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.

Meetings of the council

13. (1) The council has at least four ordinary meetings during each academic year.

(2) Notice of any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 21 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.

(3) At least 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 and states the time and place of such meeting.

(4) A special meeting may be called at any time by the chairperson, provided that at least 7 (seven) days' notice of a special meeting is given, and further provided that the chairperson or, in his or her absence the vice-chancellor, may reduce the period of notice to 24 (twenty four) hours if circumstances require, in which instance notice may be given in any manner convenient under the circumstances.

(5) The chairperson must call a special meeting at the written request of at least five members, the objective of such meeting clearly stated in the request.

(6) No business other than that which the special meeting was called for may be transacted at such meeting, irrespective of the notice period.

Council meeting procedures

14. (1) 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 subparagraphs 8(3)(d) or (e) of which such person may be aware.

(2) A member referred to in paragraph 8(3)(e) and subparagraph (1) is obliged to recuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

(3) 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 are present at the start of the meeting, and further provided that a majority of the members present at the start of the meeting are persons who are not employees or students of the University.

(4) No properly convened meeting of council or its committees is voided if a sufficient number of members end their participation in the meeting in any way at all after the meeting had started, thereby leaving the meeting without the quorum contemplated in subparagraph (1), and the meeting may proceed with and conclude its business.

(5) 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.

(6) In the absence of the chairperson and the deputy chairperson of the council, the members present elect one of their members to preside at such meeting, provided that a majority of such members are not employees or students of the university.

(7) The first act of an ordinary meeting, after being constituted, is 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 objections to the minutes of a meeting are raised and decided before confirmation of the minutes.

(8) 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.

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

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

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

(12) 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.

(13) 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 succeeding ordinary meeting.

(14) 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.

(15) A point of order may be raised when a members 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.

(16) 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.

Conflict of interest of council members, committee members and functionaries

15. (1) The council makes Rules to deal with a conflict of interest or possible conflicts of interest that a member of the council, any member of a committee of the council and all other persons who exercise delegated

functions of the council may have with the University, in terms of sub-sections (7A), (7B), (7C), (7D) and (7E) of the Higher Education Laws Amendment Act 21 of 2011:

(7A) Any person may, in writing, inform the chairperson of a meeting, before the meeting, of a conflict or possible conflict of interest of a member of the council with the public higher education institution concerned of which such person may be aware.

(7B) A member referred to in subsections (7)(e) and (7A) is obliged to recuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

(7C) A committee of the council with delegated functions in terms of section 68(2) may not take a decision on a matter considered by it if any member of the committee has a conflict of interest contemplated in this section.

(7D) A member of the council or a member of a committee of the council who contravenes subsection (7)(c), (d) or (e), (7A) or (7B), after Council has followed a due process, may be:

(a) suspended from attending a meeting; or

(b) disqualified as a member of the council or a member of a committee of the council;

(7E) The council must:

(a) having regard to the provisions of section 27(9) and (7A) to (7D) and section 34 and after consultation with the institutional forum, adopt a code of conduct to which all the members of the council, all the members of committees of the council and all other persons who exercise functions of the council in terms of delegated authority must subscribe; and

(b) determine rules and procedures in terms of section 32 for an annual declaration:

(i) by each member of the council, each member of a council committee and each person who exercises functions of the council in terms of delegated authority;

(ii) of his or her financial interests and fiduciary roles, the latter to include but not be limited to offices, directorships of companies, memberships of close corporations and trusteeships held; and

(iii) of the financial interest and fiduciary roles of the members of his or her immediate family.

(2) The council introduces a register in which the annual declaration of interests of each member of the council, council committees and all functionaries of the council, in terms of section 7E(b) of the Act are recorded, in accordance with the Rules.

Executive and other committees of council

16. (1) The council appoints –

(a) an executive committee;

(b) an audit and risk committee;

(c) a finance committee;

(d) a remuneration committee;

(d) an employment conditions committee;

(e) a planning and resource committee;

(f) a governance and council membership committee; and

(g) such other committees and sub-committees as may be required.

(2) The council may if it deems fit, combine any two or more of the committees contemplated in sub-paragraph (1) above, and may for this purpose deem a single person to be a committee.

(3) The composition and functions of the committees are determined by the council in the Rules.

(4) A majority of the members of a committee must be persons who are not employees or students of the University.

(5) The chairperson of a committee may not be an employee or a student of the University.

(6) 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 7C of the Act and paragraph 13(2) may not take a decision on a matter considered by it if any member of the committee has a conflict of interest contemplated in subparagraphs 8(3)(c), (d) or (e).

Minutes of council and committee meetings

17. (I) 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.

SENATE

Functions of the senate

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

(2) Without derogating from the generality of subparagraph (1) the organisation and superintendence of 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;

(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, school or other academic structure belongs;

(f) may make recommendations to the council regarding the establishment and disestablishment of faculties, academic departments, schools 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) may establish committees to perform any of its functions, may appoint persons who are not members of the senate as members of such committees and may, for this purpose, deem a single person to be a committee;

(j) determines the functions and composition of its committees, provided that the vice-chancellor is an official member of all senate committees;

(k) may make standing orders on procedures and delegation of powers to improve the carrying out of its functions;

(l) may delegate its functions, but remains accountable for the performance of all its functions;

and

(m) 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.

(3) The senate submits to the council –

(a) advice on the language policy of the University, in terms of section 27(2) of the Act;

(b) advice on the admission policy and Rules of the University, in terms of section 37(1);

(c) 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 the minimum requirements for readmission, in terms of section 37(4) of the Act;

(d) such reports on its work as may be required by the council;

(e) recommendations on matters referred to it by the council; and

(f) recommendations on any other matter affecting the University that the senate may consider useful.

(4) The senate may, in terms of the Rules, cancel the registration of a student in all or one or more of the courses for which the student is registered in that year if, in the opinion of the senate, the academic achievement of the student is such that the student may not at the end of the year obtain credit in such course or courses, as the case may be.

(5) The senate must enhance and protect the integrity and quality of the academic project at the University, and may to that end cancel and withdraw any qualification, award or recognition granted by the University in error, in terms of paragraph 75(9), or obtained by fraudulent or dishonest means, in terms of paragraph 75(10), and may further do what is required to attain this goal.

Senate membership

19. (1) Members of the senate must participate in the deliberations of the senate in the best interest of the University.

(2) Failure to act in the best interest 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 interest 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 interest 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.

Composition of senate

20. (1) The senate, subject to the provisions of the Act, consists of –

(a) the vice-chancellor;

(b) the deputy vice-chancellor(s) designated by the vice-chancellor;

(c) the registrar;

(d) the executive deans;

(e) two full professors per faculty of the University;

(f) two heads of department per faculty of the University;

(g) two non-professorial academic employees per faculty of the University

(h) the head of the library

(i) the head of research;

(j) the head of quality promotion;

(j) the head of higher education development and support;

(k) the head of strategic management support;

(m) the campus directors;

(n) two representatives of the SRC, elected by the central SRC;

(o) two non-academic employees, elected by the non-academic employees;

(p) one member of the council who is not an employee or student of the University, designated by the council;

and

(q) such additional members as are approved by the senate on the recommendation of the executive committee of senate.

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

(3) The persons contemplated in paragraph 20(1)(a), (b), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) are appointed in their official capacity as members of the senate.

Term of office of senate members

21. (1) Members appointed in terms of paragraph 20(1)(a), (b), (c), (d), (f), (g),(h), (i), (j), (k), (l), (m), (n), (o) and (p) hold office for as long as they are employed by the University in that capacity.

(2) Members appointed in terms of paragraph 20(1) (e), (f), (g) and (o) hold office for a period of two years, subject to the Rules to ensure sufficient rotation by allocating different terms to the first members to be appointed in each of these categories.

(3) Members appointed in terms of paragraph in 20(1) (n) hold office for a period of one year, provided that membership ceases automatically when that member ceases to be a member of the student representative council.

(4) The membership of a member who is elected from among the ranks of a specific interest group or organisation lapses upon termination of his or her association with that interest group or organisation.

(5) If a vacancy arises in the senate, it is filled in the same manner as the manner in which it was filled originally.

(6) The successor holds office for the full term of office.

(7) Any member may serve as a member of the senate for more than one term, provided that a student may not serve as a member of the senate for more than two terms.

Chairperson, deputy chairperson and secretary of senate

22. (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 senate considers it appropriate for him or her to do so.

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

(6) In the absence of the chairperson, the provisions of subparagraph (4) apply to the deputy chairperson.

(7) The deputy chairperson performs such other functions as the senate may determine.

(8) Without limiting the provisions in paragraph 12(1), the secretary performs those functions assigned to him or her by the senate.

(9) If both the chairperson and the deputy chairperson are absent, the senate elects from among its members a chairperson for the meeting concerned.

Senate and committees' meeting procedure

23. The procedure applicable to the council meetings in terms of paragraphs 13 and 14 apply, with the necessary changes, to the meetings of the senate and senate committees.

Executive committee and other committees of the senate

24. (1) The executive committee of senate consists of –

(a) the vice-chancellor, who is the chairperson;

(b) the deputy vice chancellors;

(c) The registrar;

(d) the executive deans;

(e) such other members as the executive committee of senate may determine, provided that the majority of the members must be 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 all 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 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 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, the deputy vice-chancellor contemplated in paragraph 22(2) presides at such meeting.

(5) In the absence of both the vice-chancellor and the deputy vice-chancellor, the provisions of paragraph 22(9) apply with the necessary changes.

Joint committees of the council and senate

25. 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

Functions of faculty board

26. The functions of a faculty board is to regulate the activities of the faculty in line with the policies and Rules of the University.

Composition of faculty board

27. (1) Each faculty must establish a faculty board, that may consist of-

(a) the executive dean of the faculty, who is the chairperson;

(b) the associate dean of the faculty, if such position exist;

(c) the heads of departments of the faculty;

(d) all full professors of the faculty;

(e) one non-professorial academic employee from each department in the faculty elected by that department;

(f) the directors or heads of schools, institutes, centres of excellence and centres of service delivery in that faculty

(g) the faculty research officer;

(h) an assistant registrar, designated by the Registrar;

(i) the faculty administrator;

(j) one academic manager from each of the distant campuses, designated by the campus director;

(k) the campus director or his/her proxy;

(l) two students registered in that faculty, designated from such students by the Central SRC, in terms of the Rules;

(m) At least two postgraduate students in that faculty, designated from such postgraduate students, in terms of the Rules;

(n) such other members as may be decided by the faculty board in terms of the Rules.

(2) The composition of a particular faculty board is as determined by the senate.

Meeting procedure of faculty board

28. The council's meeting procedures are applicable, with the necessary changes, to meetings of the faculty board.

INSTITUTIONAL FORUM

Function of Institutional forum

29. The institutional forum must -

(1) advise the council on issues affecting the University, including –

(a) the implementation of the Act and the national policy on higher education;

(b) race and gender 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

(2) the institutional forum performs such other functions as determined by the council.

Composition of institutional forum

30. (1) The institutional forum consists of –

(a) two representatives of the management, elected by the Executive Management Committee of the University;

(b) the employment and equity officer;

(c) two representatives of the council who are not employees or students of the University, elected by the council;

(d) two representatives of the senate, elected by senate;

(e) one non-academic employee representing each of the learning sites of the University, elected by the non-academic employees of the relevant learning site;

(f) one academic employee, not being a member of the senate, representing each of the learning sites of the University, elected by the academic employees of the relevant learning site;

(g) not more than two voting representatives of each recognised labour union at the University, elected by such labour union;

(h) two representatives of the student services council, elected by the student services council;

(i) two representatives of the convocation who are not employees or students of the University, elected by the convocation;

(j) two representatives of the students' representative council, elected by the central SRC; and

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

Election and term of office of members of institutional forum

31. (1) Nomination and election of members must be transparent and democratic and each constituency must follow the procedure within its own constituency and submit the names of its designate(s) or representatives to the registrar in writing before such member takes 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)(a, and c (i) is three years.

(b) contemplated in paragraph 30(1)(j) is one year.

(c) contemplated in paragraph 30(1)(a) and (b) who is a member of the institutional forum by virtue of their office, remains a member of the institutional forum for as long as they hold their office, or is replaced by the body having elected them.

(3) Members are eligible for re-election, provided that the members contemplated in paragraph 30(1)(j) may not be re-elected for more than two terms.

(4) Paragraph 10(1), (2) and (3) apply, with the necessary changes, to the termination of membership of the members of the institutional forum.

Office-bearers of institutional forum

32. (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 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.

Meetings and meeting procedures of institutional forum

33. (1) The institutional forum must have at least two meetings during each academic year.

(2) Fifty per cent plus one of the members form a quorum.

(3) The procedure applicable to the council meetings is applicable, with the necessary changes, to the meetings of the institutional forum.

Committees of institutional forum

34. The institutional forum may appoint committees as required and determine the functions of such committees.

STUDENT SERVICES COUNCIL

Functions

35. (1) Subject to the provisions of section 27(3) of the Act, the student services council advises the council on the policy for student support services.

(2) The student services council considers and makes recommendations on the amendments to the Student Representative Council Constitution.

(3) The student services council discusses any other matters referred to it by the council and advises the council on such matters.

Composition

36. (1) The student services council may consist of –

(a) the vice-chancellor;

(b) one or more of the deputy vice-chancellors, as may be relevant, designated by the vice-chancellor;

(c) two members of the council who are not employees or students of the University, elected by the council;

(d) two members of the senate, elected by the senate;

(e) the chief financial officer;

(f) the registrar(s);

(g) The head of academic student support, who may designate specific persons to attend as required;

(h) the head of student affairs and residence operations;

(i) the campus directors, or their designates;

and

(j) two students from each of the learning sites of the University, elected by the relevant local SRC, in terms of the Rules.

(2) 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 (1)(c), (d) and (i) is provided for in the Rules.

Term of office

37. (1) The members contemplated in paragraph 36(1)(a) to (h), who serve by virtue of their offices, remain members of the student services council for as long as they hold their offices.

(2) The representatives of the council and senate are elected for period of two years, or for such shorter period as they are members of the council or senate.

(3) The student representatives are elected by the students' representative council for a period of one academic year, provided that membership lapses automatically if a student representative ceases to be a student.

38. The provisions of paragraph 21(4), (5), (6), and (7) apply, with the necessary changes, to the student services council.

Chairperson, vice-chairperson and secretary

39. (1) The vice-chancellor is the chairperson of the student services council;

(2) the deputy deputy-chancellor responsible for student affairs is the deputy-chairperson of the student services council;

(3) the registrar is the secretary of the student services council, provided he/she may designate an employee to assist in this regard.

(4) The provisions of paragraph 22 apply, with the necessary changes, with regard to the functions of the chairperson, deputy-chairperson and the secretary.

Meetings

40. The procedure applicable to the meetings of council and council committees is applicable, with the necessary changes, to the meetings of the student services council.

Committees of the student services council

41. The provisions of paragraph 40 apply to committees of the student services council, with the necessary changes.

STUDENTS' REPRESENTATIVE COUNCIL (SRC)

Functions of SRC

42. (1) The students of the University are represented in matters that may affect such students by the SRC, in accordance with the Act and subject to the authority of the council, in terms of this statute.

(2) The matters contemplated in subparagraph (1) include –

(a) exercising its powers and functions by using such powers as are delegated to it 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, granting or withdrawing recognition of such student committees, clubs, councils and societies in terms of the Rules.

(d) the coordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the University management;

(e) 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;

(f) the appointment of such office-bearers and establishing of such committees as it deems necessary;

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

(h) keeping account of all moneys paid over to it by the council and any other moneys which may accrue to it in its capacity as representative of the students; also allocating or disbursing such funds for use by students, and making grants to approved student clubs, committees, societies and councils;

(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 coordination of student involvement in all community projects initiated by it;

(k) the responsibility for all student publications, in accordance with the Rules;

(l) the recommendation to the council of Rules to determine the conduct of its affairs;

(m) the final decision-making in all matters falling within its jurisdiction; and

(n) such additional functions and privileges as may be specifically conferred upon it by the council.

(3) The SRC, as contemplated in section 35 of the Act, must be representative of the student body in terms of faculties and learning sites of the University.

(4) The SRC is not a juristic person and it is not a bearer of its own rights.

(5) Only registered students of good academic standing are eligible to serve on the SRC, in accordance with the Rules.

(6) The election of SRC members must be democratic and transparent, in accordance with the Rules.

Composition of SRC

43. The composition of the SRC, as contemplated in section 35 of the Act, is determined by the Rules after consultation with the SRC.

Term of office of SRC

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

Privileges of members of SRC

45. The privileges of members of the SRC are determined by the council, after consultation with the SRC.

Constitution and meetings of SRC

46. (1) The number of meetings, the quorum at a meeting and the meeting procedures are determined by the constitution of the SRC, as approved by the council, on the recommendation of the student services council.

(2) The constitution of the SRC will have no legal force and effect unless such constitution, or amendments thereto, is approved by council.

Committees of SRC

47. (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 SRC may establish such other committees as determined by the SRC constitution.

General meeting of students

48. (1) The SRC must convene at least one general meeting of students per semester.

(2) A general meeting may also be requested in writing, signed by at least five hundred bona fide students .

(3) Meetings may not conflict with academic activities unless the vice-chancellor has granted prior permission, subject to such conditions as the vice-chancellor may impose.

CONVOCATION

Membership of convocation

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

(2) Academic employees on the permanent staff of the University, professors emeriti and other retired academic employees who were employed by the University for at least five years prior to retirement, are members of the convocation.

(3) The fact that the name of a person appears on the convocation roll is, on face value, proof of him or her being a member of the convocation, and of him or her being entitled 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, but members so registered are required to furnish their addresses to the secretary and to notify him or her of any change of address.

(5) For the purpose of the election of council members the convocation is deemed closed from the last date on which ballot papers are issued until the date of the election, both days inclusive.

Office-bearers and committees of convocation

50. (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 years from the date of the meeting at which he or she is elected.

(2) Whenever the office of president becomes vacant, the vice-chancellor acts as president until a successor is elected for a period of three 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 the president, deputy-president and treasurer, elected by the convocation, the vice-chancellor ex officio and the registrar, who is the secretary of the convocation.

(5) The executive committee has the right of co-option, and meets at least once per annum

Meetings of convocation

51. (1) The president, or if the office of the president is vacant, the vice-chancellor, may convene a meeting of the convocation annually or as often as required, and notice of such meeting must be given at least four 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 weeks before the date of the meeting.

(3) An extraordinary meeting of the convocation may be convened by the president or the vice-chancellor 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 vice-chancellor, upon a written request signed by at least 25 members containing the matters for consideration in the form of separate motions.

(5) An extraordinary meeting as contemplated in subparagraph (4), must be held within two months after receipt of the request.

Meeting procedures of convocation

52. (1) Fifty members constitute a quorum at a meeting of the convocation, provided that, if no quorum is present, the meeting may adjourn and an extraordinary meeting may be convened with at least seven 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 confirmation.

(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 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 in the Rules.

MANAGEMENT AND SENIOR MANAGEMENT

VICE-CHANCELLOR

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

Functions of vice-chancellor

54. (1) The vice-chancellor is responsible for the day-to-day management and administration of the University and has all the powers necessary to perform these functions subject to the provisions of paragraph 22.

(2) The vice-chancellor is the academic head of the University;

(3) The vice-chancellor reports to the council.

(4) By way of his or her office, the vice-chancellor is a member of all the committees of the council and the senate.

(5) The council may delegate its powers, assign additional functions, and grant additional powers and privileges to the vice-chancellor.

(6) 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.

(7) The vice-chancellor may delegate his or her powers without abdicating his or her responsibilities to any employee .

(8) Subject to the Rules and policies, an acting vice-chancellor has the same powers, privileges and functions as the vice-chancellor.

Appointment and term of office of vice-chancellor

55. (1) The council after consultation with the senate and the institutional forum appoints the vice-chancellor for a period of not more than five (5) years.

(2) Subject to section 31(1) of the Act, the advertising of the post, 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 in the manner determined in the Rules.

Vacation of office of vice-chancellor

56. (1) 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 a manner prescribed in the Rules.

(2) A vice-chancellor whose term of office expires by effluxion of time may be appointed for one further term.

(3) If the office of the vice-chancellor becomes vacant, the registrar notifies the members of the council of the fact in writing.

(4) A successor is appointed in terms of paragraph 55.

Discipline of vice-chancellor

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

EXECUTIVE MANAGEMENT COMMITTEE (EMC)

Functions of the executive management committee

58. (1) The vice-chancellor may 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 takes decisions in accordance with the applicable legislation as well as this Statute and the Rules.

Composition of the executive management committee

59. (1) The executive management committee consists of –

(a) the vice-chancellor;

(b) the deputy vice-chancellors;

(c) the registrar;

(d) the executive director of human resources;

(e) the chief financial officer, and

(f) 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.

Chairperson and meetings of executive management committee

60. (1) The vice-chancellor is the chairperson of the executive management committee.

(2) The vice-chancellor convenes meetings of the executive management committee and determines the business on the agenda.

(3) The meeting procedures of the Council applies to the meetings of the executive management committee, with the necessary changes.

DEPUTY VICE-CHANCELLORS

Functions

61. (1) The council may appoint one or more deputy vice-chancellors as contemplated in section 26(2) of the Act.

(2) The deputy vice-chancellors support the vice-chancellor in the management and administration of the University.

(3) The deputy vice-chancellors are responsible for the execution of the functions designated to them by the vice-chancellor.

Discipline of deputy vice-chancellors

62. The deputy vice-chancellors are subject to the Rules for staff discipline.

Appointment, term of office, vacation of office and filling of vacancy

63. The appointment, term of office, vacation of office and filling of vacancies of deputy vice-chancellors are in the manner determined in the Rules.

REGISTRAR

64. (1) The council appoints a registrar who will act as the electoral officer and secretary to the council, senate, student services council and the convocation.

(2) The registrar supports the vice-chancellor in the management and administration of the University.

(3) The registrar ensures that the University complies with the Statute, relevant legislation, national higher education policies and the policies and Rules of the University.

(4) The registrar is the electoral officer of the institutional forum.

(5 The appointment, term of office, vacation of office and filling of vacancies of the registrar is in the manner determined in the Rules.

(6) The registrar is subject to the Rules for staff discipline.

EXECUTIVE DIRECTORS AND CHIEF FINANCIAL OFFICER

65. (1) The council may appoint one or more executive directors and a chief financial officer, to whom the council or the vice-chancellor may assign specific managerial and administrative functions.

(2) An executive director and the chief financial officer are accountable to the vice-chancellor or to the relevant deputy vice-chancellor.

(3) In the temporary absence of an executive director or chief financial officer, the vice-chancellor or the relevant deputy vice-chancellor designates another person to perform the functions of the office.

(4) An executive director is subject to the Rules for staff discipline.

(5) A chief financial officer is subject to the Rules for staff discipline.

(6) The appointment, term of office, vacation of office and filling of vacancies of an executive director and chief financial officer are in the manner determined in the Rules.

EXECUTIVE DEANS

66. (1) The vice-chancellor must appoint an executive dean for every faculty, to take responsibility, among other tasks, for the management and administration of the faculty.

(2) A dean is accountable to the deputy vice-chancellor and the senate.

(3) In the temporary absence of the dean, the vice-chancellor designates another person to perform the functions of the office.

(4) A dean is subject to the Rules for staff discipline.

(5) The appointment, term of office, vacation of office and filling of vacancies of a dean are in a manner as determined in the Rules.

EMPLOYEES

Appointment

67. (1) The council appoints employees according to the staffing policies of the University, as determined in the Rules.

(2) Notwithstanding subparagraph (1), academic employees are appointed after consultation with the senate.

(3) With the exception of the appointment of the senior management, the council delegates its powers, as stipulated in paragraph (1), to the vice-chancellor.

(4) An employee must in writing, before he or she assumes office:

(a) declare any business that may 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 or an organization within 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 interest of the University.

(6) No employee may contract on behalf of the University with himself or herself or any entity in which he or she has a direct or indirect financial or personal interest.

(7) Contracting referred to in subparagraph (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 (1).

Conditions of employment

68. (1) The conditions of employment, including the determination and review of salaries of employees and all other forms of remuneration, and any changes made to such conditions of employment, must be approved by the council after consultation with the employees in accordance with the University 's policy or amendments thereof from time to time, as determined in the Rules and in terms of the applicable labour legislation.

(2) The University may enter into collective agreements about salaries and related conditions of service, with recognised labour unions, in accordance with relevant labour legislation, in terms of the Rules, and in terms of the applicable labour legislation.

Evaluation

69. 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.

Employees' discipline

70. 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.

Labour unions

71. (1) Management shall recommend to the council, for approval, the terms and conditions for the recognition of registered labour unions in terms of the relevant legislation.

(2) The recognition agreement entered into between the University and a registered labour union contemplated in subparagraph (1) may periodically be reviewed and revised by the University in its sole discretion, in terms of the Rules, and such revised recognition agreement becomes binding upon approval thereof by the council.

STUDENTS

Admission and registration of students

72. (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, further, satisfies any other requirements for admission to a specific programme 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 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.

(7) A student subjects himself or herself to the Rules when he or she signs the official application and registration forms.

Discipline of students

73. (1) The disciplinary measures and disciplinary provisions applicable to the students are set out in the Rules, and may be changed by the council after consultation with the senate, the student services council 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.

DEGREES, DIPLOMAS AND CERTIFICATES

Authority

74. The University has power to confer degrees and award diplomas and certificates, subject to the relevant legislation, this Statute and the Rules.

Conferment, award and cancellation

75. (1) A meeting of the University, known as a congregation, is convened for the purpose of conferring degrees and awarding diplomas and certificates.

(2) (a) A congregation is convened in the manner prescribed by the council in the Rules.

(b) The council delegates its authority, as contemplated in subparagraph (a), to the vice-chancellor.

(3) A congregation is chaired by the chancellor or his or her delegate.

(4) A degree may be conferred and a diploma or certificate awarded in the absence of a graduate or diplomat or posthumously.

(5) 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.

(6) An official certificate 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.

(7) 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.

(8) In order to satisfy the requirements for the conferment of a degree, diploma, certificate or other qualification, a student must satisfy the requirements of the academic programme for that degree, diploma, certificate or other qualification, as prescribed in the Rules.

(9) The senate may withdraw the conferment of any degree, diploma, certificate or other qualification if any such degree, diploma, certificate or other qualification was conferred in error.

(10) The senate may cancel, withdraw and demand summary return of all certificates, records and copies thereof that may have been issued in respect of such cancelled qualification, with regard to any completed qualification – without limiting the generality of the foregoing:

(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 had 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.

Honorary degrees

76. (1) The University may, without attendance and examination, confer an honorary degree of master or 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 obtaining such a degree.

(2) The conferment of an honorary degree on a person does not entitle that person to practise any profession on the grounds of that honorary degree.

(3) The criteria and procedures for conferring an honorary degree are determined in the Rules.

DONORS AND DONATIONS

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

(2) The University may recognise and register certain donors, as determined in the Rules.

(3) The University may establish a body consisting mainly of donors recognised as such by the University in terms of the Rules, and the council may to that end make policy and put the necessary processes

and structures in place to ensure that such body of donors operate to the benefit of the University.

GENERAL PROVISIONS

Rules

78. The Rules made by the council have legal force.

Drafting, amending or rescinding the Statute

79. (1) No motion to approve, amend or rescind any provisions of this Statute is of force and effect unless adopted by at least 75 per cent of all members present at the meeting of the council.

(2) No motion to approve, amend or rescind any provisions of this Statute is of force and effect without a written notice of at least fourteen days, unless 75 per cent of all the members of council present vote in favour of dispensing with such a notice.

(3) Any motion to approve, amend or rescind a statute or a rule must be in accordance with the provisions of section 32(2) of the Act.

Statute rescinded

80. (1) The Statute of the Tswane University of Technology published in Government Gazette No. 30131 of 1 August 2007 is hereby replaced by this Statute with effect from the date on which this Statute comes into operation.

(2) Notwithstanding subparagraph (1), any structure of the University within the meaning of the Higher Education Act, which existed prior to the publication of this Statute, continues to exist and function in terms of this Statute until the day when each new structure reconstituted in terms of this Statute becomes functional.

Transitional provisions

81. (1) Anything done under any provision of the Statute of the Tswane University of Technology published in Government Gazette No. 30131 of 1 August 2007 before this Statute came into operation is deemed to have been done under the corresponding provision of this Statute.

(2) Any existing Rules which were in force at the commencement of this Statute continue to apply until replaced by any provision of this Statute or any Rule that may be made in terms of this Statute.

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