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# GOVERNMENT NOTICE

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## DEPARTMENT OF EDUCATION

No. 679

20 June 2008

### HIGHER EDUCATION ACT 101 OF 1997

#### THE STATUTE OF THE UNIVERSITY OF SOUTH AFRICA AMENDMENT TO THE STATUTE

The Council of the University of South Africa has made amendments to 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 Education and which comes into operation on the date of this publication.

#### SCHEDULE

*General explanatory note:*

[     ]     Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_     Words underlined with a solid line indicate insertions in existing enactments.

1.     *In this Schedule the expression "the Statute" means the Statute of the University of South Africa as published under Government Notice No. 28464 of 3 February 2006.*

2.     *Paragraph 1 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

**"senior management"** means the vice chancellor, pro vice chancellor, vice principal or vice principals, **[and] registrar [or registrars]** and other positions at these levels;

3.     *Paragraph 8 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

"8. (1)     Subject to the provisions of the Act, council consists of the following members

- 
- (a)     the principal and vice chancellor;
  - (b)     the pro vice chancellor;
  - (c)     the deputy vice chancellor;

- (d) three persons appointed by the minister;
- (e) two members of senate, elected by senate;
- (f) two further permanent academic employees who are not members of senate, elected by the permanent academic employees;
- (g) two students, elected by the students' representative council;
- (h) two permanent employees other than academic employees, elected by such employees;
- (i) **[two members of the convocation;] the president of the convocation and one member of the convocation elected by the convocation;**
- (j) the chairperson of the board of the graduate school of business leadership;
- (k) one person of the [nationally recognized] local government sector [representative] nominated by council;
- (l) one person nominated by the board of trustees of the Unisa foundation;
- (m) ten members with a broad spectrum of competencies in fields such as education, business, finance, law, marketing, information technology, human resource management and organized labour nominated and elected by council;
- (n) such members as co-opted by council."

3. *Paragraph 16(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

"16. (1) The secretary of council keeps the minutes of each meeting of council and includes such minutes in the agenda of the next council meeting, which is sent out in terms of paragraph 12 ~~[(3)] (4).~~"

4. *Paragraph 21 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- "21. (1) Council appoints such other committees as may be required including –
- (a) a finance and investment committee;
  - (b) an audit and enterprise risk management committee;
  - (c) a human resources committee;
  - (d) a remuneration committee;
  - (e) the board of the Graduate School of Business Leadership nominated according to the charter of the School."
- (2) Council, in consultation with senate, appoints such joint committees of council and senate as may be necessary.

- (3) Council determines the composition and functions of the committees of council.
- (4) At least 50 per cent of the members of a committee of council must be persons who are not employees or students of the university.
- (5) Any member of council who attends a meeting of a committee of council on invitation of the chairperson of such committee, may participate in the proceedings of the committee as if he or she is a member and may be taken into account for purposes of the quorum.
- ~~[(5)]~~ (6) The chairperson of a committee of council may not be an employee or a student of the university.
- ~~[(6)]~~ (7) The chairperson of council may not be the chairperson of the finance committee and audit committee of council."

5. *Paragraph 23(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- "23. (1) Senate shall consist of the following members -
- (a) the principal and vice chancellor;
  - (b) the pro vice chancellor;
  - (c) the vice principals;
  - (d) the registrar and deputy registrar;
  - (e) the executive deans of the colleges;
  - (f) the deputy executive deans of the colleges;
  - (g) the following directors -**
    - (i) directors of schools **[institutes and centres, that are formally constituted;]** and other directors in the colleges;**
    - (ii) the director of the Institute for Curriculum and Learning Development;**
    - (iii) the academic director of the Graduate School of Business Leadership;**
    - (iv) the director responsible for short learning programmes;**
  - (h) the heads or chairpersons of academic departments;
  - (i) the duly appointed heads of institutes, bureaus and centres that are formally constituted;**
  - ~~[(i)]~~ (j) all the executive directors;
  - ~~[(j)]~~ (k) the dean of students;
  - ~~[(k)]~~ (l) a full professor from each department of a college and the Graduate School of Business Leadership or where there is no full professor, an associate professor, elected by the permanent academic employees

of the department concerned or the Graduate School of Business Leadership, as the case may be;

- [(l)] (m) a permanent employee other than an academic employee from each college, elected by employees of the college who are not academic employees;
- [(m)] (n) a permanent academic employee who is not a full professor from each college and the Graduate School of Business Leadership, elected by the permanent academic employees of the college concerned or the Graduate School of Business Leadership, as the case may be;
- [(n)] (o) two members of council, who are neither employed by nor students of the university, elected by council;
- [(o)] (p) two students elected by the students' representative council;
- [(p)] (q) not more than five additional persons designated by senate for their knowledge, expertise or contribution to the university."

6. *Paragraph 28 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- "28. (1) Senate appoints an executive committee, which consists of the following members -
- (a) the principal and vice chancellor;
  - (b) the pro vice chancellor;
  - (c) the vice principal: academic and research;
  - (d) the registrar and deputy registrar;
  - (e) the executive deans of the colleges;
  - [(e)] (f) the deputy executive deans of the colleges, or in the absence of a deputy executive dean a director of a school of the college;
  - [(f)] (g) ten members of senate, elected by senate, which will reflect sensitivity to race, gender and disability;
  - [(g)] (h) the dean of students;
  - [(h)] (i) executive directors, as nominated by the chairperson;
  - (i) the director responsible for short learning programmes."

7. *Paragraph 29 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- "29. The functions of the executive committee of senate are -
- (1) to implement resolutions adopted by senate and referred to it;

- (2) to dispose of matters delegated to it by council and senate; **[and]**
  - (3) to perform, between meetings of senate, such functions and duties as assigned to it by senate; and
  - (4) to consider reports of selection committees and to make recommendations to the human resources committee of council.
8. *Paragraph 50 of the Statute is amended by the substitution for the paragraph of the following paragraph:*
- "50. (1) At least six months before the retirement of the principal and vice-chancellor or, if the office becomes vacant for any reason, within fourteen days of the occurrence of the vacancy, the secretary of council must give notice of the vacancy to every member of council and to the chairperson of the institutional forum.
- (2) Council must appoint a selection committee **[and instruct it to liaise with the institutional forum for advice on the filling of the position.]**
  - (3) The composition of the selection committee **[will be]** is determined by council and includes external members of council and at least two members of each of senate and the institutional forum. [takes charge of the selection and appointment process.]
  - (4) The secretary of council requests –
    - (a) the executive committee of senate to nominate the required number of members of senate to be members of the selection committee; and
    - (b) the executive committee of the institutional forum to nominate the required number of members of the institutional forum to serve as members of the selection committee.
  - (5) The selection committee takes charge of the selection and appointment process.
- [(4)] (6)** The selection committee **[, after consulting with senate and the institutional forum,]** submits the procedure for filling of the position of the principal and vice chancellor to council for approval.
- [(5)] (7)** The selection committee submits a draft advertisement of the position of the principal and vice chancellor to council for approval, before continuing with the process of the filling of the position.
- [(6)] (8)** After the advertisement, the selection committee shortlists not more than five candidates **[and forwards the names and curricula vitae of the short-listed candidates to senate and the institutional forum for their advice or recommendations.]**

**[(7)] (9)** [After receiving advice or recommendations from senate and the institutional forum,] The selection committee interviews the shortlisted candidates [and recommends to council not more than three candidates it found suitable for appointment to the office of principal and vice chancellor, provided that the names of the other shortlisted candidates and all other applicants are also submitted to council.]

(10) The selection committee recommends to the executive committees of senate and the institutional forum not more than three candidates it found suitable for appointment to the office of principal and vice chancellor, provided that the names of the other shortlisted candidates and all other applicants are also submitted to the executive committee of senate and the institutional forum for their advice.

(11) The selection committee submits its three recommended candidates to council whom it found suitable for appointment to the office of principal and vice chancellor, provided that the names of the other shortlisted candidates and all other applicants are also submitted to council.

- [(8)] (12)**
- (a) At a meeting, attended by at least 75 per cent of all its members, council considers the recommendations of the selection committee and if required votes by secret ballot on the appointment of one of the recommended candidates to the office of principal and vice chancellor.
  - (b) In the event of a vote the candidate with an absolute majority is appointed as principal and vice chancellor.
  - (c) If no candidate obtains an absolute majority, council may either decide to start the process afresh or to eliminate the candidate with the least number of votes and vote on the remaining two candidates.
  - (d) The candidate who then obtains a majority is appointed as principal and vice chancellor."

9. *Paragraph 59 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

"59. (1) At the first meeting, the convocation elects a president from among its members who holds office for **[three]** four years and is eligible for re-election."

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