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GOVERNMENT NOTICE

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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 900

26 August 2008

HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)

STATUTE OF WALTER SISULU UNIVERSITY

The Council of Walter Sisulu University, a comprehensive University, has made the Statute set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of section 33 of the Act, hereby published with the approval of the Minister of Education, and which comes into operation on the date of this publication.

SCHEDULE

To introduce a Statute for Walter Sisulu University, to give effect to the Higher Education Act, 1997 (Act No. 101 of 1997), as amended and to promote the effective management and governance of the University in respect of matters not expressly prescribed by any law.

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APPLICATION

1. Application

The Statute applies to Walter Sisulu University.

DEFINITIONS

2. Definitions

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

“**academic employee**” means any person appointed by the Council of the University to undertake teaching and research and any other employee designated as such by the Council;

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

“**associate professorship**” means an academic rank of associate professorship awarded by the Council after consultation with Senate;

“**calendar year**” means a period extending from the first day of January to the last day of December of the same year;

“**certificate**” means a qualification of the University awarded to a student on completion of the credits for the certificate prescribed by the Senate;

“**chairperson of Institutional Forum**” a person elected by the Institutional Forum to chair its meetings in accordance with its constitution;

“**Chancellor**” means a person appointed to serve as contemplated in paragraphs 5 to 7 of this Statute;

“**Convocation**” means the University body contemplated in paragraphs 38 to 45 of this Statute;

“**Council**” means the University governing body contemplated in paragraphs 8 to 18 of this Statute;

“**Deans Forum**” means a structure that provides opportunity for Deans of Faculties to articulate, co-ordinate and implement administrative issues across

faculties;

“**degree**” means a qualification of the University conferred upon a student on completion of the credits prescribed for the degree by the Senate;

“**diploma**” means a qualification of the University awarded to a student on completion of the credits for the diploma by the Senate;

“**diplomate**” means a person who has been awarded a diploma;

“**donor**” means a person, body, or entity who or which has made a donation as stipulated in the Rules and thus warrants recognition as a donor as contemplated in paragraph 46 of this Statute;

“**employee**” means any person, excluding an independent contractor, employed by the University Council whether appointed on a part-time or full-time, permanent, temporary or fixed-term basis, remunerated or honorary and includes an academic employee and a non-academic employee;

“**employer**” means the Council of Walter Sisulu University;

“**examination**” means any form of assessment, including any written, oral, practical or clinical test where the result obtained contributes to the summative judgment of competence;

“**executive management of the University**” for the purposes of this Statute and section 31 of the Act, means the Vice-Chancellor, Deputy Vice-Chancellors, Chief Operations Officer, Chief Financial Officer, Registrar and any other executive position the Council may create from time to time;

“**formal instructional programme**” means any Senate approved programme of at least one semester’s full-time equivalent duration and which is subsidy-generating and registered with the national qualifications authority;

“**graduate**” means a person upon whom a degree has been conferred;

“**senior management of the University**” means executive management together with executive deans of faculties and administrative Directors and positions equivalent to these;

“**Minister**” means the Minister of Education;

“**non-academic employee**” means any employee other than an academic

employee who renders administrative, student or institutional services;

“**professor**” means a person awarded a professorship by the Council after consultation with the Senate, but does not include emeritus, associate or honorary professor;

“**qualification**” means any formal qualification of the university which can be either a certificate, a diploma or a degree;

“**recognised trade union**” means any representative trade union registered as such in terms of the 1995 Labour Relations Act as amended and recognized by the University Council. “**registrar**” means a staff member appointed by the Council in terms of section 26 (4) (b) of the Act and as contemplated in sections 61 & 62 of this Statute;

“**rules**” means any rules made by the Council in terms of section 32 of the Act as reflected in relevant policies;

“**seat of the University**” means the seat contemplated in paragraph 3 of this Statute and in section 65A of the Act;

“**Senate**” means the Senate contemplated in paragraphs 19 to 25 of this Statute;

“**SRC**” means the Students Representative Council contemplated in paragraphs 47 to 54 of this Statute;

“**student**” means a person currently registered at the University for a programme of study leading to a degree, diploma or certificate;

“**trade union**” means an association of employees registered in terms of the Labour Relations Act 1995 as amended and recognized as such by Council;

“**University**” means Walter Sisulu University, a comprehensive University as contemplated in paragraphs 3 and 4 of this Statute; and

“**Vice-Chancellor**” means the Vice-Chancellor and Principal as contemplated in paragraph 55 to 58 of this Statute and in section 30 of the Act.

UNIVERSITY

3. Name, status and physical location of the University

(1) The name of the University is Walter Sisulu University

(2) The seat of the University is at Nelson Mandela Drive, Mthatha, Eastern Cape Province.

(3) The University is a juristic person.

(4) Notwithstanding subparagraph (3) the University may not, without the concurrence of the Minister, dispose of or alienate in any manner any immovable property or grant any real right therein or servitude thereto.

4. Constitution of the University

(1) The University consists of

(i) Office – bearers

(a) the Chancellor

(b) the Vice-Chancellor and Principal

(c) the Deputy Vice-Chancellors/ vice-principals

(d) the Chief operations officer

(e) the Chief Financial Officer

(f) the Registrar

(ii) Structures are

(a) the Council

(b) the Senate

(c) the Institutional Forum

(d) the SRC

(e) the Convocation

(f) the Deans Forum

(iii) Students

(iv) Employees

(v) and such other structures and office-bearers as may be established by Council.

(2) No vacancies in any of the offices contemplated in subparagraphs (i)(a) to (f) nor any vacancy or deficiency in the numbers or defect in the composition of the bodies contemplated in subparagraphs (ii)(a) to (e) shall impair or affect the existence of the

University as a juristic person or any function or powers conferred upon the body or the University by this Statute or by the Act.

CHANCELLOR

5. Functions of Chancellor

- (1) The Chancellor is the titular head of the University.
- (2) The Chancellor, or a person appointed to act on behalf of the Chancellor in terms of paragraph 7(2), presides at all congregations of the University and confers all degrees and awards all diplomas and certificates in the name of the University.
- (3) The Chancellor performs such other functions as assigned to him/her by the Council.

6. Election and appointment of Chancellor

- (1) The Chancellor is elected by the Council in the following manner-
 - (a) The Chairperson of the Council determines the date on which a meeting of the Council is to be held for the purpose of electing a Chancellor;
 - (b) the secretary to 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 the members of the Institutional Forum to submit nominations for the office of the Chancellor;
 - (d) the nominations contemplated in subparagraph (1)(c) must reach the secretary to the Council at least 20 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 and the

Institutional Forum in writing of the nominations received;

- (g) an extra-ordinary meeting of the Institutional Forum must be held before the meeting contemplated in subparagraph (1)(a) for purposes of considering the nominations and advising the Council on the appointment of a candidate to the office of Chancellor;
- (h) the Chancellor is elected by secret ballot and a majority of the members present at the meeting contemplated in subparagraph (1)(a);
- (i) if no candidate receives a majority of votes, successive rounds of voting are held; and
- (j) in each successive round of voting the candidate receiving the fewest votes is eliminated as a candidate.

(2) After the Council has elected a Chancellor, the name of the Chancellor is announced by the Chairperson of the Council.

(3) A person is not eligible for nomination for election as Chancellor, or to hold or continue to hold office as Chancellor if he or she -

- (a) is, or becomes, insolvent; or
- (b) is declared to be of unsound mind by a court of law; or
- (c) is subsequent to his or her election, removed from an office of trust by a court of law, or convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of law; or
- (d) is found guilty of unethical or unbecoming conduct.

7. Term of office of Chancellor

(1) The Chancellor holds office for 5 years, or until, within that period, he or she resigns, or dies, or until he or she ceases to qualify to hold office in terms of paragraph 6(3).

(2) If the Chancellor is absent, or if the office is vacant, the Vice-Chancellor and principal, or in his or her absence the acting Vice-Chancellor or a deputy Vice-Chancellor nominated by him or her, or failing them, such other person as the Council may designate for the purpose, acts for the Chancellor.

(3) Should a vacancy occur for whatever reason, the Chancellor next elected holds office for 5 years, or until he or she resigns, or dies, or until he or she ceases to qualify to hold office in terms of paragraph 6(3).

(4) The Chancellor may be re-elected to one further 5-year term of office.

(5) The Council may discharge the Chancellor by a vote of two-thirds of all members of Council.

COUNCIL

8. Functions of Council

(1) The Council governs the University in terms of the Act, this Statute and generally recognised principles of good governance.

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

- (a) must administer all property of the University;
- (b) appoints all employees of the University, but, in the case of academic employees of the University, it may do so only after consultation with the Senate;
- (c) must, subject to the policy determined by the Minister, with the concurrence of the Senate, determine the language policy of the University;
- (d) must, after consultation with the SRC, establish a structure to advise on the policy for student support services within the University;
- (e) must consider for approval the admissions and readmissions policy of the University as recommended by Senate;
- (f) must consult the Institutional Forum as required by the Act; g) may make, rescind or amend the statute and rules for the University in terms of the Act;
- (h) may establish committees of the Council, determine the composition and functions of such committees, and terminate the membership of any person it has appointed to such committee; and
- (i) establishes, in consultation with the Senate, joint committees of the

Council and the Senate to perform functions, which are common to the Council and the Senate.

- (3) The Council may delegate or assign any of its powers and functions to
- (a) a committee of the Council;
 - (b) a member of the Council; or
 - (c) any office- bearer of the University;

except those powers and functions specified in subparagraph (4).

(4) The Council may not delegate or assign any of the following powers and functions

- (a) the appointment of executive management of the university;
- (b) the approval of the annual operating and capital expenditure budgets;
- (c) the adoption of the annual financial statements and annual report;
- (d) the determination of academic and residence fees to be paid by students;
- (e) the making or approval of the statute and rules;
- (f) the determination of conditions of service, the disciplinary provisions and the privileges and functions of employees;
- (g) the determination, after consultation with the Senate, of academic structures and the functions of each structure, in order to ensure efficient governance;
- (h) the approval of a loan, overdraft or disposal of investments subject, where appropriate, to Ministerial approval; and
- (i) the decision to embark on the construction of a permanent building or other immovable infrastructural development, the purchase of immovable property, or entering into a long-term lease of immovable property subject, where appropriate, to Ministerial approval.

(5) The Council remains responsible for the exercise and performance of any function delegated or assigned in terms of subparagraph (3).

9. Composition of Council

- (1) The Council consists of not more than 30 members made up of –
 - (a) the Vice-Chancellor and principal;
 - (b) a maximum of two members, designated by the Vice-Chancellor and principal, from the executive management;
 - (c) two members of the Senate elected by the Senate;
 - (d) two members of the permanent academic employees elected by these employees;
 - (e) two members of the permanent employees other than academic employees, elected by these employees;
 - (f) two students elected by the SRC;
 - (g) five persons appointed by the Minister;
 - (h) two members of the Convocation elected by the Convocation;
 - (i) maximum of eleven persons with competencies in education, business, finance, law, marketing, information technology, human resource management and in any other field considered relevant by the Council; and
 - (j) Chairperson of the Institutional Forum.
- (2) At least 60 per cent of the voting members of the Council must be persons who are not employees or students of the University.
- (3) No employee and no student may be elected or hold an appointment under subparagraphs (1) (g) to (i).
- (4) A person elected and appointed under subparagraphs (g) to (i) who becomes a student or an employee, other than an employee appointed in an honorary capacity, forthwith ceases to be a member of the Council.
- (5) The Vice-Chancellor and Principal, with the approval of the Chairperson of Council, or the Chairperson of Council may invite any person to attend any meeting of the Council in an advisory capacity or as an observer and such person does not have any voting rights.

10. Election of members of Council

(1) The procedure for the election or appointment of members of the Council in paragraphs 9(1)(c), (d), (e), (f), and (h), respectively, is determined by the bodies concerned.

(2) The procedure for the election of members of the Council in paragraphs 9(1)(i) is determined by the rules.

(3) In the election or appointment of Council members regard must be made to gender representatively in line with the rules of the institution.

11. Term of office of Council members

(1) The Vice-Chancellor and Principal remains a member of the Council for the duration of his/her contract.

(2) The term of office of the two members of executive management designated by the Vice-Chancellor and Principal is as designated by the contracts.

(3) The term of office of the students appointed by the SRC is one calendar year, provided that when anyone of them ceases to be a registered student at the University, he or she forthwith ceases to be a member of the Council.

(4) The term of office of members referred to in par. 9(1)(c), (d) and (e) is three years.

(5) Notwithstanding subparagraph (4), at the first meeting of the Council it must be decided by lot which three of the internal members referred to in par. 9(1)(c), (d) and (e) hold office for 2 years.

(6) The term of office of the remaining members is four years from their date of appointment, subject to par. 11(7).

(7) Notwithstanding subparagraph (6), at the first meeting of the Council it must be decided by lot which eight of the external members referred to in par. 9(1)(h) and (i) hold office for 3 years.

(8) A member is eligible for re-election for a further term of office.

12. Termination of membership and filling of vacancies

(1) A position on Council becomes vacant if -

- (a) a member resigns in writing;
- (b) a member dies;
- (c) a member is absent from three consecutive ordinary meetings and sub-committees of the Council without leave;
- (d) a member is, or becomes, insolvent;
- (e) a member is declared to be of unsound mind by a court of law;
- (f) a member is removed from an office of trust by a court of law, or is convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of law; or
- (g) a member's membership is terminated by the Council in terms of the rules and the code of conduct.

(2) In the event of a vacancy through death or otherwise, the secretary to Council must forthwith notify the authority or body that appointed or elected the member, requesting the authority or body to appoint or elect a successor.

(3) The successor holds office for the unexpired term of office of the predecessor.

(4) The Council may suspend a member's membership or take disciplinary action against a member in terms of the rules and the code of conduct.

(5) If 75 per cent or more of the members of the Council resign at a meeting of the Council, it is deemed that the Council has resigned.

(6) If the Council resigns as contemplated in subparagraph (5), a new Council must be constituted in terms of paragraphs 9 and 10.

(7) If found guilty of unethical or unbecoming conduct in a disciplinary action taken against the member by the Council.

13. Office-Bearers of Council

(1) The Council must elect a Chairperson and a Deputy-Chairperson from among members of the Council who are neither employees nor students of the

University. These should be persons with relevant experience and a proven record of good leadership qualities like critical thinking, innovativeness, integrity, honesty, and ability to motivate team members.

(2) The key function of the Chairperson will be to preside over all meetings of the Council and the Executive Committee of Council.

(3) Other functions of the Chairperson include the following:

- (a) Convening meetings of Council;
- (b) Providing overall leadership to the Council while maintaining the principle of collective responsibility for Council decisions; and
- (c) Ensuring that councilors play a constructive role in all the Council meetings and any other activities of the Council that fall within its purview.

(4) The Deputy Chairperson will perform the above functions in the absence of the Chairperson.

(5) The term of office of the Chairperson and of the Deputy Chairperson is two years.

(6) The registrar is the secretary to the Council.

(7) The Secretary to the Council must invite the Council to elect a Chairperson and a deputy-Chairperson at the first meeting of the new Council or to fill the vacancy for the unexpired period of the term of office whenever a vacancy arises.

(8) 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.

(9) If only one candidate is nominated for the office of the Chairperson or the vice-chairperson, such person is duly elected.

(10) If more than one candidate is nominated for the office of the Chairperson or the vice-chairperson, voting is by secret ballot.

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

(12) Whenever voting is necessary a majority of all members present elect the Chairperson and the vice-chairperson.

(13) In the event of a tie a further round of voting must be held.

(14) If after a second round of voting there is still a tie, the Chairperson or Deputy Chairperson must be decided by lot.

(15) An office-bearer, whose term of office is coming to an end, is eligible for re-election, for two further terms of office, if he or she is still a member of the Council.

(16) The Chairperson presides at all meetings of the Council at which he or she is present.

(17) In the absence of the Chairperson the Deputy Chairperson presides.

(18) If both the Chairperson and the Deputy Chairperson are absent, the Council elects a Chairperson for the meeting concerned from those members present who are neither employees nor students of the University.

14. Ordinary Meetings

(1) The ordinary meetings of the Council must be held when the Council decides, and at least four ordinary meetings must be held each calendar year at the seat of the University.

(2) The secretary to the Council must issue a written notice to each member of the Council at least seven calendar days before each ordinary meeting of the Council setting out the place, date and time of the meeting, and the agenda and supporting documentation for the meeting, but the Council may, if the Chairpersons rules or, if such a ruling has not been made, a majority of the voting members present agree, consider any urgent matter of which notice has not yet been given.

(3) At each ordinary meeting the Council must

(a) confirm the minutes of the last ordinary meeting, and the minutes of any extra-ordinary meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members prior to the meeting; and

(b) deal with the business of which notice has been given and any other urgent matter agreed to in terms of subparagraph (2).

(4) Council may invite any person(s) to attend ad hoc and to provide input as

may be required.

- (5) Council may invite observers who may participate in debate but cannot vote.

15. Extra-Ordinary Meetings

- (1) Extra-ordinary meetings must be held
 - (a) when called by the Chairperson or Deputy Chairperson or, in his or her absence, by any of the Chairpersons of standing Committees of Council; or
 - (b) when a written request, for an extra-ordinary meeting, stating the objective of the meeting, is received by the secretary to the Council from at least five members of the Council of whom at least 60 per cent must be members who are not employees or students of the University.

(2) At least three-calendar days notice must be given of an extra-ordinary meeting, unless, in the opinion of the Chairperson or the Vice-Chancellor and principal, there is an emergency that warrants a shorter period of notice.

(3) No matters other than those for which the meeting has been called may be dealt with at an extra-ordinary meeting.

16. Quorum and Procedure at Council Meetings

(1) The quorum at any meeting of the Council is, subject to paragraph 70, 50% plus one of the total membership of the Council, of which the majority of those present are not employed by or students of the University.

(2) The Council members must participate in the deliberations of Council in the best interests of the University, and in accordance with the rules of debate as approved by Council and contained in the rules.

17. Financial and other interests of Council members

(1) Any member of the Council or a committee of the Council who has a direct or indirect financial or personal interest in any matter to be discussed at a meeting must, before or during such meeting, declare such interest on becoming aware of it, and must

comply with such other rules and policies as the Council may adopt.

(2) If a member of Council participates without Council's permission in proceedings of Council or a committee of Council in a matter in which he or she has a financial or personal interest, voting by Council or a committee of Council on such a matter is invalid.

(3) Before any meeting, any member of the University community has the right to inform the Chairperson in writing, of any possible conflict of interest in any respect of any member of Council or a committee of Council.

(4) After such declaration and finding that a conflict of interest exists, such member of the Council or a committee of the Council must excuse himself or herself from the meeting and any subsequent meeting at which the matter is to be discussed, and is not entitled to receive papers relating to the matter.

18. Committees of Council

(1) The Council must appoint and determine the composition and functions of-

- (a) an executive committee;
- (b) an audit and risk committee;
- (c) a finance committee;
- (d) a planning and resource committee;
- (e) a human resources committee;
- (f) a Council membership committee; and
- (g) such other committees as may be required.

(2) At least 60 per cent of the members of a committee contemplated in subparagraph (1) must be persons who are not employees or students of the University.

(3) The Chairperson or Deputy Chairperson of a committee contemplated in subparagraph (1) may not be an employee or a student of the University.

(4) The quorum at a meeting of any committee contemplated in subparagraph (1) is 50% of the total membership of the committee subject to paragraph 70.

SENATE

19. Functions of Senate

(1) The Senate is responsible for all academic matters including teaching, learning and research functions of the University including quality assurance in terms of the rules of Senate and is accountable to the Council.

(2) Without derogating from the generality of subparagraph (1) the Senate

- (a) must control the instruction, programme content and outcomes, student examinations and research of the University;
- (b) makes the rules for student examinations and must ensure that all examinations are conducted in accordance with these rules;
- (c) makes rules prescribing the requirements for each degree, diploma and certificate;
- (d) appoints examiners, supervisors and promoters for all student examinations, dissertations and theses;
- (e) advises the Council on the appointment of academic employees of the University;
- (f) advises the Council on the admissions and readmissions policy of the University;
- (g) advises the Council on disciplinary measures and rules concerning students;
- (h) advises the Council on the faculty to which each academic department, school or other academic structure belongs; and
- (i) advises the Council on the establishment and disestablishment of faculties, academic departments, schools and other academic structures.

(3) The Senate -

- (a) must perform other functions delegated or assigned by Council;
- (b) must submit to the Council such reports on its work as may be required by the Council; and
- (c) makes recommendations to the Council on matters referred to it by the

Council and on any other matter affecting the University, as it considers necessary.

- (4) The Senate may by resolution –
 - (a) establish committees of Senate;
 - (b) appoint to any such committee both members of Senate and persons who are not members of Senate;
 - (c) disestablish any committee it has established; and
 - (d) terminate the membership of a committee of any person it has appointed to any committee.
- (5) The Senate may delegate or assign any of its functions to
 - (a) a committee of Senate;
 - (b) a member of Senate; or
 - (c) any officer of the University, provided that it may not delegate or assign a function delegated to it by the Council without the Council's agreement.
- (6) The Senate remains responsible for the performance of any function delegated or assigned in terms of subparagraph (5).

20. Composition of Senate

- (1) The Senate consists of -
 - (a) the Vice-Chancellor and principal;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Chief Operations Officer and Chief Financial Officer;
 - (d) the Registrar;
 - (e) all Executive Directors;
 - (f) Executive Deans and Deputy-Deans;
 - (g) all Directors of Schools and heads of academic departments/ programme coordinators;
 - (h) one professor/ associate professor/ senior member elected by each academic department;
 - (i) the Directors of the academic and administration/ support

Units/Sections;

- (j) two permanent academic employees elected by such employees;
 - (k) four students elected by the SRC who must be members of the SRC;
 - (l) two members of the Council elected by the Council who are not employees or students of the University;
 - (m) two permanent employees other than academic employees elected by such employees; and
 - (n) such persons as co-opted by the Senate in terms of the rules;
- (2) The majority of Senate members must be academic employees.
- (3) For those members of Senate who are elected into Senate by other bodies, the manner of their election is as determined by the relevant body and must reflect sensitivity to gender.

21. Term of office of Senate members

(1) The term of office of the students elected by the SRC is one calendar year provided that when anyone of them ceases to be a member of the SRC at the University, he/she forthwith ceases to be a member of the Senate.

(2) The term of office of the other elected members of the Senate is three years from 1 January to 31 December three years later, and the term of office of any member elected, appointed, or co-opted after the start of the three-year term of office is for the balance of that three-year term of office.

22. Office-bearers of Senate

(1) The Vice-Chancellor and Principal is the Chairperson of the Senate.

(2) In the absence of the Vice-Chancellor the acting Vice-Chancellor presides, failing the acting Vice-Chancellor, the meeting elects a Chairperson for the meeting.

(3) The registrar is the secretary to the Senate.

23. Ordinary meetings

(1) Ordinary meetings must be held when and where Senate decides and at

least four ordinary meetings must be held each calendar year.

(2) The Vice-Chancellor and Principal, Deputy Vice-Chancellors, a member of Council, or any Council Committee, Senate committee or any two members of the Senate may place a motion on the agenda for a meeting of the Senate by giving notice to the secretary to the Senate at least fourteen calendar days before the date of the meeting, and the secretary to the Senate must include any such motion in the agenda.

(3) The secretary to the Senate must issue a notice to each member of the Senate at least seven calendar days before the date of each ordinary meeting of the Senate, setting out the place, date and time of the meeting, and the agenda and supporting documentation for the meeting seven calendar days, but the Senate may if the Chairperson so rules or, if such a ruling has not been made, a majority of the voting members present agree, consider any urgent matter of which notice has not been given.

(4) At each ordinary meeting the Senate must

- (a) confirm the minutes of the last ordinary meeting, and the minutes of any extra-ordinary meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members at least five calendar days prior to the meeting; and
- (b) deal with the business of which notice has been given and any other urgent matter agreed to in terms of paragraph 23(3).

24. Extra-ordinary meetings

(1) Extra-ordinary meetings must be held

- (a) when called by the Chairperson or the acting chairperson; or
- (b) when a written request for an extra-ordinary meeting, stating the object of the meeting, is received by the secretary to the Senate from at least 30 members of the Senate.

(2) At least three calendar days' notice must be given of an extra-ordinary meeting, unless, in the opinion of the Chairperson there is an emergency that warrants a shorter period of notice.

(3) No matters other than those for which the meeting has been called may be

dealt with at an extra-ordinary meeting.

25. Quorum and procedure at Senate meetings

(1) The quorum at any meeting of the Senate is, subject to paragraph 70, 50% plus one of the total membership of Senate, the members of Senate on leave at the date of any meeting not counting, for this purpose, among those present or in the membership.

(2) The Senate members must participate in the deliberations of Senate in the best interests of the University, and in accordance with the rules of debate as approved by Senate and contained in the rules.

FACULTY BOARDS

26. The functions of the Faculty Boards

The functions of Faculty Boards shall be as follows

- (a) It is responsible to the Senate for controlling the instruction, programme contents and outcomes, student examinations and research of the faculty;
- (b) It must make proposals to the Senate for rules prescribing the requirements for each degree, diploma and certificate offered in the faculty, including the requirements for admission and readmission;
- (c) It must advise the executive dean of the faculty on policy for resource allocation in the faculty;
- (d) It must carry out such functions as the Senate delegates or assigns to it;
- (e) It is accountable to the Senate for its work; and
- (f) It may by resolution establish committees of the faculty, and may appoint as members of such committees any people whether they are members of the faculty board or not.

27. The composition of Faculty Boards

- (1) For each faculty there is a faculty board.
- (2) The composition of each faculty board shall comprise all academic

employees in the faculty, but in each faculty the composition of the faculty board must include

- (a) student representatives as defined in the faculty constitution; and
 - (b) any other persons as approved by the faculty board.
- (3) The executive dean of the faculty is the Chairperson of the faculty board.
- (4) In the absence of the executive dean, the acting executive dean presides and in the absence of the acting executive dean the vice dean presides and in the absence of all three the faculty board must elect a member to preside at that meeting.

28. Ordinary meetings of Faculty Boards

Ordinary meetings of Faculty Boards must be held at least four times in each calendar year.

29. Extra-ordinary meetings of Faculty Boards

Extra-ordinary meetings must be held

- (a) when called by the executive dean or acting executive dean; or
- (b) when a written request for an extra-ordinary meeting, stating the objective of the meeting, is received by the executive dean or acting executive dean from at least 10 members of the faculty board.

30. Quorum and procedure at meetings

(1) The quorum, subject to par. 70, and procedure at meetings of Faculty Boards are as decided by the Senate from time to time.

(2) The faculty board decides its own rules of debate.

INSTITUTIONAL FORUM (IF)

31. Functions of Institutional Forum

(1) The Institutional Forum advises the Council on issues affecting the University, including

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

education;

- (b) race and gender equity policies;
- (c) the selection of candidates for senior management positions;
- (d) codes of conduct, mediation and dispute resolution procedures; and
- (e) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for instruction, research and learning;
- (g) the implementation of the University's language policy

(2) The Institutional Forum performs such other functions as determined by the Council.

(3) The Institutional Forum may offer advice to Council and the Council should inform the IF in writing in the event that the advice has not been accepted.

32. Composition of Institutional Forum

The Institutional Forum consists of

- (a) two members of the Council elected by Council who are not employees or students of the University;
- (b) two members from management appointed by the vice-Chancellor;
- (c) two members of the Senate elected by the Senate;
- (d) two members of the permanent academic employees elected by the permanent academic employees;
- (e) two members of the permanent non-academic employees elected by these employees;
- (f) two members of each trade union recognized by Council, elected respectively by these organizations;
- (g) four students designated by SRC;
- (h) one member of Convocation, elected by the Convocation;
- (i) one member of the gender forum, elected by the gender forum;

- (j) two external members appointed by Institutional Forum; and
- (k) such members as co-opted by the Institutional Forum.

33. Election of members of Institutional Forum

(1) The procedure for the election or co-option of members of the Institutional Forum in paragraphs 32(a), (c), (f), (g), (h), (i), (j) and (k) respectively, is determined by the bodies concerned.

(2) The procedure for the election of members of the Institutional Forum in paragraphs 32(d), and (e) is determined by the rules.

34. Term of office of members of Institutional Forum

(1) The term of office of the members elected by the SRC is one calendar year.

(2) The term of office of the members elected by each recognized trade union, the academic employees, and non-academic employees is three years.

(3) The term of office of the members appointed by the Vice-Chancellor is for such periods as the Vice-Chancellor determines.

(4) The term of office of the other members is three years.

35. Office-bearers of Institutional Forum

(1) The Institutional Forum elects from among its members a chairperson, and a deputy chairperson.

(2) The Vice-Chancellor and Principal nominates a member of the permanent professional and administrative staff as the secretary of the Institutional Forum.

36. Quorum and procedure at meetings of Institutional Forum

(1) The quorum at any meeting of the Institutional Forum is, subject to par. 70, 50% plus one of the total membership of the Institutional Forum.

(2) The Institutional Forum determines its own procedures subject to the following

- (a) ordinary meetings must be held when and where the Institutional Forum

- decides, and at least four ordinary meetings must be held each calendar year;
- (b) extra-ordinary meetings must be held -
 - (i) when called by the chairperson;
 - (ii) or when a written request for an extra-ordinary meeting, stating the object of the meeting, is received by the secretary of the Institutional Forum from at least six members of the Institutional Forum; and
 - (c) the Institutional Forum decides its own rules of debate.

JOINT COMMITTEES

37. Joint Committees

(1) The Council and the Senate may, by resolution of each body concerned, establish joint committees, and appoint people to be members of them.

(2) In addition to their members the Council or the Senate may each agree to appoint any other person to a joint committee.

(3) Any joint committee may be disestablished by resolution of the Council and the Senate and the membership of any person appointed to a joint committee may be terminated by the body, which appointed him or her.

(4) The Council may delegate or assign to a joint committee any of its powers and functions, other than those specified in paragraph 8(4), but remains responsible for the performance of those powers and functions.

(5) The Senate may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.

(6) Rules of debate are determined by each joint committee.

CONVOCATION

38. Functions of Convocation

The functions of Convocation are *inter alia*:

- (a) to discuss and state its opinion upon any matter relating to the University, including any matter referred to it by the Council, management, the Senate or the Institutional Forum;
- (b) to nominate members of the Convocation to Council and Institutional Forum; and
- (c) to assist the University and the WSU Foundation in fundraising.

39. Composition of Convocation

The Convocation consists of

- (a) the graduates and all holders of diplomas and certificates of the University including those of the former University of Transkei, Border Technikon and Eastern Cape Technikon;
- (b) the Vice-Chancellor, the Deputy Vice-Chancellors, Chief Operations Officer, Chief Financial Officer, Registrar, Executive Deans; and
- (c) All current and retired academic employees and directors of Library and Information Services, Research, Quality Assurance, Academic Planning, Centre for Learning & Teaching Development, Centre for Community and International Partnerships who are permanent employees.

40. Roll of Convocation

- (1) The secretary to Convocation must keep the roll of Convocation.
- (2) Every member of Convocation must notify the secretary to Convocation of his or her address and of any change of address.

41. Office-bearers of Convocation

- (1) The officials of the Convocation are the president, vice-president and secretary to the Convocation.
- (2) The Secretary to Convocation, who is an employee of the University, is responsible for the administration of the office of the Convocation, and performs such tasks as delegated by the officers.

(3) The president, who should not be an employee of the University, may not serve for more than two consecutive terms of three years in the same office.

(4) The president presides at the annual general meeting, extra-ordinary general meetings, and Convocation executive committee meetings.

(5) The president is competent to represent the Convocation and perform any other duties required by the constitution of the Convocation, or act upon decisions taken at the annual general meeting or by the executive committee of the Convocation.

(6) The vice-president acts as, and performs all the functions and exercises all the powers of the president if the latter is absent, or precluded from acting as president.

(7) If the positions of president and vice-president become vacant during the term of office of an incumbent, the executive committee may elect a member or members of the executive to fill the position or positions for the remainder of the term.

(8) The secretary to Convocation is the registrar of the University.

42. Election of president and vice-president

(1) Nominations must be submitted in writing to the Convocation officer in terms of a procedure determined by the constitution of the Convocation.

(2) The president is elected at the annual general meeting by the Convocation from amongst its members by secret ballot, and holds office for a period of three years.

(3) Whenever a tie of votes occurs between candidates for the office of president, successive rounds of voting must take place at the annual general meeting until a candidate obtains a majority vote.

(4) No member is eligible for election to the office of president unless he or she is resident in the country of South Africa.

(5) The vice-president is elected by the executive committee of the Convocation at its first meeting after the annual general meeting, as provided for in the constitution of the Convocation.

43. Executive committee of Convocation

(1) The management of the business of the Convocation shall be vested in the

executive committee of the Convocation.

(2) The constitution of the Convocation must provide for the composition, office-bearers, powers and functions of the executive committee of the Convocation.

44. Annual general meeting

(1) The annual general meeting must be convened by the secretary to the Convocation in consultation with the president, and must be held at a venue and at a time to be determined by the executive committee of the Convocation.

(2) Any member desiring to table any business must, at least two weeks before the meeting, forward a statement in writing to the secretary to the Convocation or, failing him or her, the president, setting forth in the form of a motion the subject proposed for consideration.

(3) The reason for each motion must be stated and must be signed by the proposer and seconder and the proposer and seconder, who must be members of the Convocation, must be present at the annual general meeting to present and motivate the motion.

(4) Notice of the annual general meeting must be published in a national newspaper or publication at least four weeks before the day appointed for holding such meeting with a statement of the business to be brought before the meeting.

(5) Thirty members form a quorum.

(6) An audited statement of accounts must be tabled and presented for adoption at the annual general meeting.

45. Extra-ordinary meetings

(1) An extra-ordinary meeting of the Convocation may be called by the president on his or her own accord at any time for a purpose to be stated by him or her.

(2) Such a meeting can also be called by the president or by the secretary to the Convocation, on the receipt of a request in writing by not less than twenty-five members of the Convocation.

(3) No business other than for which notice has been given must be transacted

at such meeting, and an amendment to a specific motion stated in the request may be moved at such meeting only with the consent of the president and the proposer of such motion.

DEANS FORUM

46. Composition of the Deans Forum

(1) The Deans Forum shall be composed of Executive Deans and the Deputy Vice-Chancellor: Academic Affairs and Research.

(2) The Deputy Vice Chancellor: Academic Affairs and Research will serve as Chairperson of the Forum.

47. Functions of the Deans Forum

The functions of the Deans Forum are:

- (a) To serve as a forum for the articulation, co-ordination and implementation of administrative issues across faculties.
- (b) To initiate, co-ordinate and advise on issues concerning academic and research enterprises.
- (c) To establish a platform for Deans to interact formally as academic leaders of faculties in order to enhance the reputation and profile of the University.
- (d) To serve as a think tank on academic and research issues to the Vice Chancellor and the Deputy Vice Chancellor: Academic Affairs and Research.

DONORS

48. Donors

(1) The University may receive monies and equipment of any sort from donors to assist the University in its bona fide activities.

(2) The University may recognize and register certain donors as determined in the rules.

STUDENTS REPRESENTATIVE COUNCIL (SRC)

49. Functions of SRC

(1) The students of the University are represented by the SRC in matters that may affect them.

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

- (a) liaison with the Council, the Senate, the management, the general public, other institutions, students' representative Councils of other institutions, national or international student unions;
- (b) being the umbrella body for all student committees, clubs, Councils and societies, the granting or withdrawing of recognition of such student committees, clubs, Councils and societies, as it deems appropriate;
- (c) the co-ordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the management of the University;
- (d) the conducting of all meetings of the student body and its managing body;
- (e) the conveying of student matters in all general referenda and petitions by the students within the University Rules;
- (f) the appointment of such office-bearers and establishing of such committees as it deems necessary;
- (g) the promotion of extramural activities among students;
- (h) keeping account of all moneys allocated to it by the Council and any other moneys which may accrue to it in its capacity as representatives of the students; also to allocate or disburse such funds for use by students, and to make grants to approved student clubs, committees, societies and Councils;
- (i) the responsibility for the maintenance of order at student functions, and the ensuring of good conduct at other approved meetings of students;
- (j) the co-ordination of student involvement in all community projects initiated by it;

- (k) the recommendation to the Council of rules to determine the conduct of its affairs;
- (l) the final decision making in all matters falling within its jurisdiction; and
- (m) such additional functions and privileges as may be specifically conferred upon it by the Council.

(3) The Council of the University shall, whenever the SRC is non-existent or is dysfunctional, have the powers of deciding how the functions of the SRC will be performed during such period.

(4) Before the end of its term of office, the SRC shall account to the whole student body as well as to the University Council about how it has spent or disbursed the SRC funds allocated to it.

50. Composition of SRC

The constitution of the SRC, as approved by Council, must provide for a detailed composition of the SRC, subject to the following conditions

- (a) the University shall have only one unified SRC;
- (b) the members of the SRC must be elected in a general election held during the third quarter of each calendar year;
- (c) only a student who has been registered for at least one semester for a formal programme of study approved by Senate, is entitled to nominate a candidate, be nominated as a candidate or vote, in the manner the SRC constitution prescribes; and
- (d) a member of the SRC's term of office expires, if that student's registration ceases for whatever reason.

51. Office-bearers of SRC

The constitution of the SRC, as approved by Council, must provide for the functions of all office-bearers and the election of such office-bearers subject to compliance with the statute.

52. Term of office of SRC members

The term office of the members of the SRC is one calendar year from the date the election results are officially certified until the date of the next election.

VICE-CHANCELLOR AND PRINCIPAL**53. Functions of Vice-Chancellor and Principal**

(1) The Vice-Chancellor and Principal is the academic, administrative and management head of the University.

(2) The Vice-Chancellor and Principal's functions are determined by the Council but he or she may delegate any of the powers assigned or delegated to him or her by the Council or the Senate to any officer of the University, except where the Council or the Senate decides otherwise.

(3) The Vice-Chancellor and Principal is by virtue of his or her office a member of

- (a) the Council;
- (b) each Council Committee;
- (c) the Senate;
- (d) each committee of the Senate;
- (e) each joint committee; and
- (f) each management committee.

54. Appointment of Vice-Chancellor and Principal

The Council appoints the Vice-Chancellor and Principal in terms of the rules of Council, after consulting the Senate and the Institutional Forum, for such period and upon such terms as the Council decides.

55. Acting Vice-Chancellor and Principal

(1) In the absence of the Vice-Chancellor and principal, the Deputy Vice-Chancellor acting as Vice-Chancellor and Principal officiates as Acting Vice-Chancellor.

(2) If the Deputy Vice-Chancellor acting as Vice-Chancellor and Principal cannot

officiate as acting Vice-Chancellor, another person appointed thereto by Council officiates as acting Vice-Chancellor.

(3) An acting Vice-Chancellor and Principal has the same responsibilities, powers and functions as the Vice-Chancellor and Principal and is accountable to the Vice-Chancellor and principal, where applicable, and Council.

(4) An acting Vice-Chancellor and Principal stops officiating as Vice-Chancellor as soon as the appointed Vice-Chancellor and Principal takes up the responsibilities of the office.

56. Termination of office of Vice-Chancellor and Principal

(1) The Vice-Chancellor and Principal holds office for such period and upon such terms as the Council decides.

(2) The appointment may be terminated during the period of office by six months' written notice on either side.

(3) Any resolution of the Council to give notice of termination must be taken at a meeting of the Council by a majority consisting of not less than 75% the total membership of the Council.

(4) The term of office of the Vice-Chancellor and Principal terminates before its expiry if the incumbent dies, or is discharged from office if found guilty of unethical or unbecoming conduct in terms of the rules of the institution.

(5) If the office of the Vice-Chancellor and Principal becomes vacant, the Council must

- (a) after consulting the Senate and the Institutional Forum appoint an acting Vice-Chancellor to hold office until such time as a new Vice-Chancellor takes up his or her appointment; and,
- (b) after consulting the Senate and the Institutional Forum, appoint a successor.

EXECUTIVE MANAGEMENT

57. Functions of executive management

(1) the executive management is responsible for strategic management, general supervision and control over all functions of the university

(2) Such additional functions as may be determined by this statute and the institutional rules

(3) Two persons from the executive management, as determined by the Vice-Chancellor and principal, are members of Council.

(4) Each executive member is by virtue of his or her office a member of the Senate.

(5) The Deputy Vice-Chancellor responsible for academic affairs is by virtue of his or her office a member of each committee of the Senate.

58. Appointment of executive management

The Council appoints executive management after consulting the Senate and the Institutional Forum, for such period and upon such terms as the Council decides.

REGISTRAR

59 Functions of registrar

(1) There must be a registrar to whom the Council may assign certain responsibilities and duties and to whom the vice-Chancellor and principal may entrust specific functions.

(2) The registrar is the secretary to the Council, secretary to the Senate and secretary to the Convocation and as such may participate in the discussions of the Council, Senate and Convocation, but may not vote in the Council.

60. Appointment of registrar

(1) The registrar is appointed by the Council after consultation with the Senate and the Institutional Forum for such a period and upon such terms as the Council

decides.

(2) During the temporary absence of the registrar the vice- Chancellor and principal designates another suitable person to perform the functions attached to the office.

EMPLOYEES

61. Employees

Subject to section 34 of the Act, the Council may appoint employees according to the human resource policies and conditions of employment of the University.

STUDENT ADMINISTRATION

62. Admission and registration of students

(1) In order to be regarded as a student of the University, a person must be formally accepted for admission to a programme of study and registered at the University.

(2) A person may be permitted by the Council to register as a student only if he or she satisfies all legal requirements for admission to study at the University and, further, satisfies any other requirements for admission that may be determined by the Council after consultation with the Senate and laid down in the rules.

(3) The requirements for admission of a student to a programme of study are set out in the rules and may be changed by the Council after consultation with the Senate.

(4) Every person, on admission to the University as a student, is required to sign the official registration form, and by such signature he or she binds himself or herself to the rules of the University and such conditions as may be determined by the Council.

(5) A student is registered for one academic year or semester at a time, as determined by Council and published in the University's academic calendar, or for such shorter period as the Council may determine in general or in a particular case.

(6) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (5), the student is required to comply with any

conditions set by the Council.

(7) The Council may refuse the renewal of registration if a student fails to meet the conditions contemplated in subparagraph (4).

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

63. Granting of credit transfers and exemptions, acceptance of periods of attendance and registration and recognition of prior learning and experience

The Senate may under the conditions laid down in the rules

- (a) grant a credit transfer for course content for a degree, diploma or certificate to a student who has completed the course credit, or equivalent, while registered at the University for another degree, diploma or certificate;
- (b) accept, as part of the period of attendance and registration prescribed for the degree, diploma or certificate, all or part of a period or periods of attendance and registration of a student at the University while registered for another degree, diploma or certificate;
- (c) grant recognition for a credit prescribed for a degree, diploma or certificate to a student who has completed such credits or other work which the Senate considers equivalent at another accredited educational institution regarded by the Council as equivalent to a diploma or degree subject;
- (d) accept as part of the period of attendance and registration prescribed for a certificate, diploma or degree, all or part of a period or periods of attendance and registration of a student at another accredited educational institution regarded by the Council as equivalent to a diploma or degree; and
- (e) assess prior learning and experience of a student as the basis for granting credit for outcomes for a degree, diploma or certificate.

64. Awarding of certificates and diplomas and conferment of degrees

(1) The University may, subject to the Act, award certificates and diplomas and confer degrees of bachelor, honours, master and doctor.

(2) Except as provided by paragraph 64 no certificate or diploma may be awarded to, and no degree may be conferred upon, any person who has not

- (a) been registered as a student of the University for the period and under the conditions prescribed by the Senate and laid down in the rules; and
- (b) met all the requirements for the award of a certificate or diploma or conferment of a degree as prescribed by the Senate and laid down in the rules.

(3) Certificates and diplomas are awarded and degrees are conferred at a congregation except for certificates for short- learning programmes which are awarded in accordance with relevant university rules.

(4) Congregations are held at times and places decided by the Council after consultation with the Senate.

(5) The procedures at a congregation, including for the presentation of those who have qualified for certificates, diplomas and degrees, and for the award of certificates and diplomas and the conferment of degrees in a person's absence, are as decided by the Council after consultation with the Senate.

(6) The effective date of issue of a certificate, diploma or degree is the date on which the final examination results towards the qualification or the student's final dissertation or thesis are approved by Senate, or the date following the day on which experiential learning has been ratified as complete by Senate, whichever is the latest.

(7) Notwithstanding subparagraph (6), the earliest effective date of issue of a certificate, diploma or degree will be the day following the minimum duration of the relevant programme of study.

65. Honorary degrees

The University may confer an honorary degree of master or doctor upon any person by a resolution of the Senate and Council in accordance with the policy and procedures approved by the Council in consultation with the Senate as laid down in the rules.

STUDENT DISCIPLINARY MEASURES AND PROCEDURES

66. Disciplinary measures and procedures

- (1) Every student must comply with all rules.
- (2) Every student is subject to the disciplinary measures and procedures determined by rules.

GENERAL AND TRANSITIONAL PROVISIONS

67. Issue of notices

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

68. Quorum

Where a meeting of the Council, the Senate, the Institutional Forum, the faculty board or the Convocation is called in the manner this Statute requires, and there is no quorum, the Chairperson may adjourn the meeting to a date not less than seven calendar days later and require the secretary to give notice of the time and venue of the meeting to all members of the body concerned and if this is done the members present at the start of the meeting constitute a quorum despite any provision to the contrary.

69. Codes of conduct and terms of reference

Procedures of meetings, elections of members or representatives, etc are determined for Council, Council committees, Senate, Senate committees, Institutional Forum, Convocation, student representative Council and any other body referred to in this statute, are determined in their codes of conduct, terms of reference or policy approved by Council.

70. Transitional provisions

- (1) Anything done under any provision of the Standard Institutional Statute promulgated by Government Gazette No. 23065, Government Notice No. 377 of 27

March 2002, as corrected by Government Gazette No. 23448, Government Notice No. 724 of 23 May 2002 and amended by Government Gazette No. 25698, Government Notice No. 1647 of 7 November 2003, before this Statute came into operation, is deemed to have been done under the corresponding provision of this Statute.

(2) The Council, the Senate, Faculty Boards, Institutional Forum, Students Representative Council and Convocation, which existed prior to the commencement of this Statute, continue to exist and perform the functions which they performed prior to such commencement, but must comply with the provisions of this Statute within 12 months after the commencement of this Statute.

(3) The employees who were employed prior to the commencement of this Statute continue to be employed until the Council decides otherwise

(4) The existing rules passed by Council in terms of Section 32(1)(b) of the Act which existed at the commencement of this Statute continue to apply until replaced.