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**GOVERNMENT NOTICE**

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## GOVERNMENT NOTICE

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### DEPARTMENT OF EDUCATION

No. 976

11 September 2008

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

**CENTRAL UNIVERSITY OF TECHNOLOGY, FREE STATE**

#### STATUTE

The Council of THE Central University of Technology, Free State, 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 the Central University of Technology, Free State to give effect to the Higher Education Act, 1997 (Act No. 101 of 1997) and to promote the effective management of governance of the university of technology in respect of matters not expressly prescribed by any law.

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## DEFINITIONS

### 1. Definitions

1.1 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 indicates otherwise:

1.1.1 "**CUT**" means Central University of Technology, Free State;

1.1.2 "**academic employee**" means any person appointed to teach or to conduct research at the CUT, and any other employee designated as such by the Council of the CUT;

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

1.1.4 "**after consultation with**" means the process of approaching a structure or individual for information, advice or an opinion on a matter for consideration by the presenter without having to reach agreement with the structure or individual consulted regarding the matter presented for consultation;

1.1.5 "**Chancellor**" means the person contemplated in paragraph 3;

1.1.6 "**Convocation**" means the Convocation contemplated in paragraph 9;

1.1.7 "**Council**" means the governing body of the CUT contemplated in paragraph 4;

1.1.8 "**days**" include Saturdays, Sundays and public holidays;

1.1.9 "**diplomate**" means a person who has been awarded a diploma of the CUT;

1.1.10 "**donor**" means a person, body or entity that has made a donation, which, in the opinion of the Council, warrants that person, body or entity being recognised as a donor as contemplated in paragraph 13;

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

1.1.12 "**employer**" means the Council of the CUT;

- 1.1.13 "**entity**" means any organisation, forum or body and includes any organisational structure provided for in the Act or determined by the Council;
- 1.1.14 "**functions**" include powers and duties and vice versa;
- 1.1.15 "**graduate**" means a person who has been awarded a degree of the CUT;
- 1.1.16 "**in consultation with**" means the process of approaching a structure or individual for information, advice or an opinion on a matter and then reaching an agreement with that structure or individual regarding the matter presented for consultation;
- 1.1.17 "**institution**" means a public institution contemplated in section 20 of the Act;
- 1.1.18 "**Institutional Forum**" means the Institutional Forum contemplated in paragraph 7 of this Statute and section 31 of the Act;
- 1.1.19 "**management**" means executive management, as well as management as contemplated in paragraph 10 of this Statute;
- 1.1.20 "**majority**" means 50% + 1 (FIFTY PERCENT PLUS ONE) of the votes cast;
- 1.1.21 "**Minister**" means the Minister of Education;
- 1.1.22 "**month**" means calendar month;
- 1.1.23 "**non-academic employee**" means any employee who is not an academic employee of the CUT;
- 1.1.24 "**office-bearer**" means a functionary provided for in the Act or as determined by the Council;
- 1.1.25 "**professor**" means an academic employee who has been given the title of professor by the CUT or by another institution, but does not include an emeritus or associate professor;
- 1.1.26 "**qualification**" means a certificate, a diploma or a degree;
- 1.1.27 "**quorum**" means 50% + 1 (FIFTY PERCENT PLUS ONE) of the members; the attendance of 50 members constituting a quorum would only be applicable to convocation meetings.
- 1.1.28 "**representative employees' organisation**" means an organisation consisting of employees, excluding members of CUT management, formally associated together and organised



in a staff association or trade union for the purpose of regulating relations between themselves and the CUT and which is recognised by the Council on such conditions as have been negotiated between the Council and the employees' organisation, which have been reduced to writing in the collective or recognition agreement;

- 1.1.29 "**rules**" mean rules made by the CUT, as contemplated in section 32 of the Act;
- 1.1.30 "**seat of the institution**", for the purposes of paragraph 2.1 of this Statute and section 65 A of the Act, means the physical location of the institution set out in the notice contemplated in section 20 (1), section 21 (1) and section 23 (1) of the Act;
- 1.1.31 "**Senate**" means the body responsible for academic matters contemplated in paragraph 5;
- 1.1.32 "**SRC**" means the Students' Representative Council of the CUT contemplated in paragraph 8;
- 1.1.33 "**student**" means a person registered for a course/module or qualification at the CUT;
- 1.1.34 "**sufficiently representative**" means sufficient representation by a representative employees' organisation, as determined by the particular structure to which the representation applies.
- 1.1.35 "**supernumerary contract**" means that, upon the expiry of the employment contract, the incumbent reverts back to his/her permanent position.

## 2. INSTITUTION

### 2.1 Name, seat and powers

- 2.1.1 The CUT's name may only be changed in terms of section 65 (1) of the Act.
- 2.1.2 The CUT's seat, in accordance with section 20 (1), Section 21 (1) and section 23 (1) of the Act, is Bloemfontein, whilst institutional operations are in Bloemfontein and Welkom."
- 2.1.3 The CUT is a juristic person, as contemplated in section 20 (4) of the Act.
- 2.1.4 Notwithstanding subparagraph 2.1.3, the CUT may not, without the concurrence of the Minister, dispose of or alienate, in any manner, any immovable property acquired with the financial

assistance of the State, or grant to any person any real right therein or servitude.

2.1.5 The CUT may confer degrees and honorary degrees and may award diplomas and certificates in its own name as contemplated in section 65 B and section 65 C of the Act.

## **2.2 Constitution of the CUT**

2.2.1 The CUT consists of:

- (a) the Chancellor;
- (b) the Council;
- (c) the Senate;
- (d) the Vice-Chancellor and Principal, within the meaning of section 30 of the Act;
- (e) officers, each of whom is called deputy vice-chancellor, or such other title as the Council may determine;
- (f) the Registrar;
- (g) the SRC;
- (h) the Institutional Forum;
- (i) the faculties, the schools, the programmes and such other academic structures of the CUT as may be recommended by Senate and approved by the Council;
- (j) the academic employees of the CUT;
- (k) the non-academic employees of the CUT;
- (l) the students of the CUT;
- (m) the Convocation of the CUT; and
- (n) such other offices, bodies or structures as may be established by the Council.

2.2.2 No vacancy in any of the offices contemplated in subparagraph 2.2.1 or any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph 2.2.1 impair or affect neither the existence of the CUT as a juristic person nor any function conferred by the Act or this Statute upon the CUT.

## **3. CHANCELLOR**

### **3.1 Functions of the Chancellor**

3.1.1 The Chancellor is the titular head of the CUT.

3.1.2 The Chancellor must at all times embody the aspirations and values of the CUT and actively advance the interests of the CUT.

3.1.3 The Chancellor, or in his or her absence the person appointed by the Council as the case may be to act on behalf of the Chancellor, presides at all congregations of the CUT and, in the

name of the CUT, confers all degrees and awards all diplomas and certificates.

### **3.2 Election and appointment of the Chancellor**

3.2.1 The Chancellor is elected by the Council in the following manner:

- (a) The chairperson of 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 of Council gives due notice to the Council members of the date and time of and venue for the meeting contemplated in subparagraph 3.2.1 (a);
- (c) the secretary of Council invites the members of the Council, members of the Senate and members of the Institutional Forum to submit nominations for the office of Chancellor;
- (d) the nominations contemplated in subparagraph 3.2.1 (c) must reach the secretary of Council at least 20 (TWENTY) working days before the meeting contemplated in subparagraph 3.2.1 (a);
- (e) the nominations contemplated in subparagraph 3.2.1 (c) must be in writing in the prescribed format and must include the nominee's written consent and complete curriculum vitae;
- (f) the secretary of Council must, within 5 (FIVE) working days after the closing date for nominations, inform members of the Council, the Senate and the Institutional Forum in writing of the nominations received;
- (g) a special meeting of the Institutional Forum must be held before the meeting contemplated in subparagraph 3.2.1 (a) for purposes of considering the nominations and advising the Council on the appointment of a candidate to the office of Chancellor;
- (h) a special meeting of the Senate must be held before the meeting contemplated in subparagraph 3.2.1 (a) for purposes of considering the nominations and advising the Council on the appointment of a candidate to the office of Chancellor;
- (i) the Chancellor is elected by secret ballot and a majority of the members present at the meeting contemplated in subparagraph 3.2.1 (a); and
- (j) if no candidate receives a majority of votes, successive rounds of voting are held and in each successive round of voting the candidate receiving the fewest votes is eliminated as a candidate.

3.2.2 Once the Council has elected a Chancellor, the name of the Chancellor is announced by the chairperson of Council.

### **3.3 Term of office of the Chancellor**

3.3.1 The Chancellor holds office for a period of 4 (FOUR) years, unless he or she resigns or is removed from office in accordance with subparagraph 3.3.4.

3.3.2 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 and Principal or the acting Vice-Chancellor and Principal performs the functions of Chancellor.

3.3.3 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.

3.3.4 The Chancellor may only be removed from office by the Council.

## **4. COUNCIL**

### **4.1 Functions of the Council**

4.1.1 Subject to the Act and this Statute, the Council governs the CUT.

4.1.2 Without derogating from the generality of subparagraph 4.1.1, the Council:

- (a) approves policies, procedures and other institutional regulatory documents for the CUT;
- (b) establishes Council committees and determines the composition and functions of each committee;
- (c) establishes, in consultation with the Senate, joint committees of the Council and the Senate to perform functions common to the Council and the Senate;
- (d) appoints all employees of the CUT, but, in the case of academic employees of the CUT, it may do so only after consultation with the Senate;
- (e) determines the student admission policy of the CUT, in consultation with the Senate and the Students' Representative Council;
- (f) determines, with the approval of the Senate and after consultation with the Students' Representative Council, the entrance requirements in respect of particular CUT programmes, the number of students who may be admitted to a particular CUT programme and the manner of their selection, and the minimum requirements for readmission to study at the CUT;

- (g) may, with the approval of the Senate and after consultation with the Students' Representative Council, refuse readmission to a student who fails to satisfy the minimum requirements for readmission;
- (h) determines and provides student support services after consultation with the SRC; and
- (i) after consultation with the Students' Representative Council, provides for a suitable structure to advise on the policy for student support services within the CUT.

4.1.3 Without derogating from the generality of subparagraph 4.1.1, the Council:

- (a) formulates the institutional Statute and any amendments thereto;
- (b) approves the constitution of the SRC, as well as any amendments thereof;
- (c) directly appoints the executive management, as defined, of the CUT;
- (d) determines the conditions of service, disciplinary provisions, and privileges and functions of its employees;
- (e) may, in the manner set out in the disciplinary rules, suspend or dismiss any executive employee of the CUT;
- (f) may order an executive employee whom it has suspended to refrain from being on any premises under the control of the CUT and to refrain from participating in any of the CUT's activities, or issue such other conditions as it may deem necessary;
- (g) determines the language policy of the CUT, in consultation with the Senate;
- (h) approves, in consultation with the Senate, the academic structures required and the functions of each structure, in order to ensure efficient governance;
- (i) determines tuition fees, accommodation fees and any other fees payable by students, as well as accommodation and tuition fees payable by employees;
- (j) approves the annual budget of the CUT;
- (k) may conclude a loan or 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 5% (FIVE PERCENT) of the average income of the CUT received during the 2 (TWO) years immediately preceding such agreement;
- (l) 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 5% (FIVE

PERCENT) of the average income of the CUT received during the 2 (TWO) years immediately preceding the agreement;

- (m) approves restructuring and redeployment of executive employees in the institution; and
- (n) approves the performance management system of the employees.

4.1.4 Subject to section 68 of the Act, the Council may delegate any of the functions referred to in subparagraph 4.1.2, excluding approval of rules, policies, procedures or other institutional regulatory documents relating to Human Resources, Finances, and Audit and Risk Management. Council may also not delegate any of the functions referred to in subparagraph 4.1.3.

4.1.5 The Council is not divested of responsibility for the performance of any function delegated or assigned under subparagraph 4.1.4.

## **4.2 Composition of the Council**

4.2.1 The Council, as contemplated in section 27 of the Act, consists of:

- (a) the Vice-Chancellor and Principal;
- (b) a maximum of 3 (THREE) deputy vice-chancellors;
- (c) 5 (FIVE) persons appointed by the Minister;
- (d) 2 (TWO) members of the Senate elected by the Senate;
- (e) 1 (ONE) academic employee of the CUT elected by the academic employees;
- (f) the SRC president and 1 (ONE) member of the SRC, as determined by the SRC constitution;
- (g) 1 (ONE) non-academic employee elected by the non-academic employees;
- (h) 1 (ONE) member of the Convocation elected by the Convocation, provided that such a member is not an employee or student;
- (i) 10 (TEN) external members with a broad spectrum of competencies in the fields of education (1 (ONE) member), business (1 (ONE) member), agriculture (1 (ONE) member), finance (2 (TWO) members), law (1 (ONE) member), marketing (1 (ONE) member), technology (2 (TWO) members) and human resources management (1 (ONE) member) appointed by the Council;
- (j) the chairperson of the Institutional Forum.

4.2.2 At least 60% (SIXTY PERCENT) of the members of the Council must be persons who are not employed by, or students of, the CUT and due regard must be paid to racial and gender representation on the Council.

- 4.2.3 The Council members must have knowledge and experience relevant to the objectives and governance of the CUT.
- 4.2.4 Except as provided in subparagraphs 4.2.1 (a), (b), (d), (e), (f), (g), and (j):
- (a) no student or employee of the CUT and no other person in receipt of regular remuneration from the CUT is eligible for appointment or nomination for election as a member of the Council; and
  - (b) a member of the Council who becomes a student or an employee of the CUT or who enters into a contract with the CUT in terms of which he or she is to receive regular remuneration from the CUT must forthwith resign from the Council.

#### **4.3 Election of Council members**

- 4.3.1 Members of the Council are elected in the manner determined by the Council.
- 4.3.2 If the Council resigns as contemplated in subparagraph 4.5.3, all members of the Council are elected in the manner determined by the administrator referred to in Section 41 A of the Act.

#### **4.4 Term of office of members of Council**

- 4.4.1 Student members of the Council remain members of the Council for the term of office determined by the SRC when they are elected, provided that membership ceases automatically when a student member ceases to be a member of the SRC.
- 4.4.2 The term of office of members of the Council who are not students or employees of the CUT is 4 (FOUR) years.
- 4.4.3 Notwithstanding subparagraph 4.4.2, at the first meeting of the Council it must be decided by lot which 8 (EIGHT) members of the Council who are not students or employees of the CUT will hold office for a period of 3 (THREE) years.
- 4.4.4 The term of office of the elected members of Council who are employees of the CUT, except that of the Vice-Chancellor and Principal and the deputy vice-chancellors, is 2 (TWO) years.
- 4.4.5 A member may serve more than 1 (ONE) consecutive term of office as a Council member, up to a maximum of 2 (TWO) consecutive terms.

#### **4.5 Termination of membership and filling of vacancies**

4.5.1 A Council member's term of office terminates if:

- (a) he or she tenders a written resignation;
- (b) the Minister, or the 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 without leave from 3 (THREE) consecutive meetings of the Council;
- (d) he or she is declared insolvent;
- (e) he or she is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine; and
- (f) he or she, in the majority opinion of the Council, is deemed to be incapacitated.

4.5.2 The Council has the power to take disciplinary action against a member and to suspend or terminate a member's membership.

4.5.3 If 75% (SEVENTY-FIVE PERCENT) 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.

4.5.4 If the Council resigns as contemplated in subparagraph 4.5.3, a new Council must be constituted in terms of this Statute.

#### **4.6 Election of the chairperson and vice-chairperson of Council and their terms of office**

4.6.1 The chairperson and the vice-chairperson of Council must not be elected from amongst the members contemplated in subparagraph 4.2.1 (a), (b), (d), (e), (f), (g) and (j).

4.6.2 The chairperson and the vice-chairperson of Council are each elected for a period of 2 (TWO) years.

4.6.3 The chairperson and the vice-chairperson are eligible for re-election.

4.6.4 Nominations for the office of chairperson and vice-chairperson of Council must be in writing and be directed to the secretary of Council.

4.6.5 If more than 1 (ONE) candidate is nominated, voting is by secret ballot.



- 4.6.6 Each member of the Council has only 1 (ONE) vote during a ballot, and no proxy is allowed.
- 4.6.7 A majority of all members present elects the chairperson and the vice-chairperson.
- 4.6.8 Whenever a vacancy occurs in the office of the chairperson or the vice-chairperson, the provisions of subparagraph 4.6.4 to subparagraph 4.6.7 apply, with the necessary changes, to the filling of such vacancy.
- 4.6.9 A person who fills a vacancy in terms of subparagraph 4.6.8 holds office until the end of the predecessor's term.

#### **4.7 Secretary of Council**

- 4.7.1 The secretary of Council is the Registrar, as contemplated in section 26 (4) (b) of the Act.
- 4.7.2 The secretary acts as electoral officer.
- 4.7.3 The secretary attends all meetings and prepares and keeps all relevant documents of the Council.
- 4.7.4 The secretary may assign any other administrative employee to assist in discharging his or her responsibilities, but will remain accountable to Council for the execution of such delegated duties.

#### **4.8 Meetings of the Council**

- 4.8.1 The Council holds at least 4 (FOUR) ordinary meetings during each calendar year.
- 4.8.2 Notice of any motion for consideration at the next ordinary meeting must be in writing in the prescribed format and must be lodged with the secretary at least 21 (TWENTY-ONE) days before the date determined by the Council for such meeting, provided that any matter of an urgent nature may, without prior notice and with the consent of the chairperson and a majority of the members present, be considered at such meeting.
- 4.8.3 At least 7 (SEVEN) 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.
- 4.8.4 A special meeting may be called by the chairperson, and the objective of such meeting must be clearly stated, provided

further that at least 7 (SEVEN) days' notice of a special meeting is given.

- 4.8.5 A special meeting must be called by the chairperson at the written request of at least 5 (FIVE) members, with the objective of such meeting being clearly stated in the request, provided that at least 7 (SEVEN) days' notice of a special meeting is given.
- 4.8.6 No business other than that for which the special meeting was called may be transacted at such meeting.
- 4.8.7 An emergency meeting may be called by the chairperson, or in his or her absence by the Vice-Chancellor and Principal, at any time, provided that members are given at least 24 (TWENTY-FOUR) hours' notice of such meeting.
- 4.8.8 Notice of an emergency meeting must be given to all members in any manner convenient under the circumstances.
- 4.8.9 The objective of an emergency meeting must be stated to members, and no business other than that stated may be transacted at such meeting.

#### **4.9 Meeting procedure of the Council**

- 4.9.1 The Council members must participate in the deliberations of the Council in the best interests of the CUT.
- 4.9.2 Except where otherwise provided in this Statute, all acts or matters authorised or required to be carried out or decided by the Council or its committees, and all questions that may come before it, are carried out or decided by the majority of the members present at any meeting, provided that the number present at any meeting is at least 50% + 1 (FIFTY PERCENT PLUS ONE) of the total number of members of the Council or the committee in question who are holding office on the date of such meeting.
- 4.9.3 In the absence of the chairperson and the vice-chairperson of Council, the members present elect 1 (ONE) of their members to preside at such meeting.
- 4.9.4 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 preceding ordinary meeting and of any special or emergency Council 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, and provided

further that objections to the minutes of a meeting are raised and decided prior to confirmation of the minutes.

- 4.9.5 A member of the Council may not, without the consent of the meeting, speak more than once on a motion or on any amendment, and the mover of any motion or any amendment has the right to reply.
- 4.9.6 Every motion or amendment must be seconded and, if so directed by the chairperson, must be in writing.
- 4.9.7 A motion or an amendment seconded as contemplated in subparagraph 4.9.6 may not be withdrawn except with the consent of the meeting.
- 4.9.8 The chairperson has an ordinary vote on any matter and, in the event of an equality of votes, also a casting vote.
- 4.9.9 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 instruct that the vote of such member be likewise recorded.
- 4.9.10 When a majority of the members of the Council reaches agreement on a matter referred to them by the chairperson by letter or electronic means, without a meeting being convened, and where a resolution in this respect is conveyed by letter or electronic means, such resolution is equivalent to a resolution of the Council and must be recorded in the minutes of the next ordinary meeting.
- 4.9.11 The views of a member of the Council who is unable to attend a meeting may be submitted to the meeting in writing, but may not count as a vote of such member.
- 4.9.12 The ruling of the chairperson on a point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting, whose decision is final.

#### **4.10 Conflict of interest of Council members**

- 4.10.1 A member of Council may not have a conflict of interest with the CUT.
- 4.10.2 A member of Council who has a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before or during such meeting, declare the interest.

4.10.3 Prior to a meeting any person may inform the chairperson in writing of a conflict or possible conflict of interest of a Council member of which such person may be aware.

4.10.4 The member is obliged to excuse him or herself from the meeting during the discussion of and voting on the matter.

#### **4.11 Committees of Council**

4.11.1 The Council appoints:

- (a) an executive committee;
- (b) a remuneration committee
- (c) an audit committee;
- (d) a planning, finance and resources committee;
- (e) a human resources committee; and
- (f) such other committees as may be required.

4.11.2 The composition and functions of the committees are determined by the Council.

4.11.3 At least 60% (SIXTY PERCENT) of the members of a committee must be persons who are not employees or students of the CUT.

4.11.4 The chairperson of a committee may not be an employee or a student of the CUT.

4.11.5 The chairperson of Council is also chairperson of the Executive Committee of Council and of the Remuneration Committee. The chairperson of Council does not serve on any other standing committee of Council.

#### **4.12 Minutes of Council and committee meetings**

4.12.4 The secretary of 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 subparagraph 4.8.3.

4.12.5 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.

#### **4.13 Drafting, amending or rescinding the Statute**

4.13.4 No motion to draft, amend or rescind this Statute or a rule is of force and effect unless adopted by at least 75% (SEVENTY-FIVE PERCENT) of all members present at the meeting of Council, provided that such meeting is constituted by at least

50% + 1 (FIFTY PERCENT PLUS ONE) of the total number of members.

4.13.5 Any motion to draft, amend or rescind this Statute or a rule must be in accordance with the provisions of section 32 (2) of the Act.

## 5. SENATE

### 5.1 Functions of the Senate

5.1.1 Subject to the Act, the Senate is accountable to the Council for all the teaching, learning, research and academic functions of the CUT and all other functions delegated or assigned to it by the Council.

5.1.2 Without derogating from the generality of subparagraph 5.1.1 the organisation and superintendence of instruction and assessment, and of lectures and classes, vest in the Senate. The Senate:

- (a) may make or amend any rule relating to the curriculum for, or to the obtaining of, any degree, diploma, certificate or other qualification, but may do so only in consultation with the relevant faculty board;
- (b) may make or amend any rule relating to the mode of delivery and mode of assessment of students;
- (c) determines the standard of proficiency required 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 unit, school or other academic structure belongs;
- (f) may make recommendations to the Council regarding the establishment and disestablishment of faculties, academic units, schools and other academic structures;
- (g) determines, in accordance with any relevant deed or gift and in consultation with the Vice-Chancellor and Principal, the conditions applicable to any scholarships and other academic prizes;
- (h) determines the persons to whom scholarships, academic prizes, honorary doctorates and other academic awards 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 of its committees, as well as the procedure of meetings of these committees;
- (k) may make standing orders on procedures and the delegation of powers for the better performance of its functions;
- (l) may delegate its functions;
- (m) must take cognisance 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;
- (n) approves the appointment of examiners and moderators; and
- (o) recommends the appointment of all academic staff to Council.

5.1.3 The Senate submits to the Council:

- (a) quarterly reports upon its work, and/or such other reports as may be required by the Council;
- (b) recommendations on matters referred to it by the Council; and
- (c) recommendations on any other matter affecting the CUT, as the Senate considers useful.

5.1.4 The Senate may, in terms of the rules, cancel the registration of a student in any or all 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 earn credit in such course or courses, as the case may be.

## 5.2 Members' responsibilities

5.2.1 Members of the Senate must participate in the deliberations of the Senate in the best interests of the CUT.

5.2.2 Failure to act in the best interests of the CUT, or behaviour that brings the CUT into disrepute, may result in removal from the Senate, following due process.

5.2.3 If it is alleged that a member is not acting in the best interests of the CUT or has engaged in conduct that brings or tends to bring the CUT into disrepute, and at least one-third of the members of the Senate at any meeting resolve that steps should be taken against that member, the Senate must instruct that a hearing by an *ad hoc* committee of Senate take place.

5.2.4 If the committee finds that the member has failed to act in the best interests of the CUT or has behaved in a manner that brings

the CUT into disrepute, then the committee may recommend that the member be removed from the Senate.

- 5.2.5 The member may be removed from the Senate if at least two-thirds of the members of the Senate present at any meeting vote in favour of his or her removal.

### **5.3 Composition of the Senate**

5.3.1 The Senate, subject to the provisions of the Act, consists of:

- (a) the Vice-Chancellor and Principal;
- (b) the deputy vice-chancellors;
- (c) the Registrar;
- (d) all executive deans;
- (e) all deans;
- (f) all professors, including associate professors;
- (g) all directors of schools;
- (h) 2 (TWO) representatives of the Students' Representative Council (SRC) elected by the SRC;
- (i) 2 (TWO) members of the Council designated by the Council, provided that no person specified in subparagraph 4.2.1 (a), (b), (d), (e), (f), (g) and (j) is eligible for designation under this subparagraph;
- (j) 1 (ONE) representative of support staff
- (k) 1 (ONE) representative of non-professorial academic staff
- (l) such additional members as approved by the Senate.

5.3.2 The majority of Senate members must be academic employees.

5.3.3 The manner of election of members is as determined by each constituency.

### **5.4 Term of office of Senate members**

5.4.1 Members appointed in terms of subparagraph 5.3.1 (a), (b), (c), (d), (e), (f), (g), (h), (j), (k) and (l) hold office for as long as they are employed by the CUT in that capacity.

5.4.2 The term of office of a student automatically lapses when that student ceases to be a member of the SRC.

5.4.3 In the event of an elected or appointed member passing away, resigning, or vacating office for any reason, including the expiry of his or her term of office, the secretary of Senate must notify the authority or body that has appointed or elected such member of the vacancy, and, if in the opinion of the chairperson of Senate, this is reasonably practicable, must request such authority or body to appoint or elect a successor.

5.4.4 The successor holds office for the unexpired term of office of the predecessor unless the successor is appointed or elected because his or her predecessor's term of office has expired.

## **5.5 Chairperson, vice-chairperson and secretary of Senate**

5.5.1 The Vice-Chancellor and Principal is the chairperson of Senate as contemplated by Section 26 (4) (a) of the Act.

5.5.2 The vice-chairperson of Senate is the Deputy Vice-Chancellor: Academic.

5.5.3 The secretary of Senate is the Registrar.

5.5.4 The chairperson presides at meetings of the Senate or meetings of the subcommittees of the Senate unless the Senate considers it inappropriate for him or her to do so.

5.5.5 The chairperson performs such other functions as the Senate may determine.

5.5.6 In the absence of the chairperson, the provisions of subparagraph 5.5.4 apply to the vice-chairperson.

5.5.7 The vice-chairperson performs such other functions as the Senate may determine.

5.5.8 The secretary performs those functions assigned to him or her by the Senate.

5.5.9 If both the chairperson and the vice-chairperson are absent, the Senate elects a chairperson from among its members for the meeting concerned.

## **5.6 Meeting procedure of the Senate**

5.6.1 The procedure applicable to Council meetings is applicable, with the necessary changes, to meetings of the Senate.

## **5.7 Committees of the Senate**

5.7.1 The Senate appoints:

- (a) an executive committee; and
- (b) such other committees as may be required.

5.7.2 The composition and functions of the committees are determined by the Senate.



## **5.8 Joint committees of the Council and the Senate**

5.8.1 The Council, in consultation with the Senate, appoints such joint committees of the Council and the Senate as may be necessary for the performance of particular tasks.

## **6. FACULTY BOARDS**

### **6.1 Functions of faculty boards**

6.1.1 Faculty boards are appointed by the Senate to regulate the activities of the respective faculties of the CUT.

### **6.2 Composition of faculty boards**

6.2.1 The composition of a faculty board is as determined by the Senate.

### **6.3 Meeting procedure of faculty boards**

6.3.1 The procedure applicable to Council meetings is applicable, with the necessary changes, to meetings of the faculty boards.

## **7. INSTITUTIONAL FORUM**

### **7.1 Functions of the Institutional Forum**

7.1.1 The Institutional Forum advises the Council on issues affecting the CUT, 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 that promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and
- (f) the language policy of the CUT.

7.1.2 The Institutional Forum performs such other functions as determined by the Council.

## **7.2 Composition of the Institutional Forum**

7.2.1 The Institutional Forum consists of:

- (a) the Vice-Chancellor and Principal;
- (b) the Registrar as secretary;
- (c) the Head: Institutional Equity;
- (d) 1 (ONE) external Council member;
- (e) 1 (ONE) Senate member;
- (f) 1 (ONE) person representing academic employees;
- (g) 1 (ONE) person representing non-academic employees;
- (h) 2 (TWO) persons representing the SRC;
- (i) 2 (TWO) persons representing the 2 (TWO) recognised employee unions [1 (ONE) person each from NUTESA and NEHAWU];
- (j) 1 (ONE) person representing the Convocation;
- (k) 1 (ONE) person representing the Student Services Council (SSC);
- (l) 1 (ONE) person representing the Centre for Organisational Development; and
- (m) such additional members as approved by the Institutional Forum.

7.2.2 The nomination of representatives must be transparent and democratic, and each constituency must follow the voting procedure within its own constituency and submit the names of its representatives to the Registrar.

7.2.3 The term of office of members is as determined by each constituency.

7.2.4 Paragraph 4.5 applies, with the necessary changes, to the termination of membership of the members of the Institutional Forum.

## **7.3 Office-bearers of the Institutional Forum**

7.3.1 The Institutional Forum elects from amongst its members a chairperson and a deputy chairperson.

## **7.4 Meetings and meeting procedure of the Institutional Forum**

7.4.1 The number of meetings is as decided by the Institutional Forum.

7.4.2 50% + 1 (FIFTY PERCENT PLUS ONE) of the members forms a quorum.

7.4.3 The meeting procedures are as determined by the Institutional Forum.

## 8. STUDENTS' REPRESENTATIVE COUNCIL (SRC)

### 8.1 Functions of the SRC

8.1.1 The SRC represents the students of the CUT in matters that may affect them.

8.1.2 The matters contemplated in subparagraph 8.1.1 include:

- (a) liaison with the Council, the Senate, management, the general public, other institutions, students' representative councils of other institutions, national or international student organisations, and unions;
- (b) the granting or withdrawing of recognition of student committees, clubs, councils and societies as it deems appropriate, in its capacity as umbrella organisation for all such student committees, clubs, councils and societies;
- (c) the coordination and supervision of the use of student facilities and all matters pertaining thereto, in conjunction with management;
- (d) the convening and conducting of all authorised meetings of the student body and to be the managing body in all general referenda and petitions organised by the students within the rules;
- (e) the appointment of such office-bearers and the establishment of such committees as it deems necessary;
- (f) the organisation and promotion of extramural activities among students;
- (g) keeping account of all monies paid over to it by the Council and any other monies that may accrue to it in its capacity as representative of the students; also the allocation or disbursement of such funds for use by students, and the making of grants to approved student clubs, committees, societies and councils;
- (h) responsibility for the preservation of order at student functions, and the ensuring of good conduct at other approved meetings of students;
- (i) the coordination of student involvement in all community projects initiated by it;
- (j) responsibility for all student publications;
- (k) recommendation to the Council of rules to determine the conduct of the SRC's affairs;
- (l) 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.

## **8.2 Composition of the SRC**

- 8.2.1 Only registered students are eligible to serve on the SRC.
- 8.2.2 The SRC, as contemplated in section 35 of the Act, must be representative of the student body.
- 8.2.3 The election of SRC members must be democratic and transparent.

## **8.3 Office-bearers of the SRC**

- 8.3.1 The President shall be elected by students from the two campuses of the CUT with the candidates coming from both the Bloemfontein and the Welkom campuses.
- 8.3.2 The functions of other office-bearers and the election of such office-bearers are as determined by the SRC constitution.
- 8.3.3 The composition of the SRC may not be repealed or amended except after consultation with the SRC.

## **8.4 Term of office of SRC members**

- 8.4.1 The term of office of members of the SRC is 1 (ONE) year.

## **8.5 Privileges**

- 8.5.1 The privileges of members of the SRC are as determined by the management, after consultation with the SRC.

## **8.6 Meetings of the SRC**

- 8.6.1 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. Any amendments to the constitution have to be approved by the Council.

## **8.7 SRC committees**

- 8.7.1 The SRC must establish a disciplinary committee responsible for the discipline of any member of the SRC and any member of the student structures affiliated to the SRC.
- 8.7.2 The SRC may establish such other committees as may be required.

## **8.8 General meetings**

- 8.8.1 The SRC must convene at least 1 (ONE) general meeting of students per semester.
- 8.8.2 A general meeting may also be requested by at least 1 000 (ONE THOUSAND) signatories petitioning the SRC.
- 8.8.3 Meetings may not interfere with academic activities unless the Vice-Chancellor and Principal has granted prior permission.

## **9. CONVOCATION**

### **9.1 Membership of the Convocation**

- 9.1.1 The Convocation consists of the Vice-Chancellor and Principal, the deputy vice-chancellors, the Registrar, academic employees as set out in subparagraph 9.1.2, and all persons who are or become graduates or diplomates of the CUT, and such other persons as the Council may determine.
- 9.1.2 Academic employees on the permanent staff of the CUT, professors' emeriti and other retired academic employees are members of the Convocation.
- 9.1.3 The fact that the name of a person appears on the Convocation roll is, at face value, proof of him or her being a member of the Convocation, and of him or her being entitled to vote.
- 9.1.4 The names of new graduates and diplomates of the CUT are deemed to have been inscribed on 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.
- 9.1.5 For purposes of the election of Council members, the Convocation roll is deemed closed from the latest date on which ballot papers are issued until the date of the election, both days inclusive.

### **9.2 Office-bearers of the Convocation**

- 9.2.1 The Convocation, at its first meeting, elects from amongst its members a president to act as chairperson at all its meetings and who holds office for a period of 3 (THREE) years from the meeting at which he or she is elected.

9.2.2 Whenever the office of president becomes vacant, the Vice-Chancellor and Principal acts as president until a successor is elected at the next meeting of the Convocation.

9.2.3 The secretary of the Convocation is the Registrar;

9.2.4 The Convocation elects from amongst its members, and in a manner determined by its members, an executive committee to deal with such matters as referred to it by the Convocation and in accordance with the constitution of the executive committee as recommended by the Convocation for approval to the Council.

### **9.3 Meetings of the Convocation**

9.3.1 The president or, if the office of the president is vacant, the Vice-Chancellor and Principal, convenes a meeting of the Convocation annually, and notice of such meeting must be given at least 4 (FOUR) weeks prior to the date of the meeting.

9.3.2 A member who wishes to raise any matter at such meeting must submit (a) written motion(s) in respect of said matter to the Registrar or the president of the Convocation at least 2 (TWO) weeks prior to the date of the meeting.

9.3.3 An extraordinary meeting of the Convocation may be convened by the president of the Convocation or the Vice-Chancellor and Principal if and when required.

9.3.4 An extraordinary meeting of the Convocation must be convened by the president of the Convocation or, if the office of president is vacant, by the Vice-Chancellor and Principal, upon a written request signed by at least 25 (TWENTY-FIVE) members and containing (a) matter(s) for consideration in the form of (a) separate motion(s).

9.3.5 An extraordinary meeting as contemplated in subparagraph 9.3.4 must be held within 2 (TWO) months after receipt of the request.

### **9.4 Meeting procedures of the Convocation**

9.4.1 50 (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 7 (SEVEN) days' notice, at which the members present constitute a quorum.

9.4.2 Notwithstanding the absence of a quorum at 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.

- 9.4.3 Once a meeting has been constituted by the reading of 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.
- 9.4.4 Any objection to such minutes must be raised and determined prior to their confirmation.
- 9.4.5 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 respond.
- 9.4.6 All matters are decided by a majority of the members present.
- 9.4.7 In addition to his or her ordinary vote, the chairperson has a casting vote in the event of an equality of votes.
- 9.4.8 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.
- 9.4.9 A motion or amendment thereof must be seconded, and if the chairperson directs, such motion or amendment must be in writing.
- 9.4.10 A motion or amendment may not be withdrawn without the permission of the meeting.
- 9.4.11 The chairperson may permit the discussion of a matter of which notice was not duly given, provided such discussion is unopposed.
- 9.4.12 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.
- 9.4.13 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 and Principal for the information of the Senate.

9.4.14 The election of Convocation members to the Council is in the manner determined by the Convocation.

## **10. MANAGEMENT AND EXECUTIVE MANAGEMENT**

### **10.1 Management and executive management**

10.1.1 For purposes of section 31 (2) (a) of the Act, management means executive management, as well as management as determined by the Council.

10.1.2 For purposes of section 31 (1) (a) (iii) of the Act, executive management means the Vice-Chancellor and Principal, the deputy vice-chancellors, the Registrar, and any other employees designated as such by the Council.

### **10.2 Vice-Chancellor and Principal**

10.2.1 The Vice-Chancellor and Principal is the chief executive officer of the CUT.

### **10.3 Functions of the Vice-Chancellor and Principal**

10.3.1 The Vice-Chancellor and Principal, who is the chief executive, accounting officer and academic head, is responsible for the day-to-day management and administration of the CUT and has all the powers necessary to perform these functions.

10.3.2 The Vice-Chancellor and Principal reports to the Council.

10.3.3 By way of his or her office the Vice-Chancellor and Principal is a member of all the committees of the Council and of the Senate.

10.3.4 The Council may assign additional functions and grant additional powers and privileges to the Vice-Chancellor and Principal.

10.3.5 When the Vice-Chancellor and Principal is absent or unable to carry out his or her duties, 1 (ONE) of the deputy vice-chancellors designated by the Council takes over, or alternatively the Council may appoint an acting Vice-Chancellor and Principal.

10.3.6 The Vice-Chancellor and Principal, in accordance with subparagraph 10.3.1, executes all actions on behalf of the CUT, and has the power to *inter alia*

- (a) manage and administer the CUT;
- (b) in consultation with the Council, restructure and reorganise the institution for purposes of effective management and development of the CUT;



- (c) give instructions to any employee, student or managerial committee, which must be executed promptly and fully;
- (d) ensure the CUT's financial health and management;
- (e) facilitate the CUT's public relations and strategic partnerships;
- (f) undertake planning and ensure the optimal utilisation of the CUT's resources;
- (g) may, in the manner set out in the disciplinary rules, suspend or dismiss any non-executive employee of the CUT; and
- (h) may order a non-executive employee whom he has suspended to refrain from being on any premises under the control of the CUT and to refrain from participating in any of the CUT's activities, or issue such other conditions as he or she may deem necessary.

**10.4 Appointment of Vice-Chancellor and Principal, deputy vice-chancellors, Registrar and other appointees designated as executive management by the Council**

10.4.1 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 by the Council.

**10.5 Term of office of Vice-Chancellor and Principal, deputy vice-chancellors, Registrar and other appointees designated as executive management by the Council**

10.5.1 The Vice-Chancellor and Principal, the deputy vice-chancellors, the Registrar and other appointees designated as executive management by the Council are appointed by the Council for such period as agreed upon in their contracts, but not for a period exceeding 5 (FIVE) years. The contracts are renewable on expiry, based on institutional criteria as determined by Council.

10.5.2 In making contractual appointments in terms of paragraph 10.5.1, Council may appoint permanent staff on supernumerary contracts.

**10.6 Deputy vice-chancellors, Registrar and executive managers**

10.6.1 The deputy vice-chancellors, the Registrar and the executive managers are responsible for assisting the Vice-Chancellor and Principal in the management and administration of the CUT.

## **11. EMPLOYEES**

### **11.1 Appointment**

11.1.1 Subject to section 34 of the Act, the Council appoints employees according to the staffing policies of the CUT as determined in the rules.

### **11.2 Conditions of employment**

11.2.1 The conditions of employment, including the determination and review of salaries of employees and all other forms of remuneration, are approved by the Council according to the CUT's policy as determined in the rules, which may be amended from time to time by the Council.

### **11.3 Evaluation**

11.3.1 All employees of the CUT are subject to continuous evaluation in the performance of their duties in accordance with the system approved by the Council.

### **11.4 Employee discipline**

11.4.1 Every employee is subject to a disciplinary code, a disciplinary procedure and a grievance procedure for employees, as approved by the Council and determined in the rules, which serve as an integral part of every employee's conditions of service.

## **12. STUDENTS**

### **12.1 Admission and registration of students**

12.1.1 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 CUT, and satisfies any other requirements for admission that may be determined by the Council and stipulated in the rules.

12.1.2 The requirements for admission of students to the faculties of the CUT are stipulated in the rules and may be changed by the Council in consultation with the Senate.

12.1.3 A student is registered for a period commencing on the date of his/her registration and expiring on the last day of the subsequent registration period or for such shorter period as the Council may determine in general or in a particular case.

12.1.4 In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph 12.1.3, the student is required to comply with any conditions set by the Council.

12.1.5 The Council may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in subparagraph 12.1.4.

12.1.6 The conditions contemplated in subparagraph 12.1.4 may include the payment of outstanding fees.

## **12.2 Student discipline**

12.2.1 The disciplinary measures and disciplinary provisions applicable to students are set out in the rules, and may be changed by the Council after consultation with the Senate and the SRC.

12.2.2 The Vice-Chancellor and Principal may, from time to time, amend monetary penalties.

12.2.3 Such amended penalties must be placed before the Council at the next ordinary meeting of the Council.

12.2.4 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.

## **13. DONORS**

### **13.1 Donors**

13.1.1 The CUT may receive monies and equipment of any sort from donors to assist the CUT in providing quality education.

13.1.2 The CUT may recognise and register certain donors as determined in the rules.

## **14. AWARDS**

### **14.1 Degrees, diplomas and certificates**

14.1.1 In accordance with this Statute, the Act, and the rules of the CUT, the Council has the power to confer upon any persons, after assessment, such degrees, diplomas or other awards as the CUT may have constituted.

14.1.2 In accordance with this Statute, the Act, and the rules of the CUT the Council, in consultation with the Senate, has the power to admit a person to an honorary degree of Doctor of the CUT, whether or not that person has

graduated at the CUT or at any other higher education institution.

14.1.3 The Council has the power to cancel an award previously conferred upon a person by the CUT.

14.1.4 The Council has the power to determine the requirements and standards to be applied at the CUT, and which must be adhered to before a degree, diploma or certificate will be awarded.

14.1.5 The Council has the power to formulate the requirements for admission to the institution and the requirements for degrees, diplomas and certificates.

#### **14.2 Introduction of instructional programme**

14.2.1 The Council may introduce an instructional programme, and approve the process of determining the admission requirements and curriculum for such instructional programme.

14.2.2 The Senate must implement and supervise the process as determined in subparagraph (1).

#### **14.3 Recognition of equivalent status and exemption from assessments by the Council**

14.3.1 The Council approves the process for recognition of equivalent status or exemption from assessments that a CUT student has passed at any other higher education institution for purposes of said student obtaining a degree, diploma or certificate at the CUT.

14.3.2 The Senate must implement and supervise the process as determined in subparagraph (1).

### **15. TRANSITIONAL PROVISIONS**

15.1 Anything done under any provision of the Institutional Statute before this Statute came into operation is deemed to have been done under the corresponding provision of this Statute.

15.2 Any existing rules in force upon the commencement of this Statute continue to apply until replaced by any provision of the Statute or any rule that may be made in terms of the Statute.

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