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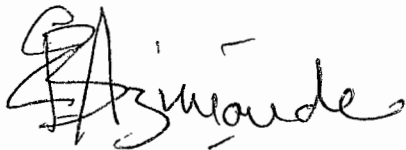
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GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING**No. 406****17 May 2010****INSTITUTIONAL STATUTE: CAPE PENINSULA UNIVERSITY OF
TECHNOLOGY**

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



Dr B E Nzimande, MP
Minister: Higher Education and Training
Date: 26/03/10

GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

Number: _____ **Date:** 5

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

STATUTE OF THE CAPE PENINSULA UNIVERSITY OF TECHNOLOGY

The council of the Cape Peninsula University of Technology, after consultation with the senate and the Institutional Forum, has drawn up the Statute set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997, Act No. 101 of 1997, as amended, (hereinafter referred to as the Act) which statute, in terms of the provisions of section 33 of the Act, is hereby published with the approval of the Minister of Higher Education and Training and which comes into operation on the date of this publication. 10

SCHEDULE

To introduce a new Statute for the Cape Peninsula University of Technology (hereinafter referred to as the CPUT) to give effect to any law relating to the CPUT; and to promote the effective management of the CPUT in respect of matters not expressly prescribed by any law. 15

PREAMBLE

Whereas the Cape Peninsula University of Technology desires to develop and sustain an empowering environment where, through teaching, learning, research and scholarship our students and staff, in partnership with the community and industry, are able to create and apply knowledge that contributes to development; 30

And whereas it is necessary to provide for the regulation of the Cape Peninsula University of Technology in the manner that the Higher Education Act, 1997 (Act no. 101 of 1997) as amended, requires; 35

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DEFINITIONS

1. Definitions

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

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

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

“**certificate**” means a certificate of the University awarded to a student on completion of the work prescribed for the certificate by the senate;

“**chancellor**” means the person contemplated in paragraphs 4 to 6;

“**convocation**” means the convocation contemplated in paragraphs 51 to 55 and section 26 (2) (g) of the Act;

“**council**” means the council contemplated in paragraphs 17 to 30 and section 27 of the Act;

“**degree**” means a degree of the University conferred upon a student at a congregation on completion on the work prescribed for the degree by the senate;

“**deputy vice-chancellor**” means a person appointed in terms of paragraphs 11 to 14;

“**diploma**” means a diploma of the University awarded to a student at a congregation on completion of the work prescribed for the diploma by the senate; and

“**diplomat of the University**” means a person to whom the University has awarded a diploma;

“**donor**” means a person, body or entity who has made a donation, which, in the opinion of the council warrants that person, body or entity being recognised as a donor as contemplated in paragraph 63;

“**employee**” means an academic employee or a non-academic employee of the institution;

“**employer**” means the council of an institution;

“**examination**” means any test or assessment, including any written, oral, practical or clinical test or assessment where the result obtained contributes to, or constitutes, the result for a course;

“**entity**” means any organisation, forum or body and includes any organisational structure provided for in the Act or determined by the council;

“**faculty and department**” means a faculty or department contemplated in paragraph 38;

“**graduate of the University**” means a person upon whom the University has conferred a degree;

“**institutional forum**” means the institutional forum contemplated in paragraphs 39 to 43 and section 31 of the Act;

“**Minister**” means the Minister of Higher Education and Training;

“**non-academic employee**” means any employee who is not an academic employee;

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

“**professor**” means a person appointed as a professor by the council after consultation with the senate, but does not include an emeritus, adjunct, associate or honorary professor;

“recognised staff body” means any body organised by and among staff to represent the staff, or a section of the staff, including a trade union, recognised for this purpose by the council;

“registrar” means the officer contemplated in paragraphs 15 and 16 and section 50 (1) of the Act; 5

“Rules” means any rules made by the council in terms of section 32 of the Act;

“seat of the University” means the seat contemplated in paragraph 2 of this Statute and in section 65A of the Act;

“senate” means the senate contemplated in paragraphs 31 to 37 and section 28 of the Act; 10

“senior management of the University” for the purposes of this Statute and section 31 of the Act, means the vice-chancellor, deputy vice-chancellors, deans, executive directors and the registrar;

“SRC” means the students’ representative council of the institution contemplated in paragraphs 44 to 50 and section 35 of the Act; 15

“student” means a person currently registered at the University for a programme of study leading to a degree, diploma or certificate, or as an occasional student, or as a postdoctoral fellow;

“Statute” means the statute framed and in force as contemplated in section 32 of the Act; 20

“University” means the Cape Peninsula University of Technology;

“vice-chancellor” means the vice-chancellor contemplated in paragraphs 7 to 10 of this Statute and in section 30 of the Act.

UNIVERSITY 25

2. Name, seat and power

- (1) The name of the University is the Cape Peninsula University of Technology (CPUT).
- (2) The seat of the University is Symphony Way, Bellville, in the Western Cape. 30
- (3) The university also conducts its academic activities at its other campuses at Cape Town, Granger Bay, Groote Schuur, Mowbray, Tygerberg and Wellington.
- (4) The University is a juristic person, and subject to the Act, is capable of performing such acts as juristic persons are entitled to in law. 35
- (5) Notwithstanding subparagraph (3) the University may not, without the concurrence of the Minister, dispose of or alienate in any manner any immovable property acquired with the financial assistance of the state, or grant to any person any real right therein or servitude.
- (6) The University may confer degrees, award diplomas and certificates in its own name as contemplated in section 65 B and 65 C of the Act. 40

3. Constitution of Institution

- (1) The CPUT consists of - 45
 - (a) the chancellor;
 - (b) the council;
 - (c) the senate;
 - (d) the vice-chancellor;
 - (e) the deputy vice-chancellors, as determined by council;

- (f) the registrar;
 - (g) the institutional forum;
 - (h) the faculties, departments, and such other academic structures of the CPUT as may be determined by the council;
 - (i) the academic employees; 5
 - (j) the non-academic employees;
 - (k) the students of the CPUT;
 - (l) the students' representative council;
 - (m) the student services council;
 - (n) the convocation of the CPUT; 10
 - (o) such other offices, bodies or structures as may be established by the council.
- (2) No vacancy in any of the offices contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph (1) impairs or affects the existence of the CPUT as a juristic person or any function conferred by the Act or this Statute upon the CPUT. 15

CHANCELLOR

20

4. Functions of chancellor

- (1) The chancellor is the titular head of the University.
- (2) The chancellor presides at all congregations of the University and, in the name of the University, confers all degrees and awards all diplomas and certificates.
- (3) If the chancellor is absent, or if the office is vacant, the vice-chancellor, 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. 25
- (4) In providing and rendering the service to the University, the chancellor is not deemed in any respect whatsoever to be an employee of the University. 30

5. Election and term of office

- (1) The council must ensure that the principles of democracy and transparency are complied with through the criteria for eligibility to the position and the election process in terms of the Rules of the University. 35
- (2) The chancellor holds his or her office for a period of four years after his or her election and acceptance of the terms of the position of chancellor, and is eligible for re-election when his or her term expires.

6. Vacation of office

40

- (1) The chancellor vacates his or her office on the last day of his or her term of office unless –
 - (a) he or she is removed from office by a resolution of at least seventy-five percent of all members of the council on account of any reason that the council deems adequate; or 45
 - (b) he or she vacates his or her office for any reason before the expiration of his or her term of office.

VICE-CHANCELLOR

7. Functions of vice-chancellor

- (1) The vice-chancellor and principal is the academic, administrative and management head of the University. 5
- (2) The vice-chancellor reports to council.
- (3) The vice-chancellor must execute such functions as the council or the senate may delegate to him or her from time to time and, in turn, 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. 10
- (4) The vice-chancellor is, by virtue of his or her office, a member of all committees of the council and the senate and of all joint committees of the council and the senate.
- (5) In the absence of the chancellor, the vice-chancellor is empowered to perform the functions of the chancellor. 15
- (6) An acting Vice-Chancellor must be appointed by the Vice-Chancellor for periods of absence of the Vice-Chancellor exceeding five consecutive working days and such acting Vice-Chancellor has the functions of the Vice-Chancellor. 20

8. Appointment

- (1) The council appoints the vice-chancellor after consulting the senate and seeking the advice of the institutional forum in accordance with the rules for the appointment of the vice-chancellor. 25
- (2) The council must ensure that the principles of democracy and transparency are complied with through the criteria for eligibility to the position and the appointment process in terms of the rules contemplated in 8(1).

9. Term of office

- (1) The vice-chancellor holds office for such periods and upon such terms as determined by his or her contract. 30

10. Vacation of office

- (1) The vice-chancellor vacates his or her office on the last day of his or her term of office referred to in subparagraph 9(1). 35
- (2) The appointment may be terminated during the period of office by six months' notice on either side.
- (3) The vice-chancellor can be removed from office by the council for reasons sufficient in law. 40
- (4) Any resolution by council to give notice must be passed at a meeting of the council by a majority vote consisting of not less than seventy five percent of the number of members present at the meeting and not less than two thirds of the members holding office and after consultation with the senate and the institutional forum. 45
- (5) If the office of the vice-chancellor becomes vacant, the council must –
 - (a) after consulting the senate and seeking the advice of 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 seeking the advice of the institutional forum, appoint a successor.

DEPUTY VICE-CHANCELLORS

5

11. Functions of deputy vice-chancellors

- (1) The deputy vice-chancellors' functions are determined by council in consultation with the vice-chancellor.
- (2) A deputy vice-chancellor, when acting as vice-chancellor, must execute the functions of the vice-chancellor as set out in paragraph 7 as and when the vice-chancellor is on leave of absence for any reason whatsoever. 10

12. Appointment of deputy vice-chancellors

- (1) The council may appoint deputy vice-chancellors after consulting the senate and seeking the advice of the institutional forum in accordance with the rules for the appointment of deputy vice-chancellors. 15
- (2) The council must ensure that the principles of democracy and transparency are complied with through the criteria for eligibility to the position and the appointment process in terms of the rules contemplated in paragraph 12(1). 20

13. Term of office of deputy vice-chancellors

- (1) The deputy vice-chancellor holds office for such period and upon such terms as determined their contracts.

14. Vacation of office

25

- (1) The deputy vice-chancellor vacates his or her office on the last day of his or her term of office referred to in subparagraph 13(1).
- (2) The appointment may be terminated during the period of office by three months' notice on either side.
- (3) A deputy vice-chancellor can be removed from office by the council for 30 reasons sufficient in law.

REGISTRAR

15. Functions of registrar

35

The registrar –

- (1) is secretary of the council, the senate and the convocation;
- (2) manages the portfolio allocated to him or her by the vice-chancellor;
- (3) may delegate or assign any function provided for in this statute to a member of staff but remains responsible for the performance of any function he or she delegates or assigns; 40
- (4) acts as a compliance officer of the University.

16. Appointment of registrar

- (1) The council appoints the registrar who holds office for the period and upon the terms the council decides. 45
- (2) The council must ensure that the principles of democracy and transparency are complied with through the criteria for eligibility to the position and the appointment process.

COUNCIL

17. Functions

- (1) The council governs the University subject to the Act and this Statute and has general control of its affairs and its functions. 5
- (2) The council members must –
 - (a) have knowledge and experience relevant to the objects and governance of the University; and
 - (b) participate in the deliberations of the council in good faith, and with care and skill in the best interest of the University. 10
 - (c) has fiduciary responsibility to the University, and must promote and act in the best interest of the University.
- (3) Without derogating from the generality of subparagraph (1), the council-
 - (a) 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; 15
 - (b) determines, subject to the applicable labour laws, the conditions of service, the disciplinary provisions and the privileges and functions of its employees, and may, in the manner set out in the disciplinary Rules, suspend or dismiss any employee of the University; 20
 - (c) may make rules for the better carrying out of its functions;
 - (d) must administer all property of the University;
 - (e) must, in consultation with the senate, and after consultation with the SRC determine the admissions policy of the University;
 - (f) must, subject to the policy determined by the Minister, with the concurrence of the senate, and after consideration of the advice of the Institutional forum determine the language policy of the University; 25
 - (g) must, after consultation with the SRC, establish a structure to advise on the policy for student support services within the University;
 - (h) must seek the advice of the institutional forum as required by the Act and this Statute; 30
 - (i) may make, rescind or amend a Statute in terms of the Act with the approval of the Minister;
 - (j) is accountable to the Minister in terms of the provisions of section 41 of the Act; 35
 - (k) adopts the University vision, mission and values and monitors realisation thereof.
- (4) The council may –
 - (a) establish committees of council;
 - (b) establish, in consultation with the senate, joint committees of the council and the senate to perform functions that are common to the council and the senate; 40
 - (c) appoint persons who are not members of the council as members of such committees;
 - (d) disestablish any committee it has established, and terminate the membership of any person it has appointed. 45
- (5) The council may delegate or assign any of its powers and functions to –
 - (a) a committee;
 - (b) a member of council; or

- (c) any office bearer of the University;
except those functions specified in subparagraph (7).
- (6) The council remains responsible for the exercise and performance of any function delegated or assigned in terms of subparagraph (5).
- (7) The council may not delegate or assign any of the following powers and functions – 5
- (a) the appointment of the vice-chancellor or of any deputy vice-chancellor;
 - (b) the approval of the annual operating and capital expenditure budgets;
 - (c) the adoption of the annual financial statements and annual report; 10
 - (d) the determination of the fees to be paid by students;
 - (e) the making or approval of the Statute;
 - (f) the approval of a loan or an overdraft;
 - (g) the decision to embark on the construction of a permanent building or other immovable infrastructural development; 15
 - (h) the purchase of immovable property, or entering into a long-term lease of immovable property; or
 - (i) the establishment or disestablishment of faculties or departments.

18. Composition of council

- (1) The council of the University consists of – 20
- (a) the vice-chancellor;
 - (b) two deputy vice-chancellors;
 - (c) two members of senate, elected by senate;
 - (d) two members of the academic staff, elected by the academic staff; 25
 - (e) two members of the administrative and support staff, elected by the administrative and support staff;
 - (f) two students elected by the SRC;
 - (g) five persons appointed by the Minister;
 - (h) one person appointed by the Premier of the Western Cape; 30
 - (j) one person appointed by the City of Cape Town;
 - (j) one person elected by donors;
 - (k) two persons elected from convocation;
 - (l) such additional persons appointed by the membership committee, with a broad spectrum of competencies in the fields of, although not limited to, education, business, finance, law, marketing, information technology and human resources. 35
- (2) At least 60 per cent of the members of the council must be people who are not staff or students as contemplated in section 27 (6) of the Act.
- (3) No staff and no student may be elected or hold an appointment under subparagraphs (1)(g) to (l). 40
- (4) A person elected or appointed under subparagraphs (1)(g) to (l) who becomes a student or a staff member forthwith ceases to be a member of the council. 45

19. Election of council members

Members of council are elected in the manner determined by the rules.

20. Term of office of council members

- (1) The vice-chancellor and deputy vice-chancellors remain members of council for as long as they occupy their posts.
- (2) The term of office of students elected by the SRC, is determined by the SRC, provided that membership ceases automatically when a student member ceases to be a registered student. 5
- (3) The term of office of the remaining members is four years.

21. Termination of membership and filling of vacancies

- (1) The office of a member of council becomes vacant if a member – 10
 - (a) dies;
 - (b) resigns;
 - (c) is absent from three consecutive ordinary meetings of the council without leave;
 - (d) is removed from an office of trust by a court of the Republic, or convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of the Republic; 15
 - (e) is, or becomes, insolvent;
 - (f) becomes incapable of performing the functions of a member of the council by reason of disease, or mental or bodily infirmity; or 20
 - (g) ceases to be a member of the body which elected, appointed or designated him or her;
 - (h) is otherwise disqualified in terms of the Rules.
- (2) In the event of a vacancy occurring in terms of subparagraph 21(1), the registrar must forthwith notify the authority or body that appointed or elected the member, requesting the authority or body to appoint or elect a successor. 25
- (3) The successor, appointed in terms of subparagraph 21(1), holds office for the unexpired term of office of the predecessor.
- (4) Not less than 90 days before the expiry of the term of office of a member of the council, the secretary of the council must in writing give notice of such expiry to the body or person that elected, appointed or designated such member and request such body or person to elect, appoint or designate a successor immediately. 30
- (5) Subject to the disciplinary procedure of the CPUT, if an employee or a student member is dismissed, suspended, expelled, demoted or an employee's service is terminated for whatever reason by the CPUT, the membership of such member automatically terminates. 35
- (6) An employee or student of the CPUT found guilty at an official disciplinary hearing of the University of transgressing the rules of the University, may not serve on council for a period of two years, and if such a person is a serving council member at the time of being found guilty, ceases to be a council member and is eligible for re-appointment after two years. 40
- (7) The term of office for student members is one year, provided that membership automatically lapses when a student ceases to be a registered student.
- (8) 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. 45
- (9) If the council resigns as contemplated in subparagraph (8), a new council must be constituted in terms of paragraphs 18 and 19.

22. Election of chairperson and vice-chairperson

- (1) The members of the council must, at the first meeting of the council, and thereafter when it becomes necessary, elect from amongst their number a chairperson and a deputy chairperson, who shall each hold office for a period of four years, or for such shorter period as he or she may be a member of the council. 5
- (2) The chairperson or the deputy chairperson of the council must not be an employee or a student of the CPUT.
- (3) If more than one candidate is nominated for one of the offices, voting must be by secret ballot. 10
- (4) A candidate may be elected to the office of chairperson or deputy chairperson only by a majority of the members present at the meeting of the council, with each member having only one vote.
- (5) Whenever a vacancy occurs in the office of chairperson or deputy chairperson, the provisions of subparagraphs (3) and (4) above are applicable to the filling of the vacancy. 15
- (6) A person elected in terms of subparagraph (5) above holds office for the unexpired period of office of his or her predecessor.
- (7) The chairperson and the deputy chairperson are eligible for re-election if they are still members of the council. 20

23. Secretary to council

- (1) The secretary to the council is the registrar as contemplated in section 26(4)(b) of the Higher Education Act.
- (2) The secretary acts as the electoral officer at all council meetings. 25
- (3) The secretary attends all meetings and keeps all relevant documents of the council.
- (4) The secretary must keep a complete register of council resolutions adopted and all members of council must have access to such register. 30

COUNCIL MEETINGS**24. Ordinary meetings of council**

- (1) The council has at least four ordinary meetings during each academic year. 35

25. Special meetings of council

- (1) Special meetings must be held –
 - (a) when called by the chairperson; and
 - (b) when a written request for a special meeting, stating the object of the meeting, is received by the chairperson from at least five members of the council. 40
- (2) At least three days notice must be given for a special 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 a special meeting. 45

26. Procedure at meetings of council

- (1) The quorum of a meeting consists of 50% plus 1 of the members holding office. Where a fraction arises it is rounded off to the next whole number.
- (2) The registrar must issue a written notice to each member of the council at least five days before each ordinary meeting of the council setting out the place, date and time of the meeting, and the agenda for the meeting, but the council may, if the chairperson so rules, or a majority of the total membership of the council agrees, consider any urgent matter of which notice has not yet been given. 5
- (3) In the absence of the chairperson and the vice-chairperson of the council, the members present elect one of their members to preside at such meeting, provided that the member so elected is not a staff member or student of the University. 10
- (4) The council decides its own rules of debate subject to clauses (5) to (12) below. 15
- (5) The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council, provided further that objections to the minutes of a meeting are raised and decided before confirmation of the minutes. 20
- (6) The meeting must deal with the business of which notice has been given and any other business which a majority of the total membership of the council agrees to consider. 25
- (7) Every motion, and every amendment proposed must be seconded and must, if the chairperson requires this, be in writing and a motion or amendment that is not seconded falls away.
- (8) Except where the Act or this Statute requires a different procedure, and where consensus cannot be reached, each question must be decided by the majority of votes of the members present and voting, and unless the meeting decides otherwise voting must be by show of hands. 30
- (9) Should the majority of members present abstain from voting, the matter to be decided on must be deferred.
- (10) When a majority of the members of the council reaches agreement on a matter referred to them by letter or electronic means by the chairperson, without convening a meeting, and conveys such resolution by letter or electronic means, such resolution is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting. 35
- (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. 40
- (12) The chairperson has a deliberative vote on each question and also has a casting vote in the case of an equality in the number of votes.
- (13) If so decided by the meeting, the number of members voting for or against, or abstaining from, any motion must be recorded in the minutes, and at the request of any member the chairperson must direct that the vote of such member be likewise recorded. 45

- (14) The ruling of the chairperson on any question 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.
- (15) The council may invite persons who are not members to attend meetings and allow them to take part in discussions, provided that they are not allowed to vote. 5

27. Amendment or repeal of statute

- (1) No motion to amend or repeal this Statute may be adopted unless adopted by not less than 75 per cent of all members present at the meeting; provided a meeting is constituted by not less than 50 per cent of the total members. 10
- (2) Any motion to amend or repeal this Statute must be in accordance with the provisions of section 32(2) of the Act.

28. 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, and comply with such other rules and policies as the council may adopt. 15
- (2) After such declaration 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. 20
- (3) Any member of the University community has the right to inform the chairperson of council in writing, before any meeting, of any possible conflict of interest in respect of any member of the council or a committee. 25

29. Executive and other committees of Council

- (1) The council appoints –
- (a) an executive committee; 30
 - (b) an audit and risk committee;
 - (c) a finance committee;
 - (d) a human resources committee;
 - (e) a remuneration committee; and
 - (f) such other committees as may be required. 35
- (2) The composition and functions of the committees are determined by the council.
- (3) Seventy five percent of each of the council committees shall consist of external members of council
- (4) The chairperson of a committee may not be an employee or a student of the University. 40

30. Composition of the executive committee of council

- The executive committee of council shall consist of –
- (a) The chairperson of council 45
 - (b) The deputy chairperson of council
 - (c) The vice-chancellor
 - (d) The chairpersons of the sub-committees of council
 - (e) Such additional persons as determined by council

SENATE

31. Functions of senate

- (1) Subject to the provisions of the Act and this Statute, the senate is accountable 5
to the council for regulating all teaching, learning, research and academic
functions of the University and all other functions delegated or assigned to it
by the council.
- (2) Without derogating from the generality of subparagraph (1) the senate-
- (a) must organise and control the teaching, curricula, syllabi, examinations 10
and research of the University;
 - (b) makes the rules for 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, and decides who has complied with these requirements; 15
 - (d) appoints examiners for all examinations;
 - (e) may make recommendations to the council regarding the faculty to
which each academic department, or other academic structure belongs;
 - (f) may make recommendations to the council regarding the establishment
and disestablishment of faculties, academic departments, and other 20
academic structures;
 - (g) may make standing orders on procedures and delegation of powers for
the better carrying out of its functions;
 - (h) may, in terms of the Rules, cancel the registration of a student in all or
one or more of the courses for which the student is registered in that 25
year, if, in the opinion of the senate, the academic achievement of the
student is such that the student may not at the end of the year obtain
credit in such course or courses, as the case may be.
- (3) The senate –
- (a) must carry out such other functions as the council assigns to it; 30
 - (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. 35
- (4) The senate may, by resolution –
- (a) establish committees of the senate to perform any of its
functions;
 - (b) appoint to any such committee both members of the senate and
persons who are not members of the senate; 40
 - (c) determine the functions of its committees as well as the
procedure of meetings of these committees;
 - (d) disestablish any committee it has established; and
 - (e) terminate the membership of any person it has appointed to any
committee. 45
- (5) The senate may delegate or assign any of its functions to –
- (a) a committee of the senate;
 - (b) a member of the senate; or

- (c) any office bearer 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). 5

32. Composition of senate

The senate of the University consists of –

- (1) the vice-chancellor;
- (2) the deputy vice-chancellors; 10
- (3) the registrar;
- (4) the executive directors;
- (5) the deans;
- (6) the professors and associate professors in the permanent employ of the institution; 15
- (7) the director of the library;
- (8) five directors from the directors of academic, administrative and student support services, elected from their number;
- (9) heads of academic departments;
- (10) two representatives of the student representative council; 20
- (11) two academic employees, elected from the academic employees not represented under subparagraphs 32 (5),(6) and (9);
- (12) two non-academic employees, elected from the non-academic employees not represented under subparagraphs 32 (8);
- (13) two members of council who are not employees or students of the University; 25
- (14) such additional members as approved by the senate.
- (15) chairperson of the Institutional Forum

33. Election of members of senate

The manner in which members of the senate are elected are determined by the Rules. 30

34. Term of office of senate members

- (1) Members appointed in terms of paragraphs 32 (1), (2), (3), (4), (5), (6), (7), and (9) hold office for as long as they are employed by the University in that capacity. 35
- (2) Members appointed in terms of paragraphs 32 (8), (11) and (12) hold office for a period of two years.
- (3) The term of office for student members is one year, provided that membership automatically lapses when a student ceases to be a registered student.
- (4) The two members of the council referred to in paragraph 32 (13) must be elected at an ordinary meeting of the council, may not be a staff member or student of the University, and hold office for a period of four year. 40
- (5) Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the secretary to the senate must notify the authority or body that has appointed or elected such member of the vacancy, and must, if in the opinion of the chairperson to the senate this is reasonably practicable, request such authority or body to appoint or elect a successor. 45

- (6) 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.
- 35. Chairperson, vice-chairperson and secretary of senate** 5
- (1) The vice-chancellor is the chairperson of the senate.
- (2) The deputy vice-chancellor primarily responsible for academic affairs is the vice-chairperson of the senate.
- (3) In the absence of the chair-person the deputy chair-person of Senate shall act as the chair-person. 10
- (3) In the absence of both the vice-chancellor and the deputy vice-chancellor: academic, the meeting shall elect a chairperson from their ranks for the particular meeting.
- (4) The registrar is the secretary of the senate, provided that he or she may designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence. 15
- 36. Senate executive committee**
- (1) The senate must appoint an executive committee consisting of the following persons – 20
- (a) the vice-chancellor, who is the chairperson;
- (b) the deputy vice-chancellors;
- (c) the registrar;
- (d) the deans of faculties. 25
- (2) The registrar is the secretary of the senate executive committee, provided that he or she may designate one or more of the employees of the University to assist him or her in the performance of his or her duties or to take his or her place as secretary in his or her absence. 30
- 37. Procedure at meetings of senate**
- (1) The quorum for meetings of the senate is one third of the membership, the members on leave at the date of any meeting not counting, for this purpose, among those in membership.
- (2) Ordinary meetings must be held when and where senate decides and there must be at least two ordinary meetings of the senate each year. 35
- (3) Any two members of the senate may place a motion on the agenda for a meeting of the senate by giving notice to the registrar at least seven days before the date of the meeting, and the registrar must include any such motion in the agenda. 40
- (4) The registrar must issue a notice to each member of the senate at least four days before the date of each ordinary meeting of the senate, setting out the place, date and time of the meeting, and the agenda for the meeting, but the senate may by a simple majority of the members present and voting agree to consider any urgent matter of which notice has not been given. 45
- (5) Senate decides its own rules of debate subject to clauses (6) to (13) below.
- (6) The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that

- the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the senate, provided further that objections to the minutes of a meeting are raised and decided before confirmation of the minutes.
- (7) The meeting must deal with the business of which notice has been given and any other business which a majority of the total membership of the senate agrees to consider. 5
- (8) Every motion, and every amendment proposed must be seconded and must, if the chairperson requires this, be in writing and a motion or amendment that is not seconded falls away. 10
- (9) Except where the Act or this Statute requires a different procedure, and where consensus cannot be reached, each question must be decided by the majority of votes of the members present and voting, and unless the meeting decides otherwise voting must be by show of hands.
- (10) Should the majority of members present abstain from voting, the matter to be decided on must be deferred. 15
- (11) When a majority of the members of the senate reaches agreement on a matter referred to them by letter or electronic means by the chairperson, without convening a meeting, and conveys such resolution by letter or electronic means, such resolution is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting. 20
- (12) The views of a member of the senate 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.
- (13) The chairperson has a deliberative vote on each question and also has a casting vote in the case of an equality in the number of votes. 25
- (14) If so decided by the meeting, the number of members voting for or against, or abstaining from, any motion must be recorded in the minutes, and at the request of any member the chairperson must direct that the vote of such member be likewise recorded. 30
- (15) The ruling of the chairperson on any question 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.
- (16) The senate may invite persons who are not members to attend meetings and allow them to take part in discussions, provided that they are not allowed to vote. 35
- (17) Special meetings must be held –
- (a) when called by the chairperson; or
 - (b) when a written request for a special meeting, stating the object of the meeting, is received by the registrar from at least 15 members of the senate. 40
- (18) The registrar must give at least three days notice to each member of each special meeting of the senate, setting out the place, date and time of the meeting, and the agenda for the meeting. However, the chairperson may dispense with the period of notice, where in his or her opinion there is an emergency. 45

- (19) No other business may be dealt with at a special meeting, but the senate may by a three-quarters majority of the members present and voting agree to consider any urgent matter of which notice has not been given

FACULTY BOARD

5

38. Functions and composition of the faculty board

- (1) For each faculty there is a committee of the senate known as a faculty board.
- (2) The composition of each faculty board is as decided by the senate from time to time, but in each faculty the composition of the faculty board must include – 10
- (a) the professors in the faculty;
 - (b) the heads of departments in the faculty;
 - (c) the permanent full-time associate professors, senior lecturers, lecturers and assistant lecturers in the faculty; and
 - (d) student representatives. 15
- (3) The dean of the faculty is the chairperson of his or her faculty board and presides at all meetings of the faculty board at which he or she is present.
- (4) In the absence of the dean, the acting dean presides, and in the absence of both the faculty board must elect a member to preside at that meeting.
- (5) The faculty board – 20
- (a) is responsible to the senate for organising and controlling the teaching, curricula, syllabi, examinations and research of the faculty;
 - (b) 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; 25
 - (c) must advise the dean of the faculty on policy for resource allocation in the faculty;
 - (d) must carry out such functions as the senate delegates or assigns to it;
 - (e) is accountable to the senate for its work; and
 - (f) may by resolution establish committees of the faculty, and may appoint 30 as members of such committees any people whether they are members of the faculty board or not.
- (6) The quorum and procedure at meetings of faculty boards are as decided by the senate from time to time, but the quorum may not be less than one third of the total membership of the faculty board, the members of the faculty board on leave on the date of any meeting not counting for this purpose among those present or in the membership. 35
- (7) Special meetings must be held –
- (a) when called by the dean; or
 - (b) when a written request for a special meeting, stating the object of the meeting, is received by the dean from at least 10 members of the faculty board. 40
- (8) The faculty board decides its own rules of debate.
- (9) The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which case the chairperson must submit his or her ruling without discussion to the meeting which decision is then final and binding. 45

INSTITUTIONAL FORUM

39. Functions of the institutional forum

- (1) The institutional forum of the University is an advisory body and must advise the council on issues affecting the University, including but not limited to, the following – 5
 - (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; 10
 - (d) codes of conduct, mediation and dispute resolution procedures; and
 - (e) fostering of an institutional culture which promotes transformation, social cohesion, respect for fundamental human rights and creates an appropriate environment for teaching, research and learning.
 - (f) the language policy 15
- (2) In the event that the advice of the Institutional Forum has not been accepted by Council, the Council should inform the Institutional Forum in writing of such a decision.
- (3) The institutional forum must perform such other functions as may be delegated or assigned to it by the council. 20

40. Composition of the institutional forum

- (1) The institutional forum consists of –
 - (a) two members of the council who are not employees or students of the institution; 25
 - (b) two members from management;
 - (c) two members of the senate;
 - (d) two members representing the academic employees;
 - (e) two members representing the non-academic employees;
 - (f) two members from each internally recognised labour organisation; 30
 - (g) two students designated by the SRC annually;
 - (h) one member of the student services council
 - (i) one member appointed by Convocation
- (2) Nomination of representatives must be transparent and democratic and each constituency must follow the procedure within its own constituency and submit the names of its representatives to the registrar. 35
- (3) The term of office of members is as determined by each constituency.

41. Term of Office

- (1) The term of office of all members shall be three years; unless before the expiry of such period, a member submits his or her resignation in writing to the institutional forum or vacates his or her office for any other reason. 40
- (2) A vacancy on the institutional forum caused by the death or the vacation of office by a member must be filled for the unexpired portion of the period of office of such member. 45

42. Office-bearers of the institutional forum

The institutional forum elects from among its members a chairperson and a vice chairperson in terms of the rules.

43. Meetings and meeting procedure of the institutional forum

- (1) The number of meetings is as decided by the institutional forum.
- (2) The quorum of a meeting consists of 50% plus 1 of the members holding office. Where a fraction arises it is rounded off to the next whole number. 5
- (3) The meeting procedures are as determined by the institutional forum.

STUDENT SERVICES COUNCIL**44. Functions of the Student Services Council**

- (1) The student services council performs the functions of the structure contemplated in the Act to advise on policy in respect of student services within the university. 10
- (2) The student services council should ensure provision of services to students that create an environment conducive for student success. 15
- (3) The composition and terms of reference of the student services council are contained in the rules of the university.

STUDENTS' REPRESENTATIVE COUNCIL (SRC)

20

45. Constitution

- (1) The constitution of the students' representative council, which forms part of the Rules of the University, must provide for-
 - (a) the composition of the students' representative council;
 - (b) the members of the students' representative council to be elected in a general election held during the third quarter of each year, in which every registered student is entitled to vote, in the manner the constitution prescribes, or in a by-election held according to the constitution; 25
 - (c) the composition and use of an Independent Electoral Commission (IEC) to facilitate SRC elections and by-elections; 30
 - (d) the election of office bearers of the students' representative council;
 - (e) the minimum number of meetings of the students' representative council, the quorum at meetings and meeting procedures; and
 - (f) the general functions of the students' representative council; 35
 - (g) the establishment of faculty representative bodies.
- (2) The constitution of the students' representative council will have no legal force and effect unless such constitution, or amendments thereto, is approved by the council. 40

46. Functions of the students' representative council

- (1) The students of the University are represented in matters that affect such students by the students' representative council.
- (2) The matters contemplated in subparagraph (1) include, but not limited to –
 - (a) liaison with the council, the senate, the management, the Institutional Forum, the general public, the other higher education institutions, students' representative councils of other higher education institutions, national or international student organisations, unions and news media; 45

- (b) Ensuring that the constitutions of clubs and societies are not in violation of any policies, rules or practices of the university;
- (c) Making recommendations to the student services council and/or to management for the suspension, or other form of discipline, of a student body that has been found guilty within the Rules; 5
- (d) Should a student body be in violation of the Rules as contemplated in (c) above and the SRC fails to act in the manner prescribed, the management of the university or its delegated body may decide on appropriate action.
- (e) 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; 10
- (f) the appointment of such office-bearers and establishing of such committees as it deems necessary;
- (g) utilizing the approved CPUT financial procedures and structures, keep account of all moneys paid over to it by the council, through its appointed structures, and any other moneys which may accrue to it in its capacity as representative of the students; and disburse such funds for use by students and approved student clubs, societies and committees after consultation and with the approval of the Student Services Council. 15 20
- (h) the responsibility for the preservation of order at student functions, and the ensuring of good conduct at other approved meetings of students;
- (i) the co-ordination of student involvement in all community projects initiated by it; 25
- (j) the recommendation to the CPUT executive management and Council of Rules to determine the conduct of its affairs;
- (k) coordination of the processes of the SRC elections
- (l) such additional function and privileges conferred upon it by the appropriate management structures and the council. 30

47. Membership

- (1) Only students registered at the University are eligible to serve as members of the students' representative council.
- (2) Notwithstanding (1) above, only students whose academic performance satisfies rules as determined by the SRC Constitution from time to time, shall be allowed to serve as members of the students' representative council. 35

48. Term of office

The term of office of the members of the students' representative council is one year. 40

49. Students' representative council disciplinary committee

- (1) The students' representative council must establish a disciplinary committee responsible for the discipline of any members of the students' representative council that violate the students' representative council's code of conduct. 45
- (2) Any other disciplinary matter pertaining to student discipline that falls outside the SRC code of conduct will be dealt with according to the rules of the university.

50. General meeting

- (1) The students' representative council must convene at least one general meeting of students per semester.
- (2) The general meeting may also be requested by at least 1000 signatories petitioning the students' representative council. 5
- (3) Meetings may not disrupt academic activities unless prior permission has been granted by the vice-chancellor.

CONVOCATION**51. Functions of convocation** 10

The convocation may discuss and state its opinion upon any matter relating to the University, including any matter referred to it by the council, the senate or the institutional forum. 15

52. Composition of convocation

- (1) The convocation consists of the vice-chancellor, the deputy vice-chancellors, the registrar, former and present academic employees as set out in subparagraph (2) and all persons who are or become graduates or diplomates of the University. 20
- (2) Academic employees on the permanent staff of the University, professors emeriti and other retired academic employees who have been on the permanent staff in continuous employment for not less than 10 years immediately prior to retirement are members of the convocation.
- (3) The fact that the name of a person appears on the convocation roll is *prima facie* proof of him or her being a member of the convocation, and of him or her being entitled to vote. 25
- (4) The names of new graduates and diplomates of the University are deemed to have been inscribed in the convocation roll after degrees or diplomas have been awarded, but members so registered are required to furnish their 30 addresses to the secretary and to notify him or her of any change of address.

53. Office-bearers of convocation

- (1) The convocation, at its first meeting, elects from among its members a president to act as chairperson at all its meetings, who holds office for a period 35 of three years, from the meeting at which he or she is elected.
- (2) Whenever the office of president becomes vacant, the vice-chancellor acts as president until a successor is elected at the following meeting of the convocation for a period of three years. 40

54. Meetings of convocation

- (1) The president or, if the office of the president is vacant, the vice-chancellor convenes a meeting of the convocation annually and notice of such meeting must be given at least four weeks prior to the date of the meeting.
- (2) A member who wishes to raise any matter at such meeting must submit written 45 motions in regard to the said matter to the registrar or the president at least two weeks before the date of the meeting.
- (3) An extraordinary meeting of the convocation may be convened by the president or the vice-chancellor if and when required.

- (4) An extraordinary meeting of the convocation must be convened by the president or, if the office of president is vacant, by the vice-chancellor, upon a written request signed by at least 25 members containing the matters for consideration in the form of separate motions.
- (5) An extraordinary meeting as contemplated in subparagraph (4) must be held within two months after receipt of the request. 5

55. Meeting procedures of convocation

- (1) Fifty members constitute a quorum at a meeting of the convocation, provided that, if no quorum is present the meeting may adjourn and an extraordinary meeting may be convened with at least seven days notice, at which the members present constitute a quorum. 10
- (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. 15
- (3) After its constitution, by reading the notice in terms of which it was convened, a meeting commences with the reading and confirmation, by the signature of the chairperson, of the minutes of the previous ordinary meeting and of all subsequent extraordinary meetings.
- (4) Any objection to such minutes must be raised and determined prior to their confirmation. 20
- (5) A member may not, without the permission of the meeting speak more than once on a motion or amendment thereof, but the mover of the motion or amendment may reply.
- (6) All matters are decided by a majority of the members present. 25
- (7) In addition to his or her ordinary vote, the chairperson has a casting vote in the event of an equality of votes.
- (8) If a meeting so resolves, the number of votes in favour of or against a motion must be recorded in the minutes, and, at the request of a member, the chairperson must further direct that the vote of such member be likewise recorded. 30
- (9) A motion or amendment thereof must be seconded, and if the chairperson directs, such motion or amendment must be in writing.
- (10) A motion or amendment may not be withdrawn without the permission of the meeting. 35
- (11) The chairperson may permit the discussion of a matter of which notice was not duly given, provided such discussion is unopposed.
- (12) The ruling of the chairperson on a point of order of procedure is binding, unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting, whose decision is final. 40
- (13) A copy of the resolutions of the convocation, and a statement on such other matters as the convocation may determine, duly certified by the chairperson and secretary, are submitted to the chairperson of the council for the information of the council and to the vice-chancellor for the information of the senate. 45
- (14) Election of members of the convocation to the council is in the manner determined by the convocation.

EMPLOYEES

56. Appointment

Subject to section 34 of the Act, the council appoints employees according to the staffing policies of the University as determined in the Rules. 5

57. Remuneration

Determination and review of salaries of employees and all other forms of remuneration is approved by the council according to the University's remuneration policy as determined in the Rules which is amended from time to time by the council. 10

58. Evaluation

All employees of the University are subject to continuous evaluation in the performance of their duties. 15

59. Employees' discipline

Every employee is subject to a disciplinary code, a disciplinary procedure and a grievance procedure for employees, as approved by the council and determined in the Rules, which serve as an integral part of every employee's conditions of service. 20

60. Representative employees' organisation

Agreements with representative employees' organisations may, with reference to salary and related negotiations, and according to the relevant labour legislation, be entered into by the management and recommended to the council for approval. 25

STUDENTS

61. Admission and registration of students

- (1) A person may be permitted by the council to register as a student only if he or she satisfies the legal requirements, if any, for admission to study at the University, and further satisfies any other requirements for admission that may be determined by the council and laid down in the Rules. 30
- (2) The requirements for admission of a student to faculties are set out in the Rules and may be changed by the council after consultation with the senate. 35
- (3) A student must register and, once registered, remain registered until the day before the start of the next academic year, or until he or she graduates or is awarded a diploma or certificate, or is expelled, or for such shorter period as council decides, whichever is the shortest.
- (4) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (3), the student is required to comply with any conditions set by the council. 40
- (5) The council may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in subparagraph (4).
- (6) The conditions contemplated in subparagraph (4) may include the payment of outstanding fees. 45

62. Student discipline

- (1) The disciplinary measures and discipline provisions applicable to the students are set out in the Rules, and may be changed by the Council after consultation with the SRC, the Student Services Council and the Senate.
- (2) The vice-chancellor may, from time to time, amend monetary penalties. 5
- (3) Such amended penalties must be placed before the council at the next ordinary meeting of the council.
- (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.

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DONORS**63. Donors**

- (1) The University may receive moneys and equipment of any sort from donors to assist the University in providing quality education. 15
- (2) The University may recognise and register certain donors as determined in the Rules.

SPECIAL AWARDS

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64. Conferring of honorary degrees

- (1) The University may, without examination, confer an honorary degree on a person who has rendered distinguished services in the advancement of any branch of learning or technology.
- (2) The criteria and procedures for conferring an honorary degree are as determined by the Rules. 25

TRANSITIONAL PROVISIONS**65. Transitional Provisions**

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- (1) With the coming into force of this Statute, the existing Council of the University shall have the power and authority to take steps to implement the provisions of the Act, this Statute and the Institutional Rules
- (2) The steps referred to in subparagraphs (1) may include the termination of the membership of Council members to make it possible to reconstitute the Council in accordance with the Statute 35
- (3) Before the promulgation of this Statute, the Council has delegated powers, with or without the authority to finalise matters, to committees of the Council, the Senate, committees of the Senate and individuals.
- (4) The delegated powers referred to in paragraph (3) shall be regarded as having been delegated in terms of the provisions of the Statute to the Standing Committee of Council, other committees of the Council, the Senate, committees of the Senate and individuals, specifically also the Principal. 40
- (5) Before promulgation of this Statute, the Senate has delegated authority, with or without power to finalise matters, to the Executive Committee of the Senate, the Committee of the Senate, the Faculty Boards and to individuals. 45
- (6) The delegated authority referred to in paragraph (5) is regarded as having been delegated in terms of the provisions of this Statute: Provided that powers

entrusted to the Executive of the Senate shall be regarded as powers entrusted to the Senate Executive.

- (7) The Statute of the University that applied before the coming into operation of this Statute shall remain in force until this Statute is gazetted.

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