

# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 542

Pretoria, 27 August  
Augustus 2010

**No. 33490**

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**GOVERNMENT NOTICE**

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**GOVERNMENT NOTICE**

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**DEPARTMENT OF HIGHER EDUCATION AND TRAINING****No. 747****27 August 2010****HIGHER EDUCATION ACT, 1997 (Act No 101 of 1997)****INSTITUTIONAL STATUTE: UNIVERSITY OF THE FREE STATE**

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 University of the Free State set out in the Schedule hereto.



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

**Date:**

The Council of the University of the 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), which is hereby published with the approval of the Minister of Higher Education and Training in terms of section 33 of the said Act, and comes into operation on the date of this publication.

**SCHEDULE**

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

## CHAPTER I 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 meaning thus assigned to it, unless the context otherwise indicates.

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

**"Alumni"** means all former students who were registered for a qualification at the University.

**"Campus SRC"** means a substructure of the Central SRC.

**"Central SRC"** means the Student Representative Council of the institution contemplated in paragraph 33 of this Statute and section 35 of the Act.

**"Chancellor"** means a person contemplated in paragraphs 4 to 6 of this Statute and section 26 (1) of the Act.

**"Convocation"** means the convocation contemplated in paragraphs 36 to 39 of this Statute and section 26 (2) of the Act.

**"Council"** means the Council contemplated in paragraphs 14 to 22 of this Statute and section 27 of the Act.

**"Executive Committee of Senate"** means a committee contemplated in section 29 of the Act and paragraphs 22(1) and 34 of this Statute, which consists of the Rector and Vice-Chancellor, the Senior Vice-Rector, the Vice-Rectors, the Registrar, the Deans and representatives of Senate as determined in the Institutional Rules.

**"Institutional Forum"** means the Institutional Forum contemplated in paragraphs 29 and 30 of this Statute and section 31 of the Act.

**"Institutional Rules"** means rules made by the University as contemplated in section 32 of the Act, and includes all the regulations and policy documents of the University.

**"Minister"** means the Minister of Higher Education and Training.

**"Qualification"** means the degree, diploma or certificate received for the successful completion of a formal academic programme, with a minimum of 120 credits at minimum NQF Level 5, as contemplated in paragraph 42 of this Statute.

**"Rector and Vice-Chancellor"** means the person appointed by the Council contemplated in paragraphs 7 and 8 of this Statute, and who is the Principal of the University as contemplated in section 26 (2) of the Act.

**"Registrar"** means the officer contemplated in paragraph 13 of this Statute and section 26 (4)(b) of the Act.

**"Seat of the University"** means the seat contemplated in paragraph 2(c) of this Statute and section 65A of the Act.

**"Senate"** means the body responsible for academic matters contemplated in paragraphs 23 to 28 of this Statute and section 28 of the Act.

**"Senior Vice-Rector"** means a vice-rector contemplated in paragraphs 9 and 10 of this Statute, who acts as Rector and Vice-Chancellor in the absence of the Rector and Vice-Chancellor or while the office of the Rector and Vice-Chancellor is vacant.

**"Statute"** means the statute framed and in force as contemplated in section 32 of the Act.

**"Students"**, for the purpose of section 14 (5) of this Statute, means persons who are registered for a formal qualification at the University and who are not in full-time employment.

**"The University"** means the University of the Free State.

**"University Management Committee"** means the Rector and Vice-Chancellor, Senior Vice-Rector, Vice-Rectors, Registrar and other senior employees designated by the Rector and Vice-Chancellor, as contemplated in paragraph 35 of this Statute and section 29 of the Act.

**"Vice-Rector"** means a person appointed by the Council for the purposes of assisting the Rector and Vice-Chancellor as contemplated in paragraphs 11 and 12 of this Statute.

## CHAPTER II

### THE UNIVERSITY

#### 2 Name, statute, seat and powers of the University

- (a) The name of the University is the "University of the Free State".
- (b) The official postal address of the University is: "University of the Free State, P.O. Box 339, Bloemfontein, 9300, South Africa" and the physical address is: "University of the Free State, Nelson Mandela Drive, Bloemfontein".
- (c) The seat of the University is in the area of the Mangaung Local Municipality, as contemplated in section 65 A(1) of the Act.

- (d) The University conducts its academic activities on its main campus in Bloemfontein, as well as other campuses under its jurisdiction.
- (e) The University functions in accordance with the Higher Education Act, 1997, the Statute and the Institutional Rules of the University.
- (f) The University may confer qualifications as contemplated in paragraph 42 of this Statute.
- (g) The University, and entities entirely under its control, may award diplomas and certificates in its own name as contemplated in sections 65B and 65C of the Act and paragraph 42 of this Statute.
- (h) The University respects and is driven by the constitutional rights, including the right to human dignity, equality and non-discrimination, and the right to freedom of conscience, religion, faith, thought, belief and opinion of its staff and students.
- (i) The University recognises, is founded on, and is directed at the manifestation of the intrinsic nature of a university as a place of scientific practice and scholarship.

**3 The University consists of:**

- a) the Chancellor;
- b) the Council;
- c) the Senate;
- d) the Rector and Vice-Chancellor;
- e) the Senior Vice-Rector;
- f) the Vice-Rectors;
- g) the Registrar;
- h) the Deputy Registrars;
- i) the Deans;
- j) the Senior Directors;
- k) the Directors;
- l) Heads of Department/Departmental Chairpersons;
- m) a convocation;
- n) the alumni;

- o) an institutional forum;
- p) the faculties, the schools, and such other academic structures of the University as may be determined by the Council;
- q) the academic employees of the University;
- r) the non-academic employees (support services employees) of the University;
- s) the Central SRC and campus SRCs; and
- t) the students of the University.

### **CHAPTER III**

## **CHANCELLOR, RECTOR AND VICE-CHANCELLOR, SENIOR VICE-RECTOR AND VICE-RECTORS**

### **CHANCELLOR**

#### **4 Capacity and term of office**

- (1) The Chancellor is the titular head of the University, with no executive powers, and confers all degrees on behalf of the University.
- (2) The Chancellor is elected for a period to be determined by the Council, but not exceeding five years, unless he or she tenders a resignation in writing to the Council or vacates office for any other reason before the end of his or her term of office.
- (3) The Chancellor's term of office terminates in the event of
  - (a) death or incapacity;
  - (b) resignation; or
  - (c) removal from office by the Council.
- (4) If the Chancellor is absent, or if the office is vacant, the Rector and Vice-Chancellor, Senior Vice-Rector or a Vice-Rector nominated by him or her, acts for the Chancellor.

- (5) The Chancellor must at all times embody the aspirations and values of the University and actively advance the interests of the University.

#### **5 Manner of election**

- (1) The Chancellor is elected by the Council at a meeting specially convened for such purpose, by a majority of the total number of members of the Council who actually hold office on the date of the election.
- (2) The election is conducted by means of a secret ballot, and no person may be elected unless nominated with his or her consent by two members of the Council by means of a letter, and this nomination must reach the Registrar at least 14 days before the date of the election.
- (3) Upon receipt of such nomination, the Registrar must immediately inform every member of the Council thereof.
- (4) The criteria for the election of the Chancellor are stipulated in the Institutional Rules.

#### **6 Vacancy**

If the office of Chancellor becomes vacant, the Registrar must notify every member of the Council of such vacancy and the Council must elect a new Chancellor as soon as possible, as provided for in paragraph 5.

### **RECTOR AND VICE-CHANCELLOR**

#### **7 Functions, term of office and manner of election**

- (1) The Rector and Vice-Chancellor is the academic, administrative and management head of the University.
- (2) The Council delegates to the Rector and Vice-Chancellor all the powers necessary to perform his or her duties.



- (3) The Rector and Vice-Chancellor may, in turn, delegate duties to other employees or committees.
- (4) The Rector and Vice-Chancellor is accountable to the Council.
- (5) The Rector and Vice-Chancellor is an *ex officio* member of all committees of the Council and Senate.
- (6) The Rector and Vice-Chancellor also serves as Chairperson of the Senate.
- (7) The Council may assign additional functions, and grant additional powers and privileges to the Rector and Vice-Chancellor as contemplated in section 68 (2) of the Act.
- (8) When the Rector and Vice-Chancellor is absent or unable to carry out his or her duties, he or she may delegate all his or her powers and duties to the Senior Vice-Rector or to a member of the University Management, as contemplated in paragraphs 9, 10 and 35 of this Statute and section 68 (3) of the Act.
- (9) An acting Rector and Vice-Chancellor must be appointed by the Rector and Vice-Chancellor for periods of absence of the Rector and Vice-Chancellor, and such acting Rector and Vice-Chancellor has the same functions as the Rector and Vice-Chancellor.
- (10) Subject to section 31(1)(a)(iii) of the Act, the Rector and Vice-Chancellor must be elected by the Council after consultation with the Senate and the Institutional Forum, at a meeting(-s) called specially for that purpose, and by a majority of the total number of members of the Council actually holding office on the date of the election.
- (11) The term of office of the Rector and Vice-Chancellor and the conditions of his or her appointment must be stipulated in the Institutional Rules and in his or her contract.
- (12) The following powers cannot be delegated to the Rector and Vice-Chancellor:
  - (a) The Rector and Vice-Chancellor may not preside at any meeting of the Finance Committee or the Audit Committee.
  - (b) The Rector and Vice-Chancellor may not borrow or invest the money of the University.

- (c) The Rector and Vice-Chancellor may not establish a company, subsidiaries of companies or University entities.
- (d) The Rector and Vice-Chancellor may not approve the Audit Plan.
- (e) The Rector and Vice-Chancellor may not approve any contract that falls outside the approved procurement.

## **8 Vacancy**

If the Office of the Rector and Vice-Chancellor becomes vacant for whatever reason, the Council must appoint an acting Rector and Vice-Chancellor, taking into account paragraphs 9 and 10 of this Statute and after consulting with the Senate and the Institutional Forum, to act as Rector and Vice-Chancellor until such time as a new Rector and Vice-Chancellor takes up his or her appointment. A successor must be appointed not later than a year after the vacancy arose.

If a vacancy arises as a result of a Council resolution to terminate the contract of the Rector and Vice-Chancellor, such resolution must be passed at a meeting of the Council by a majority vote of **not less than 75%** and after consultation with the Senate and the Institutional Forum.

## **SENIOR VICE-RECTOR**

### **9 Capacities and functions**

- (1) The Senior Vice-Rector has to act as Rector and Vice-Chancellor in the absence of the Rector and Vice-Chancellor or while the office of the Rector and Vice-Chancellor is vacant.
- (2) The Rector and Vice-Chancellor may assign specific responsibilities and managerial, administrative and supervisory duties to the Senior Vice-Rector.

**10 Appointment, term of office and vacancy**

- (1) The Council appoints the Senior Vice-Rector of the University after the procedure described in the Institutional Rules concerning consultation with the Rector and Vice-Chancellor, the Senate and the Institutional Forum, as well as the evaluation as determined in the Institutional Rules, has been followed.
- (2) The provisions of paragraphs 8 and 12 apply, with the necessary changes to the term of office and filling of a vacancy for a Senior Vice-Rector.

**VICE-RECTOR****11 Capacities and functions**

- (1) A vice-rector is responsible for assisting the Rector and Vice-Chancellor in the management and administration of the University, and the relevant powers and duties are conferred upon him or her by the Council, this Statute and the Institutional Rules, and/or delegated to him or her by the Rector and Vice-Chancellor.
- (2) A vice-rector is accountable to the Rector and Vice-Chancellor and the Council.

**12 Appointment, term of office and vacancy**

- (1) Subject to section 31(1)(a)(iii) of the Act, a vice-rector must be elected by the Council after consultation with the Senate and the Institutional Forum.
- (2) The criteria for the election and appointment of a vice-rector are incorporated in the Institutional Rules of appointment.
- (3) A vice-rector holds office for such periods as determined by his or her contract.
- (4) The provisions of paragraph 8 of this Statute apply, with the necessary changes to the filling of a vacancy for a vice-rector.

## **CHAPTER IV**

### **REGISTRAR**

#### **13 Appointment, official duties and term of office**

- (1) As contemplated in section 26 (4) (b) of the Act, the Registrar of the University is appointed by the Council and he or she is the secretary to the Council.
- (2) The Council may assign particular responsibilities and duties to the Registrar and the Rector and Vice-Chancellor may entrust specific managerial, administrative and supervisory functions to the Registrar.
- (3) The Registrar holds office for such periods as determined by his or her contract.

## **CHAPTER V**

### **COUNCIL**

#### **14 Composition**

- (1) Subject to the provisions of this Statute and the Act, the University is governed by the Council.
- (2) The Council, in accordance with paragraph 31 of this Statute, consists of –
  - (a) the Rector and Vice-Chancellor;
  - (b) the Senior Vice-Rector;
  - (c) one vice-rector (rotating annually);
  - (d) three persons appointed by the Minister;
  - (e) one person appointed by the Premier of the Free State Province;
  - (f) two members of the Senate elected by the Senate, of whom one must represent the human sciences faculties and one the natural sciences faculties;

- (g) one person from the religious/faith communities, elected as determined in the Institutional Rules;
  - (h) three alumni, elected by the alumni, of whom one should be an alumnus of the Qwaqwa Campus;
  - (i) one representative of the convocation of the University, elected by the convocation;
  - (j) one person designated by the donors of the University;
  - (k) one academic employee who is not a member of the Senate, elected by the academic employees;
  - (l) one non-academic employee (support services employee) elected by the non-academic employees (support services employees);
  - (m) two students who are members of the Central SRC and who represent the Main Campus and Qwaqwa Campus, appointed by the Central SRC;
  - (n) one person appointed by the South African Local Government Association: Free State;
  - (o) the Chairperson of the Institutional Forum; and
  - (p) eight persons with a broad spectrum of competencies in the fields of finance, physical planning, human resources, auditing, health, information technology and legal matters, appointed by the Council.
- (3) The Council may invite persons who are not members to attend meetings of the Council, on the understanding that such persons may take part in deliberations but may not vote.
- (4) A person elected or appointed under subparagraph 14 (2)(d), (e), (g), (h), (j), (m), (n) or (p) ceases to be a member of the Council as soon as he or she becomes a permanent employee of the University, as contemplated in section 27(6) of the Act.
- (5) At least 60 per cent of the members of the Council must be persons who are neither permanent employees nor students of the University, as contemplated in section 27(6) of the Act.
- (6) Persons who stand to be nominated, elected or designated to the Council –
- (a) may not be unrehabilitated insolvents;

- (b) may not be persons declared mentally ill by a court of law; and
  - (c) may not be persons who have been convicted of an offence and sentenced to more than 12 months' imprisonment without the option of a fine; however, a disqualification under this subparagraph ends five years after the sentence has been completed.
- (7) Members of the Council are appointed, elected or designated in accordance with paragraph 16 of this Statute.
  - (8) If a member vacates his or her office, the resultant vacancy must be filled by appointment, election or designation in accordance with paragraphs 14(2) and 16 of this Statute.
  - (9) Meetings of the Council are held at the times and places determined by the Council.
  - (10) The procedure and quorum at meetings of the Council are as determined in paragraph 20 of this Statute.
  - (11) Whenever both the chairperson and vice-chairperson are absent from a meeting of the Council, the members present must elect a person from among themselves to preside at that meeting.

#### **15 Term of office**

- (1) Subject to contrary provisions of this Statute –
  - (a) a member of the Council holds office for a period of four years;
  - (b) the chairperson and the vice-chairperson, in accordance with paragraph 19(2) of this statute, must each hold his or her office for a period of three years, or for such shorter period during which he or she is a member of the Council;
  - (c) the secretary holds office for as long as he or she holds the office of Registrar to which he or she was appointed, and by virtue of which he or she is the secretary to the Council;
- (2) The Rector and Vice-Chancellor, the Senior Vice-Rector and the Vice-Rector remain members of the Council for as long as they hold the offices of Rector

and Vice-Chancellor, Senior Vice-Rector and Vice-Rector.

- (3) A representative of the Senate must resign as soon as he or she ceases to be a member of the Senate.
- (4) Student members of the Council remain members of the Council for the term of office of the Campus SRCs, provided that membership ceases automatically when a student member ceases to be a registered student or ceases to be a member of the SRC.
- (5) The normal term of office of a member of the Council is calculated from the date on which the member or person whom he or she succeeds, vacates his or her office.
- (6) The term of office of a member of Council terminates no later than the last day of December of the year in which he or she reaches the age of 70.
- (7) A member of the Council other than the Rector and Vice-Chancellor, the Senior Vice-Rector and the Vice-Rector, must vacate his or her office if he or she –
  - (a) is absent without leave from two consecutive ordinary meetings of the Council;
  - (b) is declared insolvent by a court of law;
  - (c) is convicted of an offence and sentenced to imprisonment without the option of a fine; or
  - (d) is declared mentally ill by a court of law.

## **16 Election method**

Except as provided in paragraph 17(2) of this Statute, the secretary must give at least three months' written notice before the term of office of a member expires, to the person or body that appointed, elected or designated such member, and thereafter that person or body appoints, elects or designates a successor to fill the vacancy.

**17 Vacancies**

- (1) If a member dies, resigns, or vacates office for any reason other than effluxion of time, the secretary must notify the person or body that appointed such member of the vacancy, and the said person or body must forthwith appoint a successor who must hold office during the unexpired term of office of his or her predecessor.
- (2) The election of members from the alumni is determined by the constitution of the alumni association, and such election process will be managed by the said association.

**18 Vacancies not to affect powers**

- (1) A vacancy in the office of the Chancellor, the Rector and Vice-Chancellor, the Senior Vice-Rector, the Vice-Rectors or in the number of members of the Council, the Senate or the Institutional Forum, does not impair or affect the corporate existence of the University or any powers, rights or privileges conferred by this Statute or the Act upon the University, the Council, the Senate or the Institutional Forum.
- (2) Notwithstanding the provisions of subparagraph (1), no resolution of the Council, the Senate or the Institutional Forum is valid unless passed at a meeting at which a quorum is present and all the other applicable provisions of this Statute have been complied with.

**19 Election of chairperson and vice-chairperson**

- (1) At the first meeting of the Council convened in terms of this Statute, the Registrar calls for nominations according to the Institutional Rules and criteria for a chairperson and vice-chairperson from among the external members of the Council, should the Council so decide.
- (2) Whenever a vacancy is about to occur in the office of the chairperson or of the vice-chairperson by effluxion of time, the secretary must give notice thereof in



writing to all members of the Council at least 21 days before the last ordinary meeting of the Council held before the expiration of such term of office, and the Council must, at that ordinary meeting, elect a successor. The retiring chairperson or the vice-chairperson is eligible for re-election for not more than two terms.

- (3) If a vacancy occurs in the office of the chairperson or of the vice-chairperson for any reason other than effluxion of time, the secretary must give notice thereof in writing to the members of the Council, and the Council must, at its first ordinary meeting, which must be held at least 21 days after such notification, elect some other member as the chairperson or the vice-chairperson, as the case may be, who must hold office for the unexpired term of office of his or her predecessor.

## **20 Meetings**

- (1) Fifty per cent plus one of the members of the Council constitutes a quorum.
- (2) At least five days prior to the date of an ordinary meeting, the secretary must give notice in writing to all members of the Council at the address given to the secretary in writing for the purpose of such notification, which notice must set forth the matters to be dealt with.
- (3) Notices of matters for consideration at an ordinary meeting must be lodged in writing with the secretary at least nine days before the date of the meeting; however, a member may raise matters of an urgent nature at the meeting without previous notice if he or she procures the consent of two-thirds of the members of the Council present.
- (4) A special meeting may be called by the chairperson whenever he or she deems it necessary, when requested to do so in writing by any five members, the object of the meeting being stated clearly in the request.
- (5) No matters other than that for which a special meeting was called must be transacted at such meeting, except with the consent of the meeting granted on an unopposed motion.
- (6) The minutes of an ordinary or a special meeting must be read at the next succeeding ordinary meeting and, after approval, must be confirmed by the

- signature of the chairperson, provided that the meeting may consider the minutes as read if a copy thereof was previously forwarded to every member.
- (7) All matters must be decided by a majority of votes of the members present and voting, except in electing the Chancellor and the Rector and Vice-Chancellor, where the decision must be taken by a majority of the number of members who actually hold office on the date of the election.
  - (8) The chairperson or the person presiding at the meeting has a vote on every matter, and in the case of an equality of votes, he or she has a casting vote in addition to his or her ordinary vote.
  - (9) The chairperson may allow a person who is not a member of the Council to attend meetings of the Council without the right to vote, which person is not entitled to participate in any discussion of the Council unless he or she has obtained the prior permission of the meeting to do so.
  - (10) If the meeting so decides, voting must take place by secret ballot.
  - (11) Upon the request of any member, the chairperson must direct that
    - (a) a vote of such member; or
    - (b) the number of votes in favour of or against any motion, or number of members who abstained from voting, must be recorded in the minutes.
  - (12) No member of the Council may take part in the discussion on or may vote upon any matter in which he or she has a direct pecuniary interest, unless he or she first discloses the nature and extent of his or her interest and obtains the consent of the meeting for his or her participation in the discussion and voting.
  - (13) The ruling of the chairperson on any question of order or procedure is binding, unless immediately challenged by a member, in which case it must be submitted without discussion to the meeting, whose decision is final.
  - (14) Every motion or amendment must be seconded and, if so directed by the chairperson, must be in writing.
  - (15) No motion may be withdrawn without the permission of the meeting.
  - (16) No motion to make, amend, or rescind a statute may be submitted unless fourteen days' prior notice was given in writing.

- (17) The motion contemplated in subparagraph (16) must be stated in detail in the notice and, unless it is carried by a three-fourths majority of the members present, it must be confirmed at the next succeeding ordinary meeting by a majority of votes.

## **21 Functions**

- (1) In addition to the powers as determined in the Act, or any other applicable law, the Council has a strategy-making, a policy-making and monitoring responsibility in general, including laying down guidelines in respect of –
- (a) strategic management, including the adoption of the university vision, mission and values and monitoring the realisation thereof;
  - (b) financial management, including the stipulation of tuition fees;
  - (c) personnel matters;
  - (d) creating a positive academic climate;
  - (e) disciplinary matters concerning employees and students; and
  - (f) admission of students.
- (2) The Council must comply with the provisions of section 41 of the Act.
- (3) After consultation with the Central SRC, the Council must provide a suitable structure to advise the Council on providing student services at the University as further provided for in the Institutional Rules.
- (4) The Council is empowered –
- (a) on the recommendation of the Senate, to establish or dissolve or restructure departments, centres, schools, faculties or institutes and other academic functional units; and
  - (b) to suspend or dismiss any member of the staff in compliance with applicable labour laws.
- (5) Council members must participate in the deliberations of the Council in good faith and with care and skill, in the best interests of the University.
- (6) The Council, with the concurrence of the Senate, determines the language policy of the University, after consultation with the Institutional Forum. In the event that

the advice of the Institutional Forum has not been considered, the Council must inform the Institutional Forum in writing of such decision, as well as the reasons why.

- (7) The Council may not delegate the following functions to the Rector and Vice-Chancellor or any other structure of the University:
- (a) Making an institutional statute;
  - (b) Entering into an agreement as contemplated in section 40(2) of the Act;
  - (c) Performing an action contemplated in section 40(2) of the Act;
  - (d) Senior appointments as determined in the Institutional Rules; and
  - (e) Internal Audit.

## **22 Committees of the Council**

- (1) The Council must appoint an executive committee, an audit committee and such other committees, including joint Council and Senate committees, as are required to fulfil its functions in terms of paragraph 21 of this Statute and section 29 of the Act.
- (2) The composition, election method, functions and procedure at meetings of the committees are determined in the Institutional Rules.

## **CHAPTER VI**

### **SENATE AND SENATE STANDING COMMITTEES**

## **23 Functions**

- (1) Subject to the provisions of section 28 of the Act, this Statute and the Institutional Rules, the Senate is responsible for the strategic direction of the academic, research and community service functions of the University and for the determination of policy and rules concerning academic matters.

- (2) The Senate performs any other function delegated or assigned to it by the Council, and is accountable to the Council.
- (3) The Senate must advise the Council on the formation and reconfiguration of faculties of the University in order to ensure administrative and academic coherence, efficiency and sustainable quality.
- (4) Any function of the Senate may, by resolution, be entrusted to any member, the Executive Committee of the Senate or the University Management Committee as contemplated in paragraphs 34 and 35 of this Statute, or a committee of the Senate, including any standing committee established by the Senate as contemplated in section 29 of the Act, with such decisions being reflected in the Institutional Rules.
- (5) Rules with regard to the matters contemplated in subparagraphs (1) and (4) may not be made without the consent of the Senate.

#### **24 Composition and membership**

- (1) The Senate consists of –
  - (a) the Rector and Vice-Chancellor;
  - (b) the Senior Vice-Rector;
  - (c) the Vice-Rectors;
  - (d) full professors;
  - (e) the Registrar;
  - (f) one member of the Council, elected by the Council;
  - (g) the deans of faculties of the University;
  - (h) other academic employees as provided for by the Institutional Rules; and
  - (i) two members of the Central SRC.
- (2) The membership requirements for persons elected or designated in terms of subparagraph 1 (h) are determined by the Institutional Rules.
- (3) The majority of the members of the Senate must be academic employees of the University.

- (4) The term of office of members, the disqualification of members and the filling of vacancies in the Senate are as determined by the Institutional Rules.
- (5) Meetings of the Senate are held at the times and places determined by the Senate.

#### **25 Chairperson, vice-chairperson and secretary**

- (1) The Rector and Vice-Chancellor is the chairperson of the Senate, as contemplated in section 26(4)(a) of the Act.
- (2) The Senate elects a vice-chairperson from among its members at an ordinary meeting, by a majority of votes and for a term of four years.
- (3) The Registrar is the secretary of the Senate.
- (4) Whenever both the chairperson and the vice-chairperson are absent from a meeting of the Senate, the members present must elect a person from among their number to preside at that meeting.

#### **26 Meetings**

- (1) One third of the total membership of the Senate constitutes a quorum.
- (2) A written notice must be issued by the secretary to each member of the Senate three days before the date of an ordinary meeting, setting forth the matters to be dealt with.
- (3) The provisions of paragraph 20 (subparagraphs (3) to (17)) of this Statute apply, with the necessary changes, to the meetings of the Senate.

#### **27 Representatives of the Senate on the Council**

- (1) The members of the Council to be elected by the Senate must hold office for a period of four years.
- (2) The election must take place by secret ballot, and no person may be elected unless he or she has been nominated for the office with his or her consent by two

members of the Senate by means of a letter, which letter must reach the secretary at least seven days before the date of the election.

- (3) At least one month before the date of the meeting referred to in subparagraph (1), the secretary or the chairperson of the Senate must give notice of the vacancy and the date of the meeting to the members of the Senate, who must elect from amongst their numbers a successor in office, provided that a retiring member may be re-elected.

## **28 Representatives of Central SRC**

- (1) The members of the Central SRC serving on the Senate must hold office for the same duration of time for which they are elected as members of the Central SRC.
- (2) If a member of the Senate who was elected by the Central SRC dies or resigns or relinquishes his or her office for any reason other than effluxion of time, the secretary must notify the Central SRC of the vacancy and the Central SRC must forthwith elect a successor, who holds office during the unexpired term of office of his or her predecessor.
- (3) The Central SRC must forthwith notify the secretary in writing of the name and address of its representative on the Senate.

## **CHAPTER VII**

### **INSTITUTIONAL FORUM (IF)**

#### **29 Functions**

The IF must advise the Council on issues affecting the University as required by the Act, and must perform such other functions as decided by the Council.

**30 Composition**

- (1) The IF consists of –
  - (a) two representatives of the University Management Committee, designated by the University Management Committee;
  - (b) two representatives of the Council designated by the Council;
  - (c) two representatives of the Senate, elected by the Senate;
  - (d) two representatives of the academic employees, other than Senate members, elected by the academic employees;
  - (e) two representatives of the support services employees, elected by the administrative employees;
  - (f) two representatives of the service employees, elected by the service employees;
  - (g) two representatives of the Central SRC, designated by the Central SRC;
  - (h) two representatives of the recognised trade unions representing employees of the University, designated by the trade unions; and
  - (i) such additional persons as may be determined by the Institutional Forum and approved by the Council.
- (2) The term of office and the manner in which members of the Institutional Forum are elected, are determined by the Institutional Rules.
- (3) The Institutional Forum elects from among its members a chairperson, a vice-chairperson and a secretary.
- (4) Whenever both the chairperson and the vice-chairperson are absent from a meeting of the Institutional Forum, the members present must elect a person from among themselves to preside at that meeting.



## CHAPTER VIII

### GENERAL PROVISIONS

#### **31 Representivity of the Council, Senate, University Management Committee and Institutional Forum**

In the appointment, election and designation of members of the Council, the Senate, the University Management Committee and the Institutional Forum, due attention must be given to representivity on such relevant grounds as gender, race and disability.

#### **32 Committees of the Council, Senate, University Management Committee and Institutional Forum**

- (1) The Council, the Senate, the University Management Committee and the Institutional Forum may each establish committees to perform any of their functions and may appoint persons, whether or not they are members of the Council or the Senate, or the University Management Committee or the Institutional Forum, as members of such committees.
- (2) The Council, the Senate, the University Management Committee and the Institutional Forum are not divested of responsibility for the performance of any function delegated or assigned to a committee under this paragraph.
- (3) The Council and the Senate must jointly nominate committees, to be known as joint committees, to perform functions that are common to the Council and the Senate.
- (4) The composition, manner of election or appointment, functions, procedure at meetings and dissolution of a committee and a joint committee are determined by the Institutional Rules.

**CHAPTER IX****CENTRAL SRC AND CAMPUS SRCs****33 Central SRC and Campus SRCs**

The establishment and composition, manner of election, term of office, functions and privileges of the Central SRC and Campus SRCs are determined by the Institutional Rules.

**CHAPTER X****EXECUTIVE COMMITTEE OF SENATE AND THE UNIVERSITY MANAGEMENT COMMITTEE****34 Executive Committee of Senate**

- (1) As contemplated in section 29 of the Act and paragraph 22(1) of this Statute, the University has an executive committee of the Senate, which consists of the Rector and Vice-Chancellor, the Senior Vice-Rector, the Vice-Rectors, the Registrar, the Deans and representatives from Senate as determined in the Institutional Rules.
- (2) The functions and powers of the Executive Committee of the Senate are determined by the Institutional Rules, as contemplated in section 29(4) of the Act.

**35 University Management Committee**

- (1) As contemplated in section 29 of the Act and paragraph 22(1) of this Statute, the University has a university management committee which consists of the Rector

and Vice-Chancellor, the Senior Vice-Rector, the Vice-Rectors, the Registrar and other senior employees designated by the Rector and Vice-Chancellor.

- (2) The functions and powers of the University Management Committee are determined by the Institutional Rules, as contemplated in section 29(4) of the Act.

## **CHAPTER XI**

### **THE CONVOCATION**

#### **36 Members**

All permanent academic staff from lecturer to professor, all permanent support service staff from Deputy Director to Rector and Vice-Chancellor by virtue of their respective offices and all students (current and former) who obtained a formal qualification at the University, are members of the convocation.

#### **37 Meetings**

- (1) Meetings of the convocation must take place in Bloemfontein and must be convened by the Vice-Rector: Operations or delegated staff member –
  - (a) at the request of the president of the convocation at least once every five years, or
  - (b) at any time upon the written request of at least 25 members, provided that they furnish details regarding the matters for consideration in the form of separate motions.
- (2) Notice of a meeting of the convocation must be given at least 14 days before the meeting.
- (3) Thirty members of the convocation constitute a quorum.
- (4) The procedure at a meeting of the convocation is, with the necessary changes, the same as the procedure applicable to a meeting of the Council, as determined by this Statute.

**38 President of convocation**

- (1) The convocation elects from among its members a president to act as chairperson of all its meetings, who holds this office for a period of five years from the conclusion of the meeting at which he or she was elected.
- (2) Should the office of president become vacant, the Rector and Vice-Chancellor or any other senior university official designated by the Rector and Vice-Chancellor acts as president until a successor is elected at the following meeting of the convocation.

**39 Chairperson**

The president is the chairperson of all meetings of the convocation, and in his or her absence the members present elect a chairperson from their own members to act as chairperson at that meeting.

**CHAPTER XII****DONORS****40 Qualifications**

Every person, body or entity who, in the judgement of the Council, made a significant contribution in money or kind to the mission of the University, may be recognised by the Council as a donor. The contribution is stipulated in the Institutional Rules.

**41 Election of a member of Council**

The member of Council elected by the donors is elected in a manner prescribed by the Institutional Rules.

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**CHAPTER XIII****DEGREES, DIPLOMAS AND CERTIFICATES****42 Degrees, diplomas and certificates**

The conferring of degrees, honorary degrees, diplomas and certificates is determined by the Institutional Rules.

**CHAPTER XIV****EXAMINATIONS****43 Examinations**

Every student at the University is subject to the regulations regarding examinations as determined by the Institutional Rules.

**CHAPTER XV****ADMISSION AND REGISTRATION OF STUDENTS****44 Admission and registration**

Upon admission, every student is required to sign the official entry form and such signature is deemed to signify an acceptance of the Institutional Rules of the University.

**CHAPTER XVI****CONGREGATION****45 Congregation**

- (1) A meeting of the members of the University, known as the congregation, is held for the purpose of conferring qualifications.
- (2) A congregation of the University must be held at least once a year at the time and place determined by the Council.
- (3) Each congregation is constituted in the manner prescribed by the Council, and is chaired by the Chancellor or the Rector and Vice-Chancellor, or in his or her absence, the acting Vice-Chancellor or a Vice-Rector.
- (4) The procedures with regard to the introduction of the graduates, the awarding of qualifications in absentia, academic wear and all other matters affecting the graduates for which provision is not made in this chapter, are determined by the Senate.

**46 Admission to qualifications**

- (1) With the exception of honorary degrees, no-one will be admitted to a qualification unless he or she complies with all the requirements prescribed for such qualification.

**CHAPTER XVII****DISCIPLINE****47 Student discipline**

Students at the University are subject to such disciplinary measures and procedures as determined by the Institutional Rules.

**48 Staff discipline**

Staff members at the University are subject to such disciplinary measures and procedures as determined by the Institutional Rules.

**CHAPTER XVIII****STATUTES REPEALED****49 Statutes repealed**

- (1) Subject to the provisions of subparagraph (3), Statute 1 and the Interim Statute A, as published in Government Notice no. 153 of 20 January 1950 and confirmed by Government Notice No. 6030 of 17 March 1950, as amended by Government Notice no. 979 of 13 May 1955 and No. 356 of 2 March 1956, are hereby repealed.
- (2) Government Notice R.429 of 22 March 1963, as amended by Government Notices R.1418 of 13 September 1963, R.634 of 23 April 1971, R.1525 of 25 August 1972, R.521 of 5 April 1973, R.348 of 8 March 1974, R.512 of 1 April 1977, R.2231 of 10 November 1978, R.296 of 23 February 1979, R.283 of 15 February 1980, R.2405 of 28 November 1980, R.1253 of 19 June 1981, R.2836 of 31 December 1981, R.175 of 28 January 1983, R.567 of 15 March 1985, R.2592 of 15 November 1985, R.316 of 21 February 1986, R.2661 of 8 December 1989, R.1967 of 16 August 1991, R.2127 of 12 November 1993, R.333 of 3 March 1995 and R.1937 of 17 August 1999, is hereby repealed.
- (3) Any action performed in terms of a provision of a statute repealed by subparagraphs (1) and (2) is deemed to have been performed in accordance with the provisions of this Statute.
- (4) A provision applicable to any person immediately before the announcement of this Statute, in terms of any statute repealed by subparagraphs (1) and (2), but not included in this Statute, continues to be applicable to the University and such person as if such statute was not repealed.

**50 Transitional provision**

The Council performs its activities and is composed in terms of this Statute from the date of publication of this Statute.

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