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GOVERNMENT NOTICE

Higher Education and Training, Department of

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GOVERNMENT NOTICE

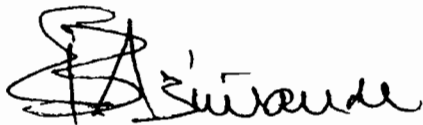
DEPARTMENT OF HIGHER EDUCATION AND TRAINING

No. 259

30 March 2012

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**AMENDMENTS TO THE INSTITUTIONAL STATUTE****UNIVERSITY OF JOHANNESBURG**

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 Johannesburg set out in the Schedule hereto.



Dr B E Nzimande, MP
Minister of Higher Education and Training

Date: 14/10/11

AMENDMENTS TO THE STATUTE OF THE UNIVERSITY OF JOHANNESBURG

The council of the University of Johannesburg has made amendments to 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 Statute for the University of Johannesburg, to give effect to the Higher Education Act, 1997 (Act No. 101 of 1997) and to promote the effective governance and management of the University in respect of matters not prescribed by any law.

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CHAPTER 1 DEFINITIONS AND INTERPRETATION

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

"Act" means the Higher Education Act, 1997 (Act No. 101 of 1997);

"academic employee" means an employee appointed as a professor, associate professor, senior lecturer, lecturer or academic researcher assigned to a Faculty within the University to teach and/or to do research;

"alumni" means all persons who have obtained a state-subsidised qualification from the University or its predecessors;

"Chancellor" means the titular head of the University;

"Convocation" means the body established in terms of section 26(2) (g) of the Act;

"Council" means the governing body of the University of Johannesburg, established in terms of section 26(2) (a) of the Act;

"donor" means a person, body or entity that has made a donation to the University that in the opinion of the Council warrants recognition as a donor;

"Emeritus professor" is a title conferred on a retired professor (or associate professor) by the University as approved by Senate;

"employee" means an academic, research or non-academic employee of the University;

"Executive Dean" means a person appointed as head of a Faculty;

"Executive Director" means a person appointed to perform managerial, administrative and supervisory functions in a division of the University;

"Faculty" means a structure for a planned cluster of academic learning and research programmes and qualifications, and the employees who perform functions in the academic structure;

"Faculty Board" means a body that governs a Faculty and regulates its activities;

"Fellow" means a person external to the university, or in the permanent employ of the University outside of a faculty, who is appointed and remunerated, by a Faculty for a period of between three months and three years to participate in clearly defined teaching-and-learning or research activities of the faculty, and whose association with the Faculty produces outcomes for the Faculty that

enhances the academic reputation of the University.

"Honorary professor" is a title conferred by the University on a person who, on the basis of proven knowledge and demonstrated insight, is recognized as a leading expert in a particular academic discipline by scholars in that discipline and who, by his/her association with the University, adds prestige to the institution's pursuit of scholarship. Although a person who qualifies to be awarded the title of honorary professor is normally an academic or a former academic, the title can, exceptionally, be conferred upon individuals who are not or who have not been academics.

"Institutional Forum" means the Institutional Forum established in terms of section 26(2) (f) of the Act;

"non-academic employee" means an employee who is not assigned to a Faculty to teach or to do research;

"Principle lecturer" means an academic that is promoted to the position of Principal lecturer if she/he meets specific requirements, including qualification criteria in respect of the post level of Associate Professor; academic involvement/leadership, evidence of discipline-based and pedagogy-based research and institutional and faculty-specific teaching criteria.

"Professor" means a title being conferred by the University on a person who has demonstrated ability to produce and disseminate knowledge at the highest level of scholarship recognized by the community of scholars within his/her academic discipline or set of academic disciplines.

"qualification" means a degree, diploma or certificate;

"recognised union" means a trade union formally recognised by the senior management of the University as having sufficient representativity to bargain collectively on behalf of its members;

"Rules" means the institutional rules, policies, disciplinary measures and discipline provisions, and codes of conduct issued by the Council, the Senate or any other body or functionary authorised to do so by the Council, within the University;

"Senate" means the body of the University responsible for academic matters as established in terms of section 26(2) (b) of the Act;

"senior management" means the members of the Management Executive Committee, the Executive Deans and Executive Directors;

"Statute" means the Statute of the University of Johannesburg;

"student" means a person registered at the University for a qualification; and

"University" means the University of Johannesburg.

“Visiting professor” is a title conferred by the University on a person external to the University or – if the person is in the employ of the University – external to the Faculty in which the appointment is to be made. Such a person has specialist high-level expertise in a particular academic discipline, commensurate with the level of scholarship expected of an associate professor or professor, and who is appointed to share his/her expertise by means of part-time teaching activities and/or participation in a research project.

CHAPTER 2 THE UNIVERSITY

Name

2. The name of the University is:
 - (a) University of Johannesburg;
 - (b) Universiteit van Johannesburg;
 - (c) Nyuvesiyase Johannesburg;
 - (d) Yunibesithiya Johannesburg.

Status

3. The University is a juristic person. The University exists and functions in terms of the Constitution of the Republic of South Africa, 1996, the Higher Education Act (Act No. 101 of 1997), as well as the Statute and Rules of the University and applicable law.

Seat

4. The seat of the University is in the Metropolitan Area of Johannesburg, Auckland Park Kingsway Campus, Gauteng Province.

Composition

5. The University consists of the –
 - (a) Chancellor;
 - (b) Vice-Chancellor and Principal;
 - (c) Deputy Vice-Chancellors;
 - (d) Registrar;
 - (e) Council;
 - (f) Senate;
 - (g) Management Executive Committee;

- (h) Institutional Forum;
- (i) University Student Representative Council;
- (j) employees;
- (k) students;
- (l) Convocation; and
- (m) such other bodies and offices as may be determined by the Council or the Statute.

Vision

6. The University is a premier, embracing, African university offering a mix of vocational and academic programmes that advances freedom, democracy, equality and human dignity through distinguished scholarship, excellence in teaching, reputable research and innovation, and through putting intellectual capital to work.

Mission

7. The University is committed to a mission that supports the vision and that is regularly reviewed by the Senate and the Council.

Values

8. The University has a set of values to support the realisation of the vision and mission and that is regularly reviewed by the Senate and the Council.

Language policy

9. (1) The University promotes multilingualism and designates Northern Sotho (Sesotho sa Leboa), English, Zulu (IsiZulu) and Afrikaans as its primary languages for academic, administrative, communication and marketing purposes, to the extent that is reasonably practicable.
(2) The languages referred to in (1) above are used in a manner provided for by a Senate- and Council-approved Language Policy.

CHAPTER 3 GOVERNANCE STRUCTURES

COUNCIL

Role

10. The Council is the highest governing body of the University.

Functions

11. (1) The Council-
- (a) governs the University in accordance with its scope of authority as provided for in the Act;
 - (b) ensures good management of the University;
 - (c) adopts the University's vision, mission and values, and monitors the realisation thereof;
 - (d) is responsible for sustaining the University's reputation and financial health, and the well-being of its employees and students;
 - (e) is responsible for establishing and maintaining high standards of academic conduct and probity in concurrence with the Senate;
 - (f) is responsible for adopting and monitoring financial and non-financial performance measures related to the University's strategic objectives;
 - (g) determines, in consultation with the Vice-Chancellor and Principal, the nature and scope of the University's social responsibilities;
 - (h) protects the institutional autonomy of the University and the academic freedom of its employees, and deliberates on the nature and role of the University;
 - (i) participates in deliberations of Council;
 - (j) approves the SRC Constitution after consultation with the SRC; and
 - (k) is accountable to the Minister in terms of the provisions of section 41 of the Act.
- (2) The Council's responsibilities in section 11(1) include -
- (a) adopting a Statute and Rules for the University and amending the University's Statute in consultation with the bodies and offices affected by such Rules and amendments;
 - (b) appointing all employees of the University, subject to the proviso in sections 11(2)(c)(ii) and 72(3);
 - (c) determining after consultation with Senate -
 - (i) what academic structures are required and what the functions of each structure are in order to ensure efficient governance;
 - (ii) the appointment of academic employees;
 - (iii) the student admission policy of the University;
 - (iv) the entrance requirements for particular higher education programmes, the number of students who may be admitted for a particular higher education programme, the way in which to select/place students and the minimum requirements for readmission to study at the University; and

- (v) the language policy of the University;
 - (d) approving the University's annual budget;
 - (e) entering into financial agreements and agreements for the construction of buildings in accordance with sections 40(2) and(3) of the Act; and
 - (f) ordering any employee or student it has suspended, or a student who has not been readmitted, to refrain from being on or in any premises under control of the University, and from participating in any of the University's activities, or issuing such conditions as it may deem necessary in this regard.
- (3) The Council establishes Council committees and combined Council and Senate committees, including the approval of concomitant charters, to perform any of its functions and may appoint persons, who are not members of Council, as co-opted members of its committees as it deems fit.
- (4) The Council may delegate selected functions or powers to the Executive Committee of the Council, the Vice-Chancellor and Principal or another employee, the Management Executive Committee or another body or structure of the University, and for specific purposes to outside entities, bodies or persons, provided that it may not delegate to outside entities, bodies or persons the following powers or functions:
- (a) the appointment of executive management of the university;
 - (b) the approval of the annual operating and capital expenditure budgets;
 - (c) the adoption of the annual financial statements and annual report;
 - (d) the determination of academic and residence fees to be paid by students;
 - (e) the approval of statute and rules;
 - (f) the determination of conditions of service and the disciplinary provisions;
 - (g) the approval of a loan, overdraft or disposal of investments (excluding normal trading activities) where Ministerial approval is required in accordance with the Act;
 - (h) the decision to embark on the construction of a permanent building or other immovable infrastructural development, the purchase of immovable property, or entering in to a long-term lease of immovable property where Ministerial approval is required in accordance with the Act.

- (5) The Council remains responsible and accountable for the performance and outcome of any delegated function.
- (6) Notwithstanding the Council's general responsibilities, the management and functioning of the University are the responsibility of the Vice-Chancellor and Principal and the senior management of the University.

Composition

12. (1) Subject to section 27 of the Act, as well as the transitional arrangements reflected in section 93 of this Statute, the Council consists of -

(a) External members

- (i) five persons appointed by the Minister;
- (ii) three members elected by the Convocation, none of whom is an employee of the University; at least two must be alumni;
- (iii) ten members representing appropriate sectors and professions and with a broad range of competencies in fields such as, but not limited to, education, business, finance, law, marketing, information technology and human resource management as indicated by the Council, elected according to the Rules; and
- (iv) co-opted members as the Council deems fit, subject to section 27 (4) of the Act;

(b) Internal members

- (i) the Vice-Chancellor and Principal;
- (ii) two Deputy Vice-Chancellors, recommended by the Management Executive Committee and appointed by Council;
- (iii) two members of the Senate who are not otherwise members of the Council, elected by the Senate;
- (iv) two academic employees (permanent full time) elected by the permanent academic employees;
- (v) two non-academic employees (permanent full time) elected by the permanent non-academic employees;
- (vi) two student representatives elected by the University Student Representative Council in accordance with the Constitution of the University's Student Representative Council;
- (vii) the Registrar.

- (2) At least sixty per cent of the Council members must be persons who are neither employees nor students of the University.
- (3) Members of the Council -
 - (a) must not be disqualified to act as directors in accordance with the legislation regulating the governance of companies listed on the JSE, and in accordance with the prevailing interpretation of *independence*
 - (b) must be persons with knowledge and experience relevant to the objectives and governance of the University; and
 - (c) must be appropriately academically qualified.
- (4) Members of the Council are elected and appointed according to the Rules.
- (5) No employee and no student may be elected or hold appointment under subparagraphs 12(1)(a)(i) to (iv);
- (6) A person elected and appointed under subparagraphs (12(1) (a) (i) to (iv) who becomes a student or an employee forthwith ceases to be a member of the council.

Term of office

13. (1) The term of office of members of the Council is five years, except -
 - (a) members referred to in sections 12(1)(b)(i), (ii) and (vii) who serve by virtue of their office; and
 - (b) members elected by the University Student Representative Council in terms of section 12(1)(b)(vi) remain members of the Council for the term determined by the University Student Representative Council when they are elected, provided that no member of the University Student Representative Council is a member of the Council for a term exceeding three years and that membership ceases automatically when a student member ceases to be a member of the University Student Representative Council or a registered student.
- (2) Members of Council referred to in 12 (1) (a) may serve more than two consecutive terms as a Council member.

Termination of membership and vacancies

14. (1) A Council member resigns by giving written notice to the Secretary of the Council.
- (2) A member of the Council ceases to be a member and must be informed as such by the Secretary of the Council, when –

- (a) the member is absent from three consecutive ordinary meetings without valid reason and without the Council's leave;
 - (b) the member is convicted of an offence that, in the opinion of the Council, renders such member unfit to be a member;
 - (c) in the opinion of the Council, the member becomes incapacitated or her/his continued membership is deemed improper;
 - (d) the member becomes disqualified to act as a director in terms of the legislation regulating the governance of companies listed on the JSE; or
 - (e) a member who is not an employee or a student of the University is appointed as an employee or is enrolled as a student of the University.
- (3) Members referred to in section 12(1) (b) cease to be members on resignation or retirement from their permanent position in the University.
- (4) The Council is entitled to suspend any member if it deems such suspension appropriate.
- (5) Vacancies as a result of death, resignation or other causes must be filled in the same manner in which they were originally filled according to the Rules.
- (6) A person who fills a vacancy as envisaged in section 14(5) holds office for the unexpired period of her/his predecessor's term of office.

Office-bearers

15. (1) The Council elects a Chairperson and a Vice-Chairperson for a term not exceeding five years from the ranks of its members who are not students or employees of the University.
- (2) Eligibility of the Chairperson and Vice-Chairperson of Council is in accordance with section 12 (1), 12 (3) (a), (b) and (c).
- (3) Subject to the five-year period in 15(1), a Chairperson or a Vice-Chairperson holds office only for the duration of her/his term of office.
- (4) A Chairperson or Vice-Chairperson vacates the office of Chairperson or Vice-Chairperson before the expiry date of the term, if she/he ceases to be a member of the Council.
- (5) The Chairperson and Vice-Chairperson are eligible for re-election as determined by Council.
- (6) In the absence of the Chairperson and the Vice-Chairperson, the Council elects one of its external members as Chairperson of a meeting.

- (7) The Registrar is the Secretary, electoral and compliance officer of the Council.

Meetings

16. (1) The Council has at least four ordinary meetings during each academic year.
- (2) The Secretary administers meetings in accordance with the Rules.
- (3) The Council determines its own procedure for meetings in accordance with the Rules in this regard and as reflected in the Charter for the Council.
- (4) A Council meeting is quorate if fifty percent plus one of the members are present subject to at least sixty percent of those members being present are external members of Council.
- (5) The Chairperson of the Council may call an extraordinary or emergency meeting in accordance with the Rules.
- (6) The Council may decide to invite persons who are not members to attend meetings, provided that -
- (a) they may participate in discussions;
 - (b) they may not vote; and
 - (c) their attendance complies with the Rules.

Fiduciary duty and conflict of interest of members

17. (1) A member of the Council stands in a fiduciary relationship to the University.
- (2) A member of the Council promotes the interests of the University and acts in good faith and with care and skill.
- (3) If a member of the Council has a direct or indirect personal, financial or other interest in a matter to be discussed at a Council or Council committee meeting, and which entails or may entail a conflict or possible conflict of interest, she/he -
- (a) declares the interest to the Council or Council committee once the meeting has been constituted and before any business is transacted; and
 - (b) recuses herself/himself (in consultation with the Chairperson) from the meeting during the discussion of the particular matter, decision-making and from voting thereon.
- (4) A member of the Council who has grounds to believe that another member did not comply with the provisions of section 17(1), (2) or (3) must inform the Council or Council committee.

Ruling by Chairperson

18. The ruling of the Chairperson on any point of order or procedure is binding, subject to clarification, unless immediately challenged by a member, in which event such ruling must be submitted without discussion for a decision by the meeting, which decision is final.

Committees

19. (1) The Council constitutes -
- (a) an Executive Committee;
 - (b) an Audit and Risk Committee;
 - (c) a Finance Committee;
 - (d) a Human Resources Committee;
 - (e) a Planning and Resources Committee;
 - (f) joint committees of the Council and the Senate as agreed upon by the Council and the Senate; and
 - (g) other committees which the Council deems necessary.
- (2) Eligibility of the Chairperson of a Council Committee as contemplated in 19 (1) (a) to (f) is in accordance with section 12 (1) (3) (a), (b) and (c).
- (3) Except as otherwise provided in the Statute, the composition, election, terms of office, functions and procedures of Council committees are as prescribed in the Rules.

Executive Committee

20. (1) The functions of the Executive Committee of the Council are determined by the Council, defined in the Rules and reflected in the Charter for the Council Executive Committee.
- (2) The Executive Committee consists of-
- (a) the Chairperson of the Council;
 - (b) the Vice-Chairperson of the Council;
 - (c) the Vice-Chancellor and Principal;
 - (d) the Chairpersons of the standing committees of Council as contemplated in section 19 (1) (b), (c), (d) and (e); and
 - (e) the Deputy Vice-Chancellors as contemplated in section 12(1) (b) (iii).

- (f) the other members of the Management Executive Committee are invitees.
- (3) The Chairperson of the Council is also the Chairperson of the Executive Committee, and the Secretary of the Council is also the Secretary of the Executive Committee.

Other committees

- 21. (1) The composition, election, terms of office, functions and procedures of Council committees and joint committees are as prescribed by the Rules and relevant approved charters.
- (2) The Chairperson of the Council may not be the Chairperson of a committee other than the Executive Committee, unless the Council decides otherwise.
- (3) The Chairperson of a Council committee may not be an employee or as student of the University.

Honorary degrees and Council awards

- 22. Honorary degrees are conferred when approved by Council following consultation with Senate and Council awards are made in accordance with the prescribed Rules.

SENATE

Role

- 23. The Senate is the academic statutory committee as contemplated in section 28 of the Act, and regulates all teaching, learning, assessment, research and other academic functions of the University.

Functions

- 24. (1) The Senate-
 - (a) provides academic leadership and debates matters of academic principle;
 - (b) promotes an institutional culture of high academic and ethical standards;
 - (c) ensures the academic quality of programmes, research and community engagement activities;
 - (d) determines and recommends to the Council policy regarding admission, teaching, learning, assessment, research, quality assurance, community engagement and other matters that form part of its functions;

- (e) co-determines with the Council the language policy of the University;
- (f) determines guidelines for the appointment and promotion of academic employees, advises the Council in this regard, and makes recommendations on the appointment of academic employees in terms of subsection 34(2) of the Act and sections 11(2)(b), 11(2)(c)(ii) and 72(3) of this Statute;
- (g) determines and submits recommendations to the Council on the organisation of and structures for teaching, learning, research and community engagement;
- (h) determines and submits recommendations to the Council on the introduction or suspension of degrees, diplomas, certificates, programmes, courses and subjects;
- (i) determines the Rules for degrees, diplomas, certificates and other academic programmes;
- (j) considers and approves recommendations from its committees, including Faculty Boards;
- (k) ensures legal compliance in regard to academic matters;
- (l) advises academic management structures on the management of matters relating to Senate functions;
- (m) advises the Council on the Library and Information Services in regard to academic matters;
- (n) determines and recommends to the Council matters related to academic development and support services, professional specialist services for students, student discipline, the constitution of the University Student Representative Council, and other student matters of an academic or academic-related nature;
- (o) determines and submits recommendations to the Council on matters delegated or entrusted to it by the Council;
- (p) submits to the Council such reports on its work as may be required by the Council, and submits at its own discretion other recommendations to the Council in respect of other academic-related matters affecting the University;
- (q) establishes committees to promote its functions;
- (r) may delegate any of its powers and functions to its Executive Committee or any other Senate committee, member or members of the Senate, or an official of the University, but remains responsible and accountable for powers and functions so delegated;
- (s) may advise the Council on the procedure for the appointment of the Vice-Chancellor and Principal, the Deputy Vice-Chancellors and Registrar;
- (t) decides on matters delegated by the Council to the Senate, including:
 - (i) admission requirements in respect of academic programmes;

- (ii) the number of students who may be admitted for a particular programme, the criteria applicable and the way in which they are selected;
 - (iii) requirements for admission to study, termination of study and re-registration; and
 - (iv) student discipline;
- (u) fulfills such other functions and tasks as determined by the Council or as described in the Rules.

Accountability

25. The Senate is accountable to the Council.

Composition

26. (1) The Senate consists of the -
- (a) Vice-Chancellor and Principal (Chairperson);
 - (b) Deputy Vice-Chancellors;
 - (c) Registrar;
 - (d) Executive Deans;
 - (e) Vice-Deans that are not otherwise full professors;
 - (f) full professors (permanent full time);
 - (g) heads of academic schools that are not otherwise full professors;
 - (h) heads of academic departments that are not otherwise full professors;
 - (i) Executive Directors responsible for academic and research activities, determined by the Senate from time to time;
 - (j) two external members of the Council appointed by the Council; and
 - (k) two representatives of the University Student Representative Council, elected by the University Student Representative Council.
- (2) The following are permanent invitees to Senate (and not members):
- (i) heads of faculty administration; and
 - (ii) such other functionaries as determined by the Chairperson from time to time.
- (3) Such additional members are determined by the Senate from time to time.
- (4) The majority of the Senate members are senior academic employees.

Fiduciary duty of members of Senate

27. (1) A member of Senate stands in a fiduciary relationship to the University.

- (2) A member of Senate promotes the interests of the University and acts in good faith and with care and skill.

Term of office of members

28. The term of office of Senate members, and the manner of filling vacancies, are as set out in the Rules and approved Charter for the Senate.

Office-bearers

29. (1) The Vice-Chancellor and Principal is the Chairperson of the Senate.
- (2) Senate designates on the recommendation of its Chairperson a Deputy Vice-Chancellor as Vice-Chairperson of the Senate. In the absence of the Chairperson the acting Vice-Chancellor and Principal acts as the Chairperson of Senate.
- (3) The Registrar or in her/his absence, the acting Registrar is the Secretary of the Senate.
- (4) When both the Chairperson and the acting Vice-Chancellor and Principal are absent from a meeting of the Senate, the members present at such meeting elect one of their members to preside.

Meetings

30. (1) The Senate has at least four ordinary meetings during each academic year.
- (2) The Secretary administers meetings in accordance with the Rules.
- (3) The Senate determines its own procedures for meetings as reflected in the Charter for the Senate, which form part of the Rules.
- (4) The Chairperson of the Senate may call an extraordinary or emergency meeting in accordance with the Rules.
- (5) The Senate is quorate if at least forty per cent of the members (excluding those members who have been granted official travel, research or sabbatical leave of absence) are present and remain present during the transacting of business and decision-making.

Committees

31. (1) The Senate constitutes -
- (a) an Executive Committee of the Senate;
 - (b) a Faculty Board for each Faculty; and
 - (c) other Senate committees as it deems necessary.

- (2) Except as otherwise provided in the Statute, the composition, election, terms of office, functions and procedures of Senate committees are as reflected in the Charter for the Senate and prescribed in the Rules.

Executive Committee

32. (1) The functions of the Executive Committee of the Senate are set out in Charter approved Senate and Rules.
- (2) The Executive Committee consists of -
- (a) the Vice-Chancellor and Principal;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Registrar;
 - (d) Executive Deans;
 - (e) four Senate members, elected by the Senate; and
 - (f) Executive Directors as determined by the Senate from time to time and reflected in the Charter approved by the Senate.
- (3) The Chairperson of the Senate is also the Chairperson of the Executive Committee.
- (4) The Vice-Chancellor and Principal, Deputy Vice-Chancellors, Executive Deans, Registrar and Executive Directors remain members of the Executive Committee by virtue of their office.
- (5) The term of office of Senate representatives on the Executive Committee is three years and these Senate representatives are eligible for one additional term of office.

Faculty Boards

33. (1) The Faculty Board of every Faculty is a standing committee of the Senate.
- (2) A Faculty Board -
- (a) governs and regulates the activities of the Faculty in accordance with the Rules;
 - (b) considers and recommends to the Senate the Academic programmes (both subsidised and non-subsidised) offered by Faculties;
 - (c) promotes research in the Faculty;
 - (d) submits recommendations to the Senate on matters that affect the Faculty as well as matters referred to it by the Senate;
 - (e) appoints subcommittees of the Faculty Board; and

- (f) fulfills such other functions as the Rules may describe.
- (3) The composition of a Faculty Board is determined by the Senate on recommendation of a Faculty Board.
- (4) The Council appoints an Executive Dean for every Faculty in accordance with the Rules approved by the Council, who is accountable to the relevant Faculty Board and fulfills the functions as described in the Rules.
- (5) The Executive Dean of a Faculty is the Chairperson of the relevant Faculty Board.
- (6) Membership of Faculty Boards, terms of office, meeting procedures and other matters relating to Faculties are reflected in the Rules and approved Charter.

CHAPTER 4 OFFICE-BEARERS AND MANAGEMENT STRUCTURES

CHANCELLOR

Functions

- 34.** (1) The Chancellor is the titular head of the University with no executive powers.
- (2) The Chancellor confers all University degrees and awards all diplomas and certificates in the name of the University.
- (3) The Chancellor constitutes and dissolves congregations of the University.
- (4) The Chancellor performs such other functions on behalf of the University as assigned to her/him by the Council or as requested by the Vice-Chancellor and Principal and approved by the Council.
- (5) The Chancellor must at all times embody the aspirations and values of the University and actively advance the interests of the University.
- (6) In the absence of the Chancellor, the Vice-Chancellor and Principal performs the functions of the Chancellor, and in the absence of the Vice-Chancellor and Principal, the functions will be performed by, a Deputy Vice-Chancellor or other University functionary appointed by the Vice-Chancellor.

Election

35. (1) The Chancellor is a person -
- (a) who must not be disqualified to act as a director in accordance with the legislation regulating the governance of companies listed on the JSE, and in accordance with the prevailing interpretation of '*independence*',
 - (b) with knowledge and experience relevant to the objectives and governance of the University; and
 - (c) who is appropriately academically qualified.
- (2) The Chancellor is elected by the Council and appointed at a Council meeting.
- (3) The Chairperson of the Council, or, in the absence of the Chairperson, the Vice-Chancellor and Principal, determines the date, time and venue for a meeting of the Council to elect a Chancellor.
- (4) The election date must be a date before the date on which the Chancellor's term of office expires or, in the case of a vacancy for any other reason, at the latest within sixty days of the date on which the vacancy occurred.
- (5) The Secretary of the Council gives the Council members a minimum of thirty-five days' written notice of the intended election meeting.
- (6) The Secretary of the Council invites Council members, employees and students of the University, and members of the Convocation and Alumni Association to submit nominations for the office of Chancellor.
- (7) Nominations must reach the Council Secretary at least twenty days before the date of the Council's election meeting.
- (8) Nominations must be made on an official nomination form of the University and must be signed by the proposer and seconded by at least three other members from the proposer's constituency contemplated in section 35 (2) (6).
- (9) Nominations must include the written consent of the nominee and her/his curriculum vitae.
- (10) A special meeting of the Institutional Forum must be held within five days after the closing date for nominations to consider the nominations and to advise the Council.
- (11) At least ten days before the Council's meeting for the election of a Chancellor, the Secretary informs the Council members in writing of the names of the nominated candidates, as well as of the advice of the Institutional Forum.

- (12) The Council may add names to the list of nominated candidates.
- (13) The election occurs by way of secret ballot.
- (14) A candidate is elected by a majority of the members present, as prescribed in the Rules for Council meetings.
- (15) If no candidate receives a majority of votes, successive ballots are held, and in each successive ballot the candidate receiving the fewest votes is eliminated as a candidate.
- (16) In the event of multiple candidates and the absence of a majority vote, the candidate with the least number of votes in a ballot or subsequent ballots will be eliminated until a majority is obtained.
- (17) The Council Chairperson announces the name of the elected Chancellor immediately after the election.

Term of office

36. (1) The Chancellor's term of office is five years.
- (2) A person may not be elected as Chancellor for more than two consecutive terms of office.
- (3) Before her/his term of office expires, a Chancellor may resign in writing or be relieved of her/his office by the Council on reasonable grounds as described in the Rules, provided that at least two thirds of the Council members vote for such a decision.
- (4) A Chancellor may only be removed from office by the Council after she/he has been given the opportunity to answer to the reasons provided by Council for such removal.

Accountability

37. The Chancellor is accountable to the Council.

VICE-CHANCELLOR AND PRINCIPAL

Functions

38. (1) The Vice-Chancellor and Principal is:
 - (a) the principal, chief executive and accounting officer of the University; and
 - (b) the legal, administrative and academic head of the University;

- (2) The Vice-Chancellor and Principal reports to the Council.
- (3) The Council may assign additional duties to the Vice-Chancellor and Principal.
- (4) By virtue of her/his office, the Vice-Chancellor and Principal is a member of all committees of the Council and the Senate, unless Council decides otherwise.
- (5) In the absence of the Chancellor or when the office of Chancellor is vacant, the Vice-Chancellor and Principal may exercise any official duty of the Chancellor.
- (6) The Vice-Chancellor and Principal may delegate any functions, duties and powers to a member of the Management Executive Committee.

Appointment

39. (1) The Vice-Chancellor and Principal is a person:
 - (a) who must not be disqualified to act as a director in accordance with the legislation regulating the governance of companies listed on the JSE;
 - (b) with knowledge and experience relevant to the objectives and governance of the University; and
 - (c) who is appropriately academically qualified.
- (2) The Vice-Chancellor and Principal is appointed by the Council in accordance with a procedure determined by the Council and a duly constituted Selection Panel as approved by Council (which *inter alia* includes the Chairperson of Council, the Chairperson of the Human Resource Committee of Council and the Deputy Vice-Chancellor responsible for Human Resources).
- (3) A candidate is elected by a majority of the members of Council present as prescribed in the Rules for Council meetings.
- (4) If no candidate receives a majority of votes, successive ballots are held, and in each successive ballot the candidate receiving the fewest/lowest votes is eliminated as a candidate.
- (5) In the event of multiple candidates and the absence of a majority vote, the candidate with the least number of votes in a ballot or subsequent ballots are eliminated until a majority is obtained. The Council Chairperson announces the name of the elected Vice-Chancellor and Principal immediately after the election.

Term of office

40. (1) A Vice-Chancellor and Principal is appointed for a period of five years.
- (2) A Vice-Chancellor and Principal may be appointed for more than one term of office, as determined by the Council.
- (3) The Vice-Chancellor and Principal may be removed from her/his position by the Council before her/his term of office expires if -
- (a) she/he is convicted of an offence that, in the opinion of the Council, renders the Vice-Chancellor and Principal unfit to perform her/his duties; and
 - (b) in the opinion of the Council, the Vice-Chancellor and Principal becomes incapacitated or her/his continued principalship is deemed improper.

Accountability

41. The Vice-Chancellor and Principal is accountable to the Council and has a reporting responsibility to the Senate and the University community.

Acting Vice-Chancellor and Principal

42. (1) In the absence of the Vice-Chancellor and Principal, the Vice-Chancellor and Principal appoints an acting Vice-Chancellor and Principal.
- (2) An acting Vice-Chancellor and Principal has the same responsibilities, powers and functions as the Vice-Chancellor and Principal.
- (3) An acting Vice-Chancellor and Principal is accountable to the Vice Chancellor and to the Council when applicable.

Vacancy

43. (1) If the office of the Vice-Chancellor and Principal becomes vacant for whatever reason, the council must appoint an acting Vice-Chancellor and Principal, after consulting with Senate and Institutional forum, to act as Vice-Chancellor and Principal until such time as a new Vice-Chancellor and Principal takes up his or her appointment. A successor must be appointed not later than a year after the vacancy arose.
- (2) If a vacancy arises as a result of the Council resolution to terminate the contract of Vice-Chancellor and Principal, such a resolution must be passed at a meeting of the council by a majority vote consisting of not less than 75% and after consultation with the senate and the institutional forum.

DEPUTY VICE-CHANCELLORS AND REGISTRAR

Functions

44. (1) Deputy Vice-Chancellors and the Registrar assist the Vice-Chancellor and Principal with the management, administration, supervision and control of the University.
- (2) Deputy Vice-Chancellors and the Registrar are responsible for the portfolios and functions allocated to them by the Vice-Chancellor and Principal and approved by the Council.
- (3) When a Deputy Vice-Chancellor or Registrar is absent or the position is vacant, the Vice-Chancellor appoints an official to perform her/his duties.

Appointment

45. (1) Deputy Vice-Chancellors and the Registrar are appointed by the Council according to the procedure prescribed in the Rules and in accordance with criteria for appointment described in the Rules.
- (2) Council may, at its sole discretion, appoint a Pro Vice-Chancellor (in accordance with the procedure prescribed in the Rules applicable to the appointment of Deputy Vice-Chancellors), with specific executive managerial responsibilities.

Term of office

46. The terms of office of Deputy Vice-Chancellors and Registrar are determined by the Council and described in the Rules.

Accountability

47. Deputy Vice-Chancellors and Registrar are accountable to the Vice-Chancellor and Principal.

EXECUTIVE DEANS, EXECUTIVE DIRECTORS AND CHIEF INFORMATION OFFICER

Functions

48. The functions of Executive Deans, Executive Directors and Chief Information Officer are determined by the Council and stipulated in the Rules.

Appointment and term of office

49. Executive Deans, Executive Directors and the Chief Information Officer are appointed by the Council for terms as determined by the Council.

Accountability

50. Executive Deans and Executive Directors are accountable to the relevant Deputy Vice-Chancellor in terms of portfolios, and to the Vice-Chancellor and Principal.

MANAGEMENT EXECUTIVE COMMITTEE

Functions

51. (1) The Management Executive Committee assists the Vice-Chancellor and Principal in the planning, management, administration, supervision and control of the University.
- (2) The Management Executive Committee may delegate some of its functions but remains responsible and accountable for the performance and outcome of any delegated function.

Composition

52. (1) The Management Executive Committee consists of the:
- (a) Vice-Chancellor and Principal;
 - (b) Deputy Vice-Chancellors; and
 - (c) Registrar.
- (2) Any other functionary of the University may from time to time be co-opted as a member of the Management Executive Committee for a specific period, purpose or meeting.
- (3) The Vice-Chancellor and Principal is the Chairperson of the Management Executive Committee.

Meetings

53. (1) The Vice-Chancellor and Principal convenes the meetings of the Management Executive Committee and determines its business in consultation with the members of the Management Executive Committee.
- (2) The Management Executive Committee determines its delegation of authority, subcommittees and procedures for meetings in accordance with the accepted principles relating to the conduct of meetings.
- (3) Any employee of the University may be invited to attend a specific meeting of the Management Executive Committee for purposes of consultation and to make an input on a specific matter or matters.
- (4) A Registrar assigned by the Vice-Chancellor and Principal, or an employee approved by the Management Executive Committee, acts

as Secretary of meetings of the Management Executive Committee.

- (5) In the absence of the Vice-Chancellor and Principal, a member of the Executive Management Committee appointed by the Vice-Chancellor and Principal, acts as Chairperson of a specific meeting or meetings of the Management Executive Committee.

Accountability

54. The Management Executive Committee is responsible and accountable to the University Council and has a reporting responsibility to the University community.

CHAPTER 5 CONSULTATIVE BODY

INSTITUTIONAL FORUM

Status and Role

55. The Institutional Forum advises the Council on matters that affect the University.

Functions

56. (1) The Institutional Forum gives advice particularly on the following matters -
- (a) the implementation of the Higher Education Act, 1997 (Act No. 101 of 1997);
 - (b) the national higher education policy;
 - (c) policies on equity regarding race and gender and matters relating to transformation;
 - (d) the selection and appointment of candidates for senior management positions (as defined in the Act); codes of conduct, and mediation and dispute resolution procedures;
 - (e) the fostering of an institutional culture that promotes tolerance and respect for human rights and a positive academic environment for learning, teaching, research and community engagement;
 - (f) the language policy of the University;
 - (g) amendments to the Statute; and
 - (h) any other issue that affects the University.
- (2) In addition to its advisory function as stated in section 58 and section

59(1), the Institutional Forum –

- (a) carries out such functions as determined by the Council after consultation with the Institutional Forum;
- (b) provides the Council with written advice on matters affecting the University;
- (c) considers feedback by the Council on recommendations of the Institutional Forum not accepted by Council.

Accountability

57. The Institutional Forum is accountable to the Council, which recognises its advisory role.

Composition

58. (1) The Institutional Forum consists of -
- (a) two members representing the Management Executive Committee (one of whom must be at least a Deputy Vice-Chancellor of the University);
 - (b) one member representing the senior management who is responsible for industrial relations and employment conditions at the University;
 - (c) two members of the Council, elected by the Council, who are not employees or students of the University;
 - (d) one member representing the senior management who is responsible for student affairs;
 - (e) two members of the Senate, elected by the Senate;
 - (f) two members elected from the ranks of the full-time permanent academic employees not being members of the Senate, elected by the permanent academic employees not being members of the Senate;
 - (g) two members elected from the ranks of the permanent non-academic employees (which members should be representative of different occupational categories of non-academic employees of the University), elected by the permanent non-academic employees;
 - (h) two students, elected by the University Student Representative Council;
 - (i) two members each of each recognised trade union, elected by the trade union;
 - (j) one member representing employees with disabilities, elected by such permanent employees from their ranks;
 - (k) one member representing the University Alumni Association, which member also represents the Convocation and the Alumni

Association on the Council, elected by that Alumni Association; and

- (l) such additional members as the Institutional Forum may determine from time to time, up to a maximum of two, to ensure that the Forum can fulfill its functions.
- (2) With the exception of the members contemplated in section 61(1) (c), (h) and (k), all members must be full-time, permanent employees of the University.

Nomination/election of members

59. The nomination, election and appointment of members are as determined by each constituency or as regulated in the Rules.

Terms of office of members

60. (1) Terms of office of Institutional Forum members are in principle four years, or such shorter term as the representative still represents her/his constituency or as determined by the Council.
- (2) Except for members mentioned in sections 62(1)(a), (b), (c) and (d), no member may serve on the Institutional Forum for more than two consecutive terms.

Vacancies

61. (1) The Secretary of the Institutional Forum communicates a vacancy in the Institutional Forum to the person or body who elected or appointed the member.
- (2) A vacancy must be filled within twelve weeks after the Secretary receives notification or becomes aware of such vacancy.

Office-bearers

62. (1) The Chairperson is a member of Council that is also a member of the Management Executive Committee and is appointed by Council as the Chairperson of the Institutional Forum.
- (2) A Vice-Chairperson is a member of Council appointed by Council.
- (3) The Registrar appoints the Secretary of the Institutional Forum.
- (4) When both the Chairperson and the Vice-Chairperson are absent from a meeting of the Institutional Forum, the Chairperson or Vice-Chairperson appoints a person to act as Chairperson, and when no such appointment has been made, the members present at such meeting elect one of their number to preside.

Meetings

63. (1) The Institutional Forum decides the number of meetings of the Forum.
- (2) There must be at least four meetings a year.
- (3) The Chairperson may convene an extraordinary or emergency meeting by giving notice of such meeting and the agenda thereof.
- (4) An extraordinary or emergency meeting must be convened by the Chairperson if at least thirty per cent of the members of the Institutional Forum request such meeting, where such request is in writing and the relevance of the matters to be discussed is regarded by the Chairperson to be sufficiently motivated.
- (5) At least seven days' notice of an extraordinary or emergency meeting must be given, except with the unanimous consent of the meeting.
- (6) No business other than that which the extraordinary or emergency meeting was called for may be transacted at such meeting.
- (7) Subject to the provisions of the Statute and Rules, the Institutional Forum determines its own procedure for meetings in accordance with the accepted principles relating to the conduct of meetings.
- (8) The Institutional Forum is quorate if at least forty per cent of its members are present.
- (9) A quorum must be in attendance when any decision is taken.

Task teams and committees

64. (1) If necessary, the Institutional Forum may convene committees or task teams for specific projects or purposes, and it may co-opt a maximum of three persons to a committee in respect of any specific project.
- (2) Except as otherwise provided in the Statute, the composition, manner of election, terms of office, functions and meeting procedures of task teams and committees are as prescribed in the Rules.

CHAPTER 6 EMPLOYEES

Appointment

65. (1) The Council appoints employees in accordance with the Human Resources Policy as determined in the Rules.
- (2) An academic employee is appointed after consultation with the Senate, represented by the Executive Committee of the Senate, in accordance with the approved delegation of authority in this regard.

- (3) With the exception of the Vice-Chancellor and Principal, Deputy Vice-Chancellors, Registrar, Executive Deans, Executive Directors and the Chief Information Officer, the appointment of academic and non-academic employees at different levels occurs in terms of delegations as approved by the Council and prescribed by the Rules.
- (4) The Institutional Forum advises the Council on the selection of senior management.

Conditions of employment

66. (1) The conditions of employment, including the remuneration policy are determined by the Council and regulated in the Rules.
- (2) The Council may amend the conditions of employment from time to time, subject to the provisions of section 73(3).
- (3) A negotiating team mandated by the Executive Management Committee must enter into discussions, negotiations and agreements on remuneration and related employment conditions with representative employees' organisations in accordance with relevant labour legislation, and make recommendations to the Council for approval.

Evaluation

67. All employees of the University are subject to performance review in the performance of their duties.

Discipline

68. Employees are subject to discipline in respect of misconduct and neglect, in accordance with the University's disciplinary code and procedures prescribed in the Rules.

Promotion

69. Promotion of employees is considered in terms of the relevant stipulations in the Rules.

Accountability

70. Employees are accountable to their relevant line managers or as determined by the Statute.

CHAPTER 7 STUDENT GOVERNANCE AND OTHER STUDENT-RELATED AFFAIRS

UNIVERSITY OF JOHANNESBURG STUDENT REPRESENTATIVE COUNCIL

Role

71. (1) The University Student Representative Council functions in terms of a constitution approved by the Council on recommendation of the University Student Representative Council and the Senate.
- (2) The University Student Representative Council in particular -
- (a) represents the student community and acts in its interests with regard to relevant academic and non-academic matters;
 - (b) supports and upholds the vision, mission, values and goals of the University;
 - (c) liaises with the Council, the Senate, the Vice-Chancellor and Principal and the Management Executive Committee, Student Representative Councils of other institutions and the general public;
 - (d) promotes student participation in student affairs; and
 - (e) promotes academic diligence and excellence among students.

Accountability

72. The University Student Representative Council is accountable to the Vice-Chancellor and Principal, the Council and the student body/community.

OTHER STUDENT-RELATED AFFAIRS: ADMISSION, REGISTRATION AND DISCIPLINE

Admission and registration

73. (1) A person may register as a student of the University if she/he satisfies the legal requirements and any other requirements for admission determined by the Council and specified by the Senate.
- (2) The Council may change the requirements for admission of students on recommendation of the Senate.
- (3) The Senate may determine the number of students who may register for a specific programme in accordance with the University Enrolment Plan.
- (4) A student is registered for one academic year or for such shorter term as the Senate may determine in general or in a particular case.
- (5) After expiry of an academic year or such shorter period as contemplated in section 80(4), a student is required, in order to continue with studies at the University, to comply with any conditions set by the

University and to register again.

- (6) The University may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in section 80(5).
- (7) The conditions contemplated in section 80(5) may include the payment of fees.
- (8) A person who completes and signs the official registration form subjects herself/himself to the Rules.

Termination of registration

74. (1) A student's registration may be terminated immediately if -
- (a) she/he fails to submit the required certificates and documentation after having received reasonable notice to do so;
 - (b) she/he fails to pay the prescribed fees by the deadlines;
 - (c) she/he does not make satisfactory progress as prescribed in the Rules; or
 - (d) if disciplinary measures in a specific case include a decision to this effect.
- (2) If a student's registration is not terminated in circumstances contemplated in section 81(1)(b), the University is nevertheless exempted from its obligations towards the student while the prescribed fees remain unpaid.

Discipline

75. (1) A student commits a transgression if she/he contravenes any of the Rules or disregards any reasonable instruction of a body or employee who is entitled to issue such an instruction.
- (2) Disciplinary measures applicable to students are approved by the Council and set out in the Rules.
- (3) The Vice-Chancellor and Principal reports to the Senate and the Council once a year on disciplinary actions taken against students in the past year.

QUALIFICATIONS AND HONORARY DEGREES

Degrees, diplomas and certificates

76. The University confers degrees and awards diplomas and certificates, which reflect approved state-subsidised or non-subsidised programmes in terms of the Act, on or to -
- (a) persons who were registered students at the University for the period prescribed by the Rules;
 - (b) who complied with the requirements of the qualification and achieved the standards prescribed by the Rules; and who have otherwise complied

with the Act and the Rules.

Honorary degrees

77. The University confers honorary degrees in terms of the provisions of section 22.

CHAPTER 8 CONVOCATION, ALUMNI ASSOCIATION AND DONORS

CONVOCATION

Role and objectives

78. (1) The Convocation may state its opinion upon any matter relating to the University, including matters referred to it by the Council, the Senate or the Institutional Forum.
- (2) The Convocation elects Council members in accordance with section 12(1)(a)(ii).
- (3) The Convocation, in cooperation with the Registrar, maintains a database of its members in order to promote communication between the University and members, and which serves as a voters' roll for the election of Council members and other suitable purposes.

Membership

79. (1) Membership of the Convocation consists of -
- (a) alumni;
 - (b) the Vice-Chancellor and Principal, the Pro Vice-Chancellor, Deputy Vice-Chancellors and Registrar of the University;
 - (c) permanent academic employees of the University; and
 - (d) retired permanent academic employees of the University

Office-bearers

80. (1) The Convocation elects from its members a President who acts as Chairperson of its meetings and holds office for a period of three years.
- (2) In the absence of the President, or when the office of President is vacant, the Vice-Chancellor and Principal, or a senior functionary of the University appointed by the Vice-Chancellor and Principal, acts as President until the

Convocation elects a successor.

Executive Committee

81. The Convocation elects from its ranks, in addition to its President, such other officials to its Executive Committee as determined by its constitution, which forms part of the Rules.

Meetings and elections

82. Requirements and arrangements concerning meetings and elections of the Convocation are stipulated in the Convocation's constitution, which forms part of the Rules.

UNIVERSITY OF JOHANNESBURG ALUMNI ASSOCIATION

Recognition

83. The University recognises that the University Alumni Association, voluntary association of holders of state-subsidised qualifications conferred or awarded by the University, functions in cooperation with the Convocation in terms of a constitution.

DONORS

Donations

84. The University may receive monies, property, equipment or any other form of asset from donors to assist the University in providing quality education, research and community service.

Donors

85. The University recognises and registers donors as determined in the Rules.

CHAPTER 9

TRANSITIONAL ARRANGEMENTS

Arrangements

86. (1) The provisions of the Standard Institutional Statute promulgated by Government Gazette No. 23065 (Government Notice No. 377 of 27 March 2003), as corrected and amended, will remain applicable until this Statute has been promulgated.
- (2) The Council has the power and the duty to take measures to

implement the provisions of this Statute and accompanying Rules as soon as is practicable after promulgation of this Statute.

- (3) Anything done under any provision of the Standard Institutional Statute that was applicable to the University prior to the promulgation of this Statute is regarded to have been done under the corresponding provision of this Statute.
 - (4) Persons who occupied posts, and structures that existed immediately prior to the approval and promulgation of this Statute, will continue to occupy those posts, and the structures will continue to exist, unless the post or structure is affected by the provisions of this Statute and/or Council decisions in accordance therewith. Any changes to posts or structures thus brought about by the Statute are subject to the Act and applicable labour law.
 - (5) The University's Rules that were in force prior to the promulgation of this Statute will continue to apply until amended or replaced.
 - (6) Notwithstanding sections 93(4) and (5), the term of office for members of structures/bodies or for persons in specific posts will expire at the time originally specified.
 - (7) In order to ensure continuity and stability of the Council, the following extensions of terms of office of members in accordance with the Standard Institute Statute Council will apply:
 - (a) The term of office of the members of the Executive Committee of the Council will be extended by one year.
 - (b) The term of office of three external persons appointed by the Minister (to be determined by lot), and who are not otherwise members of the Executive Committee of the Council, will be extended by one year.
 - (c) The term of office of five of the ten external members of the Council appointed with a broad spectrum of competencies in terms of section 9(1) (i) of the Standard Institutional Statute (to be determined by lot), and who are otherwise not members of the Executive Committee of the Council, will be extended by one year.
-