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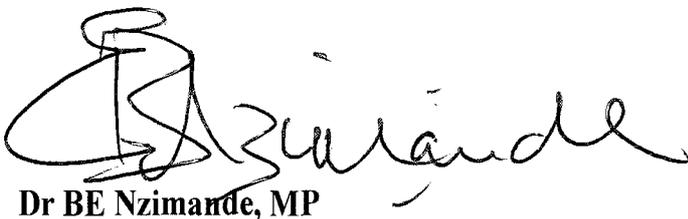
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GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING**No. 245****3 April 2013****HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)****INSTITUTIONAL STATUTE****VAAL UNIVERSITY OF TECHNOLOGY**

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



Dr BE Nzimande, MP

Minister of Higher Education and Training

Date:

18/02/13

DEPARTMENT OF HIGHER EDUCATION AND TRAINING**HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997)****STATUTE OF THE VAAL UNIVERSITY OF TECHNOLOGY**

The Council of the Vaal University of Technology has drafted the Statute set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended, which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training and which comes into operation on the date of its publication.

SCHEDULE

To introduce a new Statute for the Vaal University of Technology to give effect to any law relating to the Vaal University of Technology and to promote the effective and responsible management and governance of the University in respect of matter not expressly prescribed by any law.

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CHAPTER 1

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 so assigned to it. Further, unless the context indicates otherwise, the following meanings have been ascribed to these terms:

“Act”	the Higher Education Act, 1997 (Act No. 101 of 1997) as amended;
“Chancellery”	the Vice-Chancellor and the Deputy Vice-Chancellors jointly;
“Chancellor”	titular head of the University contemplated in paragraph 26 (1) of the Act;
“Convocation”	the Convocation of the University contemplated in section 47 below;
“Council”	the Council of the University contemplated in section 27 of the Act;
“days”	includes Saturdays, Sundays and public holidays;
“degree”	a qualification designated as a degree of the University awarded to a student who has satisfied the requirements for that qualification;
“diploma”	a qualification designated as a diploma of the University awarded to a student who has satisfied the requirements for that qualification;
“donor”	a person who has made a donation which in the opinion of the Council warrants that person being recognised as a donor;
“functions”	includes powers and duties and vice versa;
“graduate”	a person upon whom the University has conferred

	a degree;
“Head of sites of delivery”	a head of a decentralised campus of the University;
“Institutional Forum”	the body contemplated in section 31 of the Act;
“Institutional Rules and Rules of the University”	any Rules made by the Council of the University under section 32 of the Act;
“Minister”	the Minister of Higher Education and Training;
“non-academic employee”	an employee classified as a non-academic employee in accordance with the HEMIS classification system;
“professor”	an academic employee who has been given the title of professor by the institution or by another institution, but does not include an emeritus, adjunct, associate, visiting or assistant professor or reader;
“Rules”	any Rule of the University made in terms of section 32 of the Act;
“seat of the University”	the central campus located in Vanderbijlpark in Gauteng Province;
“Senate”	the body contemplated in section 28 of the Act;
“SRC”	the Student Representative Council of the University contemplated in paragraph 36 below;
“the University”	the Vaal University of Technology as designated in Government Gazette No. 26117 of 19 March 2004;
“Vice-Chancellor and Principal”	the Chief Executive Officer and Academic Head of the University;
“Vice-Principal”	one of the Deputy Vice-Chancellors appointed annually by the Council on recommendation of

the Vice-Chancellor and Principal.

CHAPTER 2

THE UNIVERSITY

2. Name, seat and powers

- (A) The name of the University is the “Vaal University of Technology”.
- (B) The Vaal University of Technology is a Public Higher Education Institution established in terms of the Act and is a juristic person as contemplated in section 20(4) of the Act.
- (C) The University consists of the Chancellor, the Council, the Senate, management, employees, students and all structures of the University.
- (D) The official address of the University is: Vaal University of Technology, Private Bag X021, Vanderbijlpark, 1900.
- (E) The University functions in accordance with the Act, this Statute and the Rules.
- (F) The University may confer degrees, diplomas and certificates as approved by the Council on recommendation of Senate. Such degrees, diplomas and certificates are to be approved, accredited and registered for the University in accordance with the provisions of the Act.

CHAPTER 3

CHANCELLOR

3. Powers, functions and duties of Chancellor

- (A) The Chancellor is the titular head of the University.
- (B) The Chancellor, or in his or her absence the Vice-Chancellor or his / her nominee presides over all congregations of the University and, in the name of the University, confers all degrees and awards all diplomas and certificates.

4. Election of Chancellor

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

- (A) the Registrar determines a closing date for the return of voting papers and sends notices calling for nominations for the election of a Chancellor;
- (B) the notices for nominations referred to in sub-paragraph (A) are sent to all enrolled members of the Council at least nine weeks before the closing date referred to in sub-paragraph (A);
- (C) nominations in writing, together with written acceptance of such nominations, must be lodged with the Registrar at least seven weeks before the closing date referred to in sub-paragraph (A) and each nomination must be signed by at least four members of the Council;
- (D) if more than one person is nominated, a written notice is sent by the Registrar at least 30 days before the closing date referred to in sub-paragraph (A) to all members of the Council, together with a printed voting paper, referred to in sub-paragraphs (E) and (F);
- (E) the Registrar must draft and submit to the Executive Committee of Council a voting paper for its approval, in which is set out in not more than 200 words a description of each candidate;
- (F) the Executive Committee of Council must determine the form and content of the voting paper;
- (G) at all elections the Registrar acts as the returning officer;
- (H) the returning officer may be assisted by two or more scrutineers appointed by the Chairperson of Council or, if the Chairperson of Council is absent or is a candidate, by the Vice-Chancellor and Principal; or in the absence of the Vice-Chancellor and Principal, by the Acting Vice-Chancellor and Principal;
- (I) at the conclusion of the election the returning officer must announce the result of the election;

- (J) a successful candidate is elected as from the date of the election or, where appropriate, with effect from the date on which the vacancy is to occur; and
- (K) if there is only one person nominated the same process as outlined in (E) to (J) above will be followed.

5. Term of office

- (A) The Chancellor holds office for a period of six years, unless he or she tenders his or her resignation in writing to the Council or for any other reason vacates his or her office before the expiry of his or her term of office.
- (B) The Chancellor is eligible for re-election, but his or her term of Chancellorship may not exceed two terms.
- (C) The Chancellor may be removed from office by a resolution of not less than 75 percent of all Members of the Council.
- (D) The resolution contemplated in sub-paragraph (C) may not be passed without providing the Chancellor with a reasonable opportunity to speak in his or her defence.

6. Vacancy

If the Office of the Chancellor becomes vacant, the provisions of paragraph 4 are applicable to the filling of such vacancy and the provisions of paragraph 5 are applicable to the term of office of his or her successor.

CHAPTER 4

COUNCIL

7. Functions

- (A) The Council governs the University in terms of section 27 of the Act and this Statute, and is subject to the principles of good corporate governance.
- (B) The Council seeks advice from the Institutional Forum on matters referred to in section 31(1)(a) of the Act.
- (C) The Council shall perform all governance responsibilities imposed on it by the Act and this Statute.
- (D) Without derogating from the generality of sub-paragraph (A), the Council is responsible for governance and policymaking at the University, as well as for monitoring compliance therewith and, particularly, for laying down guidelines relating to:
 - i. strategic governance;
 - ii. financial governance;
 - iii. the appointment and conditions of service of staff;
 - iv. a positive academic atmosphere;
 - v. disciplinary matters regarding staff and students;
 - vi. the language policy of the University in concurrence with Senate, as required by section 27(2) of the Act;
 - vii. the admission policies of the University in consultation with Senate as required by Section 37 of the Act; and
 - viii. the approval of the Rules of the University.
- (E) The Council may, subject to the provisions of the Act and this Statute, delegate functions to the Vice-Chancellor, with the right to delegate further, subject to applicable University policy and the Council-approved delegation frameworks.
- (F) Subject to section 34 of the Act, the Council shall:
 - i. appoint people whom it considers necessary to manage the University effectively in accordance with the Rules; and
 - ii. after consultation with Senate or a Committee of Senate,

appoint and promote academic employees.

- (G) The Council may delegate its functions in terms of sub-paragraph (F)(i) to a Committee of the Council, with the right to delegate, provided that the Council may not delegate the appointment of the Vice-Chancellor and the Deputy Vice-Chancellor(s).
- (H) The Council may delegate its functions in terms of sub-paragraph (F)(ii) to a joint Committee of the Council and the Senate, provided that the appointment and promotion of academic employees at the level of senior lecturer and below may be further delegated to the Vice-Chancellor.

8. Composition

- (A) The Council consists of the following members as contemplated in section 27(4) of the Act:
- i. the Principal;
 - ii. the Vice-Principal;
 - iii. three (3) academic members of the Senate elected by the Senate;
 - iv. one (1) Head of a site of delivery of the University with the highest number of students other than the seat of the University;
 - v. one (1) academic employee who is not a member of the Senate, and elected by such employees of the University;
 - vi. one (1) employee, other than an academic employee of the University, and elected by such employees of the University;
 - vii. two (2) students of the University, elected by the SRC, of whom at least one (1) is a postgraduate student;
 - viii. five (5) persons appointed by the Minister;
 - ix. four (4) persons who are not employees or students of the University appointed by the Council by reason of their special knowledge or expertise, taking into account considerations of equity or diversity. One (1) of these persons to be nominated by the Chairman of the Board of the South African Institute of

Chartered Accountants (SAICA) and one (1) of these persons to be nominated by the Chairperson of the Law Society of the Northern Provinces;

- x. four (4) persons appointed by the Council from the membership of such professional bodies, external to the University, as may be determined by the Council;
 - xi. one (1) person designated by NEDLAC, who is neither an employee nor a registered student of the University;
 - xii. two (2) persons elected by donors as per the Donor Register;
 - xiii. two (2) representatives of the Convocation nominated by the Executive Committee of the Convocation;
 - xiv. one (1) representative from the district municipality; and
 - xv. one (1) representative from the Institute of Directors (IoD).
- (B) At least sixty percent (60%) of the members of the Council must be persons who are neither employed by, nor students of, the University.
- (C) Except as provided for in paragraphs 8(A) (i) to (vii):
- i. no student or employee of the University and no other person in receipt of regular remuneration from the University is eligible for appointment or election as a member of the Council; and
 - ii. an external member of the Council who becomes a student or an employee of the University, or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University, shall be deemed, with effect from such date, to have vacated his or her seat on the Council of the University.

9. Term of office

- (A) The term of office of the members of the Council contemplated in paragraph 8(A) (viii) to (xv), is four years, subject to transitional arrangements contemplated in the Rules.
- (B) The term of office of the members of Council contemplated in paragraph 8(A) (iii) to (vi), is two years, subject to transitional arrangements contemplated in the Rules.

- (C) The representatives elected by the SRC in paragraph 8(a) (vii) hold office for a period of one year.
- (D) The Chairperson and Deputy Chairperson of Council may not be elected for more than two consecutive terms of two years each.

10. Vacating of office

- (A) A member of the Council, with the exception of the Principal, and the Vice-Principal, vacates his or her position on the Council if the member:
 - i. is absent without the prior leave of the chairperson from three consecutive meetings of the Council, or, in the case of the chairperson, the leave of the Executive Committee of Council, provided that the Council may at a meeting excuse the absence of a member from that meeting, in which event the member is, for the purposes of this Statute, deemed to have attended that meeting;
 - ii. having been elected or nominated by a particular constituency, is no longer a member of the constituency which he or she represents;
 - iii. resigns by giving written notice to the chairperson of Council;
 - iv. is declared by a court of law to be insolvent or otherwise incapable of attending to his or her own affairs; or
 - v. is removed from an office of trust by a court of law, is convicted of an offence involving dishonesty, or is sentenced to a period of imprisonment without the option of a fine.
- (B) The membership of a Council Member who is not an employee or student of the University immediately terminates if such a member is appointed as an employee or is registered as a student of the University.
- (C) Subject to the disciplinary procedure of the University, if an employee or student member is dismissed, expelled, demoted, or his or her service is terminated for whatever reason by the University, the membership of such member automatically terminates, and if such

student or employee is suspended his or her membership of the Council is also suspended.

- (D) Members of the Council must participate in the deliberations of the Council in the best interests of the University.
- (E) Any member may be removed from office subject to Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) if a majority of the members of the Council present at any meeting vote for his or her removal.
- (F) In the event of a vacancy through death or otherwise, the secretary to the Council notifies the vacancy to the authority or body that has appointed or elected such member, requesting such authority or body to appoint or elect a successor.
- (G) In case of (F) above the secretary to the Council must, where possible, give at least 10 weeks' notice of the vacancy.
- (H) In case of (F) above the successor holds office for the unexpired term of office of his or her predecessor, unless the successor is appointed or elected because his or her predecessor's term of office has expired.

11. Committees of Council

- (A) The Council must establish the following Committees:
 - i. Executive Committee;
 - ii. Remuneration Committee;
 - iii. Audit and Risk Committee;
 - iv. Finance Committee; and
 - v. Any other Sub-Committee as and when the need may arise.
- (B) Subject to the provisions contained herein, the composition, terms of reference, manner of election, functions, procedure at meetings and dissolution of a Committee must be determined by the Council by way of Rules, provided that in the absence of the Council determining procedural rules for a Committee, the Rules of procedure which governs the Council must apply *mutatis mutandis* to the Committee concerned.
- (C) Except where the Council stipulates otherwise, at least sixty percent

(60%) of the members of Committees referred to in sub-paragraph 11 (A) (ii) to (v) above must be persons who are neither employees nor students of the University.

- (D) Chairpersons of Committees are elected by members at the first meeting of the Committee for a period of two years except in the case of the Audit Committee, as defined in the Institutional Rules.
- (E) Chairpersons of Committees must not be employees or students of the University.
- (F) The composition, functions and dissolution of Committees of Council are as determined in the Rules of the University.

12. Election of chairperson and vice-chairperson

- (A) The Members of the Council, at the first meeting of the Council and thereafter when it becomes necessary, elect from amongst their number, a Chairperson and a Vice-Chairperson, each of whom holds office for a period of two years, or for such shorter period as he or she may be a Member of the Council.
- (B) The Chairperson or the Vice-Chairperson of the Council must not be an employee or student of the University.
- (C) Nominations for the Office of Chairperson or Vice-Chairperson of the Council must, with the respective nominees' consent, be submitted in writing to the secretary to the Council.
- (D) If more than one candidate is nominated for one of the offices, voting must be by ballot.
- (E) A candidate may only be elected to the Office of Chairperson or Vice-Chairperson by a majority of the members present at the meeting of the Council.
- (F) Each Member of the Council has only one vote during each round of voting. Should no candidate gain a majority then subsequent rounds of voting take place.
- (G) In each successive round of voting the candidate who gained the least support from the previous ballot is eliminated as candidate.
- (H) Whenever a vacancy occurs in the Office of Chairperson or Vice-

Chairperson, the provisions of sub-paragraph (C) to (G) are applicable to the filling of the vacancy.

- (I) The Chairperson and the Vice-Chairperson are eligible for re-election if they are still members of the Council, subject to sub-paragraph 9 (D).

13. Meetings

- (A) The number of meetings, the notice of the dates and venue of meetings of the Council for a particular academic year are approved by the Council, provided that at least four ordinary meetings are held during an academic year.
- (B) The secretary to the Council must, at least 10 days before the date set for any meeting, give notice in writing to each Member of the Council of such meeting, setting forth the matters for inclusion in the agenda, as well as the time and place of such a meeting, including a copy of the minutes of any previous meeting.
- (C) Notice of matters for consideration must be submitted to the secretary to the Council at least seven days prior to the date on which he or she is required to give notice of such meeting. A Member may raise matters of an urgent nature at a meeting without prior notice if he or she procures the consent of at least 75 percent of the Members present. The Chairperson of Council may, at his or her sole discretion, decide to have the matter placed on the agenda, to postpone that matter for a later meeting, or to refuse to place the matter on the agenda.
- (D) The Chairperson may convene an extraordinary meeting whenever he or she deems it necessary, and he or she may convene such a meeting at the written request of any five Members, clearly stating the purpose of the meeting in such request.
- (E) No matters other than those for which the extraordinary meeting was convened may be discussed at such meeting, except when the consent of the meeting is granted on an unopposed motion.
- (F) An emergency meeting may be called by the Chairperson at any time,

provided that Members are given at least 24 hours' notice of such.

- i. The notice contemplated in sub-paragraph (6) may be given in any manner deemed expedient by the Chairperson in the circumstances; and
 - ii Members must be notified of the purpose of an emergency meeting, and no business other than that of which notice has been given to the members must be transacted at such meeting.
- (G) The Council may invite persons who are not members to attend meetings. Such persons may take part in discussions but may not vote, and these discussions must be limited to specific issues.
- (H) In the absence of the Chairperson from any meeting of the Council, the Vice-Chairperson of Council acts as Acting Chairperson at such meeting.
- (I) In the absence of the Chairperson as well as the Vice-Chairperson from any meeting of the Council, the members present elect one of their number to preside thereat.

14. Role of secretary

- (A) The Registrar appointed by the Council as contemplated in the Act is the secretary to the Council.
- (B) The Vice-Chancellor and Principal may appoint any other employee to assist the secretary or to act in his or her place in case of the secretary's absence.
- (C) The secretary acts as electoral officer at all meetings of the Council.
- (D) The secretary must keep a complete register of the Council resolutions adopted in terms of this Statute and ensure that all Members of the Council have access to such a register.

15. Voting

- (A) Except as otherwise provided in this Statute all matters must be decided by a majority of all Members present.
- (B) If Members present during any vote on a motion abstain from voting, their abstentions must be noted as such.

- (C) The Chairperson has an ordinary vote, and in addition has a casting vote in the event of an equality of votes on any matter.
- (D) The Chairperson or the meeting may decide that voting must be by secret ballot, provided that voting for persons must always be by secret ballot.
- (E) If it is so decided by the meeting, the number of Members voting for or against any motion must be recorded and, at the request of any Member, the Chairperson must direct that the vote of such Member be recorded.

16. Drafting, Amending and Repealing of Rules or the Statute

- (A) No motion to draft an amendment or repeal of the Statute or Rule may be adopted unless agreed to by at least 75 percent of the Members present at the meeting, provided that such meeting is constituted by no less than 75 percent of all Members.
- (B) Any motion to draft, amend or repeal the Statute or a Rule must be in accordance with the provisions of section 32(2) of the Act.

17. Conflict of Interest of Council Members, Committee Members, and Functionaries

- (A) The Council makes Rules to deal with a conflict of interest or possible conflicts of interest that a Member of the Council, any Member of a Committee of the Council and all other persons who exercise delegated functions of the Council may have with the University, in terms of subsections (7A), (7B), (7C), (7D) and (7E) of the Higher Education Laws Amendment Act 21 of 2011_which provides that:

(7A) Any person may, in writing, inform the chairperson of a meeting, before the meeting, of a conflict or possible conflict of interest of a Member of the Council with the public higher education institution concerned of which such person may be aware.

(7B) A Member referred to in subsections (7) (e) and (7A) is

obliged to recuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

- (7C) A Committee of the Council with delegated functions in terms of section 68(2) may not take a decision on a matter considered by it if any Member of the Committee has a conflict of interest contemplated in this section.
- (7D) A Member of the Council or a Member of a Committee of the Council who contravenes subsection (7)(c), (d) or (e), (7A) or (7E), after Council has followed a due process, may be: (a) suspended from attending a meeting; or (b) disqualified as a Member of the Council or a Member of a Committee of the Council;
- (7E) The Council must:
- (a) having regard to the provisions of section 27(9) and (7A) to (7D) and section 34 and after consultation with the institutional forum, adopt a code of conduct to which all the Members of the Council, all the Members of Committees of the Council and all other persons who exercise functions of the Council in terms of delegated authority must subscribe; and
 - (b) determine rules and procedures in terms of section 32 for an annual declaration:
 - (i) by each Member of the Council, each Member of a Council Committee and each person who exercises functions of the Council in terms of delegated authority;
 - (ii) of his or her financial interests and fiduciary roles, the latter to include but not be limited to offices, directorships of companies, memberships of close corporations and trusteeships held; and
 - (iii) of the financial interest and fiduciary roles of the Members of his or her immediate family.

- (B) The Council introduces a register in which the annual declaration of interests of each Member of the Council, Council Committees and all functionaries of the Council, in terms of section 7E (b) of the Act are recorded, in accordance with the Rules.
- (C) Each Member of Council, on assumption of membership of Council, will sign:
 - a) an undertaking stating that he/she will participate in the deliberations of Council in the best interests of the University in accordance with paragraph 27(7)(b) of the Act; and
 - b) a declaration of interest in accordance with section 27 of the Act.
- (D) If a Member fails to act in the best interest of the University or exhibits behaviour that brings the University into disrepute he or she will be removed from office as a Member of the Council.

18. Executive Committee of Council

- (A) The Executive Committee of Council discusses and makes decisions on all matters as delegated by the Council and reports back to the Council.
- (B) Notwithstanding sub-paragraph (A) the Executive Committee of Council may not make decisions relating to the following matters reserved for the Council:
 - i. the review of the University's mission or purpose;
 - ii. the appointment or dismissal of the Vice-Chancellor and Deputy Vice-Chancellors;
 - iii. the purchase, sale or other disposition of immovable property;
 - iv. the approval of the annual budget;
 - v. the use of the University's credit line;
 - vi. the conferral of degrees; and
 - vii. the amendment of the Statute.
- (C) Decisions of the Executive Committee of Council must be tabled at the Council.
- (D) The Executive Committee of Council consists of the:-

- i. Chairperson of Council as Chairperson;
 - ii. Deputy Chairperson of Council as Deputy Chairperson;
 - iii. Chairpersons of Committees of Council as contemplated in paragraph 11(D) and (E);
 - iv. Vice-Chancellor and Principal;
 - v. Vice Principal; and
 - vi. The Registrar as secretary to the Committee.
- (E) All Rules relating to meetings of the Executive Committee of Council in terms of constitution of the quorum, notice, minutes, register of resolutions of meetings and voting procedures are the same as in the case of the Council.

19. Joint Committees of Council and Senate

- (A) In accordance with section 29(3) of the Act, the Council and the Senate may jointly nominate Committees, to be known as Joint Committees of the Council and the Senate, to perform functions that are common to the Council and the Senate.
- (B) The composition, functions and dissolution of a Joint Committee are in accordance with the Rules of the University.
- (C) The following are the joint Committees of the Council and the Senate:
- i. Joint Council and Senate Committee on Ethics; and
 - ii. Any other Committee set-up in terms of paragraph 19(A) above.

20. Dissolution of Committees of Council

A Committee of the Council may only be dissolved by the Council.

CHAPTER 5

SENATE

21. Composition, powers and functions of Senate

- (A) Subject to the Act, the Senate is accountable to the Council for all the academic and research functions within the University and all other functions delegated or assigned to it by the Council.
- (B) i. Without derogating from the generality of sub-paragraph (A), the organisation and oversight of instruction, examinations and classes are vested in the Senate, and the Senate, by delegation of the Council, shall:
- a) determine the entrance requirements in respect of particular academic programmes;
 - b) determine the minimum requirements for study at the University;
 - c) make or amend any Rule relating to the curriculum for, or to the obtaining of, any degree, diploma or certificate, after consultation with the relevant faculty board;
 - d) make or amend any Rule relating to the manner in which students are to be assessed; and
 - e) determine what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma or certificate.
- ii. The Senate advises the Council:
- a) on the disciplinary code and measures applicable to students; and
 - b) on the establishment and disestablishment of faculties, academic departments and other academic structures.
- iii. The Senate determines, after consultation with the Vice-Chancellor and Principal, determines the conditions applicable to any scholarship or academic prize.

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- iv. The Senate determines the persons to whom the scholarships and academic prizes are awarded.
 - v. The Senate may establish Committees to perform any of its functions and may appoint persons who are not members of the Senate as members of such Committees.
 - vi. The Senate determines the functions of its Committees as well as the procedure of meetings of such Committees.
 - vii. The Senate may make standing orders on procedures for the better execution of its functions.
 - viii. The Senate may assign or delegate any of its functions, provided that the Senate is not divested of responsibility for the performance of any such function assigned or delegated.
- (C) The Senate submits to the Council:
- i. such reports upon its work as may be required by the Council;
 - ii. recommendations on matters referred to it by the Council; and
 - iii. recommendations on any other matter affecting the University that the Senate deems important.
- (D) The Senate may, in terms of the Rules of the University, cancel the registration of a student in all or some of the subjects for which the student is registered if in the opinion of the Senate the academic achievement of the student is deemed unsatisfactory or not sufficient to achieve the requisite credits for the subject or subjects.
- (E) The composition of the Senate is as follows:
- i. the Vice-Chancellor and Principal;
 - ii. the Deputy Vice-Chancellors;
 - iii. the Executive Deans of Faculty;
 - iv. the Heads of academic departments;
 - v. all members of Staff with the title of professor as defined under section 1 (Definition);
 - vi. the Executive Directors of the following departments:
 - a) academic development;

- b) library and information services;
- c) research;
- d) student support services;
- e) technology, transfer and innovation;
- f) the Director for cooperative education;
- g) Heads of sites of delivery;
- h) two (2) members of the Council who are neither employed by the University nor registered students of the University;
- i) one (1) non-academic employee of the University;
- j) three(3) students nominated by the SRC, of whom at least one (1) is a postgraduate student; and
- k) one (1) member of the Convocation of the University elected by the Convocation who is neither a staff member nor a student of the University.

22. Chairperson

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

23. Vice-chairperson

The Deputy Vice-Chancellor responsible for academic matters is the Vice-Chairperson of the Senate.

24. Secretary

The Registrar is the secretary to the Senate.

25. Number of meetings of Senate

The Chairperson convenes a meeting of the Senate at least once in each quarter at the seat of the University.

26. Representatives of Senate on Council

(A) Three members of the Senate who are to be elected as Members of the Council, as contemplated in section 27(4) (d) of the Act, must

be elected at an ordinary meeting of the Senate or according to the process as prescribed in the Rules.

- (B) If a member referred to in sub-paragraph (A) for any reason vacates his or her office, the provisions of sub-paragraph (A) are applicable.

27. Representatives of Council on Senate

- (A) The two members of the Council who are neither employees nor registered students of the University must be elected at an ordinary meeting of the Council and serve on the Senate for a period of one year.
- (B) If a member referred to in sub-paragraph (A) for any reason vacates his or her office, the provisions of sub-paragraph (A) must be applicable.

28. Term of office

- (A) All members who are members of the Senate because of their office serve their term for the duration of that other specific office.
- (B) The representatives of the SRC hold office for the period during which they are members of the SRC.
- (C) If a member of Senate vacates his or her office, or is replaced, the term of office of the replacement is for the unexpired term of office of the predecessor.
- (D) If a member of Senate vacates his or her office, a replacement member must be elected at any ordinary meeting of the Senate.

29. Committees of Senate

- (A) The Senate of the University will establish the following Committees:
- i. SENEX (Executive Committee of Senate); and
 - ii. any other Committee as may be required.
- (B) The composition, terms of reference and functions of the Committees of Senate are determined by the Senate and included

in the Rules.

CHAPTER 6

INSTITUTIONAL FORUM

30. Membership

The Institutional Forum as contemplated in section 31(1) of the Act, consists of:

- A. the Vice-Chancellor and Principal and Deputy Vice-Chancellors;
- B. two (2) representatives of the Council, provided that such representatives may not be employees or student members of the University;
- C. two (2) academic representatives of the Senate nominated by the Senate;
- D. three (3) academic employees nominated by the academic employees of the University;
- E. two (2) employees elected from the employees other than academic employees of the University;
- F. one (1) representative per registered union at the University nominated by each union;
- G. The Director responsible for transformation;
- H. one (1) employee nominated by sites of delivery;
- I. one (1) Member of Convocation who is not a student, employee or a Council member, in accordance with the Rules;
- J. Executive Director: Human Resources; and
- K. four (4) students nominated by the SRC of whom at least one (1) should be a postgraduate student.

31. Manner of election and term of office of representatives on the Institutional Forum

- (A) The manner of election of members of the Institutional Forum is determined by the Rules.
- (B) The term of office of members of the Institutional Forum contemplated in paragraph 30(K) is one year.
- (C) The term of office of the other members of the Institutional Forum is two years.

32. Chairperson

- (A) The members of the Institutional Forum elect from amongst themselves a Chairperson and Vice-Chairperson who each holds office for a period of one year. Such an elected chairperson cannot be the Vice-Chancellor and Principal.
- (B) During the absence of the Chairperson, or in the event of the office of chairperson becoming vacant, the Vice-Chairperson acts as Acting Chairperson until the position is filled.
- (C) A person ceases to be a Chairperson if he or she ceases to be a member of the Institutional Forum or resigns from the office of Chairperson.
- (D) The manner of election of a Chairperson is determined by the Rules.

33. Functions of the Institutional Forum

- (A) The Institutional Forum is an advisory body established in terms of section 31 of the Act and advises the Council on:
 - i. the implementation of the Act and National Policies on Higher Education;
 - ii. Race and Gender Equity policies;
 - iii. the selection of candidates for senior management positions and in the selection of such candidates;
 - iv. Codes of Conduct, Mediation and Dispute Resolution Procedures; and
 - v. the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and the

creation of an appropriate environment for teaching, research and learning.

- (B) The Institutional Forum must perform any other function referred to it by the Council.

34. Meetings of the Institutional Forum

- (A) A decision is deemed to have been taken by the Institutional Forum if, in the opinion of the Chairperson, sufficient consensus has been reached, unless the opinion of the chairperson is challenged by any voting member, in which case voting will take place; and
- (B) Any member who fails to attend three consecutive meetings of the Institutional Forum will cease to be a member unless such continuation of membership is condoned by the Institutional Forum. Where a member has tendered apologies the Committee will exercise discretion on whether or not to condone continuation of membership.

CHAPTER 7

35. Students' Representative Council (SRC)

- (A) The SRC represents all students within the University. The SRC is not a legal entity separate from the University.
- (B) The SRC functions in terms of a Constitution approved by the Council as a set of Rules, which determines the manner of election, the term of office, the functions and the privileges of the SRC.

CHAPTER 8

OFFICE BEARERS

Vice-Chancellor and Principal

36. Powers, functions and duties

- (A) The Principal is also the Vice-Chancellor.
- (B) The Principal is accountable to the Council.
- (C) The Principal is the Chairperson of the Senate, and is a member of all Committees of the Council and the Senate, and of all joint Committees of the Council and the Senate.
- (D) The Principal is responsible for the day to day management and administration of the University and has all the powers necessary to perform these functions.
- (E) The Council may delegate additional duties, powers and privileges to the Principal to enable him or her to perform his or her functions.
- (F) The Vice-Principal stands in for the Principal in the absence of the Principal and has the same powers, functions and duties as the Principal, provided that he or she does not change existing policy except with the approval of the Council.

37. Appointment of Principal

The Council appoints the Principal in accordance with the Rules, provided that the Council may change the selection procedure.

38. Discipline of Principal

The Principal is subject to the Rules relating to staff discipline.

39. Term of office of Principal

- (A) The Council determines the term of office of the Principal.
- (B) The contract between the Council and the Principal must provide for a reasonable period of notice to be given should either wish to cancel the contract.

- (C) A person may be appointed for more than one term of office.
- (D) If the office of Principal becomes vacant, the Council must proceed to appoint a successor.

40. Vice-Principal

- (A) The Council determines the powers, functions and duties of the Vice-Principal.
- (B) The Vice-Principal is further responsible for any specific managerial, administrative and supervisory functions entrusted to him or her by the Principal.
- (C) The Vice-Principal is subject to the Rules for staff discipline.
- (D) If the office of Vice-Principal becomes vacant, the Council must appoint a successor.
- (E) If the Vice-Principal is unable for any reason to exercise the powers or perform the functions and duties of his or her office, or if the office of Vice-Principal becomes vacant, the other deputy Vice-Chancellor or, if there are two or more deputy Vice-Chancellors, one of them appointed by the Executive Committee of the Council, becomes acting Vice-Principal.
- (F) An acting Vice-Principal has all the powers, functions and duties of a Vice-Principal.

41. Deputy Vice-Chancellors

- (A) The Council appoints a Deputy Vice-Chancellor in the manner determined by the Council and recorded in the Rules (provided that the Council may change the selection procedure) and after consulting the Senate and the Institutional Forum.
- (B) The Council determines the powers, functions, duties and the term of office of a Deputy Vice-Chancellor.
- (C) Each Deputy Vice-Chancellor is by virtue of his or her office a member of the Senate.
- (D) A Deputy Vice-Chancellor is subject to the Rules for staff discipline.
- (E) If a Deputy Vice-Chancellor is unable for any reason to perform the

functions of his or her office, or if his or her office becomes vacant, the Council must appoint a replacement.

- (F) If the office of Deputy Vice-Chancellor is vacant for six months or less, the Council may, on the recommendation of the Principal, appoint an acting Deputy Vice-Chancellor.
- (G) If the office of the Deputy Vice-Chancellor is vacant for more than six months, the Council must consult with the Senate before appointing an acting Deputy Vice-Chancellor.

42. Registrar or Registrars

- (A) The Council may appoint one or more persons to be a Registrar or Registrars.
- (B) The Council determines the powers, functions, duties and the term of office of a Registrar.
- (C) The Vice-Chancellor and Principal may entrust to a Registrar specific managerial, administrative and supervisory functions.
- (D) A Registrar is subject to the Rules for staff discipline.
- (E) If a Registrar is unable for any reason to perform the functions of his or her office, or if his or her office becomes vacant, the Council must appoint a replacement.

43. Executive Deans of Faculty

- (A) In every faculty there is an Executive Dean who is responsible for the management and administration of the faculty.
- (B) The Council appoints an Executive Dean of Faculty in the manner determined by the Council and recorded in the Rules (provided that the Council may change the selection procedure) and after consulting the Senate and the Institutional Forum.
- (C) In the temporary absence of an Executive Dean, the Vice-Chancellor and Principal designates another suitable person to perform the functions of the office.
- (D) An Executive Dean is subject to the Rules for staff discipline.
- (E) If the office of an Executive Dean of Faculty is vacant for more than six

months, the Council must first consult with the Senate before appointing an acting Executive Dean.

44. Executive Directors

- (A) The Council appoints an Executive Director in the manner determined by the Council and recorded in the Rules (provided that the Council may change the selection procedure) and after consulting the Institutional Forum.
- (B) The Council determines the powers, functions, duties and the term of office of an Executive Director.
- (C) An Executive Director is subject to the Rules for staff discipline.
- (D) If an Executive Director is unable for any reason to perform the functions of his or her office, or if his or her office becomes vacant, the Council will appoint a replacement.
- (E) If the office of an Executive Director is vacant, the Council may, on the recommendation of the Principal, appoint an Acting Executive Director.

45. Deans

- (A) The Council appoints a Dean in the manner determined by the Council and recorded in the Rules (provided that the Council may change the selection procedure) and after consulting the Institutional Forum.
- (B) The Council determines the powers, functions, duties and the term of office of a Dean.
- (C) A Dean is subject to the Rules for staff discipline.
- (D) If a Dean is unable for any reason to perform the functions of his or her office, or if his or her office becomes vacant, the Council will appoint a replacement.
- (E) If the office of a Dean is vacant, the Council may, on the recommendation of the Principal, appoint a Dean.

CHAPTER 9

CONVOCATION

46. Members of the Convocation

The Convocation consists of:

- a) the graduates and all holders of diplomas and certificates of the University;
- b) the Vice-Chancellor and Principal, Deputy Vice-Chancellors and the full-time academic staff of the University; and
- c) former full-time academic staff of the University who have left the service of the University on account of their having reached the retirement age if they are not members of the Convocation in terms of sub-paragraph (a).

47. Functions of the Convocation

The Convocation may discuss and state its opinion on any matter relating to the University, including matters which may be referred to it by the Council.

48. Roll of the Convocation

- (A) The Registrar keeps the roll of the Convocation.
- (B) Every member of the Convocation must notify the Registrar of his or her address and of any change of address.

49. President of the Convocation

- (A) The President of the Convocation, who must be elected by the Convocation from amongst its own members, holds office for two years.
- (B) The President of the Convocation may not be a full-time employee of the University.
- (C) The President must be elected at a Meeting of the Convocation by secret ballot and by a majority of the members present.

- (D) The Vice-Chancellor and Principal must act for the duration of the election of a President as Acting President.
- (E) Should the President for any reason vacate his or her office prior to the expiry of his or her term of office, the Convocation must elect a successor in accordance with the provisions of sub-paragraph (3).

50. Meetings of the Convocation

- (A) There must be an annual general meeting of the Convocation.
- (B) Special general meetings of the Convocation:
 - i. may be called by the president at his or her own instance; or
 - ii. must be called by the president, or in his or her absence by the Registrar, when a written request for a special meeting, stating the object of the meeting, is received by the President, or the Registrar, signed by at least 15 members of the Convocation.
- (C) The Registrar must give notice in a form to be decided by the President of the date, time and place of the annual general meeting of the Convocation to each member of the Convocation at least 10 weeks before the date of the meeting and must include in this notice:
 - i. the date by which notice of the motion/s to be considered at the meeting must be received by him or her; and
 - ii. details as to when and how the agenda for the meeting is to be published in a form and the manner of publication to be decided by the President, or failing that, by the Vice-Chancellor and Principal.
- (D) The Registrar must give notice of the date, time and place of any special general meeting at least five days before the date of the meeting in a form and manner decided by the President, or failing that by the Vice-Chancellor and Principal; this must include:
 - i. a prominent notice in at least one Gauteng daily newspaper; and
 - ii. a notice on the University's home page on the World Wide

Web.

51. Executive Committee of the Convocation

- (A) The Executive Committee of the Convocation supports the realisation of the functions of the Convocation and ensures the furtherance of the aims and objectives thereof.
- (B) The Executive Committee of Convocation consists of:
 - i. The President of the Convocation, who serves as Chairperson;
 - ii. the Deputy President of the Convocation;
 - iii. the Deputy Vice-Chancellor dealing with external relations and partnerships;
 - iv. one full-time academic staff member designated by the Convocation; and
 - v. one member elected by the Convocation from amongst its members.
- (C) The Registrar serves as secretary of the Executive Committee of the Convocation.
- (D) The Executive Committee of the Convocation shall hold meetings at least twice a year.

CHAPTER 10

EMPLOYEES

52. Appointment of employees

Subject to section 34 of the Act, the Council and its delegates appoint employees in accordance with the staffing policy of the University.

CHAPTER 11

STUDENTS

53. Admission and registration

- (A) The requirements for admission of a student to a particular academic programme are set out in the Admissions Policy of the University.
- (B) A person is registered as a student of the University only if he or she meets the admission requirements contemplated in sub-paragraph (A).
- (C) A student is registered for one year or for such shorter period as may be determined by the Council in general or in a particular case.
- (D) During the period contemplated in sub-paragraph (C), a student is subject to the Rules applicable to his or her study and such other conditions as determined by the Council and set out in the Rules.

54. Student discipline

- (A) The disciplinary procedures applicable to students are determined by the Council after consultation with the Students' Representative Council (SRC) and the Senate, and set out in the applicable Rules of the University.
- (B) Each of the disciplinary bodies, as determined by the Rules of the University, submit an Annual Report to the Council, listing the offences and the penalties imposed by it.

CHAPTER 12

55. Academic Functions of the University

- (A) Subject to section 32(2)(b) of the Act, the academic functions of the University, including the studies, instruction and examination/assessment of students and research, are to be determined by the Council with the concurrence of the Senate.
- (B) The provisions as contemplated in sub-paragraph (A) are contained in the Rules of the University and published in the prospectus.

CHAPTER 13

56. Conferment of Qualifications

- (A) Subject to section 7 of the Act, the University may confer the degrees, diplomas and certificates as approved by the Council.
- (B) The degrees, diplomas and certificates contemplated in sub-paragraph (1) are contained in the Rules of the University and published in the prospectus of the University.
- (C) A meeting of the University, referred to as the congregation, is held at least once a year for the purposes of conferring degrees, awarding diplomas and certificates, provided that different congregations may be held at different times and places if deemed necessary.
- (D) A qualification contemplated in sub-paragraph (C) may only be conferred if the Vice-Chancellor and Principal and Registrar certify that all the prescribed requirements of the qualification have been met.
- (E) A congregation is presided over by the Chancellor or, in his or her absence, the Vice-Chancellor and Principal, or if both are absent, by the Deputy Vice-Chancellor designated by the Vice-Chancellor and

Principal.

- (F) The Vice-Chancellor and Principal, after consultation with the Executive Management Committee, determines:
- i. the number of congregations to be held during the year concerned;
 - ii. the times and places of such congregations; and
 - iii. at which congregations the relevant qualifications are to be conferred or awarded.
- (G) The Registrar, after consultation with the Executive Committee of the Senate and the relevant administrative departments, determines the policies and procedures applicable to a congregation.

CHAPTER 14

57. Conferment of honorary degrees and honorary professorship

- (A) Subject to sub-paragraph (B), the University may confer an honorary degree of doctor or title of professor to a person who satisfies one or more of the following criteria:
- i. having made a substantial contribution or a series of contributions to any branch of learning or technology; or
 - ii. having rendered service of excellence in the interest of the community in the fields including but not limited to, statesmanship, culture, society, politics, education, economics and arts.
- (B) A person's record should be of such a nature that the conferring of honorary doctorate or professorship would bring credit to the University and would not be at variance with the University's vision, mission or value statement.
- (C) The criteria and procedures for conferring an honorary doctorate and professorship are contained in the Rules of the University.

CHAPTER 15

GENERAL PROVISIONS

58. Transitional provisions

- (A) An act performed under any provision of the Vaal Triangle Technikon Statute (as repealed in paragraph 61), before this Statute came into operation, is deemed to have been done under the corresponding provision of this Statute.
- (B) Persons holding office in terms of the Vaal Triangle Technikon Statute (as repealed in paragraph 61) and the Rules which existed prior to the commencement of this Statute are deemed to hold office under the corresponding provisions of this Statute, unless this is inconsistent with this Statute.
- (C) Notwithstanding sub-paragraph (A), anybody of the University which existed immediately prior to the publication of this Statute continues to exist and function in terms of this Statute until the day prior to the day when each new structure, reconstituted in terms of this Statute, becomes functional.
- (D) Subject to sub-paragraph (B), the existing Rules which are in force prior to the commencement of this Statute continue to apply until replaced.
- (E) The terms of office of all members of the Council, other than *ex officio* members, who hold office at the date of publication of this Statute are deemed to come to an end on the date of the second meeting of the Council after the date of promulgation of the Statute.
- (F) The Registrar must cause elections to be held, and invite the appointing authorities to make appointments, in order that the new Council constituted in terms of the new provisions takes office on a day following the date contemplated in sub-paragraph (E) above.

59. Repeal of previous Statutes

The Statute applicable to the Vaal Triangle Technikon published by the *Government Gazette* No. 19789, Notice No. 249 of 20 February 1999, is hereby repealed with effect from the date on which this Statute comes into operation.

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