GOVERNMENT NOTICE

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

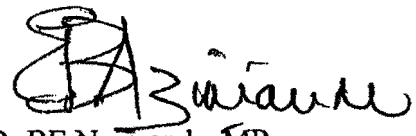
No. 43 **20 January 2012**

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)

INSTITUTIONAL STATUTE

DURBAN 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 Durban University of Technology set out in the Schedule hereto.



Dr BE Nzimande, MP
Minister of Higher Education and Training

STATUTE OF
DURBAN UNIVERSITY OF TECHNOLOGY

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REVISED STATUTE OF DURBAN UNIVERSITY OF TECHNOLOGY

DEFINITIONS AND INTERPRETATION

1. Definitions and Interpretation

In this Statute

(1) 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:

"academic staff" means any person appointed by **council** to a position to undertake teaching, research or academic development and any other person appointed to a position designated as such by **council**;
"calendar year" means a period extending from the first day of January to the last day of the following December;
"certificate" means a qualification of **the Institution** awarded to a **student** on completion of the work prescribed for the certificate by **senate**;
"chancellor" means the person contemplated in paragraphs 4 to 6 of the Statute;
"Companies Act" means the current Companies Act of the Republic of South Africa and any amendments thereof;
"convocation" means convocation contemplated in paragraphs 33 to 39;
"council" means council contemplated in paragraphs 7 to 17;
"degree" means a qualification of **the Institution** conferred upon a **student** on completion of the work prescribed for the degree by **senate**;
"deputy vice-chancellor" means a person appointed in terms of paragraphs 48 and 50;
"diploma" means a qualification of **the Institution** awarded to a **student** on completion of the work prescribed for the diploma by **senate**;
"examination" means any form of assessment, including any written, oral, practical or clinical test where the result obtained contributes to the summative judgment of competence;
"faculty board" means a faculty board as contemplated in paragraph 26;
"institutional forum" means the institutional forum contemplated in paragraphs 27 to 32;
"Minister" means the minister responsible for higher education as appointed by the President of the Republic of South Africa;
"postgraduate qualification" means a Master's or Doctor's Degree in Technology, or equivalent as determined by **council**;
"postgraduate student", for the purposes of appointments to **council**, **senate** and the **institutional forum**, means a person registered as a **student** for a **postgraduate qualification** of **the Institution**;
"predecessor institutions" means the institutions that formed the Durban University of Technology;

"professional and administrative staff" means the staff appointed at **the Institution** who are not **academic, support** or **service staff**;

"property" means any asset, immovable property, movable property, intellectual property, registered trademark, patent, brand, investment, stock, bond, security or financial resource of **the Institution**.

"rules" means any rules to give effect to this Statute made by **council** in terms of section 32 of **the Act**;

"seat of the Institution" means the seat contemplated in paragraph 2 of this Statute and in section 65A of **the Act**;

"senate" means senate contemplated in paragraphs 18 to 25;

"senior academic staff" means all appointments to academic ranks above that of senior lecturer;

"senior management" means the **vice-chancellor**, **deputy vice-chancellor**s, and such other positions as determined by the **rules**;

"SRC" means the students' representative council contemplated in paragraphs 40 to 44;

"staff" means any person appointed to a position at **the Institution**, whether part-time or full-time, permanent, temporary or contract, remunerated or honorary;

"student" means a person currently registered at **the Institution** for a programme of study leading to a **degree**, **diploma** or **certificate**;

"support and service staff" means the staff appointed at **the Institution** who are not **academic**, **professional** or **administrative staff**;

"the Act" means the Higher Education Act, 1997 (Act 101 of 1997) as amended;

"the Institution" means the Durban University of Technology, a university of technology as contemplated in paragraphs 2 and 3;

"trade union" means an association of employees registered in terms of the Labour Relations Act and recognised by **council**;

"vice-chancellor" means the vice-chancellor contemplated in paragraphs 45 to 47 of this Statute and in section 30 of **the Act**; and

(2) the following rules of interpretation apply to this Statute:

(a) Any reference to the singular includes the plural and vice versa;

(b) Any reference to natural persons includes legal persons and vice versa;

(c) Any reference to gender includes the other genders;

(d) The clause headings in this Statute have been inserted for convenience only and shall not be taken into account in its interpretation;

(e) Words and expressions defined in any sub-section shall, for the purpose of the section of which that sub-section forms part, bear the meaning assigned to such words and expressions in that sub-section;

(f) If any provision in a definition is a substantive provision conferring rights or imposing obligations on any party, effect shall be given to it as if it were a substantive clause in the body of this Statute, notwithstanding that it is only contained in the definitions clause;

(g) If any period is referred to in this Statute by way of reference to a number of days, the days shall be reckoned as business days exclusive of the first and inclusive of the last day unless the last day falls on a day which is not a business day, in which case the day shall be the next succeeding business day;
(h) Any reference to an enactment is to that enactment as at the date of adoption of this Statute and as amended or re-enacted from time to time;
(i) When figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail;
(j) A reference to a person includes such person's permitted successors, assignees, transferees or substitutes; and
(k) Any reference to a document is a reference to that document as amended, novated, ceded or supplemented.

THE INSTITUTION

2. Name, status and physical location of the Institution

(1) The name of **the Institution** is the Durban University of Technology.
(2) The seat of **the Institution** is at 79 Steve Biko Road, Berea, Durban, 4001. Subject to the provisions of **the Act**, the University may carry out its functions beyond its seat on the campuses under its control.
(3) **The Institution** is a juristic person and, subject to **the Act** is capable of performing such acts as juristic persons may perform.
(4) Notwithstanding subparagraph (3) **the Institution** may not, without the concurrence of the **Minister**, dispose of or alienate in any manner, any immovable property or grant any real right therein or servitude thereto.

3. Constitution of the Institution

(1) **The Institution** consists of -
(a) the **chancellor**;
(b) **council**;
(c) **senate**;
(d) the **vice-chancellor**;
(e) the **deputy vice-chancellors**;
(f) the registrar;
(g) the **SRC**;
(h) the **institutional forum**;
(i) the faculties, the departments and such other academic structures of **the Institution** as may be determined by **council**;
(j) other **staff**;
(k) **students**;
(l) **convocation**; and
(m) such other offices, bodies or structures as may be established by **council**.

(2) No vacancies in any of the offices contemplated in subparagraph(1) or any vacancy or deficiency in the numbers or defect in the composition of the bodies contemplated in subparagraph (1) impairs or affects the existence of **the Institution** as a juristic person or any function or powers conferred upon the body or **the Institution** by this Statute or by **the Act**.

CHANCELLOR

4. Functions of the chancellor

(1) The **chancellor** is the titular head of **the Institution**.

(2) The **chancellor**, or in his or her absence, the person appointed to act on behalf of the **chancellor** in terms of paragraph 6(2), presides at all congregations of **the Institution** and, in the name of **the Institution**, confers all **degrees** and awards all **diplomas** and certificates.

5. Election of the chancellor

(1) The **chancellor** is elected by an electoral college.

(2) The composition of the electoral college is determined by the **rules**.

(3) The secretary to the electoral college must constitute the electoral college at least three months before the start of the term of office or whenever the office is vacant.

(4) The procedure for nominating candidates for election as **chancellor** and electing the **chancellor** are determined by the **rules**.

(5) A person is not eligible for nomination for election as chancellor or to hold or continue to hold office as chancellor if such person:

(a) holds a political office at provincial or national level; or

(b) is disqualified from being appointed or acting as a director of a company in terms of the Companies Act.

6. Term of office of the chancellor

(1) The chancellor holds office for 5 (five) years, or until he or she resigns, or dies, or is incapacitated, or until he or she ceases to qualify to hold office in terms of paragraph 5(5), or is disqualified in terms of the **rules**.

(2) If the **chancellor** is absent, or if the office is vacant, the **vice-chancellor**, or in his or her absence the acting **vice-chancellor** or a **deputy vice-chancellor** nominated by him or her, or failing them, such-other person as **council** may designate for the purpose, acts for the chancellor.

(3) Should a vacancy occur for whatever reason, the chancellor next elected holds office for 5 (five) years, or until he or she resigns, or dies, or is incapacitated, or until he or she ceases to qualify to hold office in terms of paragraph 5(5), or is disqualified in terms of the **rules**.

(4) The **chancellor** may be re-elected to one further 5 (five) year term of office.

COUNCIL

7. **Powers and functions of council**

(1) **Council** governs **the Institution** in terms of **the Act** and this Statute.

(2) Without derogating from the generality of subparagraph(1), **council** -

(a) is the custodian of all property of **the Institution**;

(b) appoints all staff of **the Institution**, but in the case of:

(i) **senior academic staff** it may do so only on the recommendation of **senate**; and

(ii) **senior management** it may do so only after considering advice from **senate** and **the institutional forum**;

(c) must, subject to the policy determined by the **Minister**, with the concurrence of **senate**, determine the language policy of **the Institution**;

(d) must, after consultation with the **SRC**, establish a structure to advise on the policy for **student** support services within **the Institution**;

(e) must consider and approve the admissions and readmissions policy of **the Institution** as recommended by **senate**;

(f) must consult the **institutional forum** as required by **the Act**;

(g) may make, rescind or amend a statute and **rules** for **the Institution** in terms of **the Act**;

(h) may establish committees of **council**, determine the composition and functions of such committees, and terminate the membership of any person it has appointed to such committee;

(i) establishes, in consultation with **senate**, joint committees of **council** and **senate** to perform functions which are common to **council** and **senate**; and

(j) may establish foundations and/or trusts and/or any other vehicles to advance the interests of **the Institution**.

(3) **Council** may delegate or assign any of its powers and functions to -

(a) a committee of **council**;

(b) a member of **council**; or

(c) any staff member of **the Institution**;

except those powers and functions specified in paragraph (5).

(4) **Council** remains accountable for the exercise and performance of any function delegated or assigned in terms of subparagraph (3).

(5) **Council** may not delegate or assign any of the following powers and functions -

(a) the final decision on the appointment of the **vice-chancellor** or any **deputy vice-chancellor**;

(b) the approval of the annual operating and capital expenditure budgets;

(c) the adoption of the annual financial statements and annual report;

(d) the determination of academic and residence fees to be paid by **students**;

(e) the making or approval of the statute and **rules**;

(f) the approval of conditions of service, the disciplinary provisions and the privileges and functions of staff;
(g) the determination, on the recommendation of **senate**, of academic structures and the functions of each structure, in order to ensure efficient governance;
(h) the approval of a loan, overdraft or acquisition and disposal of investments subject, where appropriate, to Ministerial approval; and
(i) the decision to embark on the construction of a permanent building or other immovable infrastructural development, the acquisition and disposal of immovable property, or entering into a long-term lease of immovable property subject, where appropriate, to Ministerial approval.

8. Composition of council

(1) **Council** consists of not more than 30 members, made up of -
(a) the **vice-chancellor**;
(b) a maximum of two **deputy vice-chancellors**, designated by the **vice-chancellor**;
(c) two members of **senate** elected by **senate**;
(d) one member of the permanent **academic staff** elected by these staff;
(e) one member of the permanent **professional and administrative staff**, elected by these staff;
(f) one member of the permanent **support and service staff** elected by these staff;
(g) two **SRC** members one of whom must be the **SRC** president;
(h) one member of the **institutional forum** elected by the **institutional forum**;
(i) five persons appointed by the **Minister**;
(j) one person appointed by the eThekwini Municipality;
(k) three persons elected by **convocation**;
(l) one person appointed by the M L Sultan Charitable and Educational Trust;
(m) nine persons appointed by **council**.

(2) At least 60 per cent of the voting members of **council** must be persons who are not staff or students of **the Institution**.

(3) No **staff** and no **student** may be elected or hold an appointment under subparagraphs (1)(i) to (m).

(4) A person elected, appointed or co-opted under subparagraphs (1)(i) to (m) who becomes a **student** or a staff member, forthwith ceases to be a member of **council**.

(5) The **vice-chancellor**, with the approval of the chairperson of **council**, or the chairperson of **council** may invite any person to attend any meeting of **council** in an advisory capacity or as an observer and such person does not have any voting rights.

9. Election of members of council

(1) The procedure for the election or appointment of members of **council** in paragraphs 8(1)(g), (h), (i), (j), (k), and (l) respectively, is determined by the bodies concerned.

(2) The procedure for the election of members of **council** in paragraphs 8(1)(c), (d), (e), (f), and (m) respectively is determined by the **rules**.

(3) A person is not eligible for nomination for election as a council member if such person is disqualified from being appointed, or acting, as a director of a company in terms of the Companies Act.

10. Term of office of council members

(1) The **vice-chancellor** remains a member of **council** for as long as he or she occupies the post.

(2) The term of office of the **deputy vice-chancellors** is for such periods as the **vice-chancellor** determines.

(3) The term of office of the **SRC** members is one **calendar year**, provided that when anyone of them ceases to be a **SRC** member, he or she shall forthwith cease to be a member of **council**.

(4) At the first meeting of a newly constituted **council** the term of office of twelve of the remaining twenty five members shall be determined to be three years and the term of office of the thirteen remaining members shall be determined to be four years. At the end of the three year period of membership of the aforesaid twelve members, or sooner should any of these positions become vacant for whatever reason, the period of membership of any person elected or re-elected to such position shall be four years.

(5) The determination process referred to in subparagraph (4) above shall be by lot.

(6) Subject to subparagraphs (1), (2), (3) and (4) above the term of office of all **council** members is four years.

(7) The appointment or election of a person as a member of **council** supercedes any subsequent elected office bearer position on **council** or any **council** committee.

(8) A member may serve more than one term of office as a **council** member.

11. Termination of membership and filling of vacancies

(1) A position on **council** becomes vacant if -

(a) a member resigns in writing;

(b) a member dies;

(c) the **Minister**, or entity who appointed or elected the member to **council** terminates the membership in writing, at any time before the expiry of the member's term of office;

(d) a member is absent from three consecutive ordinary meetings of **council** without a prior apology;

(e) a member is disqualified from being appointed or acting as a director of a company in terms of the **Companies Act**.

(f) a member's membership is terminated by **council** in terms of the **rules** and/or the code of conduct.

(2) In the event of a vacancy the secretary to **council** shall request the relevant authority or body to appoint or elect a new member.

(3) **Council** may suspend a member's membership or take disciplinary action against a member in terms of the **rules** and the code of conduct.

(4) If 75% (seventy five per cent) or more of the members of **council** resign at a meeting of **council**, it is deemed that **council** has resigned.
(5) If **council** resigns as contemplated in subparagraph (4), a new **council** must be constituted in terms of paragraphs 8, 9 and 10.
(6) The process referred to in subparagraph (5) shall be administered by the registrar in accordance with the **rules**.

12. Chairperson and vice-chairperson of council and secretary to council.

(1) **Council** must elect a chairperson and a vice-chairperson from among the members of **council** who are neither **staff** nor **student**s.
(2) The term of office of the chairperson and of the vice-chairperson is two years, unless terminated earlier as determined by the **rules**.
(3) The chairperson presides at all meetings of **council** at which he or she is present.
(4) In the absence of the chairperson the vice-chairperson presides.
(5) If both the chairperson and the vice-chairperson are absent, **council** elects a chairperson for the meeting concerned from those members present who are neither **staff** nor **student**s.
(6) The secretary to **council** shall be the registrar.
(7) The secretary to **council** must invite **council** to elect a chairperson and vice-chairperson at the first meeting of a newly constituted **council** or to fill the vacancy for the unexpired period of the term of office whenever a vacancy arises.
(8) When the term of office of the chairperson and/or vice-chairperson is due to expire the process for election shall be completed at **council** meeting immediately preceding the end of the relevant term of office in a manner determined by the **rules**. The outcome of the election will come into effect on conclusion of the meeting.
(9) When a vacancy arises for any reason other than subparagraph (8) the vacancy will be filled at the first **council** meeting thereafter in a manner determined by the **rules**. The outcome of the election will come into effect on conclusion of the election.
(10) When the term of office of the chairperson and/or vice-chairperson expires he or she is eligible for re-election if he or she is still a member of **council**.

13. Ordinary meetings

(1) The ordinary meetings of **council** must be held when and where **council** decides, and at least four ordinary meetings must be held each **calendar year**.
(2) The secretary to **council** must issue a written notice to each member of **council** at least seven days before each ordinary meeting of **council** setting out the place, date and time of the meeting, and the agenda for the meeting, but **council** may, if the chairperson so **rules** or, if such a ruling has not been made, a majority of the voting members present agree, consider any urgent matter of which notice was not given.
(3) At each ordinary meeting **council** must -

(a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members prior to the meeting; and
(b) deal with the business of which notice has been given and any other urgent matter agreed to in terms of subparagraph (2).

14. Special meetings

(1) Special meetings must be held –
(a) when called by the chairperson or, in his or her absence, by the vice-chairperson; or
(b) when a written request, for a special meeting, stating the object of the meeting, is received by the secretary to **council** from at least five members of **council** of whom at least three must be members who are not **staff** or **students**.
(2) At least three days' notice must be given of a special meeting, unless, in the opinion of the chairperson or in his or her absence the vice-chairperson, there is an emergency that warrants a shorter period of notice.
(3) No matters other than those for which the meeting has been called may be dealt with at a special meeting.

15. Quorum and procedure at council meetings

(1) The quorum as determined at the start of a meeting of **council** is half of the total membership of **council** of which at least 60% (sixty per cent) of those present at the start of a meeting must be external **council** members.
(2) Once the quorum requirement has been met, a meeting will continue regardless of whether attendance falls below the quorum thereafter, unless the chairperson of **council** deems it inappropriate to continue with the meeting.
(3) **Council** members must participate in the deliberations of **council** in the best interests of **the Institution**, and in accordance with the rules of debate as approved by **council** and contained in the **rules**.

16. Financial and other interests of council members

(1) Any member of **council** or a committee of **council** who has a direct or indirect financial or personal interest in any matter to be discussed at a meeting must, before or during such meeting, declare such interest, and comply with such other **rules** and policies as **council** may adopt.
(2) After such declaration such member of **council** or a committee of **council** must excuse himself or herself from the meeting and any subsequent meeting at which the matter is to be discussed, and is not entitled to receive papers relating to the matter.
(3) A member of **council** cannot enter into any commercial transaction with **the Institution**.

17. Committees of council

(1) **Council** may establish committees to perform any of its functions but must establish -

(a) an executive committee;
(b) an audit committee;
(c) a finance committee; and
(d) a human resources committee.

(2) The composition, manner of election, functions, procedure at meetings and dissolution of a **council** committee are determined by the **rules**.

(3) Notwithstanding subparagraph (2) -
(a) at least 60% (sixty per cent) of the members of a committee contemplated in subparagraph (1) must be members of **council** who are neither **staff** nor **students**;
(b) the chairperson of a committee contemplated in subparagraph (1) may not be **staff** or a **student**; and
(c) the quorum as determined at the start of a meeting of a committee contemplated in subparagraph (1) is half of the total membership of the committee of which at least 60% (sixty per cent) of the members present at the start of a meeting must be persons who are neither **staff** nor **students**.

(4) A committee contemplated in subparagraph (1) may co-opt functionaries and/or experts onto such committee as non voting members to advise the committee on the matters before it.

(5) Notwithstanding subparagraph (4) **council** may appoint persons who are not **council** members to serve as voting members of a committee, where, in the opinion of **council**, **council** does not have among its ranks specialist skills required by a committee.

(6) **Council** may, in consultation with **senate**, or the **institutional forum**, establish such joint committees of **council** and **senate** and/or the **institutional forum** as may be necessary for the performance of particular tasks.

SENATE

18. Powers and functions of senate

(1) **Senate** is accountable to **council** for the academic and research functions of **the Institution** including quality assurance and must perform such other functions as may be delegated or assigned to it by **council**.

(2) Without derogating from the generality of subparagraph (1) **senate** -
(a) must organise and control the instruction, curricula, syllabuses, **student** assessments, examinations and research of **the Institution**;
(b) makes the **rules** for **student** assessments and examinations and must ensure that all assessments and **examinations** are conducted in accordance with these **rules**;
(c) makes **rules** prescribing the requirements for each **degree**, **diploma** and **certificate**;
(d) appoints assessors, examiners, supervisors and promoters for all **student** assessments, examinations, dissertations and theses;
(e) recommends to **council** -
(i) the appointment of **senior academic** staff;

(ii) the language policy of **the Institution**;
(iii) the faculty to which each academic department, school or other academic structure belongs;
(iv) the awards of professorships and associate professorships;
(v) the awards of honorary degrees; and
(vi) any matters affecting **the Institution** that **senate** considers necessary.

(f) advises **council** on -
(i) the appointment of **senior management**;
(ii) the admissions and re-admissions policy of **the Institution**;
(iii) disciplinary measures and **rules** concerning students; and
(iv) the establishment and disestablishment of faculties, academic departments, schools and other academic structure.

(3) **Senate** -
(a) must carry out such other functions as **council** assigns to it;
(b) must submit to **council** such reports on its work as may be required by **council**; and
(c) makes recommendations to **council** on matters referred to it by **council** and on any other matter affecting **the Institution** as **senate** considers necessary.

(4) **Senate** may by resolution -
(a) establish committees of **senate**;
(b) appoint to any such committee both members of **senate** and persons who are not members of **senate**;
(c) disestablish any committee it has established; and
(d) terminate the membership of a committee of any person it has appointed to any committee.

(5) **Senate** may delegate or assign any of its functions to -
(a) a committee of **senate**;
(b) a member of **senate**; or
(c) any officer of **the Institution**,
provided that it may not delegate or assign a function delegated to it by **council** without **council**'s agreement.

(6) **Senate** remains responsible for the performance of any function delegated or assigned in terms of subparagraph (5).

19. Composition of senate

(1) **Senate** consists of -
(a) the **vice-chancellor**;
(b) the **deputy vice-chancellors**;
(c) the executive deans of faculties;
(d) the deputy deans of faculties;
(e) the heads of academic departments or schools where appointed;
(f) all **staff** as stipulated in the **rules**;
(g) **senior academic staff**;

(h) one **academic staff** member from each recognised **trade union** appointed by such recognised **trade union**;
(i) three **student**s appointed by the **SRC** at least one of whom must be a **postgraduate student**, and at least one of whom must be a member of the **SRC**;
(j) two members of **council** elected by **council** who are neither staff nor **student**s;
(k) such persons as co-opted by **senate** who shall be voting members; and
(l) such persons as invited by **senate** who shall be non-voting members.

(2) The majority of members of **senate** must be **academic staff** of **the Institution**.

20. Election of members of senate

The procedure for the election of members of **senate** in paragraphs 19(h), (i) and (j) respectively, is determined by the bodies concerned.

21. Term of office of senate members

(1) The term of office of the **student**s elected by the **SRC** is one **calendar year** provided that when anyone of them ceases to be a registered **student** at **the Institution**, they forthwith cease to be a member of **senate**.
(2) The terms of office of the elected members of **senate** must be determined by the respective electing bodies.

22. Office-bearers of senate

(1) The **vice-chancellor** is the chairperson of **senate**.
(2) In the absence of the **vice-chancellor** the acting **vice-chancellor** presides, failing the acting **vice-chancellor**, the **deputy vice-chancellor** (academic), failing the **deputy vice-chancellor** (academic), the meeting elects a chairperson for the meeting.
(3) The registrar is the secretary to **senate**.

23. Ordinary meetings

(1) Ordinary meetings must be held when and where **senate** decides and at least four ordinary meetings must be held each **calendar year**.
(2) The secretary to **senate** must issue a notice to each member of **senate** at least five days before the date of each ordinary meeting of **senate**, setting out the place, date and time of the meeting, and the agenda for the meeting, but **senate** may if the chairperson so **rules** or, if such a ruling has not been made, a majority of the voting members present agree, consider any urgent matter of which notice has not been given.
(3) At each ordinary meeting **senate** must -
(a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members at least five days prior to the meeting;
(b) deal with the business of which notice has been given and any other urgent matter agreed to in terms of paragraph 23(2); and
(c) deal with motions placed on the agenda as determined by the **rules**.

24. Special meetings

(1) Special meetings must be held -

(a) when called by the chairperson or the acting chairperson; or

(b) when a written request for a special meeting, stating the object of the meeting, is received by the secretary to **senate** from at least 30 members of **senate**.

(2) At least three day's notice must be given of a special meeting, unless, in the opinion of the chairperson there is an emergency that warrants a shorter period of notice.

(3) No matters other than those for which the meeting has been called may be dealt with at a special meeting, except that **senate** may by a majority of the voting members present agree to consider any urgent matter of which notice has not been given.

25. Quorum and procedure at senate meetings

(1) The quorum at any meeting of **senate** is half the total membership of **senate** plus one of the members of **senate**.

(2) Once the quorum requirement has been met, a meeting will continue regardless of whether attendance falls below the quorum thereafter, unless the chairperson of **senate** deems it inappropriate to continue with the meeting.

(3) **Senate** members must participate in the deliberations of **senate** in the best interests of **the Institution**, and in accordance with the rules of debate as approved by **senate** and contained in the **rules**.

FACULTY BOARD

26. Powers and functions of faculty board

(1) A **faculty board** is appointed by **senate** for each faculty of **the Institution** to regulate the activities of each faculty.

(2) The composition of each **faculty board** is as approved by **senate** and shall be stipulated in the constitution of each **faculty board**.

(3) The executive dean of a faculty is the chairperson of his or her **faculty board** and presides at all meetings of that **faculty board** at which he or she is present.

(4) In the absence of the executive dean, the acting dean presides and in the absence of the acting dean the deputy dean presides and in the absence of all three a **faculty board** must elect a member to preside at that meeting.

(5) A **faculty board** -

(a) is responsible to **senate** for organizing and controlling the instruction, curricula, syllabi, **student** assessments, examinations and research of the faculty;

(b) must make proposals to **senate** for rules prescribing the requirements for each **degree**, **diploma** and **certificate** offered in the faculty, including the requirements for admission and readmission;

(c) must advise the executive dean of the faculty on the policy for resource allocation in the faculty;

(d) must carry out such functions as **senate** delegates or assigns to it;

(e) is accountable to **senate** for its work; and

(f) may by resolution establish committees of a **faculty board**, and may appoint as members of such committees any persons whether they are members of a **faculty board** or not. The compositions and functions of the committees are determined by a **faculty board**.

(6) The quorum and procedure at meetings of a **faculty board** are as approved from time to time by **senate** on the recommendation of a **faculty board**, but the quorum may not be less than one third of the total membership of a **faculty board**.

(7) A **faculty board** determines its own rules and procedures subject to the following -

(a) ordinary meetings of a **faculty board**, must be held when and where the executive dean decides, and at least four ordinary meetings must be held each **calendar year**; and

(b) special meetings must be held -

(i) when called by the executive dean; or

(ii) when a written request for a special meeting, stating the object of the meeting, is received by the executive dean from at least 10 members of a **faculty board**.

INSTITUTIONAL FORUM

27. Functions of the institutional forum

(1) **The institutional forum** advises **council** on issues affecting **the Institution**.

(2) Issues referred to in subparagraph (1) must include -

(a) the implementation of **the Act** and the national policy on higher education;

(b) race and gender equity policies;

(c) the selection of candidates for **senior management** positions;

(d) codes of conduct, mediation and dispute resolution procedures; and

(e) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for instruction, research and learning.

(3) In the event of **council** not accepting the advice of the **institutional forum**, reasons must be furnished.

(4) The **institutional forum** also performs such functions as determined by **council**.

28. Composition of the institutional forum

The **institutional forum** consists of -

(a) two members of **council** who are not employees or **students** of **the Institution**;

(b) two members from management appointed by the **vice-chancellor**;

(c) two members of **senate** elected by **senate**;

(d) two members of the permanent **academic staff** elected by the **academic staff**;

(e) two members of the permanent **professional, administrative, support and service staff** elected by these **staff**;

(f) two members of each **trade union** elected respectively by these organizations;
(g) four **students** appointed by the **SRC** at least one of whom must be a **postgraduate student** and at least one of whom must be a member of the **SRC**;
(h) two members of **convocation**, elected by **convocation**;
(i) one member of the gender forum, elected by the gender forum; and
(j) such members as may be co-opted by the **institutional forum**.

29. Election of members of the institutional forum

(1) The procedure for the election or co-option of members of the **institutional forum** in paragraphs 28(a), (c), (f), (g), (h), (i) and (j) respectively, is determined by the bodies concerned.
(2) The procedure for the election of members of the **institutional forum** in paragraphs 28 (d), and (e) is determined by the **rules**.

30. Term of office of members of the institutional forum

(1) The term of office of the members elected by the **SRC** is one **calendar year**.
(2) The term of office of the members elected by each **trade union**, the **academic staff**, and **professional, administrative, support and service staff** is three years.
(3) The term of office of the members appointed by the **vice-chancellor** is for such periods as the **vice-chancellor** determines.
(4) The term of office of the other members is three years.
(5) In the event of a vacancy occurring the secretary to the **institutional forum** shall request the relevant authority or body to appoint or elect a member.

31. Office-bearers of the institutional forum

The **institutional forum** elects from among its members a chairperson, a deputy chairperson and a secretary.

32. Quorum and procedure at meetings of the institutional forum

(1) The quorum at any meeting of the **institutional forum** is half the total membership of the **institutional forum** plus one of the members of the **institutional forum**.
(2) The **institutional forum** determines its own rules and procedures subject to the following -
  (a) ordinary meetings must be held when and where the **institutional forum** decides, and at least four ordinary meetings must be held each **calendar year**;
  (b) special meetings must be held -
    (i) when called by a chairperson; or
    (ii) when a written request for a special meeting, stating the objective of the meeting, is received by the secretary of the **institutional forum** from at least six members of the **institutional forum**.

CONVOCATION

33. Powers and functions of convocation

(1) **Convocation** shall be governed by a constitution which must be approved by **council**.

(2) **Convocation** -

(a) discusses and/or expresses its opinion upon any matter relating to **the Institution**, including any matter referred to it by **council**, **senate** or the **institutional forum**; and

(b) advances the interests of **the Institution** and its members.

34. Composition of convocation

Convocation comprises -

(1) the recipients of **certificates**, **diplomas** and **degrees** formally conferred by **the Institution** and its **predecessor institutions**; and

(2) all present and past staff members of **the Institution** and its **predecessor institutions** that have been staff members for an uninterrupted period of five years or more.

35. Office bearers of convocation

(1) The officers of **convocation** are the president, vice-president and secretary to **convocation**.

(2) The president and vice-president are elected in terms of the rules of **convocation**.

(3) The secretary to **convocation**, who is an employee of **the Institution** is responsible for the administration of the office of **convocation**, and performs such tasks as determined by the rules of **convocation**.

(4) The president presides at the annual general meeting, special general meetings, and executive committee meetings of **convocation**.

36. Election of president and vice-president of convocation

(1) Nominations must be submitted in writing to the office of **convocation** in terms of a procedure determined by the constitution of **convocation**.

(2) The president and vice-president are elected at the annual general meeting of **convocation**, by secret ballot, from the nominations received in terms of sub paragraph (1) and hold office for a period of three years.

(3) If the position/s of president and/or vice-president become/s vacant, during the term/s of office of an incumbent/s, the executive committee shall elect a member/s of the executive to fill the position/s for the remainder of the term/s.

37. Executive committee of convocation

(1) The constitution of **convocation** must provide for the composition, office-bearers, powers and functions of the executive committee of **convocation**.

38. Annual general meeting

(1) A general meeting must be convened annually.

(2) The procedures and rules for the annual general meeting are as determined by the rules of **convocation**.

39. Special meetings

(1) A special meeting may be called as determined by the rules of **convocation**.

STUDENTS' REPRESENTATIVE COUNCIL (SRC)

40. Powers and functions of the SRC

(1) The **students** of **the Institution** are represented by the **SRC** in matters that may affect them.

(2) The matters contemplated in subparagraph (1) include -

(a) liaison with **council**, **senate**, **senior management**, the general public, other institutions, students' representative councils of other institutions, national or international student organisations, unions and news media;

(b) being the umbrella organisation for all **student** committees, clubs, councils and societies, the granting or withdrawing of recognition of such **student** committees, clubs, councils and societies as it deems appropriate;

(c) the co-ordination and supervision of the use of **student** facilities and all matters pertaining thereto, in conjunction with the management of **the Institution**;

(d) the conducting of all authorised meetings of the **student** body and its managing body;

(e) the conveying of **student** matters in all general referenda and petitions organized by the students within the **rules**;

(f) the election of such office-bearers and establishing of such committees as it deems necessary;

(g) the organisation and promotion of extramural activities among **students**;

(h) keeping account of all moneys paid over to it by **council** and any other moneys which may accrue to it in its capacity as representatives of the students; also to allocate or disburse such funds for use by students, and to make grants to approved **student** clubs, committees, societies and **councils** within **the Institution**;

(i) the responsibility for the preservation of order at **student** functions, and the ensuring of good conduct at other approved meetings of students;

(j) the co-ordination of **student** involvement in all community projects initiated by it;

(k) the recommendation to **council** of rules to determine the conduct of its affairs;

(l) the final decision making in all matters falling within its jurisdiction;

(m) such additional functions and privileges as may be specifically conferred upon it by **council**; and

(n) convening meeting/s of **students** as determined by the **SRC** constitution.

(3) The **SRC** shall be governed by a constitution which must be approved by **council**.

41. Composition of the SRC

The constitution of the **SRC**, as approved by **council**, must provide for the composition of the **SRC**, provided that -

(a) its members must be elected in a general election held annually; and

(b) only a registered **student** is eligible to nominate a **student**/s, to serve on the **SRC** and/or to vote for a candidate/s.

42. Office bearers of the SRC

The **SRC** elects from among its members a president and a deputy president and any other office bearers as determined by the **SRC** constitution.

43. Term of office of the SRC members

The term of office of the **SRC** members is as determined by the **SRC** constitution.

44. Meetings

The number of meetings, the quorum at a meeting and the meeting procedures are as determined by the **SRC** constitution.

VICE-CHANCELLOR

45. Functions of the vice-chancellor

(1) The **vice-chancellor** is the chief executive officer of **the Institution**.

(2) The **vice-chancellor** is responsible for the day to day management and administration of **the Institution** and has all the powers necessary to perform these functions.

(3) The **vice-chancellor's** functions are determined by **council** and he or she reports to **council**.

(4) The **vice-chancellor** is by virtue of his or her office a member of -

(a) **council**;

(b) **senate**;

(c) each committee of **senate**; and

(d) each joint committee.

(5) When the **vice-chancellor** is absent or unable to carry out his or her duties, the **deputy vice-chancellor** designated by **council** takes over or **council** may appoint an acting **vice-chancellor**.

46. Appointment of the vice-chancellor

Subject to section 31 (1)(a)(iii) of **the Act**, the advertising of the post, the invitation for nominations of candidates, the search for suitable candidates, the criteria for the shortlisting of candidates and for the interviewing and appointment process are in the manner determined by the **rules**.

47. Term of office of the vice-chancellor

The **vice-chancellor** is appointed by **council** for such period as agreed upon in his or her contract.

DEPUTY VICE-CHANCELLORS

48. Functions of the deputy vice-chancellors

(1) The **deputy vice-chancellors**' functions are determined by **council**.

(2) The **deputy vice-chancellor** responsible for academic affairs is by virtue of his or her office a member of each committee of **senate**.

49. Appointment of the deputy vice-chancellors

Subject to section 31(1)(a)(iii) of **the Act**, the advertising of the post/s, the invitation for nominations of candidates, the search for suitable candidates, the criteria for the shortlisting of candidates and for the interviewing and appointment process are in the manner determined by the **rules**.

50. Terms of office of the deputy vice-chancellors

A **deputy vice-chancellor** is appointed by **council** for such period as agreed upon in his or her contract.

STAFF

51. Staff

Subject to section 34 of **the Act**, **council** may appoint **staff** according to the staffing policies and conditions of employment of **the Institution** as determined in the **rules**.

STUDENT ADMINISTRATION

52. Admission and registration of students

(1) In order to be regarded as a **student** of **the Institution**, a person must be formally accepted for admission to a programme of study and registered at **the Institution**.

(2) A person may be permitted by **council** to register as a **student** only if he or she satisfies all legal requirements for admission to study at **the Institution** and, further, satisfies any other requirements for admission that may be determined by **council** after consultation with **senate** and laid down in the **rules**.

(3) The requirements for admission of a **student** to a programme of study are set out in the **rules** and may be changed by **council** after consultation with **senate**.

(4) Every person, on admission to **the Institution** as a **student**, is required to agree and thereby bind himself or herself to the **rules** of **the Institution** and such conditions as may be determined by **council**.

(5) A **student** is registered for one academic year or semester at a time, as determined by **council** and published in **the Institution**' academic calendar, or for such shorter period as **council** may determine in general or in a particular case.
(6) In order for a **student** to renew his or her registration after the expiry of the period contemplated in subparagraph (5), the **student** is required to comply with any conditions set by **council**.
(7) **Council** may refuse to allow the renewal of registration if a **student** fails to meet the conditions contemplated in subparagraph (4).
(8) The conditions contemplated in subparagraph (4) may include the payment of outstanding fees.
(9) Granting of subject transfers and exemptions, acceptance of periods of attendance and registration and recognition of prior learning and experience are as determined by the **rules**.

53. Certificates, diplomas and degrees

Awarding of **certificates** and **diplomas** and conferment of **degrees** are as determined by the **rules**.

54. Honorary degrees

The Institution may confer an honorary **degree** of master or doctor upon any person as determined by the rules.

STUDENT DISCIPLINARY MEASURES AND PROCEDURES

55. Discipline

Every **student** must comply with all **rules**.

56. Disciplinary measures and procedures

Every **student** is subject to the disciplinary measures and procedures determined by **council**, after consultation with **senate** and the **SRC** and as determined by the **rules**.

GENERAL AND TRANSITIONAL PROVISIONS

57. Issue of notices

The inadvertent failure or mission to give notice as prescribed in this Statute to any person entitled to receive it, or the non-receipt of such notice by any person, does not invalidate the proceedings.

58. Numerical fractions

Where a numerical fraction of a number is prescribed in this Statute and where this is not an integer, the next higher integer must be taken to the prescribed number.

59. Quorum

Where a meeting of **council**, **senate**, a joint committee, the **institutional forum**, **convocation**, or their committees, is called in the manner this Statute requires, and there is no quorum, the chairperson may adjourn the meeting to a date not less than 5 (five) days later and require the secretary to give notice of the time and venue of the meeting to all members of the body concerned and if this is done the members present at the start of the reconvened meeting constitute a quorum despite any provision to the contrary.

60. General and transitional provisions

(1) Any amendment/s of this statute require/s -
   (a) a consultative process sanctioned and/or approved by **council**;
   (b) approval of such amendments/s by **council**;
   (c) approval of such amendments/s by the **Minister**; and
   (d) publication of such amendment/s by notice in the Gazette.

(2) Any amendment/s as determined by subparagraph (1) will come into effect on the date of the notice referred to in subparagraph (1)(d).

(3) The existing **rules** passed by **council** in terms of Section 32(1)(b) of **the Act** which existed at the commencement of this Statute continue to apply until replaced.