DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 2841 **9 December 2022**

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

INSTITUTIONAL STATUTE
UNIVERSITY OF PRETORIA

I, Dr BE Nzimande, MP, Minister of Higher Education, Science and Innovation, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish the amended Institutional Statute of University of Pretoria set out in the Schedule attached hereto.

Dr BE Nzimande, MP
Minister of Higher Education, Science and Innovation
Date: 10/11/2022

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

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

THE AMENDED INSTITUTIONAL STATUTE OF THE UNIVERSITY OF PRETORIA

The Council of the University of Pretoria has made amendments to the Statute, set out in the Schedule to this Notice in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997) 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, Science and Innovation and which comes into operation on the date of its publication.

SCHEDULE

The aim is to introduce an amended Statute for the University of Pretoria to give effect to any law or guidelines relating to the University of Pretoria and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

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PREAMBLE

WHEREAS THE UNIVERSITY OF PRETORIA

* is duly established in terms of the Higher Education Act, 1997 as amended;

* may make an institutional statute in terms of section 32(1)(a), subject to section 33, of the Act to give effect to matters not expressly prescribed by the Act;

AND WHEREAS THE UNIVERSITY OF PRETORIA

* is driven by the values underpinning the Constitution, in particular, human dignity, equality and freedom;

* pursues academic freedom, creative and innovative thought, ethical standards and integrity, accountability and social justice;

* cherishes staff and students as the University's core assets;

* promotes unity in diversity by embracing differing perspectives arising from diverse backgrounds and histories that define our identities, deepening scholarly inquiry and enriching academic debate;

AND WHEREAS THE UNIVERSITY OF PRETORIA

* is committed to being a leading research-intensive university in Africa, recognised internationally for its quality, relevance and impact, and also for developing people, creating knowledge and making a difference locally and globally;

* aims to benefit society through excellence in its core functions of research, teaching and learning, and integrating engagement with society and communities into these;

* fosters an inquiry-led and evidence-based approach to creating knowledge;

* promotes academic citizenship, and is committed to harnessing intellectual abilities in the interest of our nation and humanity;

* endeavours to produce graduates who appreciate the importance of community service, entrepreneurial endeavours and innovative actions in generating employment and development in our local communities;

NOW, THEREFORE, THE COUNCIL OF THE UNIVERSITY OF PRETORIA MAKES THIS INSTITUTIONAL STATUTE, AS FOLLOWS:

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INSTITUTIONAL STATUTE OF THE UNIVERSITY OF PRETORIA

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CHAPTER 1

DEFINITIONS

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

"academic activity" includes contact, distance and online education, but is not limited thereto;

"academic employee" means any person appointed to teach and/or do research at the University and any other employee designated as such by the Council of the University;

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

"Chancellor" means the person as contemplated in Chapter 3;

"Chief Operating Officer" means a person appointed by the Council for purposes of assisting the Principal as contemplated in paragraph 12;

"Convocation" means the Convocation as contemplated in Chapter 9;

"Council" means the governing body of the University as contemplated in Chapter 5;

"days" includes Saturdays, Sundays and public holidays;

"Dean" means the head of a faculty or school as designated by the Council;

"diversity" means identifying and valuing the unique contribution people can make because of their individual background, interest, life experiences and perspectives.

"donor" means a person, body or entity who has made a donation, which, in the opinion of the Council, warrants that person, body or entity, being recognised as a donor as contemplated in Chapter 13;

"employee" means an academic or a professional services employee of the University;

"Executive" means the Principal, Vice-Principals, Executive Director(s), Registrar, Chief Operating Officer and other senior employees designated by the Principal;

"Executive Director" means a person appointed by the Council for purposes of assisting the Principal as contemplated in paragraph 12;

"functions" include powers and duties and *vice versa*;

"good standing" means a person who is regarded as having complied with all their financial obligations towards the University after having completed their studies at the University, or in the case of a student who is currently enrolled at the University, has made reasonable and satisfactory arrangements for the payment of their debt to the University, while not being subject to any form of previous disciplinary sanction imposed by the University, and not having been convicted of a crime;

"Institutional Forum" means the Institutional Forum as contemplated in Chapter 8;

"Institutional Rules" mean rules made by the University as contemplated in section 32 of the Act and include all the regulations and policy documents of the University;

"Minister" means the Minister responsible for higher education;

"professional services employee" means any employee who is not an academic employee;

"office bearer" means a functionary provided for in the Act or determined by the Council;

"Principal or Vice-Chancellor" means the chief executive and accounting officer of the University as contemplated in section 30 of the Act. The Principal is responsible for the management and administration of the University;

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"professor" means an academic employee or any other person who has been given the title of professor by the University and includes adjunct, associate, full, as well as honorary and extraordinary professors;

"qualification" means a certificate, diploma or degree as approved by the Senate and Council;

"**Registrar**" means the person as contemplated in section 26(4)(b) of the Act and paragraph 12 of this Statute;

"relative" means a person as defined in the Act;

"representative employees' organisation" means an organisation which consists of employees organised in a staff association or trade union for the purpose of regulating relations between themselves and the University and which is recognised by the Executive on such conditions as have been negotiated between the Executive and the employee organisation which recognition and conditions have been reduced to writing in a collective or recognition agreement;

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

"Senate" means the body responsible for academic matters as contemplated in section 28 of the Act and Chapter 6 of this Statute;

"senior management" means the Executive together with the Deans of all faculties as well as heads/directors of professional services departments so designated by the Principal: provided that for purposes of paragraph 37(1)(c) it means the Executive only;

"SRC" means the Student Representative Council as contemplated in section 35 of the Act and paragraph 59 of this Statute;

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

"student" means a person registered to study at the University;

"the University" means the University of Pretoria;

"Vice-Principal" means a person appointed by the Council for purposes of assisting the Principal as contemplated in paragraph 12;

"written notice" means any notice in writing and includes any notice sent as contemplated by the Electronic Communications and Transactions Act (Act No. 25 of 2002), or any act that amends or replaces it.

CHAPTER 2

INSTITUTION

2. Name, seat and powers – (1) The name of the University is the "University of Pretoria".

(2) The official street address of the University is: University of Pretoria, c/o Roper Street and Lynnwood Road, Hillcrest, Pretoria, South Africa. The official postal address of the University is: University of Pretoria, Private Bag X20, Hatfield, Pretoria 0028, South Africa.

(3) The seat of the University is in the metropolitan area of Tshwane.

(4) The University also conducts its academic activities within the area of jurisdiction of the Tshwane Local Authority, at its Business School in Illovo, Johannesburg, Gauteng and at eMalahleni and Mbombela in Mpumalanga.

(5) The University of Pretoria is a university established in terms of the Act and is a juristic person as contemplated in section 20(4) of the Act.

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(6) The University functions in accordance with the Act, the Statute and the Institutional Rules of the University.

(7) The University may confer degrees and honorary degrees.

(8) The University may confer degrees and award diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act and Chapter 9 of this Statute.

(9) The University may withdraw and revoke a degree, diploma and certificate as contemplated in section 65BA of the Act and Chapter 9 of this Statute.

3. Language policy – The language policy of the University shall be determined by Council with the concurrence of Senate as provided for in section 27(2) of the Act.

4. Composition of the University – (1) The University shall consist of –

(a) a Chancellor;

(b) a Principal;

(c) Vice-Principals;

(d) Executive Directors;

(e) a Council;

(f) a Senate;

(g) a Registrar;

(h) a Chief Operating Officer;

(i) a Convocation;

(j) an Institutional Forum;

(k) faculties, departments, schools and such other academic structures of the University as may be determined by the Council;

(l) academic employees of the University;

(m) professional services employees of the University;

(n) a Student Representative Council;

(o) students of the University;

(p) various professional services departments and such other offices, bodies or structures as may be established by the Council; and

(q) all the University's property and assets.

(2) No vacancy in any of the offices as contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures as contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any functions, right or privilege conferred by the Act or this Statute upon the University or the Council or the Senate: provided that no resolution of the Council or of the Senate shall be valid unless passed at a meeting at which a quorum was present and the rules relating to any such meeting were materially complied with.

CHAPTER 3

CHANCELLOR

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5. **Functions of Chancellor** – (1) The Chancellor shall be the titular head of the University with no executive powers.

(2) The Chancellor shall confer all degrees and award all diplomas and certificates in the name of the University.

(3) In the absence of the Chancellor, degrees shall be conferred by the Principal or by one of the Vice-Principals; and diplomas and certificates shall be awarded by officials designated to do so by the Council.

(4) The Chancellor performs such other functions as are assigned to him or her by the Council, subject to the provisions of paragraph 5(1).

6. **Election and appointment of Chancellor** – (1) The Chancellor shall be elected by an Electoral College consisting of the members of Council and Senate.

(2) If the office of Chancellor becomes vacant, the Registrar acting as Secretary to the Convocation shall give notice thereof to the members of the Electoral College and call for nominations for a successor.

(3) No person shall be elected unless such a person has been nominated in writing, with their written consent, by at least two members of the Electoral College, and such nomination reaches the Registrar at least sixteen days before the meeting referred to in paragraph 6(5).

(4) After the closing date for nominations, a special meeting of the Institutional Forum must be held before the meeting as contemplated in paragraph 6(5) for purposes of considering the nominations and advising the Electoral College on the appointment of a candidate to the office of Chancellor, taking into consideration diversity in all its manifestations.

(5) The Registrar shall convene a meeting of the Electoral College by sending a written notice to each member of the Electoral College stating the time, date, place and purpose of the meeting at least two weeks before the date fixed for the meeting.

(6) The nominations shall be submitted to the Electoral College by the Registrar for a final decision at the meeting referred to in paragraph 6(5).

(7) Fifty plus one percent of the members of the Electoral College shall form a quorum. In the event that a meeting is not quorate, the meeting shall be adjourned for two hours whereafter it shall re-convene and the members at the re-convened meeting shall constitute a quorum.

(8) The Principal shall be the Chairperson of the meeting of the Electoral College, but should the Principal be absent, the members present shall elect one of the Vice-Principals to act as Chairperson of that meeting.

(9) The election shall be by secret ballot and a majority of the members present at the meeting as contemplated in paragraph 6(5) must vote for the successful candidate. Every member has one vote, except for the Chairperson who also has a casting vote.

(10) If no candidate receives a majority of votes, successive rounds of voting are held.

(11) In each successive round of voting, the candidate receiving the least number of votes is eliminated as a candidate.

(12) After the Electoral College has elected a Chancellor, the name of the Chancellor is announced by the Chairperson of the Electoral College as soon as possible at an appropriate time.

7. **Term of office** – (1) The Chancellor shall be elected for a period of five years, unless the incumbent's term of office is terminated as contemplated in paragraphs 7(4) and 7(5).

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(2) An incumbent may not serve for more than two consecutive terms.

(3) If the Chancellor is unable, for any reason, to perform the functions of the office, or if the office of Chancellor becomes vacant, the Principal performs the functions of the Chancellor.

(4) The term of office of the Chancellor terminates in the event of –

(a) death or incapacity;

(b) resignation; or

(c) removal from office by the Electoral College as contemplated in paragraph 7(5).

(5) The Chancellor may only be removed from office by means of a resolution passed by a majority of the members of the Electoral College as contemplated in paragraph 6(1), and then only after the Chancellor has been given the opportunity to answer to the reasons provided by the Electoral College for such removal.

CHAPTER 4

VICE-CHANCELLOR AND PRINCIPAL, VICE-PRINCIPALS EXECUTIVE DIRECTOR(S), REGISTRAR AND CHIEF OPERATING OFFICER

VICE-CHANCELLOR AND PRINCIPAL

8. Status – The Principal is the Vice-Chancellor of the University *ex officio* and its chief executive and accounting officer.

9. Functions of Principal – (1) The Principal is responsible for the management and administration of the University and has all the powers necessary to perform these functions.

(2) The Principal is the University's chief executive officer and is ultimately responsible for discipline at the University.

(3) The Council shall delegate to the Principal all the powers necessary to perform the responsibilities of the office.

(4) The Principal may in turn, delegate duties to other employees or the chairperson of any committee.

(5) The Principal reports to the Council.

(6) The Principal is an *ex officio* member of all the committees of the Council and the Senate, excluding the Human Resources Committee of Council and the Audit, IT (Information Technology) and Risk Committee of Council: provided that the Principal may attend the meetings of the latter committees by standing invitation.

(7) The Council may assign additional functions, and grant additional powers and privileges to the Principal as contemplated in section 68(2) of the Act.

(8) When the Principal is absent or unable to perform the duties of the office, the Principal may delegate said duties and associated powers to a member of the Executive as contemplated in section 68(3) of the Act.

(9) Where the Principal is absent or unable to perform the duties of the office and has not made a delegation as provided for in (8) above, the Vice-Principal Academic will act as Principal.

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(10) If the office of the Principal becomes vacant for whatever reason, the Council must appoint an acting Principal for a period not exceeding 12 continuous months, from amongst the members of the Executive, in accordance with the Institutional Rules.

(11) An acting Principal will have the same duties, functions, powers and responsibilities as a Principal and will be accountable to the Council.

10. Appointment of Principal – (1) Subject to section 31(1) of the Act, the advertising of the post, the invitation for nominations of and applications by candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the interviewing and appointment processes are in the manner determined by the Council and the Institutional Rules of the University.

(2) The Council shall, after consultation with the Senate and the Institutional Forum, appoint the Principal: provided that when the first term of a Principal has expired, the incumbent is eligible for reappointment for one further consecutive term or portion thereof as determined by Council without consultation with the Senate and the Institutional Forum.

11. Term of office of Principal – The Principal is appointed by the Council for a period of five years. The Principal is eligible for reappointment for one further consecutive term or portion thereof as determined by Council, subject to paragraph 10(2).

VICE-PRINCIPALS, EXECUTIVE DIRECTOR(S), REGISTRAR AND CHIEF OPERATING OFFICER

12. Duties – The Vice-Principals, Executive Director(s), Registrar and Chief Operating Officer are responsible for assisting the Principal in the management and administration of the University and have the powers and duties conferred upon them by the Council, this Statute, and the Institutional Rules and delegated to them by the Principal.

13. Appointment and terms of office – The Vice-Principals, Executive Director(s), Registrar and Chief Operating Officer are appointed by the Council in such manner as determined by the Council and the Institutional Rules, for a period of five years. The Vice-Principals, Executive Director(s), Registrar and Chief Operating Officer are eligible for reappointment for one further consecutive term or portion thereof as determined by Council.

CHAPTER 5

COUNCIL

14. Functions – (1) The Council governs the University subject to the provisions of the Act and this Statute.

(2) The Council shall perform all the duties imposed on it by this Statute.

(3) The Council is responsible for governance and policy-making at the University, as well as to monitor compliance therewith and, particularly, to lay down guidelines relating to –

(a) strategic governance;

(b) financial governance;

(c) staff matters;

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(d) fostering a positive academic atmosphere;

(e) disciplinary matters regarding staff and students; and

(f) the admission and language policies of the University: provided that the language policy and aspects of the admission policy are determined with the concurrence of the Senate, as required by sections 27 and 37 of the Act.

(4) The Council may appoint committees to assist it in carrying out its duties.

(5) The Institutional Forum shall advise the Council, in writing, on the issues as contemplated in section 31(1)(a) of the Act. In instances where the Council does not accept the advice given, written reasons must be provided.

(6) Subject to section 34 of the Act, the Council shall appoint people whom the Council considers necessary to manage the University effectively in line with the human resource policies of the University: provided that no person shall be appointed as an academic employee except after consultation with the Senate or a committee of the Senate.

(7) The Council may delegate the function as set out in subparagraph (6) above to the Principal, with the right to further delegate, in accordance with the University's policy in this regard.

(8) The Council shall –

(a) ensure that an external audit is conducted on an annual basis in accordance with accepted audit principles and standards and that the recommendations are implemented;

(b) keep comprehensive records of all its proceedings;

(c) keep complete accounting records of all assets, liabilities, income, expenditure and other financial transactions as required by section 41(1) of the Act; and

(d) report to the Minister as contemplated in section 41(2) of the Act.

(9) The Council, after consultation with the SRC, shall make provision for and establish in accordance with the Institutional Rules of the University, a structure or structures for advising the Council on the rendering of student services at the University.

15. Composition – (1) Council is constituted as follows –

(a) the Principal;

(b) the Vice-Principals;

(c) three members of Senate;

(d) six persons appointed by Council on the basis of their expertise and experience, *inter alia*, in the fields of education, general management, financial management, human resources, technology, investment, fundraising and philanthropy;

(e) the President of the Convocation elected in accordance with the applicable Institutional Rules as provided for in paragraph 47(1);

(f) three members of the Convocation of the University, elected/appointed by the Convocation in accordance with the applicable Institutional Rules as provided for in paragraph 48(2);

(g) two student members as set out in paragraph 17(3);

(h) five persons appointed by the Minister in accordance with section 27(4)(c) of the Act;

(i) one person appointed by a local authority in whose area the University has its seat, to represent the communities served by the University;

(j) two persons elected from the ranks of the donors of the University as provided for in paragraph 62;

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(k) one employee elected from the ranks of the academic employees who is not a member of Senate; and

(l) one employee elected from the ranks of the professional services employees.

(2) Council members are elected or appointed in accordance with the provisions of paragraph 17 of this Statute and the nomination and election of Council members shall be in accordance with each body's internal appointment or election procedures, but with a sensitivity to diversity in all its manifestations.

16. Term of office – (1) The Principal and the Vice-Principals are members of Council for as long as they remain in their posts.

(2) The term of office of student members elected by the SRC is the same as that of the SRC that appointed them.

(3) The term of office of all other members is four years: provided that a member's term of office that has expired may be extended for a maximum period of six months by the Council if, according to the Council, special circumstances so demand.

(4) Members, whose terms of office have expired, may be re-elected or reappointed. A Council member may not serve for more than two consecutive terms.

(5) A Council member's membership is terminated –

(a) if the Council member fails to attend three consecutive ordinary meetings of the Council without Council's consent;

(b) if the Council member is sequestrated;

(c) if the Council member is found guilty of a crime that in the exclusive opinion of the Council is of such a serious nature that the member's continued membership of Council is not desirable;

(d) if the Council member is elected or appointed by a particular interest group and the Council member's membership of, or association with the interest group is terminated;

(e) if the Council rules that a conflict of interest has arisen or that it may arise, such as being a council member or a member of the management of another higher education institution in South Africa or a sitting politician (i.e. members of parliament or of provincial legislature); or

(f) if the Council member has transgressed Council's Code of Conduct.

(6) Apart from the Principal, Vice-Principals, representatives of the Senate and employee representatives and students appointed in terms of paragraph 17(3) to serve on Council, no other Council member shall be a permanent or temporary staff member or student of the University, and should this happen, such Council member's membership of the Council terminates immediately.

(7) Any person who has been a member of a council of a public higher education institution against whom an independent assessor has made an adverse finding, or has been implicated in a matter that will be to the detriment of the University's name, shall not be eligible for appointment, election, reappointment or re-election as a member of the Council of the University.

(8) Any person who is not in good standing with the University shall not be eligible for appointment, election, reappointment or re-election as a member of the Council of the University.

(9) A Council member is entitled at any time, to submit his or her resignation in writing to the Chairperson of Council.

(10) No person who has retired from the University of Pretoria, was previously employed by the University on a permanent full-time basis or was a student of the University may serve as a Council member

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until a period of three years has passed since they ceased to be so employed or to be a student of the University.

17. Nomination and election procedures – (1) The Senate members who serve on Council shall be elected in accordance with the procedure prescribed in paragraph 35.

(2) The Registrar shall arrange and administer an election of employee representatives on Council from the ranks of the academic and professional services employees in the following manner -

(a) Within a reasonable period of time before a specific election date, the Registrar shall offer –

(i) every permanent academic employee the opportunity to nominate a permanent academic employee to represent the permanent academic employees on the Council; and

(ii) every permanent professional services employee the opportunity to nominate a permanent professional services employee to represent the permanent professional services employees on the Council.

(b) Each nominated candidate shall be seconded by at least ten permanent employees (in the case of an academic nominee they must be academic employees and in the case of a professional services nominee they must be professional services employees) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.

(c) On the closure of nominations, the Registrar shall arrange for an election in accordance with generally accepted election procedures.

(d) Permanent academic employees shall vote in respect of the vacancy to be filled by a permanent academic employee and permanent professional services employees shall vote in respect of the vacancy to be filled by a permanent professional services employee.

(e) An election shall be valid only if at least 15 per cent of the permanent academic employees or permanent professional services employees, as the case may be, participated in the election.

(f) The Registrar shall announce the results of the election as soon as possible after conclusion of the election.

(g) The Registrar shall determine, after consultation with the Director of Human Resources, whether an employee of the University, or an employee of the University jointly appointed by the University and another body, qualifies as an academic or a professional services employee.

(h) If an employee performs both academic and professional services tasks in accordance with their job description, that particular employee is considered to be an academic employee.

(3) Student members on the Council shall be appointed at an ordinary or a special meeting of the SRC from the ranks of the SRC in accordance with an appointment procedure of the SRC.

(4) The election of Council members from the ranks of the University's donors shall take place in accordance with paragraph 62 of this Statute.

(5) The Registrar shall arrange and administer an appointment to Council of Council members on the basis of their expertise and experience in the following manner:

(a) The Registrar shall place an advertisement on online platforms with wide reach and on the University's website, inviting organisations, interest groups and individuals to nominate persons with expertise and experience as determined by the Council, to serve on the Council: provided that if, in the opinion of the Council, the advertisements fail to elicit a satisfactory response, the Council may request organisations or individuals to nominate additional persons.

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(b) The Executive Committee of Council, after consultation with the Registrar, may draw up a list of the most suitable nominees for recommendation to the Council: provided that the names of all nominees will be tabled at the Council meeting.

(c) The members of Council shall be appointed at an ordinary or an extraordinary meeting of the Council from the ranks of the nominees, after taking into consideration the recommendations made by the Executive Committee of Council.

(6) In appointing members of Council as contemplated in subparagraph (5), the Council shall take into account that, apart from the required expertise and experience of the individual candidates, it is also desirable to have a broad and balanced representation on the Council as far as gender, age and racial composition are concerned.

(7) The process for the appointment of Council members as contemplated in paragraphs 15(1)(h) and 15(1)(i), shall be facilitated by the Registrar: provided that the local authority referred to in paragraph 15(1)(i) shall be designated by the Council.

(8) The process to be followed in the event of an incidental vacancy arising on the Council shall, with the necessary changes, be the same as described above.

(9) A new Council member who is elected or appointed to fill a vacancy that arose before the expiry of the previous incumbent's term of office, shall be elected for the full four-year term of the particular office.

18. Chairperson, Deputy Chairperson and Secretary – (1) The Council shall elect a Chairperson with appropriate expertise and experience from the ranks of Council members who are not employees or students of the University, and such Chairperson shall hold the office for a term of two years, after which Council may re-elect the incumbent for no more than two additional terms.

(2) If the office of Chairperson falls vacant for any reason other than the expiry of the term of office, the Council shall elect a successor for the unexpired part of the term of office of the outgoing Chairperson.

(3) The Council shall elect a Deputy Chairperson from the ranks of Council members who are not employees or students of the University and such Deputy Chairperson shall hold the office for a term of two years, after which Council may re-elect the incumbent for no more than two additional terms.

(4) The Deputy Chairperson of the Council shall act as the Chairperson in the absence of the Chairperson: provided that if the Chairperson and the Deputy Chairperson are both absent, the members who are present shall elect a Chairperson from their own ranks for that specific meeting.

(5) The Registrar is the Secretary to the Council in terms of section 26(4)(b) of the Act.

19. Meetings and meeting procedures – (1) The Council shall meet at least once a semester at a time and place determined by the Council.

(2) The Council shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(3) Sixteen members present shall constitute a quorum.

(4) At least seven days before an ordinary meeting and at least three days before an extraordinary meeting of Council, the Registrar shall give each member written notice of the date, time and place of the meeting, as well as an agenda with supporting documents, if any.

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(5) Members wishing to place additional matters for discussion on the agenda shall send a written request in this regard to the Registrar at least 48 hours before the date of the meeting. Such matters will only be included on the agenda with the consent of the Chairperson of Council.

(6) With the approval of a majority of the members present, urgent matters may be placed on the agenda during a meeting.

(7) The Registrar shall keep comprehensive minutes of each Council meeting.

(8) The Council shall take decisions by a majority vote of the members who are present.

(9) The Chairperson of the meeting shall have an ordinary vote and where there is a tie of votes, the Chairperson will exercise a casting vote.

(10) Subject to the provisions of subparagraph (4), the Chairperson may convene an extraordinary meeting at any time, stating the matter or matters for discussion.

(11) At the request of the Principal or at the request of at least five Council members, the Chairperson shall convene an extraordinary meeting: provided that reasons for the request are in writing and a brief description of the matters for discussion is provided.

(12) The Council may generally, or in a specific case, grant observer status to a person or office bearer that allows such person to attend a Council meeting or meetings.

(13) With the permission of the Council, a person with observer status may take part in the debates of the Council, but may not vote.

(14) All members of Council must participate in the deliberations of Council or any committee of Council, or exercise any delegated function, in the best interest of the University.

(15) A Council member must, before assuming office, and annually for as long as they continue to hold such office, declare any business, commercial or financial activities undertaken for financial gain that may give rise to a conflict or a possible conflict of interest with the University.

(a) No Council member may have a direct or indirect financial, economic, personal or other interest in any matter to be discussed at a meeting, or in regard to which they are to make a decision in terms of a delegated function and which entails or may entail a conflict or possible conflict of interest with the University.

(b) A Council member must, before the meeting of the Council or a committee of Council, in writing, inform the Chairperson of that meeting of the existence of a conflict or possible conflict of interest that they may be aware of.

(c) Any person may, in writing, inform the Chairperson of a meeting of Council or a committee of Council, before that meeting, of a conflict or possible conflict of interest of a member of Council or a committee of Council of which such person may be aware.

(d) Where applicable, the Council member must recuse themselves from any decision-making process where an actual or deemed conflict of interest is present.

(e) In the event that any member of a committee of Council with delegated functions has a conflict or possible conflict of interest in respect of a matter to be considered, the committee may not consider or take a decision on the matter but must refer it to Council for a decision, having noted the member's interest in the matter.

20. Executive Committee of Council – (1) The Executive Committee of Council is constituted as follows –

(a) the Chairperson of the Council;

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(b) the Deputy Chairperson of the Council;

(c) the Chairpersons of the Council Committees;

(d) the Principal;

(e) two Council members appointed from the ranks of Council members who are employees of the University: provided that at least one of the members who is appointed in this manner is a member of the Senate; and

(f) two Council members appointed by the Council from the ranks of the Council members who are not employees of the University.

(2) The term of office of members of the Executive Committee of Council as contemplated in subparagraphs (1)(e) and (f) shall be two years.

(3) Members, whose terms of office have expired, may be re-elected for a second and third consecutive term.

(4) At the request of the person acting as the Chairperson of the Executive Committee of Council at a meeting, any member of the Council may serve as a substitute member for an absent member of the Executive Committee provided that an internal member of Council may only be substituted for by another internal member and an external member of Council may only be substituted for by another external member and provided further that student members of Council may not substitute for absent members.

21. Chairperson, Deputy Chairperson, Secretary of the Executive Committee of Council and meeting procedures –

(1) The Chairperson of Council shall *ex officio* be the Chairperson of the Executive Committee of Council and the Deputy Chairperson of Council shall *ex officio* be the Deputy Chairperson of the Executive Committee of Council.

(2) In the absence of the Chairperson of the Executive Committee of Council, the Deputy Chairperson shall act as the Chairperson of the Executive Committee of Council: provided that if both the Chairperson and Deputy Chairperson are absent, a Chairperson will be elected by the members present from amongst their ranks for that specific meeting.

(3) Four members of the Executive Committee of Council shall constitute a quorum.

(4) The Executive Committee of Council shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(5) The Registrar shall act as Secretary of the Executive Committee of Council.

22. Powers and functions of the Executive Committee of Council – (1) When the Council is not in session, the Executive Committee of Council, as the representative of the Council, may assume the authority of Council and may act on behalf of the Council in urgent matters, except with regard to matters referred to in section 68(2) of the Act.

(2) The Executive Committee of Council shall report to the Council on the actions of the Committee in accordance with subparagraph (1), which actions shall be considered at the next Council meeting.

(3) The Council may, generally and specifically, grant the Executive Committee of Council the authority to finalise matters on behalf of the Council, in which case the Executive Committee merely reports to Council.

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(4) Where the Council grants the Executive Committee of Council the authority to finalise matters as envisaged in subparagraph (3), the Council shall ratify or review the delegations framework at least every four years.

(5) The Registrar shall maintain a detailed consolidated record of all powers delegated in terms of the delegations framework as contemplated in subparagraph (3).

(6) The Executive Committee of Council may further delegate the authority granted to it by the Council, this Statute and the Institutional Rules, including the authority granted in accordance with subparagraph (3), to a committee, or an individual as set out in the Institutional Rules, except in cases where the Council has explicitly specified to the contrary.

(7) In circumstances where the Minister has given the Council notice, in accordance with section 42 of the Act, of a ministerial intention to issue a directive, the Executive Committee of Council shall respond, should time be of the essence or other circumstances so dictate, to the Minister's notice in a suitable manner. If time is not of the essence, Council shall respond to the Minister's notice.

23. Committees – (1) Apart from the Executive Committee of Council, the Council shall establish an Audit, IT (Information Technology) and Risk Committee, a Human Resources Committee and an Investment Committee and shall determine their functions and authority.

(2) The Council may establish any other committee as well as joint Council and Senate committees.

(3) The Council shall determine the constitution, election, terms of service and functions of Council and joint committees.

(4) The Council may appoint persons who are not Council members to the committees based on their expertise. Such Committee members will be non-voting members of the Committee.

(5) In line with the governance principles as set out in the King IV Report on Corporate Governance for South Africa, 2016, the Chairperson of Council may not serve on the Audit, IT and Risk Committee of Council.

CHAPTER 6

SENATE

24. Functions – (1) The Senate conducts its business under the management of the Council and is accountable to the Council for academic, research and community engagement matters as contemplated in section 28(1) of the Act.

(2) The functions of the Senate are as follows –

(a) academic planning and development;

(b) the regulation of all academic activities of the University in respect of teaching, learning, research and community engagement, including –

(i) guidelines for the appointment and promotion of academic staff;

(ii) guidelines for the organisation, structures and administration of teaching, learning, research and community engagement at the University;

(iii) management and supervision of student evaluation; and

(iv) quality assurance in respect of teaching, learning, research and community engagement;

(c) to make recommendations to the Council on, *inter alia*, the following matters –

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(i) the establishment, amalgamation or closure of faculties, departments, institutes, bureaus, research units and centres;
(ii) the introduction or discontinuation of degrees, diplomas, programmes, curricula, subjects and courses;
(iii) curricula for degrees, diplomas and programmes and the content of subjects and courses: provided that in case of certificates for short courses the Senate may delegate its authority to the faculty boards;
(iv) the general admission policy of the University;
(v) the management, operation and development of the library;
(vi) the conferring of honorary degrees;
(vii) academic dress, graduation and diploma ceremonies;
(viii) organised student life, including student services and student discipline;
(ix) the selection of candidates for the position of Chancellor, Principal, and Vice-Principals; and
(x) the appointment and promotion of the academic staff of the University;

(d) together with the Council, as required by sections 27(2)(a) and 37(4) of the Act, to approve the following –
(i) the language policy of the University;
(ii) admission requirements for specific academic programmes;
(iii) the number of students who may be admitted to a specific programme as well as the method of selection;
(iv) the minimum admission requirements for readmission to the University and the refusal of students who do not comply with the minimum requirements; and

(e) the execution of any other function that the Council may assign or delegate to the Senate.

25. Composition – (1) The Senate is constituted as follows:

(a) *Ex officio* members of the Senate (by virtue of their position or status), namely the –
(i) Chairperson of Council;
(ii) Deputy Chairperson of the Council;
(iii) Principal;
(iv) Vice-Principals;
(v) Executive Directors;
(vi) Deans and Deputy Deans;
(vii) Heads of academic departments;
(viii) Registrar;
(ix) Chief Operating Officer;
(x) Chairpersons of schools;
(xi) Chairperson of the Institutional Forum;
(xii) Directors of Centres and Institutes appointed by the Principal on the basis of a motivated recommendation from the relevant Faculty Dean.

(b) Members who are nominated or elected, namely –

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(i) one full professor from each faculty of the University, duly elected by the relevant faculty board;

(ii) four student members nominated by the SRC;

(iii) two employees, who are not already members of the Senate, elected from the ranks of the permanent academic employees;

(iv) two employees, who are not already members of the Senate, elected from the ranks of the permanent professional services employees.

(c) The Directors of professional service divisions, and any other person invited by the Principal, may attend the meetings of Senate by invitation.

(2) Incidental vacancies in the category of members who are nominated or elected are to be filled as set out in subparagraph (1)(b) for the full term of office, where applicable.

26. Terms of office – (1) The persons referred to in paragraph 25(1)(a) are members of the Senate for as long as they remain in the posts concerned.

(2) The term of office of student members nominated by the SRC shall be the same as that of the SRC that appointed them.

(3) The term of office of all other members shall be four years: provided that members may be nominated again and re-elected when their terms of office expire. Members may not serve for more than two consecutive terms.

(4) If a student representative is re-elected to the SRC, such student may be nominated as a student representative for another term,: provided that a student representative's membership lapses automatically when such student is no longer a registered student or is found guilty of a transgression by a disciplinary body of the University.

(5) The membership of a Senate member shall be terminated in cases where the member was elected or nominated by a specific interest group and the association of the Senate member with the interest group concerned ceases.

27. Nomination and election procedures – (1) The Registrar shall make the arrangements for the nomination and election of members. The nomination and election of Senate members shall be in accordance with each body's internal appointment or election procedures, but with a sensitivity to diversity in all its manifestations.

(2) Student members of the Senate are elected at an ordinary or special meeting of the SRC in accordance with the election procedures of the SRC.

(3) Two members from the ranks of the permanent academic employees and two members from the ranks of the permanent professional services employees shall be elected in accordance with the process set out in subparagraph (4).

(4) The Registrar shall arrange and administer an election of members from the ranks of the employees to the Senate in the following manner:

(a) Within a reasonable period before a particular election date, the Registrar shall afford –

(i) every permanent academic employee the opportunity to nominate a permanent academic employee(s) to represent the permanent academic employees on the Senate; and

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(ii) every permanent professional services employee the opportunity to nominate a professional services employee(s) to represent the permanent professional services employees on the Senate.

(b) Each nominated candidate shall be seconded by at least ten permanent employees (in the case of an academic nominee they must be academic employees and in the case of a professional services nominee they must be professional services employees), not be a Senate member already and inform the Registrar in writing of their acceptance of the nomination.

(c) On the closure of nominations, the Registrar shall arrange for an election in accordance with generally accepted election procedures.

(d) Permanent academic employees shall vote in respect of vacancies to be filled by permanent academic employees and permanent professional services employees shall vote in respect of vacancies to be filled by permanent professional services employees.

(e) An election shall be valid only if at least 15 per cent of the permanent academic employees or permanent professional services employees, as the case may be, participated in the election.

(f) If an employee performs academic and professional services tasks in accordance with their job description, that particular employee is considered to be an academic employee. Should a dispute arise in this regard, the Registrar has the discretion to decide whether an employee is an academic or professional services employee.

(g) The Registrar shall announce, as soon as possible at an appropriate time, the names of the members duly elected.

28. Chairperson and Secretary – (1) In terms of section 26(4)(a) of the Act, the Principal is the Chairperson of Senate.

(2) The Vice-Principal Academic shall be the Deputy Chairperson of Senate

(3) In the absence of the Chairperson, the Deputy Chairperson shall act as the Chairperson of Senate. If neither the Principal nor the Vice-Principal Academic are available, the Senate shall elect a Chairperson from its own ranks.

(4) The Registrar is the Secretary of the Senate.

29. Scheduling of meetings and meeting procedures – (1) The Senate shall meet at least once a semester.

(2) The Senate shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(3) Seventy-five members of the Senate shall constitute a quorum.

(4) The Registrar shall notify each member in writing of the date, time and venue of a meeting at least seven days before the meeting and the agenda and documents for the meeting shall accompany the notice. The dates of Senate meetings are determined annually in advance.

(5) A Senate member must, before the meeting of the Senate or a committee of Senate, inform the Chairperson of that meeting in writing, of the existence of any conflict or possible conflict of interest that they may be aware of.

(6) Members who wish to place additional matters for discussion on the agenda shall submit such matters in writing to the Secretary at least nine days before the date of the meeting.

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(7) The Registrar shall keep minutes of every meeting.

(8) Urgent matters may be placed on the agenda for discussion or for discussion and finalisation during a meeting by agreement between the Chairperson and the majority of members present at the meeting.

(9) In the absence of a Senate resolution to the contrary, the Senate shall reach its decisions through a majority vote by the members present.

(10) Normally, members shall vote by a show of hands, but the Senate may decide on a different procedure in a particular case.

(11) Secret ballot papers shall be used when members of the Senate vote to elect an individual, but the Senate may decide on a different procedure in a particular case.

(12) The Chairperson of the meeting shall have an ordinary vote and a casting vote in the event of a tie of votes.

(13) The Chairperson may at any time, convene an extraordinary meeting: provided that the matters for discussion are stated and a brief description thereof is provided.

(14) The Chairperson shall convene an extraordinary meeting at a date determined by said Chairperson, if requested to do so by at least 25 members: provided that the request is in writing and the matters for discussion are stated and a brief description thereof is provided.

(15) The Chairperson shall decide whether or not observers may attend or speak at meetings.

30. Composition of Senate Executive.– (1) The Senate Executive is constituted as follows –

(a) the Principal;

(b) the Vice-Principals;

(c) the Executive Director(s);

(d) the Deans of faculties;

(e) the Chairpersons of the committees of the Senate who are not already members of the Senate Executive;

(f) the members of the Senate on the Council, elected in accordance with paragraph 35(1), who are not already members of the Senate Executive;

(g) the Registrar; and

(h) the Chief Operating Officer.

(2) The Directors of professional service divisions, and any other person invited by the Chairperson, may attend the meetings of the Senate Executive by invitation.

(3) Those bodies that are entitled to nominate or elect members, nominate or elect members in terms of their internal nomination or election procedures.

(4) The Senate Executive is entitled to co-opt members to the Senate Executive.

(5) The Registrar shall be the Secretary of the Senate Executive.

(6) The Chairperson as contemplated in paragraph 31(1), shall decide whether or not observers may attend or speak at meetings.

31. Chairperson of Senate Executive and meeting procedures – (1) The Principal shall be the Chairperson of the Senate Executive: provided that in the absence of the Principal, the Vice-Principal Academic shall be the Deputy Chairperson of Senate Executive.

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(2) In the absence of the Chairperson, the Deputy Chairperson shall act as the Chairperson of the Senate Executive.

(3) If neither the Principal nor the Vice-Principal Academic are available, the Senate, the Senate Executive shall elect a Chairperson for the particular meeting from its own ranks.

(3) One half of all the members of the Senate Executive plus one shall constitute a quorum.

(4) The Senate Executive shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

32. Powers and functions of Senate Executive – (1) When Senate is not in session, the Senate Executive, as a representative of the Senate, may assume the authority of Senate and may execute the functions of Senate, particularly with regard to academic planning.

(2) The Senate Executive shall report to Senate on its actions in terms of subparagraph (1): provided that all actions taken by the Senate Executive on behalf of Senate shall be ratified or reviewed at the next meeting of Senate.

(3) The Senate is entitled to give the Senate Executive a general or specific authority to finalise matters on behalf of the Senate, in which event the Senate Executive merely reports to the Senate and the action is neither ratified nor reviewed by the Senate.

(4) Where the Senate authorises the Senate Executive to finalise matters, as envisaged in subparagraph (3), the Senate shall ratify or review the delegated matters in terms of the delegations framework at least every four years.

(5) The Registrar shall keep a detailed consolidated record of all powers delegated in terms of the delegations framework, as contemplated subparagraph (3).

(6) The Senate Executive shall meet before each meeting of Senate, except in the case of an extraordinary meeting of Senate.

33. Committees of Senate – (1) In addition to the Senate Executive, the Senate shall establish a number of committees to enable the Senate Executive to execute its functions.

(2) The Senate may also appoint joint Council and Senate committees, provided that the former shall be appointed in consultation with the Council.

(3) The activities of all committees of the Senate are co-ordinated by and executed under, the control and supervision of the Senate Executive.

(4) The Senate Executive may further delegate the authority granted to it by the Senate, this Statute and the Institutional Rules, including the authority entrusted to it in terms of paragraph 32(3), to a committee of the Senate or to an individual, as set out in the Institutional Rules, except in cases where the Senate has specified to the contrary.

(5) The reporting by the Senate Executive to the Senate shall include the activities of the committees of the Senate.

(6) The Senate shall nominate and elect members and chairpersons of committees. A non-member of Senate may be elected as a member of a Senate committee.

(7) Matters concerning the constitution, election, terms, functions and procedures of committees not regulated in terms of the above, shall be regulated by means of the Institutional Rules.

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34. Faculties - (1) At the University there shall be such faculties, schools, departments (whether subdivisions of faculties or not) and entities as the Council, after consultation with the Senate, may from time to time establish.

(2) The faculty board of each faculty is a committee of the Senate.

(3) The following matters concerning the faculty boards are defined in the Institutional Rules –

(a) the constitution of such boards;

(b) their powers and functions;

(c) their procedures;

(d) the selection of candidates for the position of Dean, Deputy Dean or persons of similar status;

(e) the appointment of committees of the faculty as well as the manner in which their functions are determined; and

(f) their authority to delegate.

(4) The Dean of the faculty concerned is *ex officio* the Chairperson of the faculty board meeting.

(5) In the absence of the Dean, the acting Dean or the Deputy Dean shall act as the Chairperson: provided that if the Dean and the Deputy Dean or the acting Dean are absent, the members present at the faculty board meeting shall elect a Chairperson for the particular meeting from their own ranks.

(6) Each faculty may have an advisory committee operating in terms of the Institutional Rules.

35. Members of Senate on Council – (1) The Senate shall elect three members from its ranks to serve as Council members for a term of four years. At least one member should come from the natural sciences cluster and one from the humanities cluster provided that no two members shall be from the same faculty.

(2) Members who are already *ex officio* members of the Council shall not be considered as candidates.

(3) The Registrar shall notify all members of the Senate in writing, of the election of a member or members of the Senate to serve on Council at least seven days before a Senate meeting.

(4) A person shall be a candidate if they are nominated during a Senate meeting by at least two persons, and indicate verbally or in writing that they accept the nomination.

(5) Members, whose terms of office have expired, may be nominated again and re-elected. Members may not serve for more than two consecutive terms.

(6) The election shall be by secret ballot and a majority of the members present at the meeting of the Senate must vote for the successful candidate.

(7) If no candidate receives a majority of votes, successive rounds of voting are held.

(8) In each successive round of voting the candidate receiving the least number of votes is eliminated as a candidate.

(9) After Senate has elected the members to serve on Council, their names are announced by the Chairperson.

(10) Incidental vacancies shall be filled, with the necessary changes, as set out above.

CHAPTER 7

INSTITUTIONAL FORUM

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36. Functions – (1) The Institutional Forum shall advise the Council and the Executive on, *inter alia*, the following matters affecting the University –

(a) the implementation of the Act and national policy on higher education;
(b) the formulation of race and gender equity policies;
(c) the selection of candidates for senior management positions;
(d) codes of conduct;
(e) mediation and dispute resolution procedures;
(f) fostering an institutional culture characterised by tolerance, respect for fundamental human rights and a positive academic climate; and
(g) any other matter determined by the Council.

(2) The advice given by the Institutional Forum to the Council shall be submitted in written form by the Chairperson of the Institutional Forum. In instances where Council does not accept the advice given, written reasons must be provided.

(3) The Institutional Forum shall perform such additional functions as are determined by the Council or the Executive.

(4) The Council may, after consultation with the Institutional Forum, amend or revoke the mandate of the Institutional Forum referred to in subparagraph (3).

37. Composition – (1) The Institutional Forum is constituted as follows –

(a) two representatives of the Executive of the University appointed by the Principal;
(b) two representatives of the Council appointed by the Council;
(c) two representatives of the Senate appointed by the Senate;
(d) a maximum of three representatives elected from the ranks of the trade unions and staff associations recognised as such by the University as set out in paragraph 40(3);
(e) five student representatives appointed in accordance with an appointment procedure of the SRC set out in the Institutional Rules, including one student living with disabilities;
(f) five academic representatives elected from the ranks of the academic employees; and

(g) five professional services representatives elected from the ranks of the professional services employees.

(2) No student or employee who has been found guilty of misconduct by a disciplinary body of the University may be a member of the Institutional Forum.

38. Term of office – (1) The term of office of all members of the Institutional Forum is four years, with the exception of members appointed by the SRC.

(2) The term of office of student members shall correspond with the term of office of the SRC that appointed them.

(3) Members may be re-elected or reappointed for one further consecutive term when their terms expire.

(4) A student member's membership of the Institutional Forum shall be terminated if the member is no longer a registered student or is no longer in good standing as determined in 38(2) above.

(5) The membership of a member of the Institutional Forum shall be terminated if the said member is elected or appointed by a specific interest group to represent the particular group and the member's

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membership of, or association with the interest group is terminated or the member is suspended by the interest group.

39. Election procedure – (1) The Registrar shall facilitate the process in terms of which members are appointed or elected.

(2) When members are elected or appointed by a particular body that is entitled to do so, the body shall elect or appoint such members in accordance with its own internal appointment or election procedures, but with a sensitivity to diversity in all its manifestations.

(3) Each trade union and staff association recognised as such by the University shall be entitled to one representative: provided that the representative shall be elected from the ranks of the employees of the University by members of the trade union or staff association and provided further that where there are more than three trade unions and staff associations that qualify in this way, only the three trade unions and staff associations with the largest University employee membership, shall be entitled to appoint representatives.

(4) Only members of the SRC may be appointed as student representatives on the Institutional Forum.

(5) The Registrar shall arrange and administer an election of employee representatives on the Institutional Forum from the ranks of the academic and professional services employees in the following manner –

(a) Within a reasonable period of time before a specific election date, the Registrar shall offer –

(i) every permanent academic employee the opportunity to nominate permanent academic employees to represent the permanent academic employees on the Institutional Forum; and

(ii) every permanent professional services employee the opportunity to nominate permanent professional services employees to represent the permanent professional services employees on the Institutional Forum.

(b) Each nominated candidate shall be seconded by at least ten permanent employees (in the case of an academic nominee they must be academic employees and in the case of a professional services nominee they must be professional services employees) and the nominee shall indicate in writing to the Registrar that he or she accepts the nomination.

(c) On the closure of nominations, the Registrar shall arrange for an election in accordance with generally accepted election procedures.

(d) Permanent academic employees shall vote in respect of the vacancies to be filled by the permanent academic employees and permanent professional services employees shall vote in respect of the vacancies to be filled by the permanent professional services employees.

(e) An election shall be valid only if at least 15 per cent of the permanent academic employees or permanent professional services employees, as the case may be, participated in the election.

(f) The Registrar shall announce the results of the election as soon as possible after conclusion of the election.

(g) The Registrar shall determine, after consultation with the Director of Human Resources, whether an employee of the University, or an employee of the University jointly appointed by the University and another body, qualifies as an academic or a professional services employee.

(h) If an employee performs both academic and professional services tasks in accordance with their job description, that particular employee is considered to be an academic employee.

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40. Chairperson and Deputy Chairperson– (1) The Institutional Forum shall elect a Chairperson and a Deputy Chairperson from the members of the Institutional Forum. The Chairperson shall not be a member of the Executive.

(2) The term of office of the Chairperson and the Deputy Chairperson shall correspond with their terms of office as members of the Institutional Forum.

(3) If the office of the Chairperson or the Deputy Chairperson becomes vacant, the Institutional Forum shall elect a successor at its next meeting.

(4) The Chairperson of the Institutional Forum reports back to the Institutional Forum on the Council's acceptance, partial acceptance or rejection of the advice of the Institutional Forum.

(5) The Secretary for the Institutional Forum shall be appointed by the Registrar. The Secretary will not be a member of the Institutional Forum.

41. Executive Committee, task and work groups – (1) The Institutional Forum shall be empowered to make use of task and work groups in order to facilitate and expedite its activities.

(2) The Institutional Forum shall appoint an Executive Committee to control, manage and administer the Institutional Forum on a day-to-day basis.

(3) The Executive Committee of the Institutional Forum is constituted as follows –

(a) the Chairperson of the Institutional Forum;

(b) the Deputy Chairperson of the Institutional Forum; and

(c) three members appointed by the Institutional Forum, of which at least one, but not more than two, is/are a student(s).

(4) The Executive Committee of the Institutional Forum shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(5) The quorum for a meeting of the Executive Committee of the Institutional Forum shall be three members of which one must be either the Chairperson or the Deputy Chairperson of the Institutional Forum.

(6) The term of office of the three members referred to in subparagraph (3)(c) shall correspond with their respective terms of office as members of the Institutional Forum.

(7) The Secretary for the Institutional Forum shall act as Secretary for the Executive Committee of the Institutional Forum.

42. Meeting procedures.– (1) The Institutional Forum shall determine its own meeting procedures with due observance of generally accepted norms of fair administrative process.

(2) Fifty percent plus one member of the Institutional Forum shall constitute a quorum.

(3) Resolutions of the task and work groups shall not be binding on the Institutional Forum and consequently there shall be no quorum requirement for the meetings of these bodies.

(4) The Secretary shall keep comprehensive minutes of all meetings of the Institutional Forum and the Executive Committee.

(5) At least four days before a meeting the Secretary of the Institutional Forum shall send each member, by written notice, an agenda indicating, *inter alia*, the date, venue and time of the meeting as well as the matters for discussion.

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(6) Members wishing to place additional matters for discussion on the agenda shall send a written request in this regard to the Chairperson at least two days before the date of the meeting.

(7) The Chairperson may convene an extraordinary meeting at any time, on four days' notice, stating the matter or matters for discussion.

(8) When requested by at least eight members of the Institutional Forum, the Chairperson shall convene an extraordinary meeting: provided that the request is in writing and the matters for discussion are stated and a brief description of each such matter is provided.

43. Decision-making – (1) Decisions of the Institutional Forum will be made on the basis of a majority vote (50 percent plus one member present). In the event of a tie of votes, the Chairperson will exercise a casting vote.

(2) Where the Institutional Forum has taken an advisory decision that is submitted to the Council, a member or members with a minority viewpoint shall be entitled to formulate the minority viewpoint or viewpoints in writing and to submit such viewpoint or viewpoints to the Executive Committee of the Institutional Forum and the Chairperson of the Institutional Forum will submit it to Council together with the majority decision.

CHAPTER 8

CONVOCATION

44. Membership – The Convocation shall consist of –

(1) all the persons, other than persons referred to in subparagraph (2), who immediately before the commencement of this Statute, were members of the Convocation of the University;

(2) the Principal, the Vice-Principals, the Executive Director(s), the Registrar, the Chief Operating Officer, the Deans of faculties, the academic employees on the permanent staff of the University, professors emeriti, other retired academic employees and such other persons as the Council may determine; and

(3) all persons who have obtained a qualification, as approved by the Senate and the Council, from the University ("Alumni"): provided that if any person who, by virtue of the provisions of subparagraph (1) or (3), is or is about to become a member of the Convocation, notifies the Council in writing that they do not wish to continue to be or to become such a member, they shall, upon the receipt of such notice by the Council, cease to be such a member or not become such a member, as the case may be.

45. President – (1) There shall be a President of the Convocation who shall be elected by the Convocation from among its number for a period of four years: provided that the retiring President shall be eligible for re-election. An incumbent may not serve for more than two consecutive terms.

(2) The President's term of office is terminated if the President –

(a) is sequestrated;

(b) is found guilty of a crime that, in the exclusive opinion of the Council, is of such a serious nature that continued membership of the Convocation is not desirable.

(3) If the office of President becomes vacant, the Principal shall act as President until the Convocation elects a successor.

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46. Election of President – (1) The election of the President of the Convocation shall take place in accordance with the procedure provided for in the Institutional Rules.

47. Meetings – (1) The recording of Convocation members' details, the convening of meetings and meeting procedures shall take place in accordance with the Institutional Rules.

(2) The election/appointment of members of the Convocation to serve on Council shall take place in accordance with the procedure provided for in the Institutional Rules.

48. Submission of resolutions to Council – A copy of any resolution of the Convocation taken at a meeting of the Convocation, duly signed as a true reflection of the meeting by the Chairperson and the Registrar, shall be submitted to the Council by the Registrar: provided that the Convocation may discuss any matter that relates to the University or is referred to it by Council, and may convey its views thereon to Council.

CHAPTER 9

DEGREES, DIPLOMAS AND CERTIFICATES

49. Capacity – (1) The University may, subject to the provisions of this Statute and the Act, confer degrees and award diplomas and certificates.

(2) Save as provided in paragraph 51, no degree may be conferred upon and no diploma or certificate may be awarded by the University to any person who has not –

(a) been registered as a student of the University for the period prescribed by the Senate; and

(b) completed the work and attained the prescribed standard of proficiency determined through assessment as required by the Senate.

(3) The University may grant a degree, diploma or certificate to any person who has pursued a course of study approved by Senate or an entity under the control of the University.

(4) The Council may, in consultation with Senate, withdraw and revoke any degree, diploma or certificate that was awarded –

(a) on the basis of a material error on the part of the University: provided that such withdrawal and revocation may only take place within a period not exceeding two years after the conferment concerned; or

(b) as a result of a fraudulent or dishonest act in connection with the obtaining of such degree, diploma or certificate.

(5) Prior to the Council withdrawing and revoking the conferment of a degree, diploma or certificate, Council must –

(a) notify the recipient of the qualification concerned that a revocation and withdrawal is being considered;

(b) provide the recipient with relevant information justifying the intended action;

(c) provide the recipient with an opportunity to obtain assistance and to present their case; and

(d) consider the submissions and representations of the recipient.

(6) In the event that the withdrawal and revocation relates to circumstances contemplated in subparagraph (4)(b) that may be of a criminal nature as described in section 66 of the Act, the University must report the matter for criminal investigation as contemplated in section 66(2) of the Act.

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(7) The power of Council as contemplated in subparagraph 50(4), may be delegated to the Principal who, in turn, may further delegate such power to any other employee of the University in terms of section 68(3) of the Act.

50. Honorary degrees – (1) Subject to the provisions of this paragraph, the University may, on the resolution of Council and of Senate, and without examination, confer an honorary doctorate it deems appropriate upon any person whom the University may deem worthy of such a degree: provided that the holder of such a degree which has been conferred *honoris causa*, shall not be entitled to practise any profession by virtue of the conferral.

(2) A candidate for the award of an honorary degree shall be selected by a selection committee consisting of the Senate Executive with the addition of the Chairperson and the Deputy Chairperson of Council: provided that the Chairperson and the Deputy Chairperson of Council may each nominate a member of Council to represent them on the selection committee.

(3) The name of the candidate(s) recommended by the selection committee shall be submitted to Senate.

(4) Senate shall vote by secret ballot and without preliminary discussion on the candidate(s) recommended by the selection committee: provided that Senate shall not discuss or deal with any proposal not recommended by the selection committee.

(5) The names of the candidate(s) who has/have obtained an ordinary majority of the votes of the members of Senate present at the meeting shall be submitted to the Council.

(6) Council shall vote by secret ballot and without preliminary discussion on the candidate(s) recommended by Senate: provided that Council shall not discuss or deal with any proposal not recommended by the selection committee and Senate.

(7) The honorary degree shall be awarded to the candidate(s) who has/have obtained a majority vote of the members of Council present at the meeting, at the time and place determined by the Principal: provided that no honorary degree shall be conferred posthumously.

(8) In the event that Council is of the opinion that a recipient of an honorary degree from the University of Pretoria has brought the University's name into disrepute and is no longer deemed to be worthy of the award, Council may revoke such honorary degree after consultation with Senate.

(9) Prior to the Council revoking the honorary degree, Council must –

(a) notify the recipient of the qualification concerned that a revocation is being considered;

(b) provide the recipient with relevant information justifying the intended action;

(c) provide the recipient with an opportunity to present their case; and

(d) consider the submissions and representations of the recipient.

51. Congregation and conferring of degrees – (1) A meeting of the members of the University called a Congregation shall be held for the purpose of conferring degrees and awarding diplomas and certificates.

(2) The Chancellor, or in the Chancellor's absence the Principal or a Vice-Principal, shall preside at a Congregation.

(3) A Congregation of the University shall be held at least once a year on a date to be announced at the beginning of every academic year.

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(4) The procedure as to the presentation of graduates, the conferring of degrees *in absentia*, academic dress and all other matters in connection with Congregations not provided for in this Chapter shall be determined by the Senate Executive, taking into account the advice of the Senate.

CHAPTER 10

EMPLOYEES

52. Appointment – Subject to section 34 of the Act, Council appoints employees according to the human resource policies of the University as determined in the Institutional Rules.

53. Conditions of employment and conflict of interest – (1) The conditions of employment, including the determination and review of salaries and all other forms of remuneration, disciplinary provisions, privileges and functions of employees, are approved by Council and may be amended from time to time by Council, and are furthermore subject to the applicable labour laws. The power contemplated in paragraph 54 may be delegated to the Human Resources Committee of Council that may make arrangements with the Principal regarding the implementation or determination of any of these conditions of employment.

(2) With regard to conflict of interest the following shall apply:

(a) An employee must, in writing, before assuming office and whenever a new interest arises, declare any business, commercial or financial activities undertaken for financial or other gain that may give rise to a conflict or possible conflict of interest with the University. All employees are required to make an annual declaration of interests.

(b) An employee may not conduct business directly or indirectly with the University that entails or may entail a conflict of interest with the University, unless the Council or such official to whom the Council has delegated its authority is of the opinion, and takes a decision, that –

(i) the goods, product or service are unique;

(ii) the supplier is a sole provider; and

(iii) it is in the best interest of the University.

(c) An employee may not contract on behalf of the University, with themselves or their relative or any entity in which the employee or any relative has a direct or indirect financial, personal, fiduciary or other interest.

54. Evaluation – All employees of the University are subject to continuous evaluation in the performance of their duties and the outcome of such evaluation may have an impact on an employee's remuneration and/or employment status.

55. Staff discipline – Subject to applicable labour laws and all relevant policies of the University, all staff members of the University shall be subject to a disciplinary code, a disciplinary procedure and a grievance procedure as approved by Council or the Human Resources Committee of Council. These codes and procedures shall be deemed to be Institutional Rules.

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56. Representative employees' organisations – Agreements with representative employees' organisations may, with reference to conditions of employment and according to the relevant labour legislation, be entered into by Council or by the Principal acting on the delegated authority of Council.

CHAPTER 11

STUDENTS

57. Admission and registration of students – (1) As contemplated in section 37 of the Act, persons may be permitted by the Council to register as students only if they satisfy the legal requirements for admission to study at the University and, further, satisfy any other requirements for admission that may be determined by the Council and the Senate.

(2) Upon registration, whether for a degree, diploma, certificate or one or more subjects or modules, the students subject themselves to the Institutional Rules of the University.

(3) The requirements for admission of a student to the University are set out in the Institutional Rules and may be changed by the Council after consultation with the Senate: provided that the Council may delegate its authority to the Senate and the various faculty boards.

(4) Students are registered for one year at a time or for such shorter period as the Council may determine in general or in a particular case.

(5) In order for students to renew their registration after the expiry of the period as contemplated in subparagraph (4), they are required to comply with any conditions set by the Senate: provided that the Senate may delegate its authority in this respect to the various faculty boards.

(6) The Council may refuse to allow the renewal of registration if a student fails to meet the conditions as contemplated in subparagraph (5): provided that the Council may delegate its authority to the Senate and the various faculty boards.

(7) The conditions as contemplated in subparagraph (5) may include issues of good standing such as, *inter alia*, the payment of outstanding fees as well as academic non-performance or disciplinary issues.

58. SRC – (1) In matters that may affect them, the students of the University are represented by the SRC acting in accordance with the provisions of the SRC's Constitution which is subordinate to the Institutional Rules of the University.

(2) Only students registered for a degree or diploma at the University shall be elected as members of the SRC.

(3) No student who has been found guilty of transgressing the University's disciplinary code by a disciplinary body of the University shall be eligible to serve on the SRC and a standing member of the SRC thus found guilty shall immediately vacate such position.

(4) The SRC, as contemplated in section 35 of the Act, must be representative of the student body.

(5) The election of SRC members must be democratic and transparent.

(6) The term of office of the members of the SRC is one year.

(7) The privileges of members of the SRC are determined by the Council and can be revoked by the Council.

(8) The SRC is composed and functions in terms of a Constitution as well as the provisions of this Statute and the Institutional Rules.

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(9) The SRC Constitution or any amendment thereof must be approved by the Council, after consultation with the SRC.

(10) If the Council is of the opinion that the SRC is inoperative or unable to function properly, the Council may:

(a) revoke the SRC Constitution;

(b) make interim arrangements for the functioning of the SRC; or

(c) initiate a process to have a new SRC Constitution drafted.

59. Student discipline – The disciplinary measures and provisions applicable to students are set out in the Institutional Rules as contemplated in section 36 of the Act, and may be changed by the Council after consultation with the Senate and the SRC as provided for in section 32(2)(d) of the Act.

CHAPTER 12

DONORS

60. Donors.– The University may receive donations corporeal or incorporeal in nature from donors to assist the University in realising its objectives.

61. Qualification as donor– (1) Any person or entity, who is not an organ of state and who has made a particular donation to the University, shall be deemed to be a donor and shall be eligible for election to Council: provided that if a donation is made by a juristic person, a nominated representative of such juristic person shall be eligible for election to Council and provided further that only donors who have donated more than the minimum amount as contemplated in subparagraph (2) within the preceding period of five years be entitled to elect two members of the Council as mentioned in paragraph 15(1).

(2) For purposes of eligibility for election to Council, the donation referred to in subparagraph (1), whether corporeal or incorporeal in nature, shall be not less than an amount or valued at not less than an amount fixed from time to time by the Council and is subject to the issuing of a section 18A tax certificate by the University in accordance with the provisions of the Income Tax Act 58 of 1962, as amended.

(3) The period a person shall be deemed to be a donor is five years, calculated from the time when the donation satisfies the requirements set in subparagraph (2).

(4) In the case of a donor who, having satisfied the requirements of subparagraph (2), makes further donations, the period of five years shall be calculated from the last date on which the requirements of subparagraph (2) were satisfied.

62. Election of members to Council **by donors** – (1) The Registrar shall call for written nominations for candidates on all appropriate media spaces including online platforms with wide reach and on the University's website and in any other appropriate way.

(2) Each nomination shall be signed by at least two donors, shall be countersigned by the nominee as accepting the nomination and shall be lodged with the Registrar at least four weeks before the election.

(3) If the number of persons nominated does not exceed the number to be elected, the Registrar shall forthwith declare such person or persons to be duly elected.

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(4) If more persons are nominated than are to be elected, the Registrar shall submit the nominations to a meeting of the donors for a final ruling.

(5) The Principal shall preside at any meeting of the donors and in the Principal's absence the donors present shall elect a Chairperson for the particular meeting from its own ranks.

(6) Five donors shall constitute a quorum. If less than five donors are present, the Registrar shall reconstitute the meeting. The number of donors present at such a reconstituted meeting shall then be deemed to be a quorum.

CHAPTER 13

REPEAL OF PREVIOUS STATUTE

63. Repeal of previous Statute.– The Statute applicable to the University of Pretoria published in *Government Gazette* No. 42127 in Government Notice No. 1405 of 21 December 2018, is hereby repealed with effect from the date on which this Statute comes into operation.

CHAPTER 14

TRANSITIONAL PROVISIONS

64. Transitional provisions – (1) With the publication of this Statute, the existing Council, Council committees, Senate, Senate committees and faculty boards shall be deemed to be composed in terms of this Statute and shall continue to perform their activities.

(2) Any decision of the Council, Council committees, Senate, Senate committees and faculty boards made before the publication of this Statute shall be regarded as having been made in terms of this Statute.

(3) There shall be no interruption in the legal personality of the University as it existed before and after the coming into operation of this Statute.

(4) This Statute has no effect on the rights and duties that the University had against any legal subject or which any legal subject had against the University prior to the coming into operation of this Statute, except as specifically provided for herein.

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