
REGULATION AND PROCEDURE FOR THE APPOINTMENT OF THE VICE-CHANCELLOR AND PRINCIPAL

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1. INTRODUCTION

In terms of sections 1 and 30 of the Higher Education Act 101 of 1997, as amended, the Vice-Chancellor and Principal is the chief executive and accounting officer of the University *ex officio*, and is responsible for the management and administration of the institution.

1.1 Functions of the Vice-Chancellor and Principal

Paragraph 9 of the Statute of the University of Pretoria sets out the functions of the Vice-Chancellor and Principal as follows:

- “(1) The Vice-Chancellor and Principal is responsible for the management and administration of the University and has all the powers necessary to perform these functions.
- (2) The Vice-Chancellor and Principal is the University’s chief executive officer and is ultimately responsible for the discipline at the University.
- (3) The Council shall delegate to the Vice-Chancellor and Principal all the powers necessary to perform the responsibilities of the office.
- (4) The Vice-Chancellor and Principal may in turn, delegate duties to other employees or the chairperson of any committee.
- (5) The Vice-Chancellor and Principal reports to the Council.
- (6) The Vice-Chancellor and Principal is *ex officio* a member of all the committees of the Council and the Senate, excluding the Human Resources Committee of Council and the Audit, IT and Risk Committee of Council: provided that the Vice-Chancellor and 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 Vice-Chancellor and Principal as contemplated in section 68(2) of the Act.
- (8) When the Vice-Chancellor and Principal is absent or unable to perform the duties of the office, the Vice-Chancellor and 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 Vice-Chancellor and 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.
- (10) If the office of the Vice-Chancellor and Principal becomes vacant for whatever reason, the Council must appoint an acting Vice-Chancellor and 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 Vice-Chancellor and Principal will have the same duties, functions, powers and responsibilities as a Vice-Chancellor and Principal and will be accountable to the Council.”

1.2 Appointment and Term of Office of the Vice-Chancellor and Principal

Paragraphs 10(1) and 10(2) of the Statute of the University of Pretoria provide as follows:

“(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.

(12) The Council shall, after consultation with the Senate and the Institutional Forum, appoint the Vice-Chancellor and Principal: Provided that when the first term of a Vice-Chancellor and 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.”

Paragraph 11 provides as follows:

“The Vice-Chancellor and Principal is appointed by the Council for a period of five years. The Vice-Chancellor and Principal is eligible for reappointment for one further consecutive term or portion thereof as determined by Council, subject to paragraph 10(2).”

2. APPOINTMENT PROCEDURE

The Regulation and Procedure as set out below are applicable to the advertising of, nominations for and filling of the position of Vice-Chancellor and Principal at the University of Pretoria.

2.1 Recruitment

2.1.1 Advertisement

21.1.1 When a vacancy arises, the Director: Human Resources, acting on the instructions of the Human Resources Committee of Council, shall place an advertisement to this effect externally in the national and international press. The vacancy is also advertised internally on the UP Website. In addition to the customary exposition of the duties and responsibilities of the Vice-Chancellor and Principal and the requirements for appointment, the advertisement should also contain an exposition of the required documentation and a reference to the applicable appointment Regulation and Procedure.

21.1.2 Candidates should submit their applications to the Director: Human Resources by no later than 12:00 on the closing date stated in the advertisement. Applications should be accompanied by (1) a full as well as (2) an abbreviated *curriculum vitae* and (3) the candidate’s declaration of intent, as well as (4) the names and contact details of at least three referees (provided that the University reserves the right to appoint and consult its own referees and will inform candidates of this right). (5) Candidates should also indicate in writing that they accept the applicable appointment Regulation and Procedure.

2.1.2 Nominations

Acting on the instructions of the Human Resources Committee of Council, the Director: Human Resources directs a communiqué to the members of Senate, the Institutional Forum and Council containing the following:

- 2.1.2.1 a reference to the website where a copy of the advertisement for the post appears and the date upon which the post may be filled;
- 2.1.2.2 a reference to the website where a copy of the applicable appointment Regulation and Procedure appears and a summary of the main events in the appointment procedure;
- 2.1.2.3 an invitation to members of the Institutional Forum, Senate, and Council to submit nominations to the Director: Human Resources by no later than 12:00 on the closing date stated in the advertisement; and
- 2.1.2.4 the requirements for a valid nomination, namely that it should contain (1) a nomination and (2) a secondment, each under signature of no less than two members of Senate and/or members of Council and/or members of the Institutional Forum, and be accompanied by both (3) a full and (4) an abbreviated *curriculum vitae* of the nominee as well as (5) a declaration of intent and (6) the names and contact details of at least three referees (provided that the University reserves the right to appoint and consult its own referees and will inform candidates of this right). (7) The nominee should also accept the nomination and applicable appointment Regulation and Procedure in writing.

2.1.3 Recruitment Agency

Besides internal and external advertising, a search campaign, which may include the use of external recruitment companies, can be undertaken at any stage under the direction of the Human Resources Committee of Council or a committee designated by the Human Resources Committee of Council. Candidates thus recruited will have to apply or be nominated before 12:00 on the closing date stated in the advertisement.

2.2 Consideration

2.2.1 Initial consideration by the Joint Committee of Council: Short listing of candidates who are invited to address a joint meeting of Council, Senate and the Institutional Forum

- 2.2.1.1 A Joint Committee of Council, consisting of all the members of the Executive Committee of Council and the members of the Human Resources Committee of Council who are not members of the Executive Committee of Council, and chaired by the Chairperson of the Executive Committee of Council, shall be constituted for the purposes as set out in clauses 2.2.1, 2.2.3 and 2.4.2 herein.

In the event that any member of Senate on the Joint Committee of Council is a candidate for the vacancy, the Chairperson of Council shall substitute such member with another Senate member who is a member of Council.

- 2.2.1.2 A meeting of the Joint Committee of Council shall be convened as soon as possible after the closing date for applications and nominations, in accordance with the time frame for the appointment process approved by the Human Resources Committee of Council (see clause 3 below).
- 2.2.1.3 The Joint Committee of Council shall consider all the applications and nominations

received by way of a paper selection.

- 2.2.1.4 The full *curriculum vitae* and declaration of intent of each candidate who has applied or been nominated for the position shall be made available to the Joint Committee of Council.
- 2.2.1.5 The Joint Committee of Council shall compile a shortlist of possible candidates in accordance with the advertised requirements for appointment from the candidates who have applied and have been nominated, with a view to inviting the shortlisted candidates to address a joint meeting of Council, Senate and the Institutional Forum at a time and place as determined in accordance with the time frame for the appointment process approved by the Human Resources Committee of Council (see clause 3 below).
- 2.2.1.6 The Joint Committee of Council is entitled (but not obliged) to request all candidates on the shortlist to submit themselves to competency assessment to be conducted by a qualified service provider operating in the employment field. The said service provider is to be appointed by the Joint Committee of Council or a committee designated by the Joint Committee of Council. The report or other formal documentation of the assessment is confidential and will only be available to members of the Joint Committee of Council. All documentation in this regard must be destroyed after the appointment process is finalised.
- 2.2.1.7 Should the Joint Committee of Council be of the opinion that none of the applicants and nominees should be shortlisted in accordance with the advertised requirements for appointment:
 - 2.2.1.7.1 the appointment process shall commence *de novo* as soon as practicable, while appropriate transitional measures shall, in accordance with the circumstances, be instituted pending the finalisation of the process; or
 - 2.2.1.7.2 the Joint Committee of Council shall make a recommendation to Council on an appropriate alternative process to proceed with the appointment.
- 2.2.2 Consideration by the Institutional Forum and Senate: Pronouncement on the suitability for appointment of candidates on the shortlist.
 - 2.2.2.1 Both Senate and the Institutional Forum shall, after all the shortlisted candidates have addressed the joint meeting of Council, Senate and the Institutional Forum on (a) topic(s) as determined by the Joint Committee of Council and (b) in accordance with the advertised requirements for appointment, and a brief question and answer session following on each candidate's presentation (not exceeding 15 minutes per candidate), make a pronouncement on the suitability for appointment of each of the shortlisted candidates on the basis of the full *curriculum vitae*, the declaration of intent and the presentation to the joint meeting of each candidate on the shortlist.
 - 2.2.2.2 The Chairperson of Council, or in his/her absence, the Deputy Chairperson of Council or a member of Council designated by the Chairperson should the Deputy Chairperson be unavailable, shall act as chairperson of the joint meeting.

- 2.2.2.3 A candidate shall be deemed to be suitable for appointment by Senate or the Institutional Forum if 50% plus 1 (one) of the members of the relevant body present at a quorate meeting or, in the case of electronic voting, 50% plus 1 (one) of the members voting, provided that the number of voters meets the requirements for a quorum as applicable to the relevant body, vote in favour of his or her suitability.
- 2.2.2.4 Voting shall be conducted by means of a closed ballot under the supervision of the Registrar. In the event that the Registrar is a candidate for the vacancy, the Chairperson appoints an official of the University to tally the votes. Prior arrangements may be made for the University's internal auditors to supervise the voting process should the Registrar or official appointed to tally the votes deem this to be necessary.
- 2.2.2.5 The results of the voting conducted in the Senate and Institutional Forum shall be communicated to Senate and the Institutional Forum respectively after the meetings of both Senate and the Institutional Forum have taken place and be made available to the Joint Committee of Council and Council with the inclusion of the number of votes each candidate obtained.
- 2.2.3 Second consideration by the Joint Committee of Council: Interviews with candidates shortlisted by the Joint Committee of Council
- 2.2.3.1 A meeting of the Joint Committee of Council shall be convened as soon as possible after the joint meeting of the Council, Senate and Institutional Forum in accordance with the time frame for the appointment process approved by the Human Resources Committee of Council. At this meeting, the Joint Committee of Council shall conduct interviews with all the candidates shortlisted in accordance with clause 2.2.1.5 above.
- 2.2.3.2 All members of Council are entitled to attend the meeting of the Joint Committee of Council referred to in this subparagraph and to participate in proceedings (i.e. to pose questions to the shortlisted candidates), but only members of the Joint Committee of Council may be present or vote when the Joint Committee of Council deliberates or takes a decision at such meeting.
- 2.2.3.3 The Joint Committee of Council shall consider the full *curriculum vitae*, declaration of intent and the referee reports in respect of each candidate on the shortlist, as well as the results of the voting by Senate and the Institutional Forum on the suitability for appointment of the shortlisted candidates and the report of the qualified service provider referred to in clause 2.2.1.6 (if applicable).
- 2.2.3.4 After the interviews with the candidates, the members of the Joint Committee of Council shall make a substantiated recommendation to Council regarding the suitability for appointment of the candidates. The members of the Joint Committee of Council shall cast their votes by way of closed ballot. Should the Joint Committee of Council be of the opinion that more than one candidate is appointable in accordance with the advertised requirements, these candidates may be rated in order of preference from preference 1 onward. If the votes are tied between two candidates, the Chairperson shall in all instances cast the deciding vote. After voting, the Chairperson of the Joint Committee of Council shall announce the results of the ballot to the Joint Committee of Council.

2.2.4 Consideration by Council

2.2.4.1 With a view to swift finalisation of the matter, an extraordinary meeting of Council shall be convened in accordance with the time frame for the appointment process approved by the Human Resources Committee of Council for Council to decide on the appointment of the Vice-Chancellor and Principal if the matter cannot be finalised timeously during a normal Council meeting.

2.2.4.2 Council shall at this meeting –

2.2.4.2.1 review, and confirm if appropriate, the processes and procedures that were followed thus far;

2.2.4.2.2 consider all the nominations and applications that have been received;

2.2.4.2.3 take note of the results of the voting at Senate and the Institutional Forum on the suitability for appointment of the candidates on the shortlist ;

2.2.4.2.4 take note of all information that was at the disposal of the Joint Committee of Council (the Chair of the Joint Committee of Council shall give feedback on the competency assessment referred to in clause 2.2.1.6 above in the appropriate manner if applicable);

2.2.4.2.5 take note of the minutes of the meetings of the Joint Committee of Council referred to in clauses 2.2.1 and 2.2.3 respectively, especially the meeting at which the candidates on the shortlist were interviewed;

2.2.4.2.6 take note of the recommendation of the Joint Committee of Council with regard to:

2.2.4.2.6.1 an appropriate alternative process to proceed with the appointment where the Joint Committee of Council was of the opinion that none of the applicants and nominees should be shortlisted in accordance with the advertised requirements for appointment; or

2.2.4.2.6.2 the appointment of a candidate and the order of preference if applicable, in which the candidates were listed by the Joint Committee of Council after interviewing the candidates on the shortlist;

2.2.4.2.7 after considering the recommendations and relevant documentation, decide to:

- proceed with the alternative process referred to in clause 2.2.4.2.6.1; or
- appoint a candidate; or
- after conducting further interviews with the candidates, appoint a candidate; or
- not make an appointment. In this instance Council may decide to commence with the appointment process as set out in clause 2 herein *de novo* as soon as practicable, or to proceed with an appointment by means of an appropriate alternative process, while appropriate transitional measures shall, in accordance

with the circumstances, be instituted pending the finalisation of the process;

- 2.2.4.2.8 determine the term of office, taking into consideration the provisions of the Statute in terms of which the Vice-Chancellor and Principal is appointed for a period of five years and is eligible for reappointment for one further consecutive term or portion thereof as determined by Council;
- 2.2.4.2.9 determine the conditions of service, privileges, responsibilities and, subject to recommendation by the appropriate Senate Committee (the faculty Recruitment and Selection Committee) and the approval of the Senior Appointments Committee of Council (Academic), the academic status and title of the Vice-Chancellor and Principal, and the faculty and department concerned.
- 2.2.4.3 The position of Vice-Chancellor and Principal shall be offered to the candidate who enjoys the support of an absolute majority of Council members present at the meeting.
- 2.2.4.4 In the event that no candidate enjoys the support of an absolute majority of the Council members who are present at the meeting during a first or subsequent round of voting, the candidate with the least number of votes in a specific round is eliminated. Where there is a tie between more than two candidates for the least number of votes, Council votes in a separate round on which of the candidates proceeds to the next round. Only the candidate with a simple majority of the votes cast goes through to the next round. The process is repeated until one candidate enjoys the support of an absolute majority of the Council members present; provided that where only one candidate remains and is unable to obtain an absolute majority of the votes of the Council members present, no appointment shall be made and the provisions set out in clause 2.2.4.2.7 above (fourth bullet) shall apply.
- 2.2.4.5 If the votes are tied between two candidates, the Chairperson shall in all instances cast the deciding vote.
- 2.2.4.6 Voting takes place by way of closed ballot. The Registrar is responsible for tallying the votes. In the event that the Registrar is a candidate for the vacancy, the Chairperson appoints an official of the University to tally the votes. Prior arrangements may be made for the University's internal auditors to supervise the voting process should the Registrar or official appointed to tally the votes deem this to be necessary.
- 2.2.4.7 Where the preferred candidate does not accept the offer of appointment, no appointment shall be made and the provisions set out in clause 2.2.4.2.7 above (fourth bullet) shall apply.
- 2.2.4.8 The abbreviated *curriculum vitae* of the successful candidate is placed on the Intranet of the University.

2.3 Participation of nominees/applicants in proceedings

- 2.3.1 With regard to proceedings at which candidates are discussed and/or voted for in accordance with this procedure, a candidate or nominee who is a member of Senate and/or Council

and/or the Joint Committee of Council and/or the Institutional Forum, should recuse himself or herself from such proceedings of the relevant body.

- 2.3.2 In the event that such a candidate represents an interest group on the Institutional Forum or Senate, such interest group shall be entitled to appoint a substitute.

2.4 Appointment procedure for a further term

- 2.4.1 Paragraphs 10(2) and 11 of the Statute of the University of Pretoria provide as follows:

“The Council shall, after consultation with the Senate and the Institutional Forum, appoint the Vice-Chancellor and Principal: provided that when the first term of a Vice-Chancellor and 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.”

“The Vice-Chancellor and Principal is appointed by the Council for a period of five years. The Vice-Chancellor and Principal is eligible for reappointment for one further consecutive term or portion thereof as determined by Council, subject to paragraph 10(2).”

- 2.4.2 At least six months before the expiry of the term of office of a serving Vice-Chancellor and Principal, and where he/she has indicated that he/she would be available for a further term, the Joint Committee of Council shall consider the possibility of appointing said Vice-Chancellor and Principal for a further term.

- 2.4.3 The contents of the following documents shall be borne in mind when reappointment is considered:

2.4.3.1 a self-appraisal by the serving Vice-Chancellor and Principal in respect of the expired term;

2.4.3.2 the serving Vice-Chancellor and Principal’s vision for a possible further term;

2.4.3.3 a report prepared by the Chairperson of Council in accordance with appropriate assessment criteria, including the University’s performance indicators and the agreed-upon personal performance objectives, in respect of the outputs of the serving Vice-Chancellor and Principal during the expired term.

- 2.4.4 After considering the documentation referred to in clause 2.4.3, the Joint Committee of Council shall decide either:

2.4.4.1 to continue with the reappointment process as set out in clauses 2.4.6 to 2.4.13 below; or

2.4.4.2 to make a recommendation to Council to advertise the position of Vice-Chancellor and Principal. In such an instance, the serving Vice-Chancellor and Principal will be entitled to apply for the position.

- 2.4.5 Where the Joint Committee decides to recommend to Council that the position be advertised as envisaged in clause 2.4.4.2, the recommendation and the documentation

referred to in clause 2.4.3 shall be submitted to Council at the first possible opportunity. Should Council not approve the recommendation to advertise, the matter is referred back to the Joint Committee to proceed in accordance with clause 2.4.4.1.

- 2.4.6 The Joint Committee of Council may elect to consult with Senate and the Institutional Forum regarding the reappointment of the serving Vice-Chancellor and Principal and may decide to undertake any other consultation process it deems appropriate.
- 2.4.7 In instances where the Joint Committee of Council elects to consult with Senate and/or the Institutional Forum regarding the suitability for reappointment of the serving Vice-Chancellor and Principal, the self-appraisal, vision and *curriculum vitae* of the serving Vice-Chancellor and Principal shall be made available to members, and both groupings must make a pronouncement by way of voting at a meeting as to whether reappointment should take place or not. For purposes of the voting at Senate, the longest serving Vice-Principal shall chair the meeting.
- 2.4.8 Voting shall be conducted in the same manner as prescribed in paragraphs 2.2.2.3 and 2.2.2.4 above.
- 2.4.9 Where applicable, the results of the voting conducted in the Senate and Institutional Forum shall be communicated to Senate and the Institutional Forum respectively and made available to the Joint Committee of Council and Council. Where applicable, the results may only be announced after the meetings of both Senate and the Institutional Forum have taken place.
- 2.4.10 The Joint Committee of Council shall conduct an interview with the serving Vice-Chancellor and Principal.
- 2.4.11 With due consideration of (i) the results of the voting in Senate and the Institutional Forum or any other appropriate consultation process, where applicable, (ii) the documents referred to in clause 2.4.3 above and (iii) the interview conducted with the serving Vice-Chancellor and Principal, the Joint Committee of Council shall submit a substantiated recommendation to Council regarding the reappointment of the serving Vice-Chancellor and Principal.
- 2.4.12 Council shall consider the documents referred to in clause 2.4.11 above, as well as the recommendation of the Joint Committee of Council and may decide, after voting by way of closed ballot, either to reappoint the serving Vice-Chancellor and Principal for a further term as determined by Council, or not. Voting takes place in accordance with clause 2.4.8 above. Where the votes are tied, the Chairperson shall cast the deciding vote.
- 2.4.13 In the event that Council decides not to reappoint the serving Vice-Chancellor and Principal for a further term, the procedure as set out in clauses 2.1 - 2.3 above comes into effect and appropriate transitional measures shall, in accordance with the circumstances, be instituted pending the finalisation of the process.

3. TIME FRAME

The Human Resources Committee of Council shall be responsible for setting a time frame with a view to the implementation and finalisation of the appointment process.

4. REGULATION LIFE CYCLE

This regulation should be reviewed every four (4) years or in the interim if required.

5. DOCUMENT METADATA

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