



Combined Statute and Amendment to the Statute of the University of the Witwatersrand, Johannesburg as published in **GG** No 23132 dated 15 February 2002 and **GG** No 26350 dated 14 May 2004 respectively.

GG No. 23132
GOVERNMENT NOTICE
DEPARTMENT OF EDUCATION

No. 195

15 February 2002

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

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

STATUTE

The Council of the University of the Witwatersrand, Johannesburg, has made the Statute, set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), which is in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Education, and which comes into operation on the date of this publication.

SCHEDULE

To introduce a new statute for the University of the Witwatersrand, Johannesburg, to give effect to any law relating to the University; and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

GG No. 26350
GOVERNMENT NOTICE
DEPARTMENT OF EDUCATION

No. 602

14 May 2004

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

**AMENDMENT TO THE STATUTE OF THE UNIVERSITY OF THE
WITWATERSRAND, JOHANNESBURG**

The Council of the University of the Witwatersrand, Johannesburg, has made the amendment to the Statute, set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Education, and which comes into operation on the date of this publication.

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DEFINITIONS

Definitions

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

“**academic employee**” means any person appointed by the council to a teaching or research post at the University and any other employee designated as such by the council and includes a person in this category who is serving a probationary period in terms of his or her contract of employment prior to permanent appointment;

“**convocation**” means the convocation contemplated in paragraph 35;

“**council**” means the council contemplated in paragraph 16;

“**days**” includes Saturdays, Sundays and public holidays;

“**donor**” means a person who has made a donation, which, in the opinion of the council warrants that person being recognised as a donor;

“**functions**” include powers and duties and vice versa;

“**graduate**” means a person upon whom a degree has been conferred by a university;

“**month**” means a calendar month;

“**PGA**” means the postgraduate students’ association of the University;

“**professor**” means an academic employee on the permanent or temporary, full-time or part-time, salaried or honorary staff of the University who has been given the title of professor by the University, and includes a person in any of these categories who is serving a probationary period in terms of his or her contract of service prior to permanent appointment, but does not include an emeritus, adjunct, associate or assistant professor, or a reader;

“**Rules**” means any rules of the University made under section 32 of the Higher Education Act;

“**senate**” means the senate contemplated in paragraph 29;

“**SRC**” means the students’ representative council of the University;

“student” means any person registered at the University full-time or part-time for a degree, diploma, licentiate or certificate of the University or registered or enrolled for any course or programme of instruction of the University, provided that a person so registered or enrolled who is also a full-time or part-time employee of the University is not a student for the purpose of membership of the council or the senate;

“support services employee” means a person on the permanent or temporary, full-time or part-time staff of the University, other than an academic employee, and includes a person in this category who is serving a probationary period in terms of his or her contract of service prior to permanent appointment;

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

“the management of the University” for the purposes of paragraph 43(2) of this Statute and section 31(2)(a) of the Higher Education Act, means a body whose members are the principal, the vice-principal, the deputy vice-chancellor or deputy vice-chancellors, the executive director or executive directors, the registrar or registrars and the deans of the faculties;

“the seat of the University” for the purposes of paragraph 2 of this Statute and section 65A of the Higher Education Act means the physical location of the University which is Johannesburg in the Gauteng Province;

“the senior management of the University” for the purposes of paragraph 43(12) of this Statute and section 31(1)(a) of the Higher Education Act, means a body whose members are the principal, the vice-principal, the deputy vice-chancellor or deputy vice-chancellors, the executive director or executive directors and the registrar or registrars;

“the University” means the University of the Witwatersrand, Johannesburg, established by the University of the Witwatersrand, Johannesburg, (Private) Act, 1921 (Act No. 15 of 1921), now deemed to be a university established in terms of the Higher Education Act;

“University forum” for the purposes of paragraph 43 of this Statute and section 31 of the Higher Education Act, means the University’s institutional forum.

UNIVERSITY

Name, status, physical location and powers of University

2. (1) The name of the University is the University of the Witwatersrand, Johannesburg.

(2) The University is a juristic person, the activities of which are principally administered from Johannesburg in Gauteng Province and, subject to the Higher Education Act, is capable of performing such acts as juristic persons may by law perform.

(3) Notwithstanding subparagraph (2), the University may not, without the concurrence of the Minister, dispose of or alienate in any manner, any immovable property acquired with the financial assistance of the State or grant to any person any real right therein or servitude thereon.

Constitution of University

3. (1) The University consists of –

- (a) the chancellor;
- (b) the principal, within the meaning of section 30 of the Higher Education Act, who is called the vice-chancellor and principal;
- (c) the vice-principal;
- (d) two or more officers, as the council may determine, each of whom is called deputy vice-chancellor, or other such title as the council may determine, and one of whom may be the vice-principal;
- (e) one or more registrars as determined by the council;
- (f) the council;
- (g) the senate;

- (h) the university forum;
- (i) the convocation;
- (j) the president of the convocation;
- (k) the faculties, departments and such other academic structures of the University as may be determined by the council in accordance with this Statute;
- (l) the academic employees of the University;
- (m) the support services employees of the University;
- (n) the students of the University; and
- (o) the students' representative council.

(2) No vacancy in any of the offices contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function conferred by this Statute or the Higher Education Act upon the University.

CHANCELLOR

Functions of chancellor

4. (1) The chancellor is the titular head of the University and in the name of the University confers all degrees.

(2) The chancellor performs such other functions as assigned to him or her by the council.

Election of chancellor

5. The chancellor is elected by the convocation in the following manner-

- (a) the secretary to the convocation fixes a closing date for the return of voting papers and sends notices calling for nominations for the election of a chancellor;

- (b) the notices for nominations contemplated in subparagraph (a) are sent to all enrolled members of the convocation at least nine weeks before the closing date contemplated in subparagraph (a);
- (c) nominations in writing together with written acceptance of such nominations must be lodged with the secretary to the convocation at least seven weeks before the closing date contemplated in subparagraph (a) and each nomination must be signed by at least four members of the convocation;
- (d) if there is only one person nominated, the secretary to the convocation forthwith declares that person duly elected, or where this is appropriate, with effect from the date on which the vacancy is to occur;
- (e) if there is more than one person nominated, a written notice is sent by the secretary to the convocation at least 30 days before the closing date contemplated in subparagraph (a) to all enrolled members of the convocation, together with a printed voting paper, contemplated in subparagraphs (f) and (g);
- (f) the secretary to the convocation is required to draft and submit to the executive committee of the convocation a voting paper for its approval, in which is set out, in not more than 200 words, a description of each candidate;
- (g) the executive committee of the convocation must determine the form and content of the voting paper;
- (h) at all elections, the secretary to the convocation acts as returning officer;
- (i) the returning officer may be assisted by two or more scrutineers appointed by the president of the convocation or, if the president is absent or is a candidate, by the principal, or in the absence of the principal, by the acting principal;
- (j) at the conclusion of the election, the returning officer must announce the result of the election; and

- (k) a successful candidate is elected as from the date of the election or, where appropriate, with effect from the date on which the relevant vacancy is to occur.

Term of office of chancellor

- 6.** (1) The chancellor holds office for a period of six years, unless he or she resigns or he or she is dismissed.
- (2) (a) A person may not be elected for more than two periods of office.
 - (b) These periods of office may be consecutive.
- (3) Whenever an election to the office of chancellor occurs in a year in which no elections by the convocation are scheduled, the period of office of the incumbent chancellor will be extended by one additional year.
- (4) If the chancellor is unable, for any reason, to perform the functions of his or her office, or if the office of chancellor becomes vacant, the principal or the vice-principal performs the functions of the chancellor.
- (5) The chancellor may be removed from office by a resolution passed by at least two-thirds of the members of council.
- (6) The resolution may not be passed if the chancellor has not been given the opportunity to speak.

PRINCIPAL

Functions of principal

- 7.** (1) The principal is also the vice-chancellor.
- (2) The principal is responsible for the management and administration of the University and has all the powers necessary to perform these functions including the power to appoint acting registrars, acting deans of faculties, acting heads of schools and departments, acting chairpersons of governing committees and acting heads of any academic structure which the council may from time to time determine.

(3) The principal is the chief executive officer of the University and chairperson of the senate, and is a member of all committees of the council and the senate, and of all joint committees of the council and the senate.

(4) The principal is accountable to the council.

(5) If the principal is unable, for any reason, to perform his or her functions of office, or if the office of the principal becomes vacant, the vice-principal becomes the acting principal.

(6) An acting principal has the same functions as the principal.

(7) The principal may, on such conditions as he or she may determine, delegate any of his or her powers under the Higher Education Act and assign any of his or her duties in terms of the Higher Education Act to any other employee of the University.

Manner of appointment of principal

8. The council appoints the principal in the manner determined by the council in its document presently entitled “Revised procedure for selecting a vice-chancellor or a deputy vice-chancellor”, provided that the council may change the selection procedure.

Discipline of principal

9. The principal is subject to the Rules for staff discipline.

Term of office of principal

10. (1) The council determines the term of office of the principal.

(2) The contract between the council and the principal must provide for a reasonable period of notice to be given should either party wish to cancel the contract.

(3) A person may be appointed for more than one term of office.

(4) If the office of the principal becomes vacant, the council must proceed to appoint a successor.

Vice-principal

11. (1) The council appoints the vice-principal after considering the recommendation of the principal.

(2) The council determines the term of office of the vice-principal.

(3) The council determines the functions of the vice-principal.

(4) The vice-principal is further responsible for any specific managerial, administrative and supervisory functions entrusted to him or her by the principal.

(5) The vice-principal is accountable to the council and the principal.

(6) The vice-principal is subject to the Rules for staff discipline.

(7) If the office of vice-principal becomes vacant, the council must appoint a successor.

(8) If the vice-principal is unable, for any reason, to perform the functions of his or her office, or if the office of vice-principal becomes vacant, the other deputy vice-chancellor, or, if there are two or more deputy vice-chancellors, one of them appointed by the executive committee of the council, becomes acting vice-principal.

(9) An acting vice-principal has all the functions of a vice-principal.

Deputy vice-chancellors

12. (1) The council appoints a deputy vice-chancellor in the manner determined by the council in its document presently entitled "Revised procedure for selecting a vice-chancellor or deputy vice-chancellor", provided that the council may change the selection procedure.

(2) The council determines the functions and the term of office of a deputy vice-chancellor.

(3) A deputy vice-chancellor is accountable to the council and the principal.

(4) A deputy vice-chancellor is subject to the Rules for staff discipline.

(5) If a deputy vice-chancellor is unable, for any reason, to perform the functions of his or her office, or if his or her office becomes vacant, the council must appoint a replacement.

(6) If the office of deputy vice-chancellor is vacant for six months or less the council may, on the recommendation of the principal, appoint an acting deputy vice-chancellor.

(7) If the office of deputy vice-chancellor is vacant in excess of six months, the council must first consult with the senate before appointing an acting deputy vice-chancellor.

Executive directors

13. (1) One or more executive directors may be appointed by the council after consideration of the recommendations of a selection committee appointed by the principal.

(2) The council determines the functions and term of office of an executive director.

(3) An executive director is accountable to the council and the principal.

(4) An executive director is subject to the Rules for staff discipline.

(5) If an executive director is unable, for any reason, to perform the functions of his or her office, or if his or her office becomes vacant, the council proceeds to appoint a replacement.

(6) If the office of an executive director is vacant for six months or less the council may, on the recommendation of the principal, appoint an acting executive director.

(7) If the office of an executive director is vacant in excess of six months, the council must first consult with the senate before appointing an acting executive director.

Registrars

14. (1) The council may appoint one or more persons to be a registrar or registrars.

(2) The council determines the functions and the term of office of a registrar.

(3) A registrar is accountable to the council and the principal.

(4) The principal may entrust to a registrar specific managerial, administrative and supervisory functions.

(5) A registrar is subject to the Rules for staff discipline.

(6) If a registrar is unable for any reason to perform any of his or her functions, the principal appoints another University employee to perform one or more of the registrar's functions until a replacement is appointed.

Deans

15. (1) In every faculty there is a dean who is responsible for the management and administration of the faculty.

(2) Deans are appointed by the council after consultation with the senate.

(3) A dean is accountable to the senate, the principal and the council.

(4) A dean is subject to the Rules for staff discipline.

(5) In the temporary absence of a dean, the principal designates another suitable person to perform the functions of the office.

COUNCIL

Composition of council

16. (1) The council consists of -

(a) the principal;

(b) the vice-principal;

(c) one person appointed by the principal for a specified period from persons holding office of deputy vice-chancellor or executive director;

(d) three persons appointed by the Minister;

(e) two persons representing the convocation as determined by the Rules;

(f) four members of the senate elected by the senate one of whom preferably to be a non-professorial member of senate or a dean;

- (g) one representative of the deans of the faculties or the heads of such other academic structures as may be determined by the council and elected or appointed in terms of this Statute;
- (h) one academic employee elected by such employees in accordance with paragraph 17;
- (i) one support services employee elected by such employees in accordance with paragraph 17;
- (j) one person appointed by the Premier of the Province of Gauteng, which appointment is subject to the approval of the council;
- (k) one person appointed by the Johannesburg Unicity Council or its legal successor, which appointment is subject to the approval of the council;
- (l) two persons elected by persons who in terms of this Statute, are donors in accordance with paragraph 28;
- (m) seven persons elected by the council by reason of special knowledge or expertise, considerations of equity and diversity or to represent one or more constituencies which the council may consider to be under-represented, and to include two professional persons from bodies external to the University, as may be determined by council;
- (n) two students elected by the SRC one of whom to represent the SRC, the other to represent the PGA; and
- (o) two persons from the membership of such business and labour organisations as may be determined by the council;
- (p) the deputy vice-chancellor or deputy vice-chancellors and executive director or executive directors not appointed to the council in terms of paragraph 16(1)(c) is in attendance at council;
- (q) in addition to the SRC representative elected in terms of paragraph 16(1)(n), a second SRC representative is in attendance at council.

(2) The persons contemplated in paragraphs 16(1)(f), (g), (h) and (i) are elected as set out in paragraph 17.

(3) An appointment in terms of paragraphs 16(1)(j) and (k) is subject to the approval of the council.

(4) The procedure for electing donor representatives, as contemplated in paragraph 16(1)(l), is set out in paragraph 28.

(5) An appointment in terms of paragraph 16(1)(m) must have regard to any racial and gender under-representation on the council and the need to redress that and is subject to the terms and conditions laid down by the council at the time of appointment.

(6) (a) (i) Members contemplated in paragraph 16(1)(n), must be elected by their constituencies within six weeks of the annual SRC and PGA elections respectively.

(ii) The member elected by the SRC holds office until 15 September the following year and the member elected by the PGA holds office until 15 February the following year.

(b) The manner of the election of the representatives is laid down in each constituency's rules.

(7) The council makes an appointment of professional persons in terms of paragraph 16(1)(m) from such professional bodies, external to the University, as it may determine.

(8) An appointment in terms of paragraph 16(1)(o) is made by the council in the following manner –

(a) the council must call for no fewer than two nominations from such persons or bodies or persons as it considers representative of business or labour or both;

(b) after receiving the nominations the council is entitled to appoint at most two persons, whom it considers fit; and

(c) in the event of fewer than two nominees being acceptable to the council, the council must call for further nominations until two members are appointed.

(9) At least 60% of the members of the council must be persons who are not employed by, or students of, the University and regard must be had to any racial and gender under-representation on the council and the need to redress that.

(10) Except as provided in subparagraphs (1)(a), (b), (c), (f), (g), (h), (i), and (n)-

(a) no student or employee of the University and no other person in receipt of regular remuneration from the University is eligible for appointment or nomination for election or election as a member of the council;

(b) a member of the council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University must forthwith vacate his or her seat on the council.

[amended by GN 602 GG 26350 dated 14 May 2005]

Election of council members

17. (1) If the vacancy is to be filled by an elected person the secretary to the council fixes a closing date for the return of voting papers and causes notices calling for nominations for election to such office to be sent to the relevant constituency.

(2) Nominations in writing must be lodged with the secretary to the council at least six weeks before the closing date for the return of voting papers and each such nomination must be signed by not fewer than two members of the particular constituency and must be accompanied by the written acceptance of nomination by the person nominated.

(3) If the number of persons nominated for an office does not exceed the number to be elected for that office, the secretary to the council declares such person or persons to be duly elected.

(4) If more persons are nominated than are to be elected, a written notice is sent by the secretary to the council to the relevant constituency at least 30 days

before the closing date for the return of voting papers, together with a printed voting paper contemplated in subparagraphs (5) and (6).

(5) The secretary to the council is required to draft and submit to the executive committee of the council a voting paper for its approval, in which is set out in not more than 200 words, a description of each candidate.

(6) The executive committee of the council must determine the form and content of the voting paper.

(7) At all elections the secretary to the council acts as returning officer and is assisted by two or more scrutineers designated by the principal or acting principal.

(8) At the conclusion of the election the returning officer must announce the result of the election.

Term of office of council members

18. (1) The members contemplated in paragraph 16(1)(a), (b) and (c) remain members of the council for as long as they occupy their posts or for the period specified in the context of paragraph 16(1)(c).

(2) The term of office of members contemplated in paragraph 16(1)(n) is one year.

(3) The term of office of members contemplated in paragraph 16(1)(g) and (o) is two years.

(4) The term of office of members contemplated in paragraph 16(1)(d), (e), (h), (i), (j), (k), and (l) is four years.

(5) The term of office of members contemplated in paragraph 16(1)(f) is five years.

(6) The term of office of members contemplated in paragraph 16(1)(m) is determined by the number of votes received in their election, the members receiving the three highest number of votes serve a term of four years and those receiving the four lesser number of votes serve a term of two years.

[amended by GN 602 GG 26350 dated 14 May 2005]

Termination of membership and filling of vacancies

19. (1) A member of the council, with the exception of the principal, the vice-principal and any deputy vice-chancellor, vacates his or her position on the council if the member –

- (a) is absent without the prior leave of the chairperson from three consecutive meetings of the council, or in the case of the chairperson, the leave of the executive committee of the council, provided that the council may at a meeting excuse the absence of a member from that meeting, in which event the member is, for the purposes of this Statute, deemed to have attended that meeting;
 - (b) having been elected or appointed by a particular constituency, is no longer a member of the constituency which he or she represents;
 - (c) resigns by giving written notice to the chairperson of the council;
 - (d) is declared by a court of law to be insolvent or otherwise incapable of attending to his or her own affairs;
 - (e) is removed from an office of trust by a court of law, is convicted of an offence involving dishonesty, or is sentenced to a period of imprisonment without the option of a fine; or
 - (f) subject to subparagraph (5), is considered by a two-thirds majority of the members of council present at any meeting to be acting other than in the best interests of the University.
- (2) (a) Members of council must participate in the deliberations of the council in the best interests of the University.
- (b) Failure to act in the best interests of the University or behaviour that brings the University into disrepute may result in the removal from office of any member of council.
- (3) (a) If it is alleged that a member is not acting in the best interests of the University or has engaged in conduct that brings or tends to bring the University into disrepute and at least one third of the

members of council present at any meeting resolve that steps should be taken against that member, the council must instruct that a hearing by an *ad hoc* committee of council take place.

(b) If the committee finds that the member has failed to act in the best interests of the University or has behaved in a manner that brings the University into disrepute then the committee may recommend that the member be removed from office.

(4) If the member has not been appointed by the Minister, the Premier of Gauteng or the Johannesburg Unicity Council or its legal successor the member may be removed from office if a majority of the members of the council present at any meeting vote for his or her removal.

(5) If the member has been appointed by the Minister, the Premier of Gauteng or the Johannesburg Unicity Council or its legal successor, the finding and recommendation of the committee must be referred to the appointing authority or body for further action.

(6) In the event of a vacancy through death or otherwise, the secretary to the council notifies the vacancy to the authority or body that has appointed or elected such member, requesting such authority or body to appoint or elect a successor.

(7) The secretary to the council must, if practicable, give at least 10 weeks' notice of the vacancy.

(8) The successor holds office for the unexpired term of office of the predecessor unless the successor is appointed or elected because his or her predecessor's term of office has expired.

[amended by GN 602 GG 26350 dated 14 May 2005]

Functions of council

20. (1) (a) The council governs the University in terms of section 27 of the Higher Education Act and this Statute and may on such

conditions as it may determine, delegate any of its powers except those powers specified in subparagraph (2)(n).

(b) Notwithstanding subparagraph (1)(a) the council remains responsible for the exercise and performance of the functions so delegated or assigned.

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

(a) may determine, after consultation with the senate, the faculty to which each academic department, school or other academic structure belongs;

(b) determines, subject to the applicable labour laws, the conditions of service, the disciplinary provisions and the privileges and functions of its employees, and may, in the manner set out in the disciplinary Rules, suspend or dismiss any employee of the University;

(c) may order an employee whom it has suspended to refrain from being on any premises under the control of the University and to refrain from participating in any University activity;

(d) (i) may establish committees as provided for in section 29 of the Higher Education Act to perform any of its functions except those functions specified in subparagraph (n);

(ii) may appoint persons who are not members of the council as members of such committees;

(iii) must take note of any action taken by a committee, contemplated in subparagraph (d)(i), in the exercising of its delegated powers or functions when such committee reports to council at the next meeting of the council which in the opinion of the secretary to the council is appropriate.

- (e) (i) may establish, in consultation with the senate, joint committees of the council and the senate in terms of section 29(3) of the Higher Education Act to perform functions that are common to the council and the senate;
- (ii) is not divested of responsibility for the performance of any function delegated or assigned to a committee under this paragraph;
- (f) may set the procedural requirements for committees established in terms of subparagraph (d) and (e);
- (g) may deem a single person to be a committee;
- (h) appoints all employees of the University, but, in the case of academic employees of the University it may do so only after consultation with the senate;
- (i) must, subject to the policy determined by the Minister, with the concurrence of the senate, determine the language policy of the University;
- (j) must, after consultation with the SRC, establish a structure to advise on the policy for student support services within the University;
- (k) may make Rules for the better carrying out of its functions;
- (l) must, when creating academic structures other than faculties and departments, accord to the governance of that structure such functions, status and title as it deems appropriate; and
- (m) (i) determines what faculties, academic departments and other academic structures exist at the University;
- (ii) may, after consultation with the senate, establish or disestablish any faculty, academic department, school or other academic structure;
- (iii) has, for the better carrying out of its functions, the power to organise any portion of the University into a

college or institution or body going by some other name and to set up for its governance a board or committee or authority going by some other name which, subject to the authority of the council and the senate, exercises such powers and receives such representation on the senate as may be determined by this Statute.

- (n) notwithstanding subparagraphs (1)(a) and 2(d), may not delegate any of the following functions -
 - (i) the establishment or disestablishment of faculties or departments;
 - (ii) the appointment of the vice-chancellor and principal and the vice-principal and the deputy vice-chancellors;
 - (iii) the modification of such general conditions of service or terms of appointment of the staff as may have been prescribed by the council;
 - (iv) the approval of the annual estimates of revenue and expenditure;
 - (v) the adoption of the annual accounts of revenue and expenditure and the balance sheet;
 - (vi) the determination of the fees to be paid by students;
 - (vii) the making or approval of the Statute;
 - (viii) the power to enter into a loan or overdraft agreement;
 - (ix) the decision to embark on the construction of a permanent building or other immovable infrastructural development; and
 - (x) the purchase of immovable property or entering into the long-term lease of immovable property
- (o) without derogating from the generality of the powers vested in it, the council-

- (i) appoints all such persons as it considers necessary for the efficient conduct of the University and determines the title, status, powers, privileges, functions and duties of any person so appointed, and such persons are subject to any disciplinary provisions that may be determined by the Statute and any Rules made by the council;
- (ii) determines, levies and collects the fees to be paid by students and the boarding charges to be paid by resident students and employees;
- (iii) may not repeal or amend the composition of the senate without first consulting with the senate;
- (iv) may not make, repeal or amend any Rules relating to the academic functions of the University without the concurrence of the senate; and
- (v) after consultation with senate, determines the admission policy of the University.

Office-bearers of council

21. (1) The following office-bearers of the council are elected from among the members of the council –

- (a) a chairperson; and
- (b) a vice-chairperson;

provided that the chairperson and vice-chairperson of the council may not be elected from members contemplated in paragraph 16(1) (a), (b), (c), (f), (g), (h), (i), and (n).

(2) The registrar appointed by the council is secretary to the council, provided that should there be more than one registrar the council will appoint one as the secretary to the council.

(3) No person may be elected as an office-bearer unless he or she has been nominated in writing by at least three members of the council.

(4) The nominee must countersign the nomination to denote his or her acceptance of the nomination.

(5) An office-bearer holds office for two years, unless during that time he or she resigns or ceases to be a member of the council.

(6) At least 60 days before the expiry of the office-bearer's term of office, the secretary to the council must give notice of this fact to the council and a successor is elected by a majority of the members present and voting at the next meeting of the council.

(7) The retiring office-bearer is eligible for re-election, if he or she is still a member of the council.

(8) If a vacancy occurs within the two-year period, the secretary to the council must give notice of the vacancy to the members of the council.

(9) On receipt of the notice contemplated in subparagraph (8), the council must at its next meeting elect another member to act in the place of that office-bearer.

(10) The person elected in terms of subparagraph (9) holds office for the rest of the two-year period, unless he or she resigns or ceases to be a member of the council.

(11) (a) The chairperson presides at meetings of the council and the executive committee of the council.

(b) The council determines any further functions of the chairperson.

(12) The vice-chairperson presides at meetings of the council and the executive committee of the council in the absence of the chairperson.

(13) The vice-chairperson performs such other functions as the council may determine.

(14) (a) The secretary performs those functions assigned to him or her by the council.

(b) The council may appoint any employee of the University to assist the secretary or to act in his or her place.

(15) If both the chairperson and vice-chairperson are absent, the council elects, from among its members, a chairperson for the meeting concerned.

(16) The first elections in terms of this paragraph must take place at the next ordinary meeting of the council after this Statute comes into operation.

[amended by GN 602 GG 26350 dated 14 May 2005]

Council members on senate

22. (1) The council, at its second ordinary meeting in any calendar year, must elect two of its members, other than persons who are already members of the senate, as members of the senate.

(2) A council member on the senate holds office for one year from the first of July of the year in which he or she is appointed;

(3) If such a member of the senate ceases to be a member of the council before the expiration of his or her term of office as a member of the senate, the council, at its next meeting, elects another of its members to the senate for the unexpired term of office of his or her predecessor.

COUNCIL MEETINGS

Ordinary meetings

23. The ordinary meetings of the council must be held at least once within every quarter of the year and are held at such place and time as determined by the council.

Special meetings

24. (1) The chairperson of the council may call a special meeting of the council and he or she must, however, call a special meeting if requested to do so, in writing, by no fewer than eight members of the council.

(2) The purpose for holding the special meeting must be stated clearly in the written request for such meeting.

(3) At least three days' notice must be given of a special meeting, unless, in the opinion of the chairperson, there is an emergency which warrants the giving of a shorter notice.

(4) No matters other than those for which the meeting has been called may be dealt with at a special meeting.

Quorum and procedure at council meetings

25. (1) One-third of the total membership of the council forms a quorum.

(2) If a quorum is not achieved, the chairperson may announce that the meeting will take place after 30 minutes if a quorum is then achieved.

(3) If there is still no quorum after 30 minutes the chairperson may order that the meeting be held at a later date.

(4) The later date may not be sooner than three days after the meeting was due to be held.

(5) Notice of the new date and time must be given to all members but may be done in any manner considered by the chairperson to be appropriate.

(6) At least three days before the holding of any ordinary meeting, the secretary to the council must issue to each member a written notice stating the place and the time at which the meeting is to be held and the matters to be dealt with.

(7) (a) Any member of the council may give notice in writing to the secretary to the council that he or she wishes to have a matter considered by the council at an ordinary meeting of the council.

(b) He or she must give at least seven days' notice of such wish and must state the matter to be considered.

(c) The chairperson of the council may, in his or her sole discretion, decide either to have the matter placed on the agenda, to postpone that matter for a later meeting or to refuse to place the matter on the agenda.

(8) Any matter not on the agenda at any meeting of the council may be dealt with if the majority of the members present at the meeting consider it to be desirable or urgent.

(9) If the chairperson and the vice-chairperson are absent from any meeting, the members present must elect from among themselves a chairperson for the meeting.

(10) (a) The first act at each ordinary meeting is to read and to confirm the minutes of the last preceding ordinary meeting and of any special meetings held thereafter.

(b) The signature of the chairperson of the meeting serves as proof of the confirmation of the minutes.

(11) Objections to the minutes must be raised and decided before confirmation takes place.

(12) No member may, without the leave of the chairperson, speak more than once on any motion or on any amendment to a motion, but the proposer of a motion or any amendment has the right to reply.

(13) Decisions of the council are made by a majority of votes of the members present and voting, unless otherwise provided for in this Statute.

(14) The chairperson has a deliberative vote on any matter that the council has to decide and in addition, the chairperson has a casting vote in the event of an equality of votes.

(15) If a ballot is held, the minutes of the meeting must reflect whether a decision was unanimous or by majority, and if by a majority, the minutes must reflect the number of persons voting for and against any motion or amendment.

(16) Upon the request of any member, the chairperson may direct that the vote of such member be recorded in the minutes.

(17) Every motion or amendment to a motion must be seconded, and if the chairperson so directs, must be in writing, and no motion or an amendment may be withdrawn without the consent of the proposer, the seconder and the meeting.

(18) The ruling of the chairperson on any question of order or procedure is final, unless immediately challenged by a member, in which event such ruling must be submitted to the meeting without discussion and the decision of the meeting is final.

(19) Despite anything contained in the preceding subparagraphs, a proposal to make, amend or repeal the Statute or part of it may not be considered unless at least 14 days' written notice of such proposal has been given to the members of the council by the secretary to the council.

(20) The Statute may not be made, amended or repealed unless at least two-thirds of the members present and voting at the meeting vote in favour of the motion.

(21) (a) In circumstances considered by the chairperson to be urgent and appropriate, a decision of the council may be made without calling a meeting.

(b) The chairperson determines how the decision taken in terms of subparagraph (a) is to be circulated to the members and how they may respond.

(c) If at least 10% of the members object to such procedure, the chairperson must call a special meeting.

(22) The council may invite persons who are not members to attend meetings of the council, provided that such persons may take part in discussions but may not vote.

Financial or other interest of members of council

26. (1) A member of the council may not take part in the discussion of, or vote on any matter in which he or she has a material interest whether direct or indirect pecuniary, financial or of any other nature whatsoever, unless he or she first discloses the nature and extent of his or her interest and obtains the leave of the meeting to participate in the discussion or vote on the matter, or both.

(2) Without derogating from the common law and any other applicable law, a member who fails to make a full disclosure as contemplated in subparagraph (1) is subject to the provisions of paragraph 19(2) to (5).

Executive committee and other committees of council

27. (1) There is an executive committee of the council, which consists of the chairperson of the council, the principal, the vice-principal, the deputy vice-chancellors, and such other members of the council as the council may appoint to it.

(2) The council may establish other committees, whose members hold office as determined by the council.

(3) Any committee appointed by the council exercises the functions delegated to it by council resolution.

(4) The provisions of paragraph 25 relating to meetings apply, with the necessary changes, to committee meetings unless otherwise provided by the council.

(5) Office-bearers of the committees are elected or appointed in the manner and for the period determined by the council.

Donors

28. (1) For the purposes of paragraph 16(1)(l), a donor is a person who has made a donation which, in the opinion of the council, warrants that person being recognised as a donor.

(2) Every person who was a donor by virtue of the repealed Statute remains a donor for the purposes of this Statute.

(3) The secretary to the council must ensure that a list of donors is kept.

(4) Whenever the donors have to elect council members, the council must determine the time and the manner of election of the representatives.

(5) For the purpose of paragraph 16(1)(l) a juristic person or a body of natural persons may nominate a natural person to represent it.

SENATE

Senate membership

29. (1) The senate consists of-

(a) the principal;

(b) the vice-principal;

(c) the deputy vice-chancellors and the executive director or executive directors;

(d) two members of the council elected by the council in accordance with paragraph 22, provided that no person specified in paragraph

16(1)(a), (b), (c), (d) and (g) is eligible for appointment under this subparagraph;

- (e) the professors, other than honorary professors, and every academic employee who, not being a professor, holds office as the head or acting head of a school;
- (f) academic employees other than the persons contemplated in paragraph (e), elected by such employees;
- (g) the deans of faculties who are not members of the senate in some other capacity;
- (h) twelve support services employees of whom six are elected by such employees and of whom six are by virtue of their office members of the senate as indicated in paragraph 29(5);
- (i) ten students of the University, eight elected by the SRC and two elected by the PGA; and
- (j) any other persons as the council, on the recommendation of the senate, may determine.

(2) The procedure for electing council members as contemplated in paragraph 29(1)(d) is set out in paragraph 22.

- (3) (a) the persons contemplated in paragraph 29(1)(f) elect to the senate that number of their members that constitutes 10% of the persons who are members of the senate in terms of paragraph 29(1)(e);
- (b) the senate determines the procedure for electing these members.

(4) The senate determines the procedure for electing members in terms of paragraph 29(1)(h).

(5) In terms of paragraph 29(1)(h), the following support services employees, or their equivalent, are by virtue of their office, members of the senate -

- (a) the director, computer and network services;
- (b) the director, academic development centre;
- (c) the director, human resources;
- (d) the dean of students;
- (e) the University librarian; and

- (f) a registrar nominated by the principal.
- (6) The procedure for electing student representatives is determined by the constitutions of the SRC and the PGA respectively.
- (7) (a) The senate may recommend to the council that persons or categories of persons be appointed or elected to the senate in terms of paragraph 29(1)(j).
- (b) The council determines the term of office, number of representatives and manner of election or appointment of such persons or category of persons.
- (8) (a) Members of the senate must participate in the deliberations of the senate in the best interests of the University.
- (b) Failure to act in the best interests of the University or behaviour that brings the University into disrepute may result in the removal from the senate.
- (9) If it is alleged that a member is not acting in the best interests of the University or has engaged in conduct that brings or tends to bring the University into disrepute and not less than one-third of the members of the senate at any meeting resolve that steps should be taken against that person, the senate must instruct that a hearing by an *ad hoc* committee of senate take place.
- (10) If the committee finds that the member has failed to act in the best interests of the University or has behaved in a manner that brings the University into disrepute then the committee may recommend that the member be removed from the senate.
- (11) The member may be removed from the senate if not less than two-thirds of the members of the senate present at any meeting vote for his or her removal.
- (12) Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the secretary to the senate must notify the authority or body that has appointed or elected such member of the vacancy, and must, if in the opinion of the chairperson to the senate this is reasonably practicable, request such authority or body to appoint or elect a successor.

(13) The successor holds office for the unexpired term of office of the predecessor unless the successor is appointed or elected because his or her predecessor's term of office has expired.

(14) A member of the senate who holds office by reason of a particular qualification or status will cease to be a member of the senate if he or she ceases to possess that qualification or status.

(15) The majority of the members of senate must be academic employees of the University.

Functions of senate

30. (1) Subject to the Higher Education Act, the senate is accountable to the council for regulating all teaching, learning, research and academic functions of the University and all other functions delegated or assigned to it by the council.

(2) Without derogating from the generality of subparagraph (1) the organisation and superintendence of instruction and examinations, and of lectures and classes, vest in the senate and the senate -

- (a) if delegated to do so by resolution of council, may make or amend any Rule relating to the curriculum for, or to the obtaining of, any University degree, diploma, licentiate or other qualification, but may do so only after consulting the relevant faculty board;
- (b) if delegated to do so by resolution of council, may make or amend any Rule relating to the manner in which students are to be examined.
- (c) determines what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma, licentiate, certificate or other qualification.
- (d) may make recommendations to the council regarding the faculty to which each academic department, school or other academic structure belongs;

- (e) may make recommendations to the council regarding the establishment and disestablishment of faculties, academic departments, schools and other academic structures;
- (f) determines, in accordance with any relevant deed or gift, and after consultation with the principal, the conditions applicable to any scholarships and other academic prizes;
- (g) determines the persons to whom scholarships and academic prizes are awarded;
- (h) may establish committees to perform any of its functions, may appoint persons who are not members of the senate as members of such committees and may for this purpose deem a single person to be a committee;
- (i) determines the functions of its committees as well as the procedure of meetings of these committees;
- (j) may make standing orders on procedures and delegation of powers for the better carrying out of its functions;
- (k) may delegate its functions; and
- (l) must take note of any action taken by a committee in exercising its delegated powers or functions when such committee reports its actions to the next meeting of the senate which in the opinion of the secretary of the senate is appropriate.

(3) The senate submits to the council -

- (a) such reports upon its work as may be required by the council; and
- (b) recommendations on matters referred to it by the council; and
- (c) recommendations on any other matter affecting the University as the senate considers useful.

(4) The senate may, if in its opinion it is necessary to do so for any academic purpose, require a student to reside for a period, and in a place, determined by it.

(5) The senate may, in terms of the Rules, cancel the registration of a student in all or one or more of the courses for which the student is registered in

that year if in the opinion of the senate the academic achievement of the student is such that the student may not at the end of the year obtain credit in such course or courses, as the case may be.

Senate members of council

- 31.** (1) The council members elected by the senate are elected by ballot.
- (2) In the year in which an election needs to be held it must be held at the second ordinary meeting of the senate.
- (3) The senate determines the method of taking the ballot.
- (4) Candidates must be nominated in writing by not less than two members of the senate.
- (5) The nomination must be lodged with the secretary to the senate not less than 14 days before the meeting.
- (6) The senate members on the council who are members of the council when this Statute comes into operation, remain members of the council until their term of appointment, as initially determined, expires.
- (7) As each term of office ends, a member of senate must be elected in his or her place.
- (8) The outgoing member may be re-elected.

Office-bearers of senate

- 32.** (1) The principal is the chairperson of the senate.
- (2) The following office-bearers of the senate are elected from among the members of the senate –
- (a) a vice-chairperson; and
- (b) a secretary
- (3) No person may be elected as an office-bearer unless he or she has been nominated in writing by not less than three members of the senate.
- (4) The nominee must countersign the nomination to denote his or her acceptance of the nomination.

(5) An office-bearer holds office for five years, unless during that time he or she resigns or ceases to be a member of the senate.

(6) Not less than 60 days before the expiry of the office-bearer's term of office, the secretary to the senate must give notice of this fact to the senate and a successor is elected by a majority of the members present and voting at the next meeting of the senate.

(7) The retiring office-bearer is eligible for re-election, if he or she is still a member of the senate.

(8) If a vacancy occurs within the five year period, the secretary to the senate must give notice of the vacancy to the members of the senate.

(9) On receipt of this notice the senate must, at its next meeting, elect another member to act in the place of that office-bearer.

(10) The person elected in terms of subparagraph (9) holds office for the rest of the five year period, unless he or she resigns or ceases to be a member of the senate.

(11) The chairperson presides at the meetings of the senate and the meetings of the sub-committees of the senate if the senate considers it appropriate for him or her to do so.

(12) The chairperson performs such other functions as the senate may determine.

(13) In the absence of the chairperson, the provisions of subparagraph (11) apply to the vice-chairperson.

(14) The vice-chairperson performs such other functions as the senate may determine.

(15) The secretary performs those functions assigned to him or her by the senate.

(16) If both the chairperson and the vice-chairperson are absent, the senate elects from among its members, a chairperson for the meeting concerned.

(17) The first elections in terms of this paragraph must take place at the next ordinary meeting of the senate after this Statute comes into operation.

Term of office of senate members

33. (1) The members contemplated in paragraph 29(1)(a), (b) and (c) remain members of senate for as long as they occupy their posts.

(2) The term of office of the members contemplated in paragraph 29(1)(d) is one year.

(3) The term of office of the members contemplated in paragraph 29(1)(e) is by virtue of their offices.

(4) The term of office of the members contemplated in paragraph 29(1)(f) and the six support services employees elected as contemplated in paragraph 29(1)(h) is three years.

(5) The term of office of the members contemplated in paragraph 29(1)(g) and the six support services employees not elected as contemplated in paragraph 29(1)(h) is by virtue of their offices.

(6) The term of office of the members contemplated in paragraph 29(1)(i) is one year.

Meetings of senate

34. (1) Ordinary meetings must be held at least three times in each year.

(2) At least one meeting must be held by 30 June and at least one meeting must be held between 1 July and 30 December of each year.

(3) The secretary to the senate determines the place and time of all ordinary meetings.

(4) One-third of the total membership of the senate forms a quorum.

(5) The provisions in paragraphs 24 and 25(6) to (22) relating to the procedure for special and ordinary meetings of the council apply, with the necessary changes, to the meetings of the senate.

(6) The senate may invite persons who are not members to attend meetings of the senate, provided that such persons may take part in discussions, but may not vote.

(7) A member of the senate may not take part in the discussion of, or vote on any matter, in which he or she has a material interest whether direct or indirect

pecuniary, financial or of any other nature whatsoever, unless he or she first discloses the nature and extent of his or her interest and obtains the leave of the meeting to participate in the discussion on the matter or vote on the matter, or both.

(8) Without derogating from the common law or any other applicable law a member who fails to make a disclosure as contemplated in subparagraph (7) is subject to the provisions of paragraph 19(2) to (3).

Convocation

35. (1) The convocation consists of the principal, the vice-principal, deputy vice-chancellors, the registrars, former and present academic employees as set out in subparagraph (2) and all persons who are or become graduates of the University.

(2) Academic employees on the permanent staff of the University, professors emeriti and other retired academic employees who have been on the permanent staff in continuous employment for not less than 10 years immediately prior to retirement are members of the convocation.

(3) The manner in which the president of convocation is elected is set out in the Rules governing the convocation as may, from time to time, be determined by the council.

(4) The functions and period of office of the president of the convocation are set out in the Rules

(5) All the provisions necessary for the functioning of the executive committee of the convocation as well as the term of office of a member of the executive committee of the convocation are set out in the Rules.

(6) The procedure and quorum for meetings of the convocation are set out in the Rules.

(7) Meetings of the convocation are summoned and held in the manner and at times and for purposes as set out in the Rules.

(8) The convocation discusses and states its opinion upon any matters relating to the University including matters referred to it by the council.

(9) A secretary to the convocation is to be appointed as set out in the Rules.

(10) The council may change the Rules only after consultation with the executive committee of the convocation.

STUDENTS

Admission and registration of students

36. (1) A person may be permitted by the council to register as a student only if he or she satisfies the legal requirements, if any, for admission to study at the University and, further, satisfies any other requirements for admission that may be determined by the council and laid down in the Rules.

(2) The requirements for admission of a student to faculties are set out in the Rules and may be changed by the council after consultation with the senate.

(3) A student is registered for one year or for such shorter period as the council may determine in general or in a particular case.

(4) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (3), the student is required to comply with any conditions set by the council.

(5) The council may refuse to allow the renewal of registration if a student fails to meet the conditions contemplated in subparagraph (4).

(6) The conditions contemplated in subparagraph (4) may include the payment of outstanding fees.

Student discipline

37. (1) The disciplinary measures and discipline provisions applicable to the students are set out in the Rules, and may be changed by the council after consultation with the senate and the SRC.

(2) (a) The principal may, from time to time, amend monetary penalties.

(b) Such amended penalties must be placed before the council at the next ordinary meeting of the council

(3) If the council should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by the council is not affected.

Students' representative council

- 38.** (1) Election to the SRC is determined by the electoral by-laws as contained in the Rules laid down by the council after consultation with the SRC.
- (2) Only registered students are eligible to serve on the SRC.
- (3) The president of the outgoing SRC must, in terms of the electoral by-laws, call for and give notice of an annual election of general representatives.
- (4) If the outgoing president fails to call an annual election, a person designated by the principal may do so.
- (5) The members of the SRC hold office for one year, the commencement of which is provided for in the SRC constitution, unless the council determines otherwise.
- (6) The SRC is representative of the student body and its composition is determined by the Rules.
- (7) The council may not alter the composition of the SRC without first consulting the SRC.
- (8) The functions of the SRC and its members are determined by the SRC constitution.

QUALIFICATIONS

Degrees, diplomas, certificates and other qualifications.

- 39.** (1) The University has the power to confer in any faculty degrees of bachelor, bachelor with honours, master, doctor and such other degrees as it may deem expedient to confer.
- (2) No degree other than an honorary degree may be conferred by the University upon any person who has not attended as a student of the University for such period, and satisfied such other requirements as may be prescribed by or in terms of this Statute.
- (3) The University has the power to grant a diploma, certificate, or other qualification to any person who has pursued a course of study or academic

programme, and who has satisfied such other requirements as may be prescribed by or in terms of this Statute.

(4) The council has the power to withdraw the conferment of any degree, diploma, certificate or other qualification if any such degree, diploma, certificate or other qualification was conferred in error or if the recipient of such degree, diploma, certificate or other qualification had committed a dishonest act in connection, directly or indirectly, with the obtaining of such degree, diploma, certificate or other qualification.

(5) In order to satisfy the requirements for the conferment of a degree, diploma, certificate or other qualification a student must satisfy the requirements of the academic programme for that degree, diploma, certificate or other qualification as prescribed in the Rules.

(6) A student that otherwise qualifies for the conferment of a degree, diploma or other qualification may be deemed not to have done so unless and until-

- (a) all unpaid fees, levies, disbursements, fines and any other monies lawfully owing to the University are paid by the student;
- (b) any disciplinary proceedings, pending or incomplete, are completed; and
- (c) any order made against the student as a consequence of any disciplinary proceedings, is satisfied.

(7) An academic programme may include one or more of the following:

- (a) a course or courses;
- (b) a half-course or half-courses;
- (c) an attendance course or courses;
- (d) a module or modules;
- (e) an allocation of points reflecting the completion of all or part of the programme; and
- (f) any other mode of study or research determined by the senate with the approval of the council.

(8) An academic programme of study extends over a period to be determined by the senate with the approval of the council.

- (9) The senate must determine the method of examination of students.

Admission to degree of master or doctor

40. Subject to the Rules, any of the following may be admitted by the senate as a candidate for the degree of master or doctor if the senate is satisfied that the applicant is qualified to undertake the proposed line of study or research or both and is -

- (a) a graduate of this or another university; or
- (b) is a person, other than a graduate of a university, who has in any other manner attained a level of competence which in senate's opinion is adequate for the purposes of postgraduate study or research taking into account one or more of the following criteria -
 - (i) ability in the same discipline shown by research, writings, professional standing and reputation in the discipline;
 - (ii) the possession of some academic qualifications from a university or other institution, which is not a prerequisite in itself, and the ability shown in the same way as (i) above;
 - (iii) the possession of some academic qualifications either from a university or other institution and having shown himself or herself to be of high professional standing and experience in a cognate field;
 - (iv) any other criterion which in the opinion of the senate is compelling.

Honorary degrees

41. (1) The University may, on the resolution of the council and of the senate, confer without attendance or examination an honorary degree of master or doctor in any faculty upon any person who has rendered distinguished services in the advancement of arts, science, jurisprudence or other branches of learning, or who has otherwise rendered himself or herself worthy of such a degree.

(2) A resolution to confer an honorary degree must be passed in the council and in the senate by a majority of the members of each structure voting by secret postal ballot.

(3) A person who sits on both structures is entitled to vote in each election.

(4) A proposal to award an honorary degree may be made either by a member of the council or of the senate and must be seconded by another member of either of these structures.

(5) The proposal must be communicated in writing to the principal.

(6) The proposal must be accompanied by a statement setting out the reasons for making it.

(7) The award of a honorary degree to a person does not entitle that person to practise any profession.

Conferment of degrees and diplomas

42. (1) A meeting of the members of the University called the congregation of the University is convened for the purpose of conferring degrees and diplomas.

(2) The members of the council, the members of the academic staff, the persons upon whom degrees and diplomas are to be conferred and such other persons as the principal may determine are invited to the congregation of the University.

(3) Congregations of the University are held at least once a year, at a time or times determined by the council, and are presided over by the chancellor, or in his or her absence by the principal or the vice-principal.

(4) The council determines the procedure relating to the conferment of degrees and the academic dress to be worn, and the senate determines all other matters concerning the congregation.

UNIVERSITY FORUM

Composition of University forum

43. (1) The University forum is the University's institutional forum as contemplated in section 31 of the Higher Education Act and consists of -

- (a) the principal;
- (b) the vice-principal;
- (c) four persons appointed by the principal from persons holding office as deputy vice-chancellor, executive director and registrar;
- (d) two members of the council nominated by the council;
- (e) four members of the senate nominated by the senate;
- (f) the deans of the faculties;
- (g) five academic employees;
- (h) seven support services employees;
- (i) five students, four of whom are nominated by the SRC and one of whom is nominated by the PGA;
- (j) not more than four other students who belong to a body or bodies of students of the University that may be nominated by the University forum to make the University forum more representative and inclusive of the broader student population;
- (k) three members of the historically excluded or marginalised groups;
- (l) one donor nominated by the Wits Foundation;
- (m) one member of the executive committee of convocation nominated by it;
- (n) one person nominated by an educational organisation which has been chosen by the University forum;
- (o) two representatives of organised labour associations;
- (p) two representatives of organised employers associations.
- (q) one member nominated by the principal whose role in the University is to address issues of transformation.

(2) The management of the University is made up of the persons contemplated in paragraph 43(1)(a), (b), (c) and (f).

(3) The University forum must biennially elect by secret ballot from among its members, a chairperson, a vice-chairperson, secretary and such other office-bearers as the University forum considers necessary to best perform its functions.

(4) The chairperson, the vice-chairperson, the secretary or other office-bearers may be removed from office by a two-thirds majority decision of the University forum.

(5) If the chairperson and the vice-chairperson are absent, the University forum elects, from among its members, a chairperson for the meeting concerned.

(6) (a) A decision will be deemed to have been taken by the University forum if, in the opinion of the chairperson, consensus has been reached.

(b) The chairperson must state his or her opinion at the meeting.

(7) The quorum and the procedure for meetings of University forum are, with the necessary changes, the same as for the council as contained in paragraph 24 and 25(6) to (22).

(8) No person, other than those persons contemplated in paragraph 43(1)(a) to (f) and 43(1)(g) may serve on the University forum for more than three years, provided that a person may serve on the University forum for a further term or terms.

(9) The membership of a person, who is a member by virtue of holding office under the provisions of paragraph 43(1)(a) to (f) terminates if the person ceases to hold office.

(10) The membership of any person other than those persons contemplated in paragraph 43(1)(a) to (f) terminates if the member -

(a) gives the chairperson written notice of resignation;

(b) fails to attend three consecutive meetings of the University forum without the leave of the University forum;

(c) becomes, in the opinion of the University forum, physically or mentally incapable for any reason of performing his or her duties as a member;

(d) ceases to be a representative of any body or bodies of persons set out in paragraph 43(1)(g) to (p).

(11) The groups of persons from which members contemplated in paragraph 43(1)(g), (h), (k), (o) and (p) are appointed or elected as determined by the University forum, provided that the membership of University forum as it existed on the day this Statute comes into force shall continue unless and until the University forum and council determine otherwise.

(12) The University forum must advise the council on issues affecting the University, including-

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

(b) race and gender equity policies;

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

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

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

(13) The University forum has the power to create sub-committees to carry out its functions.

(14) The University forum must perform such functions as may be determined by the council.

[amended by GN 602 GG 26350 dated 14 May 2005]

GENERAL PROVISIONS

Issue of notices

44. (1) The giving of written notice may be made in one or more of the following ways:

- (a) by personal service;
- (b) by registered post to the person concerned at her/his address last known to the registrar;
- (c) by electronic mail or facsimile to the person concerned at her/his address last known to the registrar; and
- (d) by internal University mail.

(2) In the event of the giving of notice by means of registered post, the production by the University of a receipt by the relevant postal authority constitutes *prima facie* evidence that the person to whom the notice is addressed is deemed to have received the notice.

Numerical fractions

45. Whenever the requirements of the Statute or the Rules have the consequence of generating a number other than an integral number, the next greater integral number is held to constitute the number in question.

Persons in office

46. Persons holding office under the Statute repealed by paragraph 47, are deemed, with the necessary changes, to be holding office under the corresponding provisions of this Statute unless this is inconsistent with this Statute or the Higher Education Act.

Repeal of previous Statute

47. (1) The Statute applicable to the University of the Witwatersrand, Johannesburg, published by Government Notice No.1159 of 30 September 1999 is hereby repealed with effect from the date on which this Statute comes into operation.

(2) Notwithstanding subparagraph (1) any structure of the University within the meaning of the Higher Education Act, which existed prior to the publication of this Statute, continues to exist and function until the day when each new structure, reconstituted in terms of this Statute, becomes functional.

Transitional provisions

48. (1) Anything done under any provision of the University of the Witwatersrand, Johannesburg, (Private) Act, 1959, before this Statute came into operation, is deemed to have been done under the corresponding provision of this Statute.

(2) The council, the senate and the university forum which existed at the commencement of this Statute continue to exist in so far as they are consistent with the provisions of this Statute and the Higher Education Act.

(3) The existing regulations promulgated in terms of the Universities Act No 61 of 1955 which were in force at the commencement of the Higher Education Act continue to apply until replaced by any provision of the Statute or any rule that may be made in terms of it.