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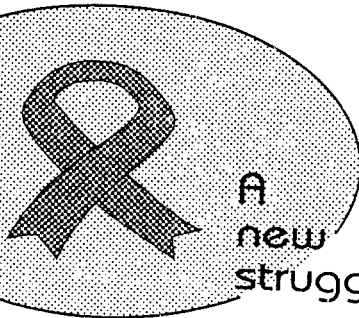
Vol. 425

PRETORIA, 16 NOVEMBER 2000

No. 21753

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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**GOVERNMENT NOTICE**

**Education, Department of**

**Government Notice**

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**G O V E R N M E N T   N O T I C E**

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**DEPARTMENT OF EDUCATION**

**No. 1153**

**16 November 2000**

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

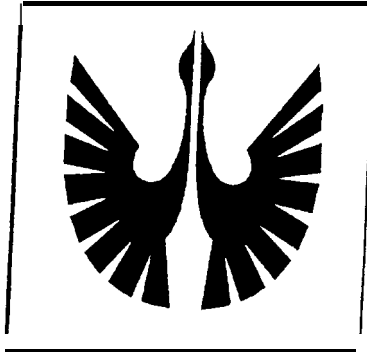
**MEDICAL UNIVERSITY OF SOUTHERN AFRICA**

**STATUTE**

The Council of the Medical University of Southern Africa, MEDUNSA, 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**

**MEDICAL UNIVERSITY  
OF SOUTHERN AFRICA**



**MEDUNSA**

**STATUTE  
OF THE  
MEDICAL UNIVERSITY  
OF  
SOUTHERN AFRICA**

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## DEFINITIONS AND GENERAL PROVISIONS

### Definitions

1. In this Statute, unless the context otherwise indicates -

“**absolute majority**” means two thirds of the members holding office on the date of voting;

“**academic year**” means that portion of a calendar year approved by the council on recommendation of the senate for the academic activities of the University;

“**certificate**” means a certificate awarded by the University to a student on successful completion of all requirements prescribed for the certificate by the senate;

“**chancellor**” means the chancellor of the University;

“**convocation**” means the convocation of the University;

“**council**” means the council of the University;

“**department**” includes the academic and administrative department of the University;

“**degree**” means a degree conferred upon a student by the University on successful completion of all requirements prescribed for the degree by the senate;

“**diploma**” means a diploma awarded to a student by the University on successful completion of all requirements prescribed for the diploma by the senate;

“**due notice**” is deemed to have been given if a written notification has been dispatched by post to the last address registered with the registrar of the person concerned at the commencement of the period of notice required;

“**examination**” means any test or assessment, theoretical, practical, oral or clinical, where the results obtained contribute to the results for a programme or any portion of a programme;

“**internal stakeholders**” means all constituencies recognised by the council in terms of the Rules;

“**institutional forum**” means the body referred to in section 31 of the Higher Education Act, 1997;

“**MEDUNSA**” means the Medical University of Southern Africa;

“**Minister**” means the Minister of Education;

“**professor**” means a staff member of the University who has the status of a professor, which includes an associate professor;

“**Rules**” means the institutional rules contemplated in section 32(1)(b) of the Act;

“**registrar**” means the registrar of the University;

“**principal**” means the principal and vice-chancellor of the University;

“**senate**” means the senate of the University;

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

“**staff code**” means the conditions of service, salaries, benefits, privileges, functions, disciplinary provisions and leave privileges of staff as approved by the council;

“**Statute**” means the statute of the University framed under section 32 of the Higher Education Act, 1997;

“**student**” means a person registered full-time or part-time for a degree, diploma or certificate at the University;

“**teacher**” means a professor, associate professor, senior lecturer, lecturer or junior lecturer at the University, or a research worker occupying a post at the University declared by the council, on the recommendation of the senate, to be equivalent to a teaching post;

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

“**the Private Act**” means the Medical University of Southern Africa Act, 1976 (Act No. 78 of 1976);

“**University**” means The Medical University of Southern Africa;

“**union**” means a staff organisation of the University which is sufficiently representative as is required by the Labour Relations Act, 1995 (Act No. 66 of 1995);

“**vice-principal**” means the deputy vice-chancellor and vice-principal of the University and other vice-principals.



### General provisions

2. (1) Whenever a quorum or a majority of votes is required to be a certain numerical fraction and it happens in any particular case that the consequent quorum or majority is not an integral number, the next greater integral number constitutes the required quorum or majority.

(2) A motion to frame, amend or repeal the Statute or the Rules must be decided by an absolute majority of the members holding office on the date of the meeting,

(3) Rules are published in the University calendar.

## CHANCELLOR

### Function of chancellor

3. The chancellor is the titular head of the University and confers all certificates, diplomas, or degrees on behalf of the University.

### Election of chancellor

4. (1) The registrar calls, at least 60 days prior to the end of the term of office of the chancellor, for nominations from all internal stakeholders by internal circular, and from other sources by public announcement in the public press.

(2) Each nomination must be accompanied by a comprehensive *curriculum vitae* of the nominee **as well** as a written statement in which the nominee signifies his or her willingness to accept the nomination and to maintain a visible and audible profile in the performance of his or her duties.

(3) The nominations are screened by a committee representative of all internal stakeholders and a recommendation is made to the council.

(4) The criteria for the screening of nominations as contemplated in subparagraph (3) include the public profile of the nominee, the ability of the nominee to perform the functions attached to the post and the nominee's support for the institutional vision, mission and values.

(5) The council elects a chancellor by secret ballot and by a majority of the members of the council holding office on the date of such meeting.

(6) If the office of chancellor becomes vacant for any reason a *new chancellor* must be elected as set out in this paragraph.

#### **Term of office of chancellor**

5. (1) The chancellor holds office for a period of five years, unless he or she tenders a resignation in writing to the council or vacates office for any other reason before the end of his or her term of office.

(2) The chancellor may be removed from office by a resolution of an absolute majority of the members of the council on account of misconduct, incapacity or incompetence to perform the functions of the office or any other reason that the council deems appropriate.

(3) The chancellor is eligible for re-election.

### **PRINCIPAL, VICE-PRINCIPAL AND REGISTRAR**

#### **Function of principal**

6. (1) The principal is the chief executive officer of the University responsible for the overall efficient and cost-effective functioning of the University.

(2) The principal is accountable to the council for the implementation and delivery of the plan developed and approved by the council to allow the University to meet its strategic objectives and achieve its mission.

(3) By way of his or her office the principal is a member of all the committees of the council and the senate.

#### **Appointment of principal**

7. (1) The secretary to the council, at least six months before the term of office of the principal ends, or as soon as practicable if the office becomes vacant for any other reason, gives notice to every member of the council and to the chairperson of the institutional forum of the pending vacancy or vacancy.

(2) Subject to section 31(1) of the Act, the advertising of the post, the invitation for nomination of 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 Rules.

#### **Term of office of principal**

8. The term of office of the principal is five years,

#### **Conditions of service, salary and privileges of principal**

9. The conditions of service, salary and privileges of the principal are determined by the council.

#### **Vice-principal**

10. (1) The provisions of paragraph 7 apply with the necessary changes to the appointment of a vice-principal.

(2) The conditions of service, salary and privileges of a vice-principal are determined by the council.

#### **Registrar**

11. (1) The provisions of paragraph 7 apply with the necessary changes to the appointment of a registrar.

(2) The conditions of service, salary and privileges of a registrar are determined by the council.

(3) The registrar is the secretary to the council, the senate, the institutional forum and the convocation and the principal may designate any other staff member to assist him or her.

(4) As secretary to the council and the senate the registrar attends all meetings of the council, the senate, committees of the council and the senate, the institutional forum and the convocation.

(5) The registrar acts as returning officer at all meetings of the council, the senate, committees of the council and the senate, the institutional forum and the convocation.

## COUNCIL

### Function of council

12. (1) The council is the highest decision-making authority of the University.

(2) It is responsible -

- (a) for the governance and control of the University in accordance with the Act;
- (b) for the University's direction, reputation, financial health, the well-being of staff and students, and, in co-operation with the senate, for establishing and maintaining high standards of academic conduct and probity;
- (c) for the adoption and monitoring of financial and non-financial performance measures related to the University's strategic objectives to enable the council and the public to monitor the University's progress and achievements.
- (d) to account to the Minister in terms of the provisions of section 41 of the Act.

### Guiding principles of governance

13. In conducting meetings and discharging the functions contemplated in paragraph 12, members of the council must observe the principles of -

- (a) selflessness to ensure that decisions are not taken in order to gain financial or other material benefits for themselves, their family or their friends;
- (b) integrity to ensure that they are not placed under any financial or other obligation to outside individuals or organisations that may influence them in the discharging of their responsibilities;
- (c) objectivity to ensure that decisions on appointments, the awarding of contracts or the recommending of individuals for rewards and benefits are made on merit;
- (d) accountability to ensure that their decisions and actions are appropriate to their office;

- (e) openness to ensure that the reasons for their decisions and actions are transparent;
- (f) honesty by declaring any private interest relating to their functions as council members and by taking steps to resolve any conflicts that may arise in a way that protects the University's interest; and
- (9) leadership by promoting and supporting the these principles by example.

### **Composition of council**

14. (1) The council consists of -

- (a) the principal;
- (b) the vice-principals;
- (c) two members of the senate elected by the senate;
- (d) five persons appointed by the Minister;
- (e) two persons elected by the convocation;
- (f) three persons who are donors elected by the council;
- (g) two members of the SRC designated by the SRC;
- (h) one academic staff member elected by such staff in the manner determined by the Rules;
- (i) one non-academic staff member elected by such staff in the manner determined by the Rules;
- (j) two members from the unions elected by such unions in the manner determined by the Rules;
- (k) five members with a broad spectrum of competencies in the fields of finance, law, marketing, information technology and human resource management elected by the council;
- (l) One representative each from the Gauteng, North West, Mpumalanga and Northern Provinces nominated by the Premier of each province and
- (m) the registrar.

(2) The persons contemplated in subparagraphs (l)(d), (e), (f) and (j) may not be staff or students of the University.

(3) A member appointed, elected or designated by a specific constituency must act independently and in the best interest of the University,

**Term of office of members of council**

15. (1) Student members of the council remain members of the council for the term of office determined by the SRC when they are elected, provided that membership ceases automatically when a student member ceases to be a registered student.

(2) The term of office of all other members of the council is four years,

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

**Vacation of office**

16. (1) A member may submit his or her resignation in writing to the chairperson at any time.

(2) A member, other than members who are staff of the University, vacates office if -

(a) he or she is absent from three consecutive ordinary meetings without the leave of the council;

(b) he or she **becomes insolvent and the council demands** such vacating of office;

(c) he or she is found guilty of an offence which in the opinion of the council renders such member unfit;

(d) he or she, in the opinion of the council, becomes incapacitated;

(e) he or she is appointed as a staff member of the University.

(3) The council is entitled to suspend any member if it deems such suspension appropriate under the circumstances.

(4) The membership of a member elected by a specific organisation to represent such organisation lapses upon termination of his or her association with the relevant organisation.

(5) If a vacancy occurs in the council, it is filled as soon as practicable in the same manner in which it was originally filled and for the remainder of the specific term of office.

### **Chairperson and vice-chairperson**

17. (1) The members of the council, at the first meeting of the council and thereafter whenever it becomes necessary, elect from the members contemplated in paragraph 14(1)(d), (e), (f) and (j) a chairperson and a vice-chairperson who each **holds** office for a period of three years, or for such shorter period as the chairperson or the vice-chairperson may be a member of the council.

(2) The chairperson and the vice-chairperson are eligible for re-election, provided that such re-election is only for one further term of office.

(3) Nominations for the office of chairperson and vice-chairperson of the council must be in writing to the secretary to the council.

(4) If more than one candidate for each position is nominated, voting is by secret ballot.

(5) A chairperson or a vice-chairperson of the council must be elected by an absolute majority.

(6) Each member of the council has only one vote during a ballot.

(7) There must be a series of ballots if no candidate gains a majority in the first ballot.

(8) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as candidate.

(9) [f the chairperson as well as the vice-chairperson is absent from any meeting of the council, the meeting must elect one of their number to preside.

(10) Whenever a vacancy occurs in the office of the chairperson or the vice-chairperson, the provisions of subparagraphs (3) to (8) apply with the necessary changes to the filling of such vacancy.

(11) A person elected in terms of subparagraph (10) to fill a casual vacancy, holds office for the unexpired portion of his or her predecessor's term of office.

### **Council meetings**

18. (1) The council has at least three ordinary meetings during each academic year.

(2) Notice of any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the registrar at least 21 days before the date determined by **the council for** such meeting, provided that any matter of an urgent nature may,

without prior notice, by consent of the chairperson and a majority of the members present, be considered at such meeting.

(3) At least 14 days prior to the date of an ordinary meeting, the registrar gives due notice to each member of all the matters to be dealt with at such meeting and states the time and place of such meeting.

(4) A special meeting may be called at any time by the chairperson.

(5) A special meeting must be called by the chairperson at the request in writing of not less than five members, the objective of such meeting clearly stated in the request, provided that not less than seven days notice of a special meeting is given.

(6) No business other than that which the meeting was called for, may be transacted at such meeting, except with the consent of the meeting granted on an unopposed motion.

(7) An emergency meeting may be called by the chairperson, or in his or her absence, by the principal at any time, provided that members are given not less than 24 hours notice of such meeting.

(8) Notice of an emergency meeting may be given in any manner convenient under the circumstances.

(9) The object of an emergency meeting must be stated to members and no business other than that stated may be transacted at such meeting.

### **Meeting procedures**

19. (1) Except where otherwise provided in this Statute, all acts or matters authorised or required to be done or decided by the council and all questions that may come before it are done or decided by the majority of the members present at any meeting, provided that the number present at any meeting is not less than one half plus one of the total number of members of the council holding office on the date of such meeting.

(2) The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council, provided further that objections to the minutes of a meeting are raised and decided before confirmation of the minutes.



(3) A member of the council may not, without the consent of the meeting, speak more than once to a motion or to any amendment and the mover of any motion or any amendment has the right of reply.

(4) Every motion or an amendment must be seconded and, if so directed by the chairperson, must be in writing.

(5) A motion or an amendment seconded as contemplated in subparagraph (4), may not be withdrawn except with the consent of the meeting.

(6) The chairperson has, on any matter, a deliberative vote and, in the event of an equality of votes, also a casting vote.

(7) If so decided by the meeting, the number of members voting for or against any motion must be recorded in the minutes, and at the request of any member the chairperson must direct that the vote of such member be likewise recorded.

(8) When an absolute majority of the members of the council reaches agreement on a matter referred to them by letter or electronic means by the chairperson, without convening a meeting, and conveys such resolution by letter or electronic means, such resolution is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting.

(9) The views of a member of the council who is unable to attend a meeting may be submitted to the meeting in writing but may not count as a vote of such member.

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

### **Financial and other interests of council members**

**20. (1)** Any member of the council or a committee of the council who has a direct financial or personal interest in any matter to be discussed at a meeting must, before or during such meeting, declare such interest when becoming aware of such interest.

(2) Any member of the University community has the right to inform the chairperson in writing, before any meeting, of any possible conflict of interest in respect of any member of the council or a committee.

(3) After such declaration or finding that such interest exist, such member of the council or a committee of the council must excuse himself or herself from the meeting before such issue is discussed.

### **Executive and other committees of council**

21. (1) The council appoints -

- (a) an executive committee;
- (b) an audit committee;
- (c) a finance committee;
- (d) a remuneration committee; and
- (d) such other committees as maybe required.

(2) The composition and functions of the committees are determined by the council.

(3) Each committee must have at least one council member who is not a staff member of the University on such committee.

(4) The chairperson of a committee may not be a staff member of the University.

## **SENATE**

### **Function of senate**

22. (1) Subject to the provisions of the Act, the senate must -

- (a) recommend to the council the conditions for obtaining degrees, diplomas or certificates;
- (b) provide to the council the names of the persons, who in senate's opinion have satisfied the conditions. contemplated in subparagraph (a);
- (c) supervise and control all examinations conducted by the University in accordance with the Rules made by the council on recommendation of the senate;
- (d) provide for quality assurance mechanisms in learning programmed, ensuring maintenance of academic quality in accordance with the National Qualifications Framework and requirements of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

- 
- (e) appoint internal examiners for examinations and recommend to the council the external examiners and moderators to be appointed for University examinations;
  - (f) make recommendations to the council on the establishment or suspension of faculties, schools, departments and programmes;
  - (g) make recommendations to the council on whom to designate as head of each department;
  - (h) approve which persons are to be members of the boards of faculties;
  - (i) require a board of faculty to make recommendations to it on all academic matters such as conditions, requirements, criteria for obtaining degrees, diplomas and certificates including curricula, syllabuses, courses of study and examinations in so far as the departments of the faculty are concerned and upon such other matters concerning the faculty as the senate may require or refer to it for recommendation;
  - (j) require a board of faculty to report to the senate the names of candidates whom it considers to have satisfied the conditions prescribed for the degrees, diplomas or certificates in the faculty;
  - (k) require a board of faculty to report or recommend to it on all research, teaching, training, service, community outreach and staffing matters;
  - (l) make recommendations to the council for Rules in accordance with the respective deeds of gift, regarding the conditions for the award and tenure of a scholarship or prize at the disposal of the University and recommend to the Council persons to whom such scholarship or prize must be awarded;
  - (m) require a board of faculty to determine to what extent the holder of a scholarship has complied with the conditions governing the scholarship;
  - (n) adopt such measures and recommend to the council such Rules as may be necessary for the proper execution of its powers and discharge of its duties, provided that the senate may only recommend to the council a rule concerning a board of faculty after consultation with the board of the faculty concerned;

- (o) recommend to the council the establishment of any academic society, institute or unit at the University;
- (p) recommend to the council the revoking of a degree, diploma or certificate obtained in an improper manner;
- (q) decide what portions of separate academic years during which a student attended a course are deemed to be equivalent to an academic year; and
- (r) vote and make recommendations to the council regarding the appointment of a principal, a vice-principal and a dean

### **Composition of senate**

**23.** The senate consists of -

- (a) the principal who is the chairperson;
- (b) the vice-principals;
- (c) two members of the council elected by the council;
- (d) the deans of faculties;
- (e) the registrar and the deputy registrar;
- (g) seven students designated by the SRC;
- (g) nine academic staff members from each faculty elected by such staff of such faculties;
- (h) three non-academic staff members from each faculty elected by such staff of such faculties;
- (i) four members designated from the unions;
- (j) such additional members as approved by the senate,

### **Term of office of senate members**

**24.** (1) Members appointed in terms of paragraph 23(a), (b), (d) and (e) hold office for as long as they are employed by the University in that capacity.

(2) Members appointed in terms of paragraph 23(c), (g), (h) and (i) hold office for a period of three years.

(3) The term of office for student members is determined by the SRC, provided that membership automatically lapses when a student ceases to be a registered student.

**Senate meetings**

25. (1) The chairperson convenes a meeting of the senate at least three times during the academic year at the seat of the University or at such place as may be designated by the executive committee of the senate.

(2) A special meeting may be called by the chairperson at any time and must be called by him or her at the request in writing of at least one fifth of the members of the senate holding office, the object of the meeting to be stated in the request.

(3) Not less than 24 hours notice may be given for a special meeting.

(4) Subject to any exceptions approved by the meeting, no business other than that of which notice was given may be transacted at a special meeting.

**Meeting procedures**

26. (1) Half plus one of the members of the senate holding office on the day of the meeting constitute a quorum at such meeting.

(2) In the absence of the chairperson and the vice-chairperson, the members present elect one of their members to preside at such meeting.

(3) A written notice must be issued by the registrar to each member of the senate at least three days before any ordinary meeting, setting forth the time and date of such meeting and the matters to be considered.

(4) The first act of each ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting held subsequently thereto.

(5) The meeting may consider the minutes as read if a copy thereof was previously sent to every member of the senate.

(6) Any objections to the minutes of a meeting must be raised and decided before confirmation of the minutes.

(7) Every motion or an amendment thereof must be seconded and, if so directed by the chairperson, must be in writing.

(8) A motion or a seconded amendment thereof may not be withdrawn except with consent of the meeting,

(9) The chairperson, on any matter, has a deliberative vote and, in the event of an equality of votes, also a casting vote.

(10) If so decided by the meeting, the number of members voting for or against any motion must be recorded in the minutes, and at the request of any member the chairperson must direct that the vote of such member be likewise recorded.

(11) Subject to any contrary provisions in this Statute, all matters are decided by a majority of votes of the members present and voting.

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

(13) Notice of any motion to recommend to the council the framing, amendment or repeal of a Statute or Rule, or to amend or rescind a previous resolution of the senate, must be given at the meeting previous to that at which such motion is to be introduced.

(14) Notwithstanding subparagraph (13) no notice is required if such motion has been made by a committee of the senate and if the minutes of the meeting of the committee at which the proposal was made were issued in time to have been received by the members of the senate at least two days before the meeting at which such proposal is to be discussed.

(15) The senate may co-opt such members or invite such persons to attend meetings as it may deem necessary.

### **Executive and other committees of senate**

27. (1) The senate appoints -

- (a) an executive committee; and
- (b) such other committees as may be required.

(2) The composition and functions of the committees are determined by the senate.

### **Joint committees of council and senate**

28. The senate, in consultation with the council, appoints such joint committees of the senate and the council as may be necessary for the performance of particular tasks.

## FACULTY BOARDS

### Function of faculty boards

29. Faculty boards are appointed by the senate to regulate the activities of the respective faculties of the University.

### Composition of faculty board

30. (1) A faculty board consists of -

- (a) the dean of the faculty who is the chairperson;
- (b) the deputy dean or deputy deans;
- (c) the heads of the academic departments in the faculty;
- (d) the professors and associate professors in the faculty;
- (e) the permanently appointed senior lecturers in the faculty;
- (g) the permanently appointed lecturers in the faculty;
- (g) two postgraduate students who are not members of staff in the faculty designated by the SRC;
- (h) the chairperson of the respective faculty student council and in the -
  - (i) the faculty of sciences three additional undergraduate students designated by the faculty student council;
  - (ii) the faculty of dentistry and the faculty of medicine one additional undergraduate student per degree or diploma course with a minimum of three students per faculty;
- (i) three representatives of the auxiliary service, administrative and technical staff;
- (j) the principal, the vice-principals, the registrar and the deputy registrar; and
- (k) such additional members as approved by such faculty board.

(2) Nomination of representatives must be transparent and democratic and each constituency must follow the procedure within its own constituency and submit the name of its representative to the dean of the faculty concerned.

**Meetings and meeting procedures of faculty boards**

31. (1) A faculty board meets at least three times per year at such times and places at the seat of the University as determined by the senate,

(2) The dean of a faculty presides at all meetings of such faculty board.

(3) The deputy dean is the chairperson of any meeting at which the dean is absent.

(4) In the absence of both the dean and deputy dean from a meeting of a faculty board, the members present elect a chairperson for the meeting from among their number.

(5) One third of the members of a faculty board constitutes a quorum at a meeting.

(6) A special meeting of a board of Faculty, of which not less than 24 hours notice must be given, may be called by the Dean at any time as and when required, and must be called by him or her at the request in writing of at least one fifth of the members of a faculty board.

**INSTITUTIONAL FORUM****Function of institutional forum**

32. (1) The institutional forum advises the council on issues affecting the University, including -

- (a) the implementation of the Act and the national policy on higher education;
- (b) race and gender equity policies;
- (c) the selection of candidates for senior management positions;
- (d) codes of conduct, mediation and dispute resolution procedures;
- (e) fostering of a institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and
- (g) the language policy of the University.

(2) The institutional forum participates in establishing the procedure and criteria for selection of candidates for senior management positions.



(3) The institutional forum participates in the selection procedure of candidates for senior management positions.

(4) The institutional forum performs such other functions as determined by the council.

### **Composition of institutional forum**

33. (1) The institutional forum consists of -

- (a) three members of the council;
- (b) seven members from management;
- (c) three members of the senate;
- (d) thirteen members representing the academic and the non-academic staff and
- (e) thirteen students designated by the SRC.

(2) Nomination of representatives must be transparent and democratic and each constituency must follow the procedure within its own constituency and submit the names of its representatives to the registrar.

(3) The term of office of members is as determined" by each constituency.

### **Chairperson of institutional forum**

34. The institutional forum elects from among its members a chairperson and a deputy chairperson.

### **Meetings and meeting procedure of institutional forum**

35. (1) The number of meetings is as decided by the institutional forum.

(2) Fifty percent of members forms a quorum.

(3) The meeting procedures are as determined by the institutional forum.

### **Executive and other committees**

36. (1) The institutional forum elects an executive committee from among its members.

(2) The institutional forum appoints such committees as it deems necessary.

## CONVOCATION

### Membership of convocation

37. (1) The fact that the name of a person appears on the convocation roll is *prima facie* proof of him or her being a member of the convocation, and of him or her being entitled to vote.

(2) The names of new graduates and diplomats of the University are deemed to have been inscribed in the convocation roll after degrees or diplomas have been awarded, but members so registered are required to furnish their addresses to the secretary and to notify him or her of any change of address.

(3) For purposes of the election of council members the convocation is deemed closed from the latest date on which ballot papers are issued until the date of the election, both days inclusive.

### Chairperson of convocation

38. (1) The convocation, at an annual meeting, elects from among its members a president to act as chairperson at all its meetings who holds office for a period of three years from the meeting at which he or she is elected.

(2) Whenever the office of president becomes vacant, the principal acts as president until a successor is elected at the following meeting of the convocation for a period of three years.

### Meetings of convocation

39. (1) The president or, if the office of the president is vacant, the principal convenes a meeting of the convocation annually and notice of such meeting must be given at least four weeks prior to the date of the meeting.

(2) A member who wishes to raise any matter at such meeting must submit written motions in regard to the said matter to the registrar or the president at least two weeks before the date of the meeting.

(3) An extraordinary meeting of the convocation may be convened by the president if and when required.

(4) An extraordinary meeting of the convocation must be convened by the president or, if the office of president is vacant, by the principal, upon a written request signed by at least 25 members containing the matters for consideration in the form of separate motions.

(5) An extraordinary meeting as contemplated in subparagraph (4) must be held within two months after receipt of the request.

### **Meetings and meeting procedures**

40. (1) Fifty members constitute a quorum at a meeting of the convocation, provided that, if no quorum is present the meeting may adjourn and an extraordinary meeting may be convened with at least seven days notice, at which the members present constitute a quorum.

(2) Notwithstanding the absence of a quorum at an annual meeting, such meeting may proceed to elect office bearers and to dispose of other formal matters, but no motions may be submitted at such meeting.

(3) After its constitution, by reading the notice in terms of which it was convened, a meeting commences with the reading and confirmation, by the signature of the chairperson, of the minutes of the previous ordinary meeting and of all subsequent extraordinary meetings.

(4) Any objection to such minutes must be raised and determined prior to their confirmation.

(5) A member may not, without the permission of the meeting speak more than once on a motion or amendment thereof, but the mover of the motion or amendment may reply.

(6) All matters are decided by a majority of the members present.

(7) In addition to his or her ordinary vote, the chairperson has a casting vote in the event of an equality of votes.

(8) If a meeting so resolves, the number of votes in favour of or against a motion must be recorded in the minutes, and, at the request of a member, the chairperson must further direct that the vote of such member be likewise recorded.

(9) A motion or amendment thereof must be seconded, and if the chairperson directs, such motion or amendment must be in writing,

(10) A motion or amendment may not be withdrawn without the permission of the meeting,

(11) The chairperson may permit the discussion of a matter of which notice was not duly given, provided such discussion is unopposed.

(12) The ruling of the chairperson on a point of order of procedure is binding, unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting, whose decision is final.

(13) A copy of the resolutions of the convocation, and a statement on such other matters as the convocation may determine, duly certified by the chairperson and secretary are submitted to the chairperson of the council for the information of the council and to the principal for the information of the senate.

(14) Election of members of the convocation to the council is in the manner determined by the convocation.

## STAFF

### Appointment

41. Subject to section 34 of the Act, the council appoints staff according to the staffing policies of the University as determined in the Rules and the Department of Health in the case of joint appointments, and as described in the staff code and approved and agreed upon by the council.

### Remuneration

42. Determination and review of salaries of members of staff and all other forms of remuneration is approved by the council according to the University's remuneration policy as determined in the Rules which is amended from time to time by the council.

### Evaluation

43. All members of staff of the University including joint appointees are subject to continuous evaluation in the performance of their duties.

**Staff discipline**

44. Every member of staff is subject to a disciplinary code, a disciplinary procedure and a grievance procedure for staff, as approved by the council and determined in the Rules, which serve as an integral part of every staff member's conditions of service,

**Unions**

45. Agreements with unions may, with reference to salary and related negotiations and according to the relevant labour legislation, be entered into by management and recommended to the council for approval.

**Emeritus professor**

46. (1) A nomination to the senate for the award of emeritus professor status must be submitted by the registrar.

(2) A principal, a vice-principal or a dean retired on superannuation or on medical grounds, irrespective of the period served in that capacity or a professor or an associate professor retired on superannuation or on medical grounds after he or she has served the University as an associate professor or professor' in a full-time capacity for a continuous period of at least ten years prior to his or her retirement qualifies for the award of emeritus professor status.

(3) A person to whom emeritus professor status has been awarded by the University is entitled to -

- (a) full access to and free use of the University library;
- (b) receipt of all official University publications;
- (c) the right of participation in the academic procession;
- (d) invitations to official University academic functions; and
- (e) such other rights and privileges as the senate may decide.

(4) An emeritus professor may occasionally be requested to deliver special lectures at a normal remuneration.

(5) An emeritus may not be a member of the senate or of a faculty board.

(6) The names of emeritus professors who are still alive are published in the University calendar and where otherwise necessary.

(7) Whenever the title of emeritus professor is awarded, the recipient is informed in writing of the decision by the registrar,

(8) The title of emeritus professor is to be retained until death.

## **STUDENTS' REPRESENTATIVE COUNCIL (SRC)**

### **SRC**

47. (1) Subject to the Act, the Private Act, this Statute and the Rules, the students of the University are represented in matters that may affect such students by the SRC.

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

- (a) liaison with the council, the senate, the management, the general public, other higher education institutions, students' representative councils of other higher education institutions, national or international student organisations, unions and news media;
- (b) being the umbrella organisation for all student committees, club s, councils and societies, granting or withdrawing recognition of such student committees, clubs, councils and societies as it deems appropriate;
- (c) the co-ordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with the University management;
- (d) the convening and conducting of all authorised meetings of the student body and to be the managing body in all general referenda and petitions organised by the students within the Rules;
- (e) the appointment of such office-bearers and establishing of such committees as it deems necessary;
- (g) the organisation and promotion of extramural activities among students;,,
- (g) keeping account of all moneys paid over to it by the council and any other moneys which may accrue to it in its capacity as representative-of the students; also to allocate or disburse such funds for use by students, and to make grants to approved student clubs, committees, societies and councils;

- (h) the responsibility for the preservation of order at student functions, and the ensuring of good conduct at other approved meetings of students;
- (i) the co-ordination of student involvement in all community projects initiated by it;
- (j) the responsibility for all student publications;
- (k) the recommendation to the council of Rules to determine the conduct of its affairs;
- (l) the final decision making in all matters falling within its jurisdiction; and
- (m) such additional function and privileges as may be specifically conferred upon it by the council.

### Composition

48. (1) The SRC consists of the following 20 members -

- (a) the president;
  - (b) the deputy president (internal);
  - (c) the deputy president (external);
  - (d) the general secretary;
  - (e) the deputy general secretary;
  - (g) the treasurer;
  - (g) the transport officer;
  - (h) the public relation officer;
  - (i) the constitutional chairperson;
  - (j) the bursary officer;
  - (k) the projects committee chairperson;
  - (l) the media chairperson;
  - (m) a representative of the all sports council (ASC);
  - (n) a representative of the sciences students' council (SSC);
  - (o) a representative of the central residence council (CRC);
  - (p) a representative of the cultural activities council (CAC);
  - (q) a representative of the dental students' council (DSC);
  - (r) two representatives of the health science students' councils (HSSC);
- and

(s) a representative of the medical students' council (MSC).

(2) The election and functions of the specific office bearers and the election of representatives of the specific students' councils contemplated in subparagraph (1) are determined by the Rules.

(3) Notwithstanding subparagraph (2) elections of members of the SRC must be held in September of each year.

### **Committees of SRC**

**49.** (1) The SRC may establish such committees as determined by the Rules.

(2) The composition, manner of election and functions of such committees are determined by the Rules.

### **Term of office**

**50.** (1) The members of the SRC hold office from the first ordinary meeting after an election until the commencement of the first ordinary meeting after the next election.

(2) Notwithstanding subparagraph (1) a member of the SRC ceases to hold office if and when -

- (a) he or she ceases to be a resident of the residence he or she represent;
- (b) he or she ceases to be a member of the particular club, society, committee or council he or she represents on the SRC;
- (c) he or she has been absent from two consecutive SRC meetings or two consecutive student body meetings without leave of absence or a reasonable excuse;
- (d) he or she tenders his or her resignation in writing and such resignation in accepted by the SRC;
- (e) the student body demands his or her resignation by means of a petition signed by two-thirds of the student body because of misconduct or misrepresentation or unbecoming behaviour;
- (g) a vote of no-confidence is passed at a student body meeting against such a member in the form of a motion which requires a two-thirds majority of the members present to become a resolution;

(2) Subparagraph (l)(e) and (f) may apply in the case of the whole SRC.



**Meeting procedure** ,,

51. The number and type of meetings and the procedure at meetings are determined by the Rules.

**STUDENT DISCIPLINE****Student disciplinary committee of council**

52. (1) The council must establish a student disciplinary committee whose chairperson must be a member of the council who is not a student or member of staff.

(2) Every student is subject to such disciplinary measures and procedures as determined by this Statute and the Rules.

**Misconduct**

53. Subject to a student's reasonable right to freedom of belief, opinion, expression, assembly demonstration, petition, association and movement, he or she is guilty of misconduct if he or she either negligently or deliberately -

- (a) in or outside the buildings or on or off the premises of the University commits or causes to be committed any act which is prejudicial to the good name, administration, discipline or efficiency of the University or acts in any way which is detrimental to the name or normal functioning of the University;
- (b) wilfully destroys, damages, abuses, alienates or appropriates any property of the University;
- (c) infringes any Rule governing the attendance of lectures, or practical, clinical sessions, tutorials, tasks, class tests and examinations;
- (d) refuses or neglects to carry out a legitimate instruction from a member of the SRC, the academic or administrative staff of the University;
- (e) infringes the traffic Rules of the University;
- (o) infringes any of the Rules of the University;
- (9) infringes the Rules of the residences, including catering and accommodation services, under the control of the University;

- (h) commits a criminal or civil offence;
- (i) conducts him or herself in an unbecoming, improper or disgraceful manner on the University premises or elsewhere;
- (j) takes part in or instigate disruptive or riotous behaviour resulting in damage to University property or the infringement of the rights of any other person;
- (k) encourages a fellow student to commit such violations or neglects to discourage a fellow student from misconduct when such discouragement could reasonably be expected;
- (l) allows or encourages a visitor to infringe the Rules of the University;
- (m) brings, sells or consumes alcoholic liquor on the University premises without the permission of the principal or his or her representative or, in the case of a residence, the warden or matron;
- (n) brings, sells or uses drugs or any habit-forming agents on the University premises;
- (o) brings any firearms or other dangerous weapon onto the University property, without the written permission of the principal;
- (p) intimidates, mismanages funds, plagiarises, steals, rapes or performs any act, or acts with intent to cause bodily harm or acts of violence or threatens assault

### **Disciplinary procedures**

**54.** (1) Students, student organisations, staff members, or any other person may lodge a charge of misconduct.

(2) A charge of misconduct must in the first instance be reported to the registrar in writing and the student against whom a charge is brought, must be requested to make a written statement in answer to the charge.

(3) All complaints must be investigated by the office of the registrar who has the power to summon the alleged offender or offenders, complainant or complainants or any witness as required.

(4) If the registrar is of the opinion that a charge of misconduct against a student is of a less serious nature, he or she may deal with it summarily.

(5) If a charge of misconduct against a student is of a serious nature, the registrar must refer it to the disciplinary committee of the SRC, or faculty, or the student disciplinary committee of the council to be dealt with.

(6) Due notification to a student of a pending disciplinary hearing in terms of timeframes and process is as determined by the Rules.

(7) The procedures of the disciplinary hearing in terms of process, commencement, prosecution, defence, verdict, mitigation, sentence and appeal are as determined by the Rules.

(8) The different kinds of penalties that may be imposed by the disciplinary committee of the SRC, or faculty, or the student disciplinary committee of the council are as determined by the Rules.

## **ACADEMIC MATTERS**

### **Admission requirements**

**55.** The admission requirements per specific faculty are as determined by the Rules.

### **Registration of students**

**56.** Every student must on admission sign the official registration form which then binds such student to the Rules.

### **Examinations**

**57.** Requirements for examinations, admission to examinations and the conduct of examinations are as determined in the Rules.

### **Faculties**

**58.** The council, with the concurrence of the senate, may establish or disestablish faculties.

### Departments

59. The council, with the concurrence of the senate, may establish or disestablish departments.

### Degrees, diplomas and certificates

60. (1) The University may subject to the Act, award diplomas and certificates and confer degrees of bachelor, honours bachelor, master and doctor in any faculty,

(2) Except as is provided in paragraph 61, no degree may be conferred upon, and no diploma or certificate may be awarded to any person who has not -

- (a) been registered as a student of the University for the period and under the conditions prescribed by the Rules;
- (b) completed the courses and passed in the examinations prescribed by the Rules.

### Honorary degrees

61. (1) The University may confer honorary degrees of master or doctor without examination and in the manner determined by the Rules.

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

## GENERAL

### Vacancies not to affect powers

62. (1) A vacancy in any office or in the council, the senate or the institutional forum does not impair or affect the corporate existence of the University or any powers, rights or privileges conferred by the Act, the Private Act and this Statute upon the council, the senate or the institutional forum or the exercise of **any** power, right or privilege.

(2) Notwithstanding subsection (1), a resolution of the council, the senate or the institutional forum is not valid unless passed at a meeting at which a quorum is present and unless all the other provisions of this Statute and the Rules have been complied with.

## REPEAL OF STATUTE

### **Repeal of Statute**

**63.** (1) The statute published under Government Notice R.171 O of 25 August 1978 as amended by Government Notice R.927 of 9 May 1980 and by Government Notice R., 1884 of 23 September 1982, is hereby repealed.

(2) Any body established, any person appointed or elected, any Rule made or any act performed in terms of the provisions of the statute published under Government Notice R.1710 of 25 August 1978, is deemed to have been established, appointed, elected, framed or performed in terms of the corresponding provisions of this Statute. |