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## GOVERNMENT NOTICE

### DEPARTMENT OF EDUCATION

No. 831

29 June 1999

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

### AMENDMENT OF THE STATUTE OF THE UNIVERSITY OF TRANSKEI

The council of the University of Transkei 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**

1. *In this Schedule the expression "the Statute" means the Statute of the University of Transkei promulgated by the Republic of Transkei Government Notice No. 118 of 12 August 1977, which is hereby amended to ensure in terms of section 72(4) of the Higher Education Act, 1997 (Act No. 101 of 1997) that the council, the senate and the institutional forum comply with the provisions of the said Act.*
2. *Paragraph 1 of the Statute is hereby amended by -*
  - (a) *the insertion of the following definitions in the correct alphabetical order;*  
*"management" means the principal, the vice-principals and the registrar;*  
*"the Private Act" means the University of Transkei (Private) Act, 1996 (Act No. 81 of 1996);"; and*
  - (b) *the substitution for the definition "the Act" of the following definition;*  
*"the Act" means the Higher Education Act, 1997 (Act No. 101 of 1997);".*
3. *Paragraphs 5 up to and including paragraph 9 are hereby deleted.*
4. *Paragraphs 10 up to and including paragraph 28 of the Statute are hereby amended by the substitution for these paragraphs of the following paragraphs:*

**"CHAPTER III  
COUNCIL****Functions of council**

10. (1) **Notwithstanding the provisions of the Private Act, the council of the University governs the University subject to the Act, any other law, and this Statute.**

(2) Notwithstanding the provisions of the Private Act and subject to the policy determined by the Minister, the council, with the concurrence of the senate, must determine the language policy of the University and must publish and make it available on request.

(3) After consultation with the students' representative council, the council must provide for a suitable structure to advise on the policy for student support services within the University.

#### **Membership of council and manner of appointment, election or designation of council members**

11. Notwithstanding the provisions of the Private Act and in terms of the Act, the council consists of -

- (a) the principal;
- (b) the vice-principals;
- (c) five persons appointed by the Minister;
- (d) two persons elected by the senate from among its members in a manner determined by the senate;
- (e) two academic employees of the University, other than members of the senate, elected by secret ballot in an election conducted by the registrar academic who, by public notice, must call for nominations proposed and seconded by members of the constituency and such nominations must be in writing and must be accompanied by a statement of the nominee indicating the nominee's willingness to accept nomination;
- (f) two students of the University elected by the students' representative council in a manner determined by that council;
- (g) two non-academic employees of the University, elected by secret ballot in an election conducted by the registrar academic who, by public notice, must call for nominations proposed and seconded by members of the constituency, and such nominations must be in writing and must be accompanied by a statement from the nominee indicating the nominee's willingness to accept nomination;
- (h) two persons appointed by the Premier of the Province of the Eastern Cape;
- (i) three persons designated by the convocation, provided that no person so designated is an employee or a student of the University;
- (j) three persons who, in terms of this Statute are donors, designated by the council in a manner determined by the council in consultation with the donors, provided that no person so designated is an employee or a student of the University;
- (k) two persons designated by the Umtata Local Government Council, provided that such persons are not employees or students of the University or members of any of the structures contemplated in section 26(2) of the Act; and
- (l) five other persons designated by such bodies as the council may determine, provided that no person so designated is an employee or a student of the University.

#### **Term of office of council members**

12. (1) The term of office of the members of the council contemplated in paragraphs 11(c), (h), (i), (j) and (l) is four years.

(2) The term of office of the members of the council contemplated in paragraphs 11(d),(e) and (g) is two years.

(3) The term of office of the members of the council contemplated in paragraph 11(f) and (k) is one year.

#### **Chairperson and vice-chairperson of council**

13. (1) The chairperson and the vice-chairperson must be elected at the first ordinary meeting of the council in each year.

(2) The persons so elected hold office for one year, but are eligible for re-election.

(3) Such election must be by secret ballot, provided that, if only one nomination is received for an office, the person so nominated is declared elected.

(4) Employees and students of the University are not eligible for election to the office of the chairperson or to that of the vice-chairperson.

(5) If neither the chairperson nor the vice-chairperson is available for a council meeting, or for part of such meeting, the council must elect an acting chairperson to preside at the meeting or part thereof.

#### **Council members on senate**

14. (1) Notwithstanding the provisions of the Private Act and in terms of the Act, the council must elect two of its members to serve as members of the senate.

(2) If any member of the senate elected by the council for any reason ceases to be a member of the council before his or her term of office as a member of the senate expires, the council must, at its next meeting, elect another member to the senate to serve for the unexpired term of office of his or her predecessor.

#### **Vacancy on council**

15. Notwithstanding the provisions of the Private Act, the secretary must give notice of a vacancy to the body or persons who elected, designated or appointed the member whose membership has fallen vacant, with the request that another member be elected, designated or appointed.

#### **Termination of membership of council members**

16. A member of the council other than the principal and the vice-principals vacates his or her office on the council if he or she -

- (a) is absent from two successive ordinary meetings of the council without the permission of the council or of the chairperson of the council;
- (b) is convicted by a court of law of an offence involving dishonesty;
- (c) is sentenced by a court of law to imprisonment without the option of a fine;
- (d) is declared insolvent;
- (e) is declared unfit to attend to his or her personal affairs by a court of law; or
- (f) resigns by written notice to the secretary.

#### **Quorum for council meetings**

17. One half of the members of the council constitutes a quorum.



**Ordinary meetings of council**

18. (1) The secretary must, at least seven days before the date of an ordinary meeting of the council, give notice thereof in writing to all members of the council, setting forth the matters to be dealt with at such meeting.

(2) Notice of any matter for consideration at a meeting of the council must be lodged in writing with the secretary at least 14 days before the date of such meeting, provided that a member may raise a matter of an urgent nature at the meeting without previous notice if at least two-thirds of the members present consent thereto.

**Special meetings of council**

19. (1) A special meeting of the council may be called by the chairperson whenever he or she deems it necessary and must be called by him or her when requested to do so by any five members of the council, provided that the request must be in writing and must clearly state the matters to be considered by the special meeting.

(2) The secretary must give at least seven days' notice in writing to all members of the council of such meeting.

(3) No matters other than that for which the special meeting was called, must be considered at such meeting, except with the consent of the meeting granted on an unopposed motion.

**Minutes of council meetings**

20. (1) The registrar academic must keep the minutes of each meeting of the council and such minutes must be included with the notice of the next ordinary meeting of the council.

(2) The minutes of a meeting of the council must be read at the next ordinary meeting of the council and, after approval, must be confirmed by the signature of the chairperson.

(3) A meeting may, by resolution, consider the minutes as read if a copy thereof was forwarded to every member of the council.

**Voting procedures at council meetings**

21. (1) Except where otherwise provided in this Statute, all matters before the council must be decided by a majority of the votes cast by the members present.

(2) The chairperson must have a casting vote in addition to an ordinary vote.

(3) Where so provided in this Statute or when the meeting so decides, voting on a matter is by secret ballot.

(4) When voting on a particular matter has taken place by secret ballot, the chairperson does not have a casting vote.

(5) If, on any matter, an equality of votes prevails, and the chairperson does not exercise his or her casting vote, the matter must be considered not to have been approved by the meeting.

(6) The number of votes for and against a motion must be recorded in the minutes if the meeting so decides.

(7) At the request of a member, the vote of such member must be recorded in the minutes.

(8) No member of the council must vote on any matter in which the member has a direct personal or pecuniary interest.

**Seconding of motions and amendments**

22. (1) Every motion and amendment thereto must be seconded and, if the chairperson so directs, must be submitted in writing.

(2) No motion or amendment thereto may be withdrawn without the consent of the meeting.

**Ruling of chairperson of council**

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

**Discussion of matters**

24. (1) No member may take part in any discussion of a matter in which the member has a direct personal or pecuniary interest, and the member must declare any such interest to the meeting before the discussion of the matter takes place.

(2) A member may not without the consent of the chairperson speak more than once to a motion or to an amendment thereto, provided that the mover may reply, provided further that if the meeting decides to go into committee, members may speak more than once.

(3) If a member moves a motion on a point of order to the effect that the matter be tabled, and the motion is seconded and adopted, the motion under discussion must be tabled to the meeting without further discussion.

**Composition and function of executive committee of council**

25. (1) At the first meeting in each year, the council must constitute an executive committee.

(2) The chairperson and the vice-chairperson of the council, and the principal and the vice-principals are members of the executive committee, by virtue of their offices.

(3) The council must appoint such a number of additional members to the executive committee as it deems fit, provided that at least 60% of the members of the executive committee are not employees or students of the University and all members of the executive committee are members of the council.

(4) The executive committee of the council -

(a) must consider any matters referred to it by the council; and

(b) has the power to dispose of urgent business on behalf of the council, provided that all business dealt with by the executive committee under subparagraphs (a) and (b) is reported to the next ordinary meeting of the council and where necessary is ratified by the council.

**Other committees of council and joint committees of council and senate**

26. Subject to section 29 of the Act, the council may establish such other committees as it deems fit and by mutual agreement with the senate, establish joint committees of the council and the senate.

**Amendment of Statute**

27. (1) Notice of any motion, duly seconded, to amend or rescind any part of this Statute must be submitted in writing to the secretary.

(2) The motion must be set forth in detail in the notice contemplated in subparagraph (1).

(3) The secretary must give at least 14 days' notice of the motion to all members of the council.

(4) Unless, at the meeting of the council at which the motion serves, three-quarters of the members present vote in favour of the motion, it must be subject to confirmation by the majority of votes at the next ordinary meeting of the council.

**CHAPTER IV  
SENATE****Functions of senate**

28. Notwithstanding the provisions of the Private Act and in terms of the Act, the senate is accountable to the council for the academic and research functions of the University and must perform such other functions of the University as may be delegated or assigned to it by the council.

**Membership of senate and manner of election, designation or appointment of senate members**

28A. Notwithstanding the provisions of the Private Act and in terms of the Act the senate consists of -

- (a) the principal;
- (b) the vice-principals;
- (c) the registrars;
- (d) the professors and associate professors, heads of department and directors of institute and bureaux;
- (e) six employees of the University, other than academic employees, elected by secret ballot in an election conducted by the registrar academic who, by public notice, must call for nominations proposed and seconded by members of the constituency, and these nominations must be in writing and must be accompanied by a statement from each nominee indicating the nominee's willingness to accept nomination;
- (f) two members elected by the council from amongst its members in a manner determined by the council;
- (g) three members of the students' representative council designated by the students' representative council;
- (h) one academic employee of each faculty of the University other than professors, associate professors, heads of departments, directors of institute and bureaux, elected by secret ballot at an ordinary meeting of each faculty; and
- (i) the University librarian.

**Term of office of members of senate**

28B. The term of office of the members of the senate contemplated in -

- (a) paragraphs 28A(a), (b), (c), (d) and (i) is for as long as they occupy the relevant posts;

- (b) paragraph 28A(e) is two years;
- (c) paragraphs 28A(f) and (h) is four years; and
- (d) paragraph 28A(g) is one year.

#### **Office-bearers of senate**

**28C.** Notwithstanding the provisions of the Private Act, and in terms of the Act, the senate must, at its first ordinary meeting of each year, elect a chairperson, a vice-chairperson and other office-bearers from among its members who are senior academics, and -

- (a) the persons so elected hold office for one year but are eligible for re-election;
- (b) such election must be by secret ballot, provided that, if only one nomination is received for an office, the person nominated must be declared elected; and
- (c) if neither the chairperson nor the vice-chairperson is available for a senate meeting, or part of such meeting, the senate must elect an acting chairperson to preside at the meeting or part thereof.

#### **Senate members on council**

**28D.** (1) Notwithstanding the provisions of the Private Act, the senate must elect two of its members to serve as members of the council, provided that the persons so elected must be academic employees of the University.

(2) If a member of the council elected by the senate vacates his or her office before the expiry of his or her term of office, the senate must proceed as soon as possible with the election of another member to serve on the council for the unexpired term of office of the predecessor.

(3) If a member of the council elected by the senate is granted leave for six months or longer during his or her term of office, the member's membership of the council must lapse and the senate must proceed as soon as possible with the election of another member of the senate to serve on the council for the unexpired term of office of the predecessor.

#### **Quorum**

**28E.** At least half of the members of the senate or of a committee appointed by the senate constitutes the quorum.

#### **Meetings and meeting procedures**

**28F.** The provisions of paragraphs 19, 20, 21, 22, 23 and 24 apply with the necessary changes to special meetings of the senate, the minutes of senate meetings, the voting procedures at meetings of the senate, the seconding of motions and amendments at meetings of the senate, the ruling of the chairperson of the senate, and the discussion of matters at meetings of the senate.

#### **Composition and function of executive committee of senate**

**28G.** (1) At its first meeting in each year the senate must constitute an executive committee.

- (2) The executive committee of the senate consists of -
  - (a) the principal;
  - (b) the vice-principals;



- (c) the deans of the faculties of the University; and
  - (d) such number of additional members as the senate deems fit, provided that all members of the executive committee must be members of the senate, and provided further that the majority of the executive committee must be academic employees of the University.
- (3) The executive committee must-
  - (a) consider any matters referred to it by the senate; and
  - (b) have the power to dispose of urgent business on behalf of the senate, provided that all business dealt with by the executive committee under this subparagraph must be reported to the next ordinary meeting of the senate and if deemed necessary by the senate, the business so reported must be ratified by the senate.

#### **Amendment to Rules**

**28H.** (1) Notice of any motion to the effect that the senate must recommend to the council that a Rule be made, amended, or repealed in terms of section 32 of the Act must be submitted in writing to the secretary and -

- (a) such motions must be seconded by a member of the senate; and
- (b) such notice must set forth the details of the motion.

(2) The secretary must give notice of the motion in writing to all members of the senate at least seven days prior to the meeting of the senate at which such motion is to be considered.

(3) Unless three-quarters of the members of the senate present vote in favour of the motion contemplated in subparagraph (1), it must be considered by the next meeting of the senate, and it must be considered to have been approved if a majority of the senate members present at that meeting vote in favour of the motion.

### **CHAPTER IVA INSTITUTIONAL FORUM**

#### **Functions of institutional forum**

**28I.** The institutional forum of the University must, in accordance with section 31 of the Act -

- (a) advise the council on issues affecting the University, including -
  - (i) the implementation of the Act and the national policy on higher education;
  - (ii) race and gender equity policies;
  - (iii) the selection of candidates for senior management positions;
  - (iv) codes of conduct, mediation and dispute resolution procedures;
  - (v) 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; and
- (b) perform such functions as determined by the council.

#### **Membership and manner of appointment, designation or election**

**28J.** The institutional forum of the University consists of -

- (a) two members representing the management designated by the principal;

- (b) two representatives of the council designated by the council in a manner determined by the council, provided that the representatives so designated may not be employees or students of the University;
- (c) two representatives of the senate, elected by the senate in a manner determined by the senate, provided that the members so elected must be members of the senior academic staff of the University;
- (d) two representatives of the academic employees of the University, who are not members of the senate, elected by secret ballot in an election conducted by the registrar academic who, by public notice, must call for nominations proposed and seconded by members of the constituency, which nominations must be in writing and must be accompanied by a statement from each nominee indicating the nominee's willingness to accept nomination;
- (e) two non-academic employees elected by secret ballot in the constituency and conducted in the manner contemplated in subparagraph (d);
- (f) six students designated by the students' representative council in a manner determined by the students' representative council;
- (g) two members of the convocation elected by the convocation in a manner determined by the convocation, provided that the representatives so elected are not employees or students of the University;
- (h) two members of the Umtata Local Government Council to be appointed by the Local Government Council, in consultation with the institutional forum, provided that such members are not employees or students of the University nor members of any of the structures of the University; and
- (i) six members to be appointed by the institutional forum from any interest groups in consultation with such groups.

#### **Term of office of members of institutional forum**

**28K.** (1) Subject to paragraph 28J(a), the term of office of members of the management as members of the institutional forum is determined by the principal.

(2) Subject to paragraph 28J(f), the term of office of members of the institutional forum who are students of the University is one year.

(3) The term of office of members of the institutional forum, excluding members contemplated in subparagraph (1) and (2), is two years.

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

**28L.** (1) The chairperson and the vice-chairperson are elected at the first ordinary meeting of the institutional forum in each year and hold office for one year.

(2) The election of the chairperson and the vice-chairperson is by secret ballot in an election conducted by the secretary of the institutional forum.

(3) The secretary calls for nominations.

(4) Each nomination must be seconded by at least one member of the institutional forum, and the nominees must indicate their willingness to accept nomination.

#### **Secretary**

**28M.** The manner of election contemplated in paragraph 28L applies with the necessary changes to the election of the secretary to the institutional forum."

***Transitional provisions***

5. (1) With the coming into force of this Statute, the existing structures of the University have the power and authority to take steps to implement the provisions of the Higher Education Act, 1997 (Act No. 101 of 1997), this Statute and the Institutional Rules made in terms of section 32 of the said Act.

(2) The steps contemplated in subparagraph (1) include the termination of the membership of council and senate members, to make it possible to reconstitute such structures in accordance with the Statute.

(3) The steps contemplated in subparagraph (1) also include the regulation of academic matters by institutional Rules made in terms of section 32(2)(b) of the Higher Education Act, 1997 (Act No. 101 of 1997).

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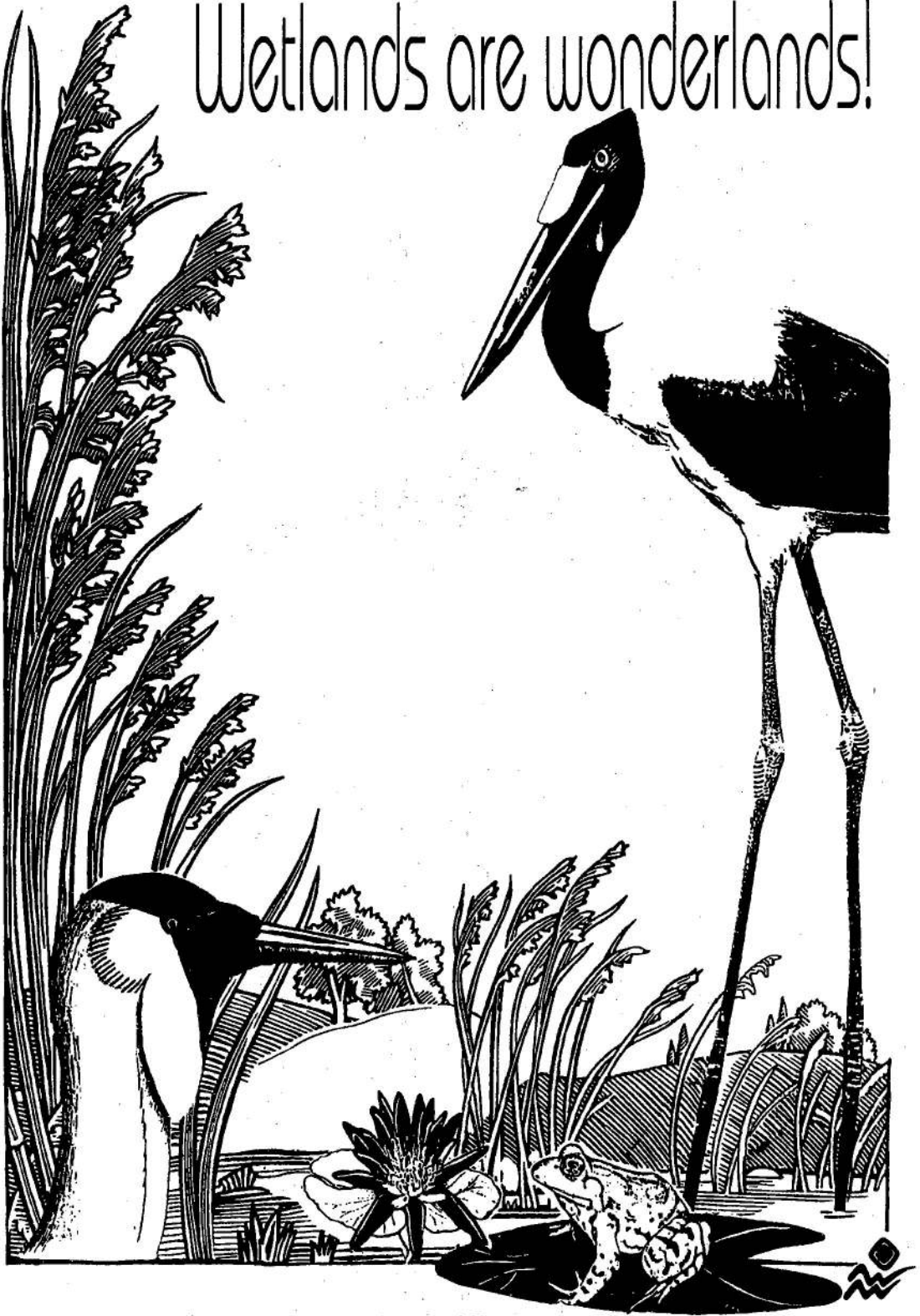
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