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

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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**GOVERNMENT NOTICES**

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**DEPARTMENT OF EDUCATION****No. 1424****25 November 1999****HIGHER EDUCATION ACT, 1997****(ACT NO. 101 OF 1997)****AMENDMENT OF THE STATUTE OF THE UNIVERSITY OF DURBAN-WESTVILLE**

The council of the University of Durban-Westville has made this 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 Higher Education Act, 1997 (Act No. 101 of 1997), 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 published under Government Notice No. 2040 of 26 September 1986, as amended by Government Notice Nos. 1422 of 21 June 1991, 2209 of 19 November 1993, 334 of 3 March 1995, 887 of 31 May 1996 and 1696 of 12 December 1997.

2. The Statute is hereby amended by –

- (a) the substitution for the word "rector" of the word "principal";
  - (b) the substitution for the word "vice-rector" of the word "vice-principal";
  - (c) the insertion of the words "or her" after the word "him";
  - (d) the insertion of the word "or herself" after the word "himself"; and
  - (e) the insertion of the word "or she" after the word "he",
- wherever such words occur in the Statute.

3. Clause 1 of the Statute is hereby amended by –

- (a) the insertion in the correct alphabetical order of the following definitions:

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

**"institutional forum"** means the institutional forum of the University as contemplated in section 31 of the Higher Education Act;

**"principal"** means the principal or acting principal and includes the vice-chancellor;

**"Rules"** means the institutional rules made by the council in terms of section 32 of the Higher Education Act;

**"vice-principal"** means the vice-principal or acting vice-principal and includes a deputy vice-chancellor;"; and

(b) the deletion of the definitions of **"rector"** and **"vice-rector"**.

4. Clauses 9 and 10 of the Statute are hereby amended by the substitution for such clauses of the following clauses:

*"Composition"*

9. Subject to the provisions of the Higher Education Act, the Act and this Statute, the control, government and executive power of the University shall be vested in the council, which shall consist of -

- (a) the principal and the vice-principals;
- (b) five persons appointed by the Minister;
- (c) three members of the senate elected by the senate;
- (d) two persons, who are not employed by, or students of the University, elected by the convocation from among its members;
- (e) two persons, who are not employed by, or students of the University elected from among their number by persons who, according to the provisions of this Statute, are donors by virtue of donations made to the University;
- (f) two persons nominated by the Durban Metropolitan Council after consultation with all the local councils within the Durban Metropolitan Council;
- (g) two persons who are members of the staff of the University elected in a manner determined by the council, one of whom shall be a member of the teaching staff elected from their number and the other a member of the non-teaching staff elected from their number;
- (h) two members of the students' representative council of the University nominated by such students' representative council; and
- (i) seven other persons appointed by the council because of their experience and expertise or to represent the community served by the University.

*Donors*

10. (1) Any person, including the nominee of a juristic person, trust, partnership or any other association of persons, who has contributed in donations to the University an amount as determined by the council from time to time, or who has made a gift of property (movable or immovable) equivalent to a value as determined by the council from time to time, shall be eligible for election to the council in terms of clause 9(e)."

5. Clause 13 of the Statute is hereby amended by the substitution for such clause of the following clause:

"13. (1) Members appointed, elected or nominated in terms of clause 9(b) to (g) and (i) hold office for a period of four years.

(2) Members nominated in terms of clause 9(h) hold office for one year.

(3) If a member appointed, elected or nominated in terms of clause 9 dies or resigns or vacates his or her office for any reason other than the expiration of the period of office concerned, the secretary to the council shall give notice thereof in writing to the authority or body concerned and shall follow the procedures determined by the council for filling the vacancy."

6. Clause 20 of the Statute is hereby amended by the substitution for subclause (3) of the following subclause:

"(3) Where at least two-thirds of the members of the council have reached agreement on a matter referred to them by the chairperson or his or her nominee by letter or telefax without convening a meeting, and have conveyed their resolution by letter or telefax, such resolution shall be deemed to have been taken at a meeting of the council and shall be recorded in the minutes of the next successive ordinary meeting."

7. Clause 27 of the Statute is hereby amended by the substitution for the preamble in clause 27 of the following preamble:

"27 Subject to the provisions of the Act, the Higher Education Act and this Statute, the council shall be empowered- "

8. The following clause is hereby inserted before clause 29 of the Statute:

*"Composition of senate"*

28A. The senate shall consist of -

- (a) the principal;
- (b) the vice-principals;
- (c) two members of the council elected by the council;
- (d) twenty professors of the University who are not heads of department as the council may from time to time designate;
- (e) twenty persons who are academic employees but not professors and two persons who are employees of the University, other than academic employees, designated for that purpose by the council from time to time on the recommendation of the senate;
- (f) two members, who may be members of the staff of the University, elected by the convocation from among its number;
- (g) two members of the students' representative council of the University nominated by the students' representative council;



- (h) one member elected by each faculty standing committee of the students' representative council from among the number of each committee in a manner determined by the students' representative council;
- (i) all heads of department who are academic employees of the University; and
- (j) the deans of the University."

9. Clause 30 of the Statute is hereby amended by the addition of the following subclause after subclause (f):

- "(g) being a head of department or dean referred to in subclause 28A (i) or (j) respectively, he or she vacates the post which qualifies him or her for membership of the senate."

10. Clause 31 of the Statute is hereby amended by -

- (a) the substitution for the preamble in clause 31 of the following preamble -

"31. Subject to the provisions of the Act, the Higher Education Act and this Statute, the senate shall be empowered-";

- (b) the substitution for subclause (b) of the following subclause:

"(b) to superintend and exercise control over all examinations conducted by the University in accordance with the Rules as may be framed, if so delegated by the council, from time to time by the senate for this purpose;";

- (c) the substitution for subclause (g) of the following subclause:

"(g) to make Rules, if so delegated by the council, 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 to determine persons to whom such scholarship or prize should be awarded from time to time;";

- (d) the substitution for subclause (j) of the following subclause:

"(j) subject to the provisions of the Act, this Statute and the Rules made thereunder, to adopt such measures and to make, if so delegated by the council, such Rules as may be necessary for the proper execution of its powers and discharge of its duties: Provided that the senate shall make, amend or rescind any Rule concerning a board of a faculty only after consultation with the board of the faculty concerned;"; and

- (e) the repeal of subclause (n).

11. The Statute is hereby amended by the insertion of CHAPTER VIA after CHAPTER VI:

**"CHAPTER VIA  
INSTITUTIONAL FORUM**

*Composition of institutional forum*

39A. (1) The institutional forum shall consist of -

- (a) two members of management nominated by the principal;
- (b) two members of the council elected by the council;
- (c) two members of the senate elected by the senate;
- (d) two academic employees of the University, who are not members of the senate or the council, elected from their number in a manner determined by the council;
- (e) two employees of the University, other than academic employees, elected from their number in a manner determined by the council;
- (f) two members of the students' representative council of the University nominated by the students' representative council; and
- (g) two other persons as contemplated in subclause (2).

(2) Under subclause (1)(g) the council may appoint two persons to represent the community served by the University as members of the institutional forum who shall hold office for a period of four years: Provided that in the case of a casual vacancy on the forum occurring within the first three years of the period, such vacancy shall be filled for the unexpired portion of the period of office with due regard to the provisions of this clause.

(3) A member of the forum shall vacate his or her office if such member ceases to hold the office or post which qualifies him or her for membership to the forum by virtue of subclause (1).

(4) A member of the forum appointed in terms of subclause (2) shall vacate office if he or she becomes an employee of the University or if at least two-thirds of the members of the council at a meeting of the council resolve that the member shall vacate his or her office.

12. Clause 40 of the Statute is hereby amended by -

- (a) the substitution for the heading of the following heading -  
"Secretary to the council";
- (b) the substitution for subclause (1) of the following subclause:

"(1) The registrar appointed by the council shall act as secretary to and returning officer of the council and the vice-chancellor may designate any member of the administrative staff to assist the person so appointed."; and

(c) the substitution for subclause (2) of the following subclause:

"(2) In the absence of the secretary his or her powers and duties shall be exercised and carried out by a person appointed by the council."

13. Clause 41 of the Statute is hereby amended by -

(a) the substitution for the heading of the following heading:

"Secretary to the senate";

(b) the substitution for subclause (1) of the following subclause:

"(1) The senate shall elect one of its members as secretary to and returning officer of the senate and the vice-chancellor may designate any member of the administrative staff to assist the person so elected.";

(c) the substitution for subclause (2) of the following subclause:

"(2) In the absence of the secretary his or her powers and duties shall be exercised and carried out by a person elected by the senate.";  
and

(d) the addition of the following subclause:

"(3) The secretary shall hold office for a period of two years, provided that in the case of a vacancy in the office of secretary before the expiry of the said period, such vacancy shall, with due regard to the provisions of subclause (1), be filled for the unexpired portion of the period of office of such person."

14. The following heading and clause is hereby inserted in the Statute after clause 41 -

*"Secretary to the institutional forum"*

41A. (1) The institutional forum shall elect one of its members as secretary to and returning officer of the forum and the vice-chancellor may designate any member of the administrative staff to assist the person so elected.

(2) In the absence of the secretary, his or her powers and duties shall be exercised and carried out by a person elected by the forum.

(3) The secretary shall hold office for a period of two years, provided that in the case of a vacancy in the office of secretary before the expiry of the said period, such vacancy shall, with due regard to the provisions of subclause (1), be filled for the unexpired portion of the period of office of such a person."

15. Chapter VIII, (clause 43) of the Statute is hereby deleted and substituted by the following chapter:

**"CHAPTER VIII**

**THE STUDENTS' REPRESENTATIVE COUNCIL"**

"43. (1) The students' representative council is a student body of the University recognised by the council in terms of the Higher Education Act and clause 27(c).

(2) The composition, manner of election, term of office, functions and privileges of the students' representative council and related issues shall be determined by the Rules.

(3) No amendment may be made by the council to such Rules, except if requested by a two-thirds majority of the students present and voting at an ordinary general meeting attended by students registered at the University of at least one semester's standing.

(4) The president, vice-presidents and other office-bearers of the students' representative council must be elected by the students' representative council in accordance with the Rules, provided that the composition of the students' representative council may not be amended or repealed by the council except after consultation with such students' representative council.

(5) All students shall be bound by the disciplinary rules applicable to students as contained in the Rules."

16. Clause 45 of the Statute is hereby repealed.

17. Clause 46 of the Statute is hereby amended by the substitution for the following clause:

*"Certificate of conduct*

46. No person formerly registered as a student of any other university or other higher education institution may be admitted as a registered student except upon production of a certificate acceptable to the council as to his or her conduct at such other university or other higher education institution."

18. Clauses 47 and 48 of the Statute are hereby repealed.

19. Clause 49 of the Statute is hereby amended by the substitution for subclause (1) of the following subclause:

"(1) For the purpose of conferring degrees there shall be held a congregation of the members of the council, the members of the senate, the members of the academic staff, the persons upon whom the degrees are to be conferred and such other persons as the principal may determine."

20. Clause 50 of the Statute is hereby repealed.



**21. Clause 51 of the Statute is hereby amended by -****(a) the substitution for subclause (1) of the following subclause:**

"(1) A proposal to confer an honorary degree may be submitted only by members of the council, of the senate, of the executive committee of the convocation, or of the students' representative council.";

**(b) the substitution for subclause (2) of the following subclause:**

"(2) Such proposal shall be made by at least six persons in writing to the registrar (academic) before 30 November each year, shall set forth in detail reasons for the proposal, shall include a curriculum vitae of the nominee, and state the faculty in which the degree is to be awarded.";

**(c) the substitution for subclause (3) of the following subclause:**

"(3) The honorary degrees committee shall consist of the principal or his or her nominee as chairperson, the chairperson of the council or his or her nominee, two members of the council, three members of the senate, two members of each staff association, two members of the students' representative council, in each instance the dean of the faculty in which the degree is to be conferred, and two members of the executive committee of the convocation.";

**(d) the substitution for subclause (4) the following subclause:**

"(4) The honorary degrees committee shall submit to members of the senate the names of the persons it recommends for honorary degrees together with a statement of the grounds on which the recommendations are based, for voting by postal ballot, and no such recommendations shall be submitted by the senate to the council unless they are supported by a majority of the members of the senate voting in the postal ballot."; and

**(e) the repeal of subclause (5) and the substitution thereof of the following subclause:**

"(5) Voting in the council on the recommendation of the senate shall be by postal ballot, and no such recommendation shall be approved by the council unless it is supported by a majority of members of the council voting in the postal ballot.".

**22. Chapter XI of the Statute is hereby repealed.****23. Clause 57 of the Statute is hereby amended by the substitution for such clause of the following clause:**

"57. The staff of the University shall be subject to the disciplinary provisions contained in the conditions of service determined by the council under section 34(3) of the Higher Education Act, subject to the applicable labour law.".

**24.** Clause 58 of the Statute is hereby amended by the substitution for subclauses 1 to 6 of the following:

"58. Students shall be subject to the disciplinary provisions as determined by the council from time to time, after consultation with the students' representative council and the senate."

**25.** Clause 59, 60, 61 and 61A of the Statute are hereby repealed.

**26.** (1) With the coming into force of this Statute, the existing council of the University shall have the power and authority to take steps to implement the provisions of the Higher Education Act, this Statute and the Rules.

(2) The steps referred to in subclause (1) may include the termination of the membership of the council and the senate to make it possible to reconstitute the council and the senate in accordance with the Statute.

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