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## GOVERNMENT NOTICE

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### DEPARTMENT OF EDUCATION

No. 680

13 May 2002

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

### UNIVERSITY OF THE NORTH

### STATUTE

The Administrator, in his capacity as the council of the University of the North has made the Statute, set out in the Schedule hereto, in accordance with paragraph 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), which is in terms of the provisions of paragraph 33 of the said Act, hereby published with the approval of the Minister of Education, and which comes into operation on the date of this publication.

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## **Chapter 1 University status and structure**

### **1.1 Name, status, office and powers of University**

- (1) The name of the University is the University of the North.
- (2) Subject to the provisions of the Higher Education Act, the University is a juristic person capable of performing all functions in relation thereto.
- (3) The activities of the University, except where otherwise provided in this Statute or in any other law, are administered from Mankweng, in the Polokwane Municipality in the Northern Province.

### **1.2 Constitution**

The University consists of the following offices and structures-

- (a) the chancellor;
- (b) the vice-chancellor who is also the principal;
- (c) a deputy vice-chancellor who is also the vice-principal;
- (d) the deputy vice-chancellor or deputy vice-chancellors;
- (e) an executive manager;
- (f) the registrar (academic);
- (g) the executive deans;
- (h) the directors of schools;
- (i) the senior managers as may from time to time be determined by the council.
- (j) the council;
- (k) the senate;
- (l) joint committees of the council and the senate;
- (m) the institutional forum;
- (n) the faculty boards;
- (o) the executive management committee;
- (p) the convocation;
- (q) the University of the North Foundation;
- (r) the students' representative council (SRC);
- (s) the students of the University;
- (t) the post graduate students' association (PGSA);
- (u) the academic and support staff of the University;
- (v) the faculties, the schools and the programmes;
- (w) the donors; and
- (x) such other academic, research and support structures as may be determined by the council from time to time in accordance with this Statute.

### **1.3 Vacancies**

No vacancy in any of the offices mentioned in paragraph 1.2 nor any deficiency in the numbers or defect in the composition of the bodies mentioned in paragraph 1.2 impairs or affects the existence of the University as a juristic person or any function conferred by this Statute or the Higher Education Act upon the University.

## Chapter 2 Chancellor

### 2.1 Powers, duties and functions

- (1) The chancellor is the titular head of the University.
- (2) The chancellor, or in his or her absence the person appointed to act on his or her behalf in terms of this Statute, presides at all congregations of the University and confers all degrees and awards all diplomas, certificates and other qualifications in the name of the University.

### 2.2 Appointment of chancellor

The council, in consultation with the senate and after being advised by the institutional forum, appoints a chancellor in terms of the Rules for the appointment of a chancellor.

### 2.3 Term of office of chancellor

- (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 is eligible for reappointment.
- (3) The chancellor may be removed from office by a resolution of a two-thirds majority of the members of the council on account of unbecoming conduct or incapacity to perform the functions of the office.
- (4) The resolution contemplated in subparagraph (3) may not be passed if the chancellor has not been given the opportunity to respond to the allegations.

## Chapter 3 Vice-chancellor and principal

### 3.1 Powers, duties and functions

- (1) The vice-chancellor is also the principal of the University.
- (2) The vice-chancellor and principal is -
  - (a) the chief executive officer of the University; and
  - (b) the chief accounting officer of the University.
- (3) He or she, by virtue of the office, is -
  - (a) the chief administrative officer of the council;
  - (b) a member of every committee of the council and the joint committees of the council and the senate;
  - (c) the chairperson of the senate; and
  - (d) a member of every committee of the senate,except that the council may on good cause determine that the vice-chancellor and principal should not be a member of a committee of the council or a joint committee of the council and the senate.
- (4) The vice-chancellor and principal is responsible for the day-to-day management and administration of the University.
- (5) The vice-chancellor and principal has the power to appoint acting officers subject to the terms of this Statute.
- (6) Whenever the chancellor is unable to perform his or her duties and functions or exercise his or her powers, or if the office of the chancellor is vacant, the vice-chancellor and principal performs those powers, duties and functions.

**3.2 Appointment of vice-chancellor and principal**

The council appoints the vice-chancellor and principal in the manner determined by the Rules.

**3.3 Term of office of vice-chancellor and principal**

The term of office of the vice-chancellor and principal may not exceed five years except that the council may, after consultation with the senate and after having obtained the advice of the institutional forum, extend such term of office for a further term or terms, provided that each further term does not exceed five years.

**3.4 Vacation of office by vice-chancellor and principal**

The vice-chancellor and principal vacates office -

- (1) by giving six months' notice to the council, unless the council, after consultation with the senate and after having obtained the advice of the institutional forum, dispenses with such period of notice;
- (2) if he or she is unable to hold the office of a director in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973) or if he or she is imprisoned without the option of a fine.

**3.5 Absence of vice-chancellor and principal**

- (1) If the vice-chancellor and principal is absent or unable to perform his or her duties due to incapacity or any other reason, the vice-principal acts as the vice-chancellor and principal and assumes the powers, duties and functions of the vice-chancellor and principal.
- (2) Should there be no vice-principal in office, the council, after consultation with the senate and after having obtained the advice of the institutional forum, appoints a deputy vice-chancellor as acting vice-chancellor and principal.
- (3) In the absence of a deputy vice-chancellor, the council, after consultation with the senate and after having obtained the advice of the institutional forum, appoints an executive dean as acting vice-chancellor and principal.
- (4) An acting vice-chancellor and principal has the same powers, duties and functions as the vice-chancellor and principal.

**3.6 Delegation of powers**

The vice-chancellor and principal may from time to time delegate any of his or her powers, duties and functions to any structure or any officer in the University but is not divested of any power so delegated and may amend or rescind any decision taken in the exercise of such powers, duties and functions.

**3.7 Accountability**

The vice-chancellor and principal is accountable to the council in respect of the management and administration of the University and to the senate in respect of academic matters.

## Chapter 4 Vice-principal

### 4.1 Powers, duties and functions

Whenever the vice-chancellor and principal is unable to perform his or her powers, duties and functions or when such office is vacant the vice-principal exercises such powers and perform such duties or functions.

### 4.2 Designation of vice-principal

- (1) A deputy vice-chancellor is the vice-principal.
- (2) In the event of more than one deputy vice-chancellor having been appointed, the council designates one of the deputy vice-chancellors as the vice-principal in the manner determined by the Rules.

### 4.3 Term of office of vice-principal

- (1) The council determines the term of office of the vice-principal, provided that such term may not be longer than five years.
- (2) The council may, after consultation with the senate and after having obtained the advice of the institutional forum, extend such term of office for a further term or terms provided that each further term may not exceed five years.

### 4.4 Vacation of office by vice-principal

The vice-principal vacates office -

- (a) by giving six months' notice to the council unless the council, after consultation with the senate and after having obtained the advice of the institutional forum, dispenses with such period of notice;
- (b) if he or she is unable to hold the office of a director in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973) or if he or she is imprisoned without the option of a fine.

### 4.5 Absence of vice-principal

- (1) If the office of the vice-principal becomes vacant for any reason or if the vice-principal is unable to perform the functions of the office for any reason, the council, after consultation with the senate and after having obtained the advice of the institutional forum and in consultation with the vice-chancellor and principal, appoints a deputy vice-chancellor or if there is no deputy vice-chancellor, an executive dean to assume the powers, duties and functions of the vice-principal in an acting capacity.
- (2) An acting vice-principal has the same powers, duties and functions as the vice-principal.

### 4.6 Accountability

The vice-principal is accountable to the vice-chancellor and principal.

## Chapter 5 Deputy vice-chancellor

### 5.1 Powers, duties and functions

- (1) The council determines the powers, duties and functions of a deputy vice-chancellor.
- (2) Subject to paragraph 5.1(1), a deputy vice-chancellor is responsible for

such academic and research managerial, administrative and supervisory functions delegated to him or her by the vice-chancellor and principal.

- (3) Whenever the office of the vice-chancellor and principal is vacant or he or she is unable to perform his or her duties due to incapacity or any other reason, the deputy vice-chancellor designated by the council as vice-principal performs the functions of this office.
- (4) The council may appoint one or more deputy vice-chancellors.
- (5) The deputy vice-chancellor, who is the vice-principal, is a member of the council and the senate and their committees in terms of this Statute.

## **5.2 Appointment of deputy vice-chancellor**

The council appoints a deputy vice-chancellor in the manner determined by the Rules.

## **5.3 Term of office of deputy vice-chancellor**

The term of office of a deputy vice-chancellor may not exceed five years but the council may, after consultation with the senate and after having obtained the advice of the institutional forum, extend such term of office for a further term or terms provided that each further term does not exceed five years.

## **5.4 Vacation of office by deputy vice-chancellor**

A deputy vice-chancellor vacates office -

- (a) by giving six months' notice to the council unless the council, after consultation with the senate and after having obtained the advice of the institutional forum, dispenses with such period of notice;
- (b) if he or she is unable to hold the office of a director in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973) or if he or she is imprisoned without the option of a fine.

## **5.5 Absence of deputy vice-chancellor**

- (1) If a deputy vice-chancellor is absent or the office is vacant or while the appointment of a deputy vice-chancellor is pending, the council, after consultation with the senate and after having obtained the advice of the institutional forum and in consultation with the vice-chancellor and principal, appoints an executive dean to assume the powers, duties and functions of a deputy vice-chancellor in an acting capacity.
- (2) An acting deputy vice-chancellor has the same powers, duties and functions as a deputy vice-chancellor.

## **5.6 Accountability**

A deputy vice-chancellor is accountable to the vice-chancellor and principal.

# **Chapter 6 Executive manager**

## **6.1 Powers, duties and functions**

- (1) The council determines the powers, duties and functions of the executive manager.
- (2) The executive manager assists the vice-chancellor and principal in carrying out his or her functions and performs such other functions as may from time to time be assigned to him or her by the vice-chancellor and principal.



- (3) The executive manager is responsible for the overseeing and management of certain or all non-academic functions and services within the University.
- (4) The executive manager is a member of such committees of the council as determined by the council.

#### **6.2 Appointment of executive manager**

The council, after having obtained the advice of the institutional forum, appoints the executive manager in the manner determined by the Rules.

#### **6.3 Term of office of executive manager**

The term of office of the executive manager may not exceed five years but the council may, after having obtained the advice of the institutional forum, extend such term of office for a further term or terms, provided that each further term does not exceed five years.

#### **6.4 Vacation of office by executive manager**

The executive manager vacates office -

- (a) by giving six months' notice to the council, unless the council, after having obtained the advice of the institutional forum, dispenses with such period of notice;
- (b) if he or she is unable to hold the office of a director in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973) or if he or she is imprisoned without the option of a fine.

#### **6.5 Absence of executive manager**

- (1) If the executive manager is absent or an appointment is pending, the vice chancellor and principal appoints a senior manager to assume the powers, duties and functions of the executive manager in an acting capacity
- (2) An acting executive manager has the same powers, duties and functions as the executive manager.

#### **6.6 Accountability**

The executive manager is accountable to the vice-chancellor and principal.

### **Chapter 7 Registrar (academic)**

#### **7.1 Powers, duties and functions**

- (1) The registrar (academic) assists the vice-chancellor and principal in the administration of the University as decided by the council and includes, but is not limited to the tasks determined in the Rules.
- (2) The registrar (academic) is the returning officer at all meetings and elections to-
  - (a) the council;
  - (b) the senate;
  - (c) the committees of the council and the senate;
  - (d) the institutional forum; and
  - (e) the convocation.
- (3) The registrar (academic) may participate in the deliberations of the council, but may not vote.
- (4) The registrar (academic) may participate in the deliberations of the



senate, and vote.

#### **7.2 Appointment of registrar (academic)**

The council appoints the registrar (academic) on the recommendation of the vice-chancellor and principal after consultation with the senate and after having obtained the advice of the institutional forum, in the manner determined by the Rules.

#### **7.3 Term of office of registrar (academic)**

The term of office of a registrar (academic) may not exceed five years, except that the council may, after consultation with the senate and after having obtained the advice of the institutional forum, extend such term of office for a further term or terms provided that each further term does not exceed five years.

#### **7.4 Vacation of office by registrar (academic)**

The registrar (academic) vacates office -

- a) by giving six months' notice to the council, unless the council, after consultation with the senate and after having obtained the advice of the institutional forum, dispenses with such period of notice;
- (b) if he or she is unable to hold the office of a director in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973) or if he or she is imprisoned without the option of a fine.

#### **7.5 Absence of registrar (academic)**

- (1) If the registrar (academic) is absent, or while the appointment of the registrar (academic) is pending, the vice-chancellor and principal appoints an acting registrar (academic).
- (2) An acting registrar (academic) has the same powers, duties and functions as the registrar (academic).

#### **7.6 Accountability**

The registrar (academic) is accountable to the vice-chancellor and principal.

### **Chapter 8 Executive dean**

#### **8.1 Powers, duties and functions**

- (1) The responsibilities of an executive dean include-
  - (a) the provision of academic leadership in his or her faculty;
  - (b) the management of the academic and administrative affairs of the faculty;
  - (c) ensuring that the needs, interests and initiatives of the faculty are consistent with, and informed by, the policies and strategic decisions of the University; and
  - (d) the implementation of the policies approved by the faculty board, executive management committee, the senate and the council.
- (2) Each executive dean is -
  - (a) a member of the senate and its executive committee;
  - (b) a member of the executive management committee;
  - (c) the chairperson of the relevant faculty board;
  - (d) the chairperson of the relevant faculty executive team;

- (e) an *ex officio* member of all management structures in the relevant faculty and its schools.

## 8.2 Appointment of executive dean

The council appoints an executive dean in each faculty in consultation with the senate and after having obtained the advice of the institutional forum, in the manner determined by the Rules.

## 8.3 Vacation of office by executive dean

An executive dean vacates office -

- (a) by giving six months' notice to the council unless the council, after consultation with the senate and after having obtained the advice of the institutional forum, dispenses with such period of notice;
- (b) if he or she is unable to hold the office of a director in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973), or if he or she is imprisoned without the option of a fine.

## 8.4 Absence of executive dean due to vacancy or incapacity

In the event of there being no executive dean appointed or an executive dean being incapacitated for whatsoever reason, the vice-chancellor and principal designates a director of a school in the faculty in which the executive dean is absent to perform the functions of such office in an acting capacity.

## 8.5 Term of office

The term of office of an executive dean may not exceed five years except that the council may, after consultation with the senate and after having obtained the advice of the institutional forum, extend such term of office for a further term or terms, provided that each further term does not exceed five years.

## 8.6 Accountability

An executive dean is accountable -

- (a) to the vice-chancellor and principal and the senate in respect of academic, research and teaching matters; and
- (b) to the vice-chancellor and principal in respect of human resources and administrative matters.

# Chapter 9 Director of school

## 9.1 Powers, duties and functions

- (1) The primary powers, duties and functions of a director of a school are to provide academic and managerial leadership and vision to the school -
  - (a) to lead and manage the school in meeting both the relevant school's and faculty's strategic goals; and
  - (b) to participate in faculty-wide decision-making processes towards achieving the University's strategic goals.
- (2) Each director of a school is -
  - (a) a member of the senate;
  - (b) a member of the relevant faculty board;
  - (c) a member of the relevant faculty executive team; and
  - (d) an *ex officio* member of all school management structures in the school.

**9.2 Appointment of director of school**

The council appoints a director of a school in consultation with the senate and after having obtained the advice of the institutional forum in the manner determined by the Rules.

**9.3 Vacation of office by director of school**

A director of a school vacates office -

- (a) by giving six months' notice to the council, unless the council, after consultation with the senate and after obtaining the advice of the institutional forum, dispenses with such period of notice;
- (b) if he or she is unable to hold the office of a director in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973) or if he or she is imprisoned without the option of a fine.

**9.4 Absence of director of school**

In the absence or in the event of the director of a school not being in office for whatever reason, the executive dean designates a member of the school to perform the functions of the director.

**9.5 Term of office**

The term of office of a director of a school may not exceed four years except that the council may, after consultation with the senate and after having obtained the advice of the institutional forum, extend such term of office for a further term or terms, provided that each further term does not exceed four years.

**9.6 Accountability**

A director of a school is accountable to the executive dean of the relevant faculty with respect to all matters.

**Chapter 10 Senior manager****10.1 Powers, duties and functions**

- (1) The council determines the powers, duties and functions of a senior manager.
- (2) A senior manager is responsible for non-academic functions and services within the University.

**10.2 Appointment of senior manager**

The council appoints a senior manager in the manner determined by the Rules.

**10.3 Vacation of office by senior manager**

A senior manager vacates office -

- (a) by giving six months' notice to the council, unless the council, after having obtained the advice of the institutional forum, dispenses with such period of notice;
- (b) if he or she is unable to hold the office of a director in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973) or if he or she is imprisoned without the option of a fine.

**10.4 Absence of senior manager**

In the absence of a senior manager for whatever reason, the vice-chancellor and principal, in consultation with the executive manager, designates a person to perform the functions of that office in an acting capacity.

**10.5 Term of office**

The term of office of a senior manager may not exceed five years, but the council may, after having obtained the advice of the institutional forum, extend such term of office for a further term or terms, provided that each further term does not exceed five years.

**10.6 Accountability**

A senior manager is accountable to the vice-chancellor and principal, the deputy vice-chancellor or the executive manager as is determined by the council.

**Chapter 11 Council****11.1 Powers, duties and functions**

- (1) Subject to the provisions of the Higher Education Act and this Statute, the governance of the University is vested in the council.
- (2) With the exception of those powers specified in paragraph 11.2(1)(m), the council may, on such conditions as it may determine, delegate any of its powers, duties or functions, but is not divested of accountability for, or of, any power so delegated and may amend or rescind any decision taken in the exercise of such powers, duties or functions.
- (3) Subject to the Higher Education Act and this Statute, the council is the policy-making authority of the University.
- (4) The council is responsible for monitoring the implementation of such policy in particular but not limited to the following -
  - (a) strategic governance;
  - (b) financial governance;
  - (c) staff matters;
  - (d) disciplinary matters relating to the staff and the students;
  - (e) the admissions policy of the University; and
  - (f) the language policy of the University.
- (5) The council receives and considers -
  - (a) recommendations, reports and opinions from the senate and responds to the senate on such recommendations, reports and opinions that it receives; and
  - (b) written advice from the institutional forum and may respond to such advice as it deems fit;
  - (c) reports from the executive management committee and other statutory structures of the University and may respond as it deems fit.
- (6) The council keeps comprehensive records of its proceedings as well as accounting records of the assets, liabilities, income, expenditure and other financial transactions of the University and its substructures.
- (7) The council submits prescribed reports, financial and otherwise, to the Minister in terms of the Higher Education Act.
- (8) Drafting, amending or rescinding the Statute:

- (a) No motion to draft, amend or rescind this Statute or a Rule is of force and effect unless adopted by not less than 75% of all members present at the meeting; provided the meeting is constituted in accordance with paragraph 11.6.
- (b) Any motion to draft, amend or rescind this Statute or a Rule must be in accordance with the provisions of paragraph 32 of the Higher Education Act.

#### **11.2 Amplification of powers of council**

- (1) Without derogating from the generality of paragraph 11.1, the council -
  - (a) when creating academic structures other than faculties and schools, accords to the governance of that structure such functions, status and title as it deems appropriate;
  - (b) in consultation with the senate, establishes or abolishes any faculty or school and may discontinue any other academic structure;
  - (c) appoints all employees of the University, provided that in the case of academic employees of the University such appointment must be in consultation with the senate;
  - (d) subject to the applicable labour laws, determines the conditions of service, privileges and functions of its employees and in terms of its disciplinary procedures suspends or dismisses any employee of the University;
  - (e) may order an employee or former employee whom it has suspended or dismissed to refrain from being on any premises under the control of the University and to refrain from participating in any University activity;
  - (f) appoints all such persons as it considers necessary for the efficient conduct of the University business and determines the title, status, powers, privileges, functions and duties of any person so appointed;
  - (g) after consultation with the SRC, establishes a structure to advise on the policy for student support services within the University;
  - (h) in consultation with the senate, determines the admission policy of the University;
  - (i) determines, levies and collects the fees to be paid by students and the boarding charges to be paid by resident students and employees;
  - (j) subject to the policy determined by the Minister, with the concurrence of the senate, determines the language policy of the University;
  - (k) in consultation with the senate withdraws any degrees, diplomas, certificates or other awards granted due to fraud or other irregularities;
  - (l) makes all Rules for the carrying out of its functions and the functions of any structure the University, notwithstanding any provision in this Statute;
  - (m) notwithstanding paragraph 11.1(2), may not delegate any of the following functions -
    - (i) the establishment or dissolution of faculties or schools, institutes, centers or other bodies;



- (ii) the appointment of the vice-chancellor and principal, deputy vice-chancellors, vice-principal, executive managers and executive deans;
- (iii) the modification of such general conditions of service or terms of appointment of the staff as may have been determined by the council;
- (iv) the establishment or dissolution of any posts;
- (v) the approval of the annual estimates of revenue and expenditure;
- (vi) the adoption of the annual accounts of revenue and expenditure and the balance sheet;
- (vii) the power to enter into a loan or overdraft agreement;
- (viii) the decision to embark on the construction of a permanent building or other immovable infrastructural development;
- (ix) the purchase of immovable property or the long-term lease of immovable property; and
- (x) the making, approval or amendment of this Statute.

### 11.3 Composition of council

- (1) The council is composed as follows, at least 60% of whom must be external members -
  - (a) the vice-chancellor and principal;
  - (b) the deputy vice-chancellor who is the vice-principal;
  - (c) the executive manager;
  - (d) two members of the senate elected by the senate at least one of whom is an executive dean;
  - (e) two members of the academic staff who is not a member of the senate elected by such staff members;
  - (f) two members of the support staff elected by such staff members;
  - (g) one student who is a member of the SRC, elected annually by the SRC;
  - (h) one member of the PGSA elected annually by its executive committee;
  - (i) two members elected by convocation who are not members of the University staff or students;
  - (j) three persons representing donors on account of donations made to the University;
  - (k) five persons appointed by the Minister;
  - (l) one member appointed by the Premier of the Northern Province;
  - (m) one member appointed by the Polokwane municipal council;
  - (n) two members appointed by NEDLAC provided one member represents organised labour and the other organised commerce and industry;
  - (o) one member appointed by the Board of the Public Enterprises Community Development Coordinating Committee;
  - (p) one member of the judiciary appointed by the Judge President of the Transvaal Provincial Division of the High Court of South Africa;
  - (q) one member of the UNIN Student Financial Aid Trust who is



- not a student or employee of the University;
- (r) one member appointed by the Chamber of Mines;
- (s) one member appointed of the Institute of Directors; and
- (t) four members appointed by professional bodies, external to the University.

#### 11.4 Appointment, election procedures and terms of office for council members

- (1) The vice-chancellor and principal is *ex officio* a member of the council.
- (2) The deputy vice-chancellor who is the vice-principal is *ex officio* a member of the council.
- (3) The executive manager is *ex officio* a member of the council.
- (4) One of the senate members on the council contemplated paragraph 11.3(1)(d) must be an executive dean, the other member must a member of the academic staff.
- (5) A senate member of the council contemplated in subparagraph (4) -
  - (a) is elected at an ordinary or special senate meeting in terms of an election procedure of the senate, as prescribed in chapter 26;
  - (b) is eligible for re-election;
  - (c) ceases to be a member of the council in this capacity -
    - (i) if he or she ceases to be a member of the senate;
    - (ii) if he or she takes up appointment as the vice-chancellor and principal or deputy vice-chancellor in a substantive or an acting capacity; or
    - (iii) for any period during which he or she is suspended from the staff.
- (6) If a person elected as contemplated in subparagraph (5)(a) ceases to be a member before the end of his or her term of office the vacancy is filled in terms of paragraph 26.4(1)(h).
- (7) A member of the academic staff who is not a member of the senate contemplated in paragraph 11.3(1)(e) -
  - (a) is elected to council by such staff members in terms of the election procedure prescribed in chapter 26;
  - (b) is eligible for re-election;
  - (c) ceases to be such a member in this capacity -
    - (i) if he or she takes up appointment as vice-chancellor and principal, deputy vice-chancellor or executive manager in a substantive or an acting capacity;
    - (ii) if he or she ceases to be a member of the academic staff;
    - (iii) if he or she becomes a member of the senate; or
    - (iv) for any period during which he or she is suspended from the staff of the University.
- (8) If a person elected as contemplated in subparagraph (7)(a) ceases to be a member before the end of his or her term of office the vacancy is filled in terms of paragraph 26.4(1)(h).
- (9) A member of the support staff contemplated in paragraph 11.3(1)(f)
  - (a) is elected to council in terms of the election procedure prescribed in chapter 26;
  - (b) is eligible for re-election;
  - (c) ceases to be a member of the council in this capacity-
    - (i) if he or she takes up appointment as registrar (academic) or deputy vice-chancellor or executive

- manager in a substantive or acting capacity; or
    - (ii) if he or she ceases to be a member of the support staff or for any period during which he or she is suspended from the support staff.
- (10) If a person elected as contemplated in subparagraph (9)(a) ceases to be a member before the end of his or her term of office the vacancy is filled in terms of paragraph 26.4(1)(h).
- (11) The member of the SRC contemplated in paragraph 11.3(1)(g) –
  - (a) is elected in terms of the election procedure prescribed in the SRC Constitution;
  - (b) ceases to be such a member if he or she –
    - (i) ceases to be a student;
    - (ii) ceases to be a member of the SRC;
    - (iii) is suspended from the University for any period.
- (12) If a vacancy occurs during the term of office of a member elected under subparagraph (11)(a), the registrar (academic) invites the SRC to fill the vacancy for the remaining period of the term of office.
- (13) The member of the PGSA contemplated in paragraph 11.3(1)(h) –
  - (a) is elected by the PGSA executive committee in accordance with its constitution upon the –
    - (i) election of the PGSA; or
    - (ii) appointment of a temporary PGSA.
  - (b) ceases to be such member if he or she –
    - (i) ceases to be a student;
    - (ii) ceases to be a member of the PGSA;
    - (iii) is suspended from the University for any period.
- (14) If a vacancy occurs during the term of office of a member elected under subparagraph (13)(a), the registrar (academic) invites the PGSA to fill the vacancy for the remaining period of the term of office.
- (15) The members of the council contemplated in paragraph 11.3(1)(k) are appointed by the Minister in accordance with the Higher Education Act on invitation by the registrar (academic).
- (16) If a vacancy occurs during the term of office of any of the people appointed by the Minister, the registrar (academic) invites the Minister to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (17) A member of the convocation contemplated in paragraph 11.3(1)(i) –
  - (a) is elected by convocation in terms of the Rules.
  - (b) is eligible for re-election upon the expiry of term of office.
- (18) If a vacancy occurs during the term of office of a member elected under subparagraph (17)(a), the registrar (academic) invites the president of the convocation to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (19) A member of the council representing donors as contemplated in paragraph 11.3(1)(j) –
  - (a) is appointed by one of the three largest donors of the University on invitation by the registrar (academic) in terms of the Rules,
  - (b) is eligible for re-election upon the expiry of term of office.
- (20) If a vacancy occurs during the term of office of a member elected under subparagraph (19)(a), the registrar (academic) invites one of the three largest donors of the University to appoint a representative to the council to fill the vacancy for the unexpired period of the term of

- office if this is longer than three months.
- (21) The member of the council contemplated in paragraph 11.3(1)(l) is appointed by the Premier of the Northern Province on invitation by the registrar (academic).
- (22) If a vacancy occurs during the term of office of the member contemplated in subparagraph (12), the registrar (academic) invites the Premier of the Northern Province to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (23) The member of the council contemplated in paragraph 11.3(1)(m) is appointed by the Polokwane municipal council on invitation by the registrar (academic).
- (24) If a vacancy occurs during the term of office of the member contemplated in subparagraph (14), the registrar (academic) invites the Polokwane municipal council to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (25) The members of the council contemplated in paragraph 11.3(1)(n) are appointed by NEDLAC on invitation by the registrar (academic).
- (26) If a vacancy occurs during the term of office of the members contemplated in subparagraph (16), the registrar (academic) invites NEDLAC to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (27) The member appointed to council by the Board of the Public Enterprises Community Development Coordinating Committee -
- (a) The registrar (academic) requests the Board of the Public Enterprises Community Development Coordinating Committee to appoint a person to the council who is not a student or a member of the University staff.
- (b) If a vacancy occurs during the term of office of this member, the registrar (academic) invites the Board of the Public Enterprises Community Development Coordinating Committee to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (28) The member of the council appointed by the Judge President of the Transvaal Provincial Division -
- (a) The registrar (academic) requests the Judge President of the Transvaal Provincial Division to appoint a member of the judiciary to the council who is not a student or member of the University staff.
- (b) If a vacancy occurs during the term of office of this member, the registrar (academic) invites the Judge President of the Transvaal Provincial Division to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (29) The member of the council appointed by the UNIN Student Financial Aid Trust -
- (a) The registrar (academic) requests the UNIN Student Financial Aid Trust to appoint a person to the council who is not a student or member of the University staff.
- (b) If a vacancy occurs during the term of office of this member, the registrar (academic) invites the UNIN Student Financial Aid Trust to fill the vacancy for the unexpired period of the term of office if this is longer than three months.

- (30) The member of the council appointed by the Chamber of Mines -
  - (a) The registrar (academic) requests the Chamber of Mines to appoint a person to the council who is not a student or member of the University staff.
  - (b) If a vacancy occurs during the term of office of this member, the registrar (academic) invites the Chamber of Mines to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (31) The member of the council appointed by the Institute of Directors -
  - (a) The registrar (academic) requests the Institute of Directors to appoint a person to the council who is not a student or member of the University staff.
  - (b) If a vacancy occurs during the term of office of this member, the registrar (academic) invites the Institute of Directors to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (32) The four members of the council appointed by professional bodies -
  - (a) The registrar (academic) invites the appointment of four members of the council from such professional bodies external to the University as may be determined by the Rules.
  - (b) If a vacancy occurs during the term of office of this member, the registrar (academic) invites such professional bodies external to the University as may be determined by the council to fill the vacancy for the unexpired period of the term of office if this is longer than three months.
- (33) The term of office of the members of the council contemplated in 11.3(1)(a), (b), and (c) is for as long as they are in office.
- (34) The term of office of the members of the council contemplated in 11.3(1)(d), (e), (f), (i), (j), (l), (m), (n), (o), (p), (q), (r), (s) and (t) is three years.
- (35) The term of office of the members of the council contemplated in 11.3(1)(g) and (h) is one year.
- (36) The term of office of the members of the council contemplated in 11.3(1)(k) is four years.

#### **11.5 Election and termination of office of member of council**

- (1) The registrar (academic) as electoral office of the council announces the results of the election or an appointment, by making information available to the University structures and to the media.
- (2) A person ceases to be a member of the council if the person, institution, organisation, constituency or interest group that appointed, elected or nominated such member indicates in writing to the chairperson of the council that such appointment, election or nomination is withdrawn.
- (3) A person ceases to be a member of the council if he or she -
  - (a) resigns;
  - (b) is absent from three consecutive meetings of the council without reasonable cause; or
  - (c) is or becomes unable to be a director of a company in terms of section 218 of the Companies Act, 1973 (Act No. 61 of 1973);
- (4) The council may advise an institution, organisation, constituency or interest group to terminate the appointment, election or nomination of



- a member that it appointed, elected or nominated on the grounds of -
  - (a) non-compliance with the provisions of section 27(7) of the Higher Education Act;
  - (b) physical or mental incapacity;
  - (c) misconduct; or
  - (d) impropriety.
- (5) A member of the council appointed, elected or nominated by a specific institution, organisation, constituency or interest group ceases to be a member of the council upon termination of his or her membership or association with such entity if such association exists at such member's appointment, election or nomination.
- (6) The membership of an external member of the council lapses if he or she becomes a permanent staff member or student of the University.

#### 11.6 Office bearers, quora, procedures and meeting procedures

- (1) (a) At the first meeting of the council convened in terms of this Statute, the registrar (academic) calls for nominations for a chairperson and a vice-chairperson, from among the Minister's appointees to the council.
- (b) Upon the lapsing of the term of office of the Minister's appointees, the registrar (academic) calls for nominations for a chairperson and vice-chairperson among the external members of the council.
- (2) In the absence of the chairperson, the vice-chairperson enjoys all the powers and competencies of the chairperson.
- (3) If the chairperson and the vice-chairperson are absent from a meeting, the members present at such meeting elect one of the external members to be the acting chairperson at such meeting and such acting chairperson enjoys all the powers and competencies of the chairperson.
- (4) The chairperson and the vice-chairperson hold such office for the duration of their respective current membership of the council, save that the chairperson and the vice-chairperson may resign from their respective offices by giving notice.
- (5) A chairperson of the council is eligible for re-election.
- (6) If the chairperson vacates his or her office for any reason prior to the expiry of his or her term of office, the vice-chairperson presides at meetings of the council pending the election of a new chairperson for the unexpired term of office in terms of subparagraph (1)(a) and (b) at the subsequent ordinary meeting.
- (7) The registrar (academic) is secretary to the council, its committees and joint committees.
- (8) Quora -
  - (a) The quorum at all meetings of the council may not be less than 60% of which at least 60% must be external members.
  - (b) The quorum of the executive committee of the council may not be less than 50%
- (9) Ordinary meetings are held on dates determined by the council, provided that there must be at least four ordinary meetings of the council each calendar year.
- (10) Subject to the provisions of this Statute, the council may make its own Rules of procedure and debate.

**11.7 Standing committees of council**

- (1) The council, subject to the provisions of this Statute, determines the composition, election, terms of office, functions and procedures of standing committees and any other committee in terms of Rules.
- (2) The council appoints such committees as may be required and such committees may include the following -
  - (a) an executive committee;
  - (b) a human resources and remuneration committee;
  - (c) a finance committee;
  - (d) an audit committee;
  - (e) a tender committee;
  - (f) a physical planning committee; and
  - (g) a governance committee.

**11.8 Executive committee of council**

- (1) The executive committee of the council comprises the following -
  - (a) the chairperson of the council (who is the chairperson of its executive committee);
  - (b) the deputy chairperson of the council;
  - (c) the vice-chancellor and principal;
  - (d) the deputy vice-chancellor who is vice-principal;
  - (e) two members of the council who are external members.
- (2) The executive committee of the council may dispose of urgent business on behalf of the council, but all business so disposed of must be ratified or reviewed at the first ensuing meeting of the council.
- (3) The executive committee of the council gives advice to the council on any matter which the executive committee deems expedient for the efficient governance of the University.
- (4) The executive committee of the council makes decisions on matters in accordance with powers delegated to it by the council.

**11.9 Dissolution of council**

- (1) Should there be no quorum at three consecutive ordinary council meetings the council is deemed to be dissolved and must be reconstituted.
- (2) If 75% or more of the members of the council resign at a meeting of the council it is deemed that the council has resigned and a new council must be constituted.

**Chapter 12 Senate****12.1 Powers, duties and functions**

- (1) Subject to the provisions of the Higher Education Act, the senate is accountable to the council for regulating all teaching, learning, research and academic functions of the University and all other functions delegated or assigned to it by the council.
- (2) Without derogating from the generality of paragraph 12.1(1) and the provisions of paragraph 11.2(1)(l), the organisation and oversight of instruction and examinations and of lectures and classes vest in the senate and the senate may -
  - (a) make recommendations on the making or amendment of any Rule relating to the curriculum, or to the obtaining of any



- University degree, diploma, certificate or other qualification including the requirements for academic admission, but may do so only after consulting the relevant faculty board;
- (b) make recommendations on the making or amendment of any Rule relating to the manner in which students are to be assessed, including but not limited to the appointment of examiners for all examinations and the overseeing and control of the implementation of Rules and examinations;
  - (c) make recommendations to the council regarding the faculty or overarching structure to which each academic programme, school or other academic structure belongs;
  - (d) make recommendations to the council regarding the establishment and dissolution of faculties, schools and other academic structures;
  - (e) make recommendations to the council prior to the appointment of a person to the office of vice-chancellor and principal, vice-principal, deputy vice-chancellor, executive deans and directors of school;
  - (f) make recommendations to the council on awarding the rank of professor emeritus or honorary professor in terms of the applicable Rules;
  - (g) if in its opinion it is necessary to do so for any academic purpose, require a student to reside for a period, and in a place, determined by it;
  - (h) in terms of the Rules, cancel the registration of a student in all or one or more of the courses or modules for which the student is registered in that year if in the opinion of the senate the academic achievement of the student is such that the student may not at the end of the year obtain credit in such course or courses or module or modules;
  - (i) submit to the council -
    - (i) such reports upon its work as may be required by the council;
    - (ii) recommendations on matters referred to it by the council; and
    - (iii) recommendations on any other matter affecting the University, as the senate considers necessary or significant.
- (3) In carrying out its responsibility for organising and controlling the teaching, curricula, syllabi, assessment or evaluation and research of the University, the senate may-
- (a) determine what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma, certificate or other qualification;
  - (b) oversee and control the teaching and research activities of members of the academic staff and students;
  - (c) decide the conditions, where applicable, in accordance with the relevant bequest or deed or gift, for the award of prizes, scholarships and bursaries; and
  - (d) ensure that any action taken by a committee established by the senate in the exercise of delegated powers or functions is

reported by such committee to the next meeting of the senate which in the opinion of the secretary of the senate is appropriate.

## **12.2 Composition of senate**

- (1) The senate consists of -
  - (a) the vice-chancellor and principal, who is the chairperson;
  - (b) the vice-principal;
  - (c) the deputy vice-chancellors;
  - (d) the registrar (academic);
  - (e) the executive manager;
  - (f) the executive deans;
  - (g) the university librarian;
  - (h) the directors of schools;
  - (i) the director of institutional planning;
  - (j) the director of research administration and development;
  - (k) professors of the University, other than associate and honorary professors (all categories);
  - (l) three academics from each school (elected by each school);
  - (m) two support staff (elected from amongst themselves);
  - (n) two members of the council elected by the council who are not staff or students of the University;
  - (o) four members of the SRC, one of whom is the SRC President while the other three each represent a different faculty;
  - (p) a graduate student elected by the PGSA; and
  - (q) no more than four members nominated by the chairperson of the senate and approved by the senate from cognate or collaborating institutions or persons of stature for a period specified by the senate.
- (2) Members -
  - (a) elected under paragraphs 12.2(1)(l), (m) are elected in accordance with the procedure prescribed in chapter 26;
  - (b) described in 12.2(1)(o) and (p) are appointed and elected in terms of the SRC constitution and the PGSA Rules respectively;
  - (c) of the council appointed to the senate are appointed in terms of the provisions of the Rules from amongst its own ranks who are external members of the council.

## **12.3 Term of office and manner of election of members of senate**

- (1) A member of the senate who holds an office by reason of a particular appointment ceases to be a member of the senate if he or she vacates that position.
- (2) The position of a member of the senate who holds office by reason of a particular office or status who -
  - (a) is on long leave;
  - (b) is suspended from the staff of the University in terms of the University staff disciplinary procedures; or
  - (c) vacates his or her membership of the senate for any reason is filled by any member of staff duly appointed in his or her stead.
- (3) The term of office of the senate is -
  - (a) for all academic and support staff, for a period of three years;

- (b) for members of the SRC and the PGSA, for a period of one year;
- (c) for members of the council, for a period of three years;
- (d) for members contemplated in paragraph 12.2(1)(q), for a period of not longer than three years.

#### **12.4 Office bearers, quora, procedures and meeting procedures**

- (1) The chairperson of the senate is the vice-chancellor and principal or in his or her absence, for whatever reason, the vice-principal.
- (2) At its first meeting convened in terms of this Statute, the senate elects a vice-chairperson and a secretary.
- (3) Subject to the discretion of the vice-chancellor and principal, the senate may appoint the registrar (academic) to assist the secretary or to act in his or her place.
- (4) The secretary holds such office for the duration of his or her membership of the senate, save that the secretary may resign from office by giving notice.
- (5) Quora -
  - (a) The quorum at an ordinary meeting of the senate is 50% +1.
  - (b) The quorum at a special meeting of the senate is 50% +1.
  - (c) The quorum of the executive committee of the senate is 50% +1.

#### **12.5 Special provisions relating to conduct at senate meetings**

Deliberations of the senate must be in accordance with the code of conduct for meetings provided for in chapter 26 and the Rules.

#### **12.6 Ordinary and special meetings**

- (1) Ordinary meetings are held on dates determined by the senate, provided that there must be at least four ordinary meetings of the senate each calendar year in terms of chapter 26.
- (2) The senate holds special meetings as it deems necessary to convene in terms of chapter 26.

#### **12.7 Senate executive committee**

- (1) The composition of the executive committee of the senate is -
  - (a) the vice-chancellor and principal;
  - (b) the vice-chairperson of the senate;
  - (c) the deputy vice-chancellors
  - (d) the registrar (academic);
  - (e) the executive deans;
  - (f) the university librarian;
  - (g) the director of institutional planning;
  - (h) the director of research administration and development;
  - (i) two academic members of the senate elected by the senate.
- (2) The senate executive committee meets to consider issues of concern to the senate when the senate is not meeting and any other matters delegated to it by the senate.
- (3) The executive committee of the senate has the power to act on behalf of the senate, provided that any decision made by the executive committee must be ratified and may be amended by the senate at the next meeting.

- (4) The senate executive committee-
  - (a) coordinates all academic matters;
  - (b) recommends academic policy to the senate;
  - (c) ensures that decisions of the senate are implemented;
  - (d) ensures that academic standards determined by the senate are maintained;
  - (e) considers matters referred by faculty boards or faculty committees and makes decisions in accordance with its delegated powers; and
  - (f) advises the senate on academic and related matters at the request of the senate.

#### **12.8 Other committees of senate**

- (1) The senate appoints such other committees as may be required and such committees may include the following -
  - (a) examinations committee;
  - (b) research committee;
  - (c) academic planning committee;
  - (d) quality assurance committee;
  - (e) academic support committee;
  - (f) library committee;
  - (g) student disciplinary committee;
  - (h) student affairs committee;
  - (i) the standing Rules committee;
  - (j) publications committee;
  - (k) ceremonial committee;
  - (l) information and communication technology committee;
  - (m) senior degrees committee;
  - (n) ethics committee; and
  - (o) disabled students committee.
- (2) The composition, term of office and functions of the committees contemplated in paragraph 12.8(1) are determined by the senate in accordance with the provisions of chapter 26 and the Rules.

### **Chapter 13 Joint committees of council and senate**

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

- (1) The council may establish, in consultation with the senate, joint committees of the council and the senate in terms of section 29(3) of the Higher Education Act to perform functions that are common to the council and the senate, which may include the human resources, remuneration and promotions committee.
- (2) The council and the senate are not divested of responsibility for the performance of any function delegated or assigned to a committee under this paragraph.
- (3) The composition of such committee or committees, manner of election, functions, procedure at meetings and dissolution are determined in the Rules.

## Chapter 14 Institutional forum

### 14.1 Advisory functions of institutional forum

- (1) The institutional forum of the University -
- (a) advises the council on issues affecting the University, including -
    - (i) the implementation of the Higher Education Act;
    - (ii) policy regarding race, gender, disability and employment equity;
    - (iii) the appointment of candidates for senior management positions;
    - (iv) codes of conduct, mediation and dispute resolution procedures;
    - (v) the fostering of a culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning at the University.
  - (b) performs such other advisory functions as may be determined by the council; and
  - (c) raises any matter or matters of concern to it as it deems fit in relation to subparagraphs (a) and (b), for consideration by the council.

### 14.2 Composition of institutional forum

- (1) The institutional forum consists of twenty-five (25) members drawn from the following-
- (a) the council - 2 members
  - (b) the senate - 5 members (not being members of the council)
  - (c) senior management - 3 members
  - (d) academic staff - 5 members (not being members of the senate or the council)
  - (e) support staff - 5 members (not being members of the senate or the council)
  - (f) SRC - 4 members (not being members of the senate or the council)
  - (g) PGSA - 1 member (not being a member of the senate or the council)

### 14.3 Term of office and election to office

- (1) The term of office of the institutional forum is for a period of three years from the date of promulgation of this Statute and the term of office of successive members is three years from the date of their election save that members of the SRC and members of the PGSA hold office for a period of one year.
- (2) The method of election of each category of members is in terms of the Rules.

### 14.4 Cessation of membership of institutional forum

The membership of any member ceases if the member -



- (a) serves the chairperson with written notice of resignation;
- (b) fails to attend three consecutive meetings without reasonable excuse;
- (c) becomes incapable for any reason of performing his or her duties as a member; or
- (d) ceases to hold office or ceases to be a representative of any body or body of persons which he or she was appointed to represent.

#### **14.5 Institutional forum office bearers, quora procedures and meeting procedures**

- (1) The members of the institutional forum must at its first meeting of each calendar year elect a chairperson, a deputy chairperson and a secretary.
- (2) The registrar (academic) calls for nominations for each post in turn.
- (3) At such meeting, those present and voting elect from the members of the institutional forum office bearers contemplated in paragraph 14.5(1) by secret ballot.
- (4) In the absence of the chairperson, the deputy chairperson performs the duties and responsibilities of the chairperson.
- (5) If the chairperson and the deputy chairperson are absent from a meeting, the members present at such meeting elect one of their members to be the acting chairperson.
- (6) A chairperson is eligible for re-election as chairperson.
- (7) If the chairperson vacates his or her office for any reason prior to the expiry of his or her term of office, the deputy chairperson presides at meetings of the forum pending the election of a new chairperson at the subsequent ordinary meeting.
- (8) If the secretary contemplated in paragraph 14.5(1) is absent from a meeting, the members present at such a meeting elect one of their members to be the acting secretary.
- (9) A secretary is eligible for re-election.
- (10) Quora
  - (a) The quorum at all meetings of the institutional forum is 50% +1.
  - (b) Where a meeting of the institutional forum is called as provided for and there is no quorum, the chairperson may adjourn the meeting to a date not less than seven days later and thereafter the secretary gives notice of the time and venue of the adjourned meeting to all members.
  - (c) The members present at the start of the adjourned meeting constitutes a quorum.

#### **14.6 Ordinary and special meetings**

- (1) Rules of procedure and debate of the institutional forum are determined by the council.
- (2) Ordinary meetings are held on dates determined by the institutional forum, provided that there must be at least four ordinary meetings of the institutional forum each calendar year.

#### **14.7 Committees of institutional forum**

The institutional forum may appoint committees in accordance with the provisions of chapter 26 and in terms of the Rules.

## Chapter 15 Faculty boards

### 15.1 Powers, duties and functions

#### (1) The faculty board-

- (a) is a committee of the senate;
- (b) is responsible to the senate for organising the teaching, curricula, syllabi, examinations, research and policies relating thereto, of the faculty and the schools;
- (c) makes proposals to the senate for Rules prescribing the requirements for each program, degree, diploma and certificate offered in the faculty, including the requirements for admission and readmission;
- (d) advises the executive dean of the faculty on policy for resource allocation in the faculty and the schools;
- (e) carries out such functions as the senate delegates or assigns to it;
- (f) is accountable to the senate for its work and tables minutes of its meetings before the senate; and
- (g) by resolution establishes committees of the faculty and may appoint as members of such committees any persons whether or not they are members of the faculty board.

#### (2) In addition to paragraph 15.1(1) the duties of the faculty board include-

- (a) considering proposals for new academic developments;
- (b) considering proposals for changes to faculty Rules and standing orders;
- (c) receiving reports from sub-committees responsible for matters relating to teaching and research in the faculty.

### 15.2 Composition of faculty boards

#### (1) The composition of each faculty board is determined by the senate from time to time, except that such faculty board may include-

- (a) the executive dean (as chairperson);
- (b) the vice-chancellor and principal (*ex officio*);
- (c) the deputy vice-chancellor who is the vice-principal (*ex officio*);
- (d) directors of schools in the faculty;
- (e) research adviser or chairperson of faculty research committee;
- (f) elected representatives of the academic staff of the schools as may from time to time be determined by the senate;
- (g) student and graduate student representatives as determined by the senate from time to time;
- (h) representatives from related schools in other faculties as may from time to time be determined by the faculty;
- (i) such other persons who because of their experience and expertise may contribute to the faculty as determined from time to time by the faculty board with the approval of the senate; and
- (j) the senior administrative officer of the faculty who is the secretary of the faculty board without a vote.

### 15.3 Attendance of faculty board meetings by non-members

Notwithstanding the foregoing, any academic member of the faculty who wishes to attend a faculty board meeting must notify the secretary and may be

allowed to speak on a particular item with the permission of the chairperson but does not have the right to vote.

**15.4 Ordinary meetings, special meetings, quorum and procedure**

- (1) Ordinary meetings are held on dates determined by the senate.
- (2) During each semester of the academic year at least two ordinary meetings of the faculty board must be held.
- (3) Special meetings are held -
  - (a) when called by the executive dean; or
  - (b) when a written request for a special meeting, stating the objective of the meeting, is received by the executive dean from at least ten members of the faculty board.
- (4) The quorum at all meetings of faculty boards is 50% plus 1 except that, for this purpose, the members of the faculty board on leave on the date of any meeting do not count among those present or in the membership.
- (5) The Rules of debate of the faculty board are subject to the provisions of chapter 26 and the Rules.
- (6) The executive dean of the faculty is the chairperson of the faculty board and presides at all meetings of the faculty board.
- (7) In the absence of the executive dean the acting executive dean presides.

**15.5 Faculty executive team**

- (1) Each faculty board must establish a faculty executive team which consists of -
  - (a) the executive dean of the faculty;
  - (b) the directors of schools in the faculty;
  - (c) a maximum of four members of the faculty support staff representing such functions as the executive dean deems necessary;
  - (d) such other persons as may be approved by the vice-chancellor and principal.
- (2) The faculty executive team assists the executive dean in managing the resources and affairs of the faculty.
- (3) The scope of assistance contemplated in subparagraph (2) includes among other things -
  - (a) faculty budgeting and financial management;
  - (b) faculty human resources development and labour relations;
  - (c) marketing, fundraising and income generation;
  - (d) equipment and information technology; and
  - (e) general administration.

**15.6 Arrangements in absence of executive dean**

Each executive dean must nominate one of the directors of a school in the faculty to act in his or her absence.

**15.7 Committees of faculty boards**

Faculty boards may appoint committees in accordance with the provisions of chapter 26.

## **Chapter 16 Executive management committee**

### **16.1 Powers, duties and functions**

The executive management committee assists the vice-chancellor and principal in the management and administration of the University.

### **16.2 Composition**

- (1) The executive management committee consists of the
  - (a) the vice-chancellor and principal;
  - (b) the deputy vice-chancellor or deputy vice-chancellors;
  - (c) the executive manager ;
  - (d) the registrar (academic);
  - (e) the executive deans; and
  - (f) such other persons as may be determined by the vice-chancellor and principal.
- (2) The vice-chancellor and principal or, in his or her absence, the vice-principal, may request any person to attend one or more meetings or a portion of one or more meetings of the committee.

### **16.3 Chairperson and secretary**

- (1) The vice-chancellor and principal is the chairperson of the executive management committee.
- (2) In the absence of the vice-chancellor and principal and the vice-principal, the members of the executive management committee must appoint one of their members as chairperson for a specific meeting.
- (3) The registrar (academic) is the secretary to the executive management committee.

### **16.4 Procedure**

- (1) Subject to the provisions of chapter 26, the vice-chancellor and principal determines the frequency and procedure for meetings of the executive management committee and for all its subcommittees.
- (2) The vice-chancellor and principal may constitute one or more subcommittees from the members of the executive management committee.
- (3) A subcommittee of the executive management committee may from time to time co-opt University staff, students or any other person.

## **Chapter 17 Convocation**

### **17.1 Powers, duties and functions**

- (1) The convocation -
  - (a) may discuss and state its opinion on any matter relating to the University, including matters which may be referred to it by the council;
  - (b) assists the University through their skills, experience and expertise; and
  - (c) assumes offices in the University as may be provided for in this Statute.
- (2) A chapter of convocation may be established in different geographical areas other than the main campus provided such chapter complies with



the Statute and Rules applicable to convocation.

**17.2 Membership and roll**

- (1) The registrar (academic) keeps the roll of convocation.
- (2) The convocation of the University consists of the -
  - (a) graduates of the University;
  - (b) executive management committee of the University; and
  - (c) academic staff of the University and former academic staff as determined by the Rules.

**17.3 Executive committee of convocation**

- (1) The executive committee of convocation consists of such office bearers as are set out in the Rules governing convocation as may from time to time be determined by the council.
- (2) The functions and period of office of such office bearers are set out in the Rules of convocation.
- (3) The provisions for the election and functions of the executive committee of convocation are set out in the Rules of convocation.

**17.4 Meetings of convocation**

The provisions regarding procedure and quorum for meetings of the executive committee of convocation and of convocation are set out in the Rules of convocation.

**17.5 Changing Rules of convocation**

The council may change the Rules of convocation after consultation with the executive committee of convocation.

**17.6 Committees**

Subject to the provisions of this Statute, the executive committee of convocation has the authority to establish subcommittees as it may deem fit.

**Chapter 18 University foundation (UNIN Foundation)**

**18.1 Powers, duties and functions**

The University of the North Foundation (UNIN Foundation) is a trust established by the University for the purpose of -

- (a) developing specific fundraising strategies and campaigns;
- (b) investing and managing the UNIN Foundation funds; and
- (c) the allocation of funds to University projects as it deems fit.

**18.2 Reporting**

The UNIN Foundation presents an annual report of its activities and finances to the council.

**18.3 Composition**

- (1) The board of trustees of the UNIN Foundation comprises a maximum of twelve members, the majority of whom are external to the University.
- (2) Members of the board serve a term not exceeding five years.
- (3) A trustee may serve for more than one term.
- (4) The vice-chancellor and principal is *ex officio* a member of the board



of trustees.

- (4) At the first meeting the trustees elect a chairperson, a deputy chairperson and a secretary from amongst themselves.

## **Chapter 19 Students' representative council (SRC)**

### **19.1 Authority and status**

- (1) The SRC is a structure established in terms of section 35 of the Higher Education Act in respect of the affairs of the student body.
- (2) The SRC is not a juristic person and is not the bearer of its own rights, except that it exists as a structure according to the provisions of the Higher Education Act, with powers delegated from the University irrespective of changes in its membership.
- (3) The council recognises the SRC as the body elected by the students to represent their general interests.

### **19.2 Functions and composition of SRC**

- (1) The SRC is subject to the provisions of the Higher Education Act, this Statute, the Rules and the SRC constitution.
- (2) The functions and composition of the SRC and its members is determined by the SRC constitution.

### **19.3 Term of office**

- (1) The term of office of members of the SRC is determined by the SRC constitution.
- (2) The SRC and the vice-chancellor and principal must ensure that SRC elections are held in the second semester of each academic year.

### **19.4 Election to office**

- (1) Election to the SRC is determined by the SRC constitution and the electoral by-laws.
- (2) Only registered students of the University may serve on the SRC.

### **19.5 Privileges of members of SRC**

- (1) Any privileges or concessions to members of the SRC are determined by the council.
- (2) Such privileges or concessions are published for information to students.
- (3) A member of the SRC may be refused access to privileges and concessions by the vice-chancellor and principal if he or she does not comply with his or her obligations in terms of the SRC constitution within a reasonable period.

### **19.6 Transitional provisions of SRC**

- (1) Where the SRC fails to operate for any reason whatsoever or where the SRC membership has been reduced to less than a number stipulated in the SRC constitution, the council may determine whether -
  - (a) to hold a new SRC election; or
  - (b) to create a transitional SRC to continue in office until the next SRC elections would ordinarily be held, or such earlier period as it may determine.
- (2) A transitional SRC consists of such members as stipulated in the

Rules.

- (3) A transitional SRC in terms of subparagraph (2) administers the affairs of the SRC until the election of a new SRC.
- (4) A transitional SRC is appointed by the vice-chancellor and principal.

#### **19.7 Alteration of composition of SRC**

The council may not alter the composition of the SRC without consultation with the SRC.

### **Chapter 20 Post graduate students' association (PGSA)**

#### **20 Post graduate students' association (PGSA)**

- (1) The establishment of the PGSA is approved by the council.
- (2) The powers, duties and functions of the PGSA are set out in the Rules of the PGSA as approved by the council.
- (3) The method of election of office bearers of the PGSA is set out in the Rules.

### **Chapter 21 Donors**

#### **21.1 Donors**

- (1) For the purposes of this Statute and the UNIN Foundation, a donor is a person who has made a donation to the University which in the opinion of the council warrants that person being recognised as a donor.
- (2) Every person who was a donor by virtue of the previous Statute remains a donor for the purposes of this Statute.
- (3) For the purposes of this Statute, a juristic person or a body or group of natural persons may nominate a natural person to represent it as a member of the UNIN Foundation.
- (4) The council acknowledges donations that warrant a person being recognised as a donor.
- (5) The registrar (academic) keeps a list of donors.

#### **21.2 Qualification as donors**

- (1) The council may, by simple majority, determine the amount of a donation necessary to qualify the donor for the rights accorded in terms of this paragraph.
- (2) Different size donations may accord such rights to -
  - (a) an individual donor; or
  - (b) a corporate donorover different periods of time.
- (3) In terms of paragraph 11.4(19) and (20) the registrar (academic) requests three of the largest donors of the University to appoint members to the council in accordance with the provisions of the Rules.

### **Chapter 22 Qualifications**

#### **22.1 Conferment of degrees and awarding of diplomas**

- (1) A meeting of the members of the University called "The congregation of the University" is convened for the purpose of conferring degrees and awarding diplomas, certificates and other qualifications.
- (2) Members of the council, academic staff, persons upon whom degrees

are to be conferred and to whom diplomas and certificates are to be awarded and such other persons as the vice-chancellor and principal may determine, are invited to the congregation of the University.

- (3) Congregations of the University are held at least every year, and are presided over by the chancellor, or in his or her absence by the vice-chancellor and principal or a person so empowered in terms of this Statute.
- (4) The senate determines the procedure relating to the conferment of degrees and the awarding of diplomas, certificates and other qualifications and all matters incidental thereto.

## **22.2 Degrees, diplomas, certificates and other qualifications**

- (1) The University has the power to confer in any faculty degrees of bachelor, bachelor with honours, master, doctor and such other degrees as it may deem expedient to confer.
- (2) No degree other than an honorary degree may be conferred by the University upon any person who has not attended as a student of the University for such period, and satisfied such other requirements as may be determined by or in terms of this Statute.
- (3) The University has the power to grant a diploma, certificate or other qualification to any person who has pursued a course of study or academic programme, and who has satisfied such other requirements as may be determined by or in terms of this Statute.
- (4) The council has the power to withdraw the conferment of any degree, diploma, certificate or other qualification if such degree, diploma, certificate or other qualification was conferred in error or if the recipient of such degree, diploma, certificate or other qualification committed a dishonest act in connection, directly or indirectly, with the obtaining of such degree, diploma, certificate or other qualification.
- (5) In order to satisfy the requirements for the conferment of a degree, diploma, certificate or other qualification, a student must satisfy the requirements of the academic programme for that degree, diploma, certificate or other qualification as determined in the Rules.
- (6) A student that otherwise qualifies for the conferment of a degree, diploma, certificate or other qualification may be deemed not to have done so unless and until -
  - (a) the student has paid all unpaid fees, levies, disbursements, fines and any other monies lawfully owing to the University;
  - (b) any disciplinary proceedings pending, or incomplete, have been completed; and
  - (c) any order made against the student as a consequence of any discipline hearings, has been satisfied.

## **Chapter 23 Honorary degrees**

### **23.1 Criteria for conferring honorary degrees**

- (1) The University may, on the resolution of the senate and the council, confer, without attendance or examination, an honorary degree of master or doctor in any faculty upon any person who has rendered distinguished service or made a contribution to learning or achievement in the advancement of -
  - (a) the academic field;

- (b) research and publications;
  - (c) administration;
  - (d) commerce and industry;
  - (e) community or public service; or
  - (f) who has otherwise rendered himself or herself worthy of such a degree.
- (2) A deceased person may be awarded an honorary degree posthumously.
  - (3) The award of an honorary degree does not entitle the recipient to practise a profession or use the title inappropriately.
  - (4) The procedure for a proposal for an honorary degree is set out in the Rules.

## **Chapter 24 Student administration, registration and discipline**

### **24.1 Admission and registration of students**

- (1) A person may be permitted by the council to register as a student only if he or she satisfies the legal requirements for admission to study at the University and, further, satisfies any other requirements for admission that may be determined by the council and laid down in any Rule made by the council.
- (2) A person binds himself or herself to the Rules when he or she completes and signs the official application and registration forms.
- (3) The requirements for admission of a student to a faculty are set out in the Rules and may be changed by the council after consultation with the senate and -
  - (a) include the date or dates for different categories of registration; and
  - (b) may include requirements for the payment of fees by prescribed dates.
- (4) A student is registered for one year or for such shorter period as the council may determine in general or in a particular case.
- (5) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (4), the student is required to comply with any conditions set by the council or the senate.
- (6) The conditions contemplated in subparagraph (5) may include the payment of outstanding fees.
- (7) The council, with the approval of the senate, determines the number of students who may be registered for a programme or course and also prescribes admission tests or a particular standard of academic competence or any other proficiency as further admission requirements for studies at the University.

### **24.2 Student discipline**

- (1) A student of the University is subject to the disciplinary measures and procedures contained in the Rules in respect of disciplinary action as determined by the council in accordance with section 32(2)(d) of the Higher Education Act.
- (2) The vice-chancellor and principal may, from time to time, amend monetary penalties and such amended penalties must be placed before the council for approval at the next ordinary meeting of the council.
- (3) If the council alters or sets aside any such amendment, its validity up to the time of alteration or setting aside by the council is not affected.



**24.3 Rules of student discipline**

The Rules of student discipline are determined and may only be amended by the council after consultation with the senate and the SRC.

**Chapter 25 Appointment and conditions of service of employees****25 Appointment and conditions of service of employees**

- (1) There are established Rules as approved by the council with regard to the appointment and conditions of service of employees.
- (2) The conditions of service, salary and privileges of all University employees are determined by the council.
- (3) All University employees are subject to an annual evaluation of his or her performance based on a performance contract.
- (4) All University employees are subject to the University's Rules for staff discipline.
- (5) Without derogating from subparagraph (4), the vice-chancellor and principal is subject to the University Rules for staff discipline and the council may convene such bodies as might be necessary to institute, hear and finalise any disciplinary proceedings against him or her.

**Chapter 26 Code of conduct, procedure of meetings, committees and electoral and appointment framework****26.1 Conduct of meetings**

- (1) Subject to the provisions of this Statute, any University structure may make its own Rules of procedure and debate but -
  - (a) a member may not speak more than once to any motion or to any amendment unless the meeting allows him or her to do so, but the members moving and seconding a motion or an amendment have the right to reply to the debate before a vote is taken;
  - (b) a member who believes that a question has been sufficiently discussed may move "that the question now be put", and if this is seconded -
    - (i) and if the chairperson also believes that the question has been sufficiently discussed, the chair puts to the meeting the motion "that the question now be put" which, if carried, closes the debate, except that the proposer and the seconder do not lose their right to reply to the debate;
    - (ii) or if the chairperson does not believe that the question has been sufficiently discussed, the chair disallows the motion but has the right to put it as soon as he or she believes that the question has been sufficiently discussed in which case he or she puts to the meeting the motion "that the question now be put" which, if carried, closes the debate, except that the proposer and the seconder do not lose their right to reply to the debate;
  - (c) an amendment must be put before the motion or amendment to which it refers and when there are two or more amendments



- they are put in the order the chairperson decides; and
- (d) a motion to rescind a resolution of the structure within twelve months after it was passed requires a majority of two thirds of the members present and voting at a meeting of the structure.
- (2) Ordinary meetings
- (a) Any member of a structure may place a motion on the agenda for a meeting of a structure by giving written notice to the secretary or registrar (academic), as the case may be, at least seven days before the date of the meeting, and the registrar (academic) or secretary must include this in the agenda.
  - (b) The secretary or registrar (academic), as the case may be, issues a written notice to each member of the structure at least ten days before each ordinary meeting of the structure, setting out the place, date and time of the meeting, and the agenda for the meeting.
  - (c) A structure may, by a three-quarters majority of the members present, agree to consider any urgent matter of which notice has not been given or the chairperson or the vice-chancellor and principal, as the case may be, may dispense with the period of notice or the requirement that the notice be in writing, or both, where in his or her opinion there is an emergency needing the urgent attention and consideration of the structure.
  - (d) A structure may, by a simple majority of the total membership of the structure, agree to consider any urgent matter of which notice has not been given.
  - (e) At each ordinary meeting the structure-
    - (i) confirms the minutes of the last preceding ordinary meeting and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members prior to the meeting;
    - (ii) deals with the business of which notice has been given and any other business which a majority of the total membership of the structure agrees to consider; and
    - (iii) submits the minutes of all preceding executive committee meetings of the structures for ratification at the subsequent structure meeting.
- (3) Special meetings
- (a) Special meetings are held -
    - (i) when called by the chairperson of a structure; and
    - (ii) when a written request for a special meeting, stating the object of the meeting, is received by the registrar (academic) or secretary of a structure, from at least 20% of the members of a structure.
  - (b) The registrar (academic) or the secretary must give at least three days' notice in writing to each member of each special meeting of the structure, setting out the place, date and time of the meeting and the agenda for the meeting.
  - (c) No other business may be dealt with at the meeting but -
    - (i) a structure may by a majority of the total membership of such structure agree to consider any urgent matter of which notice has not been given; and

- (ii) the vice-chancellor and principal or any other chairperson may dispense with the period of notice, or the requirement that the notice be in writing or both where there is, in his or her opinion, an emergency.
- (4) A proposal to make, amend or repeal this Statute, or any part of it, may not be considered by any structure unless the Secretary of the structure has given fourteen days' notice of such proposal to the members of the structure.
- (5) Recording of minutes of meetings and resolutions of structures
  - (a) The secretary or the registrar (academic) keeps accurate records and minutes of each meeting of University structures.
  - (b) Objections to the minutes must be raised and decided prior to confirmation of the minutes.
  - (c) The signature of the chairperson of the meeting serves as proof of confirmation of the minutes.
  - (d) The registrar (academic) keeps a complete register of the resolutions of the council, the senate, joint committees of the council and the senate, the institutional forum, executive management committee, convocation, the UNIN Foundation and of their executive committees, and any member of these constituencies may, with the written permission of the vice-chancellor and principal upon reasonable grounds, have access to inspect such resolutions.
- (6) Quorum and procedure at meetings of structures, except where otherwise provided in this Statute the quorum and procedure at meetings of structures is-
  - (a) one third of the total membership of the structure; or
  - (b) if a quorum is not achieved, the chairperson may announce that the meeting is to take place after 30 minutes;
  - (c) if there is still no quorum after 30 minutes, the chairperson may order that the meeting be held at a later date; and
  - (d) the later date must be at least three days after the date on which the meeting was due to be held.
- (7) Voting -
  - (a) Every motion and every amendment proposed must be seconded and, if the chairperson, or in the case of the senate, the vice-chancellor and principal, requires this, is in writing; and a motion or amendment that is not seconded falls away.
  - (b) Except where this Statute requires a different procedure, each question is decided by a majority of votes of the members present and voting and, unless the meeting decides otherwise, voting is by a show of hands.
  - (c) The chairperson, or in the case of the senate the vice-chancellor and principal, has a deliberative vote on each question and also has a casting vote in the case of an equality in the number of votes.
  - (d) The number of members of a structure voting in favour of a proposal, against a proposal and abstaining from voting on a proposal must be entered in the minutes.
  - (e) Where any member of a structure requests that a specific vote be recorded, his or her vote in favour of or against a proposal or abstention on a proposal, is entered in the minutes.

- (f) The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member of the structure, in which case the chairperson submits his or her ruling without discussion to the meeting whose decision is final and binding.
- (g) Where no less than 75% of all members of a structure have reached agreement on a matter referred to them by letter, by telefax, by telegram, by electronic mail, by telephone or by any other medium by the chairperson or vice-chancellor and principal, as the case may be, without convening a meeting, and have conveyed their resolution by letter, telefax, telegram, electronic mail, telephone or by any other medium, such resolution is deemed to be a resolution of the structure and is recorded in the minutes of the next ordinary meeting.
- (h) If a member of a structure is unable to attend a meeting, his or her views on any matter on the agenda may be communicated to the meeting in writing, but may not count as a vote by such a member.
- (i) A person who is not a member of a structure may be invited to attend part or all of a meeting of a structure with the leave of the chairperson, or in the case of the senate, the vice-chancellor and principal, such person may be invited to address the meeting and take part in its deliberations but may not vote.

## 26.2 Committees of structures

- (1) A structure may establish committees to perform any of its functions save for those that it may not delegate or assign in terms of this Statute or the Higher Education Act.
- (2) A committee of a structure may consist of -
  - (a) members of the structure;
  - (b) members of the structure as well as non members of the structure;
  - (c) non-members of the structure; or
  - (d) one member.
- (3) Any delegation or assignment by a structure of any of its powers, functions and duties is recorded in writing and placed in the care of the registrar (academic) for his or her records.
- (4) Any action taken by a committee established by a structure in the exercise of such assigned or delegated powers or functions is reported by such committee to the next meeting of the structure.
- (5) A structure is not divested of any power or function which it has assigned to any such committee and any decision of any such committee may be amended or set aside by the structure at its first meeting.
- (6) A structure determines the composition, election, terms of office, functions and procedures of its committees in terms of Rules approved by the council, save that a committee elects from its members -
  - (a) a chairperson;
  - (b) a deputy chairperson; and
  - (c) a secretary, save that the registrar (academic) or a designated registrar (academic) acts as secretary to the council committees and joint committees.

**26.3 Disclosure of interest by member of structure**

A member of a structure or of such a structure's committee may not take part in the discussion of or vote on any matter in which he or she has a direct or indirect financial or any other interest, unless he or she first discloses the nature and extent of his or her interest and obtains the leave of the meeting to participate in the discussion on the matter or vote on the matter, or both.

**26.4 Electoral framework**

(1) Where this Statute enables members of the council, members of the senate, and members of the executive committee of convocation academic and support staff to elect members to University structures, such elections and representations take place as follows -

- (a) The registrar (academic) calls for nominations for election by notice to all persons eligible for election at least two weeks before the start of each term of office.
- (b) Nominations must be in writing and must be received by the registrar (academic) by the date he or she specifies in the notice.
- (c) Five persons eligible for election must sign each nomination.
- (d) Each nomination must be accompanied by the written acceptance of nomination by the nominee and by a statement by him or her, not exceeding 200 words, summarising his or her curriculum vitae and candidature.
- (e) If the registrar (academic) receives as many nominations as there are seats available or fewer nominations from persons eligible for election, he or she declares the nominees duly elected, but if the registrar (academic) receives more nominations than there are seats, he or she holds a ballot of eligible members, the method of taking the ballot to be decided by the council in terms of Rules which Rules provide that -
  - (i) a ballot paper sealed in the return envelope is returned to the registrar (academic);
  - (ii) a ballot paper is invalid if -
    - (aa) it is received after the date determined for the election;
    - (bb) it is not sealed in the return envelope;
    - (cc) it is spoilt because it does not clearly indicate the candidate in whose favour votes have been cast; or
    - (dd) more candidates have been voted for than there are seats for election.
- (f) The registrar (academic) announces the outcome of the ballot and indicates how many votes each candidate received.
- (g) A person elected to represent a particular category of staff ceases to hold such elected office if -
  - (i) he or she becomes a member of the body he or she was voted onto, by way of promotion (permanent or acting) or a change of office; or
  - (ii) he or she is no longer a member of the category of persons that he or she was nominated for at the time of the election.



- (h) If a vacancy occurs during the term of office, the registrar (academic) declares the persons who obtained the next highest number of votes in the ballot in the category of positions in which the vacancy arises to be elected to fill the vacancy, for the unexpired period of office, but if there is no person on the ballot who is prepared to accept appointment to fill the vacancy the registrar (academic) calls for nominations and holds a ballot to fill the vacancy, in the same way as provided for, if the unexpired period of office is longer than three months.
- (i) If during his or her term of office a member elected in terms of this paragraph is granted leave for a period of three months or longer or is suspended from the University staff, the registrar (academic), upon being notified of this by the member, declares the person who obtained the next highest number of votes in the ballot in the election in which the vacancy arises to be elected on an acting basis to fill the vacancy for the period of absence of the member, but if there is no person on the ballot who is prepared to accept appointment to fill the vacancy and the elected member is absent for longer than three calendar months, the registrar (academic) declares that the vacancy occasioned by the temporary absence of the member is not filled and holds a ballot to fill the vacancy.

#### **26.5 Variations of provisions of chapter**

Where the provisions of this chapter are inconsistent with the provisions of any other chapter or chapters or paragraph or paragraphs of this Statute, the provisions of such other chapter or chapters or paragraph or paragraphs prevail over the provisions of this chapter.

### **Chapter 27 General provisions**

#### **27.1 Making, amending or repealing Statute or Rule**

- (1) Subject to the Higher Education Act, and in particular the provisions of sections 32(2) and 33(1) thereof, the council has the power to make, amend or repeal the Statute or any Rule, in order to give effect to any law relating to the University, and for the general and effective governance and control of the University.
- (2) The registrar (academic) maintains a register of Rules which register may be open for inspection by any member of the University or public.

#### **27.2 Persons in office**

Persons holding office under the Statute repealed by subparagraph 27.5, are deemed to be holding office under the corresponding provisions of this Statute or the Higher Education Act.

#### **27.3 Co-operation**

The University, in order to achieve its mission and the optimal utilisation of resources and performance of its functions -

- (a) co-operates with other educational institutions;
- (b) joins and establishes regional, national and international bodies to assist and facilitate such co-operation.



**27.4 Appointments procedure**

Substantial compliance with the procedures set out in the Rules is sufficient to validate an appointment made in terms thereof.

**27.5 Repeal**

The Statute of the University of the North promulgated in *Government Gazette* No 499, Notice No. R. 3263 of 1 December 1992 and amended by *Government Gazette* No. 20249, Notice No. 825 of 28 June 1999, is hereby repealed with effect from the date on which this Statute comes into operation.

**27.6 Transitional provisions**

- (1) Notwithstanding subparagraph 27.5 any structure of the University within the meaning of the Higher Education Act, 1997, which existed prior to the publication of this Statute, continues to exist and function until the day when each new structure, constituted in terms of this Statute, becomes operational.
- (2) Anything done under any provision of the University of the North Act and Statute, as amended, before this Statute came into operation, is deemed to have been done under the corresponding provision of this Statute.
- (3) The existing regulations promulgated in terms of the Universities Act No 61 of 1955 which were in force at the commencement of the Higher Education Act continue to apply until replaced by any provision of this Statute or any Rule that may be made in terms of it.

**Chapter 28 Definitions****28. Definitions**

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

"absolute majority" means 75% of the total number of members voting in the body concerned;

"academic staff" means those persons employed by the University primarily to teach or conduct research;

"certificate" means a certificate of the University awarded to a student on completion of a course of study designated a certificate course;

"convocation" means the convocation of the University contemplated in chapter 17 of this Statute;

"the council" means the council of the University contemplated in chapter 11 of this Statute;

"degree" means a degree of the University conferred upon a student;

"diploma" means a diploma of the University awarded to a student on completion of a course of study qualifying for diploma status;

"donor" for the purposes of this Statute is a person who has made a donation to the University, which, in the opinion of the council, from time to time, warrants that person being recognised as a donor;

"examination" means any test or assessment including any written or oral evaluations;

"executive management" means the vice-chancellor and principal, the vice-principal, deputy vice-chancellor or deputy vice-chancellors, the registrar (academic), the executive manager and the executive deans;

"external member" means a person who is not a member of the staff or a student of the University;

- "faculty board" means the body contemplated in chapter 15 of this Statute;
- "first semester" means that half of the year from the first day of registration to the day before the winter vacation;
- "institutional forum" means the institutional forum contemplated in chapter 14 of this Statute;
- "internal member" means a member of the staff or a student of the University who sits on the council;
- "majority" or "simple majority" means half the total number of members plus one of the voting body concerned (50% +1);
- "Minister" means the Minister of Education;
- "NEDLAC" means the National Economic, Development and Labour Law Council established in terms of the National Economic Development and Labour Law Council Act 35 of 1994;
- "officer of the University" means a member of the staff of the University;
- "PGSA" means the Post Graduate Students' Association contemplated in chapter 20 of this Statute;
- "postgraduate" means any student who is registered for any qualification for which the minimum admission requirement is a Bachelors degree or equivalent;
- "professor" means a professor of the University and excludes associate, honorary or visiting professors;
- "recognised staff body" means a body organised by and among the staff to represent their interests;
- "registrar (academic)" means the registrar (academic) of the University;
- "Rules" means the institutional Rules of the University made in terms of section 32 of the Higher Education Act and this Statute;
- "second semester" means that half of the year commencing from the first day of registration after winter recess to the last day before summer vacation;
- "the senate" means the senate of the University contemplated in chapter 12 of this Statute;
- "senior management" means the vice-chancellor and principal, the vice-principal, the deputy vice-chancellor or deputy vice-chancellors, the executive manager, the executive deans, the directors of schools and senior managers;
- "simple majority" means the majority of votes cast, excluding abstentions;
- "SRC" means the Students' Representative Council established in terms of section 26(2)(e) of the Higher Education Act;
- "staff" means persons employed at the University;
- "Statute" means the Institutional Statute of the University approved in terms of the Higher Education Act;
- "student" means any person who has registered for a course of study with the University for a particular semester;
- "support staff" means the staff appointed to administrative and support positions within the University structures and includes laboratory assistants and technicians;
- "the Higher Education Act" means the Higher Education Act, 1997 (Act No. 101 of 1997), as amended;
- "university day" means any university day – Monday to Friday – during the first or second semester, but does not include public holidays or any mid-term vacations;
- "University" means the University of the North; and
- "University foundation (UNIN Foundation)" means the University of the North Foundation referred to in chapter 18

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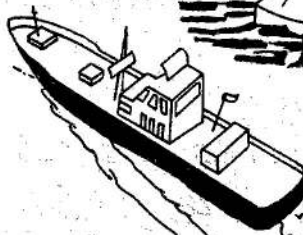
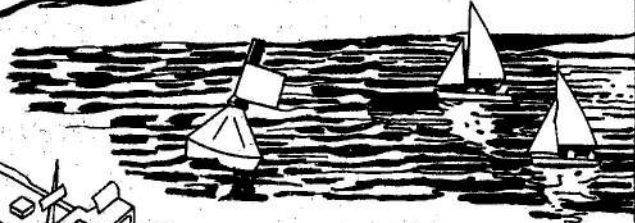
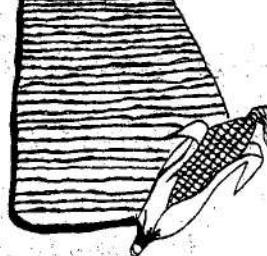
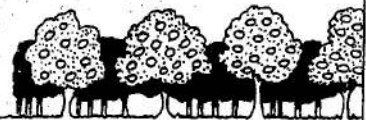
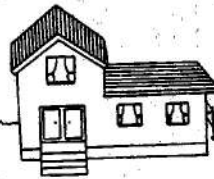
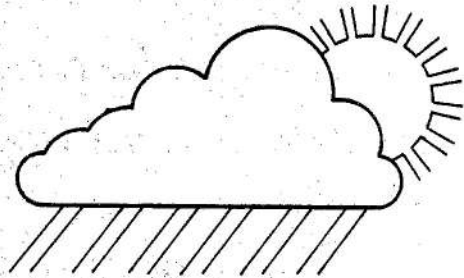
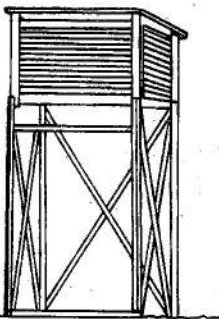
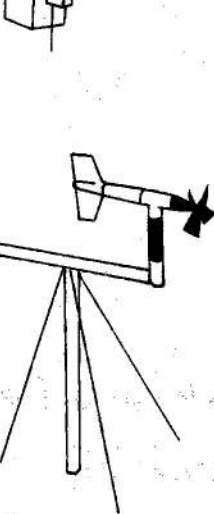
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