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605 Higher Education Act (101/1997): Institutional Statute: Stellenbosch University 3 34576

GENERAL NOTICE

NOTICE 605 OF 2011

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

HIGHER EDUCATION ACT, 1997 (Act No 101 of 1997)

INSTITUTIONAL STATUTE: STELLENBOSCH UNIVERSITY

I, Dr Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish the Institutional Statute of Stellenbosch University set out in the Schedule hereto.



Dr BE Nzimande, MP
Minister of Higher Education and Training

Date: 28/7/2011



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STATUTE

of

STELLENBOSCH UNIVERSITY

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STATUTE
of
STELLENBOSCH UNIVERSITY

CHAPTER 1

DEFINITIONS

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

"AAC" means the Academic Affairs Council constituted by the SRC to promote academic matters on behalf of students;

"Act" means the Higher Education Act, 1997 (Act 101 of 1997), as amended;

"function" includes capacities and duties;

"GMC" means the General Management Committee of the University;

"IF" means the Institutional Forum of the University as stipulated in Section 31 of the Act;

"lecturer" includes senior lecturer and junior lecturer;

"management" means the members of the Rector's Management Team;

"Prim Committee" means the committee of head students of the various residences of the University;

"recognised trade union" means any representative trade union registered as such and recognised by the University;

"rector" means the rector and vice-chancellor of the University;

"Rules" means the rules and regulations enacted by the University in terms of Section 32 of the Act, including all the rules and regulations and policy documents of the University;

"SRC" means the University's Students' Representative Council;

"Societies Council" means the body established under the Constitution of the Student Union to represent the interests of all recognised societies and their members;

"Student Union" means the collectivity of persons registered as students of the university;

"University" means Stellenbosch University; and

"vote" means, in relation to a written vote, the submission in person of a completed ballot by a person entitled to vote.

CHAPTER 2

OFFICE BEARERS

Chancellor

2. (1) The chancellor is the titular head of the University and confers all degrees in the name of the University.
- (2) In the absence of the chancellor, degrees are conferred by the rector or one of the vice-rectors.
- (3) The chancellor holds office for a term of five years, but may be re-elected for one further term of five years.

Election of the chancellor

3. (1) The chancellor of the University is elected by an electoral college consisting of the members of Council, the members of the Executive Committee of Senate and the president and the vice-president of the Convocation.
- (2) Whenever the University has to elect a chancellor, the registrar publishes notices specifying the date of the vote and calling for nominations by a closing date of suitable candidates by members of the Convocation in such media as he or she considers appropriate.
- (3) Nominations must be in writing and must be lodged with the registrar at least three weeks before the date of the election.

- (4) Each nomination must be signed by at least 20 members of the Convocation and must be accompanied by a signed declaration by the nominee in which he or she accepts the nomination.
- (5) The nomination or nominations are submitted by the registrar to the electoral college referred to in sub-paragraph (1) for selection.
- (6) The rector serves as chairperson at a meeting of the electoral college, but should he or she be absent, the members present must elect from their ranks a member to serve as chairperson.
- (7) Half of the members of the electoral college form a quorum.
- (8) Voting takes place by secret ballot.
- (9) No person may be elected chancellor unless a majority of the members of the electoral college present and voting vote in his or her favour, even if only one nomination is received.

Rector

- 4. (1) The rector is the vice-chancellor of the University and is appointed by Council in consultation with Senate and the IF in accordance with the procedures prescribed in the Rules.
- (2) The rector holds office for the term determined by Council on his or her appointment, and the rector's privileges, functions and conditions of service are determined by Council in accordance with the provisions of the Act.
- (3) The rector may at his or her discretion, but in accordance with Section 68(3) of the Act, assign his or her statutory functions and powers or functions and powers delegated to him or her in terms of the Act to the

vice-rectors or other functionaries to the level of chairs of department and environment heads.

- (4) The rector is the chief executive officer of the University and is in that capacity a member of each committee of Council and Senate.

Vice-rectors

5. (1) A vice-rector is appointed by Council in consultation with Senate and the IF in accordance with the procedures prescribed in the Rules, provided that Council informs Senate and the IF of the general nature of the intended functions of the vice-rector concerned.
- (2) A vice-rector holds office for the term determined by Council on appointment of such person and his or her powers, privileges, functions, duties and conditions of service are determined by Council.

Vacancies

6. Whenever the office of rector or vice-rector becomes vacant, Council appoints a successor in terms of paragraphs 4 or 5 as applicable.

Acting rector and vice-rector

7. (1) The chairperson of Council may appoint an acting rector when a vacancy arises or when the rector is temporarily absent, provided that any appointment for a period of more than three months be made after consultation with Council, Senate and the IF.
- (2) An acting rector may exercise and perform all the powers, functions and duties of the rector.

- (3) The rector designates an acting vice-rector in the event of the temporary absence of a vice-rector. Where the post of a vice-rector is vacant, the rector designates an acting vice-rector and reports thereon to the Human Resources Committee of Council. In the event that such a designation is for a period exceeding three months, it is done in consultation with the Human Resources Committee of Council.

Registrar

8. The registrar is responsible for the academic administration of the University.

CHAPTER 3

MANAGEMENT OF THE UNIVERSITY

The Rector's Management Team (RMT)

9. The day-to-day management of the University is the responsibility of the Rector's Management Team, consisting of the rector, the vice-rectors, the person with the primary responsibility for the financial management of the University (if he or she is not a vice-rector) and those persons nominated by the rector and approved by Council.

The General Management Committee (GMC)

10. (1) The GMC of the University consists of the Rector's Management Team, the registrar, the deans and those heads nominated by the rector.
- (2) The GMC discusses general management matters in the various academic and administrative environments.
- (3) Advice of the GMC is used by the rector and the Rector's Management Team in the day-to-day management of the University, and may be further dealt with by the existing internal structures, where necessary.

CHAPTER 4

COUNCIL

Functions

- 11.** (1) Council governs the University subject to the Act, any other legislation and the Statute, and exercises a general supervisory responsibility in respect of academic and operational matters and institutional policy and strategy.
- (2) Without detracting from the generality of sub-paragraph (1),
- (i) Council controls the assets of the University;
 - (ii) Council is in terms of Section 34 of the Act responsible for the appointment and conditions of service of staff, provided that academic employees are appointed in consultation with Senate;
 - (iii) Council, in consultation, with Senate, determines the admissions policy in terms of sections 37(1) to (2) of the Act; and
 - (iv) Council, with the concurrence of Senate, determines a language policy in terms of Section 27(2) of the Act.
- (3) Council may establish committees consisting of Council members, or Council members and other persons, and may terminate the membership of any person elected to a committee.
- (4) Subject to the provisions of Section 68(2) of the Act, Council may assign any of its powers or functions to such committee referred to in Subparagraph (3) or any official of the University, provided that Council is not thereby divested of any power or function and, subject to the provisions of paragraph 17(2)(iii) and (iv), retains the power to amend or disregard any decision made by such committee or official.

Composition

12. (1) Council consists of -
- (a) the rector;
 - (b) the vice-rectors up to a maximum of three and the person with the primary responsibility for the financial management of the University;
 - (c) three members of Senate elected by Senate from their ranks;
 - (d) one member elected by permanent academic staff who are not members of Senate from their ranks;
 - (e) one member of the permanent non-academic staff elected from their ranks;
 - (f) two students elected by the SRC;
 - (g) one member elected by the IF from members appointed in terms of paragraph 44(2)(iv)(b);
 - (h) three persons appointed by the Minister of Higher Education;
 - (i) six persons elected by the Convocation of the University;
 - (j) one person appointed by the Council of the Municipality of Stellenbosch;
 - (k) one person appointed by the Premier of the Western Cape Provincial Government;
 - (l) three persons elected by the donors; and
 - (m) three persons appointed by Council in terms of the provisions of Subparagraph 12(3).
- (2) The members referred to in paragraphs 12(1)(g) to (m) may not be employees or students of the University and no member of Council

may be a member of the council of another national public higher education institution, or employed in a executive managerial capacity by such an institution.

- (3) With a view to Subparagraph 12(1)(m) and to address the skills needs of Council, Council appoints three members from a list of six submitted by a nomination committee of Council.
- (4) In the composition of Council regard must be given to racial and gender representation.
- (5) Members of Council should be persons with experience and expertise relevant to the aims and activities of the University and are duty bound to act in the best interests of the University and in accordance with the code of conduct for members of Council.
- (6) Council is responsible for regular evaluations of its committees and the operation of Council as a whole.
- (7) No temporary vacancy impairs the capacity of Council to perform its functions and responsibilities under the Act and this Statute, provided that decisions of Council must in all instances conform to paragraph 28(1) of this Statute.

Term of office

- 13. (1) The rector and the vice-rectors remain members of Council for as long as they hold office.
- (2) The term of office of student members is one year, provided that their membership automatically terminates upon the member ceasing to be a registered student.
- (3) The term of office of representatives of Senate, the permanent academic staff and the permanent non-academic staff is two years.
- (4) The representative of the IF serves on Council for a term equal to his or her term on the IF and as such until the end of the calendar year.

- (5) The term of office of all other members is four years.
- (6) Members may be re-elected.

Vacancies by passage of time

- 14.** At least two months before the expiry of the term of office of a member, the secretary of Council informs the office bearer concerned, the authority, the electoral college or the institution that is entitled to appoint a member or members for the relevant category in writing of the opportunity to appoint a member or members, provided that notice of at least one month is sufficient in the case of members elected by Senate.

Election by donors

- 15.** (1) When donors must elect a member of Council from its ranks, the registrar publishes notices calling for nominations in such media he or she considers appropriate at least five weeks before the commencement of voting.
- (2) All nominations must be in writing and lodged with the registrar at least three weeks before the commencement of voting.
- (3) Each nomination must be signed by five members of the electoral college of donors and must contain a written and signed acceptance of the nomination by the nominee.
- (4) If the number of persons nominated exceeds the number to be elected, an election is held, with the changes required by the context, in the manner prescribed for election by the Convocation in Chapter 8.

Donors

- 16.** With the exception of persons who were members of the electoral college of donors at the commencement of this Statute, a person or institution becomes a member of the electoral college of donors for a period determined by Council when he or she or it contributes to the funds of the University a donation or donations of an amount periodically determined by Council. To this end, the rector keeps a record of donors and donations as well as of the name of a natural person that will vote on behalf of an institution that made a donation or donations.

Executive Committee of Council

- 17.** (1) Council appoints an executive committee biennially, which consists of -

- (a) the chairperson of Council, who serves as the chairperson of the Executive Committee of Council;
 - (b) the deputy chairperson of Council, who serves as deputy chairperson of the Executive Committee of Council;
 - (c) the rector; and
 - (d) four members of Council, of whom at least two are not employees or students of the University.
- (2) The Executive Committee of Council has the following specific powers:
- (i) To advise Council on matters of policy
 - (ii) To consider and make recommendations to Council on the reports of all Council committees, except that of the Honorary Degrees Committee
 - (iii) To handle urgent matters that cannot be postponed on behalf of Council, provided that details of matters so handled and the grounds on which they were dealt with on an urgent basis are submitted at the subsequent meeting of Council
 - (iv) To, in cases where Council authorises a general or specific power to the Executive Committee of Council to handle matters on behalf of Council, exercise such power and report thereon at the subsequent meeting of Council by way of report with a view to giving notice to Council. The registrar records any decision regarding such delegation of powers and each such delegation is reviewed biennially by Council.

Loss of membership and disqualification from election as member

18. (1) Membership in Council is terminated if a member -
- (a) is absent without prior notice from three successive ordinary meetings of Council;

- (b) becomes insolvent, or is found guilty of an offence that Council considers to be of a serious nature;
 - (c) is incapable of fulfilling the duties of his or her office for health reasons;
 - (d) being a person elected by Senate, ceases to be a member of Senate;
 - (e) submits his or her resignation in writing to the Registrar;
 - (f) ~~being the~~ ^{becomes} a rector or a vice-rector, vacates his or her post;
 - (g) reaches the end of his or her term of office;
 - (h) being appointed in terms of paragraphs 12(1)(g) to (m), registers as a student or becomes an employee of the University; or
 - (i) becomes a member of the council of another national public higher education institution or is appointed in an executive managerial capacity in such an institution.
- (2) No person of 70 years or older may be elected or nominated as a member of Council.
- (3) Notwithstanding Subparagraph (2), the membership of a serving member of Council who reaches the age of 70 years will only end at the end of the term concerned in which the member of Council reaches the age of 70 years, and such a member is not eligible for re-election to Council.
- (4) The membership of a member of Council who, after proper enquiry by and on the recommendation of a committee of Council, is found by Council guilty of transgression of the code of conduct for Council members, may be suspended temporarily or be terminated in the event of a serious transgression.

Casual vacancies

19. If a member dies or resigns, or vacates his or her office for any reason other than passage of time, the registrar informs the office bearer concerned, the authority, the electoral college or the institution that is entitled to appoint a member or members for the relevant category in writing of the vacancy and requests that the office bearer concerned, the authority, the electoral college or the institution immediately proceed to appoint or elect a successor for the unexpired part of the term of office of the member, provided that with regard to such vacancy in respect of members elected in terms of paragraphs 12(1)(i) and (l) occurring at most one year before the expiry of the member's term of office, Council may appoint a substitute from a list of at least two candidates submitted by a nomination committee of Council.

Chairperson and deputy chairperson of Council

20. Council elects by secret ballot a chairperson and deputy chairperson of Council from its ranks at an ordinary meeting, provided that an employee or student of the University may not be elected as chairperson or deputy chairperson.

Casual vacancy chairperson or deputy chairperson

21. If the office of chairperson or deputy chairperson of Council becomes vacant before the expiry of the term of office for any reason, Council elects a successor at its subsequent meeting in terms of paragraph 20 for the remainder of the term.

Vacancy by passage of time

22. When the office of chairperson or deputy chairperson of Council is about to become vacant by passage of time, Council elects a successor at its ordinary meeting immediately preceding the date of expiry of the term of office of the

outgoing chairperson or deputy chairperson of Council in terms of paragraph 20.

Election of members of Senate

23. Council elects every alternate year, at an ordinary meeting, two of its members to hold office as members of Senate for a period of two years from the first day of the following year.

Ordinary meetings

24. Council must hold at least two ordinary meetings in each semester on such dates as determined by Council.

Extraordinary meetings

25. (1) The chairperson of Council may call an extraordinary meeting of Council of his or her own accord at any time, and must do so on the written request of at least seven members of Council.
- (2) The purpose of the meeting must be stated in the request and no business other than that for which notice was given may be discussed at the meeting.

Chairperson at meetings

26. If the chairperson of Council is absent from a meeting of Council, the deputy chairperson of Council serves as chairperson, and if both are absent, the members present must elect from their ranks a chairperson for the specific meeting.

Members' interests

- 27** A member of Council does not participate in the discussion of, or vote on, a matter in which he or she has a direct financial or other economic or personal interest, unless the member has first disclosed the nature and extent of his or her interest and has obtained the consent of the meeting to participate in the discussion or to vote, provided that such member declares in writing a particular interest to the other members, but the declaration is only effective until the end of the relevant calendar year, unless it is renewed in writing.

Quorum and procedure

- 28.** (1) Fifteen members personally present constitute a quorum, provided that members physically absent may participate in a meeting and vote by electronic means.
- (2) The registrar gives each member at least six days' written notice of an ordinary meeting and at least three days' written notice of an extraordinary meeting, including the time, place and business to be considered at the meeting, provided that, unless Council decides otherwise, the notice period for the business to be considered at the meeting may be shorter.
- (3) Notice of business to be considered must be given in writing and must be lodged with the registrar at least six days before the date on which the registrar is required to give notice of the meeting, provided that, with the consent of the majority of the members present, business of an urgent nature may be considered at any ordinary meeting without notice.
- (4) The first act of a duly constituted ordinary meeting is the approval of the minutes of the preceding ordinary meeting and the minutes of any

extraordinary meeting held thereafter, and the confirmation thereof by signature of the chairperson.

- (5) All objections to the form and manner in which the minutes have been taken must be raised and settled before the approval thereof.
- (6) The meeting may consider the minutes read if a copy has been previously sent to each member.
- (7) The chairperson may direct that any item on the agenda be discussed in committee.
- (8) Except as otherwise provided by this Statute, all matters must be decided by a majority vote of the members present and voting.
- (9) The chairperson has a vote on every matter and, in the event of a tie, the chairperson has the casting vote, provided that in the event of a tie, the chairperson may decide that a fresh vote be taken on the matter or that the matter be held over.
- (10) The meeting may decide that the number of members voting for or against a motion be entered in the minutes.
- (11) At the request of a member, the chairperson directs that a record of the vote of that member on any motion be entered in the minutes.
- (12) Every motion or proposed amendment thereof must be seconded and, if so directed by the chairperson, be in writing.
- (13) No motion may be withdrawn without the consent of the meeting.
- (14) The ruling of the chairperson on any point of order or procedure is binding unless immediately challenged by a member, in which case it must be submitted without discussion to the meeting for a final decision.

CHAPTER 5

SENATE

Powers and duties

- 29.** Subject to the provisions of the Act or any other legislation and in addition to the powers and duties prescribed therein or in this Statute -
- (a) Senate determines, subject to the approval of Council, the conditions for the obtaining of degrees, diplomas or certificates, and decides which persons have satisfied said conditions;
 - (b) Senate communicates to Council the names of the persons who have satisfied the conditions determined in Subparagraph (a);
 - (c) Senate supervises and controls all examinations held by the University, in accordance with the provisions laid down by Senate for this purpose and approved by Council;
 - (d) Senate submits recommendations to Council as to what departments there must be in each of the faculties of the University;
 - (e) Senate submits recommendations to Council on which persons, in addition to the incumbents of professorships, associate professorships and lectureships referred to in paragraph 39, will be members to the various faculty boards of the University;
 - (f) Senate submits recommendations to Council on the appointment of the dean of each faculty for the period and subject to the conditions of service that Council considers appropriate; and
 - (g) Senate may establish Senate committees consisting of Senate members, or Senate members and other persons, and may assign any of its powers or functions to such committee or any official of the

University, provided that Senate is not divested of a power or function so entrusted to it, and that, subject to the provisions of paragraph 30(2)(d) and (e), a decision of such committee or official may be amended or disregarded by Senate at any time.

Composition

- 30** (1) Senate consists of -
- (a) the rector;
 - (b) the Rector's Management Team;
 - (c) the registrar;
 - (d) two members of Council (aside from the rector and the vice-rectors) elected by Council in terms of paragraph 23;
 - (e) the professors of the University;
 - (f) five associate professors elected by the associate professors;
 - (g) two members elected from the ranks of the academic staff of the University who are not professors or associate professors;
 - (h) two members elected from the ranks of the administrative staff of the University;
 - (i) two members elected from the ranks of the technical staff of the University;
 - (j) three members of the SRC;
 - (k) one member of the AAC; and
 - (l) such additional persons as may be declared members by resolution of Senate and approved by Council.

- (m) membership in terms of subparagraphs (f) to (i) is for a term of two years and that in terms of subparagraphs (j) and (k) for one year.
- (2) The Executive Committee of Senate consists of the rector, as chairperson, the Rector's Management Team and the deans of the faculties and has the following specific powers:
- (a) To advise Senate on matters of policy
 - (b) To consider and make recommendations to Senate on the reports of all Senate committees, except that of the Appointments Committee and the Honorary Degrees Committee
 - (c) To discuss financial matters that may be further dealt with by the rector's management mechanisms through the Executive Committee of Senate
 - (d) To handle urgent matters that cannot be postponed on behalf of Senate, provided that details of matters so handled are submitted at the subsequent meeting of Senate with a view to giving notice to Senate
 - (e) To, in cases where Senate authorises a general or specific power to the Executive Committee of Senate to handle matters on behalf of Senate, exercise such power and report thereon at the subsequent meeting of Senate by way of report with a view to giving notice to Senate. The registrar records any decision regarding such delegation of powers and each such delegation is reviewed biennially by Senate.

Election of members of Council

31. The members of Council to be elected by Senate are elected by secret ballot at an ordinary meeting of Senate and they hold office in terms of paragraph 18 for a term of two years from the first day of the following year, provided that no member may be elected unless a written nomination by five members of Senate has been lodged with the registrar at least seven days prior to the date of the meeting.

Vacancies by passage of time

32. At least one month before the expiry of the term of office of a member of Council elected by Senate, the secretary of Council notifies Senate of this and Senate elects a successor in the manner prescribed by paragraph 31 to fill the vacancy, provided that a member whose term of office is terminated by the passage of time may be re-elected.

Casual vacancies

33. If a member of Council elected by Senate resigns his or her office before the expiry of his or her term of office, Senate elects at the subsequent ordinary meeting a successor by secret ballot, who holds office for the unexpired part of such term of office, provided that nominations must first be called for and made in terms of the proviso to paragraph 31.

Chairperson of Senate

34. The rector is the chairperson of Senate.

Ordinary meetings

35. Senate must hold at least two ordinary meetings in each semester on such dates as determined by Senate.

Extraordinary meetings

36. (1) The chairperson of Senate may call an extraordinary meeting of Senate of his or her own accord at any time, and must do so on the written request of at least one-third of the members of Senate.
- (2) The purpose of the meeting must be stated in the request and no business other than that for which notice was given may be discussed at the meeting.

Absence of the chairperson

37. If the chairperson of Senate is absent from a meeting of Senate (and if an acting rector has not been appointed), a vice-rector serves as chairperson; if the vice-rectors are absent, the members present elect from their ranks a chairperson for the specific meeting.

Quorum and procedure

38. (1) The provisions of paragraphs 27 and 28 of this Statute, with the changes required by the context, apply to meetings of Senate, provided that -
- (a) one-third of the total membership of Senate constitutes a quorum; and
- (b) the secretary gives each member at least four days' written notice of an ordinary meeting and at least two days' written notice of an extraordinary meeting, including the time, place and business to be considered at the meeting, provided further that, unless Senate decides otherwise, the notice period for the business to be considered at the meeting may be shorter.

- (2) (a) No motion to draft, amend or repeal any Rule or condition with regard to the supervision or organisation of teaching in the various departments or the lectures and classes of the University may be proposed without due notice, unless such motion is either ratified in terms of Subparagraph (b) or approved by three-quarters of the members present and voting.
- (b) Such motion is ratified by a majority of members present and voting at the subsequent ordinary meeting.
- (3) The number of votes cast for successful candidates at an election by secret ballot must be disclosed and minuted, except in the case of honorary degrees.

Faculty boards

- 39. (1) There must be committees of Senate known as faculty boards.
- (2) The board of each faculty, except the boards of the faculties of Health Sciences and Military Science, consists of the professors, associate professors, lecturers, at least three students in the faculty and other persons nominated by Council from time to time on the recommendation of Senate.
- (3) The Board of the Faculty of Health Sciences consists of the professors, associate professors, heads of schools, chairpersons and heads of departments and other formally approved academic structures, senior lecturers of the Faculty (including those lecturers determined by the Rules of each faculty in respect of joint staff), at least three students in the Faculty and other persons nominated by Council from time to time on the recommendation of Senate.
- (4) The Board of the Faculty of Military Science consists of the dean of the Faculty, the commanding officer of the Military Academy, the academic staff of the Military Academy, at least three students and other persons

nominated by Council from time to time on the recommendation of Senate.

- (5) The dean of a faculty is chairperson of the faculty board, but should he or she be absent from any meeting of the faculty board, the vice-dean or *secundus dean*, if one has been appointed for that faculty, serves as chairperson, and if both are absent, the members present must elect from their ranks a chairperson for that meeting.
- (6) Student members of faculty boards are elected by the students concerned in terms of a procedure and for a term determined by the faculty.

Duties of faculty boards

- 40. (1) A faculty board submits recommendations to Senate on academic programmes and examinations that affect the departments of the faculty concerned and on other matters that Senate may refer to it from time to time, and informs Senate whether the candidates who sat for the University examinations have satisfied the conditions prescribed for the qualifications in that faculty.
- (2) Senate does not prescribe rules and conditions with regard to academic programmes or provisions with regard to examinations unless these were first submitted to the faculty boards concerned.

Meetings of faculty boards

- 41. (1) A meeting of the faculty board must be held before every ordinary meeting of Senate, unless the chairperson of the faculty board concerned decides that there are no urgent matters requiring consideration, provided that the chairperson of a faculty board may call an extraordinary meeting of the faculty board of his or her own accord

and must do so on the written request of at least one-third of the members of the faculty board.

- (2) The purpose of the extraordinary meeting must be stated in the request and no business other than for which notice was given may be discussed at the meeting.

Quorum and procedure

- 42.** The provisions of paragraph 38 apply, with the changes required by the context, to meetings of a faculty board.

CHAPTER 6

THE INSTITUTIONAL FORUM (IF)

Functions and powers

- 43.** (1) The IF advises Council on -
- (a) matters in Section 31(1) of the Act; and
 - (b) other matters affecting the University, in respect of which Council makes decisions in consultation with the IF.
- (2) The IF performs other functions as and in a manner determined by Council from time to time.
- (3) The consultation procedure in Subparagraph (1) must be determined by Council in consultation with the IF.
- (4) If no consensus is reached regarding the procedure, the procedure set out in sections 5(3), (4) and (5) of the Act applies, with the changes required by the context.

Composition

- 44.** (1) The IF consists of 32 members, eight members from each of the following sectors: governance and management, staff, students and the community.
- (2) The sectors of the IF are composed as follows:
- (i) *Governance and management sector:*
 - (a) Two members of Council elected by Council
 - (b) Three members of Senate elected by Senate

- (c) The registrar or a person designated by him or her
 - (d) The Senior Director: Community Interaction or a person designated by him or her
 - (e) The Director: Employment Equity or a person designated by him or her
- (ii) *Staff sector:*
- (a) Three members elected from the ranks of the permanent non-professorial academic staff
 - (b) Two members elected from the ranks of the administrative and academic support staff
 - (c) One member elected from the ranks of employees that qualify for membership of the employees' association
 - (d) Two members elected from the ranks of the technical support staff
- (iii) *Student sector:*
- (a) Two members of the SRC elected by the SRC
 - (b) Two members of the Prim Committee elected by the Prim Committee; one from the residence sector and one from the PSO sector
 - (c) One member appointed by the Societies' Council
 - (d) Two members of the AAC elected by the AAC
 - (e) One member from the Student Union appointed by the SRC, preferably from representatives of the SRC on the IF during the previous term.
- (iv) *Community sector:*

- (a) Two members of the Convocation appointed by the president of the Convocation
- (b) Six persons respectively appointed by bodies representative of civic society, without the exclusion of any sector thereof, as identified from time to time by the IF in co-operation with the Senior Director: Community Interaction

Executive Committee

- 45.** The Executive Committee is constituted annually of the following members:
- (a) The chairperson, deputy chairperson and secretary
 - (b) One member from each sector referred to in paragraph 44.

Term of office

- 46.** (1) The term of office of members, excluding those elected by student bodies, is three years, and members may be re-elected. With a view to continuity, not all members will be elected or nominated in the same year.
- (2) The term of office of members elected by student bodies is one year.

Chairperson, deputy chairperson and secretary

- 47.** The chairperson, deputy chairperson and secretary are elected annually by the IF from their ranks.

CHAPTER 7

THE STUDENTS' REPRESENTATIVE COUNCIL (SRC)

Functions and powers

- 48.** (1) The SRC exercises its functions and powers subject to the authority of Council.
- (2) The SRC represents the interests of the student community at -
- (a) Council;
 - (b) other institutional structures of the University; and
 - (c) national and international student bodies.
- (3) The SRC is a representative body that takes decisions regarding
- (a) the interests of the student community; and
 - (b) the administrative activities required to serve these interests.

Composition and election

- 49** The Constitution of the Student Union prescribes the membership, composition and manner of election of the SRC.

Term of office

- 50** (1) An election of members of the SRC must be held each year and members serve from the constitution of an SRC for one year to the constitution of a new SRC in the following year.

- (2) A member of the SRC is entitled to serve more than one term.

Privileges

- 51.** Privileges associated with membership of the SRC are determined by Council from time to time.

CHAPTER 8

THE CONVOCATION

The Convocation of the University

52. The Convocation of the University consists of -

- (1) all persons, other than the persons referred to in paragraph (b), who immediately before the commencement of this Statute were members of the Convocation of the University;
- (2) the rector, the vice-rectors and the full-time academic staff of the University;
- (3) former full-time academic staff of the University who have left the service of the University on account of their having reached retirement age; and
- (4) all persons who graduated or obtained a qualification accredited by the Council on Higher Education from the University after the commencement of the Statute.

Members' list of the Convocation

- 53.**
- (1) The registrar keeps the members' list of the Convocation and it is the duty of each member to register his or her name and address with the registrar and to notify him or her of any change of address.
 - (2) The members' list is conclusive evidence of membership of the Convocation and only a person whose name appears on the members' list at the time of his or her claiming a right to vote as a member of the Convocation is entitled to a vote.

- (3) The registrar must remove a member's name from the members' list as soon as practicable after notice of the resignation of a member.
- (4) If a person who has resigned as a member of the Convocation wishes to be re-admitted as a member, he or she must apply in writing to the registrar, who must refer the matter to the Executive Committee of the Convocation for a decision.

Election, term of office and functions of the Executive Committee of the Convocation

54. (1) The Executive Committee of the Convocation consists of the president, vice-president, secretary and two other members of the Convocation elected by the Convocation from their ranks, and holds office for a period of three years or until the next meeting of the Convocation if before the end of the period no meeting of the Convocation has been held, provided that the term of members may be amended to ensure continuity of membership.
- (2) In the case of the death or resignation of the president or the vice-president, a successor is elected at the next ordinary meeting of the Convocation.
- (3) In the case of the death or resignation of the president, the vice-president serves as president until a successor is elected in terms of subparagraph (2).
- (4) Subject to paragraph 56(2), the function of the Executive Committee of the Convocation is to handle all matters that arise in-between annual meetings.

Chairperson at meetings

55. The president, or in his or her absence, the vice-president, serves as chairperson at all meetings of the Convocation, and in the event of both

being absent, the members present must elect from their ranks a chairperson for the specific meeting.

Meetings

- 56.** (1) The president calls an annual meeting of the Convocation in Stellenbosch.
- (2) An extraordinary meeting of the Convocation must be called by the president, or if the president fails to do so, by the vice-president, upon the signed, written request of at least 100 members stating in the form of specific motions the proposed matters for consideration at the meeting.
- (3) The Executive Committee of the Convocation may on occasion convene a meeting at a location other than Stellenbosch.

Notice of meetings

- 57.** Notice of a meeting of the Convocation, including notice of the matters to be discussed, must be sent at least four weeks before the date of the meeting by e-mail to members of the Convocation and must also be published in such media considered appropriate by the president of the convocation, or the vice-president if the president fails to do so.

Quorum and procedure

- 58.** Paragraph 28 of this Statute, with the exception of subparagraphs (2), (3) and (6) thereof, applies, with the changes required by the context, to meetings of the Convocation, provided that –
- (a) One hundred members constitute a quorum for meetings;
 - (b) the first act of an annual meeting be the approval of the minutes of the preceding meeting and the confirmation thereof by signature of the chairperson;
 - (c) the Executive Committee of the Convocation may allow any matter to be discussed at a meeting if at least 72 hours' signed, written notice

has been given to the secretary by at least 10 members of the Convocation; and

- (d) any motion arising from the discussion be submitted in writing to the president of the Convocation during the meeting for a decision on whether the motion will be tabled or not.

Election by the Convocation

- 59.
- (1) When the Convocation is to elect one or more members of Council, the registrar requests at least six weeks before the date of the election nominations from members of the Convocation by e-mail and in the media considered appropriate by the president of the convocation, or the vice-president if the president fails to do so.
 - (2) All nominations must be in writing and lodged with the registrar at least four weeks before the commencement of voting.
 - (3) Each nomination must be signed by at least five members of the Convocation and must contain a signed, written acceptance of the nomination by the nominee.
 - (4) If the number of persons nominated does not exceed the number to be elected for that office, the registrar must immediately declare the person or persons duly elected.
 - (5) An election is held if the number of persons nominated exceeds the number to be elected for that office.
 - (6) The registrar gives at least 14 days' written notice of an election to members of the electoral college of the Convocation by mail or by e-mail, and sends with the notice a ballot paper listing in alphabetical order the names of candidates and at his or her discretion publishes a

notice in the media, and publishes with the notice a printed ballot paper listing in alphabetical order the names of candidates. The registrar must where possible also use other electronic media in the election process.

- (7) The registrar must provide ballot papers on request.
- (8) No person may vote on more than one ballot paper at any election, and the ballot paper must be designed in such a way that it can be verified that only registered voters participate in the election.
- (9) All ballot papers must be returned to the registrar to reach him or her at least one day prior to the election day.
- (10) The registrar serves as electoral officer at all elections and is assisted by one or more counting officers appointed by the president of the Convocation, or if the president fails to do so, by the vice-president.

Submission of resolutions or recommendations to Council and Senate

- 60. The registrar must submit a copy of all resolutions or recommendations of the Convocation, duly certified by the chairperson and the secretary, to a meeting of Council and of Senate.

CHAPTER 9

HONORARY DEGREES

Proposals for the conferral of honorary degrees

- 61.** The conferral of an honorary degree must be proposed and motivated in writing by at least 10 persons that are members of Council or Senate and must be lodged with the registrar.

Voting on honorary degrees

- 62.** A vote on the conferral of an honorary degree takes place without prior discussion and by secret ballot, and no decision to confer such a degree to a person is adopted by Council or Senate, depending on the case, without the majority of the members of said body present and voting, voting in favour thereof.

Procedure

- 63.** Subject to paragraph 62, Council and Senate must determine their own procedure for the consideration of proposals to confer honorary degrees.

CHAPTER 10

REQUIREMENTS FOR, AND CONFERMENT OF, DEGREES

Recognition of attendance and examination in other faculties

- 64.** Senate may recognise periods of attendance and examinations passed in any subject for exemption from attendance and examinations required in that subject as prescribed for a degree in any faculty in the case of a student who has graduated from any faculty of the University or from another university approved by Senate for this purpose.

Congregations for the conferral of degrees

- 65.** A meeting of the members of the University, to be called a congregation, is held for the purpose of conferring degrees.

Chairperson of the congregation

- 66.** Each congregation meets under the chairpersonship of the chancellor, or in his or her absence, the rector or one of the vice-rectors.

Time and place of congregation

- 67.** (1) A congregation of the University is held at Stellenbosch at least once a year on a date determined by Council.
- (2) A congregation of the University may be held outside of Stellenbosch if the Executive Committee deems it necessary and advisable.

Conferral of degrees

- 68.** (1) No degree, other than an honorary degree, may be conferred on a person unless the registrar certifies that the person has satisfied all the requirements for the degree concerned.
- (2) No person is entitled to any of the privileges associated with a degree until the degree has been conferred on him or her at a congregation.

CHAPTER 11

STUDENT DISCIPLINE

Contraventions and penalties

- 69.** (1) If a student contravenes the Rules prescribed by Council or if his or her conduct in or outside the buildings, or on or off the premises of the University, is detrimental to, or could be detrimental to, the good name of the University, or to the maintenance of order and discipline at the University, or to the proper performance of the work of the University, Council may deprive the student of the rights and privileges he or she enjoys as a student of the University, refuse him or her further admission as a student of the University, whether temporarily or permanently, make his or her further admission dependent upon payment of a pecuniary fine not exceeding a maximum amount such as Council, in consultation with Senate, may from time to time determine, or impose any other penalty allowed under the Rules prescribed by Council, provided that no such disciplinary action be taken against the student until he or she has had the opportunity to advance reasons why disciplinary action should not be taken against him or her.
- (2) Disciplinary measures and procedures are prescribed by Council, in consultation with Senate and the SRC, and are stipulated in the Disciplinary Code for Students of the University of Stellenbosch.
- (3) The student forfeits all claims to repayment, rebate or remission of fees paid or payable to the University if Council deprives a student temporarily or permanently of the rights and privileges he or she enjoys as a student, or refuses him or her further admission as a student, whether temporarily or permanently.

CHAPTER 12

GENERAL

Seat of the University

70. The seat of the University is Stellenbosch, in the Western Cape Province, provided that with the approval of the Minister, the University may conduct its academic activities outside its seat, provided further that if teaching activities in a specific subject field are conducted within the seat of another university, or at a place where the academic activities of another university are conducted in terms of the Act, any other relevant legislation or with the approval of the Minister, such teaching is conducted upon the approval of that other university and the Minister.

Repeal of the previous Statute

71. The Statute applicable to the University promulgated by Government Notice No. 489 of 8 April 2004 is hereby repealed.

Interpretation of this Statute

72. The Afrikaans text of this Statute prevails if there is a conflict between the English and Afrikaans texts.

Amendment of this Statute

73. (1) No motion to amend this Statute may be considered by Council without due notice, unless such motion is either ratified in terms of subparagraph (2) or approved by at least three-quarters of the members present and voting.
- (2) In order to be ratified, a motion must be approved at the subsequent ordinary meeting of Council by a majority of the members present and voting.
- (3) Any motion for the amendment of the Statute must be in accordance with the provisions of section 32(2) of the Act.

Transitional provisions

- 74.** (1) Persons holding an office in terms of the Statute that existed prior to the commencement of this Statute are deemed to hold office under the corresponding provisions of this Statute, unless this is inconsistent with the Act or this Statute.
- (2) Subject to the provision of subparagraph (3), the promulgation of this Statute will not affect the membership of members of Council. Members will be deemed to serve on Council by virtue of the corresponding provisions of paragraph 12(1) of this Statute, provided that members appointed by virtue of paragraph 12(1)(m) and (n) of the statute previously applicable are be deemed to have been appointed under paragraph 12(1)(m) of this Statute.
- (3) As a transitional measure, Council has the competence to take any steps necessary to ensure the implementation of this Statute.
- (4) Rules in force prior to the commencement of this Statute continue to apply until replaced.
- (5) Any action, including a delegation of powers and functions any functionary, committee or body, taken in terms of the Statute that existed prior to the commencement of this Statute is deemed to have been taken in terms of the corresponding provision of this Statute.
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