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DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 1062

16 AUGUST 2019

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

INSTITUTIONAL STATUTE  
STELLENBOSCH UNIVERSITY

I, Dr BE Nzimande, Minister of Higher Education, Science and Technology, in accordance with section 33 (1) of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended), hereby publish an amended Institutional Statute of Stellenbosch University set out in the Schedule hereto.



Dr BE Nzimande, MP

Minister of Higher Education, Science and Technology

Date: 10/07/2019

STATUTE  
  
OF  
  
STELLENBOSCH UNIVERSITY

## INTRODUCTORY NOTE

**[This introductory note explains the context for the Statute, but does not form part of the Statute.]**

1. The Statute is the constitution of Stellenbosch University. The Statute provides the foundational structures and processes within which the values, ideals and principles driving the University are being conducted and pursued. It binds together the various sectors comprising the University, and sets the tone for all decision-making and academic and administrative activity. The Statute describes the composition, powers, and functioning of the various bodies established by the Statute, and the election or appointment, and the powers, of the office bearers created by the Statute. In short, the Statute provides the institutional framework within which the effective governance and administration of the University are conducted.
2. The Statute is subject to the Constitution of the Republic of South Africa, 1996, and may also not be inconsistent with the Higher Education Act, 1997. Within the University, the Statute is its foundational document. All rules, policies or other instruments made by University bodies and functionaries are therefore subject to the Statute.
3. As the constitution of the University, the focus of the Statute is on the institutional architecture of the University, and it does not provide for all the particulars in respect of the governance and administration of the University. Section 32(1)(b) of the Higher Education Act, 1997, supports this approach by providing for the making of institutional rules to give effect to detail aspects of the Statute. Some institutional rules are already in place, but in due course more institutional rules will be made to flesh out the Statute.
4. Consequently, the general approach in the Statute is to confer on the University, or a particular body or functionary, the necessary *authority* to do something. Put differently, it confers the final *responsibility* for a power or duty on a particular body or functionary, but it does not necessarily indicate how that power or duty is to be executed or performed, and even by whom. Throughout,

it is assumed that through delegation powers and duties are often, if not mostly, exercised and performed by other functionaries and bodies than those carrying the final responsibility. In support of this approach, the Statute provides for the general delegation of all powers and duties, unless expressly prohibited by the Statute or the Higher Education Act, 1997. In this sense, the Statute is a flexible and common-sense document which accommodates acceptable and effective decision-making processes and procedures generally found in large entities.

5. As stated clearly in the Preamble and clause 5, the Statute is based on certain fundamental principles. The various governing structures and office bearers function in accordance with the principles of democratic representation and accountable governance. The Statute determines the framework for the exercise of decision-making powers, and ensures that powers and duties are performed lawfully and effectively, in accordance with the democratic spirit and intent of the Statute. The Statute commits the University to open, transparent, responsible and accountable governance and administration and contains various checks and balances to ensure this.
  
6. From a drafting point of view, it is believed that the Statute is a logical and accessible document, drafted in language and style that is simple and easy to understand, and in all essential respects accurate and legal. It is believed that the Statute is a clear, streamlined and effective document ideally suited to serve the University as it embraces the opportunities ahead. The Statute will promote good, ethical, open and accountable leadership, governance and administration, and will bind together the University community in its pursuit of academic and administrative excellence that benefits society as a whole.

## PREAMBLE

WHEREAS STELLENBOSCH UNIVERSITY

- \* is duly established in terms of the Higher Education Act, 1997;
- \* may make an institutional statute in terms of section 32(1)(a) of the Act to give effect to matters not expressly prescribed by the Act;

AND WHEREAS STELLENBOSCH UNIVERSITY

- \* is driven by the values underlying the Constitution, in particular human dignity, equality and freedom;
- \* pursues academic integrity, academic freedom and freedom of scientific research, responsibility, accountability, ethical behaviour, fairness and transparency;
- \* promotes unity in diversity by encouraging tolerance of and respect for different perspectives and belief systems to ensure a suitable environment for teaching and learning, innovation, research and societal engagement;

AND WHEREAS STELLENBOSCH UNIVERSITY

- \* is committed to be an internationally recognised African university, distinguished for engaged scholarship, academic excellence, social responsiveness and an ethic of care among staff and students;
- \* aims to benefit society through excellence in innovative learning and teaching, and pioneering research;
- \* is committed to the development of a comprehensive range of academic, professional, vocational and general programmes addressing societal needs;
- \* is responsive to the well-being of its staff, students and the wider community through optimal engagement, capacity building and sound management practices;

NOW, THEREFORE, THE COUNCIL OF STELLENBOSCH UNIVERSITY MAKES THIS INSTITUTIONAL STATUTE, AS FOLLOWS:

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## CHAPTER 1

### THE INSTITUTION

#### **Name of University**

1. The name of the University is Stellenbosch University in English, "Universiteit Stellenbosch" in Afrikaans and "iYunivesithi yase Stellenbosch" in isiXhosa.

#### **Seat of University**

2. The seat of the University is the town of Stellenbosch. The University may conduct its activities at such other locations as may be determined by the Council, but the Minister must approve the conduct of any of its teaching activities beyond Stellenbosch as contemplated in section 65A(2) of the Act.

#### **Status of University**

3. The University is a juristic person as contemplated in section 20(4) of the Act.

#### **Framework, interpretation and application**

4. This Statute, together with the institutional rules, is the framework for the governance and administration of the University in terms of the Constitution and the Act, and must be interpreted and applied in conformity with the Constitution and the Act.

#### **Principles**

5. The governance and administration of the University in terms of this Statute must comply with the following principles:
  - (a) representivity, inclusivity and participation;
  - (b) a high standard of ethics;
  - (c) outcomes-orientated performance;
  - (d) the efficient, effective and sustainable use of resources;
  - (e) responsiveness to the well-being of the University community and the society which the University serves; and
  - (f) responsibility, transparency and accountability.

## CHAPTER 2

### GOVERNANCE

#### COUNCIL

##### Establishment and composition

6. There is a Council of the University composed of:
- (a) the rector;
  - (b) one of the vice-rectors, who must rotate every calendar year in an order determined by the rector;
  - (c) the chief operating officer;
  - (d) three persons elected from its ranks by the Senate;
  - (e) one person elected from their ranks by the permanent academic staff who are not members of the Senate;
  - (f) one person elected from their ranks by the permanent administrative and support staff;
  - (g) two persons elected from its ranks by the SRC;
  - (h) up to five persons appointed by the Minister;
  - (i) one person designated by the Premier of the Western Cape Province;
  - (j) one person designated by the Municipal Council of Stellenbosch;
  - (k) three persons elected from its ranks by the Convocation;
  - (l) three persons elected by the donors; and
  - (m) two persons appointed by the Council for their expertise.

##### Requirements for members

7. In addition to the requirements in section 27(5B) and (6) of the Act:
- (a) a member of the Council must be a person with knowledge and experience relevant to the objects and governance of the University;

- (b) the applicable bodies and functionaries must strive to ensure that members elected, designated and appointed to the Council are representative having regard to race, gender and disability;
- (c) no person of 70 years or older may be elected, designated or appointed as a member of the Council, but a member who reaches the age of 70 after their election, designation or appointment may serve until that member's term expires;
- (d) no person may serve on the Council in more than one capacity;
- (e) no person referred to in clause 6(h), (i), (j), (k), (l) or (m) may be an employee or student of the University; and
- (f) no member of the Council may be a member of the council of another institution of higher learning or be employed in a permanent executive managerial capacity at the level or equivalent of dean or higher by such an institution.

#### **Terms of office of members**

8. (1) The term of office of a member referred to in clause 6(a) or (c) continues for as long as that person holds office.
- (2) The term of office of a member referred to in clause 6(b) is one year.
- (3) The term of office of a member referred to in clause 6(d), (e) or (f) is two years.
- (4) The term of office of a student member referred to in clause 6(g) is one year, aligned to their SRC term.
- (5) The term of office of all other members is four years.
- (6) The term of office of a member referred to in subclauses (2), (3), (4) or (5) runs from the date on which the member assumes office until the expiry date of the term.
- (7) A person whose term of office has expired may be elected, designated or appointed again, but no person may serve for more than three consecutive terms in the same or any other capacity.

#### **Vacancies**

9. (1) Membership of the Council terminates before the expiry of the relevant term of office if a member:

- (a) resigns in writing to the registrar;
  - (b) vacates their position, in the case of a member referred to in clause 6(a), (b) or (c);
  - (c) ceases to be an employee of the University, in the case of a member referred to in clause 6(d), (e) or (f);
  - (d) ceases to be a registered student of the University, in the case of a member referred to in clause 6(g);
  - (e) ceases to be a member of the body that designated or elected the member, in the case of a member referred to in clause 6(d), (e), (f), (g) or (j);
  - (f) registers as a student of the University or becomes an employee of the University, in the case of a member referred to in clause 6(h), (i), (j), (k), (l) or (m);
  - (g) is absent from three consecutive meetings of the Council without prior apology having been made to the registrar;
  - (h) is found guilty of a contravention of the code of conduct for members in disciplinary proceedings that result in termination of membership;
  - (i) becomes permanently incapable of performing the functions of a member of the Council, as determined by the Council;
  - (j) becomes a member of the council of another institution of higher learning, or is employed in a permanent executive managerial capacity at the level or equivalent of dean or higher by such an institution;
  - (k) is declared insolvent, provisionally or finally, by a court of law; or
  - (l) is found guilty of an offence and sentenced to imprisonment without the option of a fine, but a person is not regarded as being sentenced until an appeal against the conviction or sentence has been determined, or the time for an appeal has expired.
- (2) When the membership of a member expires or is terminated for any reason before the expiry of the term of office, the registrar must in writing inform the Council and the functionary or body that elected, appointed or designated the member.

- (3) Upon receipt of the notice from the registrar the functionary or body must fill the vacancy in accordance with clause 6 and the rules.
- (4) A person who becomes a member of the Council in terms of subclause (3) serves for the applicable full term specified by clause 8, except in the case of a person referred to in clause 6(g) whose term is aligned to the term of the SRC.

### **Powers, responsibilities and functions**

- 10.** (1) The Council governs the University in accordance with the Constitution, the Act, this Statute and the rules.
- (2) The Council has a general oversight responsibility in respect of academic and operational matters.
- (3) The Council:
- (a) may amend this Statute;
  - (b) may make or approve rules and policies for the University;
  - (c) may make or approve institutional strategies and plans for the University;
  - (d) must monitor institutional performance and management;
  - (e) must oversee risk management;
  - (f) may establish, disestablish or reconfigure academic structures, including faculties and departments, on the recommendation of the Senate;
  - (g) may establish, disestablish or reconfigure other entities and structures on the recommendation of the rector and, where they are closely connected with the academic or research functions of the University, the Senate;
  - (h) must appoint the staff of the University, subject to section 34(2) of the Act, and determine the matters concerning the staff mentioned in section 34(3) of the Act;
  - (i) subject to section 40(3) of the Act, may purchase immovable property for the University, enter into a long-term lease of immovable property for the University, and authorise the construction of a permanent building or other immovable infrastructural development;

- (j) subject to section 20(5) of the Act, may alienate immovable property of the University or grant any person any long-term lease of, real right in, or servitude over any such property;
  - (k) subject to section 40(3) of the Act, may enter into a loan or overdraft agreement for the University; and
  - (l) may exercise any other power and perform any other duty conferred on the Council by or in terms of the Act, this Statute and the rules.
- (4) The Council:
- (a) after consultation with the Senate, must determine the admissions policy of the University in accordance with section 37(1), (2) and (3) of the Act and, with the approval of the Senate, may perform the admissions-related functions specified in section 37(4) of the Act;
  - (b) with the concurrence of the Senate, must determine the language policy of the University in accordance with section 27(2) of the Act; and
  - (c) after consultation with the SRC, must provide for and establish a suitable structure to advise on a policy for student support services within the University in accordance with section 27(3) of the Act.
- (5) The Council:
- (a) may appoint committees consisting of Council members, or Council members and other persons with relevant knowledge and experience, to assist in the performance of its functions;
  - (b) must appoint any committees required by the rules or the policies of the University; and
  - (c) may appoint persons with relevant knowledge and experience to enquire into and report to it on any matter relevant to the University.
- (6) Subject to section 68(2) of the Act, subclause (7) and clause 63 of this Statute, the Council may delegate any of its powers or functions to any structure, employee or body of the University, but the Council remains responsible and accountable for the exercise of the powers and the performance of the functions so delegated.
- (7) The Council may not delegate the following powers and functions:
- (a) the amendment of this Statute;
  - (b) the making of institutional rules;

- (c) the approval of institutional strategies and plans for the University, if the making of the strategies or plans has been delegated;
- (d) the appointment of the rector, the vice-rectors and the chief operating officer, and the dismissal of the rector, a vice-rector, the chief operating officer, the registrar and a dean;
- (e) the establishment or disestablishment of faculties;
- (f) the making or amendment of the general terms of appointment or conditions of service of employees;
- (g) the approval of the annual budget and financial statements of the University;
- (h) the determination of student fees; and
- (i) the matters referred to in subclauses (2), (3)(d), (e), (i) and (k), (4) and (5).

#### **Code of conduct and rules and procedures for declaring interests**

- 11.** (1) In accordance with section 27(7E)(a) of the Act, and after consultation with the Institutional Forum, the Council must adopt and, once adopted, may amend a code of conduct for all members of the Council or committees of the Council, all persons attending meetings of the Council or such committees, and all persons exercising powers and functions delegated by the Council.
- (2) The Council must determine and, once determined, may amend rules and procedures in accordance with section 27(7E)(b) of the Act for the annual declaration by all members of the Council or committees of the Council, and by all persons exercising powers and functions delegated by the Council, of their financial or other interests and fiduciary roles, and of the financial or other interests and fiduciary roles of the members of their immediate families.

#### **Chairperson and deputy chairperson**

- 12.** (1) The Council must elect a chairperson and a deputy chairperson from among the members referred to in clause 6(h), (i), (j), (k), (l) and (m).
- (2) A nomination for chairperson or deputy chairperson must be in writing, must be submitted to the registrar before the meeting, must be signed by



- two members of the Council and must be accompanied by a signed declaration by the nominee accepting the nomination.
- (3) For the election of the chairperson or deputy chairperson the procedure is as follows:
- (a) if only one candidate is nominated, the chairperson of the meeting must declare that person elected;
  - (b) if more than one candidate is nominated, a secret ballot is taken and the chairperson of the meeting must declare the candidate elected who receives a majority of the votes of members present and voting, each member having one vote; and
  - (c) if no candidate receives a majority, the candidate with the lowest number of votes is eliminated, and a further vote taken on the remaining candidates. This procedure must be repeated until a candidate receives a majority. If two candidates remain and after two votes there is still an equality of votes, the chairperson of the meeting must exercise a casting vote.
- (4) Subject to the termination of their membership of the Council through the expiry of their terms of office as members or otherwise, the chairperson and deputy chairperson hold their offices for four years, and may be re-elected, but may not hold their offices for more than three consecutive terms.
- (5) When the office of chairperson or deputy chairperson becomes vacant for any reason, the registrar must notify each member of the Council in writing, and the Council must elect a chairperson or deputy chairperson at its next ordinary meeting.
- (6) The chairperson and deputy chairperson exercise the powers and perform the functions set out in this Statute and the rules, or delegated to them by the Council.

## Meetings

13. (1) The Council must hold at least two ordinary meetings in each semester.
- (2) The chairperson:
- (a) may call an extraordinary meeting at any time; and

- (b) must call an extraordinary meeting at the written request of six or more members of the Council.
- (3) The purpose of an extraordinary meeting must be stated clearly in the notice of the meeting and no other business may be conducted at the meeting.
- (4) The registrar must give reasonable notice of every meeting to the members of the Council.
- (5) The chairperson or, in the absence of the chairperson, the deputy chairperson, presides at a meeting of the Council. If both are absent, the secretary must request the members present to elect from among the members referred to in clause 6(h), (i), (j), (k), (l) and (m) a chairperson for that meeting by a show of hands.
- (6) The quorum for a meeting of the Council is one half plus one of the members.
- (7) If for any reason there is no quorum within half an hour after the scheduled time for the meeting, the chairperson for that meeting must postpone it to a time, or a time and date, not more than 14 days later, at which meeting the members present form a quorum.
- (8) The Council must take a decision by a majority of votes of members present, each member having one vote. In the event of an equality of votes, the chairperson may exercise a casting vote, except in an election, where the procedure in clause 12(3) applies, until a candidate, or the prescribed number of candidates, receive a majority of votes.
- (9) The Council must determine the procedures for its meetings and the meetings of its committees in accordance with the rules.
- (10) The chairperson may invite any person to attend a meeting of the Council, but such a person may not vote on any matter.

### **Election of Council members to Senate**

- 14. The Council must elect to the Senate in accordance with the rules two members from its ranks who are not employees or students of the University.

### **Executive committee of Council**

- 15. (1) There is an executive committee of the Council composed of:

- (a) the chairperson of the Council, who is the chairperson of the executive committee;
  - (b) the deputy chairperson of the Council, who is the deputy chairperson of the executive committee;
  - (c) the rector, who may designate a vice-rector or the chief operating officer to attend a particular meeting in his or her stead; and
  - (d) three other members of the Council, of whom two may not be employees or students of the University, elected by the Council in accordance with the rules.
- (2) The executive committee must determine the procedures for its meetings in accordance with the rules.
- (3) The quorum for a meeting of the executive committee is three members, of whom at least two may not be employees or students of the University.
- (4) The executive committee may:
- (a) advise the Council on any matter referred to in clause 10, including a report of a committee of the Council, except the Honorary Degrees Committee;
  - (b) deal with any urgent matter on behalf of the Council, but must report to the Council at its next meeting, and the Council, if practicable, may revoke or amend any decision on an urgent matter taken by the executive committee and take any further action in connection with such an urgent matter it considers appropriate; and
  - (c) deal with any other matter delegated to it by the Council.

## **SENATE**

### **Establishment and composition**

- 16.** (1) There is a Senate composed of:
- (a) the rector;
  - (b) the vice-rectors;
  - (c) the chief operating officer;

- (d) two persons elected from its ranks by the Council who are not employees or students of the University;
  - (e) the dean and any deputy-deans of each faculty;
  - (f) the professors of the University;
  - (g) five persons elected from their ranks by the associate professors;
  - (h) five persons elected from their ranks by the academic staff who are not professors or associate professors;
  - (i) any other person who is the head of an academic department;
  - (j) three persons elected from their ranks by the permanent administrative and support staff;
  - (k) four persons elected from its ranks by the SRC;
  - (l) one person elected from its ranks by the Academic Affairs Council;  
and
  - (m) any additional academic or other staff members whom the Senate may appoint for their expertise.
- (2) The applicable bodies and functionaries must strive to ensure that members elected and appointed to the Senate are representative with regard to race, gender and disability.

### **Terms of office of members**

17. (1) The term of office of a member referred to in clause 16(1)(a), (b), (c), (e), (f) or (i) continues for as long as that person holds office.
- (2) The term of office of a member referred to in clause 16(1)(d), (g), (h) or (j) is four years.
- (3) The term of office of a member referred to in clause 16(1)(k) or (l) continues for as long as that person holds office in the relevant student body.
- (4) The term of office of a member referred to in clause 16(1)(m) is determined by the Senate at the time of their appointment.
- (5) The term of office of a member referred to in subclauses (2), (3) or (4) runs from the date on which the member assumes office until the expiry date of the term.

- (6) A person referred to in subclauses (2), (3) or (4) whose term of office has expired may be elected or appointed again, but no person may serve for more than three consecutive terms.

### **Vacancies**

- 18.** (1) Membership of the Senate terminates before the expiry of the relevant term of office if a member:
- (a) resigns in writing to the registrar;
  - (b) vacates their post, in the case of a member referred to in clause 16(1)(a), (b), (c), (e), (f) or (i);
  - (c) ceases to be an employee of the University, in the case of a member referred to in clause 16(1)(g), (h), (i), (j) or (m);
  - (d) ceases to be a student of the University, in the case of a member referred to in clause 16(k) or (l);
  - (e) ceases to be a member of the body or category of persons that elected the member, in the case of a member referred to in clause 16(1)(d), (g), (h), (j), (k) or (l);
  - (f) is absent from three consecutive meetings of the Senate without prior apology having been made to the registrar;
  - (g) is found guilty of contravening the code of conduct contemplated in clause 11(1) or a code of conduct in the rules, or in disciplinary proceedings at the University, and the Senate determines that continued membership of the Senate is inappropriate;
  - (h) becomes permanently incapable of performing the functions of a member of the Senate, as determined by the Senate;
  - (i) is declared insolvent, provisionally or finally, by a court of law; or
  - (j) is found guilty of an offence and sentenced to imprisonment without the option of a fine, but a person is not regarded as being sentenced until an appeal against the conviction or sentence has been determined, or the time for an appeal has expired.
- (2) When the membership of a member expires or is terminated for any reason before the expiry of the term of office, the registrar must give

notice in writing to the Senate and if applicable to the body which elected the member.

- (3) Upon receipt of the notice from the registrar, the body must fill the vacancy in accordance with clause 16 and the rules.
- (4) A person who becomes a member of the Senate in terms of subclause (3) serves for the applicable full term specified by clause 17, except in the case of a person referred to in clause 16(k) or (l) whose term is aligned to the term of the applicable student body.

### **Powers and functions**

19. (1) The Senate is responsible, and accountable to the Council, for the academic and research functions of the University.
- (2) The Senate regulates learning, teaching, research and academic support functions at the University, and makes recommendations to the Council in respect of policies concerning academic matters.
- (3) The Senate exercises the powers and performs the duties and functions conferred on it by or in terms of the Act, this Statute and the rules, including any powers, duties and functions delegated to it by the Council, and in particular:
  - (a) must advise the Council on the admissions policy of the University in accordance with section 37(1) and (3) of the Act;
  - (b) must approve any admissions-related functions specified in section 37(4) of the Act, the Council wishes to perform;
  - (c) must concur with the language policy of the University in accordance with section 27(2) of the Act;
  - (d) must determine, with the approval of the Council, the conditions for the obtaining of qualifications, decide which persons have satisfied the conditions, and submit the names to the Council;
  - (e) must make rules for examinations, and control and supervise examinations;
  - (f) must make rules for academic programmes, after consultation with the applicable faculty boards;

- (g) may make recommendations to the Council on the establishment, disestablishment or reconfiguration of academic structures, including faculties and departments, and of other entities and structures that are closely connected with the academic and research functions of the University;
- (h) must approve the composition of faculty boards in accordance with clause 23(2);
- (i) must make recommendations to the Council on the appointment of the deans of the faculties;
- (j) may appoint committees consisting of Senate members, or Senate members and other persons with relevant knowledge and experience, to assist the Senate in the performance of its functions;
- (k) must appoint any committees required by the rules or the policies of the University; and
- (l) subject to clause 63 of this Statute, may delegate any of its powers or functions to a committee, structure or employee of the University, but the Senate remains responsible and accountable for the exercise of the power and the performance of the function so delegated.

### **Chairperson and meetings**

- 20.** (1) The rector is the chairperson of the Senate.
- (2) If the rector is absent, a vice-rector nominated by the rector presides at that meeting, and if the vice-rectors are absent, the secretary must request the members present to elect a chairperson for that meeting from their ranks by a show of hands.
- (3) The Senate must hold at least two ordinary meetings in each semester.
- (4) The chairperson:
- (a) may call an extraordinary meeting at any time, and
  - (b) must do so at the written request of one quarter or more of the members of the Senate.
- (5) The purpose of an extraordinary meeting must be stated clearly and no other business may be conducted at the meeting.
- (6) The registrar must give reasonable notice of every meeting to the members of the Senate.

- (7) The quorum for a meeting of the Senate is one third of the members.
- (8) If for any reason there is no quorum within half an hour after the scheduled time for the meeting, the chairperson for that meeting must postpone it to a time, or a time and date not more than five working days later, at which meeting the members present form a quorum.
- (9) The Senate must take a decision by a majority of votes of members present and voting, each member having one vote. In the event of an equality of votes, the chairperson may exercise a casting vote, except in an election, where the procedure in clause 12(3) applies, until a candidate, or the prescribed number of candidates, receive a majority of votes.
- (10) The Senate must determine the procedures for its meetings and the meetings of its committees in accordance with the rules.
- (11) The chairperson may invite any person to attend a meeting of the Senate, but such a person may not vote on any matter.

### **Election of Senate members to Council**

21. The Senate must elect three members from its ranks to the Council in accordance with the rules.

### **Executive committee of Senate**

22. (1) There is an executive committee of the Senate composed of:
  - (a) the rector, who is the chairperson of the executive committee;
  - (b) the vice-rectors;
  - (c) the chief operating officer; and
  - (d) the deans of the faculties.
- (2) The executive committee must determine the procedures for its meetings in accordance with the rules.
- (3) The quorum for a meeting of the executive committee is one half plus one of its members, of which at least three must be members of the rector's management team.
- (4) The executive committee may:
  - (a) advise the Senate on any matter referred to in clause 19;



- (b) make recommendations to the Senate on the reports of Senate committees;
- (c) deal with any urgent matter on behalf of the Senate, but must report to the Senate at its next meeting, and the Senate, if practicable, may revoke or amend any decision on an urgent matter taken by the executive committee and take any further action in connection with such an urgent matter it considers appropriate; and
- (d) deal with any other matter delegated to it by the Senate.

## **FACULTY BOARDS**

### **Establishment and composition**

- 23.** (1) The Senate must establish for each faculty a standing committee of the Senate known as a faculty board.
- (2) A faculty board may determine its own composition, subject to approval by the Senate in terms of clause 19(3)(h), but a faculty board:
- (a) may only include permanent or full-time staff members and students;
  - (b) must include all permanent academic staff members (i.e. professors, associate professors, senior lecturers, lecturers and junior lecturers), subject to subclause (3);
  - (c) must provide for representation of administrative and support staff and students; and
  - (d) must be representative of the faculty having regard to race, gender and disability.
- (3) If compelling practical considerations make it difficult to include all permanent academic staff members as contemplated in subclause (2)(b), a faculty board may provide for any of the categories mentioned to be represented by members elected from their ranks.

## **Powers and functions**

- 24.** A faculty board:
- (a) is accountable, and must make recommendations, to the Senate in respect of academic programmes and activities in the faculty;
  - (b) must make proposals to the Senate for the making of rules applicable to the faculty;
  - (c) must inform the Senate whether doctoral candidates have satisfied the prescribed conditions and requirements;
  - (d) must advise the Senate on any matter, and perform any function, that the Senate refers to the faculty board;
  - (e) must exercise any power or perform any function delegated to it by the Senate; and
  - (f) may advise the dean or the Senate on any matter concerning the faculty.

## **Meetings**

- 25.** (1) A meeting of a faculty board must be held before every ordinary meeting of the Senate.
- (2) The dean:
- (a) may call an extraordinary meeting at any time, and
  - (b) must do so at the written request of one quarter or more of the members of the faculty board.
- (3) The purpose of an extraordinary meeting must be stated clearly and no other business may be conducted at the meeting.
- (4) The dean presides at a meeting of the faculty board.
- (5) If the dean is absent, the deputy dean, or if there are more than one deputy dean, one of them nominated by the dean, presides at the meeting.
- (6) If the dean and the deputy dean or all deputy deans are absent, the secretary must request the members present to elect a chairperson for that meeting from their ranks by a show of hands.
- (7) The quorum for a meeting of a faculty board is one third of the members.
- (8) If for any reason there is no quorum within half an hour after the scheduled time for the meeting, the chairperson for that meeting must

postpone it to a time, or a time and date not more than five working days later, at which meeting the members present form a quorum.

- (9) A faculty board must take a decision by a majority of votes of members present and voting, each member having one vote. In the event of an equality of votes, the chairperson may exercise a casting vote, except in an election, where the procedure in clause 12(3) applies, until a candidate, or the prescribed number of candidates, receive a majority of votes.
- (10) A faculty board must determine the procedures for its meetings in accordance with the rules.
- (11) The chairperson may invite any person to attend a meeting of the faculty board, but such a person may not vote on any matter.

## **STUDENT REPRESENTATIVE COUNCIL**

### **Establishment and composition**

26. (1) There is a Student Representative Council (SRC) that represents the interests of the student community and functions in terms of institutional rules for that community called the Student Constitution.
- (2) The Student Constitution must be approved by the Council, and must prescribe, subject to this Statute, the membership, composition and manner of election of the SRC, the powers, duties, functions and privileges of the SRC, as well as the procedures for the election of the office bearers of the SRC and the amendment of the Student Constitution.
- (3) An election for members of the SRC must be held each year, and a member serves from the establishment of an SRC until the establishment of the next SRC, but may be elected for more than one term as determined by the Student Constitution.
- (4) If the election of members of the SRC is not concluded at the appointed time, or the SRC is not established properly after an election, membership of the SRC expires when an interim SRC is established or another appropriate arrangement is made in terms of clause 28.

- (5) The rector may dissolve the SRC if the rector determines that the SRC is dysfunctional, but:
- (a) before doing so the rector must give the SRC a reasonable opportunity to make written representations on why it should not be dissolved; and
  - (b) if after considering those representations the rector decides to dissolve the SRC, the rector must do so in writing, stating the reasons for the decision.

### **Powers and functions**

#### **27. The SRC:**

- (a) elects persons to serve in the Council in terms of clause 6(g), the Senate in terms of clause 16(1)(k), the Institutional Forum in terms of clause 29(2)(c)(i), and any other university structure or forum where representation of the SRC is required in terms of the rules;
- (b) represents the student community in national and international student bodies;
- (c) exercises the powers and performs the duties and functions conferred on it by the Student Constitution; and
- (d) adheres to, and oversees compliance with, the Student Constitution.

### **Continuation of functions**

#### **28. (1) An interim SRC must be appointed by the rector to exercise the powers and perform the functions of the SRC if:**

- (a) no election for members of the SRC takes place at the appointed time;
  - (b) there is an election but it does not comply with the Student Constitution;
  - (c) the SRC is not established properly after an election;
  - (d) the SRC resigns; or
  - (e) the SRC is dissolved in terms of clause 26(5).
- (2) The interim SRC must be replaced by a duly elected SRC as soon as practically possible.

## INSTITUTIONAL FORUM

### Establishment and composition

29. (1) There is an Institutional Forum of 23 members, comprised of representatives from each of the following sectors – governance and management, staff, students, and the community.
- (2) The sectors of the membership of the Institutional Forum are composed as follows:
- (a) *Governance and management sector:*
    - (i) one person elected from its ranks by the Council;
    - (ii) two persons elected from its ranks by the Senate;
    - (iii) the registrar or a person designated by the registrar;
    - (iv) the senior director responsible for community relations or a person designated by the senior director; and
    - (v) the director responsible for employment equity or a person designated by the director.
  - (b) *Staff sector:*
    - (i) two persons elected from their ranks by the permanent non-professorial academic staff;
    - (ii) two persons elected from their ranks by the professional and administrative support staff;
    - (iii) one person elected from their ranks by the technical support staff; and
    - (iv) one person elected from their ranks by the service staff on post levels 14 to 19, excluding professional and administrative support staff, and technical support staff.
  - (c) *Student sector:*
    - (i) two persons elected from its ranks by the SRC;
    - (ii) one person elected from its ranks by the Tygerberg SRC;
    - (iii) one person elected from its ranks by the Prim Committee;
    - (iv) one person elected from its ranks by the Societies Council; and

- (v) one person elected from its ranks by the Academic Affairs Council.
- (d) *Community sector*:
  - (i) one person, who may not be an employee or student of the University, elected from its ranks by the Convocation; and
  - (ii) four persons, who may not be staff members of the University, each designated by a body representative of civil society, as identified by the Institutional Forum on the recommendation of the senior director responsible for community relations.

### **Terms of office**

- 30.** (1) The term of office of a member, except a member elected by a student body, is three years, and no member may serve for more than two consecutive terms.
- (2) Not all members may be elected or designated in the same year, except if all the members vacate their offices at the same time.
- (3) The term of office of a member elected by a student body is one year aligned to the term of the applicable student body.

### **Powers and functions**

- 31.** (1) The Institutional Forum must:
- (a) advise the Council on:
    - (i) the implementation of the Act and the national policy on higher education;
    - (ii) race and gender equity policies;
    - (iii) the selection of candidates for senior management positions;
    - (iv) codes of conduct, mediation and dispute resolution procedures;
    - (v) the fostering of an institutional culture which promotes tolerance and respect for human rights and creates an appropriate environment for learning, teaching and research; and
    - (vi) any other matter determined by the Council; and
  - (b) perform any other function determined by the Council.

- (2) The Council may take a decision on any matter referred to in subclause (1)(a) only after considering the advice given by the Institutional Forum, and must provide written reasons if the advice is not accepted.

### **Chairpersons and meetings**

32. (1) Every three years, the Institutional Forum, at a meeting, must elect from its ranks a chairperson and deputy chairperson, but they may not serve for more than two consecutive terms.
- (2) For purposes of the election, the outgoing chairperson or, if the outgoing chairperson is not present, the outgoing deputy chairperson or another member of the Institutional Forum elected by the members present by a show of hands, acts as chairperson of the meeting until the chairperson is elected.
- (3) A nomination for chairperson or deputy chairperson must be in writing, must be submitted to the registrar before the meeting, must be signed by two members of the Institutional Forum and must be accompanied by a signed declaration by the nominee accepting the nomination.
- (4) At the election for the chairperson or deputy chairperson, the procedure in clause 12(3) applies, until a candidate receives a majority of votes.
- (5) The same procedure is followed for the election of the deputy chairperson, except that the functions of the chairperson at the meeting are performed by the newly-elected chairperson.
- (6) The Institutional Forum must meet on the dates determined in the University calendar.
- (7) The chairperson:
  - (a) may call an extraordinary meeting at any time, and
  - (b) must do so on the written request of one quarter or more of the members of the Institutional Forum.
- (8) The purpose of an extraordinary meeting must be stated clearly and no other business may be conducted at the meeting.
- (9) If both the chairperson and the deputy chairperson are absent from a meeting, the secretary must call on the members present to elect a chairperson for that meeting from their ranks by a show of hands.
- (10) The quorum for a meeting is one half plus one of the members.

- (11) If for any reason there is no quorum within half an hour after the time the meeting was scheduled to start, the chairperson for that meeting must postpone it to a time, or a time and date not more than five days later, at which meeting the members present form a quorum.
- (12) The Institutional Forum must take a decision by a majority of votes of members present and voting, each member having one vote. In the event of an equality of votes, the chairperson may exercise a casting vote, except in an election where the procedure in clause 12(3) applies, until a candidate, or the prescribed number of candidates, receive a majority of votes.
- (13) The Institutional Forum must determine the procedures for its meetings in accordance with the rules.
- (14) The chairperson may invite any person to attend a meeting of the Institutional Forum, but such a person may not vote on any matter.

### **Executive committee of Institutional Forum**

- 33.** (1) The executive committee of the Institutional Forum is composed of:
- (a) the chairperson and deputy chairperson; and
  - (b) one person elected every three years by each sector referred to in clause 29(2) in accordance with the rules, except in the case of the student sector where a person must be elected every year.
- (2) The executive committee must determine the procedures for its meetings in accordance with the rules.
- (3) The quorum for a meeting of the executive committee is one half plus one of the members.
- (4) The executive committee may:
- (a) advise the Institutional Forum on any matter referred to in clause 31(1);
  - (b) deal with any urgent matter on behalf of the Institutional Forum, but must report to the Forum at its next meeting, and the Forum, if practicable, may revoke or amend any decision on an urgent matter taken by the executive committee and take any further action in connection with such an urgent matter it considers appropriate; and
  - (c) deal with any other matter delegated to it by the Institutional Forum.



## **RECTOR'S MANAGEMENT TEAM**

### **Composition and duties**

- 34.** (1) The rector's management team must assist the rector in the management and administration of the University, and is composed of:
- (a) the rector;
  - (b) the vice-rectors;
  - (c) the chief operating officer;
  - (d) the registrar; and
  - (e) any persons nominated by the rector.
- (2) The rector's management team must designate the members of the general management committee referred to in clause 35(d), and may appoint other committees to support the rector's management team in the performance of its functions.

## **GENERAL MANAGEMENT COMMITTEE**

### **Composition and duties**

- 35.** The general management committee advises the rector's management team on matters affecting the management and administration of the University, and is composed of:
- (a) the rector's management team;
  - (b) the deans;
  - (c) the chief directors and senior directors; and
  - (d) any other persons designated by the rector's management team.

## CHAPTER 3

### OFFICE BEARERS

#### CHANCELLOR

##### Status

36. The chancellor is the titular head of the University.

##### Requirements

37. The chancellor:

- (a) must be capable and suitably qualified and experienced for the office; and
- (b) may not be an employee or student of the University, a member of the council of another institution of higher learning or be employed in a permanent executive managerial capacity at the level or equivalent of dean or higher by such an institution.

##### Election

38. (1) The chancellor is elected by an electoral college composed of the members of the Council and the members of the executive committee of the Senate.
- (2) The registrar must give reasonable notice in the media and elsewhere when a chancellor must be elected, specifying the date of the election, and calling on members of the Convocation for nominations of suitable candidates by a closing date.
- (3) A nomination must be in writing, submitted to the registrar at least three weeks before the election, and must be signed by at least 20 members of the Convocation and accompanied by a signed declaration by the nominee accepting the nomination.
- (4) The electoral college considers the nominations at a meeting chaired by the chairperson of the Council or, in the absence of the chairperson, the deputy chairperson. If both are absent, the remaining members of the

electoral college must elect a chairperson from their ranks by a show of hands.

- (5) The quorum for a meeting of the electoral college is half of its members plus one.
- (6) If more than one candidate is nominated, the procedure in clause 12(3) applies, until a candidate receives a majority of votes.
- (7) If only one candidate is nominated, a secret ballot is taken and the candidate must receive a majority of the votes of members present and voting, each member having one vote. If the candidate does not receive a majority of the votes, a new election must be called in accordance with this clause.

### **Term of office**

- 39.** (1) The term of office of the chancellor is five years, and the chancellor may be elected again for one more consecutive term only.
- (2) The term of office of the chancellor begins on assuming office and ends upon a vacancy occurring or when the person next elected chancellor assumes office.
- (3) The Council may dismiss the chancellor from office by a two-thirds majority vote of all the members of the Council on the grounds of a serious violation of the law, serious misconduct or incapacity.
- (4) A vacancy in the office of chancellor must be filled in accordance with clause 38, the person being elected for a full term.

## **RECTOR AND VICE-CHANCELLOR**

### **Duties and accountability**

- 40.** (1) The rector is the principal of the University as contemplated in section 30 of the Act, and is also the vice-chancellor of the University.
- (2) The rector is the chief executive and accounting officer of the University, is responsible for the management and administration of the University and is accountable to the Council.

### **Appointment**

- 41.** (1) The Council must appoint the rector, after consultation with the Senate and the Institutional Forum and in accordance with the procedures prescribed in the rules, and must determine the duties, functions, privileges and conditions of service of the rector.
- (2) The rector must be capable and suitably qualified and experienced for the office.

### **Term of office**

- 42.** (1) The rector may hold office for a period, determined by the Council, of not more than five years, and may be reappointed for one more consecutive term without having to apply again for the position, after which the person may apply again for the position.
- (2) The office of rector becomes vacant if the rector resigns in writing to the registrar or any of the circumstances described in clauses 18(1)(f), (g), (h), (i) or (j) becomes applicable to the Rector.
- (3) The Council may dismiss the rector from office by a two thirds majority vote of all the members of the Council on the grounds of a serious violation of the law, serious misconduct, or incapacity due to poor work performance or ill health or injury.
- (4) A vacancy in the office of rector must be filled in accordance with clause 41.
- (5) When the office of rector is vacant or the rector is temporarily incapable of performing the duties of rector, the Council designates a vice-rector or the chief operating officer to act as rector.

## **VICE-RECTORS AND DEPUTY VICE-CHANCELLORS**

### **Appointment, duties and terms of office**

- 43.** (1) The Council must appoint one or more vice-rectors, who are the vice-principals as contemplated in sections 27(4)(b) and 28(2)(b) of the Act,

after consultation with the Senate and the Institutional Forum and in accordance with the procedures prescribed in the rules, and must determine the duties, functions, privileges and conditions of service of a vice-rector.

- (2) A vice-rector is also a deputy vice-chancellor of the University.
- (3) A vice-rector may hold office for a period, determined by the Council, of not more than five years, and may be reappointed for one more consecutive term without having to apply again for the position, after which the person may apply again for the position.
- (4) A vice-rector reports to the rector and is accountable to the Council.
- (5) The office of a vice-rector becomes vacant if the vice-rector resigns in writing to the registrar or any of the circumstances described in clauses 18(1)(f), (g), (h), (i) or (j) becomes applicable to that vice-rector.
- (6) The Council may dismiss a vice-rector from office by a two thirds majority vote of all the members of the Council on the grounds of a serious violation of the law, serious misconduct, or incapacity due to poor work performance or ill health or injury.
- (7) A vacancy in the office of vice-rector must be filled in accordance with subclause (1).
- (8) When the office of a vice-rector is vacant or a vice-rector is temporarily incapable of performing the duties of vice-rector, a person designated by the rector acts as vice-rector.

## **CHIEF OPERATING OFFICER**

### **Appointment, duties and term of office**

44. (1) The Council must appoint a chief operating officer after consultation with the Senate and the Institutional Forum and in accordance with the procedures prescribed in the rules, and must determine the duties, functions, privileges and conditions of service of the chief operating officer.

- (2) The chief operating officer may hold office for a period, determined by the Council, of not more than five years, and upon the expiry of that period or any successive period may be reappointed for a further period of not more than five years.
- (3) The chief operating officer reports to the rector and is accountable to Council.
- (4) The office of chief operating officer becomes vacant if the chief operating officer resigns in writing to the registrar or any of the circumstances described in clauses 18(1)(f), (g), (h), (i) or (j) becomes applicable to the COO.
- (5) The Council may dismiss the chief operating officer from office by a two thirds majority vote of all the members of the Council on the grounds of a serious violation of the law, serious misconduct, or incapacity due to poor work performance or ill health or injury.
- (6) A vacancy in the office of chief operating officer must be filled in accordance with subclause (1).
- (7) When the office of chief operating officer is vacant or the chief operating officer is temporarily incapable of performing the duties of chief operating officer, a person designated by the rector acts as chief operating officer.

## **REGISTRAR**

### **Appointment, duties and term of office**

- 45.** (1) The registrar is responsible for the academic administration of the University.
- (2) The registrar
- (a) is the secretary to the Council and the Senate and to the executive committees of the Council and the Senate;
  - (b) provides secretarial services to the Institutional Forum, the rector's management team, the general management committee and other institutional bodies as determined by the Council;

- (c) supports the good governance and administration of the University;  
and
  - (d) ensures compliance with the Act and other applicable legislation, this Statute, and relevant policies and rules of the University.
- (3) The registrar may participate in the discussions of the Council, the Senate, the Institutional Forum, the rector's management team and the general management committee but may vote only in the Institutional Forum, the rector's management team and the general management committee.
- (4) The Council must appoint a registrar in accordance with the rules, must determine the duties, functions, privileges and conditions of service of the registrar, and must determine the term of office of the registrar, which may not be more than five years. The registrar may be reappointed upon the expiry of that period or any successive period for a further period of not more than five years.
- (5) The registrar is accountable to the rector, and with regard to the duties and functions performed in respect of a particular body, to that body.
- (6) The office of registrar becomes vacant if the registrar resigns in writing to the rector or any of the circumstances described in clauses 18(1)(g), (h), (i) or (j) becomes applicable to the registrar.
- (7) The Council may dismiss the registrar from office by a two thirds majority vote of all the members of the Council on the grounds of a serious violation of the law, serious misconduct, or incapacity due to poor work performance or ill health or injury.
- (8) When the office of registrar is vacant or the registrar is temporarily incapable of performing the duties of registrar, a person designated by the rector acts as registrar.

## DEANS

### Appointment, duties and terms of office

46. (1) The Council must appoint a dean for every faculty after consultation with the faculty board concerned, the Senate and the Institutional Forum, and in accordance with the rules, and must determine the functions, privileges and conditions of service of a dean.
- (2) A dean may hold office for a period, determined by the Council, of not more than five years, and may be reappointed for one more consecutive term without having to apply again for the position, after which the person may apply again for the position.
- (3) A dean is accountable to the rector or a vice-rector designated by the rector.
- (4) The office of a dean becomes vacant if the dean resigns in writing to the registrar or any of the circumstances described in clauses 18(1)(f), (g), (h), (i) or (j) becomes applicable to that dean.
- (5) The Council may dismiss a dean from office by a two thirds majority vote of all the members of the Council on the grounds of a serious violation of the law, serious misconduct, or incapacity due to poor work performance or ill health or injury.
- (6) A vacancy in the office of dean must be filled in accordance with subclause (1).
- (7) When the office of a dean is vacant or a dean is temporarily incapable of performing the duties of dean, a person designated by the rector acts as dean.
- (8) Each faculty board may elect a deputy-dean or deputy-deans, in accordance with the rules, and determine their duties and functions.



## CHAPTER 4

### THE CONVOCATION

#### Composition of Convocation

47. (1) The Convocation of the University is composed of:
- (a) all persons on whom a qualification has been conferred at a congregation of the University;
  - (b) the rector, the vice-rectors, chief operating officer and the full-time academic staff of the University; and
  - (c) former full-time academic staff of the University who have left the service of the University on account of their having reached retirement age.
- (2) The registrar must keep the list of members of the Convocation referred to in subclause (1). A member must notify the registrar of a change of address.
- (3) The members' list is conclusive evidence of membership of the Convocation, and only a person whose name appears on the members' list may vote.
- (4) A member of the Convocation may resign in writing to the registrar.
- (5) A person who has resigned may apply in writing to the registrar to be re-admitted as a member, and the registrar must refer the matter to the executive committee of the Convocation for a decision.

#### Objective and functions

48. (1) The objective of the Convocation is to promote the welfare of the University by maintaining a mutually beneficial relationship between the University and the members of the Convocation, and may advise the Council, and the Senate when applicable, in this respect.
- (2) The Convocation must:
- (a) elect members from its ranks to the Council and the Institutional Forum in accordance with clauses 6(k) and 29(2)(d)(i); and

- (b) nominate persons for election as chancellor of the University in accordance with clause 38(2) and (3).

### **Participation in meetings and elections**

- 49.** (1) For the purposes of a meeting of the Convocation and the election by the Convocation of members to the Council in terms of clause 6(k), members to the Institutional Forum in terms of clause 29(2)(d)(i), or members of the executive committee of the Convocation in terms of clause 51(1), the registrar must –
- (a) provide for the participation of members of the Convocation through electronic means; and
  - (b) take reasonable steps, within available resources, to facilitate the highest possible level of participation by members.
- (2) The registrar must organise and oversee an election referred to in subclause (1) in accordance with the institutional rules.

### **Meetings**

- 50.** (1) Subject to clause 49, meetings of the Convocation take place in accordance with this clause.
- (2) The president or, in the absence of the president, the vice-president, must call an annual meeting of the Convocation.
  - (3) The president must call an extraordinary meeting at the written request of 100 or more members of the Convocation.
  - (4) The purpose of an extraordinary meeting must be stated clearly and no other business may be conducted at the meeting.
  - (5) The secretary must give reasonable notice of a meeting, and the notice must include the agenda, in accordance with the procedures determined by the rules.
  - (6) The president or, in the absence of the president, the deputy president, presides at a meeting of the Convocation. If both are absent, the secretary must request the members present to elect a chairperson for that meeting from their ranks.
  - (7) The quorum for a meeting of the Convocation is 250 members.

- (8) If for any reason there is no quorum within half an hour after the scheduled time for the meeting, the chairperson for that meeting must postpone it to a time and date not more than 14 days later, at which meeting the members present form a quorum.
- (9) The Convocation must take a decision by a majority of votes of members present or participating, each member having one vote. In the event of an equality of votes, the chairperson may exercise a casting vote.
- (10) The Convocation must determine the procedures for its meetings in accordance with the rules.
- (11) The secretary must submit the record of a meeting to the registrar.
- (12) The registrar must submit advice received from the Convocation in terms of clause 48(1) to the Council, and the Senate when applicable.

#### **Executive committee of Convocation**

- 51.** (1) The Convocation must elect from its ranks a president, a vice-president, a secretary, and two other members, who form the executive committee of the Convocation.
- (2) A member of the executive committee holds office for three years and may be re-elected, but may not hold their offices for more than three consecutive terms.
  - (3) A member of the executive committee vacates their office before the expiry of their term of office if the member:
    - (a) resigns in writing to the registrar;
    - (b) is absent from three consecutive meetings of the executive committee without prior apology having been made to the registrar;
    - (c) becomes permanently incapable of performing the functions of a member of the executive committee, as determined by the other members of the executive committee;
    - (d) is declared insolvent, provisionally or finally, by a court of law; or
    - (e) is found guilty of an offence and sentenced to imprisonment without the option of a fine, but a person is not regarded as being sentenced until an appeal against the conviction or sentence has been determined, or the time for an appeal has expired.

- (4) When a vacancy occurs in the office of the president, the vice-president acts as president until a president is elected.
- (5) A person elected to fill a vacancy in the executive committee holds office until the expiry of the three-year term of the other members of the executive committee, and may be elected again, but may not hold the office for more than three consecutive terms.
- (6) The executive committee assists the Convocation in the achievement of its objective and the performance of its functions referred to in clause 48 and gives effect to decisions of the Convocation, and must report to the Convocation at its next meeting.

## **CHAPTER 5**

### **DONORS**

#### **Recognition**

- 52.** (1) The Council may recognise a person or institution as a member of the electoral college of donors for a period determined by the Council when the person or institution makes a donation to the University equal to an amount periodically determined in the rules.
- (2) The registrar must keep a list of the names and addresses of donors, and of the name of the person who will vote on behalf of an institution recognised under subclause (1).

#### **Election by donors**

- 53.** The electoral college of donors must elect members to the Council in accordance with clause 6(l) and the procedures determined in the rules.

## CHAPTER 6

### EMPLOYEES

#### Appointment and conditions of service

54. (1) The Council must appoint academic, administrative support and technical employees in accordance with the applicable legislation and the employment policies of the University, and must determine the salaries and other forms of remuneration of employees, and other terms and conditions of service, including disciplinary measures.
- (2) A permanent academic employee must be appointed after consultation with the Senate.

#### Representative employees' organisations

55. The Council may recognise and enter into agreements with one or more representative employees' organisations in respect of salaries, terms and conditions of service and related matters in accordance with the relevant labour and employment legislation.

## CHAPTER 7

### STUDENTS

#### Admission and registration

56. (1) In order to be a student of the University, a person must have been admitted to the University and must have been registered for a module, or for a programme leading to the attainment of a qualification.
- (2) The Council, with the concurrence of the Senate, may:
- (a) determine the maximum number of students that may be registered at the University or the maximum number of students that may be registered for a particular programme at the University; and

- (b) prescribe, in accordance with the admissions policy of the University, selection tests or a particular standard of academic competence as admission requirements for studies or a particular programme at the University.
- (3) A student who is admitted to and registered at the University continues to be a student of the University for the duration of the academic programme, or until the time the student or the University terminates the registration in accordance with the rules.
- (4) In order to continue with studies at the University, a student must reregister annually in accordance with the rules.
- (5) A student whose studies have been interrupted without permission for a year or longer must apply anew for admission in order to be reregistered.
- (6) The Council, after consultation with the Senate, may set requirements for the readmission of a student and may refuse to allow readmission unless such requirements are met.
- (7) A person who has been admitted to the University, and demonstrates the intention to be associated with the University as a student by using University facilities or participating in University activities, is subject to the rules, even if the person has not yet registered as envisaged in subclause (1).

## **Discipline**

- 57.** (1) The Council, after consultation with the Senate and the SRC, must make rules in respect of student discipline, and the rules must be stipulated in the Disciplinary Code for Students.
- (2) The rector is responsible for student discipline and must submit an annual report on student discipline to the Council and the Senate.
  - (3) A student is subject to the disciplinary rules and procedures provided in the Disciplinary Code for Students and applied by the appropriate disciplinary bodies contemplated in that Code.
  - (4) The disciplinary code also applies to any person who has agreed to be bound by that code as if that person was a student.

## CHAPTER 8

### QUALIFICATIONS AND HONORARY DEGREES

#### Authority of University

58. (1) The University may confer and award the qualifications determined by the Council on the recommendation of the Senate, and which have been approved, accredited and registered in accordance with the Act and other applicable legislation, and which are contained in the rules.
- (2) Subject to clause 60, no qualification may be conferred on or awarded to a person who has not:
- (a) been registered as a student of the University for the period prescribed by the Senate in the rules; and
  - (b) completed the work and attained the standard of proficiency determined through assessment as required by the Senate and prescribed in the rules.
- (3) The Senate may exempt a person in terms of the rules from requirements for a qualification in respect of attendance and examinations in the case of a student who has graduated or obtained a qualification from, or completed a module at, another faculty at the University or another higher education institution.
- (4) Subject to section 65BA of the Act, the Council, with the concurrence of the Senate, may revoke a degree or withdraw a diploma, certificate or other qualification:
- (a) obtained through plagiarism, fraud, bribery or any other dishonest act; or
  - (b) that was conferred or awarded on the basis of a material error on the part of the University, but a revocation or withdrawal on this basis may not take place later than two years after the qualification was conferred or awarded.

## **Congregation**

- 59.** (1) Qualifications must be conferred and awarded at a meeting of the University, called a congregation, which the registrar must call at a time, place and in a manner determined in the rules.
- (2) The chancellor or, in the absence of the chancellor, the rector or a vice-rector nominated by the rector, presides at the congregation.
- (3) A qualification may not be conferred or awarded unless the registrar has certified and the Senate has been satisfied that the requirements for the qualification have been met.
- (4) A person is not entitled to the privileges of a qualification until it has been conferred or awarded at a congregation. If a student has met the academic requirements for a degree or diploma and the degree or diploma certificate has not yet been issued, the registrar may issue a document stating that the student has met the academic requirements for the degree or diploma and that the certificate will be issued in accordance with the rules.
- (5) A qualification may be conferred or awarded in the relevant person's absence, or posthumously.

## **Conferral of honorary degrees and awards**

- 60.** The Council may, without examination, confer honorary degrees of master and doctor and other honorary awards, and may revoke such honorary degrees and honorary awards, in accordance with the rules.

# **CHAPTER 9**

## **GENERAL**

### **Rules**

- 61.** The registrar must publish rules made by the Council in terms of clause 10(3)(b), or rules made by another body in terms of a delegation under clause



10(6), after which the rules are enforceable in the University. The registrar must make known in the yearbook of the University or elsewhere the manner and form in which the rules of the University may be accessed.

### **Effect of vacancies**

- 62.** (1) No vacancy in the membership of a body established by or under this Statute impairs the capacity of that body to exercise its powers and perform its functions in terms of and in accordance with the Act or this Statute.
- (2) Subclause (1) does not set aside a quorum requirement, or a requirement of a minimum number of votes for a decision, or the requirement that reasonable steps be taken to fill a vacancy in the membership of a body established by or under this Statute as soon as possible.

### **Delegations**

- 63.** (1) A body or office bearer on whom a power or function is conferred by or in terms of this Statute may delegate, on such terms or conditions as such body or office bearer may determine, that power or function to another body, office bearer or staff member of the University, unless the Act or this Statute precludes the delegation.
- (2) A body or office bearer to whom a power or function is delegated in accordance with this Statute may sub-delegate such power or function only in terms of an authority contained in the delegation itself or otherwise with the prior approval of the body or office bearer on whom the power or function has originally been conferred.
- (3) A body or office bearer that has delegated any power or function remains responsible for the exercise of the powers and the performance of the functions so delegated, and may withdraw the delegation or amend the terms and conditions of the delegation at any time.
- (4) The body or office bearer to whom a power or function is delegated in accordance with this Statute must, in the manner and form and at the intervals determined by the delegating body or office bearer, report to the delegating body or office bearer.

- (5) The registrar must keep an up-to-date register of delegations made under or in terms of this Statute. The registrar must make known in the yearbook of the University or elsewhere the manner and form in which the terms of the delegations may be accessed.

### **Transitional provisions**

- 64.** (1) A body and office bearer provided for in this Statute that existed prior to the commencement of this Statute, continues to exist or hold office, and exercise the powers and perform the functions which they have exercised and performed prior to the commencement of this Statute, but they must comply with this Statute within 24 months after its commencement.
- (2) Anything done, commenced, instituted or in the process of being finalised under the previous Statute is deemed to have been done, commenced, instituted or in the process of being finalised under the corresponding provision of this Statute or the rules.
- (3) The rules in force at the commencement of this Statute continue to apply until they are replaced or repealed.
- (4) The Council may take any step necessary as a transitional measure to ensure the effective implementation of this Statute.

### **Amendment of Statute**

- 65.** (1) Subject to sections 32(2) and 33(1) of the Act, the Council may amend this Statute by a two-thirds majority of all its members.
- (2) Only a member of the Council may introduce an amendment to this Statute. A proposal for an amendment may be tabled if written notice was given by the registrar to all the members of the Council at least 14 calendar days before the meeting at which the proposal is to be introduced, unless a two-thirds majority of the members present vote in favour of disposing with the requirement of prior notice.

### **Repeal of Statute**

- 66.** The Statute of Stellenbosch University in Government Notice No 972 of 2016 published in Government Gazette No 40243 of 2 September 2016 is repealed

from the date mentioned in the Government Gazette notice referred to in clause 69, except the provisions of clauses 54 and 59 in respect of elections by the Convocation, which continue to exist with the necessary changes until replaced by the applicable institutional rules.

### **Different versions of Statute**

67. In the event of an inconsistency between different versions of this Statute, the English version prevails.

### **Definitions**

68. In this Statute, unless the context indicates otherwise —

“**Academic Affairs Council**” means a body established by the SRC to promote academic matters on behalf of students;

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

“**appointed**”, with reference to a member of a body, means appointed in accordance with the procedures of that body;

“**chancellor**” means the office bearer referred to in clause 36;

“**chief operating officer**” means the office holder referred to in clause 44;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Convocation**” means the body of persons referred to in clause 47;

“**Council**” means the body established by clause 6;

“**dean**” means an office bearer referred to in clause 46;

“**designated**”, with reference to a member of a body, means designated in accordance with the procedures of that body;

**“donor”** means a person or institution recognised in terms of clause 52;

**“elected”**, with reference to a member of a body, means elected by a majority of the members of the relevant body present and voting, unless otherwise indicated;

**“employee”** means a person referred to in clause 54;

**“executive committee of Council”** means the committee referred to in clause 15;

**“executive committee of Senate”** means the committee referred to in clause 22;

**“faculty board”** means a body established in terms of clause 23;

**“general management committee”** means the committee referred to in clause 35;

**“Honorary Degrees Committee”** means the committee established in terms of the institutional rules to advise the Council on the conferral of honorary degrees;

**“Institutional Forum”** means the body established by clause 29;

**“institutional rules”** means rules made by the Council to give effect to this Statute in terms of section 32(1)(b) of the Act;

**“Minister”** means the member of the national executive responsible for higher education and training;

**“Prim Committee”** means the committee of head students of the various residences and in the private student organisation of the University;

“**qualification**” means a formal qualification registered on the sub-framework for higher education of the National Qualification Framework contemplated in section 7(b) read with section 13(1)(h) of the National Qualifications Framework Act, 2009 (Act No 67 of 2008), and includes a degree, diploma or certificate;

“**rector**” means the office bearer referred to in clause 40;

“**rector’s management team**” means the body referred to in clause 34;

“**registrar**” means the office bearer referred to in clause 45;

“**rules**” means the rules made by the Council or another competent body in terms of this Statute, and include the institutional rules;

“**Senate**” means the body established by clause 16;

“**SRC**” means the Students’ Representative Council established by clause 26, and includes an interim SRC;

“**Societies Council**” means the body established by the student constitution referred to in clause 26(2) to represent the interests of all recognised student societies and their members;

“**staff**” means the employees referred to in clause 54;

“**Tygerberg SRC**” (also referred to as the TSR) means the student representative council at the Tygerberg campus as set out in the Student Constitution;

“**University**” means Stellenbosch University; and

“**vice-rector**” means an office bearer referred to in clause 43.

## **Commencement**

- 69.** This Statute comes into effect on the date mentioned in the relevant notice in the Government Gazette published by the Minister in terms of section 33(1) of the Act.