

# Regulations for the appointment and reappointment of a Chief Operating Officer (COO)

Reference number of this document	AP0058
HEMIS classification	
Aim	To provide regulations to Stellenbosch University (SU) for the appointment and reappointment of a Chief Operating Officer (COO)
Type of document	Regulations
Accessibility	General (external and internal)
Implementation date	1 April 2019
Review date/frequency	As the need for amendments arise
Previous reviews	New Regulations
Owner of these regulations	Deputy Vice-Chancellor: Social Impact, Transformation and Personnel
Institutional functionary (curator) responsible for these regulations	Chief Director: Human Resources
Date of approval	25 March 2019 18 September 2023
Approved by	Council
Keywords	Regulations
<i>The English version of this document is the operative version and the Afrikaans version is a translation thereof.</i>	

## **1. Introduction**

The regulations below are written in terms of and are subject to Section 34 of the Higher Education Act, No. 101 of 1997 (“Act”) and the Statute of Stellenbosch University (“Statute”). The regulations and the procedures contained in this Regulation must be interpreted and implemented in accordance with the Act and Statute. Where applicable, the provisions contained in any other policy document must be considered and applied.

## **2. Purpose**

The purpose of this document is to provide guidelines for the appointment and reappointment of a Chief Operating Officer (COO).

## **3. Initiation of the appointments process**

The process for the appointment of a new COO is initiated by a decision of Council, at least twelve (12) months before the expiry of the term of the incumbent of the post.

## **4. Principles/ Points of departure**

The following points of departure apply:

- 4.1 Final authority and oversight regarding the appointment resides with Council.
- 4.2 Appropriate consultation with and participation of all relevant stakeholders.
- 4.3 The Council approves the establishment of a Senior Appointments Committee (SAC) and delegates the recruitment and selection process to the SAC.
- 4.4 The SAC’s membership must reflect appropriate levels of diversity in respect of race, gender, and disability.
- 4.5 The Registrar’s Office (as the secretariat of Council) in collaboration with Human Resources (HR) will be the convenor of the SAC.
- 4.6 The Chairperson of Council (or delegate) is the chairperson of the SAC.
- 4.7 Council is the final authority for appointment.
- 4.8 University structures that are consulted in the appointment process, vote only on preference, which serves as advice to Council.

## **5. Procedure**

### **5.1 Council approves the establishment of a SAC of thirteen (13) members with the following composition:**

- 5.1.1 Chair of Council (or delegate) – Chairperson.
- 5.1.2 Another member of Council appointed by Council.
- 5.1.3 Rector and Vice-Chancellor.
- 5.1.4 One member from the Rectorate, on Job Grade 2, appointed by the Rectorate.
- 5.1.5 An external expert from another HEI, which must be at the level of a Rector/Vice-Chancellor/Deputy Vice-Chancellor/COO, appointed by the Chair of Council.
- 5.1.6 One Dean appointed by the Executive Committee of Senate (EC(S)).
- 5.1.7 One Member of the Audit and Risk Committee of Council appointed by the Audit and Risk Committee of Council.
- 5.1.8 One Member of Senate (from the academic members) appointed by the EC(S).
- 5.1.9 Another member of Senate appointed by the EC(S).
- 5.1.10 One member of the Institutional Forum (IF) appointed by the Executive Committee of the IF.
- 5.1.11 One Student Representative appointed by the Student Representative Council (SRC).
- 5.1.12 The Chief Director: Human Resources (non-voting member).
- 5.1.13 The Deputy Vice-Chancellor: Social Impact, Transformation and Personnel (non-voting member).

### **5.2 Process to appoint SAC members**

- 5.2.1 All constituent bodies will be requested to nominate two members who may serve on the SAC, one member will serve as the primary SAC member and the other member will serve as the substitute member in the event of the primary member's absence.
- 5.2.2 HR will present the names of the persons nominated by the constituent bodies to the chair of the SAC. It is the chair of the SAC's responsibility to ensure that the SAC is sufficiently diverse.

- 5.2.3 HR will communicate the composition of the SAC to the Registrar's Responsibility Centre who will in turn communicate with the respective constituent bodies who has been selected as the primary and substitute members of the SAC.

## **6. Delegation of Chairpersonship**

- 6.1 The Chair of Council may delegate the role as Chairperson of the SAC to any other member of the SAC including voting rights.

## **7. Role of substitute members**

- 7.1 A substitute member has the same duties, powers, and responsibilities as the primary member.
- 7.2 A primary member is bound by any vote and/or decision taken by the substitute member in their absence.
- 7.3 Constituent bodies must ensure that both the primary member and the substitute members' term of appointment on the body they represent is valid for the duration of the SAC process.

## **8. Conflict of interest**

- 8.1 All members of the SAC must declare any actual or potential conflict of interest in any appointment process, including one arising from any relationship.
- 8.2 Where a substitute member is appointed as a result of any actual or potential conflict of interest of the primary member, such substitution will be for the entire appointment process.

## **9. Role of the SAC**

### **9.1 General Principles and Procedures**

- 9.1.1 The usual meeting procedures and rules apply at all meetings of the SAC.
- 9.1.2 All information relating to the candidates that is made available to members in the course of the proceedings of the SAC must be treated confidentially.
- 9.1.3 Two-thirds of the designated members of the SAC are required to

constitute a quorum.

- 9.1.4 Minutes of the decisions of each meeting of the SAC must be kept and approved according to the usual procedures.
- 9.1.5 The SAC decides at the time of its convening on the procedures to be followed in drawing up the provisional and final shortlists.
- 9.1.6 The SAC must ensure that candidates on the shortlist are given the opportunity to bring any information that the candidates deem necessary and important, to the attention of the SAC.

## **10. The Role of the Chair**

- 10.1 The Chair is responsible for the orderly conduct of meetings of the SAC and must ensure that the procedures and rules for meetings are strictly adhered to.
- 10.2 The Chair must ensure that SAC members have declared any conflict of interest.
- 10.3 The Chair also ensures that the questions and discussions are fair and equitable to the candidates at all times.
- 10.4 The Chair is responsible for ensuring that any ballots on the inclusion or exclusion of candidates from the provisional or final shortlists are conducted by secret ballot and must obtain the SAC's agreement that all ballots have been conducted correctly and without any reason for being declared invalid.

## **11. Recruiting Candidates**

- 11.1 Individual members of the SAC may not recruit or nominate any potential candidate for the COO post. Strategic Recruitment actions will be undertaken and coordinated by the Chief Director: HR.
- 11.2 In order to prepare a preliminary shortlist the Chief Director: HR will ensure that the SAC is presented with an adequate pool of suitable candidates.

## **12. Report of the SAC**

- 12.1 All members must agree to the accuracy of the content of the report.
- 12.2 The report must contain sufficient information in relation to the inherent requirements of the position as set out in the advertisement and the performance of the candidates with whom interviews have been conducted.

12.3 The report must contain an assessment by the members of the SAC of the equity and fairness of the process that has been followed.

**13. Term of appointment, conferment of an academic rank, and fall-back option**

13.1 The term of the appointment is not more than five years. Upon the expiry of that period, or any successive period, the incumbent may be reappointed for a further period of not more than five years (as provided in paragraph 15. below).

13.2 Where applicable, the normal procedures of the Appointments Committee of Senate are followed for conferring an academic rank on the person appointed.

13.3 Where applicable, a fall-back option to the incumbent's academic department exists, on the understanding that a COO who has not yet reached retirement age and is not available for a further term, or is not reappointed,

13.3.1 will be accommodated within the faculty concerned,

13.3.2 the cost relating to the position will be carried by the faculty concerned and will not be devolved to the department, and

13.3.3 the financing by the faculty will be phased in over a period of three years, with interim financing provided centrally.

**14. Steps in the recruitment and selection procedure**

14.1 The SAC drafts and finalises the advertisement and specifies the inherent requirements of the position, qualifications, and other criteria (including leadership and managerial criteria) that the candidate must satisfy, within the framework of the Higher Education Act (Act 101 of 1997) and the Statute of the University. HR will provide the draft document.

14.2 HR advertises the post in the media and conducts strategic recruitment in order to broaden the pool of suitable candidates.

14.3 After the closing date for applications, the SAC, in the context of the Employment Equity Policy and the promotion of diversity, draws up a provisional shortlist and conducts interviews with a view to arriving at a final shortlist of preferably three (3), but no less than two (2) suitable candidates.

- 14.4 The SAC must repeat the recruitment process or a part thereof if, in its judgement, there are fewer than two (2) suitable candidates.
- 14.5 HR carries out the following actions regarding the shortlisted candidate's candidature before the interviews are conducted and feedback about the inquiry will be provided to the chairperson of the SAC:
  - 14.5.1 Request and obtain written reference reports.
  - 14.5.2 Background Information checks, including the following checks:
    - 14.5.2.1 verification of qualifications and if applicable, publications - the Chair of the SAC must liaise with peers in the relevant disciplines to conduct a confidential review of the publications of each candidate on the shortlist;
    - 14.5.2.2 criminal records;
    - 14.5.2.3 identity document validation;
    - 14.5.2.4 fraud; and
    - 14.5.2.5 if applicable, a driver's license.
- 14.6 The candidates on the final shortlist each prepare a vision statement of the University's future and of how they envision their role therein.
- 14.7 The SAC submits its final shortlist, in alphabetical order, with comments and motivation, and accompanied by the candidates' vision statements and their curricula vitae, to Senate and simultaneously to the IF.
- 14.8 The candidates on the final shortlist present their vision to a meeting of the University, consisting of Senate and the IF, on an occasion arranged for this purpose and at which the Chairperson of the SU Council acts as chair. Council Members and the members of the SAC are also invited to attend this meeting (in observer capacity).
- 14.9 In accordance with its rules, Senate gives an indication of its preference to Council. Each person entitled to vote has one vote to indicate their preferred candidate or to indicate whether they do not prefer any of the candidates. A ballot-paper is used for this purpose that is compiled as follows:

Names of candidates	Indicate with an "X" which candidate is your preferred candidate
Candidate 1	
Candidate 2	
Candidate 3	
None of the above	

14.10 In accordance with its rules, IF gives an indication of its preference to Council. Each person entitled to vote has one vote to indicate their preferred candidate or to indicate whether they do not prefer any of the candidates. A ballot-paper is used for this purpose that is compiled as follows:

Names of candidates	Indicate with an "X" which candidate is your preferred candidate
Candidate 1	
Candidate 2	
Candidate 3	
None of the above	

14.11 The following documentation is submitted to Council for a final decision:

- 14.11.1 The SAC recommendation report
- 14.11.2 Names of the suitable final shortlisted candidates in alphabetical order
- 14.11.3 The curricula vitae of the suitable final shortlisted candidates
- 14.11.4 The vision statement of the suitable final shortlisted candidates
- 14.11.5 The indication of preference from Senate
- 14.11.6 The indication of preference from IF.

14.12 Council considers the input from Senate and IF.

14.13 Council makes a final decision on the appointment of a COO by an absolute majority (50% + 1) of votes of members of Council present and voting, provided that, should no candidate be appointed by an absolute majority on the first ballot, Council will vote a second time on the candidates with the highest and next-highest number of votes.



14.14 Council may, if it wishes, conduct interviews with the candidates.

## **15. Steps in the reappointment procedure**

15.1 The Rector approaches the incumbent COO twelve (12) months before the expiry of the term of office and enquires whether they wish to continue for a further term.

15.2 If the COO wishes to continue for a further term, they must submit the following documents to the Rector:

15.2.1 A report pertaining to performance achieved during their current term.

15.2.2 Feedback from direct reports and stakeholders.

15.2.3 A vision statement for a possible further term.

15.2.4 An updated detailed curriculum vitae.

15.3 The Rector must submit the documents to the Chair of Council (as the Chairperson of the SAC).

15.4 The Chair of Council (or delegate) presents the documents to the Senate and IF in order to inform their vote on the reappointment of the incumbent.

15.5 The results of the voting are presented to Council.

15.6 If the incumbent, with due consideration for the voting in Senate and the IF, obtains an absolute majority (50% + 1) of votes of members of Council present and voting, they are appointed for a further term, with the duration thereof determined by Council.

15.7 A ballot-paper used for voting at Senate, IF and Council is compiled as follows:

Name of incumbent	Indicate whether you support the appointment of the incumbent for a further term (indicate your choice by marking the appropriate block with an "X")	
	YES	NO

**16. Supporting documents**

<b>Item no.</b>	<b>Name of document</b>	<b>Status</b> <i>(e.g., identified, in process or approved)</i>
	Statute	
	Framework for the appointment/ reappointment of senior PASS Staff (Job Level 1 to 4)	