

# Government Gazette

Vol. 411, No. 20502, 30 September 1999

## GOVERNMENT NOTICE

Notice 1159 of 1999

### DEPARTMENT OF EDUCATION

### HIGHER EDUCATION ACT, 1997

#### STATUTE OF THE UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

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

#### SCHEDULE

To introduce a new Statute for the University of the Witwatersrand, Johannesburg, to give effect to any law relating to the University; and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

#### INDEX

##### DEFINITIONS CHANCELLOR

Powers, functions and duties of chancellor  
Election of chancellor  
Term of office

##### PRINCIPAL

Powers, functions and duties  
Manner of appointment  
Discipline  
Term of office

##### VICE-PRINCIPAL DEPUTY VICE-CHANCELLORS EXECUTIVE DIRECTORS REGISTRARS DEANS COUNCIL

Composition of council  
Election of council members  
Term of office  
Termination of membership and filling of vacancies  
Powers, functions and duties of council  
Office-bearers of council  
Council members of senate  
Ordinary meetings  
Special meetings

Quorum and procedure at council meetings  
Financial and other interests of council members  
Executive committee and other committees of council

**DONORS**  
**SENATE**

Senate membership  
Powers, functions and duties of senate  
Senate members on council  
Office-bearers of senate  
Term of office of senate members  
Meetings of senate

**CONVOCATION**  
**STUDENTS AND DEGREES**

Admission and registration of students  
Degrees, diplomas, certificates and other qualifications  
Exemptions  
Student discipline  
Students' representative council  
Honorary degrees  
Conferment of degrees and diplomas

**UNIVERSITY FORUM**

Composition and related matters

**GENERAL PROVISIONS**

Issue of notices  
Numerical functions  
Persons in office  
Repeal of previous Statute

---

**DEFINITIONS**

**Definitions**

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

"**days**" includes Saturdays, Sundays and public holidays;

"**donor**" means a person who has made a donation, which, in the opinion of the council warrants that person being recognised as a donor;

"**joint statutes**" means joint statutes in force in terms of section 74(6) of the Higher Education Act;

"**month**" means a calendar month;

"**PGA**" means the postgraduate students' association of the University;

"**Rules**" means any rules of the University made in terms of section 32 of the Higher Education Act;

"**SRC**" means the students' representative council of the University;

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

"**the Private Act**" means the University of the Witwatersrand, Johannesburg, (Private) Act.

**CHANCELLOR**

## **Powers, functions and duties of chancellor**

2. (1) The chancellor is the titular head of the University and in the name of the University confers all degrees.

(2) The chancellor performs such other functions as assigned to him or her by the council.

## **Election of chancellor**

3. The chancellor is elected by the convocation in the following manner -

- a. the secretary to the convocation fixes a closing date for the return of voting papers and sends notices calling for nominations for the election of a chancellor;
- b. the notices for nominations referred to in subparagraph (a) are sent to all enrolled members of the convocation at least nine weeks before the closing date referred to in subparagraph (a);
- c. nominations in writing together with written acceptance of such nominations must be lodged with the secretary to the convocation at least seven weeks before the closing date referred to in subparagraph (a) and each nomination must be signed by at least four members of the convocation;
- d. if there is only one person nominated, the secretary to the convocation forthwith declares that person duly elected, or where this is appropriate, with effect from the date on which the vacancy is to occur;
- e. if there is more than one person nominated, a written notice is sent by the secretary to the convocation at least 30 days before the closing date referred to in subparagraph (a) to all enrolled members of the convocation, together with a printed voting paper, referred to in subparagraphs (f) and (g);
- f. the secretary to the convocation is required to draft and submit to the executive committee of the convocation a voting paper for its approval, in which is set out in not more than 200 words, a description of the candidate;
- g. the executive committee of the convocation must determine the form and content of the voting paper;
- h. at all elections, the secretary to the convocation acts as returning officer; ;
- i. the resuming officer may be assisted by two or more scrutineers appointed by the president of the convocation or, if the president is absent or is a candidate, by the principal, or in the absence of the principal, by the acting principal;
- j. at the conclusion of the election, the returning officer must announce the result of the election; and
- k. a successful candidate is elected as from the date of the election or, where appropriate, with effect from the date on which the relevant vacancy is to occur.

## **Term of office of chancellor**

4. (1) The chancellor holds office for a period of six years, unless he or she resigns or he or she is dismissed.

(2) (a) A person may not be elected for more than two periods of office.

(b) These periods of office may be consecutive.

(3) Whenever an election to the office of chancellor occurs in a year in which no elections by the convocation are scheduled, the period of office of the incumbent chancellor will be extended by one additional year.

(4) If the chancellor is unable, for any reason, to exercise the powers and to perform the functions and duties of his or her office, or if the office of chancellor becomes vacant, the principal or the vice-principal exercises the powers and performs the functions and duties of the chancellor.

(5) The chancellor may be removed from office by a resolution passed by at least two-thirds of the members of the council.

(6) The resolution may not be passed if the chancellor has not been given the opportunity to speak.

## **PRINCIPAL**

### **Powers, functions and duties of principal**

5. (1) The principal is also the vice-chancellor.

(2) The principal is responsible for the management and administration of the University and has all the powers necessary to perform these functions including the power to appoint acting registrars, acting deans of faculties, acting heads of departments, acting chairpersons of governing committees and acting heads of any academic structure which the council may from time to time determine.

(3) The principal is the chief executive officer of the senate, and is a member of all committees of the council and the senate, and of all joint committees of the council and the senate.

(4) The principal is accountable to the council.

(5) If the principal is unable, for any reason, to perform his or her functions of office, or if the office of principal becomes vacant, the vice-principal becomes acting principal.

(6) An acting principal has the same powers, functions and duties as the principal.

### **Manner of appointment of principal**

6. The council appoints the principal in the manner determined by the council in its document presently entitled "Revised procedure for selecting a vice-chancellor or a deputy vice-chancellor", provided that the council may change the selection procedure.

### **Discipline of principal**

7. The principal is subject to the Rules for staff discipline.

### **Term of office of principal**

8. (1) The council determines the term of office of the principal.

(2) The contract between the council and the principal must provide for a reasonable period of notice to be given should either party wish to cancel the contract.

(3) A person may be appointed for more than one term of office.

(4) If the office of principal becomes vacant, the council must proceed to appoint a successor.

### **Vice-principal**

9. (1) The council appoints the vice-principal after considering the recommendation of the principal.

(2) The council determines the term of office of the vice-principal.

(3) The council determines the powers, functions and duties of the vice-principal.

(4) The vice-principal is further responsible for any specific managerial, administrative and supervisory functions entrusted to him or her by the principal.

(5) The vice-principal is subject to the Rules for staff discipline.

- (6) If the office of vice-principal becomes vacant, the council must appoint a successor.
- (7) If the vice-principal is unable, for any reason, to exercise the powers or perform the functions and duties of his or her office, or if the office of vice-principal becomes vacant, the other deputy vice-chancellor, or, if there are two or more deputy vice-chancellors, one of them appointed by the executive committee of the council, becomes acting vice-principal.
- (8) An acting vice-principal has all the powers, functions and duties of a vice-principal.
- (9) The vice-principal is accountable to the council and the principal.

### **Deputy vice-chancellors**

- 10.** (1) The council appoints a deputy vice-chancellor in the manner determined by the council in its document presently entitled "Revised procedure for selecting a vice-chancellor or a deputy vice-chancellor", provided that the council may change the selection procedure.
  - (2) The council determines the powers, functions, duties and the term of office of a deputy vice-chancellor.
  - (3) A deputy vice-chancellor is subject to the Rules for staff discipline.
  - (4) If a deputy vice-chancellor is unable, for any reason, to perform the functions of his or her office, or if his or her office becomes vacant, the council must appoint a replacement.
  - (5) If the office of deputy vice-chancellor is vacant for six months or less the council may, on the recommendation of the principal, appoint an acting deputy vice-chancellor.
  - (6) If the office of the deputy vice-chancellor is vacant in excess of six months, the council must first consult with the senate before appointing an acting deputy vice-chancellor.
  - (7) A deputy vice-chancellor is accountable to the council and the principal.

### **Executive directors**

- 11.** (1) One or more executive directors may be appointed by the council after consideration of the recommendations of a selection committee appointed by the principal.
  - (2) The council determines the powers, functions, duties and the term of office of an executive director.
  - (3) An executive director is subject to the Rules for staff discipline.
  - (4) If an executive director is unable, for any reason, to perform the functions of his or her office, or if his or her office becomes vacant, the council proceeds to appoint a replacement.
  - (5) If the office of an executive director is vacant for six months or less the council may, on the recommendation of the principal, appoint an acting executive director.
  - (6) If the office of an executive director is vacant in excess of six months, the council must first consult with the senate before appointing an acting executive director.
  - (7) An executive director is accountable to the council and the principal.

### **Registrar or registrars**

- 12.** (1) The council may appoint one or more persons to be a registrar or registrars.
  - (2) The council determines the powers, functions, duties and the term of office of a registrar.

- (3) The principal may entrust to a registrar specific managerial, administrative and supervisory functions.
- (4) A registrar is subject to the Rules for staff discipline.
- (5) If a registrar is unable for any reason to perform any of his for her functions, the principal appoints another University employee to perform one or more of the registrar's functions until a replacement is appointed.
- (6) A registrar is accountable to the council and the principal.

## **Deans**

- 13.** (1) In every faculty there is a dean who is responsible for the management and administration of the faculty.
  - (2) Subject to paragraph 28(2)(e), deans are appointed by the council.
  - (3) In the temporary absence of a dean, the principal designates another suitable person to perform the functions of office.
  - (4) A dean is subject to the Rules for staff discipline.
  - (5) The dean is accountable to the senate and the principal.

## **COUNCIL**

### **Composition of council**

- 14.** (1) The council consists of -
  - a. the principal;
  - b. the vice-principal;
  - c. three persons appointed by the principal from persons holding the office of deputy vice-chancellor or executive director;
  - d. five persons appointed by the Minister;
  - e. three persons elected by the executive committee of the convocation;
  - f. five members of the senate elected by the senate;
  - g. one representative of the deans of faculties or the heads of such other academic structures as may be determined by the council and elected or appointed in terms of this Statute;
  - h. two academic employees elected by such employees in accordance with paragraph 15;
  - i. two support services employees elected by such employees in accordance with paragraph 15;
  - j. two persons appointed by the Premier of the Province of Gauteng, which appointment is subject to the approval of the council;
  - k. one person appointed by the Greater Johannesburg Metropolitan Council, which appointment is subject to the approval of the council;
  - l. two persons elected by persons who in terms of this Statute, are donors in accordance with paragraph 26;
  - m. six persons appointed by the council by reason of special knowledge or expertise, or to represent one or more constituencies which the council may consider to be under-represented;
  - n. two students elected by the students' representative council;
  - o. one postgraduate student elected by the executive committee of the postgraduate association;
  - p. three persons appointed by the council from the membership of such professional bodies, external to the University, as may be determined by the council;

- q. four persons from the membership of such business and labour organisations as may be determined by the council; and
- r. one additional person as may be determined by the council.

(2) (a) Subject to the provisions of section 27(6) of the Higher Education Act, the members of the executive committee of the convocation must elect two persons to represent the convocation on the council in a manner to be determined by the executive committee of the convocation.

(b) The president of the convocation is by virtue of his or her office the third member representing the convocation on the council, unless he or she is an employee of the University in which case all three of the representatives must be elected.

(3) The persons referred to in paragraphs 14(1)(f), (g), (h) and (i) are elected as set out in paragraph 15.

(4) An appointment in terms of paragraphs 14(1)(j) and (k) is subject to the approval of the council.

(5) The procedure for electing donor representatives, as contemplated in paragraph 14(1)(l), is set out in paragraph 26.

(6) An appointment in terms of paragraph 14(1)(m) is subject to the terms and conditions laid down by the council at the time of appointment.

(7) (a) (i) Members referred to in paragraph 14(1)(n) and (o), must be elected by their constituencies within six weeks of the annual SRC and PGA elections respectively.

(ii) Members elected by the SRC hold office until 15 September the following year and members elected by the PGA hold office until 15 February the following year.

(b) The manner of election of the representatives is laid down in each constituency's rules.

(8) The council makes an appointment in terms of paragraph 14(1)(p) from such professional bodies, external to the University, as it may determine.

(9) An appointment in terms of paragraph 14(1)(q) is made by the council in the following manner -

- a. the council must call for no fewer than four nominations from such persons or bodies of persons as it considers representative of business or labour or both;
- b. after receiving the nominations, the council is entitled to appoint at most four persons, whom it considers fit; and
- c. in the event of fewer than four nominees being acceptable to the council, the council must call for further nominations until four members are appointed.

(10) The council may appoint an additional member in terms of paragraph 14(1)(r) and in doing so must have regard to the provisions of section 27(6) of the Higher Education Act.

### **Election of council members**

**15.** (1) If the vacancy is to be filled by an elected person, the secretary to the council fixes a closing date for the return of voting papers and causes notices calling for nominations for election to such office to be sent to the relevant constituency.

(2) Nominations in writing must be lodged with the secretary to the council at least six weeks before the closing date for the return of voting papers and each such nomination must be signed by not fewer than two members of the particular constituency and must be accompanied by the

written acceptance of nomination by the person nominated.

(3) If the number of persons nominated for an office does not exceed the number to be elected for that office, the secretary to the council declares such person or persons duly elected.

(4) If more persons are nominated than are to be elected, a written notice is sent by the secretary to the council to the relevant constituency, at least 30 days before the closing date for the return of voting papers, together with a printed voting paper, referred to in subparagraphs (5) and (6).

(5) The secretary to the council is required to draft and submit to the executive committee of the council a voting paper for its approval, in which is set out in not more than 200 words, a description of each candidate.

(6) The executive committee of the council must determine the form and the content of the voting paper.

(7) At all elections, the secretary to the council acts as returning officer and is assisted by two or more scrutineers designated by the principal or the acting principal.

(8) At the conclusion of the election, the returning officer must announce the result of the election.

### **Term of office of council members**

**16.** (1) The members referred to in paragraph 14(1)(a), (b) and (c) remain members of the council for as long as they occupy their posts.

(2) The Minister determines the term of office of the persons appointed by him or her to the council.

(3) The term of office of members referred to in paragraph 14(1)(n) and (o) is one year.

(4) The term of office of members referred to paragraph 14(1)(g), (p) and (q) is two years.

(5) The term of office of members referred to in paragraph 14(1)(e), (h), (i), (j), (k), (l) and (m) is four years.

(6) The term of office of the members referred to in paragraph 14(1)(f) is five years.

(7) The term of office of the members referred to in paragraph 14(1)(r) is determined by the council, provided that the term of office does not exceed four years.

### **Termination of membership and filling of vacancies**

**17.** (1) A member of the council, with the exception of the principal, the vice-principal and any deputy vice-chancellor, vacates his or her position on the council if the member -

- a. is absent without the prior leave of the chairperson from three consecutive meetings of the council, or in the case of the chairperson, the leave of the executive committee of the council, provided that the council may at a meeting excuse the absence of a member from that meeting, in which event the member is, for the purposes of this Statute, deemed to have attended that meeting;
- b. having been elected or appointed by a particular constituency, is no longer a member of the constituency which he or she represents;
- c. resigns by giving written notice to the chairperson of the council;
- d. is declared by a court of law to be insolvent or otherwise incapable of attending to his or her own affairs;
- e. is removed from an office of trust by a court of law, is convicted of an offence involving dishonesty, or is sentenced to a period of imprisonment without the

- option of a fine; or
- f. subject to subparagraph (5), is considered by a two-thirds majority of the members of the council present at any meeting to be acting other than in the best interests of the University.
- (2) (a) Members of the council must participate in the deliberations of the council in the best interests of the University.
- (b) Failure to act in the best interests of the University or behaviour that brings the University into disrepute may result in the removal from office of any member of the council.
- (3) (a) If it is alleged that a member is not acting in the best interests of the University or has engaged in conduct that brings or tends to bring the University into disrepute and at least one third of the members of the council present at any meeting resolve that steps should be taken against that member, the council must instruct that a hearing by an *ad hoc* committee of council take place.
- (b) If the committee finds that the member has failed to act in the best interests of the University or has behaved in a manner that brings the University into disrepute, then the committee may recommend that the member be removed from office.
- (4) If the member has not been appointed by the Minister, the Premier of Gauteng or the Greater Johannesburg Metropolitan Council, the member may be removed from office if a majority of the members of the council present at any meeting vote for his or her removal.
- (5) If the member has been appointed by the Minister, the Premier of Gauteng or the Greater Johannesburg Metropolitan Council, the finding and recommendation of the committee must be referred to the appointing authority or body for further action.
- (6) In the event of a vacancy through death or otherwise, the secretary to the council notifies the vacancy to the authority or body that has appointed or elected such member, requesting such authority or body to appoint or elect a successor.
- (7) The secretary to the council must, where possible, give at least 10 weeks' notice of the vacancy.
- (8) The successor holds office for the unexpired term of office of the predecessor unless the successor is appointed or elected because his or her predecessor's term of office has expired.

### **Powers, functions and duties of council**

**18.** (1) The council governs the University in terms of section 27 of the Higher Education Act, the Private Act and this Statute and may on such conditions as it may determine, delegate any of its powers except the power to make an institutional statute.

- (2) Without derogating from the generality of subparagraph (1), the council -
- may determine, after consultation with the senate, the faculty to which each academic department, school or other academic structure belongs;
  - may, in the manner set out in the disciplinary Rules, suspend or dismiss any employee of the University;
  - may order an employee whom it has suspended to refrain from being on any premises under the control of the University and to refrain from participating in any University activity;
  - may establish committees as provided for in section 29 of the Higher Education Act to perform any of its functions, other than the function to establish or disestablish faculties, academic departments, schools or other academic structures;

- e. may establish, in consultation with the senate, joint committees of the council and the senate in terms of section 29(3) of the Higher Education Act to perform functions that are common to the council and the senate;
- f. may set the procedural requirements for committees established in terms of subparagraphs (d) and (e);
- g. may deem a single person to be a committee;
- h. must consult the senate before it appoints an academic employee;
- i. must, subject to the policy determined by the Minister, with the concurrence of the senate, determine the language policy of the University;
- j. must, after consultation with the SRC, establish a structure to advise on the policy for student support services within the University;
- k. may make Rules for the better carrying out of its functions; and
- l. must, when creating academic structures other than faculties and departments, accord to the governance of that structure such functions, status and title as it deems appropriate.

### **Office-bearers of council**

**19.** (1) The following office-bearers of the council are elected from among the members of the council -

- a. a chairperson;
- b. a vice-chairperson; and
- c. a secretary.

(2) No person may be elected as an office-bearer unless he or she has been nominated in writing by at least three members of the council.

(3) The nominee must countersign the nomination to denote his or her acceptance of the nomination.

(4) An office-bearer holds office for two years, unless during that time he or she resigns or ceases to be a member of the council.

(5) At least 60 days before the expiry of the office-bearer's term of office, the secretary to the council must give notice of this fact to the council and a successor is elected by a majority of the members present and voting at the next meeting of the council.

(6) The retiring office-bearer is eligible for re-election, if he or she is still a member of the council.

(7) If a vacancy occurs within the two year period, the secretary to the council must give notice of the vacancy to the members of the council.

(8) On receipt of the notice referred to in subparagraph (7), the council must at its next meeting elect another member to act in the place of that office-bearer.

(9) The person elected in terms of subparagraph (8) holds office for the rest of the two year period, unless he or she resigns or ceases to be a member of the council.

(10) (a) The chairperson presides at meetings of the council and the executive committee of the council.

(b) The council determines any further functions of the chairperson.

(11) The vice-chairperson presides at meetings of the council and the executive committee of the council in the absence of the chairperson.

(12) The vice-chairperson performs such other functions as the council may determine.

(13) (a) The secretary performs those functions assigned to him or her by the council.

(b) The council may appoint any employee of the University to assist the secretary or to act in his or her place.

(14) If both the chairperson and the vice-chairperson are absent, the council elects, from among its members, a chairperson for the meeting concerned.

(15) The first elections in terms of this paragraph must take place at the next ordinary meeting of the council after this Statute comes into operation.

### **Council members on senate**

**20.** (1) The council, at its second ordinary meeting in any calendar year, must elect two of its members, other than persons who are already members of the senate, as members of the senate.

(2) A council member on the senate holds office for one year from the first of July of the year in which he or she is appointed.

(3) If such a member of the senate ceases to be a member of the council before the expiration of his or her term of office as a member of the senate, the council, at its next meeting, elects another of its members to the senate for unexpired term of office of his or her predecessor.

## **COUNCIL MEETINGS**

### **Ordinary meetings**

**21.** (1) The ordinary meetings of the council must be held at least once within every quarter of the year and are held at such place and time as determined by the council.

### **Special meetings**

**22.** (1) The chairperson of the council may call a special meeting of the council and he or she must, however, call a special meeting if requested to do so, in writing, by no fewer than eight members of the council.

(2) The purpose for holding the special meeting must be stated clearly in the written request for such meeting.

(3) At least three days' notice must be given of a special meeting, unless, in the opinion of the chairperson, there is an emergency which warrants the giving of a shorter notice.

(4) No matters other than those for which the meeting has been called may be dealt with at such a special meeting.

### **Quorum and procedure at council meetings**

**23.** (1) One-third of the total membership of the council forms a quorum.

(2) If a quorum is not achieved, the chairperson may announce that the meeting will take place after 30 minutes.

(3) If there is still no quorum after 30 minutes the chairperson may order that the meeting be held at a later date.

(4) The later date may not be sooner than three days after the meeting was due to be held.

(5) Notice of the new date and time must be given to all members, but may be done in any manner considered by the chairperson to be appropriate.

- (6) At least three days before the holding of any ordinary meeting, the secretary to the council must issue to each member a written notice stating the place and the time at which the meeting is to be held and the matters to be dealt with.
- (7) (a) Any member of the council may give notice in writing to the secretary to the council that he or she wishes to have a matter considered by the council at an ordinary meeting of the council.
- (b) He or she must give at least seven days' notice of such wish and must state the matter that needs to be considered.
- (c) The chairperson of the council may, in his or her sole discretion, decide either to have the matter placed on the agenda, to postpone that matter for a later meeting, or to refuse to place the matter on the agenda.
- (8) Any matter not on the agenda at any meeting of the council may be dealt with if the majority of the members present at the meeting consider it to be desirable or urgent.
- (9) If the chairperson and the vice-chairperson are absent from any meeting, the members present must elect from among themselves a chairperson for the meeting.
- (10) (a) The first act at each ordinary meeting is to read and to confirm the minutes of the last preceding ordinary meeting and of any special meetings held after it.
- (b) The signature of the chairperson of the meeting serves as proof of the confirmation of the minutes.
- (11) Objections to the minutes must be raised and decided before confirmation takes place.
- (12) No member may, without the leave of the chairperson, speak more than once on any motion or motions or on any amendment to a motion, but the proposer of a motion or any amendment has the right to reply.
- (13) Decisions of the council are made by a majority of votes of the members present and voting, unless otherwise provided for in this Statute.
- (14) The chairperson has a deliberative vote on any matter that the council has to decide and in addition, the chairperson has a casting vote in the event of an equality of votes.
- (15) If a ballot is held, the minutes of the meeting must reflect whether a decision was unanimous or by majority, and if by a majority, the minutes must reflect the number of persons voting for and against any motion or amendment.
- (16) Upon the request of any member, the chairperson may direct that the vote of such member be recorded in the minutes.
- (17) Every motion or amendment to a motion must be seconded, and if the chairperson so directs, must be in writing, and no motion or an amendment may be withdrawn without the consent of the proposer, the seconder and the meeting.
- (18) The ruling of the chairperson on any question of order or procedure is final, unless immediately challenged by a member, in which event such ruling must be submitted to the meeting without discussion and the decision of the meeting is final.
- (19) Despite anything contained in the preceding subparagraphs, a proposal to make, amend or repeal the Statute or part of it may not be considered unless at least fourteen days' written notice of such proposal has been given to the members of the council by the secretary to the council.
- (20) The Statute may not be made, amended or repealed unless at least two-thirds of the members present and voting at the meeting, vote in favour of the motion.

(21) (a) In circumstances considered by the chairperson to be urgent and appropriate, a decision of the council may be made without calling a meeting.

(b) The chairperson determines how the members are to be circulated and how they may respond.

(c) If at least 10% of the members object to such procedure, the chairperson must call a special meeting.

(22) The council may invite persons who are not members to attend meetings of the council, provided that such persons may take part in discussions, but may not vote.

### **Financial or other interest of members of council**

**24.** (1) A member of the council may not take part in the discussion of, or vote on any matter in which he or she has a material interest whether direct or indirect pecuniary, financial or of any other nature whatsoever, unless he or she first discloses the nature and extent of his or her interest and obtains the leave of the meeting to participate in the discussion or vote on the matter, or both.

(2) Without derogating from the provisions of the common law and any other law, a member who fails to make a disclosure as contemplated in subparagraph (1) is subject to the provisions of paragraph 17(2) to (5)

### **Executive committee and other committees of council**

**25.** (1) There is an executive committee of the council, which consists of the chairperson of the council, the principal, the vice-principal, the deputy vice-chancellors and such other members of the council as the council may appoint to it.

(2) The council may establish other committees, whose members hold office as determined by the council.

(3) Any committee appointed by the council exercises the powers and functions delegated to it by council resolution.

(4) The provisions of paragraph 23 relating to meetings apply, with the necessary changes, to committee meetings unless otherwise provided by the council.

(5) Office-bearers of the committees are elected or appointed in the manner and for the period determined by the council.

### **Donors**

**26.** (1) For the purposes of paragraph 14(1)(l), a donor is a person who has made a donation which, in the opinion of the council, warrants that person being recognised as a donor.

(2) Every person who was a donor by virtue of the repealed Statute remains a donor for the purposes of this Statute.

(3) The secretary to the council must ensure that a list of donors is kept.

(4) Whenever the donors have to elect council members, the council must determine the time and the manner of election of the representatives.

(5) For the purpose of paragraph 14(1)(l) a juristic person or a body of natural persons may nominate a natural person to represent it.

## **SENATE**

## Senate membership

27. (1) The senate consists of -

- a. the principal;
- b. the vice-principal;
- c. the deputy vice-chancellors and the executive director or executive directors;
- d. two members of the council elected by the council in accordance with paragraph 20, provided that no person specified in paragraph 14(1)(a), (b), (c), (d) and (g) is eligible for election under this subparagraph;
- e. the professors, other than honorary professors, and every academic employee who, not being a professor, holds office as the head or acting head or chairperson of an academic department, school or any other academic structure;
- f. academic employees other than the persons contemplated in paragraph (e), elected by such employees;
- g. the deans of faculties who are not members of the senate in some other capacity;
- h. twelve support services employees of whom six are elected by such employees and of whom six are by virtue of their office members of the senate as indicated in paragraph 27(5);
- i. ten students of the University, eight elected by the SRC and two elected by the PGA; and
- j. any other persons as the council, on the recommendation of
- k. the senate, may determine.

(2) The procedure for electing council members as contemplated in paragraph 27(1)(d) is set out in paragraph 20.

(3) (a) The persons referred to in paragraph 27(1)(f) elect to the senate that number of their members that constitutes 10 per cent of the persons who are members of the senate in terms of paragraph 27(1)(e).

(b) The senate determines the procedure for electing these members.

(4) The senate determines the procedure for electing members in terms of paragraph 27(1)(h).

(5) In terms of paragraph 27(1)(h), the following six support services employees, or their equivalent, are by virtue of their office, members of the senate -

- a. the director, computer and network services;
- b. the director, academic development centre;
- c. the director, human resources;
- d. the dean of students;
- e. the University librarian; and
- f. a registrar nominated by the principal.

(6) The procedure for electing student representatives is determined by the constitutions of the SRC and the PGA respectively.

(7) (a) The senate may recommend to the council that persons or categories of persons be appointed or elected to the senate in terms of paragraph 27(1)(j).

(b) The council determines the term of office, number of representatives and manner of election or appointment of such persons or category of persons.

(8) (a) Members of the senate must participate in the deliberations of the senate in the best interest of the University.

(b) Failure to act in the best interests of the University or behaviour that brings the University into disrepute may result in removal from the senate.

(9) If it is alleged that a member is not acting in the best interests of the University or has engaged in conduct that brings or tends to bring the University into disrepute and at least one-third of the members of the senate at any meeting resolve that steps should be taken against that person, the senate must instruct that a hearing by an *ad hoc* committee of senate take place.

(10) If the committee finds that the member has failed to act in the best interests of the University or has behaved in a manner that brings the University into disrepute, then the committee may recommend that the member be removed from the senate.

(11) The member may be removed from the senate if at least two-thirds of the members of the senate present at any meeting vote for his or her removal.

(12) Where a member who has been elected or appointed dies, resigns or vacates office for any reason including the expiry of his or her term of office, the secretary to the senate must notify the authority or body that has appointed or elected such member of the vacancy and must, if in the opinion of the chairperson to the senate this is reasonably practicable, request such authority or body to appoint or elect a successor.

(13) The successor holds office for the unexpired term of office of the predecessor, unless the successor is appointed or elected because his or her predecessor's term of office has expired.

(14) A member of the senate who holds office by reason of a particular qualification or status, will cease to be a member of the senate if he or she ceases to possess that qualification or status.

### **Functions and duties of senate**

**28.** (1) Subject to the provisions of the Higher Education Act, the senate is responsible for regulating all teaching, learning, research and academic functions of the University and all other functions delegated or assigned to it by the council.

(2) Without derogating from the generality of subparagraph (1), the senate may-

- a. if delegated to do so by resolution of the council make or amend any Rule relating to the curriculum for any University qualification, but may do so only after consulting the relevant faculty board;
- b. if delegated to do so by resolution of the council, make or amend any Rule relating to the manner in which students are to be examined and the assessment of the academic performance of any student;
- c. make recommendations to the council regarding the faculty to which each academic department, school or other academic structure belongs;
- d. make recommendations to the council regarding the establishment and disestablishment of faculties, academic departments, schools and other academic structures;
- e. make recommendations to the council prior to the appointment of a dean;
- f. determine, in accordance with any relevant deed or gift, and after consultation with the principal, the conditions applicable to any scholarships and other academic prizes;
- g. determine the persons to whom scholarships and academic prizes are awarded;
- h. establish committees to perform any of its functions and may for this purpose deem a single person to be a committee;
- i. determine the functions of its committees as well as the procedure of meetings of these committees;
- j. make standing orders on procedures and delegation of powers for the better carrying out of its functions; and
- k. may delegate its functions.

### **Senate members of council**

**29.** (1) The council members elected by the senate are elected by ballot.

- (2) In the year in which an election needs to be held, it must be held at the second ordinary meeting of the senate.
- (3) The senate determines the method of taking the ballot.
- (4) Candidates must be nominated in writing by at least two members of the senate.
- (5) The nomination must be lodged with the secretary to the senate at least 14 days before the meeting.
- (6) The senate members on the council who are members of the council when this Statute comes into operation, remain members of the council until their term of appointment, as initially determined, expires.
- (7) As each period of office ends, a member of the senate must be elected in his or her place.
- (8) The outgoing member may be re-elected.

### **Office-bearers of senate**

**30.** (1) The following office-bearers of the senate are elected from among the members of the senate

- a. a chairperson;
- b. a vice-chairperson; and
- c. a secretary.

- (2) No person may be elected as office-bearer unless he or she has been nominated in writing by at least three members of the senate.
- (3) The nominee must countersign the nomination to denote his or her acceptance of the nomination.
- (4) An office-bearer holds office for two years, unless during that time he or she resigns or ceases to be a member of the Senate.
- (5) At least 60 days before the expiry of the office-bearer's term of office, the secretary to the senate must give notice of this fact to the senate and a successor is elected by a majority of the members present and voting at the next meeting of the senate.
- (6) The retiring office-bearer is eligible for re-election, if he or she is still a member of the senate.
- (7) If a vacancy occurs within the two year period, the secretary to the senate must give notice of the vacancy to the members of the senate.
- (8) On receipt of this notice the senate must, at its next meeting, elect another member to act in the place of that office-bearer.
- (9) The person elected in terms of subparagraph (8) holds office for the rest of the two year period, unless he or she resigns or ceases to be a member of the senate.
- (10) The chairperson presides at the meetings of the senate and over the meetings of the sub-committees of the senate if the senate considers it appropriate for him or her to do so.
- (11) The chairperson performs such other functions as the senate may determine.
- (12) In the absence of the chairperson, the provisions of subparagraph (10) apply to the vice-chairperson.

- (13) The vice-chairperson performs such other functions as the senate may determine.
- (14) The secretary performs those functions assigned to him or her by the senate.
- (15) If both the chairperson and the vice-chairperson are absent, the senate elects, from among its members, a chairperson for the meeting concerned.
- (16) The first elections in terms of this paragraph must take place at the next ordinary meeting of the senate after this Statute comes into operation.

### **Term of office of senate members**

- 31.** (1) The members referred to in paragraph 27(1)(a), (b) and (c) remain members of the senate for as long as they occupy their posts.
- (2) The term of office of the members referred to in paragraph 27(1)(d) is one year.
  - (3) The term of office of the members referred to in paragraph 27(1)(e) is by virtue of their offices.
  - (4) The term of office of the members referred to in paragraph 27(1)(f) and the six support services employees elected as contemplated in paragraph 27(1)(h) is three years.
  - (5) The term of office of members referred to in paragraph 27(1)(g) and the six support services employees not elected as contemplated in paragraph 27(1)(h) is by virtue of their offices.
  - (6) The term of office of members referred to in paragraph 27(1)(i) is one year.

### **Meetings of senate**

- 32.** (1) Ordinary meetings of the senate must be held at least three times in each year.
- (2) At least one meeting must be held by 30 June and at least one meeting must be held between 1 July and 30 December of each year.
  - (3) The secretary to the senate determines the place and time of all ordinary meetings.
  - (4) One-third of the total membership of the senate forms a quorum.
  - (5) The provisions in paragraphs 22 and 23(6) to (24) relating to the procedure for special and ordinary meetings of the council apply, with the necessary changes, to the meetings of the senate.
  - (6) The senate may invite persons who are not members to attend meetings of the senate, provided that such persons may take part in discussions, but may not vote.
  - (7) A member of the senate may not take part in the discussion of, or vote on any matter, in which he or she has a material interest whether direct or indirect pecuniary, financial or of any other nature whatsoever, unless he or she first discloses the nature and extent of his or her interest and obtains the leave of the meeting to participate in the discussion on the matter or vote on the matter, or both.
  - (8) Without derogating from the provisions of the common law or any other law a member who fails to make a disclosure as contemplated in subparagraph (7) is subject to the provisions of paragraph 17(2) to (3).

### **Convocation**

- 33.** (1) The convocation consists of the principal, the vice-principal, the deputy vice-chancellors, the registrars, former and present academic employees as set out in subparagraph (2) and all persons

who are or become graduates of the University.

- (2) Academic employees on the permanent staff of the University, professors emeriti and other retired academic employees who have been on the permanent staff in continuous employment for not less than 10 years immediately prior to retirement are members of the convocation.
- (3) The manner in which the president of the convocation is elected is set out in the Rules.
- (4) The functions and period of office of the president of the convocation are set out in the Rules.
- (5) All the provisions necessary for the functioning of the executive committee of the convocation as well as the period of office of a member of the executive committee of the convocation are set out in the Rules.
- (6) The procedure and quorum for meetings of the convocation are set out in the Rules.
- (7) The council may change the Rules only after consultation with the executive committee of the convocation.

## **STUDENTS AND DEGREES**

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

- 34.** (1) A person may be permitted by the council to register as a student only if he or she satisfies the legal requirements, if any, for admission to study at the University and further, satisfies any other requirements for admission that may be determined by the council and laid down in any Rule made by the council.
- (2) The requirements for admission of a student to faculties are set out in the Rules and may be changed by the council after consultation with the senate.
  - (3) A student is registered for one year or for such shorter period as the council may determine in general or in a particular case.
  - (4) In order for a student to renew his or her registration after the expiry of the period contemplated in subparagraph (3), the student is required to comply with any conditions set by the council.
  - (5) The council may refuse to allow the renewal of registration, if a student fails to meet the conditions referred to in subparagraph (4).
  - (6) The conditions referred to in subparagraph (4) may include the payment of outstanding fees.

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

- 35.** (1) In order to satisfy the requirements for the conferment of a degree, diploma, certificate or other qualification, a student must satisfy the requirements of the academic programme for that degree, diploma, certificate or other qualification as prescribed in the Rules.
- (2) A student who otherwise qualifies for the conferment of a degree, diploma, certificate or other qualification may be deemed not to have done so unless and until -
    - a. the student has paid all unpaid fees, levies, disbursements, fines and any other monies lawfully owing to the University;
    - b. any disciplinary proceedings, pending or incomplete, have been completed; and
    - c. any order made against the student as a consequence of any disciplinary proceedings, has been satisfied.
  - (3) An academic programme may include one or more of the following

- a. a course or courses;
- b. a half-course or half-courses;
- c. an attendance course or courses;
- d. a module or modules;
- e. an allocation of points reflecting the completion of an or part of the programme;  
and
- f. any other mode of study or research determined by the senate with the approval of the council.

(4) An academic programme of study extends over a period to be determined by the senate with the approval of the council.

(5) The senate must determine the method of examination of students.

### **Exemptions**

**36.** Subject to the Rules, any of the following may be admitted by the senate as a candidate for the degree of master or doctor if the senate is satisfied that the applicant is qualified to undertake the proposed line of study or research, or both and is -

- a. a graduate of this or another university; or
- b. is a person, other than a graduate of a university, who has in any other manner attained a level of competence which in the senate's opinion is adequate for the purposes of postgraduate study or research.

**37.** (1) The disciplinary measures and discipline provisions applicable to the students are set out in the Rules, and may be changed by the council after consultation with the senate and the SRC.

(2) (a) The principal may, from time to time, amend monetary penalties.

(b) Such amended penalties must be placed before the council at the next ordinary meeting of the council.

(3) If the council should alter or set aside any such amendment, its validity up to the time of alteration or setting aside by the council is not affected.

### **Students' representative council**

**38.** (1) Election to the SRC is determined by the electoral by-laws as contained in the Rules laid down by the council after consultation with the SRC.

(2) Only registered students are eligible to serve on the SRC.

(3) The president of the outgoing SRC must, in terms of the electoral by-laws, call for and give notice of an annual election of general representatives.

(4) If the outgoing president fails to call an annual election, a person designated by the principal may do so.

(5) The members of the SRC hold office for one year, the commencement of which is provided for in the SRC constitution, unless the council determines otherwise.

(6) The SRC consists of twenty-one representatives.

(7) There are fifteen general representatives elected in terms of the electoral by-laws.

(8) There are three representatives appointed in terms of the SRC constitution by the all faculty council from among the members of the faculty councils.

(9) There are three representatives appointed, in terms of the SRC constitution, by the all residence council from among the members of the house committees of the University residences.

(10) The principal determines the meaning of University residence for the purposes of subparagraph (9).

(11) The SRC executive committee is composed of the following office-bearers of the SRC

- a. the president, who is the chairperson;
- b. the vice-president: external;
- c. the vice-president: internal, who is;the vice-chairperson;
- d. a treasurer; and
- e. a secretary.

(12) The council may not alter the composition of the SRC without first consulting the SRC.

(13) The functions of the SRC and its members are determined by the SRC constitution

### **Honorary degrees**

**39.** (1) A proposal to award an honorary degree may be made either by a member of the council or of the senate and must be seconded by another member of either of these structures.

(2) The proposal must be communicated in writing to the principal.

(3) The proposal must be accompanied by a statement setting out the reasons for making it.

(4) A resolution to confer an honorary degree must be passed in the council and in the senate by an absolute majority of the members of each structure voting by secret postal ballot.

(5) A person who sits on both structures is entitled to vote in each election.

### **Conferment of degrees and diplomas**

**40.** (1) A meeting of the members of the University called the congregation of the University is convened for the purpose of conferring degrees and diplomas.

(2) The members of the council, the members of the academic staff, the persons upon whom degrees and diplomas are to be conferred and such other persons as the principal may determine are invited to the congregation of the University.

(3) Congregations of the University are held at least once a year, at a time or times determined by the council and are presided over by the chancellor, or in his or her absence by the principal or the vice-principal.

(4) The council determines the procedure relating to the conferment of degrees and the academic dress to be worn, and the senate determines all other matters concerning the congregation.

## **UNIVERSITY FORUM**

### **Composition of University forum**

**41.** (1) The University forum is the University's institutional forum as contemplated in section 31 of the Higher Education Act and consists of -

- a. the principal;
- b. the vice-principal;
- c. four persons appointed by the principal from persons holding office as deputy

- vice-chancellor, executive director and registrar;
- d. two members of the council nominated by the council;
- e. four members of the senate nominated by the senate;
- f. the deans of the faculties;
- g. five academic employees;
- h. seven support services employees;
- i. five students, four of whom are nominated by the SRC and one of whom is nominated by the PGA;
- j. not more than four other students who belong to a body or bodies of students of the University that may be nominated by the University forum to make the University forum more representative and inclusive of the broader student population;
- k. three members of the historically excluded or marginalised groups;
- l. one donor nominated by the Wits Foundation;
- m. one member of the executive committee of the convocation nominated by it;
- n. one person nominated by an educational organisation which has been chosen by the University forum;
- o. two representatives of organised labour associations; and
- p. two representatives of organised employers associations.

(2) The management of the University is made up of the persons referred to in paragraph 41(1)(a), (b), (c) and (f).

(3) The University forum must biannually elect by secret ballot from among its members a chairperson, a vice-chairperson, secretary and such other office-bearers as the University forum considers necessary to best perform its functions.

(4) The chairperson, the vice-chairperson, the secretary or other office-bearers may be removed from office by a two-thirds majority decision of the University forum.

(5) If the chairperson and the vice-chairperson are absent, the University forum elects, from among its members, a chairperson for the meeting concerned.

(6) (a) A decision will be deemed to have been taken by the University forum if, in the opinion of the chairperson, consensus has been reached.

(b) The chairperson must state his or her opinion at the meeting.

(7) The quorum and the procedure for meetings of the University forum as-with the necessary changes, the same as for the council as contained in paragraph 22 and 23(6) to (24).

(8) No person, other than those persons referred to in paragraph 41(1)(a) to (f) may serve on the University forum for more than three years, provided that a person may serve on the University forum for consecutive terms.

(9) The membership of a person, who is a member by virtue of holding office under the provisions of paragraph 41(1)(a) to (f) terminates if the member ceases to hold office.

(10) The membership of any person other than those persons referred to in paragraph 41 (a) to (f) terminates if the member-

- a. gives the chairperson written notice of resignation;
- b. fails to attend three consecutive meetings of the University forum without the leave of the University forum;
- c. becomes, in the opinion of the University forum, physically or mentally incapable for any reason of performing his or her duties as a member;
- d. ceases to be a representative of any body or bodies of persons set out in paragraph 41(1)(9) to (p).

(11) The groups of persons from which members referred to in paragraph 41(1)(9), (h), (k), (o) and (p) are appointed or elected as determined by the University forum, provided that the membership of the University forum as it existed on the day this Statute comes into force shall continue unless and until the University forum and the council determine otherwise.

(12) The University forum must advise the council on issues affecting the University, including -

- a. the implementation of the Higher Education Act and the national policy on higher education;
- b. race and gender equity policies;
- c. the selection of candidates for senior management positions;
- d. codes of conduct, mediation and dispute resolution procedures; and
- e. the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning.

(13) The University forum has the power to create sub-committees to carry out its functions.

(14) The University forum must perform such functions as may be determined by the council.,

## **GENERAL PROVISIONS**

### **Issue of Notices**

**42.** (1) The giving of written notice may be made in one or more of the following ways -

- a. by personal service;
- b. by registered post to the person concerned at his or her address last known to the registrar;
- c. by electronic mail or facsimile to the person concerned at his or her address last known to the registrar; and
- d. by internal University mail.

(2) In the event of the giving of notice by means of registered post, the production by the University of a receipt by the relevant postal authority constitutes *prima facie* evidence that the person to whom the notice is addressed is deemed to have received the notice.

### **Numerical fractions**

**43.** Whenever the requirements of the Statute or the Rules have the consequence of generating a number other than an integral number, the next greater integral number is held to constitute the number in question.

### **Persons in office**

**44.** Persons holding office under the Statute repealed by paragraph 45 are deemed, with the necessary changes, to be holding office under the corresponding provisions of this Statute unless this is inconsistent with this Statute, the Private Act or the Higher Education Act.

### **Repeal of previous Statute**

**45.** (1) The Statute applicable to the University of the Witwatersrand, Johannesburg, published by Government Notice No. 821 of 16 April 1981, as amended by Government Notice No. 257 of 17 January 1992 and Government Notice No. 1077 of 8 August 1997, is hereby repealed with effect from the date on which this Statute comes into operation.

(2) Notwithstanding subparagraph (1) any structure of the University within the meaning of the Higher Education Act, which existed prior to the publication of this Statute, continues to exist and function until the day when each new structure, reconstituted in terms of this Statute,

becomes functional.