

**UNIVERSITY OF THE FREE STATE**

**GENERAL REGULATIONS  
(ADVANCED AND POSTGRADUATE QUALIFICATIONS)**

**2008**

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## OFFICE-BEARERS



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## **OFFICIAL ADDRESS**

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## DEFINITION OF TERMS

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In order to ensure greater clarity and uniform interpretation, the meanings of the following words that appear in the General Regulations (EM 22/11/06) are defined below:

### *Active participation in a module*

The Hemis prescriptions describe active participation as follows:

“The nature of this evidence is left to the discretion of the institution’s external auditor, but could include any one of the following: the student has –

- (a) submitted module assignments; or
- (b) attended lectures, seminars, tutorials or practicals; or
- (c) written class tests or
- (d) raised study queries with an academic staff member; or
- (e) made use of learning centre.

What will not be acceptable as sole evidence of activity is the writing of the final examinations in a module.”

(Reg. A14(c) is formulated in this spirit!) (EM 22/11/06).

### *Additional modules*

Additional modules are those modules taken in addition to the minimum number required for the particular qualification.

### *Assessment*

This is the process by means of which students’ level of competence is determined and should be conducted by making use of a variety of assessment methods over a period of time and in a variety of contexts.

### *Assessor*

The lecturer responsible for the particular module, who sets the questions and marks the examination scripts or assesses the oral and/or practical examinations.

### *Cancelled*

A modules for which a student registered can be cancelled before a date determined in the University calendar and such module will not be reflected on the student's academic record. (EM 5/9/2005).

### *Continuous assessment*

Continuous assessment forms part of the assessment of a module on a continuous basis by means of a variety of assessment methods.

### *Comprehensive dissertation*

60 – 128 credits –

Comprehensive mini-dissertation OR publishable, mutually related article(s) (implies finalised research comprising literature and a study). (EM 5/9/2005) (EM3/9/2007)

### *Curriculum*

A curriculum consists of related modules from different disciplines that form part of the programme over the specified period in which students must achieve the stated learning outcomes.

### *Discipline*

A specialised and demarcated field of study.

### *Minor Dissertation – 32 - 59*

A scientific document of lesser extent than a thesis or dissertation produced by a student. (EM 5/9/2005) (EM 3/9/2007).

### *End assessment (summative assessment)*

End assessment is summative in nature and aimed at determining whether the student has achieved the required level of competence as stated in the learning outcomes. End assessment is aimed at integrating the various components of the particular module.

*Dissertation – 130 credits*

Extensive dissertations or publishable related article(s) (implied rounded off research consisting of literature and a study). (EM 3/9/2007).

*Examination mark*

The combined mark obtained by a student for a particular examination paper or papers of a module.

*Examination paper*

A form of assessment consisting of a set of questions, oral and/or written, on a module(s) or part of a module that students have to respond to during an assessment opportunity.

*Examination period*

The period at the end of every semester, as indicated in the university calendar, during which examinations are conducted.

*Examination results (EM 22/11/2006)*

<b>COMPUTER CODE</b>	<b>DESCRIPTION</b>
00	(No code or information must appear on the academic record.) Only -
01	Pass
71	Pass with distinction
02	Fail
03	Reassessment
11	Reassessment exam: Pass
12	Reassessment exam: Fail
08	Special exam
31	Special exam: Pass
32	Special exam: Fail
05	Merit exam

06	Merit exam: Pass
07	Merit exam: Fail
21	Recognition
68	Exemption
41	Attendance
30	Continuation: Undergraduate
40	Continuation
20	Discontinued
09	Incomplete
19	Pending
22	No credit
70	Distance learning: No exam

### **DEFINITIONS FOR RESULT DESCRIPTIONS**

CODE	DEFINITION / APPLICATION
00	No result. Student was registered for a specific module, but has not yet participated in a first examination opportunity and there is no result available.
01	Student participated in a first or second examination opportunity and obtained a final mark of 50 % to 74 % and also obtained the subminimum for the examination mark, namely 40 % and more. The student therefore passes the module [Reg. A17 (a),(b),(c); Reg. A41 (c),(d); Reg. A65 (c),(d); Reg. A92 (c),(d); Reg. AD10 (b),(d); Reg. FP 9 (b)].
71	The student met the same requirements as for 'Pass'.



	but a final mark of 75 % and more was obtained. The module is therefore passed with distinction [Reg. A17 (d); Reg. A41 (g); Reg. A65 (g); Reg. A92 (h); Reg. AD10 (g); Reg. FP 9 (g)].
02	A student failed to meet the pass requirements, i.e. did not obtain a final mark of 50 % or more and/or a subminimum of 40 % in the examination. The candidate fails.
03	<p>(i) A student who participated in the first examination opportunity and obtained a combined (final) mark of between 45 % and 49 %, and a subminimum of at least 30 % in the examination, qualifies for a reassessment and may participate in the second examination opportunity [Reg.A15 (d); Reg. A43 (d); Reg. A67 (d);Reg.A93 (d); Reg. AD 12 (d); Reg. FP 11 (c)].</p> <p>(ii) A student who participated in the first examination opportunity and obtained a combined (final) mark of 50 % or more, but did not obtain the subminimum of at least 40 % (in respect of pass requirements) in the examination, also qualifies for a reassessment and may participate in the second examination opportunity [Reg. A15 (e)].</p> <p>NB: If a student only participates in the second examination opportunity of a semester, he/she can only obtain a result of 'Pass' or 'Fail' and no reassessment applies in this case.</p>
11	<p>The student did not pass or fail during the first examination opportunity, but qualified for a reassessment.</p> <p>Code 11 is used to change a result of 'Reassessment' to 'Reassessment: Pass' if a student was successful during the reassessment examination.</p>
12	The same applies as in the case of Code 11, but the student was not successful during the reassessment examination, and Code 12 indicates 'Reassessment:

	Fail.
08	<p>The code only applies to final-year students who, after the 1<sup>st</sup> examination opportunity of the first and second semester respectively passed all modules for the specific semester with the exception of <u>one</u> module that was failed. For this failed module, a special examination is granted, for which the candidate must then sit during the second examination opportunity.</p> <p>If the student failed a module during the first examination opportunity for the specific semester and qualified for a reassessment in another one or more modules, no special examination is granted for the failed module [Reg. A15 (f),(g); Reg. A43 (f),(g); Reg. A67 (f),(g); Reg. A94 (f),(g)].</p>
31	Once the special examination has been passed successfully, Code 31 is used to indicate 'Special examination: Pass'.
32	This code indicates 'Special examination: Fail'.
05	Code 05 indicates that a student is allowed to write a merit examination on the basis of a written request in terms of Regulations A31; A54; A78; A107; A126; AD23; FP21.
06	Code 06 indicates 'Merit examination: Pass
07	Code 07 indicates 'Merit examination: Fail'
21	Recognition is granted for formal learning at NQF Level 5 and higher where an equivalence of 50 % and more can be proved. Recognition is granted for the completion of a qualification and is credit-bearing. A prescribed administrative process is followed. Is handled by faculty officers.
68	Exemption is granted for any learning, no matter how it

	was required, at NQF Level 4 and higher where a relevance of 50 % and higher can be proved on the basis of RPL guidelines (assessed proof of prior learning). Exemption is granted for admission to and/or completion of a qualification and is credit-bearing. A prescribed administrative process is followed. Is handled by faculty officers.
41	In some modules an examination opportunity is not participated in formally, but by means of the Code 41, 'Attendance', it is indicated that the student attended the compulsory number of lectures as determined by the department.
30	This code is only used at the end of a calendar year in respect of M.B.,Ch.B. undergraduate programme opposite the module with regard to which the student is still engaged in study, but which he/she has not yet completed and will have to register again the next year until the study is completed.
40	This code is only used at the end of a calendar year in respect of master's mini-dissertations and dissertations and doctor's theses opposite the module with regard to which the student is still engaged in research/study, but which he/she has not yet completed and will have to register again the next year until the study is completed.
20	Code 20 indicates that a student discontinued the module by means of a written request before the first examination opportunity, as applicable to the module.
09	(i) 'Uncompleted' can be used opposite a module after the first examination opportunity per semester if the student, according to the lecturer, failed to meet the semester requirements for the module and is therefore refused admission to the examination [Reg. A14 (c); Reg. A41 (b); Reg. A65 (b); Reg. A92 (b); Reg. AD 10 (c); Reg. FP 9 (d)]. (ii) After the second examination opportunity has

	passed, and a student has not participated in any of the two examination opportunities and therefore did not obtain a mark for pass or fail, the result code is 'Incomplete'.
19	If a student is charged with the contravention of any of the examination rules in an examination venue, all scripts are collected as exhibits in the disciplinary procedures and may not be marked. The result is then indicated by means of Code 19 'pending' until after the results of the disciplinary hearing.
22	If the student is found guilty during the disciplinary hearing and loses the credit for the module, Code 22 indicates 'No credit' and therefore replaces the information 'Pending' on the record. If the student is found not guilty and the script must be marked, the description 'Pending' is replaced with the relevant examination code.
70	Distance learning: No exam

### *External assessment*

External assessment refers to external examination and/or external moderation and/or external assessment of standards.

### *External assessor*

A person who is not in the permanent employment of the University and who marks examination scripts or assesses oral and/or practical examinations.

### *External moderator*

A person who is not in the permanent employment of the University and who ensures that the assessment is conducted in accordance with the specified learning outcomes and the required level of competence.

### *Final mark*

The combined mark calculated on the basis of the module mark and the examination mark and rounded off to a percentage whole number.

### *Internal moderator*

A person who is in the permanent employment of the University and who sees to it that assessment is conducted in accordance with the specified learning outcomes and at the required level of competence.

### *Learning outcome*

A learning outcome refers to the contextually demonstrated end product of the learning process. An exit-level outcome is the learning outcome that the qualifying student must achieve at the stage of exiting the programme leading to the particular qualification. A specific learning outcome is contextually demonstrated knowledge, skills and values that support one or more critical outcomes and represent a particularisation of exit-level outcomes.

### *Module*

A module is a coherent, self-contained learning unit designed to achieve a set of particular learning outcomes. In a modular qualification structure a module has a standard size and an assigned weighting and level in the programme. A module can fulfil a fundamental, core and elective function in a programme.

### *Module exemptions*

Exemption will be granted for any learning, irrespective of how it was acquired, at NQF Level 4 or higher where a relevance on the basis of RPL guidelines (assessed proof of prior learning) of more than 50 % can be proved. Exemption will be granted for admission to and/or the completion of a qualification and will be credit bearing. A prescribed process will be followed. (EM 5/9/2005).

### *Module mark*

The calculated mark, rounded off to a percentage whole number, obtained for a student's written, oral and/or practical work in a particular module and calculated in the manner set out in the module guide.

### *Notional learning hours*

Notional learning hours imply the informed estimate of the average learning time an average student will require to achieve the minimum learning outcome(s). Such learning time includes contact time, practical work, independent and guided study and examination time. One credit is equivalent to ten notional learning hours.

### *Occasional student*

An **occasional student** is a person who satisfies these three conditions:

- He/she satisfies the statutory requirements for entry into the formally approved qualification offered by the institution.
- He/she is, with the approval of the dean, enrolled for a modules which forms part of the curriculum of a formally approved qualification.
- He/she is not registered for an approved qualification.

These criteria imply that those following bridging or pre-tertiary modules (below NQF level 5) must not be classified as occasional students. (EM 22/11/06).

### *Programme*

A programme is the structure within which the cumulative learning that a student is required to complete successfully to master the exit-level outcomes of a qualification is indicated. This structure consists of a related combination of modules/learning units, expressed in outcomes-based format and having an academic and or professional/career-orientated focus. Students may access the programme at different points or levels and may also exit at meaningful points or levels.

### *Programme Group*

A programme group is grouping of different programmes with an overarching focus. A programme group is the academic particularisation of one or more strategic focuses of the UFS.

### *Qualification*

In an outcomes-based approach a qualification refers to the certification of achieved learning outcomes of a programme, expressed as an accumulation of credits at specific levels. A qualification represents the demonstrated performance of a student in a planned and goal-directed combination of learning outcomes which are aimed at equipping students with applied competence and a foundation for further learning.

### *Recipients of a certificate/diploma/degree*

A student who meets the minimum requirements for the particular qualification and who, after assessment, has achieved the required level of competence.

### *Registration*

An annual contractual agreement entered into by the University and the student in terms of prescribed procedures.

### *Short dissertation*

Less than 32 credits.

Short dissertation; implies finalised research comprising literature and study. (EM 5/9/2005).

### *Statute*

The Statute of the University of the Free as amended and promulgated in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997, as amended) and published, in terms of the provisions of section 33 of the said Act, with the approval of the Minister of Education.

### *Students*

A student is a person who satisfies the following four (4) conditions:

He/she must be in possession of either a Senior Certificate with endorsement, or Certificate with endorsement, or Certificate without endorsement, or must be admitted at the Senate's discretion.

- He/she must also comply with the specific admission/selection requirements as set by the University/faculty.
- He/she must be enrolled for a module which is included in the curriculum of at least one qualification which has been formally approved by the Minister of Education.
- He/she must have been active in that module on or before the census day prescribed by the institution. (EM 22/11/06).

For the purpose of interpretation and application of a regulation, the Afrikaans and English texts are regarded as equivalent regardless of whether they are translated or original versions. The Afrikaans and English texts of a regulation must be read together in order to determine the meaning. In the case of irreconcilable conflict between the texts, preference must be given to the version that best reflects the aims of a regulation, as determined from the text of Senate minutes and other allowable sources.

(EM 11/08/2003).

Words indicating the masculine will also implies the feminine and vice versa;

Words indicating the singular will also implies the plural and vice versa.



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## **GENERAL REGULATIONS FOR ADVANCED BACCALAUREUS QUALIFICATIONS**

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### **Reg. A32 - Admission for the advanced baccalaureus degree**

- (a) Persons who wish to register for the first time at this university, as well as students who interrupted their study for the advanced baccalaureus degree for a period of at least one semester, must apply for admission on the prescribed form before the date determined by the University each year.
- (b) Students registering for the B.Advanced Nursing or for occasional study in modules pertaining to this qualification, must meet the admission requirements as set out in the calendar of the faculty concerned.
- (c) In order to qualify for admission to occasional study in modules pertaining to advanced bachelor's qualifications, a student must meet the requirements set out in paragraphs (a) and (b) above.

### **Reg. A33 - Submission: Documentation for admission to the University**

- (a) The responsibility for ensuring that the admission requirements of the University in respect of a specific qualification is met, rests with the student.
- (b) Subject to the stipulations of Regulation A32, a student who previously studied at a different higher educational institution, can be admitted to this University after a satisfactory certificate of conduct and study record have been received from the higher educational institution concerned.

Students who have been refused re-admission to any other higher educational institution on the grounds of academic performance will not be admitted.

- (c) The University reserves the right to cancel a student's registration at any time should it come to light that the admission requirements concerned are not met.

### **Reg. A34 - Registration as student and module changes**

- (a) (i) A student must register annually for both semesters during the registration period in the manner determined by the University and pay the prescribed fees. No retro-active registration will be considered by the University. (EM 19-07-2004).
- (ii) Students with outstanding university fees, outstanding documents in connection with conditional exemptions and without the necessary academic records and certificates of conduct of a university(s) previously attended, are registered conditionally only. Conditional registration applies only up to a certain date as determined by the University, after which the conditional registration expires. (EM 22/11/06).
- (b) Students from other higher educational institutions who register at this University, or students at this University who register after having interrupted their studies for a year or longer are, conditional on the stipulations of Regulation A36 (f), subject to the regulations that apply at the time of the mentioned registration except in cases where the dean concerned approves a deviation in terms of Regulation A36(b).
- (c) (i) If a student changes the composition of the curriculum, the Registrar: Student Academic Services must be notified on the prescribed form within the period allowed for module changes.
- (ii) Should a student change module(s), cognisance must be taken of the fact that it is the student's responsibility to catch up on work which has already been completed, and that such a Student will also have no right to demand any additional assistance on the part of the lecturer or any concession with regard to notes, assignments, tests, practical work and possibly assessments which may have been completed already.
- (d) A student obtains academic credit for the modules registered for and passed.

- (e) Irrespective of any recognitions which may be granted, a student who changes field of study, must comply with the regulations applying during the year in which the change is effected, except where the dean approves a deviation in terms of Regulation A36(b).
- (f) In registering a student undertakes to comply with all the rules and regulations of this University including those contained in the annexures to the General Regulations.
- (g) The responsibility for staying conversant with the regulations rests wholly with the student.
- (h) Confirmation of registration by the University does not exempt a student from meeting any admission requirements pertaining to a qualification or module for which is registered.

### **T34 – Clarifying Information**

Any person who is not registered as a student or a registered student who is not registered for a specific module and who writes an examination in that module, will not receive the result of that module and will have no claim to it as well.

### **Reg. A35 - Simultaneous registration**

- (a) A student registering for advanced bachelor's qualification study can, on the basis of academic merit and with the approval of the dean/deans concerned also register for another qualification offered by this University, provided that the period of residence ends at the same time. (EM 31/7/2006).
- (b) Simultaneous registration at this and another higher educational institution will only be allowed in exceptional circumstances and subject to recommendation by the Dean and the consent of both institutions.
- (c) Should it come to light that a student is registered at this University in conflict with the above-mentioned regulations, the registration at this University can be cancelled.

**Reg. A36 - Curriculum composition, admission to subsequent years of study, checking of student and duration of study**

- (a) A student must distribute the modules of the qualification for which is registered over a period not shorter than that specified by the Senate.
- (b) Subject to the stipulations of Regulations A32, A34(b), A35 and A37, curricula are compiled as set out in the calendar of the faculty concerned and in accordance with the module and classroom timetable. In exceptional circumstances the dean may permit a student to change the prescribed sequence and composition of modules over the years of study.
- (c) Subject to the stipulations of Regulations A32(b), A35 and A37, a student may take extra modules from any faculty additional to the minimum number of modules prescribed for a specific curriculum.
- (d) Except where stipulated differently by the faculty calendar, a student can, notwithstanding the requirements for modules as set out in Regulation A8, register for a module without meeting the preconditions and take modules at different levels in the same discipline simultaneously.
- (e) In order to qualify for admission to the next year of study for the B. Advanced Nursing, a student must meet the requirements of the regulations of the faculty concerned.
- (f)
  - (i) Students who, after the minimum period of study for a specific qualification plus two years, calculated from the date of first registration for the particular field of study, have not yet obtained the qualification, will only be allowed to continue their studies subject to the consent of the Dean and recommendation by the head of the department.
  - (ii) Students will also not be allowed to register more than twice for the same module, except with the permission of the Dean and subject to recommendation by the head of the department.

- (g) (i) If it should be judged not to be in the interest of the University that a student should continue his/her studies in a specific field of study, the dean of the faculty involved can request that Executive Management check the student concerned in the specific field of study.
- (ii) Before the dean makes a recommendation as mentioned above to Executive Management, the student must be informed in writing of such intention and the reasons for it, so that he/she can be given the opportunity to try to convince the dean not to continue with his/her proposed recommendation.
- (iii) The student must also be given the opportunity of handing in a written submission to Executive Management in which he/she can give reasons why he/she should not be checked in the specific field of study.

**Reg. A37 - Recognition of modules passed at this or another higher educational institution**

The head of the department in consultation with the Registrar: Student Academic Services can give recognition for modules (credits) passed at this or another higher educational institution (or an institution recognised for this purpose), provided that an advanced bachelor's qualification of this University can be awarded to such student, on condition that

- (a) the combined period of attendance at this and the other higher educational institution of a student who has not yet obtained the qualification at this or the other higher educational institution, at least equals the term prescribed for the qualification at this University, provided that the student registers at this University for at least two academic years;
- (b) at least half the modules (credits) prescribed for the particular qualification were passed at this University; and
- (c) all other requirements for the particular qualification are met.

### **T37 - Clarifying Information**

Recognitions are granted on the basis of formal learning with at least 50 % relevance. Exemptions are granted on the basis of non-formal learning with at least 50 % relevance. (EM 31/7/2006).

### **Reg. A38 - Mode of presentation and assessing**

- (a) Advanced bachelor's degrees are presented in accordance with the stipulations of a particular department.
- (b) Assessment is stipulated by the head of department, and may involve either written and/or oral examination.

### **T38 - Clarifying information**

If the oral option is chosen, Reg. 45 must be complied with.

### **Reg. A39 - Times when and centres where examinations are taken down**

- (a) In terms of the requirements for a particular module, examinations are taken down on completion of the said module at the centre where the module was presented to the student.
- (b) The times when and venues where examinations are taken down, appear in the examination timetable.

### **Reg. A40 - Assessors/moderators**

Examinations are taken down for a particular module by assessors and moderators who have been appointed by the particular department and these are subject to external moderation. (EM 31/7/2006).

### **Reg. A41 - Module mark/admission to examinations and requirements for successful completion**

- (a) A module mark results from the assessment of a student in a particular module and is calculated and made public in a way prescribed by the relevant department in its study guide for that particular module.

- (b) Except if the dean decides otherwise, a Student has to comply with all requirements that pertain to sub minimums and assignments, and these are outlined in the study guide for a particular module.
- (c) To pass a module, a final mark of at least 50 per cent has to be obtained.
- (d) The way that the final mark is calculated, is outlined in the study guide for the module in terms of the guide-lines stated below.
  - (i) A sub minimum of 40 per cent applies to the examination mark, as well as each paper, mini-dissertation or practical work.
  - (ii) The weight assigned to the examination mark may not be less than 40 per cent, nor more than 60 per cent.
- (e) A module mark obtained for a module is only valid for the examination opportunity that applies to that module. In the case where a module has to be repeated, a new module mark has to be earned.
- (f) Where a system of continuous evaluation is used as the exclusive means of assessment, the final mark is based on the students performance assessed during assessment opportunities distributed over the period of presentation of the module.
- (g) To pass a module with distinction, a final mark of at least 75 per cent has to be earned.

#### **T41 - Clarifying Information**

Where a module is included in the curriculum and that module also appears in undergraduate curricula, the General Regulations that apply to first qualifications also apply to the said module.

#### **Reg. A42 - Qualification with distinction**

The requirements for passing a qualification with distinction are determined by the regulations of the various faculties.

### **Reg. A43 - Examination opportunities**

- (a) Two examination opportunities are scheduled per semester, namely, in June and July for first-semester modules and November and January for second-semester modules, and the latter two opportunities for all the modules that were presented over a period of an academic year. No further examination opportunities exist.
- (b) A student who does not participate in the first examination opportunity in June, may sit for the second examination opportunity in July.
- (c) A student who does not participate in the first examination opportunity in November, may sit for the second examination opportunity in January.
- (d) A student who participated in the first scheduled examination opportunity in a given semester, and obtained an examination mark of at least 30 percent, with a final mark of at least 45 per cent in a module, may again sit for the second examination opportunity. If a final mark of less than 45 per cent has been obtained, the module has to be repeated.
- (e) Students who have successfully completed a module, but who would like to improve their final mark, may sit for the second examination opportunity, provided that a final mark of at least 60 per cent was obtained. The best mark will be taken into consideration.
- (f) A student in his/her final year who has to extend his/her study period in obtaining the qualification, period after writing the June examination because he/she failed only one module during the June examination without considering the November examination that would still have to be written, may be admitted to the second examination opportunity in July without any stipulations by the Registrar: Student Academic Services.



- (g) A student in his/her final semester who has to extend his/her study after writing the November examination because he/she failed only one module during the November examination, may be admitted to the second examination opportunity in January without any stipulations by the Registrar: Student Academic Services.

### **T43 - Clarifying information**

- (i) If a student qualifies for a re-assessment in a module comprising more than one examination paper, he/she must write the examination in both papers during the re-assessment.
- (ii) If a module comprises two examination papers, the examination in both papers must be written during the same examination opportunity.

### **Reg. A44 - Promotion**

- (a) Continuous and end (summative) assessment have been decentralised, and these forms of assessment take place during the term of presentation of the module; moreover, the results of such assessments are taken into consideration in determining the module mark. The ratio for calculating the module mark, is outlined in the study guide of the module in question in accordance with Reg. 41(d).
- (b) Students who obtain a module mark of 65 per cent or higher, are promoted (i.e they pass) and no further examination has to be taken in that particular module. The module mark becomes the final mark that the student is awarded for the module in question. With regards to the Faculty of Law, a minimum of 70 % is required.
- (c) Students who obtain a module mark of less than 65 per cent must sit for the officially scheduled examination opportunity. The result will be handled in terms of regulation A41. With regards to the Faculty of Law, a minimum of 70 % is required.
- (d) Students gain admission to the officially scheduled examination opportunity, provided that they have participated in an adequate

number of opportunities for continuous and end assessment. Requirements for adequate participation are outlined in the study guide for the module.

- (e) To pass a module with distinction, a module mark of at least 75 per cent has to be obtained.

#### **T44 - Clarifying Information**

- (a) Students who are promoted (i.e who pass), but who would like to improve their final mark, may participate in the scheduled examination opportunity. The final mark is then calculated in terms of regulation A41.
- (b) Absence of assessment opportunities is handled in terms of the internal policy of the faculty in question.
- (c) Departments that use a system of continuous evaluation may not schedule assessment opportunities during approved examination periods.

#### **Reg. A45 - Oral examination**

Instead of a written examination, departments may take down an oral examination, provided that:

- (a) the examination is taken down during an officially scheduled examination period;
- (b) for each module the oral examination will last for at least half an hour per student;
- (c) for all oral examinations, the head of department or a senior lecturer appointed by him/her, must always be present in addition to the assessor(s) and moderator(s).

## **Reg. A46 - Requirements for examination venues**

- (a) All students sitting for an examination of the University of the Free State must be a registered student of the University, meet the provisions of Regulation A41(b) and
  - (i) must present his/her student card to be admitted into the examination venue;
  - (ii) may have no pencil-and-pen holders, books of any kind, notes or paper on which writing appears, cellular phones, dictaphones or electronic equipment will be carried on his/her person during the examination session, with the understanding that in the case of an open-book examination, the prescribed book(s) will be allowed in the examination hall;
  - (iii) may give or receive no help, or attempt to help or obtain help from another student or from the invigilator, or have a conversation with anybody else;
  - (iv) must, at the request of an invigilator, hand in all attendance forms, examination scripts and documents which have been handed out, at the designated point in the examination hall;
  - (v) will not be allowed to enter the examination hall after 30 minutes since the start of the examination session have elapsed, or demand to be allowed extra time should he/she arrive late;
  - (vi) may not leave the examination hall within 45 minutes of the start of the examination session;
  - (vii) may not smoke, or eat any food or partake of any refreshments in the examination hall;
  - (viii) may only leave the examination hall for a short period under supervision to visit the cloakroom with the permission of the chief examination invigilator;

- (ix) may only address questions to and receive information from an invigilator after raising his/her hand;
  - (x) may only request and receive one examination paper in either Afrikaans or English, according to choice, or in both languages if applicable and according to field of study;
  - (xi) must carefully read and complete all the particulars on the examination scripts and the attendance forms in full and in the prescribed manner;
  - (xii) must, in case of any transgression of the examination hall rules, appear before the Disciplinary Committee to receive an appropriate punishment; and
  - (xiii) may only leave his/her personal possessions inside/outside the examination hall at his/her own risk and must indemnify the UFS from any liability for damages suffered/ losses incurred, and must realise that the UFS will accept no responsibility in the above-mentioned regard.
- (b) If any invigilator has reasonable grounds, confirmed as such by another invigilator, to believe that a student has forbidden notes or any of the items mentioned in Regulation A46(a)(ii) in his/her possession, the student may be confronted with the suspicion or be requested to leave the examination hall in the company of two invigilators of the same gender as the student. The invigilator then has the right to search the person of the student for forbidden notes or items in the presence of the other invigilator in a private room where only the three persons are present.

#### **Reg. A47 - Errors in reading the examination timetable**

The University accepts no responsibility should a student errors in reading the examination timetable.

### **Reg. A48 - Extra time during the examination**

Only on the grounds of an acceptable medical certificate or on the recommendation of Kovsie Counselling and Development in co-operation with the Unit for Students with Disabilities may the Registrar, Student Academic Services grant extra time for writing examination papers.

### **Reg. A49 - Statements of results**

Official statements of results are only supplied to students by the Registrar: Student Academic Services.

### **Reg. A50 - Examination results**

- (a) Provisional examination results are put up on specified notice-boards and a statement of final results is posted to each student by the Registrar: Student Academic Services.
- (b) No official statement of results will be posted to a student before the account is paid in full, unless the Director: Finance should decide differently.
- (c) A student can discuss an examination paper with a lecturer and the head of the department within five working days after the publication of the results, with the right of immediate appeal to the dean. (EM 31/7/2006) (EM 22/11/2006).

### **T50 – Clarifying information**

The definitions applicable to examination results and codes have been approved by the EM (22/11/2006).

### **Reg. A51 - Statements of results, study records, certified statements, certificates of conduct and certified examination timetables**

Statements of results, study records, certified statements, certificates of conduct and certified examination timetables can be issued on request by the Registrar: Student Academic Services.

### **Reg. A52 - Qualification certificates**

- (a) Qualification certificates are only handed out on the occasion of the graduation ceremony. If a qualification is conferred *in absentia*, the certificate is posted to the student as soon as possible after the ceremony, after payment of the prescribed absentia fees.
- (b) If an original certificate is lost or damaged, the Registrar: Student Academic Services will only issue a statement to the effect that the student did obtain the qualification.

### **Reg. A53 - Graduation ceremonies**

The University retains the right to refuse to confer a qualification upon a student unless

- (i) all relevant fees have been paid to the University, all statements of results in respect of modules passed at other higher educational institutions have been handed in, and all outstanding books have been returned to the library; and
- (ii) all other stipulations as set out in circulars to graduates have been met.

### **T53 - Clarifying information**

Results being received after the date published in the University calendar, will not be taken into account for the first upcoming diploma and graduation ceremonies, but will stand over until the next diploma and graduation ceremonies.

### **Reg. A54 - Exceptional merit applications**

Notwithstanding the stipulations of any regulation, the dean, in consultation with the Registrar: Student Academic Services, can make decisions concerning exceptional cases on merit, with a right of immediate appeal to the Vice Rector: Academic Operations with notice to the Dean" (Committee of Deans 3/8/2006).

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## GENERAL REGULATIONS FOR HONOURS BACCALAUREUS QUALIFICATIONS

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### **Reg. A55 - Admission to the University**

Persons who wish to register for the first time at this University for the Honours Baccalaureus degree, as well as students who interrupted their studies for a period of at least one semester, must apply for admission on the prescribed form and before the date stipulated by the University each year.

### **Reg. A56 - Admission: honours baccalaureus qualifications**

- (a) In order to be admitted to this qualification study by the head of the department, a student must
  - (i) have obtained a suitable baccalaureus qualification, with the understanding that, with the permission of the dean on the recommendation of the head of the department in consultation with the Registrar: Student Academic Services, a student can also be admitted on the grounds of a qualification regarded as equivalent by them, or because he/she has in some way attained a standard of competence<sup>1)</sup> which they judges to be sufficient for the purposes of postgraduate study. (EM 31/7/2006).
  - (ii) have convinced the head of the department concerned that he/she possesses sufficient undergraduate knowledge of the subject to justify admission to this study.
- (b) In exceptional cases, on recommendation by the head of the department, a student can be admitted to a number of modules at honours level although he/she fails to meet the major subject standard.
- (c) In addition to the above-mentioned preconditions for admission to all honours qualifications, the head of the department can, with written confirmation to the Registrar: Student Academic Services, also require that a student complete certain additional modules before admission to or conferring of the qualification.

- (d) In exceptional circumstances<sup>2)</sup> the dean in consultation with the head of the department may allow a student who has obtained a bachelor's qualification in one faculty, to register for an honours bachelor's qualification in another faculty. (EM 31/7/2006).
- (e) In order to be admitted to occasional study in honours bachelor's qualification study, a student must meet the requirements set out in paragraph (a) above.

The responsibility for ensuring that the admission requirements for honours, master's and doctor's study, as well as certificates and diplomas following a first certificate, diploma or degree, are met rests with the head of the department and programme director concerned.

The student must therefore convince the head of the department and programme director concerned in advance that the admission requirements concerned have been met.

#### **T56 – Clarifying information**

- (1) Admission on the basis of a standard of proficiency is handled via the RPL Committee on which the head of the department concerned can be co-opted. (EM 31/7/2006).
- (2) Guidelines in this regard are contained in a Senate resolution of 4 June 1991, par. 7.1, page 7.

#### **Reg. A57 - Submission: documentation with a view to admission to the University**

- (a) The responsibility to ensure that he/she meets the admission requirements of the University in respect of a specific qualification rests with the student.
- (b) Subject to the stipulations of Regulations A55 and A56 a student who previously studied at another higher educational institution, can be admitted to this University after a satisfactory certificate of conduct and study record have been received from the higher educational institution concerned.



Students who have been refused re-admission to any other higher educational institution on the grounds of academic performance will not be admitted.

- (c) The University reserves the right to cancel a student's registration at any time should it come to light that he/she failed to meet the admission requirements concerned.

### **Reg. A58 - Registration as a student and module changes**

- (a) (i) A student must register annually for both semesters during the registration period and in the manner stipulated by the University and pay the prescribed fees. No retro-active registration will be considered by the University (EM 19 July 2004).
- (ii) Students with outstanding university fees, outstanding documents in connection with conditional exemptions and without the necessary academic records and certificates of conduct of a university(s) previously attended, are registered conditionally only. Conditional registration applies only up to a certain date as determined by the University, after which the conditional registration expires. (EM 22/11/06).
- (b) Subject to the stipulations of Regulation A60 (f), students from other higher educational institutions who register at this University, or students of this University who register after having interrupted their studies for a year or longer, have to comply with the regulations applying at the time of said registration unless the dean decides otherwise.
- (c) (i) If a student wishes to change the composition of curriculum, the Registrar: Student Academic Services must be informed of this intention on the prescribed form within the period allowed for module changes.
- (ii) If a student makes a module change it should be noted that it is the student's responsibility to catch up with work that has already been completed, and that the student cannot lay claim to any additional assistance from the lecturer or reach a compromise regarding notes,

assignments, tests, practical work and possible assessments that have already been finalised.

- (d) A student receives academic credit for modules for which is registered and which has been passed.
- (e) Irrespective of any recognitions that may be granted, a student must, should he/she wish to change his/her qualification module, comply with the regulations that apply during the year in which the change is effected unless the dean decides otherwise.
- (f) On registration the student undertakes to comply with all the rules and regulations of the University including those contained in the annexures to the General Rules and Regulations.
- (g) The responsibility for staying conversant with the regulations rests wholly with the student.
- (h) Confirmation by the University that registration has indeed taken place does not exempt the student from any precondition for admission to the qualification or module for which is registered.

### **T58 - Clarifying Information**

Any person who is not registered as a student or a registered student who is not registered for a specific module and who writes an examination in that module, will not receive the result of that module and will have no claim to it as well.

### **Reg. A59 - Simultaneous registration**

- (a) A student who already passed 85 % of the prescribed modules including the major disciplines (core modules) can register simultaneously for the baccalaureus and honours degreeS with the consent of the head of the department.
- (b) A student for an honours baccalaureus degree can, on the basis of academic merit and with the approval of the dean/deans register for another qualification at this University, on condition that the periods of residence end at the same time. (EM 31/7/2006).

- (c) Simultaneous registration at this and another higher educational institution will only be allowed in exceptional circumstances on recommendation of the dean/deans and with the permission of both institutions. (EM 31/7/2006).
- (d) Should it come to light that a student at this University has registered in conflict with the above-mentioned regulations, registration at this University can be cancelled.

**Reg. A60 - Curriculum composition, checking of student and duration of study**

- (a) A student must distribute the modules for the qualification for which is registered over a period that is not shorter than that stipulated by the Senate.
- (b) The curriculum is compiled in accordance with the exposition in the calendar of the particular faculty and in consultation with the head of the department concerned.
- (c) Subject to the stipulations of Regulations A56 and A61, a student may take additional modules from any faculty on condition that the admission requirements concerned are met.
- (d) Except where stipulated differently in the calendar of the faculty concerned, a student can, notwithstanding the preconditions for modules as set out in Regulation A8, register for a module without meeting the preconditions and take modules at different levels in the same discipline simultaneously.
- (e) A student for an honours qualification must be a registered student at this University for a period of at least one year after obtaining the qualifications on the grounds of which he/she has been admitted to the honours study, with the understanding that in the case of students who register before the set closing date, the academic year will be regarded as a year.
- (f) (i) Students who fail to obtain the honours qualification after the minimum period of study for the specific qualification plus two years, calculated from the first date of

registration for the qualification concerned, will only be allowed to complete the study subject to the recommendation by the dean. (EM 23/08/04).

- (ii) A student who has also already registered twice for a specific module (examination paper/minor dissertation/practical work) and has failed to meet the requirements for passing, will only be allowed to renew his/her registration for the qualification with the permission of the dean and subject to recommendation by the head of the department.
- (g)
- (i) If it is considered to be in the interest of the University that a student not be allowed to continue his/her studies in a particular field of study, the dean of the faculty concerned can request the Executive Management to check the student concerned in the particular field of study.
  - (ii) Before the dean makes a recommendation such as the above-mentioned to the Executive Management the student should be informed in writing of his/her intention and provided the reasons, to give him an opportunity to attempt to dissuade the dean from proceeding with his/her intended recommendation.
  - (iii) The student must also be afforded an opportunity to make a written submission to the Executive Management in which he/she states reasons why he/she should not be checked in the field of study concerned.

#### **Reg. A61 - Recognition of modules passed at this or another higher educational institution**

The head of the department in consultation with the Registrar: Student Academic Services can give recognition for modules, passed at this or another recognised higher educational institution (or an institution recognised for this purpose) provided that an honours qualification of this University can be awarded to such student, on condition that:

- (a) the combined attendance period of the student who has not yet obtained the qualification at this or another higher educational

institution, will be at least the same as the term prescribed for the qualification at this University:

- (b) at least half of the prescribed modules (credits) for the qualification have been passed at this University; and
- (c) all the other requirements for the specific qualification have been met.

### **T61 - Clarifying Information**

Recognitions are granted on the basis of formal learning with at least 50 % relevance. Exemptions are granted on the basis of non-formal learning with at least 50 % relevance. (EM 31/7/2006).

### **Reg. A62 - Modes of presentation and assessment**

- (a) Honours degrees are presented on a year or semester basis in accordance with the stipulations of the particular department.
- (b) Assessment is stipulated by the head of department, and may involve either written and/or oral examination.

### **T62 - Clarifying information**

If the oral option is chosen, Reg. A69 must be complied with.

### **Reg. A63 - Times and venues where examinations are taken down**

- (a) In terms of the requirements for a particular module, examinations are taken down on completion of the said module at the centre where the module was presented to the student.
- (b) The times when and venues where examinations are taken down, appear in the examination timetable.

### **Reg. A64 - Assessors/moderators**

Examinations are taken down for a particular module by assessors and moderators who have been appointed by the particular department and these are subject to external moderation. (EM 31/7/2006).

## **Reg. A65 - Module Mark/Admission to examination and requirements for successful completion**

- (a) A module mark results from the assessment of a student in a particular module and is calculated and made public in a way prescribed by the relevant department in its study guide for that particular module.
- (b) Except if the dean decides otherwise, a learner has to comply with all requirements that pertain to sub minimums and assignments, and these are outlined in the study guide for a particular module.
- (c) To pass a module, a final mark of at least 50 per cent has to be obtained.
- (d) The way that the final mark is calculated, is outlined in the study guide for the module in terms of the guide-lines stated below.
  - (i) A sub minimum of 40 per cent applies to the examination mark, as well as each paper, mini-dissertation and/or practical work.
  - (ii) The weight assigned to the examination mark may not be less than 40 percent, nor more than 60 per cent.
- (e) A module mark obtained for a module is only valid for the examination opportunity that applies to that module. In the case where a module has to be repeated, a new module mark has to be earned.
- (f) Where a system of continuous evaluation is used as the exclusive means of assessment, the final mark is based on the students performance assessed during assessment opportunities distributed over the period of presentation of the module.
- (g) To pass a module with distinction, a final mark of at least 75 per cent has to be earned.

## **T65 – Clarifying information**

Where a module is included in the curriculum and that module also appears in undergraduate curricula, the regulations that apply to first qualification also apply to the said module.

### **Reg. A66 - Degree with distinction**

- (a) Except where stipulate otherwise in the faculty calendars a student obtains the qualification with distinction if an average final mark of at least 75 per cent is obtained in all the prescribed modules, provided that the prescribed modules are completed within a maximum of four successive semesters and no module is repeated due to failure.
- (b) Where the modules for a qualification do not have equal/the same credit values, a weighted average final mark, as set out in the Faculty Calendar, of at least 75 per cent in respect of all the prescribed modules is required and must also meet the residency requirements as specified in (a).
- (c) With the approval of the dean, and on recommendation of the head of the department, the residential requirement may be suspended, provided that such approval is granted prior to conferring the qualification at a graduation ceremony.

### **Reg. A67 - Examination Opportunities**

- (a) Two examination opportunities are scheduled per semester, namely, in June and July for first-semester modules and November and January for second-semester modules, and the latter two opportunities for all the modules that were presented over a period of an academic year. No further examination opportunities exist.
- (b) A student who does not participate in the first examination opportunity in June, may sit for the second examination opportunity in July.
- (c) A student who does not participate in the first examination opportunity in November, may sit for the second examination opportunity in January.

- (d) A student who participated in the first scheduled examination opportunity in a given semester, and obtained an examination mark of at least 30 percent, with a final mark of at least 45 per cent in a module, may again sit for the second examination opportunity. If a final mark of less than 45 per cent has been obtained, the module has to be repeated.
- (e) A student who participated in the first scheduled examination opportunity in a given semester, obtained a final mark of at least 50 percent, but did not obtain the required subminimum of 40 percent in the examination, can participate in the second examination opportunity. (EM 3/9/2007).
- (f) Students who have successfully completed a module, but who would like to improve their final mark, may sit for the second examination opportunity, provided that a final mark of at least 60 per cent was obtained. The best mark will be taken into consideration.
- (g) A student in his/her final year who has to extend his/her study period in obtaining the qualification, period after writing the June examination because he/she failed only one module during the June examination without considering the November examination that would still have to be written, may be admitted to the second examination opportunity in July without any stipulations by the Registrar: Student Academic Services.
- (g) A student in his/her final semester who has to extend his/her study after writing the November examination because he/she failed only one module during the November examination, may be admitted to the second examination opportunity in January without any stipulations by the Registrar: Student Academic Services.



## **T67 - Clarifying information**

- (i) If a student qualifies for a re-assessment in a module comprising more than one examination paper, he/she must write the examination in both papers during the re-assessment.
- (ii) If a module comprises two examination papers, the examination in both papers must be written during the same examination opportunity.

## **Reg. A68 - Promotion**

- (a) Continuous and end (summative) assessment have been decentralised, and these forms of assessment take place during the term of presentation of the module; moreover, the results of such assessments are taken into consideration in determining the module mark. The ratio for calculating the module mark, is outlined in the study guide of the module in question in accordance with Reg. A65(d).
- (b) Students who obtain a module mark of 65 per cent or higher, are promoted (i.e they pass) and no further examination has to be taken in that particular module. The module mark becomes the final mark that the student is awarded for the module in question.
- (c) Students who obtain a module mark of less than 65 per cent must sit for the officially scheduled examination opportunity. The result will be handled in terms of regulation A65.
- (d) Students gain admission to the officially scheduled examination opportunity, provided that they have participated in an adequate number of opportunities for continuous and end assessments. Requirements for adequate participation are outlined in the study guide for the module.
- (e) To pass a module with distinction, a module mark of at least 75 per cent has to be obtained.

### **T68 - Clarifying Information**

- (a) Students who are promoted (i.e who pass), but who would like to improve their final mark, may participate in the scheduled examination opportunity. The final mark is then calculated in terms of regulation A65.
- (b) Absence of assessment opportunities is handled in terms of the internal policy of the faculty in question.
- (c) Departments that use a system of continuous evaluation may not schedule assessment opportunities during approved examination periods.

### **Reg. A69 - Oral examination**

Instead of a written examination, departments may take down an oral examination, provided that:

- (a) the examination is taken down during an officially scheduled examination period.
- (b) for each module the oral examination will last for at least half an hour per student.
- (c) For all oral examinations, the head of department or a senior lecturer appointed by him/her, must always be present in addition to the assessor(s) and moderator(s).

### **Reg. A70 - Requirements for examination venues**

- (a) Every person who sits for an examination at the University of the Free State must be a registered student of the University, must meet the requirements of Reg. A65(b) and
  - (i) must present his/her student card to be admitted into the examination venue;
  - (ii) may have no pen sachets, books of any nature, notes or paper which has been written on, cellular phones,

dictaphones or electronic transmitting or receiving equipment on his/her person during the examination session, with the understanding that in the case of an open-book examination, the prescribed book(s) will be allowed in the examination hall;

- (iii) may give or receive no help, or attempt to help or obtain help from another student or from the invigilator, or have a conversation with anybody else;
- (iv) must, at the request of an invigilator, hand in all attendance forms, examination scripts and documents which have been handed out, at the designated point in the examination hall;
- (v) will not be allowed to enter the examination hall after 30 minutes since the start of the examination session have elapsed, or demand to be allowed extra time should he/she arrive late;
- (vi) may not leave the examination hall within 45 minutes of the start of the examination session;
- (vii) may not smoke, or eat any food or partake of any refreshments in the examination hall;
- (viii) may only leave the examination hall for a short period under supervision to visit the cloakroom with the permission of the chief examination invigilator;
- (ix) may only address questions to and receive information from an invigilator after raising his/her hand;
- (x) may only request and receive one examination paper in either Afrikaans or English, according to choice, or in both languages if applicable and according to field of study;
- (xi) must carefully read and complete all the particulars on the examination scripts and the attendance forms in full and in the prescribed manner;

- (xii) must, in case of any transgression of the examination hall rules, appear before the Disciplinary Committee to receive an appropriate punishment; and
  - (xiii) may only leave his/her personal possessions inside/outside the examination hall at his/her own risk and must indemnify the UFS from any liability for damages suffered/losses incurred, and must realise that the UFS will accept no responsibility in the above-mentioned regard.
- (b) If an invigilator has reasonable grounds, confirmed as such by another invigilator, to believe that a student has forbidden notes or any of the items mentioned in Regulation A70(a)(ii) in his/her possession, the student may be confronted with the suspicion or be requested to leave the examination hall in the company of two invigilators of the same gender as the student. The invigilator then has the right to search the person of the student for forbidden notes or item in the presence of the other invigilator in a private room where only the three persons are present.

#### **Reg. A71 - Errors with regard to the examination timetable**

The University accepts no responsibility for mistakes made by students with regard to the examination timetable.

#### **Reg. A72 - Extra time during examinations**

Only on the grounds of an acceptable medical certificate or on the recommendation of Kovsie Counselling and Development in co-operation with the Unit for Students with Disabilities may the Registrar, Student Academic Services grant extra time for writing examination papers.

#### **Reg. A73 - Statements of results**

Official statements of results are only supplied to students by the Registrar: Student Academic Services.

## **Reg. A74 - Examination results and publication of a minor dissertation**

- (a) Provisional examination results are put up on a specified notice-board by the departments and a statement of final results is posted to each student by the Registrar: Student Academic Services.
- (b) No official statements of results will be posted to a student before the account has been settled in full, unless the Director: Finance should decide differently.
- (c) A student can discuss an examination paper with a lecturer and the head of the department within five working days after the publication of the results, with the right of immediate appeal to the dean. (EM 31/7/2006) (EM 22/11/2006).
- (d) No action mentioned in section 6 of the Copyrights Act 1978 and no action which implies that any publication or part thereof formed part of a minor dissertation for which the University awarded a qualification may be taken by the author except if the dean concerned gave his/her prior written authorisation.
- (e) If written approval had been given for publication, the following details must be mentioned on the title page:
  - (i) "Minor dissertation approved for the qualification ..... Honours in the Faculty of ..... Department of ..... at the University of the Free State."
  - (ii) Name of the supervisor and if applicable the joint supervisor.
  - (iii) Any proviso or other wording that must be mentioned on the title page at the discretion of the dean.

## **T74 – Clarifying information**

The definitions applicable to examination results and codes have been approved by the EM (22/11/2006).

### **Reg. A75 - Statements of results, study records, certified statements, certificates of conduct and certified examination timetables**

Statements of results, study records, certified statements, certificates of conduct and certified examination timetables can be issued by the Registrar: Student Academic Services on request.

### **Reg. A76 - Qualification certificates**

- (a) Qualification certificates are only handed out on the occasion of the graduation ceremony. If a qualification is conferred *in absentia*, the certificate is posted to the student as soon as possible after the ceremony, after payment of the prescribed absentia fees.
- (b) If an original certificate is lost or damaged, the Registrar: Student Academic Services will merely issue a statement concerning the conferring of a qualifications.

### **Reg. A77 - Graduation ceremonies**

The University retains the right not to confer a qualification upon a student unless

- (i) all fees owing to the University have been paid, all statements of results in respect of modules passed at another higher educational institution have been handed in and all outstanding books have been returned to the library; and
- (ii) all other stipulations have been met.

## **T77 - Clarifying information**

Results being received after the date published in the University calendar, will not be taken into account for the first upcoming diploma and graduation ceremonies, but will stand over until the next diploma and graduation ceremonies.

### **Reg. A78 - Exceptional merit applications**

Notwithstanding the stipulations of any regulation, the dean in consultation with the Registrar: Student Academic Services can make decisions concerning exceptional cases on merit, with a right of immediate appeal to the Vice Rector: Academic Operations with notice to the Dean” (Committee of Deans 3/8/2006).

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## **GENERAL REGULATIONS CONCERNING MASTER’S QUALIFICATIONS**

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### **Reg. A79 - Admission to the University**

Persons who wish to register at this University for the first time for the master’s degree, as well as students who interrupted their studies for at least one semester, must apply for admission on the prescribed form and before the closing date determined by the University each year.

### **Reg. A80 - Admission: Master’s qualifications**

- (a) In order to be admitted to this qualification study by the head of the department, a student must meet the preconditions set out in the calendar of the faculty concerned, with the understanding that, with the permission of the dean on recommendation of the head of the department in consultation with the Registrar: Student Academic Services, a student can also be admitted on the grounds of a qualification regarded as equivalent by them, or because in some way a standard of competence which they judge to be sufficient for the purposes of master’s study has been attained. (EM 31/7/2006).
- (b) In addition to the above-mentioned preconditions for admission to master’s studies, the head of the department can also, with written confirmation to the Registrar: Student Academic Services, demand that a student complete additional modules before admission to or before conferring of the qualification.

- (c) In exceptional circumstances, the departmental head may allow a student with an honours or advanced baccalaureus qualification in one faculty to register for a master's qualification in another faculty.
- (d) In exceptional circumstances, on recommendation of the departmental head may a student be admitted to a few modules at master's level even though the admission requirements has not been met.
- (e) In order to be admitted to occasional study in master's modules, a student must meet the requirements set out in paragraphs (a) above.

The responsibility for ensuring that the admission requirements for honours, master's and doctor's study, as well as certificates and diplomas following a first certificate, diploma or degree, are met rests with the head of the department and programme director concerned.

The student must therefore convince the head of the department and programme director concerned in advance that the admission requirements concerned have been met.

### **T80 – Clarifying information**

Admission on the basis of a standard of proficiency is handled via the RPL Committee on which the head of the department concerned can be co-opted. (EM 31/7/2006).

### **Reg. A81 - Submission: documentation with a view to admission to the University**

- (a) The responsibility to ensure that the admission requirements of the University with regard to a specific qualification are met, rests with the student.
- (b) Subject to the stipulations of Regulations A79 and A80, a student who previously studied at another higher educational institution, can be admitted to this University once a satisfactory certificate of



conduct and study record have been received from the higher educational institution concerned.

Students who have been refused re-admission to any other higher educational institution on the grounds of academic performance will not be admitted.

- (c) The University retains the right to cancel the registration of a student at any time should it come to light that the necessary admission requirements are not met.

### **Reg. A82 - Registration as a student and module changes**

- (a)
  - (i) A student must register annually on the prescribed registration form for both semesters during the registration period and in the manner prescribed by the University, and pay the required fees. No retro-active registration will be considered by the University (EM 19 July 2004).
  - (ii) If a student hands in his/her dissertation after 30 November but before the start of the next academic year, no further registration is required for the qualification, on condition that no further guidance from the supervisor is required and all stipulated improvements has been dealt with to the satisfactory of the supervisor before the April graduation ceremonies. With the exception of the date of 30 November, the stipulations of this Institutional Rule are *mutatis mutandis* applicable on mini-dissertations.
  - (iii) Students with outstanding university fees, outstanding documents in connection with conditional exemptions and without the necessary academic records and certificates of conduct of a university(s) previously attended, are registered conditionally only. Conditional registration applies only up to a certain date as determined by the University, after which the conditional registration expires. (EM 22/11/06).

- (b) No student is allowed to register as a student after the registration period has elapsed, with the proviso that if a student should decide to enrol for the qualification M.Med. or for master's study that does not include examination papers after the closing date for registration, he/she may indeed be allowed to register on condition that
  - (i) the head of the department gives the necessary written permission that the student may be registered;
  - (ii) the student must register at least one more time than the minimum period for the particular qualification.
- (c) Students from other higher educational institutions who wish to register at this University and student's of this University who interrupted their study for a year or longer are, subject to the stipulations of Regulations A84(g), bound to comply with the regulations that apply at the time of the mentioned registration unless the dean decides otherwise.
- (d)
  - (i) If a student wishes to change the composition of the curriculum, the Registrar: Student Academic Services must be informed of such intention on the prescribed form within the period for module changes.
  - (ii) If a student makes a module change it should be noted that it is the students responsibility to catch up with work that has already been completed, and that the student cannot lay claim to any additional assistance from the lecturer or reach a compromise regarding notes, assignments, tests, practical work and possible examinations that have already been finalised.
- (e) A student obtains academic credit for the modules registered for and which are passed.
- (f) Notwithstanding any recognitions that may be granted, a student who changes qualifications, must comply with the regulations that apply during the year in which the change is effected unless the dean decides otherwise.

- (g) In registering, a student undertakes to comply with all the rules and regulations of the University including those contained in the annexures to the general regulations.
- (h) The responsibility for remaining conversant with the regulations rests wholly with the student.
- (i) If, following the assessment, the student has to effect certain improvements, he/she is not required to register again for the same qualification, on condition that the said corrections are made to the satisfaction of the supervisor or head of the department and before the forthcoming graduation ceremonies and provided that no further guidance is needed from the supervisor.
- (j) A student who is compelled to register again for the master's study in accordance with paragraph (i), and who wishes to continue his/her study for the doctor's qualification immediately after the results of the master's study have been announced, can be permitted to change his/her registration accordingly after:
  - (i) written permission that he/she may continue with the study for the doctor's qualification has been received from the head of the department and dean; and
  - (ii) a written request has been directed to the Registrar: Student Academic Services to change the registration. (The above-mentioned written permission by the head of the department and the dean must accompany the application to the Registrar: Student Academic Services).
- (k) If a student for a master's qualification fails to register annually, a subsequent registration for the same qualification is regarded as a new registration with new requirements that need to be met in respect of the term, except if the supervisor can provide the dean and the Registrar: Student Academic Services (EM 19 July 2004) with a satisfactory reasoned statement to the effect that the student already made progress in respect of the dissertation before the interruption and will continue to build on this work after the new registration. If guidance was received from the supervisor during the period in which the student was not registered, the

student is held liable for the applicable fees for the period concerned.

- (l) Confirmation by the University that registration has indeed taken place, does not exempt the student from meeting any precondition for admission to the qualification or module for which are registered.

## **T82 – Clarifying Information**

Any person who is not registered as a student or a registered student who is not registered for a specific module and who writes an examination in that module, will not receive the result of that module and will have no claim to it as well.

- (a) Students who are obliged to register again in terms of A82(a)(ii) and A82(i), pay the applicable registration fees and qualification fee except in respect of qualification fees where the delay was not the result of the students' doing.
- (b) When a student submits a dissertation with a view to the September graduation ceremony, but fails to finalise the corrections in time, and the conferment of the degree is postponed to the April ceremony, the student has to register again for the following year in terms of regulation A82(a)(ii) and A82(i).

## **Reg. A83 - Simultaneous registration**

- (a) A student for master's qualification study can, on academic merit and with the permission of the dean/deans concerned, also register for another qualification at this University, provided that the period of residence ends simultaneously.
- (b) Simultaneous registration at this and another higher educational institution will only be allowed in exceptional circumstances on approval of the dean/deans and with the consent of both institutions. (EM 31/7/2006).
- (c) Should it come to light that a student at this University has registered in conflict with the above-mentioned regulations, registration at this University can be cancelled.

### **Reg. A84 - Curriculum composition, checking of a student and duration of study**

- (a) A student must distribute the modules for the qualification for which he/she is registered over a period not shorter than that specified by the Senate.
- (b) The curriculum is compiled in accordance with the exposition in the calendar of the particular faculty and in consultation with the head of the department concerned.
- (c) Subject to the stipulations of Regulations A80(a), A83 and A85, a student may take additional modules from any faculty on condition that the necessary admission requirements are met.
- (d) A student for a master's qualification must be a registered student of this University for a period of at least one year after obtaining the qualification on the grounds of which admission to the master's study has been granted, with the proviso that in the case of students who register before the set closing date, the academic year will be regarded as a year.
- (e) (i) Students who, after the minimum period of study for the qualification concerned plus two years, calculated from the date of first registration for the master's qualification, have not yet obtained the qualification, will only be allowed to complete the study on recommendation by the dean. (EM 23/08/04).

If the study has not been completed after 5 years, comprehensive reasons for further registration must be addressed to the dean and after 7 years of study the arguments stating reasons must be addressed to the Executive Management.

- (ii) A student who has already registered twice for a particular module (examination paper/dissertation/practical work) and has not yet met the pass requirements, will only be allowed to renew the registration for the qualification with the consent of the

dean and on recommendation by the head of the department.

- (f)
  - (i) If it should be judged not to be in the interest of the University that a student should continue his/her studies in a specific field of study, the dean of the faculty involved can request that Executive Management to check the student concerned in the specific field of study.
  - (ii) Before the dean makes a recommendation as mentioned above to Executive Management, the student must be informed in writing of such intention and the reasons for it, so that he/she can be given the opportunity to try to convince the dean not to continue with his/her proposed recommendation.
  - (iii) The student must also be given the opportunity of handing in a written submission to Executive Management in which he/she can give reasons why he/she should not be checked in the specific field of study.
- (g) Except where stipulated differently by the calendar of the faculty concerned, a student can, notwithstanding the preconditions for modules set out in Regulation A8, register for a module without meeting the preconditions and take modules at different levels in the same subject simultaneously.
- (h) If a dissertation is rejected and a student once again wishes to register for a master's qualification, the Faculty Board will decide about the minimum duration of the study on an ad hoc basis.

#### **Reg. A85 - Recognition of modules passed at this or another higher educational institution**

The head of the department in consultation with the Registrar: Student Academic Services can grant recognition for modules (credits) passed at this or another recognised higher educational institution (or institution recognised for this purpose), with the understanding that a master's degree at this University can be conferred on such a student on condition that

- (a) the combined period of residence of the student who has not yet obtained the qualification at this or another higher educational institution, will be at least the same as the term prescribed for the qualification at this University;
- (b) at least half the prescribed modules/credits for the particular qualification have been passed at this University; and
- (c) all other requirements for the specific qualification have been met.

### **T85 - Clarifying Information**

Recognitions are granted on the basis of formal learning with at least 50 % relevance. Exemptions are granted on the basis of non-formal learning with at least 50 % relevance. (EM 31/7/2006).

### **Reg. A86 - Mode of presentation and assessment**

- (a) In terms of the stipulations of the particular department, a dissertation has to be submitted; or an examination must be taken and a dissertation submitted; or an examination, with or without a mini-dissertation, must be taken, to obtain a master's degree.
- (b) Assessment is stipulated by the head of department, and involves a written and/or oral examination.

### **T86 – Clarifying information**

If the oral option is chosen, Reg. A. 96 must be complied with.

### **Reg. A87 - Times when and venues where examinations are taken down, as well as when mini-dissertations have to be submitted**

- (a) In terms of the requirements of the particular module, students will sit for an examination at the end of each module at the centre where the student attended sessions for the module, provided that, in exceptional cases, the Registrar: Student Academic

Services (Examination Section) may give permission that an examination may be taken down at another scheduled centre.

- (b) The date for the submission of a mini-dissertation is determined by the student, in consultation with the Head of the Department.
- (c) Once assessment has been successful, a copy of the mini-dissertation has to be submitted to the library for inclusion in the library collection.
- (d) The times when and the venues where examinations are taken down, appear in the examination timetable.

**Reg. A88 - Times at which dissertations must be handed in and notice of intent given**

- (a) Dissertations must be handed in for assessment purposes only no later than 30 November with a view to the April graduation ceremony and no later than 31 May with a view to the September graduation ceremony.
- (b) Students for Master's degrees who intend to hand in their dissertations with a view to the April graduation ceremony, must inform the Registrar: Student Academic Services of their intent in writing via the supervisor before 1 September of the previous year.
- (c) Students for Master's degrees who intend to hand in their dissertations with a view to the September graduation ceremony, must inform the Registrar: Student Academic Services of their intent in writing via the supervisor before 1 March.
- (d) The supervisor must see to it that the title of the dissertation is registered correctly and the examiners appointed before the dates mentioned in (b) and (c).
- (e) Once a dissertation has been handed in, it cannot be withdrawn again and the examination process must run its course.
- (f) No original work by students for a dissertation, which is not yet ready to be assessed, but is only submitted to the supervisor for



evaluation, will be accepted between the closing date of the University in December and the start of the first semester of the following year.

### **Reg. A89 - Requirements with regard to dissertations**

- (a) A student's dissertation is written under the guidance of a supervisor or a supervisor and joint supervisor, and must provide proof that a student is capable of doing scientific research.
- (b) After registration as a student, the student must register the subject of the dissertation by completing a prescribed form. The subject of the dissertation is approved and registered by the faculty board on the recommendation of the supervisor and the head of the department concerned.
- (c) No dissertation which, in the opinion of the supervisor concerned, contains the same work that the student previously used in a master's dissertation or doctor's thesis for another qualification, may be submitted.
- (d) The title page of the dissertation that is handed in, must contain the following:
  - (i) The complete title of the dissertation as approved.
  - (ii) The full name of the student.
  - (iii) A statement that it is submitted in order to meet the requirements for the qualification Master ... in the Faculty of ... Department of ... at the University of the Free State.
  - (iv) The date of submission, and
  - (v) the name of the supervisor and, if applicable, the joint supervisor.
- (e) On handing in the dissertation, the student must also hand in the following statements:

- (i) A written statement by the supervisor that he/she approves submission, and on first submission a statement that the dissertation had not been submitted as a whole or partially to the assessors before.
  - (ii) A written statement by himself reading as follows: “I declare that the dissertation hereby handed in for the qualification Master ... at the University of the Free State, is my own independent work and that I have not previously submitted the same work for a qualification at/in another University/faculty.”
  - (iii) A written statement in which he/she concedes copyright to the University of the Free State.
- (f) For assessment purposes a student can either hand in a properly bound copy of the dissertation or sub-edited copies which have been bound or put together temporarily.
- (g) A summary in Afrikaans and English of no more than 600 words each must be included at the back of the dissertation, together with approximately ten key terms in English describing the subject of the dissertation.
- (h) Dissertation must be printed in one and a half spacing at the very least.
- (i) Once a dissertation, which was bound or put together temporarily, has been approved, at least one copy each for the supervisor, joint supervisor(s) and assessor(s) must be handed in. Two additional properly bound copies plus a CD-ROM for the University Library must be submitted before the next graduation ceremony. The Library and Information Services will catalogue one bound copy for the Africana Collection and one bound copy for the open access shelves. The CD-ROM containing the dissertation is for incorporation in the Electronic Theses and Dissertation project (ETD) for availability on the World Wide Web. Specifications for the CD-ROM comprise
- Microsoft
  - embedded fonts

- one complete file consisting of the text, abstract, summary, keywords, illustrations, maps.

All final copies must be handed in at the Student Academic Services Department. (EM 6/9/2004).

### **Reg. A90 - Supervisor/Joint supervisor**

- (a) A supervisor/joint supervisor is appointed by the faculty board concerned.
- (b) If the supervisor considers it desirable, the faculty board can appoint a joint supervisor irrespective of whether such a person is employed by the University or not.
- (c) If the supervisor is not in the permanent employment of the University, a joint supervisor must be appointed who is indeed permanent employed by the University.

### **Reg. A91 - Assessors/Moderators**

- (a) Examinations are taken down for a particular module by assessors and moderators who have been appointed by the particular department and these are subject to external moderation. (EM 31/7/2006).
- (b) In the case of a master's dissertation, at least two assessors are appointed, provided that the external assessors (persons who are not in the permanent employment of the University) form the majority on the examination panel where an internal assessor, who does not necessarily have to be the supervisor, has been nominated.
- (c) If, for a practical project or an oral examination that is required in addition to the usual assessment, the examination panel, together with the Head of Department, will perform the assessment duties in the way stipulated in (b) above.
- (d) For a master's dissertation at least an internal assessor(s) and an external moderator must be appointed by the department concerned. (EM 31/7/2006).

**Reg. A92 – Module mark/admission to examinations and requirements for successful completion**

- (a) A module mark results from the assessment of a student in a particular module and is calculated and made public in a way prescribed by the relevant department in its study guide for that particular module.
- (b) Except if the dean decides otherwise, a student has to comply with all requirements that pertain to sub minimums and assignments, and these are outlined in the study guide for a particular module.
- (c) To pass a module, a final mark of at least 50 per cent has to be obtained.
- (d) The way that the final mark is calculated, is outlined in the study guide for the module in terms of the guide-lines stated below.
  - (i) A sub minimum of 40 per cent applies to the examination mark, as well as each paper, mini-dissertation or practical work.
  - (iii) The weight assigned to the examination mark may not be less than 40 per cent, nor more than 60 per cent.
- (e) In terms of the stipulation of regulation A92(f), a candidate passes if each assessor awards a mark of at least 50 per cent to the dissertation.
- (f) If the assessors are not unanimous on the result of the dissertation, the recommendation of the majority of the assessors is accepted. If there is not a majority decision, an independent assessor, who is not in the employment of the University, must, on the recommendation of the supervisor, head of department and dean, be nominated by the Vice-Rector. The independent assessor's decision or recommendation will be final.
- (g) The examination commission or a member of the examination commission may require of a student that he/she must take a

written or an oral assessment on the topic of his/her thesis, or the entire field of study that has been selected. This assessment is taken down with the entire examination commission present.

- (h) If, for the master's degree, an examination as well as a dissertation are required, all the requirements set in (b), (c) and (d) above, must be met.
- (i) To pass a module with distinction, a final mark of at least 75 per cent has to be earned.
- (j) Except with the approval of the faculty board, a student may not submit a dissertation that has already been examined before, unchanged for a second examination.
- (k) If a dissertation has been rejected and a student registers for the Master's degree again, the faculty board will decide on an *ad hoc* base with regards to the minimum duration of the study.
- (l) A module mark obtained for a module is valid only for the examination opportunity relevant to that module. In the case where a module is repeated, a new module mark has to be earned.
- (m) Where a system of continuous evaluation is used as the exclusive means of assessment, the final mark is based on the students performance assessed during assessment opportunities distributed over the period of presentation of the module.

### **T92 - Clarifying Information**

Where a module is included in the curriculum and that module also appears in undergraduate curricula, the regulations that apply to first qualifications also apply to the said module.

The student must therefore convince the head of the department and programme director concerned in advance that the admission requirements concerned have been met.

### **Reg. A93 - Qualification with distinction**

- (a)(i) Except where stipulated in the faculty calendars and if a master's degree consists of papers, a student obtains the degree with distinction if an average final mark of at least 75 per cent is obtained for all the prescribed modules (papers/mini-dissertation/practical work), provided that the prescribed modules (papers/mini-dissertation/practical work) have been completed within the maximum of four successive semesters and none of these modules have been repeated due to failure.
- (ii) In the Faculty of Law the LL.M. can be obtained "with distinction" after successful completion of a public defence. The public defence would constitute 25 % of the final mark. (EM 3/9/2008).
- (b) Where the modules for a qualification do not have equal/the same credit values, a weighed average final mark, as explained in the faculty calendar, of at least 75 per cent is required in respect of all the prescribed modules. In addition the residence requirement as specified in (a) must be met.
- (c) On recommendation of the head of department, and the approval of the dean, the residential limitation may be suspended, provided that such approval is granted prior to conferring the qualification at a graduation ceremony.
- (d) If a dissertation is required, a candidate obtains the degree with distinction if the majority of assessors award a mark of at least 75 per cent.
- (e) If the assessors are not unanimous on the result of the dissertation, the recommendation of the majority of the assessors is accepted. If there is not a majority decision, an independent assessor, who is not in the employment of the University, must, on the recommendation of the supervisor, head of department and dean, be nominated by the Vice-Rector. The independent assessor's decision or recommendation will be final. (EM 2004/11/08).
- (f) If, for a master's degree, an examination and a dissertation are required, both requirements stipulated in (a) and (c) outlined above, apply.

## **Reg. A94 - Examination opportunities**

- (a) Two examination opportunities are scheduled per semester, namely, in June and July for first-semester modules and November and January for second-semester modules, and the latter two opportunities for all the modules that were presented over a period of an academic year. No further examination opportunities exist.
- (b) A student who does not participate in the first examination opportunity in June, may sit for the second examination opportunity in July.
- (c) A student who does not participate in the first examination opportunity in November, may sit for the second examination opportunity in January.
- (d) A student who participated in the first scheduled examination opportunity in a given semester, and obtained an examination mark of at least 30 percent, with a final mark of at least 45 per cent in a module, may again sit for the second examination opportunity. If a final mark of less than 45 per cent has been obtained, the module has to be repeated.
- (e) With the exemption of the M.Med. students, a student who participate in the first scheduled examination opportunity in a given semester, obtained a final mark of at least 50 percent, but did not obtain the required subminimum of percent in the examination, can participate in the second examination opportunity. (EM 3/9.2007).
- (f) Students who have successfully completed a module, but who would like to improve their final mark, may sit for the second examination opportunity, provided that a final mark of at least 60 per cent was obtained. The best mark will be taken into consideration.
- (g) A student in his/her final year who has to extend his/her study period after writing the June examination because he/she failed only one module during the June examination without considering

the November examination that would still have to be written, may be admitted to the second examination opportunity in July without any stipulations by the Registrar: Student Academic Services.

- (h) A student in his/her final semester who has to extend his/her study period in obtaining the qualification, after writing the November examination because he/she failed only one module during the November examination, may be admitted to the second examination opportunity in January without any stipulations by the Registrar: Student Academic Services.

#### **T94 - Clarifying information**

- (i) If a student qualifies for a re-assessment in a module comprising more than one examination paper, he/she must write the examination in both papers during the re-assessment.
- (ii) If a module comprises two examination papers, the examination in both papers must be written during the same examination opportunity.

#### **Reg. A95 – Promotion**

- (a) Continuous and end (summative) assessment have been decentralised, and these forms of assessment take place during the term of presentation of the module; moreover, the results of such assessments are taken into consideration in determining the module mark. The ratio for calculating the module mark, is outlined in the study guide of the module in question in accordance with Reg. A92(d).
- (b) Students who obtain a module mark of 65 per cent or higher, are promoted (i.e they pass) and no further examination has to be taken in that particular module. The module mark becomes the final mark that the student is awarded for the module in question.
- (c) Students who obtain a module mark of less than 65 per cent must sit for the officially scheduled examination opportunity. The result will be handled in terms of regulation A92.



- (d) Students gain admission to the officially scheduled examination opportunity, provided that they have participated in an adequate number of opportunities for continuous and end assessment. Requirements for adequate participation are outlined in the study guide for the module.
- (e) To pass a module with distinction, a module mark of at least 75 per cent has to be obtained.

### **T95 - Clarifying Information**

- (a) Students who are promoted (i.e who pass), but who would like to improve their final mark, may participate in the scheduled examination opportunity. The final mark is then calculated in terms of regulation A92.
- (b) Absence of assessment opportunities is handled in terms of the internal policy of the faculty in question.
- (b) Departments that use a system of continuous evaluation may not schedule assessment opportunities during approved examination periods.

### **Reg. A96 - Oral examination**

Instead of a written examination, departments may take down an oral examination, provided that:

- (a) the examination is taken down during an officially scheduled examination period.
- (b) for each module the oral examination will last for at least half an hour per student.
- (c) For all oral examinations, the head of department or a senior lecturer appointed by him/her, must always be present in addition to the assessor(s) and moderator(s).

### **Reg. A97 - Examination hall regulations**

- (a) All students sitting for an examination of the University of the Free State must be a registered student of the University, meet the provisions of Regulation A92(b) and
- (i) must present his/her student card to be admitted into the examination venue;
  - (ii) may have no pen sachets, books of any nature, notes or paper which has been written on, cellular phones, dictaphones or electronic equipment on his/her person during the examination session, with the understanding that in the case of an open-book examination, the prescribed book(s) will be allowed in the examination hall;
  - (iii) may give or receive no help, or attempt to help or obtain help from another student or from the invigilator, or have a conversation with anybody else;
  - (iv) must, at the request of an invigilator, hand in all attendance forms, examination scripts and documents which have been handed out, at the designated point in the examination hall;
  - (v) will not be allowed to enter the examination hall after 30 minutes since the start of the examination session have elapsed, or demand to be allowed extra time should he/she arrive late;
  - (vi) may not leave the examination hall within 45 minutes of the start of the examination session;
  - (vii) may not smoke, or eat any food or partake of any refreshments in the examination hall;
  - (viii) may only leave the examination hall for a short period under supervision to visit the cloakroom with the permission of the chief examination invigilator;
  - (ix) may only address questions to and receive information from an invigilator after raising his/her hand.

- (x) may only request and receive one examination paper in either Afrikaans or English, according to choice, or in both languages if applicable and according to field of study;
  - (xi) must carefully read and complete all the particulars on the examination scripts and the attendance forms in full and in the prescribed manner;
  - (xii) must, in case of any transgression of the examination hall rules, appear before the Disciplinary Committee to receive an appropriate punishment; and
  - (xiii) may only leave his/her personal possessions inside/outside the examination hall at his/her own risk and must indemnify the UFS from any liability for damages suffered/losses incurred, and must realise that the UFS will accept no responsibility in the above-mentioned regard.
- (b) If an invigilator has reasonable grounds, confirmed as such by another invigilator, to believe that a student has forbidden notes or any of the items mentioned in Regulation A46(a)(ii) in his/her possession, the student may be confronted with the suspicion or be requested to leave the examination hall in the company of two invigilators of the same gender as the student. The invigilator then has the right to search the person of the student for forbidden notes or items in the presence of the other invigilator in a private room where only the three persons are present.

### **Reg. A98 - Errors with regard to the examination timetable**

The University accepts no responsibility should a student make a mistake with regard to the examination timetable.

### **Reg. A99 - Extra time during examinations**

Only on the grounds of an acceptable medical certificate or on the recommendation of Kovsie Counselling and Development in co-operation with the Unit for Students with Disabilities may the Registrar, Student Academic Services grant extra time for writing examination papers.

### **Reg. A100 - Statements of results**

Official statements of results are only supplied to a student by the Registrar: Student Academic Services.

### **Reg. A101 - Examination results**

- (a) Provisional examination results are put up on a specified notice-board by the departments and a statement of final results is posted to each student by the Registrar: Student Academic Services.
- (b) No official statement of results will be posted to a student before the account is paid in full, unless the Director: Finance should decide differently.
- (c) A student can discuss an examination paper with a lecturer and the head of the department within five working days of the publication of the results, with the right of immediate appeal to the Dean. (EM 31/7/2006) (EM 22/11/2006).

### **T101 – Clarifying information**

The definitions applicable to examination results and codes have been approved by the EM (22/11/2006).

### **Reg. A102 - Assessment reports**

- (a) The Registrar: Student Academic Services must receive the assessment report within thirty days of the date on which the assessor receives a dissertation.
- (b) The supervisor is not allowed to peruse the assessment reports of other assessors before he/she has handed in his/her own report.
- (c) The final evaluation of the assessment reports is done by the Vice-Rector in consultation with the dean on the recommendation of the head of the department.

- (d) If the student is required to effect changes/improvements, the supervisor must inform the Registrar: Student Academic Services no later than the date as published in the calendar of the University that all the requirements set by the assessors have been met. Only once this has been done, will the student receive confirmation of the result.
- (e) Assessment reports are not made available to students, but the contents can be made known to the student orally or in writing by the supervisor at discretion.

**Reg. A103- Publication of a dissertation and minor dissertation**

- (a) No action mentioned in section 6 of the Copyright Act (1978), as well as no action intimating that any publication/minor dissertation or part of it, formed part of a dissertation for which a qualification was conferred by the University, may be performed by the author, except with the written, pre-obtained authorisation of the dean concerned.
- (b) If written authorisation for publication has been obtained, the following information must appear on the title-page:
  - (i) "Dissertation/minor dissertation approved for the qualification Master ... in the Faculty ... Department ... of the University of the Free State."
  - (ii) Name of the supervisor and, if applicable, that of the joint supervisor.
  - (iii) Any reservations or any other wording which the dean sees fit to have mentioned on the title-page.

**Reg. A104- Statements of results, study records, certified statements, certificates of conduct and certified examination timetables**

Statements of results, study records, certified statements, certificates of conduct and certified examination timetables can be issued on request by the Registrar: Student Academic Services.

### **Reg. A105- Qualification certificates**

- (a) Qualification certificates are only handed out on the occasion of the graduation ceremony. If a qualification is conferred *in absentia*, the certificate is posted to the student as soon as possible after the ceremony, after payment of the prescribed absentia fees.
- (b) If an original certificate is lost or damaged, the Registrar: Student Academic Services will only issue a statement to the effect that the student did obtain the qualification.

### **Reg. A106- Graduation ceremonies**

The University retains the right to refuse to confer a qualification upon a student unless

- (i) all relevant fees have been paid to the University, all statements of results in respect of modules passed at other higher educational institutions have been handed in, and all outstanding books have been returned to the library; and
- (ii) all other stipulation have been met.

### **T106 - Clarifying information**

Results being received after the date published in the University calendar, will not be taken into account for the first upcoming diploma and graduation ceremonies, but will stand over until the next diploma and graduation ceremonies.

### **Reg. A107- Exceptional merit applications**

Irrespective of the stipulations of any regulation, the dean in consultation with the Registrar: Student Academic Services can make decisions concerning exceptional cases on merit, with a right of immediate appeal to the Vice Rector: Academic Operations with notice to the Dean” (Committee of Deans 3/8/2006).

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## **GENERAL REGULATIONS CONCERNING DOCTOR’S QUALIFICATIONS**

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Regulations A84(g), A86, A92, A94, A95, A96, A97, A98, A99, A100 and A101 is *Mutatis Mutandis* applicable to doctor’s qualifications.

### **Reg. A108 - Admission to the University**

Persons who wish to register for the first time at this University for the doctor’s degree, as well as students who interrupted their studies for at least one semester, must apply for admission on the prescribed form and before the closing date determined by the University each year.

### **Reg. A109 - Admission: Doctor’s qualifications**

- (a) (i) In order to be admitted to this qualification study by the head of the department, a student must meet the preconditions set out in the calendar of the faculty concerned, with the understanding that, with the permission of the dean on the recommendation of the head of the department in consultation with the Registrar: Student Academic Services, a student can also be admitted on the grounds of a qualification regarded as equivalent by them, or because he/she has in some way attained a standard of competence which they judge to be sufficient for the purposes of doctor’s study. (EM 31/7/2006).
- (ii) In consultation with the supervisor and on the recommendation of the supervisor(s), the Head of Department concerned and the Research Committee of

the Faculty, a student who has been admitted to studies for the master's degree in terms of Reg. A80 may, after a study and registration period of at least one year, apply to be admitted to continue with studies for the Ph.D. degree. Following admission to the Ph.D. degree, at least two years must elapse before the Ph.D. degree can be conferred. The period of study for the degree will therefore be at least three years.

The Masters degree may be conferred upon a student if:

- the student in consultation with the promoter withdraws his candidature for the Ph.D. degree, or
  - the student cancelled his candidature for the doctorate degree and re-register for a master's degree, or
  - the students thesis does not meet the requirements for the doctor's degree.
- (b) The head of the department can also require that a student do an oral or a written examination before admission will be granted.
- (c) In addition to the above-mentioned preconditions for admission to all doctor's qualifications, the head of the department can also, with written confirmation to the Registrar: Student Academic Services, demand that a student complete additional modules before admission or before conferring of the qualification.
- (d) In exceptional circumstances the departmental head may allow a student with a master's qualification in one faculty to register for a doctor's qualification in another faculty.

The responsibility for ensuring that the admission requirements for honours, master's and doctor's study, as well as certificates and diplomas following a first certificate, diploma or degree, are met rests with the head of the department and programme director concerned.

The student must therefore convince the head of the department and programme director concerned in advance that the admission requirements concerned have been met.



## **T109 - Clarifying Information**

- (a) If a doctor's qualification is presented interdisciplinary, with the result that the qualification cannot be accommodated in one specific faculty or department, the student must report to the dean of the faculty in which his/her last qualification was conferred instead of to the head of the department.
  - (i) On recommendation by the Dean, the Executive Management will decide which other faculty/faculties has/have an interest in the study.
  - (ii) The faculty/faculties concerned will then be requested to appoint a promoter and co-promoter/s.
  - (iii) The qualification will then ultimately be conferred interdisciplinary instead of in a specific department.
- (b) Admission on the basis of a standard of proficiency is handled via the RPL Committee on which the head of the department concerned can be co-opted. (EM 31/7/2006).

## **Reg. A110- Submission: Documentation with a view to admission to the University**

- (a) The responsibility for ensuring that the admission requirements of the University in respect of a specific qualification are met, rests with the student.
- (b) Subject to the stipulations of General Regulations A108 and A109, a student who previously studied at another higher educational institute can be admitted to this University after a satisfactory certificate of conduct and study record have been received from the higher educational institution concerned.

Students who have been refused re-admission to any other higher educational institution on the grounds of academic performance will not be admitted.

- (c) The University retains the right to cancel a student's registration at any time should it come to light that the admission requirements concerned were not met.

### **Reg. A111 - Registration as a student**

- (a) (i) A student must register annually during the registration period and in the manner stipulated by the University, and pay the prescribed fees. No retro-active registration will be considered by the University (EM 19 July 2004).
- (ii) Students with outstanding university fees, outstanding documents in connection with conditional exemptions and without the necessary academic records and certificates of conduct of a university(s) previously attended, are registered conditionally only. Conditional registration applies only up to a certain date as determined by the University, after which the conditional registration expires. (EM 22/11/06).
- (b) No student is allowed to register as a student after the registration period has elapsed, with the proviso that if a student should decide to commence doctor's study that does not include examination papers, he/she may indeed be admitted on the following conditions:
  - (i) That the head of the department grants the necessary written permission that he/she may register as a student.
  - (ii) That the student will register for the qualification concerned at least one more time than the minimum period for the qualification concerned.
- (c) Subject to the stipulations of Regulations A113(e), students from other higher educational institutions who wish to register at this University, or students who wish to register after having interrupted their study for a year or longer, must comply with the regulations that apply at the time of the mentioned registration unless the dean decides otherwise.
- (d) (i) Should a student desire to change the field of study or the composition of his/her curriculum, the Registrar: Student

Academic Services must be informed of his/her intention on the prescribed form during the period set aside for module changes.

- (ii) If a student makes a module change it should be noted that it is the student's responsibility to catch up with work that has already been completed, and that the student cannot lay claim to any additional assistance from the lecturer or reach a compromise regarding notes, assignments, tests, practical work and possible assessments that have already been finalised.
- (e) Irrespective of any recognitions which may be granted, a student who wishes to change qualifications, must comply with the regulations that apply in the year during which the change is effected unless the dean decides otherwise.
- (f) On registration the student undertakes to comply with all the rules and regulations of the University including those contained in the annexures to the General Rules and Regulations.
- (g) The responsibility for staying conversant with the regulations rests wholly with the student.
- (h)
  - (i) If, following the assessment, the student has to effect certain improvements, he/she is not required to register again for the same qualification, on condition that the said corrections are made to the satisfaction of the supervisor or head of the department and before the forth coming graduation ceremonies and provided that no further guidance is needed from the supervisor.
  - (ii) If a student hands in his/her dissertation after 30 November but before the start of the next academic year, no further registration is required for the qualification, on condition that no further guidance from the supervisor is required and all stipulated improvements has been dealt with to the satisfactory of the supervisor before the April graduation ceremonies.

- (i) If a student for a doctor's qualification does not register annually, a subsequent registration for the same qualification is regarded to be a new registration with new requirements regarding term that must be met, except if the promoter can argue convincingly to the satisfaction of the dean and the Registrar: Student Academic Services (EM 19 July 2004) that the student had made progress in respect of the thesis before the interruption and will continue to build on the work already done during the newly registered study. If guidance from the promoter was received during the period in which the student was not registered, the student is held liable for the applicable fees for the period concerned.
- (j) Confirmation by the University that registration has taken place does not exempt a student from meeting any admission requirements pertaining to a qualification or module registered for.

#### **T111 - Clarifying Information**

- (a) Any person who is not registered as a student or a registered student who is not registered for a specific module and who writes an examination in that module, will not receive the result of that module and will have no claim to it as well.
- (b) Students who are obliged to register again in terms of A111(a)(ii) and A111(i), pay the applicable registration fees and qualification fee except in respect of qualification fees where the delay was not the result of the students doing.
- (c) When a student submits a thesis with a view to the September graduation ceremony, but fails to finalise the corrections in time, and the conferment of the degree is postponed to the April ceremony, the student has to register again for the following year in terms of regulation A111(a)(ii) and A111(i).

#### **Reg. A112 - Simultaneous registration**

- (a) A student for doctor's qualification study can, on academic merit and with the permission of the dean/deans concerned, also register for another qualification at this University provided that the period of residence ends simultaneously. (EM 31/7/2006).

- (b) Simultaneous registration at this and another higher educational institution will only be allowed in exceptional circumstances on recommendation of the dean/deans and with the consent of both institutions. (EM 31/7/2006).
- (c) Should it come to light that a student at this University has registered in conflict with the above-mentioned regulations, registration at this University can be cancelled.

**Reg. A113 - Curriculum composition, checking of a student and duration of study**

- (a) If the doctor's qualification study is curriculated, the curriculum is composed and the pass requirements determined as set out in the calendar of the faculty concerned and in consultation with the head of the department.
- (b) Subject to the stipulations of Regulations A109, A112 and A114, a student may, if he/she meets the relevant admission requirements, take additional modules from any faculty.
- (c) A student for a doctor's qualification must be a registered student of this University for at least two years after obtaining the qualification on the basis of which admission to the doctor's study has been granted, with the proviso that in the case of students who register before the set closing date, the academic year will be regarded as a year.
- (d) Students who, after the minimum period of study for the specific qualification plus two years have not yet obtained the doctor's qualification, will only be permitted to continue studying for the qualification if the promoter confirms, to the satisfaction of the dean, that the student is indeed engaged in the study and is progressing satisfactorily.

If the study has not been completed after 6 years, an argument stating comprehensive reasons why further registrations should be allowed must be addressed to the dean and after 8 years of study the argument stating reasons must be addressed to the Executive Management.

- (e) A student who has already registered twice for the specific module (examination paper/minor dissertation/practical work) and has not yet met the pass requirements, will only be permitted to renew his/her enrolment for the qualification with the permission of the dean and on recommendation by the head of the department.
- (f)
  - (i) If it is considered to be in the interest of the University that a student not be allowed to continue his/her studies in a particular field of study, the dean of the faculty concerned can request that the Executive Management check the student concerned in the particular field of study.
  - (ii) Before the Dean makes a recommendation such as the above-mentioned to the Executive Management, the student should be informed in writing of his/her intention and provided the reasons, to give him/her an opportunity to attempt to dissuade the Dean from proceeding with his/her intended recommendation.
  - (iii) The student must also be afforded an opportunity to make a written submission to the Executive Management in which he/she states reasons why he/she should not be checked in the field of study concerned.

**Reg. A114 - Recognition of modules passed at this or another higher educational institution**

The head of the department in consultation with the Registrar: Student Academic Services can grant recognition for modules/credits passed at this or another recognised higher educational institution (or institution recognised for this purpose), with the understanding that a doctor's qualification of this University can be conferred on such a student on condition that

- (a) the combined period of attendance of the student who has not yet obtained the qualification at this or another higher educational institution, is at least the same as the term prescribed for the qualification at this University;

- (b) at least half the prescribed modules/credits and the thesis have been completed at this University; and
- (c) all other requirements for the specific qualification have been met.

### **T114 - Clarifying Information**

Recognitions are granted on the basis of formal learning with at least 50 % relevance. Exemptions are granted on the basis of non-formal learning with at least 50 % relevance. (EM 31/7/2006).

### **Reg. A115 - Mode of presentation and assessment**

- (a) (i) For a doctor's qualification a thesis must be submitted that will make an original contribution to existing knowledge of the chosen discipline in a specific field of study, or
- (ii) With regards to the faculty regulations, a doctorate can be obtained by:
  - laying down of a lectured programme; or
  - the presenting of publishable articles; or
  - a combination of the above-mentioned.

If the taking down of papers requires written and/or oral assessment, this process has to take place in terms of the stipulations of the department in question.

- (b) For all oral examinations, the head of department or a senior lecturer appointed by him/her, must always be present in addition to the assessor(s) and moderator(s).
- (c) In the case of written examinations, the student, in consultation with the head of department, determines the times when examinations will be taken down, provided that:
  - (i) the examination is taken down, time and again, during the official examination period, and

- (ii) in exceptional cases, the Registrar: Academic Student Services may give permission to a student to sit for an examination in a scheduled venue other than Bloemfontein.
- (d) The times at which and the halls in which examinations are to be conducted are indicated on the examination timetable.

**Reg. A116- Times at which a Thesis must be handed in and notice of intend given**

- (a) A thesis must be handed in for assessment no later than 30 November with a view to the April graduation ceremony and no later than 31 May with a view to the September graduation ceremony.
- (b) Students for doctorate degrees who intend to hand in a thesis with a view to the April graduation ceremony, must inform the Registrar: Student Academic Services via the promoter in writing of their intention before 1 September of the proceeding year.
- (c) Students for doctorate degrees who intend to hand in a thesis with a view to the September graduation ceremony, must inform the Registrar: Student Academic Services via the promoter in writing of their intention before 1 March.
- (d) The promoter must see to it that the thesis is registered correctly before the dates mentioned in (b) and (c), and the assessors appointed.
- (e) Once a thesis has been handed in, it cannot be withdrawn again and the assessment process must run its course.
- (f) No original work by a student undertaken with a view to a thesis which is not yet ready for assessment, but is only submitted to the promoter for evaluation, is accepted between the date on which the University closes in December and the start of the first semester of the following year.

**Reg. A117 - Requirements in respect of a Thesis**



- (a) A student's thesis is written under the guidance of a promoter or a promoter and a co-promoter, and must provide proof of an original contribution to existing knowledge concerning the chosen discipline in a specific field of study.
- (b) Following registration as a student, the student must register the subject of the thesis by filling in the prescribed form. The subject of the thesis is approved and registered by the faculty board on recommendation of the promoter and the head of the department concerned.
- (c) No thesis which, in the opinion of the promoter, comprises the same work as used previously by the student in a master's dissertation or a doctor's thesis for a different qualification, may be submitted.
- (d) The title page of the thesis which is handed in must contain the following:
  - (i) The full title of the thesis as approved.
  - (ii) The full name of the student.
  - (iii) A statement that it is submitted to meet the requirements for the qualification ... in the Faculty ... Department ... at the University of the Free State.
  - (iv) The date of submission.
  - (v) The name of the promoter and - if applicable - the co-promoter.
- (e) Together with the thesis, the student must hand in the following statements:
  - (i) A written statement by his/her promoter that he/she approves its submission, and on first submission a statement that the dissertation had not been submitted as a whole or partially to the assessor(s) before.

- (ii) A written statement by him-/herself with the following wording: "I declare that the thesis which is hereby submitted for the qualification ... at the University of the Free State, is my own independent work and has not been handed in before for a qualification at/in another University/faculty."
- (iii) Details of his/her curriculum vitae, which must comprise the following particulars: date of birth, place of birth, school education, professional career, exceptional achievements, details regarding marital status and family.
- (iv) A written statement in which he/she concedes copyright of the thesis to the University of the Free State.
- (f) For assessment purposes the student can either hand in properly bound copies of the thesis or sub-edited copies which have been bound or put together temporarily.
- (g) A summary in Afrikaans and English of no more than 600 words each must be included at the back of the thesis, together with approximately ten key terms in English describing the subject of the dissertation.
- (h) Thesis must be printed in at least one and a half spacing.
- (i) Once a thesis, which has been bound or put together temporarily, has been approved, at least one properly bound copy each for the promoter, co-promoter(s), assessor(s) and two additional properly bound copies plus a CD-ROM for the University Library must be handed in before the next graduation ceremony. The Library and Information Services will catalogue one bound copy for the Africana Collection and one bound copy for the open access shelves. The CD-ROM containing the thesis is for incorporation in the Electronic Theses and Dissertation project (ETD) for availability on the World Wide Web. Specifications for the CD-ROM comprise
- Microsoft
  - embedded fonts

- one complete file consisting of the text, abstract, summary, keywords, illustrations, maps.

All final copies must be handed in at the Student Academic Services Department. (EM 6/9/2004).

### **Reg. A118 - Promoter/co-promoter**

- (a) A promoter/co-promoter is appointed by the board of the faculty concerned.
- (b) Should the promoter regard it desirable, the board of the faculty concerned, can appoint a co-promoter irrespective of whether the person concerned is permanent employed by the University or not.
- (c) If the promoter is a person who is not permanent employed by the University, a co-promoter must be appointed who is, indeed, permanent employed by the University.

### **Reg. A119 - Assessors/Moderators**

- (a) Examinations are taken down for a particular module by assessors and moderators who have been appointed by the particular department and these are subject to external moderation. (EM 31/7/2006).
- (b) For doctoral studies, at least two assessors are involved, provided that the external assessors form the majority on the examination panel in cases where an internal assessor, who is not necessarily the promoter, has been appointed, and that overseas assessors are used where this is desirable and possible.

### **Reg. A120- Requirements for successful completion**

- (a) For successful completion, all the assessment reports have to be positive (even if certain minor corrections or amendments are required), and in case of a written and/or oral examination, a final mark of at least 50 per cent has to be obtained.

- (b) The examination commission or a member of the examination commission may require of a student that he/she must take a written or an oral assessment on the topic of his/her thesis, or the entire field of study that has been selected. This assessment is taken down with the entire examination commission present, except if decided differently by the Vice-Rector: Academic Operations. (EM 3/9/2008).
- (c) If the assessors do not reach agreement on the result, the recommendation of the majority of the assessors is accepted. If a majority decision is not forthcoming, an independent assessor, who is not in the employment of the University, must be nominated by the Vice Rector on the recommendation of the promoter, head of department and the dean. The independent assessor's decision or recommendation is final.
- (d) Doctorates are not awarded with distinction.
- (e) Except where the Faculty gives its approval, a student may not submit a thesis that was examined previously, for a second assessment opportunity, where the text of the thesis remains unchanged.
- (f) If a thesis is rejected and a student again registers for a doctoral degree, the faculty will take an *ad-hoc* decision as to the minimum duration of the study.
- (g) Where a written and/or oral assessment is taken down, the final mark is calculated in terms of the guidelines below:
  - (i) A sub minimum of 50 per cent applies to the examination mark, as well as each paper, mini-dissertation or practical work.
  - (ii) The weighting assigned to the examination mark may not be less than 40 per cent, nor more than 60 per cent.

## **Reg. A121 - Assessment reports**

- (a) Within thirty days of the date on which an assessor receives a thesis, the Registrar: Student Academic Services must be provided with his/her assessment report.
- (b) The promoter is not allowed to peruse the assessment reports of other assessors before he/she has handed in his/her own report.
- (c) The final evaluation of assessment reports is done by the Vice-Rector in consultation with the dean and on the recommendation of the head of the department.
- (d) If a student is required to effect changes/improvements, the promoter must inform the Registrar: Student Academic Services in writing no later than the date published in the calendar of the University that all requirements, as set by the assessors, have been met. Only once this has been done, will the result be confirmed to the student.
- (e) Assessments reports are not made available to students, but the contents can be made known to the student orally or in writing by the supervisor or promoter at discretion.

### **T121 – Clarifying information**

Where a module is included in the curriculum and that module also appears in undergraduate curricula, the regulations that apply to first qualifications also apply to the said module.

The student must therefore convince the head of the department and programme director concerned in advance that the admission requirements concerned have been met.

### **Reg. A122 - Publication of a thesis**

- (a) No actions mentioned in section 6 of the Copyright Act (1978), as well as any action by which it is implied that any publication, or part thereof, formed part of a thesis for which a qualification was conferred by the University, can be performed by the author, except with the written, pre-obtained authorisation of the dean concerned.

- (b) If written permission for publication has been granted, the following particulars must appear on the title-page:
  - (i) “Thesis approved for the qualification ... in the Faculty ... Department ... of the University of the Free State”.
  - (ii) Name of the promoter and, if applicable, co-promoter.
  - (iii) Any reservation or any wording which, in the opinion of the Dean, ought to appear on the title-page.

**Reg. A123 - Statement of results, study records, certified statements, certificates of conduct and certified examination timetables.**

Statements of results, study records, certified statements, certificates of conduct and certified examination timetables can be issued by the Registrar: Student Academic Services on request.

**Reg. A124 - Qualification certificates**

- (a) Qualification certificates are only handed out on the occasion of the graduation ceremony. If a qualification is conferred *in absentia*, the certificate is posted to the student as soon as possible after the ceremony, after payment of the prescribed absentia fees.
- (b) If an original certificate is lost or damaged, the Registrar: Student Academic Services will only issue a statement to the effect that the student did obtain the qualification.

**Reg. A125 - Graduation ceremonies**

The University retains the right not to confer a qualification upon a student unless

- (i) all fees owing to the University have been paid, all statements of results in respect of modules passed at another higher education institution have been handed in and all outstanding books have been returned to the library;

- (ii) all other stipulations have been met.

### **T125 - Clarifying information**

Results being received after the date published in the University calendar, will not be taken into account for the first upcoming diploma and graduation ceremonies, but will stand over until the next diploma and graduation ceremonies.

### **Reg. A126 - Exceptional merit applications**

Irrespective of the stipulations of any regulation the dean, in consultation with the Registrar: Student Academic Services can consider exceptional cases on merit, with a right of immediate appeal to the Vice Rector: Academic Operations with notice to the Dean” (Committee of Deans 3/8/2006).

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## **GENERAL REGULATIONS CONCERNING THE DOCTOR’S QUALIFICATION ON GROUNDS OF EXTENSIVE PUBLICATIONS**

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### **Reg. A127 - Conferring of the qualification**

The following qualifications can be conferred in faculties as indicated on the holder of a doctor’s qualification who has contributed extensive publications of exceptional quality in his/her subject field over a considerable period of time. In exceptional circumstances the Executive Management may also allow a person who has not yet obtained a doctor’s qualification to enrol for such a qualification:

LL.D.	-	Faculty of Law
D.Sc.	-	Faculty of Natural and Agricultural Sciences and Health Sciences
D.Litt.	-	Faculty of Humanities
D.Phil. and		
D.Mus.		
D.Ed.		
D.Soc.Sc.		

D.Admin.; - Faculty of Economic and Management Sciences

D.Econ.

D.Acc.

D.P.L.

D.Public Management

D.Com.

D.Th. - Faculty of Theology

### **Reg. A128 - Admission to the qualification**

- (a) A person must apply to the dean in writing to be considered for admission to the qualification.
- (b) The application must be accompanied by
  - (i) two sets of copies of the publications on which the application is based;
  - (ii) A sworn statement in respect of the applicants personal contribution to works of which he/she was a co-author; and
  - (iii) a statement that the applicant has not previously submitted the same set of publications for a qualification at another University.
- (c) All applications are submitted to the Executive Management for consideration on the recommendation of the head of the department and via the board of the faculty concerned.
- (d) The Executive Management appoints a mentor to act a link between the department concerned, the dean and the Vice-Rector: Academic Operations.



### **Reg. A129 - Registration**

- (a) After an application for consideration for the qualification has been approved, the candidate must register in the way stipulated by the University and pay the prescribed fees. No retro-active registration will be considered by the University (EM 19 July 2004).
- (b) No tuition fees need be paid.
- (c) Assessment fees, as determined by the Council, must be paid.
- (d) Under the guidance of the mentor, the candidate will prepare a summary of his/her scientific work ( $\pm$  20 typed A4 folios) bound in a suitable manner to accompany the publications that are submitted. Of these, 5 sets must be made available for use by the assessment panel.
- (e) In registering, the candidate undertakes to comply with all the rules and regulations of the University, including those contained in the annexures to the General Rules and Regulations.

### **Reg. A130 - Assessors**

- (a) An assessment panel consisting of three external assessors of whom one would preferably be from a foreign country, act as assessors appointed by the board of the faculty concerned.
- (b) The assessors should each be a member of a different institution.

### **Reg. A131 - Assessment reports**

- (a) The reports of the assessors are submitted to the dean for recommendation and final approval by the Vice-Rector with notification to the Executive Management.
- (b) Within thirty days of the date on which an assessor received the documents on which the application is based, the Vice-Rector: Academic Operations must be provided with his/her assessment report.

- (c) Through the mediation of the dean (and the head of the department), the mentor is allowed access to the reports of the external assessors.
- (d) Assessments reports are not made available to the candidate.

### **Reg. A132 - Pass requirements**

- (a) In order for the candidate to pass, all assessment reports must be positive.
- (b) If the report of only one assessor is not positive, an independent assessor, who is not employed by of the University, can be appointed by the Vice-Rector on the recommendation of the dean. The decision or recommendation of the independent assessor is final.

### **Reg. A133 - Exceptional merit applications**

Irrespective of the stipulations of any regulation the dean, in consultation with the Registrar: Student Academic Services can consider exceptional cases on merit, with a right of immediate appeal to the Vice Rector: Academic Operations with notice to the Dean” (Committee of Deans 3/8/2006).

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## **GENERAL REGULATIONS CONCERNING POSTGRADUATE DIPLOMAS, ADVANCED UNIVERSITY DIPLOMAS AND – CERTIFICATES, EXCLUDING THE POST-GRADUATE DIPLOMAS IN FINANCIAL PLANNING**

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### **Reg. AD1 - Admission**

- (a) Persons wishing to register for the first time at this University, (for the above-mentioned category of qualifications), as well as students who interrupted their studies for at least one semester, must apply for admission on the prescribed form and before the date determined by the University each year.

- (b) For admission, to a postgraduate diploma by the head of the department, a bachelor's qualification is required, and for admission to an advanced University diploma, a National Certificate, National Diploma or Baccalaureus degree, with the proviso that the dean on the recommendation of the head of the department in consultation with the Registrar: Student Academic Services, a student can also be admitted on the grounds of a qualification regarded as equivalent by them, or because he/she has in some way attained a standard of competence which they judge to be sufficient for the purpose of postgraduate study.
- (c) In order to be admitted to these qualifications or to be admitted for occasional studies in modules of these qualifications, students must comply with the admission requirements as set out in the relevant faculty calendars.

### **TD1 – Clarifying information**

Admission on the basis of a standard of proficiency is handled via the RPL Committee on which the head of the department concerned can be co-opted. (EM 31/7/2006).

### **Reg. AD2 - Submission: Documentation with a view to admission to the University**

- (a) The responsibility for ensuring that the admission requirements of the University and to a specific qualification are met, rests with the student.
- (b) Subject to the stipulations of Regulations AD1, a student who previously studied at another higher educational institution can be admitted to this University after a satisfactory certificate of conduct and study record have been received from the higher educational institution concerned.

Students who have been refused re-admission to any other higher educational institution on the grounds of academic performance will not be admitted.

- (c) The University retains the right to cancel the student's registration at any time should it come to light that the admission requirements concerned were not met.

### **Reg. AD3 - Registration as a student and module changes**

- (a) (i) A student must register annually for both semesters during the registration period and in the manner stipulated by the University and pay the prescribed fees. No retro-active registration will be considered by the University (EM 19 July 2004). Whether the student will be allowed to take second-semester modules is further subject to the preconditions as set out in Regulation A8.
  - (ii) Students with outstanding university fees, outstanding documents in connection with conditional exemptions and without the necessary academic records and certificates of conduct of a university(s) previously attended, are registered conditionally only. Conditional registration applies only up to a certain date as determined by the University, after which the conditional registration expires. (EM 22/11/06).
- (b) Subject to the stipulations of Regulation AD5 (f), students from other higher educational institutions who wish to register at this University, or students of this University who wish to register after having interrupted their study for a year or longer, have to comply with the regulations that apply at the time of the said registration unless the dean decides otherwise.
- (c) (i) If a student wishes to change the composition of the curriculum, the Registrar: Student Academic Services must be informed of this intention on the prescribed form within the period set aside for module changes.
  - (ii) If a student makes a module change it should be noted that it is the student's responsibility to catch up with work that has already been completed, and that the student cannot lay claim to any additional assistance from the lecturer or reach a compromise regarding notes, assignments, tests, practical work and possible assessments that have already been finalised.

- (d) A student obtains academic credit for modules for which was registered and which are passed.
- (e) Irrespective of any recognitions that may be granted, a student, in changing the field of study, must comply with the regulations that apply during the year in which the change is effected unless the dean decides otherwise.
- (f) In registering, a student undertakes to comply with all the rules and regulations of the University including those contained in the annexure to the general regulations.
- (g) The responsibility for staying conversant with the regulations rests wholly with the student.
- (h) Confirmation by the University that registration has indeed taken place, does not exempt the student from meeting any precondition for admission to a qualification or module for which is registered.

### **TD3 – Clarifying Information**

Any person who is not registered as a student or a registered student who is not registered for a specific module and who writes an examination in that module, will not receive the result of that module and will have no claim to it as well.

### **Reg. AD4 - Simultaneous registration**

- (a) A student who is registered for any of these qualifications can, on academic merit and with the consent of the dean/deans concerned, also register for another qualification at this University, with the understanding that the periods of residence must end simultaneously. (EM 31/7/2006).
- (b) Enrolment for simultaneous registration at this and another higher educational institution will only be allowed in exceptional circumstances and subject to the recommendation of the dean/deans and the consent of both institutions. (EM 31/7/2006).

- (c) Should it come to light that a student at this University is registered in conflict with the above-mentioned regulations, the registration at this University can be cancelled.

**Reg. AD5 - Curriculum composition, checking of a student and duration of study**

- (a) A student must distribute the modules for the qualification for which is registered over a period no shorter than that specified by the Senate.
- (b) Subject to the stipulations of regulations AD1, AD3(b), AD4 and AD6, the curriculum is compiled as explained in the calendar of the faculty concerned and in accordance with the module and lecture-hall timetable.

In exceptional circumstances the dean may permit a student to change the prescribed sequence and composition of modules over the years of study.

- (c) Subject to the stipulations of Regulations AD3(b), AD4 and AD6, a student may take additional modules from any faculty additional to the minimum number of prescribed modules of a particular curriculum.
- (d) Except where stipulated differently by the faculty calendar, a student can, irrespective of the preconditions for modules as set out in Regulation A8, register for a module without meeting the preconditions and take modules at different levels in the same discipline simultaneously.
- (e) In order to be admitted to the next study year for the particular diploma, a student must comply with the faculty regulations concerned.
- (f) (i) Students who, after the minimum duration of study for the specific qualifications plus two years, (3 years in case of the Diplomas in Financial Planning) calculated from the date of first registration for the specific field of study, have not yet obtained the qualification, will only be allowed to

complete the study with the consent of the dean. (EM 23/08/04).

- (ii) Students may also not register more than twice (3 [three] times in case of the Diplomas in Financial Planning) for the same module, except with the consent of the dean.
- (g) (i) If it should be judged not to be in the interest of the University that a student should continue his/her studies in a specific field of study, the dean of the faculty involved can request that Executive Management check the student concerned in the specific field of study.
- (ii) Before the dean makes a recommendation as mentioned above to Executive Management, the student must be informed in writing of such intention and the reasons for it, so that he/she can be given the opportunity to try to convince the dean not to continue with his/her proposed recommendation.
- (iii) The student must also be given the opportunity of handing in a written submission to Executive Management in which he/she can give reasons why he/she should not be checked in the specific field of study.

#### **Reg. AD6 - Recognition of modules (credits) passed at this or another higher educational institution**

The head of the department in consultation with the Registrar: Student Academic Services may grant recognition for modules (credits) passed at this or another recognised higher educational institution (or an institution recognised for this purpose), with the understanding that a qualification of this University can be conferred upon the student on condition that

- (a) the combined period of attendance of this and the other higher educational institution of the student who has not yet obtained the qualification at this or another higher educational institution, is at least the same as the term prescribed for the qualification at this University, with the proviso that the student must register at this University for a period of at least one academic year;

- (b) at least half the prescribed modules (credits) at this University and for the qualification in question had been passed; and
- (c) all the other preconditions for the qualification concerned are met.

#### **TD6 - Clarifying Information**

Recognitions are granted on the basis of formal learning with at least 50 % relevance. Exemptions are granted on the basis of non-formal learning with at least 50 % relevance. (EM 31/7/2006).

#### **Reg. AD7 - Modes of presentation and assessment**

- (a) Postgraduate and advanced University diplomas/certificates are presented in accordance with the stipulations of a particular department.
- (b) Assessment may be taken down in writing and/or orally as stipulated by the head of department.

#### **TD7 – Clarifying information**

If the oral option is chosen, Reg. AD.14 must be complied with.

#### **Reg. AD8 - Times when and centres where examinations are taken down**

- (a) In terms of the requirements for a particular module, examinations are taken down on completion of the said module at the centre where the module was presented to the student.
- (b) The times when and venues where examinations are taken down, appear in the examination timetable.

#### **Reg. AD9 - Assessors/moderators**

Examinations are taken down for a particular module by assessors and moderators who have been appointed by the particular department and these are subject to external moderation. (EM 31/7/2006).



## **Reg. AD10 - Module mark/admission to examinations and requirements for successful completion**

- (a) A module mark results from the assessment of a student in a particular module and is calculated and made public in a way prescribed by the relevant department in its study guide for that particular module.
- (b) Except if the dean decides otherwise, a student has to comply with all requirements that pertain to sub minimums and assignments, and these are outlined in the study guide for a particular module.
- (c) To pass a module, a final mark of at least 50 per cent has to be obtained.
- (d) The way that the final mark is calculated, is outlined in the study guide for the module in terms of the guidelines stated below:
  - (i) A sub minimum of 40 per cent applies to the examination mark as well as each paper, mini-dissertation or practical work.
  - (ii) The weight assigned to the examination mark may not be less than 40 per cent, nor more than 60 per cent.
- (e) A module mark obtained for a module is only valid for the examination opportunity that applies to that module. In the case where a module has to be repeated, a new module mark has to be earned.
- (f) Where a system of continuous evaluation is used as the exclusive means of assessment, the final mark is based on the students performance assessed during assessment opportunities distributed over the period of presentation of the module.
- (g) To pass a module with distinction, a final mark of at least 75 per cent has to be earned.

## **TD10 - Clarifying Information**

Where a module that also appears in undergraduate curricula forms part of the curriculum, the regulations applying to first qualifications apply with regard to that module.

### **Reg. AD11 - Qualification with distinction**

The preconditions for obtaining a qualification with distinction are stipulated in the regulations of the various faculties.

### **Reg. AD12 - Examination opportunities**

- (a) Two examination opportunities are scheduled per semester, namely, in June and July for first-semester modules and November and January for second-semester modules, and the latter two opportunities for all the modules that were presented over a period of an academic year. No further examination opportunities exist.
- (b) A student who does not participate in the first examination opportunity in June, may sit for the second examination opportunity in July.
- (c) A student who does not participate in the first examination opportunity in November, may sit for the second examination opportunity in January.
- (d) A student who participated in the first scheduled examination opportunity in a given semester, and obtained an examination mark of at least 30 percent, with a final mark of at least 45 per cent in a module, may again sit for the second examination opportunity. If a final mark of less than 45 per cent has been obtained, the module has to be repeated.
- (e) A student who participated in the first scheduled examination opportunity in a given semester, obtained a final mark of at least 50 percent, but did not obtain the required subminimum of 40 percent in the examination, can participate in the second examination opportunity. (EM 3/9/2007).
- (f) Students who have successfully completed a module, but who would like to improve their final mark, may sit for the second

examination opportunity, provided that a final mark of at least 60 per cent was obtained. The best mark will be taken into consideration.

- (g) A student in his/her final year who has to extend his/her study period in obtaining the qualification, period after writing the June examination because he/she failed only one module during the June examination without considering the November examination that would still have to be written, may be admitted to the second examination opportunity in July without any stipulations by the Registrar: Student Academic Services.
- (h) A student in his/her final semester who has to extend his/her study after writing the November examination because he/she failed only one module during the November examination, may be admitted to the second examination opportunity in January without any stipulations by the Registrar: Student Academic Services.

#### **TD12 - Clarifying information**

- (i) If a student qualifies for a re-assessment in a module comprising more than one examination paper, he/she must write the examination in both papers during the re-assessment.
- (ii) If a module comprises two examination papers, the examination in both papers must be written during the same examination opportunity.

#### **AD13 - Promotion**

- (a) Continuous and end (summative) assessment have been decentralised, and these forms of assessment take place during the term of presentation of the module; moreover, the results of such assessments are taken into consideration in determining the module mark. The ratio for calculating the module mark, is outlined in the study guide of the module in question in accordance with Reg. AD10(d).
- (b) Students who obtain a module mark of 65 per cent or higher, are promoted (i.e they pass) and no further examination has to be

taken in that particular module. The module mark becomes the final mark that the student is awarded for the module in question.

- (c) Students who obtain a module mark of less than 65 per cent must sit for the officially scheduled examination opportunity. The result will be handled in terms of regulation AD10.
- (d) Students gain admission to the officially scheduled examination opportunity, provided that they have participated in an adequate number of opportunities for continuous and end assessment. Requirements for adequate participation are outlined in the study guide for the module.
- (e) To pass a module with distinction, a module mark of at least 75 per cent has to be obtained.

### **TD13 - Clarifying Information**

- (a) Students who are promoted (i.e who pass), but who would like to improve their final mark, may participate in the scheduled examination opportunity. The final mark is then calculated in terms of regulation AD10.
- (b) Absence of assessment opportunities is handled in terms of the internal policy of the faculty in question.
- (c) Departments that use a system of continuous evaluation may not schedule assessment opportunities during approved examination periods.

### **Reg. AD14 - Oral examination**

Instead of a written examination, departments may take down an oral examination, provided that:

- (a) the examination is taken down during an officially scheduled examination period;
- (b) for each module the oral examination will last for at least half an hour per student;

- (c) for all oral examinations, the head of department or a senior lecturer appointed by him/her, must always be present in addition to the assessor(s) and moderator(s).

### **Reg. AD15 - Requirements for Examination Venues**

- (a) Every person who sits for an examination at the University of the Free State must be a registered student of the University, must meet the requirements of Reg. AD10(b); and
  - (i) must present his/her student card to be admitted into the examination venue;
  - (ii) may have no pen sachets, books of any nature, notes or paper which has been written on, cellular phones, dictaphones or electronic transmitting or receiving equipment on his/her person during the examination session, with the understanding that in the case of an open-book examination, the prescribed book(s) will be allowed in the examination hall;
  - (iii) may give or receive no help, or attempt to help or obtain help from another student or from the invigilator, or have a conversation with anybody else;
  - (iv) must, at the request of an invigilator, hand in all attendance forms, examination scripts and documents which have been handed out, at the designated point in the examination hall;
  - (v) will not be allowed to enter the examination hall after 30 minutes since the start of the examination session have elapsed, or demand to be allowed extra time should he/she arrive late;
  - (vi) may not leave the examination hall within 45 minutes of the start of the examination session;
  - (vii) may not smoke, or eat any food or partake of any refreshments in the examination hall;

- (viii) may only leave the examination hall for a short period under supervision to visit the cloakroom with the permission of the chief examination invigilator;
  - (xi) may only address questions to and receive information from an invigilator after raising his/her hand;
  - (x) may only request and receive one examination paper in either Afrikaans or English, according to choice, or in both languages if applicable and according to field of study;
  - (xi) must carefully read and complete all the particulars on the examination scripts and the attendance forms in full and in the prescribed manner;
  - (xii) must, in case of any transgression of the examination hall rules, appear before the Disciplinary Committee to receive an appropriate punishment; and
  - (xiii) may only leave his/her personal possessions inside/outside the examination hall at his/her own risk and must indemnify the UFS from any liability for damages suffered/losses incurred, and must realise that the UFS will accept no responsibility in the above-mentioned regard.
- (b) If an invigilator has reasonable grounds, confirmed as such by another invigilator, to believe that a student has forbidden notes or any of the items mentioned in Regulation AD15(a)(ii) in his/her possession, the student may be confronted with the suspicion or be requested to leave the examination hall in the company of two invigilators of the same gender as the student. The invigilator then has the right to search the person of the student for forbidden notes or items in the presence of the other invigilator in a private room where only the three persons are present.

### **Reg. AD16 - Errors with regard to the examination timetable**

The University accepts no responsibility for mistakes made by students in respect of the examination timetable.

### **Reg. AD17 - Extra time during the examination**

Only on the grounds of an acceptable medical certificate or on the recommendation of Kovsie Counselling and Development in co-operation with the Unit for Students with Disabilities may the Registrar, Student Academic Services grant extra time for writing examination papers.

### **Reg. AD18 - Statements of results**

Official statements of results are only supplied to students by the Registrar: Student Academic Services.

### **Reg. AD19 - Examination results**

- (a) Provisional examination results are put up on a specified notice-board by the departments and a statement of final results is posted to each student by the Registrar: Student Academic Services.
- (b) No official statement of results will be posted to a student before the account has been paid in full, unless the Director: Finance should decide differently.
- (c) A student can discuss an examination paper with a lecturer and the head of the department within five examination days of the publication of the results, with the right of immediate appeal to the dean. (EM 31/7/2006).

### **TD19 – Clarifying information**

The definitions applicable to examination results and codes have been approved by the EM (22/11/2006).

### **Reg. AD20 - Statements of results, study records, certified statements, certificates of conduct and certified examination timetables**

Statements of results, study record, certified statements, certificates of conduct and certified examination timetables can be issued by the Registrar: Student Academic Services on request.

### **Reg. AD21 - Qualification certificates**

- (a) Qualification certificates are only handed out on the occasion of the graduation ceremony. If a qualification is awarded *in absentia*, the certificate is posted to the student as soon as possible after the ceremony, after payment of the prescribed absentia fees.
- (b) If an original certificate is lost or damaged, the Registrar: Student Academic Services will only issue a statement to the effect that the student did obtain the qualification.

### **Reg. AD22 - Diploma ceremonies**

The University retains the right to refuse to award a qualification to a student unless

- (i) all relevant fees have been paid to the University, all statements of results in respect of modules passed at other higher educational institutions have been handed in, and all outstanding books have been returned to the library; and
- (ii) all other stipulations have been met.

### **TD22 - Clarifying information**

Results being received after the date published in the University calendar, will not be taken into account for the first upcoming diploma and graduation ceremonies, but will stand over until the next diploma and graduation ceremonies.

### **Reg. AD23 - Exceptional merit applications**

Irrespective of the stipulations of any regulation, the dean in consultation with the Registrar: Student Academic Services concerned can make decisions regarding exceptional cases on merit, with a right of immediate appeal to the Vice Rector: Academic Operations with notice to the Dean" (Committee of Deans 3/8/2006).



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## **GENERAL REGULATIONS FOR THE POSTGRADUATE DIPLOMA AND THE ADVANCED POSTGRADUATE DIPLOMA IN FINANCIAL PLANNING**

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All correspondence with the University regarding the above-mentioned qualification must be addressed to the Director: Centre for Financial Planning Law, Faculty of Law, P.O. Box 339, Bloemfontein, 9300. Fax: (051) 4013733 and e-mail: deKockS.rd@mail.uovs.ac.za

### **Reg. FP1 – Admission**

- (a) Persons who wish to register at this University for the first time, as well as students who interrupted their study for a period of at least one semester, must apply for admission on the prescribed form before the date determined by the University each year.
- (b) For admission to the Postgraduate Diploma in Financial Planning one of the following is required:
  - (i) an applicable bachelor's degree, or
  - (ii) an applicable qualification at NQF Level 6, and
  - (iii) that a student, with the consent of the dean, at the recommendation of the Education Committee (appointed by the Centre for Financial Planning Law), in consultation with the Registrar: Student Academic Services, can also be admitted on the basis of a qualification they regard as equivalent or on condition that the student, in some other way, achieved a standard of competence which they regard as adequate for the purposes of the study.
- (c) For admission to the Advanced Postgraduate Diploma in Financial Planning one of the following is required:
  - (i) an applicable University diploma as mentioned under FP1(b), and
  - (ii) an applicable bachelor's degree, and
  - (iii) that a student, with the consent of the dean, at the recommendation of the Education Committee (appointed by the Centre for Financial Planning Law), in consultation

with the Registrar: Student Academic Services, can also be admitted on the basis of a qualification they regard as equivalent or on condition that the student, in some other way, achieved a standard of competence which they regard as adequate for the purposes of the study.

- (d) In order to be admitted to occasional study in modules of the above-mentioned qualifications, a student must meet the requirements of paragraphs (a), (b) and (c) above.

### **TFP1 – Clarifying information**

Admission on the basis of a standard of proficiency is handed via the RPL Committee on which the head of the department concerned can be co-opted. (EM 31/7/2006).

### **Reg. FP2 – Submission: Documentation for admission to the University**

- (a) The responsibility for ensuring that the admission requirements of the University and for a specific postgraduate diploma or advanced University diploma are met rests with the student.
- (b) Subject to the stipulations of Regulation FP1, a student who previously studied at another institution of higher education can be admitted to this University after a satisfactory certificate of conduct and study record have been received from the institution of higher education concerned.
- (c) The University reserves the right to cancel a student's registration at any time should it be found that the admission requirements concerned were not met.

### **Reg. FP3 – Registration as a student and module changes**

- (a) (i) A student must register annually during the registration period and in the manner determined by the University and pay the prescribed fees. No retro-active registration will be considered by the University. (EM 19 July 2004).

- (ii) Students with outstanding university fees, outstanding documents in connection with conditional exemptions and without the necessary academic records and certificates of conduct of a university(s) previously attended, are registered conditionally only. Conditional registration applies only up to a certain date as determined by the University, after which the conditional registration expires. (EM 22/11/06).
- (b) Students from other institutions of higher education who register at this University after having interrupted their studies for a year or more are, conditional on the stipulations of Regulations FP5(f), subject to the regulations that apply at the time of the mentioned registration, unless the dean should decide differently.
- (c) (i) If a student changes the composition of a curriculum, the Registrar: Student Academic Services must be informed of this fact on the prescribed form within the period for module changes.  
(ii) If a student makes a module change, cognisance must be taken that it is the student's responsibility to catch up on work already completed and that the student also has no right to any additional assistance from the lecturer or to be accommodated regarding notes, assignments, tests, practical work and possibly assessments already completed.
- (d) A student obtains academic credit for modules registered for and passed.
- (e) Regardless of any recognitions that may be granted, a student who changes his field of study, must comply with the regulations applying to the year in which the change is made, unless the dean should decide differently.
- (f) In registering the student undertakes to comply with all the rules and regulations of the University, including those contained in the annexures to the General Regulations.
- (g) The responsibility for being conversant with the regulations rests wholly with the student.

- (h) Confirmation of registration by the University does not exempt the student from meeting any requirements for admission to a qualification or module registered for.

### **TFP3 – Clarifying information**

- (a) The last date for registration for the Postgraduate Diploma in Financial Planning and the Advanced Postgraduate Diploma in Financial Planning is 30 March of every year. Module changes can be made up to and including 30 April each year.
- (b) All administrative procedures pertaining to registration for and changing of modules are set out in detail on the web page of the Centre for Financial Planning Law.

### **Reg. FP4 – Simultaneous registration**

- (a) A student registering for a postgraduate diploma or advanced University diploma can, on the basis of academic merit and with the consent of the Director: Centre for Financial Planning Law, also register for another qualification at this University.
- (b) Simultaneous registration at this and another institution of higher education will only be allowed in exceptional circumstances on the recommendation of the Director: Centre for Financial Planning Law and with the consent of both institutions.
- (c) Should it be found that a student of this University is registered in contravention of the above-mentioned regulations, the registration at this University can be cancelled.

### **Reg. FP5 – Curriculum composition, suspension of a student and duration of study**

- (a) A student must distribute the modules for the qualification registered for over a period not shorter than that specified by the Senate.
- (b) Subject to the stipulations of Regulations FP1, FP3 (b), FP4 and FP6, the curriculum must be composed as set out in the particular

calendar and in accordance with the module and classroom timetable, if applicable.

In exceptional circumstances the dean may consent to a student changing the prescribed sequence and composition of the modules during the years of study.

- (c) Subject to the stipulations of Regulations FP3 (b), FP4 and FP6, a student may enrol for extra modules from any faculty in addition to the minimum number of modules prescribed for a specific curriculum.
- (d) Except where stipulated differently in the calendar, a student may, notwithstanding the preconditions for modules as set out in Regulation FP6, register for a module without meeting the preconditions and take modules of the same discipline at different levels simultaneously.
- (e) In order to qualify for admission to the next year of study for the particular qualification, a student must meet the following requirements:
  - (i) Students who, after four years calculated from the date of the first examination for the particular qualification, have not yet obtained the qualification, may only be admitted for completion of the study with the consent of the Director: Centre for Financial Planning Law after consultation with the Registrar: Student Academic Services.
  - (ii) Students may also not register for the same module more than three times, except with the consent of the Director: Centre for Financial Planning Law after consultation with the Registrar: Student Academic Services.
- (f) (i) Should it be judged to be in the interest of the University that a student not continue his/her study in a particular field, the dean may request the Executive Management to check the student in the specific field of study.

- (ii) Before the dean makes a recommendation such as the above-mentioned to the Executive Management, the student must be informed in writing of such intention as well as of the reasons for it to provide him/her with an opportunity to attempt to persuade the dean not to send in his/her intended recommendation.
- (iii) The student must also be given an opportunity to make a written submission to the Executive Management setting out reasons why he/she should not be checked in the specific field of study.

### **Reg. FP6 – Recognition of modules passed at this or another institution of higher education**

The Director: Centre for Financial Planning Law, in consultation with the Registrar: Student Academic Services, can recognise modules passed at this or another recognised institution of higher education (or an institution recognised for this purpose), with the proviso that a qualification of this University can be conferred on such a student on condition that:

- (a) the combined period of attendance at this and the other institution of higher education of the student who has not yet obtained the qualification at least equals the term prescribed for the qualification at this University, on condition that a student must register at this University for at least one academic year;
- (b) at least half the modules (credits) prescribed were passed at this University and for the particular qualification; and
- (c) all other requirements for the particular qualification are met.

### **TFP6 – Clarifying information**

Recognitions are granted on the basis of formal learning with at least 50 % relevance. Exemptions are granted on the basis of non-formal learning with at least 50 % relevance. (EM 31/7/2006).

### **Reg. FP7 – Times when and centres at which examinations are conducted**

- (a) Examinations are conducted at one of the approved centres for the Postgraduate Diploma in Financial Planning and the Advanced Postgraduate Diploma in Financial Planning, with the proviso that, in exceptional cases, the Registrar: Student Academic Services (Examination Division) may grant permission for examinations being conducted at another scheduled centre.
- (b) The times at which and the venues where examinations are conducted appear in the examination timetable, which is available as an annexure to the regulations. Examinations for the diplomas in Financial Planning will be conducted at scheduled predetermined centres during September and January.

### **Reg. FP8 – Assessors/moderators**

Examinations in a module are conducted by assessors and moderators as appointed by the Education Committee of the Centre for Financial Planning Law and approved by the Faculty Board, Faculty of Law and are subject to external assessment.

### **Reg. FP9 – Module mark/admission to the examination and requirements for passing**

- (a) A module mark is the result of the assessment of the student in a particular module and is calculated and announced in a manner as prescribed by the Education Committee of the Centre for Financial Planning Law and confirmed by the Management Board of the Centre and the Faculty Board of the Faculty of Law.
- (b) In order to pass the first three modules prescribed for the Postgraduate Diploma in Financial Planning a mark of 50 per cent per module must be obtained. However, in the fourth module with code FBR714 the student must obtain a mark of 60 per cent in order to pass. Assessment in the module takes the form of a practical application examination paper.

- (c) In order to pass all the module combinations prescribed for the Advanced Diploma in Financial Planning a mark of 50 per cent per module must be obtained.
- (d) Unless the dean of the Faculty of Law decides differently, a student must meet all the requirements pertaining to prescribed sub minimums and assignments as set out from time to time in the module guide concerned in order to be admitted to an examination.
- (e) A module mark obtained for a module is only valid for the examination opportunity that applies to the particular module. If a module has to be repeated, a new module mark must be obtained.
- (f) Where exclusive use is made of a system of continuous assessment, the final mark is based on the assessment of the student's work on various occasions distributed over the period of presentation of the module.
- (g) To pass a module with distinction a final mark of at least 75 per cent must be obtained.

### **TFP9 – Clarifying information**

Where a module is included in the curriculum that also appears in undergraduate curricula, the regulations that apply to first qualifications also apply to the particular module.

### **Reg. FP10 –Diploma with distinction**

The diploma is conferred with distinction if a student

- completed the diploma in the minimum prescribed period of time;
- obtained an average pass mark of at least 75 per cent in the number of modules.



## **Reg. FP11 – Examination opportunities**

- (a) Two examination opportunities are scheduled per year, namely during September and January.
- (b) A student who does not participate in the first examination opportunity in September can participate in the second examination opportunity in January.
- (c) A student who participated in the first scheduled examination opportunity in a given year and obtained an examination mark of at least 30 percent, with a final mark of at least 45 per cent in a module, can participate again in the second examination opportunity. If a final mark of less than 45 per cent was obtained, the module must be repeated. A student who participated in both examination opportunities has to pay an additional examination administration fee for the second examination opportunity as determined by the Centre for Financial Planning Law in consultation with the University.
- (d) For admission to the September examination a student must register for the examination and confirm that he/she will sit for the examination in September before or on 30 June of the particular year. For admission to the January examination a student must register for the examination and confirm that he/she will sit for the examination in January before or on 30 November of the previous year.

## **TFP11 - Clarifying information**

A student will only be admitted to the official scheduled examination opportunity if he/she is registered and has confirmed before or on the dates mentioned in Reg. FP11(d) in which examination opportunity he/she will participate.

The January examination opportunity will be scheduled at the following examination centres only:

Bloemfontein  
Cape Town  
Durban  
Johannesburg

Port Elizabeth  
Pretoria

### **Reg. FP12 – Oral examination**

Oral examinations will only be available in exceptional cases. To obtain permission to do an oral examination, a written application must be addressed to the Examination Committee of the Centre for Financial Planning Law.

### **Reg. FP13 – Examination venue regulations**

- (a) Every person participating in an examination of the University of the Free State must be a registered student of the University, comply with the stipulations of Reg. FP11, and
  - (i) have his/her identity document available to show to an invigilator if requested to do so;
  - (ii) may have no pen holders, books of any kind, notes or paper with writing on it, cellular phones, dictaphones or electronic equipment on his/her person during the examination session, with the understanding that in the case of an open-book examination the prescribed book(s) and electronic equipment will be allowed in the examination hall;
  - (iii) may give or receive no help, or attempt to help or obtain help from another student or from the invigilator, or have a conversation with anybody else;
  - (iv) must, at the request of an invigilator, hand in all attendance forms, examination scripts and documents that were handed out at the designated point in the examination hall;
  - (v) will not be allowed to enter the examination hall after 30 minutes have elapsed since the start of the examination session, and will have no right to request additional time should he/she arrive late;

- (vi) may not leave the examination hall before 60 minutes have elapsed since the start of the examination session;
  - (vii) may not smoke, eat any food or partake of any refreshments in the examination hall;
  - (viii) may only leave the examination hall for a short period under supervision to visit the cloakroom with the permission of the chief invigilator;
  - (ix) may only address questions to and receive information from an invigilator after raising his/her hand;
  - (x) may only request and receive one examination paper in either Afrikaans or English, according to choice, or in both languages as applicable and according to the field of study;
  - (xi) must read all information on the examination scripts and attendance forms carefully and fill out the required details in full and in the prescribed manner;
  - (xii) must, in case of any transgression of the examination hall rules, appear before the Disciplinary Committee to receive an appropriate punishment; and
  - (xiii) will place his/her personal possessions inside/outside the examination hall at his/her own risk and indemnify the UFS from any liability for loss/damages suffered in this regard.
- (b) Should any invigilator have reasonable grounds, confirmed as such by another invigilator, to believe that a student is in possession of any forbidden notes or any item mentioned in Reg. FP13(a)(ii), the student may be confronted with this suspicion or requested to leave the examination hall in the company of two invigilators of the same gender as the student. The invigilator will then have the right to search the person of the student for forbidden notes or items in the presence of the other invigilator in a private room where only the three persons are present.

### **Reg. FP14 –Mistakes with regard to the examination timetable**

The University accepts no responsibility should a student make a mistake with regard to the examination timetable.

### **Reg. FP15 – Extra time during the examination**

Only on the grounds of an acceptable medical certificate may the Registrar: Student Academic Services on the recommendation of the Director: Centre for Financial Planning Law allow extra time for the writing of examination papers.

### **Reg. FP16 – Statements of results**

Official statements of results are only supplied to students by the Registrar: Student Academic Services.

### **Reg. FP17 – Examination results**

- (a) Examination results will be published electronically on the web page of the UFS and a statement of final results will be posted to every student by the Registrar: Student Academic Services.
- (b) No official statement of results will be posted to a student before his/her account is paid in full, unless the Director: Finance should decide differently.
- (c) A student may discuss an examination script with one of the moderators appointed for the diploma within 7 examination days after the publication of the results, with the right of immediate appeal to the Examination Committee of the Centre for Financial Planning Law.

### **TFP17 – Clarifying information**

The definitions applicable to examination results and codes have been approved by the EM (22/11/2006).

**Reg. FP18 – Statements of results, study records, certified statements, certificates of conduct and certified examination timetables**

Statements of results, study records, certified statements, certificates of conduct and certified examination timetables can be issued on request by the Registrar: Student Academic Services.

**Reg. FP19 – Qualification certificates**

- (a) Qualification certificates are only handed out on the occasion of the diploma ceremony. If a qualification is conferred *in absentia*, the certificate will only be posted to the student by the University after payment of the applicable fee.
- (b) If an original qualification certificate is lost or damaged, the Registrar: Student Academic Services will only issue a statement to the effect that the student did obtain the qualification.

**Reg. FP20 – Diploma ceremonies**

The University retains the right to refuse to confer a qualification on a student unless:

- (i) all fees have been paid to the University, all statements of results pertaining to modules passed at other institutions of higher education have been handed in and all outstanding books have been returned to the library; and
- (ii) all other stipulations have been complied with.

**TFP20 - Clarifying information**

Results being received after the date published in the University calendar, will not be taken into account for the first upcoming diploma and graduation ceremonies, but will stand over until the next diploma and graduation ceremonies.

### **Reg. FP21 – Exceptional merit applications**

Notwithstanding the stipulations of any regulation, the dean, in consultation with the Registrar: Student Academic Services, can make decisions regarding exceptional cases on merit, with a right of immediate appeal to the Vice Rector: Academic Operations with notice to the Dean” (Committee of Deans 3/8/2006).

### **Reg. FP22 – Fees payable: Centre for Financial Planning Law**

- (a) The prescribed registration fee is payable during registration.
- (b) Should a student cancel his/her registration, the registration fee is not refundable.
- (c) If registration is cancelled before or on 23 July of a particular year a credit of 50 per cent on the class fees will be allowed. Registration fees are, however, not refundable.
- (d) If registration is cancelled after 23 July of the particular year, no credit on the class fees will be allowed.
- (e) Cancellation of a field of study or module must be done in writing and it remains the responsible of the student to check with the Centre for Financial Planning Law whether the written notification was indeed received.
- (f) If a student changes a module and takes another, more expensive module instead, the price difference must be paid in cash immediately. In the case of a cheaper module, the difference will be credited to the student’s account.
- (g) Module changes can be made up to 30 April by notifying the Centre for Financial Planning Law in writing. Any cost in this regard will be added to the student’s account.
- (h) If a module is failed during the first examination opportunity, the examination can be repeated during the next examination opportunity on condition that the necessary fee is paid.
- (i) If a qualification is received *in absentia*, the prescribed fee must be paid before the document will be posted to the student.

- (j) Students who registered for an examination, but are then absent, will have to pay a cancellation fee if they failed to cancel more than 21 (twenty-one) days before the start of the examination.
- (k) Any other financial matter not covered above will be dealt with in accordance with the particular calendar: student fees of the UFS.

## **ANNEXURE 1**

### **TERMS AND CONDITIONS OF COMPUTER USE**

#### **RECORDAL**

1. It is recorded that -
  - 1.1 the need exists for students of the University of the Free State ("UFS") to have access to the computer network of the UFS, and specifically access to electronic mail ("e-mail"), the internet ("the Internet"), and the local computer network of the UFS ("the Intranet");
  - 1.2 the need exists to regulate the utilizing of the computer resources of the UFS, including the access to the computer network, as contemplated in clause 1.1, on an individual user basis, specifically to promote educational purposes by increasing accessibility to information, information technology and by improving communication and distance education both within the UFS and globally;
  - 1.3 the UFS has a computer and computer network infrastructure available to address or partly address the needs contemplated in clause 1;
  - 1.4 any reference to one gender shall include the other gender.

#### **MAKING AVAILABLE THE COMPUTER NETWORK**

2. The Internet, Intranet and e-mail facilities available on the computer network of the UFS ("the computer network") are hereby made available to a duly registered student of the UFS ("the User"), subject to the terms and conditions set out herein.
  - 2.1 Unless explicitly stated otherwise, any new features, augmentations, enhancements or services to the computer network, shall be subject to the provisions of this document.
  - 2.2 The User understands that the facilities provided by the computer network is provided "as-is" and on an "as available" basis. The UFS therefore does not assume responsibility for the availability,



timeliness, defectiveness or otherwise of the computer network or any service provided in relation thereto.

- 2.3 The User understands that the computer network and services provided therewith may provide links to other Web sites or resources on the Internet. Because the UFS has no control over such sites and resources, the UFS does not endorse and can not be responsible for any information, data, text, software, music, sound, photographs, graphics, video, messages or other material ("Content"), advertising products, or other materials on or available from such sites or resources, or any damage or loss caused by utilizing such sites or resources.

### **COMMENCEMENT DATE AND PERIOD OF USE**

- 3.1 The use as contemplated in this document shall commence on the date the User is duly registered and all amounts payable have been paid, as contemplated in clause 4, and shall thereafter, subject to any provision to the contrary in this document, continue for the remainder of any 6 (SIX) month semester, including holidays, during which the User has registered in terms of clause 4, or for the relevant semester for which the User registers.
- 3.2 The User may, subject to any limitation contemplated in this document, renew his registration as a user of the computer network for any further 6 (SIX) month semester, including holidays, or in the case of registration within any semester, for the remainder thereof.

### **USER REGISTRATION AND TARIFFS PAYABLE**

- 4.1 The User shall only be allowed to use the computer network upon registration as a user of the computer network with administration procedures and against payment of an amount as a user tariff, as the UFS may determine from time to time, and further subject to the terms and conditions of this document.
- 4.2 The User shall be obliged and responsible to familiarize himself with all registration procedures and amounts payable, as determined from time to time by the UFS.

- 4.3 The registration shall take place on an individual basis, coupled with the personal identity or student number of the User.

## **DUTIES AND RESPONSIBILITIES OF USER**

5. The User shall -

- 5.1 use the computer network only if he is duly registered as a user, and after all amounts contemplated in clause 4 hereof have been paid;
- 5.2 not allow any other person to utilize, whether directly or indirectly, his user registration to enter into the computer network, or in general to utilize the computer network on the User's name;
- 5.3 use the computer network, whether directly or indirectly, in support of educational purposes and in the promotion of educational objectives;
- 5.4 use the computer network in accordance with any educational objectives and any other policy of the UFS, and further to be consistent with any such policies, and to comply with all rules and regulations of the UFS as stipulated from time to time;
- 5.5 always abide by generally accepted rules of computer network etiquette, including, but not limited to, -
- 5.5.1 always being polite and not uploading, downloading, posting, e-mailing or otherwise transmitting via the computer network any Content that is unlawful, harmful, threatening, derogative, abusive, harassing, tortuous, defamatory, vulgar, obscene, libelous, invasive of another's privacy, hateful or racially, ethnically, or otherwise objectionable or harmful, particularly to minors;
- 5.5.2 not being involved in any illegal activities of whatsoever nature, or any activities that do not comply with the rules and regulations of the UFS, whether directly or indirectly;
- 5.5.3 not revealing any personal addresses, telephone numbers, any personal identity numbers, including computer network registration numbers of students, employees of the UFS or any other persons in general, if such information and particulars are not readily available

to the public, or if it is reasonably perceived to be of a confidential nature;

- 5.5.4 not utilizing the computer network in such a way as to cause disruption in any way, including any negative influence on the operation and capability of the computer network, or which may disrupt or negatively influence the utilization of the computer network by others in any way, whether directly or indirectly;
- 5.5.5 strictly refraining from any conduct which may include, but is not limited to, effecting any alterations to the computer network and computer system, including software and hardware in general, and the uploading, posting, e-mailing or other transmitting of any Content or material that is inappropriate, obscene, pornographic, abusive or objectionable, or contains computer viruses or any other computer code, files or programmes designed to interrupt, destroy or limit the capacity and functionality of the computer network or any computer software or hardware or telecommunications equipment in general;
- 5.5.6 not using the computer network to obtain, view, download, or otherwise gain access to the material contemplated in clause 5.5.5, and to refrain from any transmission of such material in general;
- 5.5.7 and specifically not uploading, posting, e-mailing or otherwise transmitting any Content that constitutes confidential or inside information or that infringes any patent, trademark, trade secret, copyright, intellectual property rights or other proprietary rights of the UFS or any other person in general, whether a user of the computer network or not;
- 5.6 regard, if reasonably of a confidential, personal or private nature, all communications and all information accessible via the computer network to be confidential, and to specifically respect all intellectual property rights related to such communications and information which may vest in the UFS or any other user or person, as the case may be;
- 5.7 not obstruct or alter the computer network, any computer system or computer hardware or software forming part of the computer network, and shall further not allow it to be negatively affected in any

- way by the conduct of the User, whether directly or indirectly, or through any other person;
- 5.8 comply with all computer network policies and any rules and regulations of the UFS which may exist from time to time;
  - 5.9 not allow, whether directly or indirectly, any other person than himself access to the computer network, on the basis that the computer network is intended for the exclusive use of the staff members of the UFS and students, who are registered as users of the computer network;
  - 5.10 be responsible for his own password and specifically prevent it from being used, by any other person to gain access to the computer network;
  - 5.11 use e-mail in a responsible manner, which includes, but is not limited to -
    - 5.11.1 regular checking e-mail messages;
    - 5.11.2 not taking up large amounts of data storage capacity by not deleting e-mail messages on a regular basis;
    - 5.11.3 not interfering in any way with computer network traffic by uploading, posting, e-mailing or otherwise transmitting any unsolicited or unauthorized advertising, promotional material, "junk mail", "spam", "chain letters", "pyramid schemes" or any other form of solicitation or inappropriate correspondence;
    - 5.11.4 protecting e-mail passwords at all times;
    - 5.11.5 using e-mail accounts by the User himself and not for any other person, whether a registered user or not;
  - 5.12 comply with any limited disc quota generally, allocated to the User;
  - 5.13 regard as of a very high priority the security on the computer network, and in this regard ensure, without being limited thereto -

- 5.13.1 that the UFS is notified of any security problem which is identified on the computer network;
- 5.13.2 that no problem, or the capacity to breach the secrecy or confidentiality of the computer network, or any codes in general is demonstrated to any other person;
- 5.13.3 that no other user's registration number, or any other personal identity number is used on the computer network;
- 5.13.4 not to login as an Internet, or general computer network system administrator;
- 5.14 disclose and report to the UFS, immediately upon it coming to his attention, any reasonable probability of financial or commercial advantage or disadvantage for the UFS which may arise from the utilization of the computer network;
- 5.15 notify the UFS immediately of any unauthorized use of his user registration or password, or any other breach of security; the user is responsible for maintaining the confidentiality of his user registration and is fully responsible for any and all activities that occur under his user registration or password;
- 5.16 not copy any data on the computer network or facilitate or help any person to copy or to gain access to any information of the computer network, if such conduct constitutes or could reasonably constitute an infringement to intellectual property rights of any person, or if it could lead to the breaching of confidentiality obligations of the UFS or any other person;
- 5.17 not try to breach any security code or system on the computer network;
- 5.18 not remove any hardware, software or any component of the computer network from the premises where it is installed.

## **GENERAL CONDITIONS OF USE**

- 6.1 The UFS shall at all times have the right to limit access to the computer network, and if reasonably necessary, periodically

suspend the facility to use the computer network for reasons, and under circumstances the UFS in its sole discretion, deems fit. The limitation of access to the computer network, may include, but is not limited to -

- 6.1.1 reducing the number of computer terminals available to obtain access to the computer network;
  - 6.1.2 limiting the memory capacity and disc quotas per user;
  - 6.1.3 prescribing time frames within which computer terminals in general, or specific computer terminals may be used by users;
  - 6.1.4 by adding any additional user codes, limiting access on criteria as the UFS may decide upon from time to time;
  - 6.1.5 any other method as the UFS may deem fit under the circumstances.
- 6.2 The UFS at all times has the right to monitor the use of the computer network as follows, but not being limited thereto -
- 6.2.1 recording all Internet and e-mail addresses, including websites, which are addressed or visited by the User;
  - 6.2.2 monitoring all activities on the Internet, e-mail and Intranet, and in general on the computer network;
  - 6.2.3 communicating with all persons and institutions with whom the User has communicated;
  - 6.2.4 having access to any material stored in any electronic files to which the User may have access to;
  - 6.2.5 removing or deleting any material or data stored on the computer network which the UFS may deem to be objectionable or contrary to the spirit and terms of this document, in their sole discretion, or instructing the User to effect such removal or deletion.

- 6.3 The UFS shall at all times have the right to gain access to any files, data, codes, information, or any communications in general on the computer network, to which access the User herewith consents.
- 6.4 The UFS shall at all times have the right to refuse to register a user of the computer network as contemplated in this document if the UFS is of the opinion that such registration is not in the interest of the UFS.
- 6.5 Subject to clause 6.6, the UFS shall further have the right to terminate the use as contemplated in this document in general, or to terminate the User's privilege to use the computer network if the UFS is of opinion that such termination is in the interest of the UFS, for reasons in its sole discretion, but on the basis that any termination within a semester period of which the User has already paid the registration fees payable in terms of this document, shall be pro rata adjusted and any amount due to the User, shall be reimbursed to the User, or in the discretion of the UFS, discounted against any amounts which are payable by the User to the UFS, or which may become payable by the User to the UFS.
- 6.6 Notwithstanding clause 6.5, should the User, in the sole opinion of the UFS, be in breach of the terms and conditions of this document, or in general act in a way contrary to the spirit or terms and conditions of this document, the UFS shall have the right to terminate the User's privilege to use the computer network, as contemplated herein with immediate effect, and the User shall in such circumstances forfeit all registration fees payable in terms hereof with regard to the unexpired part of any semester period for which registration fees have already been paid.
- 6.7 The use of the computer network in terms of this document, shall at all times be deemed to be a privilege with a purpose to enhance and promote educational objectives, and not to be a right of the User.

## **WAIVER AND INDEMNITY**

- 7.1 It is hereby recorded that no warranties are given by the UFS, whether expressed or implied, for the provision of the computer network and services in general, as contemplated in this document.

- 7.2 The UFS shall not be liable in any way for any damages of whatsoever nature resulting from the use of the computer network by the User, including but not limited to, the malfunctioning of the computer network, loss of computer data, delays, non-deliveries, misdeliveries, interruptions, errors, omissions, whether or not caused by negligent conduct by employees of the UFS or not.
- 7.3 The User hereby agrees that any and all Content, whether publicly posted or privately transmitted, and accessed through the computer network, is the sole responsibility of the User. The UFS does not guarantee the quality, accuracy, integrity, or authenticity of any Content accessed via the computer network, and is therefore in no way responsible for any omissions or deficiencies in the Content, or any loss or damage incurred through the use, downloading or otherwise accessing of such Content.
- 7.4 The UFS does not warrant the functioning of the computer network and system in general, and does not warrant that the service will be uninterrupted, timely, secure or error free, or, that results or Content obtained via the use of the computer network will be accurate, reliable and error-free.
- 7.5 The User hereby waives all claims against the UFS with regard to the utilization by the User of the computer network, whether directly or indirectly, and hereby indemnifies the UFS against any claims resulting from the User's use of the computer network in terms hereof.
- 7.6 The User also waives all claims against the UFS resulting from any damage or loss of data or information resulting from computer viruses or any other computer code, files, programmes or defects, obtained from or transmitted via the computer network.

## **NON-VARIATION**

8. No variation or consensual termination of this document shall be of any force or effect unless in writing and signed by the parties hereto.

## **ENTIRE AGREEMENT**



9. This document constitutes the whole agreement between the parties concerning the subject-matter hereof and the parties acknowledge that there are no understandings, warranties or agreements binding on them, apart from those contained in this document.

## **NOTICES**

- 10.1 All notices given by either party to the other in terms of this document shall be given in writing by pre-paid registered post or telefax, or delivered by hand to -
- 10.1.1 the UFS at the at the office of the Registrar: Information Services and Technology of the UFS;
- 10.1.2 the User at the address provided for registration purposes,  
or such other address as the one party may inform the other in writing, which address will not be a poste restante, shall be an address in the Republic of South Africa and shall be deemed to have taken effect 14 (FOURTEEN) days after posting of the required written notice.
- 10.2 A notice -
- 10.2.1 given by registered post, will be deemed to have been received 3 (THREE) days after the date of posting thereof;
- 10.2.2 sent by telefax, shall be deemed to have been received on the first business day following the date of transmission of such notice;
- 10.2.3 delivered by hand shall be deemed to have been received on the date of delivery thereof.

## **DOMICILIUM**

11. The parties choose *domicilium citandi et executandi* for all purposes under this document at the addresses referred to in clause 10 or notified there-under.

## **INDULGENCE**

12. No indulgence which the UFS may grant to the User in respect of the compliance with any of the obligations of the User in terms of this document shall prejudice or constitute a waiver of any of the UFS's right in terms of this document.

## **JURISDICTION**

13. The User consents to the jurisdiction of the Free State Division of the High Court or, at the UFS's option, the Magistrate's Court in regard to any claim arising out of this document, notwithstanding that the amount in question may exceed the jurisdiction of the latter Court.

## **GENERAL**

- 14.1 Headings are only used for reference purposes and will not be taken into consideration with the interpretation of the applicable stipulations.
- 14.2 Words indicating the masculine will also implies the feminine and vice versa;
- 14.3 Words indicating the singular will also implies the plural and vice versa.

# UNIVERSITY OF THE FREE STATE

## POLICY FOR THE MANAGEMENT OF INTELLECTUAL PROPERTY

### 1. INTRODUCTION

This Intellectual Property policy aims to underpin and encapsulate the UFS's vision of creating an enabling environment where the creation and development of Intellectual Property is encouraged, and where any benefits and profits flowing from creative thinking are shared by the author, creator or inventor. However, in order to ensure that Intellectual Property can be published, patented, exploited and commercialised (as the case may be) to the advantage of the UFS and the author, creator or inventor thereof, sufficient mechanisms for the protection of the ownership rights of the UFS with regard to Intellectual Property created by Employees and certain Students of the UFS, must be put in place. Thus, while ownership of the Intellectual Property will vest in the UFS, the UFS will at all times aim to ensure that the author, inventor or creator shares in one way or another in benefits flowing from the publication, patenting, exploitation and commercialisation (as the case may be) of Intellectual Property. The UFS also endeavours to ensure that the publication, creation or invention of Intellectual Property (as the case may be) is to the advantage of the community, the province and the country as a whole. Should the UFS, however, decide not to proceed with the publication, patenting, exploitation and commercialisation of the Intellectual Property, a decision might be taken, in consultation with the creator, inventor or author of the Intellectual Property, to afford him/her the opportunity to publish, patent, exploit and commercialise (as the case may be) such Intellectual Property at his/her own cost, subject to such terms and conditions as the UFS may determine from time to time.

### 2. DEFINITIONS

Unless the context indicates otherwise, the following words shall have the meanings ascribed to them:

<b>"Employee"</b>	A person who is employed by the UFS or who is, in terms of the common law or labour law, regarded as employed by the UFS.
<b>"Independent Contractor(s)"</b>	Persons contracting with the UFS on an independent basis for the performance of certain tasks, projects, duties, etc., as determined in the agreement with the contractor, with due understanding that such

contracts between the independent contractor and the UFS, as contemplated in this definition, do not refer to an agreement that falls within the scope of a contract of employment between an Employee and the UFS.

**“Intellectual Property”**

Without derogating from the ordinary meaning thereof, also all copyright, all rights conferred by legislation and the common law with regard to inventions, discoveries (including patents), registered and unregistered trademarks and trade names, registered and unregistered designs and models, circuit layouts, trade secrets, confidential information of the UFS, plant breeders' rights, and all rights resulting from intellectual activities in the industrial, scientific, literary or artistic fields, including the right to apply for any of the above, whether capable of registration in any relevant registration office or not.

**“Postgraduate Student”**

A person who is registered at the UFS as a postgraduate student in terms of and as contemplated in the *“General regulations for postgraduate qualifications”*.

**“Regulations”**

The requirements for registration as a Student at the UFS as contained in the documents *“General regulations for first qualifications”*, which apply to Undergraduate Students, and *“General regulations for postgraduate qualifications”*, which apply to Postgraduate Students; any reference to “Regulations” can refer to one or both of these documents, as required by the context.

**“Scope of Employment”**

The performing of services by an Employee for the UFS in terms of or pursuant to a contract of employment between such Employee and the UFS and reference to Intellectual Property created within the Scope of Employment of an Employee will, for the purposes of this policy, be interpreted to include all Intellectual Property developed by or under

supervision of such Employee within the subject field in which such Employee lectures and/or assesses Students and/or expands his/her knowledge through further study and/or research (including without limitation publications published pursuant thereto), all Intellectual Property created and/or further developed in the course of which infrastructure and/or facilities of the UFS have been used or partly used and all Intellectual Property developed while performing activities at the request of or as required by the UFS, whether or not (in all the above instances) the Intellectual Property has been created within or outside the formal working hours, and whether or not such Intellectual Property has been created within or outside a specific service environment or location.

**“Student”**

A person who is enrolled as a student at the UFS, and includes Undergraduate and Postgraduate Students, as required by the context.

**“UFS”**

The University of the Free State, an institution of higher education as contemplated in the Higher Education Act, No. 101 of 1997.

**“Undergraduate Student”**

A person who is registered at the UFS as an undergraduate student in terms of and as contemplated in the *“General regulations for first qualifications”*.

### 3. GENERAL POLICY PRINCIPLE

- 3.1. The general policy principle of the UFS regarding the vesting of ownership of Intellectual Property is that, barring the exceptions referred to in paragraph 9, all Intellectual Property created or developed by Employees within the Scope of their Employment, certain Students as contemplated in paragraph 7 and Independent Contractors, failing an agreement to the contrary, will vest exclusively in the UFS as the sole owner.

- 3.2. The application and enforcement of this general policy principle will be managed by the Executive Management member or body tasked with Intellectual Property affairs or such other person authorised by the Council of the UFS from time to time, to ensure that it is carried out in a co-ordinated manner. Any agreement relinquishing or partly relinquishing Intellectual Property of the UFS must be approved and signed on behalf of the UFS by the relevant persons authorised thereto by the Senate of the UFS. This authority to sign is already delegated in terms of the resolution of the Senate of the UFS dated 10 June 2002.

#### 4. EMPLOYEES

- 4.1. The legal position regarding ownership of Intellectual Property created or developed by Employees acting within their Scope of Employment is governed by their conditions of employment. These terms and conditions of employment are contained in the standard service contract ("*General conditions of service for academic staff*"), in terms of which an Employee assigns and concedes to the UFS, without counter value, all Intellectual Property created or developed by such Employee, acting within his/her Scope of Employment.
- 4.2. The Employee shall, however, be entitled to approach the dean of the relevant faculty where he/she is employed to enter into discussions regarding the ownership of (or sharing of benefits in respect of) any Intellectual Property pertaining to or originating within his/her Scope of Employment.
- 4.3. These discussions will be conducted in accordance with the guidelines set out in this Intellectual Property policy of the UFS (as amended from time to time), or such other procedures as the Council of the UFS may approve from time to time.
- 4.4. Unless the Council of the UFS determines otherwise, the Executive Management member tasked with Intellectual Property affairs or such other person authorised by the Council from time to time shall, in consultation with the entrepreneurial committee of the UFS (or person or body designated by the UFS to co-ordinate entrepreneurial and/or commercial affairs), the dean of the faculty and the head of the department where the Employee is employed, decide in his/her sole discretion whether or not and to what extent the UFS is willing to concede any such Intellectual Property (or rights pertaining thereto), as contemplated in 4.2, to the Employee (whether as owner, joint owner or by any other means whereby benefits derived from such Intellectual Property may be shared). The awarding of any such rights by the UFS to the Employee shall only be binding if described in a written agreement signed by both the

UFS and such Employee, and shall be subject to the terms and conditions contained in such written agreement.

- 4.5. Without limiting the UFS's discretion as to whether or not to concede ownership in any Intellectual Property as contemplated in 4.4, the UFS will, as a general rule, favourably consider proposals by Employees to perform private work for their own account, if such private work does not take up more than one normal working day per week during an Employee's normal working week (i.e. excluding leave) and if it is subject-related, leads to academic and research enrichment and does not interfere with the Employee's primary academic responsibilities.

## 5. UNDERGRADUATE STUDENTS

The ownership of Intellectual Property created or developed by an Undergraduate Student shall vest in such Undergraduate Student.

## 6. HONOURS DEGREE STUDENTS

Regulation **A 74 (d)** provides as follows:

*"No action referred to or contemplated in section 6 of the Copyright Act, No. 98 of 1978 (or any substituting statutory provision) in respect of any minor dissertation for which the University has awarded a qualification and no action which implies that any publication or part thereof will form part of any minor dissertation for which the University has awarded a qualification may be taken by the author except if the dean concerned gave his or her prior written authorisation."*

- 6.1. Section 6 of the Copyright Act (No. 98 of 1978) in essence provides that copyright in a literary or musical work bestows the exclusive right to do or to authorise the doing of any of the following acts in the Republic, namely the reproduction of the work in any manner or form; publication of the work if it was hitherto unpublished; the performance of the work in public; the broadcasting of the work and causing the work to be transmitted in a diffusion service, unless such service transmits a lawful broadcast, including the work, and is operated by the original broadcaster; making an adaptation of the work and, in relation to an adaptation of the work, doing any of the above-mentioned in relation thereto.
- 6.2. In terms of this Regulation A74 (d), the honours degree Student does not concede to the UFS his/her copyright, which forms part of a minor dissertation for which the University has awarded a qualification, but is restricted from exercising his/her rights

in terms of section 6 of the Copyright Act in that prior written authorisation by the dean of the faculty concerned is required before the author can benefit from his/her copyright in terms of section 6 of the Copyright Act.

## 7. MASTER'S AND DOCTOR'S DEGREE STUDENTS

Regulation [*insert number of new regulation*]

*“All proprietary rights in respect of intellectual property developed by the student during the course of and/or in connection with his/her studies at the UFS shall in all respects, failing a written agreement to the contrary entered into between the UFS and the student, vest in the University”*

Regulation **A89 (d)** pertaining to master's degree Students, provides as follows:

*“The ownership of all intellectual property pertaining to and/or flowing from the dissertation (including, without limitation, all copyright in the dissertation), shall vest in the University, unless an agreement to the contrary is reached between the University and the student in accordance with such procedures or intellectual property policy as the Council of the University may approve from time to time.”*

Regulation **A117 (d)** pertaining to doctor's degree Students provides as follows:

*“The ownership of all intellectual property pertaining to and/or flowing from the thesis (including, without limitation, all copyright in the thesis), shall vest in the University, unless an agreement to the contrary is reached between the University and the student in accordance with such procedures or intellectual property policy as the Council of the University may approve from time to time.”*

- 7.1. The Student shall, however, be entitled to approach the dean of the relevant faculty to enter into discussions regarding the ownership of (or sharing of benefits in respect of) any Intellectual Property pertaining to or originating from the Student's studies at the UFS (including, without limitation, all Intellectual Property derived from and/or pertaining to any dissertation or thesis, as the case may be, written or compiled during his/her studies).
- 7.2. These discussions will be conducted in accordance with the guidelines set out in this Intellectual Property policy of the UFS (as amended from time to time), or such other procedures as the Council of the UFS may approve from time to time.



- 7.3. Unless the Council of the UFS determines otherwise, the Executive Management member tasked with Intellectual Property affairs, or such other person authorised by the Council from time to time, shall, in consultation with the entrepreneurial committee of the UFS (or person or body designated by the UFS to co-ordinate entrepreneurial and/or commercial affairs), the dean of the faculty, the head of the department where the student is registered and, if applicable, the supervisor of the student's dissertation or thesis (as the case may be), decide in his/her sole discretion whether or not and to what extent the UFS is willing to concede any such Intellectual Property (or rights pertaining thereto), as contemplated in 7.1, to the Student (whether as owner, joint owner or by any other means whereby benefits derived from such Intellectual Property may be shared). The awarding of any such rights by the UFS to the Student shall only be binding if described in a written agreement signed by both the UFS and such Student, and shall be subject to the terms and conditions contained in such written agreement.

## **8. INDEPENDENT CONTRACTORS AND CO-OPERATION AGREEMENTS**

- 8.1. With regard to agreements other than contracts of employment concluded with persons and institutions other than Employees or Students, such as co-operation agreements, research agreements, shareholder agreements, mutual undertakings and contracts with Independent Contractors in general, decisions on the ownership of Intellectual Property created during the course of or pursuant to the carrying out of such agreements must be taken on an *ad hoc* basis. Ownership of such Intellectual Property will form part of the subject of negotiations between the parties preceding conclusion of the relevant agreement, the outcome of which will be captured in the relevant agreement and will be partially dependent on the nature of the proposed agreement, such as an assignment to perform contract research as opposed to entering into a joint venture or co-operation agreement to conduct certain research, for instance.
- 8.2. However, the objective must always be to ensure as far as possible that ownership of Intellectual Property created or developed during or in the course of any activities in which the UFS is involved, is exclusively retained or acquired by the UFS, though in due consideration of the principles contained herein and the circumstances referred to in this policy, in terms of or under which such Intellectual Property may be relinquished or partly relinquished.

## **9. EXCEPTIONS TO THE GENERAL PRINCIPLE OF EXCLUSIVITY**

## 9.1. **Employees and Students**

9.1.1. Where negotiations are conducted with an Employee or Student for the purposes of deviating from the provisions dealing with ownership of Intellectual Property in the service agreement with Employees or the Regulations applying to Students, an *ad hoc* agreement will have to be concluded with such an Employee or Student with regard to ownership of the relevant Intellectual Property and to accordingly change the default legal position as provided in the conditions of employment and/or the Regulations.

9.1.2. The following circumstances (though not limited thereto) may justify a deviation from the general conditions of employment and/or Regulations concerning ownership of Intellectual Property:

9.1.2.1. Instances where the UFS wishes to encourage an Employee or Student to conduct particular research and show initiative with a view to creating or developing Intellectual Property, by providing the incentive to share in the potential proceeds that may be derived from such Intellectual Property.

9.1.2.2. Circumstances under which it is **desirous** for the UFS to provide an incentive to an Employee or Student to remain in the employ of or remain involved in the UFS in order to prevent scarce expertise from being lost.

9.1.2.3. Cases where the Student personally and independently initiated the research topic.

## 9.2. **Decision by the UFS not to patent, exploit or commercialise Intellectual Property**

An *ad hoc* agreement between the UFS and an Employee or Student may contain a clause providing that, should the UFS decide not to continue to protect Intellectual Property by means of, for example, an application for a patent or provisional patent, the UFS will inform the inventor accordingly to enable him/her to proceed with such application at his/her own cost for his/her own benefit. In such a case, the UFS will concede its rights to the inventor.

## 9.3. **Incremental contribution to Intellectual Property in the case of contract research**

- 9.3.1. The UFS's claim to Intellectual Property created during a study commissioned by an outside organisation/institution, or existing Intellectual Property belonging to such outside organisation that is further developed by the UFS, or in cases where a problem pertaining to such Intellectual Property is solved by the UFS, will normally be confined to the incremental added intellectual value of the study or research. Ownership of Intellectual Property pertaining to the methodology of the research, for instance, may normally be retained by and vest in the UFS, but the Intellectual Property pertaining to the results of the research or study will normally be retained by and vest in the commissioning organisation, where the commissioning organisation compensates the UFS to perform such research.
- 9.3.2. A written agreement should be entered into between the UFS and such commissioning organisation spelling out each party's rights and obligations, before commencing with the study or research in terms thereof. However, such agreement may - for instance - make provision for a royalty-free licence in terms of which the UFS may be entitled to conduct further research, as well as the right to publish articles subject to reasonable limitations to protect the Intellectual Property.

## 10. CONSIDERATIONS IN THE DETERMINATION OF BENEFIT SHARING

### 10.1. Introduction

- 10.1.1. In pursuance of the UFS's objective of sharing benefits derived from the publication, patenting, exploitation and commercialisation (as the case may be) of Intellectual Property with the author, creator or inventor thereof, the UFS has formulated certain principles and guidelines in accordance with which the aforementioned can be achieved.
- 10.1.2. Should the UFS, on an *ad hoc* basis, having taken the general policy principle of the UFS regarding Intellectual Property into account, conclude an agreement with a specific Employee or Student in terms of which such Employee or Student will share in the proceeds derived from the publication, exploitation and commercialisation (as the case may be) of the Intellectual Property of which such an Employee or Student is, for example, the author or inventor, the necessary written Intellectual Property agreement ("Agreement") must be concluded between the UFS and such Employee or Student in order to give effect to such an *ad hoc* arrangement, and in order to change the general stipulations of the service agreement in the case of an Employee or the arrangement provided in terms of the Regulations in the case of a Student. Such Agreement will, amongst others, provide for the percentages in

which ownership of the relevant Intellectual Property will be shared between the UFS and such Employee and/or how they will respectively share in the proceeds derived from and costs incurred in the publication, exploitation and commercialisation (as the case may be) thereof (if different from the percentage share in ownership). The Agreement will also stipulate what would happen should such Employee leave the service of the UFS. The terms and conditions of such an Agreement will then be otherwise agreed upon and determined within the broad guidelines of the UFS's accepted Intellectual Property policy.

- 10.1.3. What follows below is a framework expounding broad guidelines and establishing parameters within which negotiations can be conducted with an Employee or Student, aimed at such Employee or Student sharing in the benefits derived from the publication, commercialisation and exploitation (as the case may be) of Intellectual Property. This framework aims, on the one hand, to serve as a guideline during negotiations with the relevant Employee or Student, and therefore needs to be flexible; on the other hand, it also aims to ensure that Employees and Students are treated in a consistent manner. Naturally, every situation will be unique, with its own determining circumstances that must be considered, such as the need to provide specific persons with incentives, taking into account scarcity, the value of the persons to the UFS and especially costs (which can be significant with regard to aspects such as protecting and marketing the Intellectual Property), which will have an important influence on the ultimate division of proceeds.

## 10.2. **Types of Intellectual Property**

For the purposes of this policy, a distinction is made between the following two main categories of Intellectual Property:

### 10.2.1. **Type A**

- 10.2.1.1. *Intellectual Property that constitutes an independent asset as such and can continue to exist independently of continued inputs by its author, inventor or creator.* This implies Intellectual Property that exists in its own right and constitutes an asset in the hands of the owner, with possible commercial value and yield potential that can be exploited or realised (including through publication, if applicable), with or without further inputs on the part of the author or inventor, or inputs by any other person who has to replace the expertise of the author or inventor. In other words, this type of Intellectual Property refers to Intellectual Property of which the exploitation and

commercialisation (including through publication, if applicable) are not dependent on a continued contribution of expertise by the author or inventor or, should he/she leave the service of the UFS, Intellectual Property that is of such a nature that it will not be necessary for the UFS to replace or obtain such expertise at high cost in order to be able to continue with the commercialisation (including through publication, if applicable) of such Intellectual Property.

10.2.1.2. The category of Intellectual Property referred to in paragraph 10.2.1.1 includes methods, techniques, technology or any other developments with intellectual value, whether patentable or not, or copyright that exists in its own right and constitutes or can constitute an asset in the hands of the owner, without the continued commercial exploitation thereof being dependent on any further essential inputs by the author or inventor or a similarly knowledgeable person. The commercialisation can, for example, occur through the selling or licensing of such copyright or technology.

#### 10.2.2. **Type B**

10.2.2.1. *Intellectual Property where **continued** commercialisation or publication depends substantially on the **continued** involvement of its author/inventor/creator or the continued involvement of a person possessing essentially the same expertise, and who will be able to fulfil such a role in his/her place.*

In this case, the author or inventor possesses specific expertise and his/her continued involvement and contribution are essential to the exploitation and/or commercialisation of the specific Intellectual Property that is the subject of the commercialisation process (including through publication, if applicable) or, alternatively, should the author or inventor leave the service of the UFS, the UFS would be obliged to obtain the services of another expert in his/her stead, or to purchase the necessary expertise in order to continue with the commercialisation (or publication, if applicable).

10.2.2.2. An example of the category of Intellectual Property referred to in paragraph 10.2.2.1 is, for instance, where the UFS will necessarily have to retain the services of the person who developed or created the Intellectual Property concerned in order to proceed with the commercialisation (or publication, if applicable). Such a person's expertise and/or contacts may, for example, be essential to the continuation of the specific project. It would be more difficult to allocate permanent rights (i.e. rights that will remain his/her property after

leaving the service of the UFS) to the author or inventor in the case of this category of Intellectual Property. The reason for this is that the UFS will probably have to allocate the financial interest that was allocated to the author or inventor to his/her substitute in an attempt to obtain the services of such a substitute or, alternatively, to help defray the cost of obtaining such a substitute. The category of Intellectual Property referred to in paragraph 10.2.2 therefore differs from the “passive” Intellectual Property described under Type A above, which has greater commercial value, independent of the involvement of specific knowledgeable persons.

### 10.3. **Ways in which a division of ownership of Intellectual Property can be effected**

Various mechanisms and vehicles can be used in order to divide or establish ownership of Intellectual Property. A brief exposition of the available options follows below:

#### 10.3.1. **Direct co-interest with the UFS in the Intellectual Property**

10.3.1.1. The Employee or Student, as the case may be, can share *pro rata* with the UFS in the possible proceeds derived from the commercialisation (including through publication, if applicable) in relation to his/her agreed-upon interest in the commercialisation proceeds of the Intellectual Property (as set out in the Agreement). The payment of the part of the proceeds to which such an Employee or Student is entitled can, for example, be effected in the form of royalties or, if the Intellectual Property has already been alienated by the UFS to a third party, in the form of a share of the royalties to which the UFS is entitled. In other words, this paragraph 10.3.1.1 essentially refers to an agreed-upon share in commercialisation proceeds (including through publication, if applicable), as opposed to an agreed-upon share in the ownership of the Intellectual Property.

10.3.1.2. In specific circumstances where the position has been negotiated in this manner between the UFS and the relevant Employee or Student who is the inventor, author or developer of the specific Intellectual Property, such a person can obtain a direct interest in the relevant Intellectual Property as co-owner with the UFS. In order to allow the UFS greater freedom of movement, the option referred to in paragraph 10.3.1.1 (in other words, the right to only share in the proceeds) will be preferred to the option referred to in this paragraph, 10.3.1.2 (in other words, the right to co-ownership of the Intellectual Property), although the net financial result will basically be the

same. This greater flexibility is sometimes required by future co-owners who may be concerned about the possibility of numerous owners complicating future publishing, patenting and negotiations.

10.3.1.3. The approach referred to in paragraphs 10.3.1.1 and 10.3.1.2 above will, in most cases, be applicable only in respect of Type A Intellectual Property referred to in paragraph 10.2.1.

### 10.3.2. **Shareholding in company**

10.3.2.1. The UFS and its research partners may, in a specific project, decide to use a company as a vehicle to commercialise Intellectual Property jointly developed in the course of such project (including through publication, if applicable). Any entitlement of an Employee or Student to such Intellectual Property in terms of the relevant Agreement concluded between the UFS and such Student or Employee (who has been involved in the development of the relevant Intellectual Property, for instance, as author or inventor) may then either be translated into a share of the proceeds resulting from the commercialisation of such Intellectual Property by the company (including through publication, if applicable), whether by means of royalty payments or otherwise, or by means of an allotment of shares in such company to the relevant Student or Employee, as set out in the Agreement.

10.3.2.2. The shareholding mechanism (in the company, rather than an entitlement to share in the proceeds) referred to in paragraph 10.3.2.1 may be more appropriate under particular circumstances, as it implies that only net proceeds will be divided among the stakeholders concerned, and that the overhead costs will therefore first have to be deducted from the yield before becoming distributable. The payment of royalties is, however, normally determined before costs. A project consisting of several facets (and unpredictable costs) may render the use of a company more appropriate, where distributions are made net of all costs incurred in the commercialisation process. The allocation of shares in a commercialisation vehicle as intended in paragraph 10.3.2.1 will generally only be appropriate in cases where the Intellectual Property conforms more to Type A Intellectual Property, as discussed in paragraph 10.2.1, rather than Type B.

### 10.3.3. **Mere profit-sharing with the UFS**

10.3.3.1. If the Intellectual Property under consideration conforms more to the description of Type B Intellectual Property as defined in paragraph 10.2.2, rather than Type A, the UFS may find it more appropriate to only share profits with the author, inventor or developer of the Intellectual Property as long as he/she is, for instance, involved in the commercialisation (including through publication, if applicable) thereof, or as long as he/she remains in the employment of the UFS.

10.3.3.2. The rationale behind this would be that it would serve as an incentive to the author, inventor or developer of the Intellectual Property to remain in the employment of the UFS, as his/her continued involvement is essential to the commercialisation of the Intellectual Property (including through publication, if applicable). It may otherwise be too expensive for the UFS to find a replacement, as it may prove impossible to dilute the proceeds generated from the project any further by payments or distributions to previous stakeholders, as such dilution could possibly render the whole project unprofitable. This forfeited interest of the author or inventor in the Intellectual Property can then be used, amongst others, to cover the cost of obtaining replacement expertise.

#### 10.4. **Other agreements that may result from the Agreement**

10.4.1. A profit-sharing agreement (which may, for instance, also provide for the payment of royalties) or a shareholders' agreement may, inter alia, be concluded between the UFS and the Employee or Student, depending on how the division of ownership or other interest held by the Employee or Student in the Intellectual Property is structured.

10.4.2. Normally, all interest groups will be involved in negotiating the terms and conditions of the relevant Agreement, as well as all other agreements resulting from it, as contemplated in paragraph 10.4.1. Such interest groups will, unless the Council of the UFS determines otherwise, include the Executive Management member tasked with Intellectual Property affairs or such other person authorised for this purpose by the Council from time to time, the entrepreneurial committee of the UFS (or person or body designated by the UFS to co-ordinate entrepreneurial and/or commercial affairs), the dean of the faculty, the head of the department where the Employee is employed or the Student is registered and, if applicable, the supervisor of a Student's dissertation or thesis (as the case may be).



**10.5. The Agreement should at least provide for the following:**

**10.5.1. Division of ownership and profits**

10.5.1.1. The Agreement will stipulate how ownership of the Intellectual Property will be divided or alternatively, how proceeds resulting from the commercialisation and exploitation of the Intellectual Property (including through publication, if applicable) will be divided in the event of the UFS (with or without its outside-party research partners) remaining the exclusive owner of the relevant Intellectual Property. The interest of such a person can therefore be expressed as a percentage of ownership in the Intellectual Property (whether registerable or not) or, in the case of shares, as a percentage shareholding in the company within which the Intellectual Property is proposed to be commercialised (including through publication, if applicable). The Agreement can otherwise merely provide for an agreed profit-sharing with the Employee or Student after recovery of costs by the UFS.

10.5.1.2. In the case of mere profit-sharing the Employee or Student is not afforded ownership of the Intellectual Property, but is only entitled to share in the profits, as agreed upon.

10.5.1.3. If the Student or Employee is a co-owner of the Intellectual Property or a co-shareholder in the company that is proposed to commercialise it (including through publication, if applicable), the Student or Employee will, by implication, share in the proceeds derived from the Intellectual Property or the profits of the company, as the case may be, according to the generally applicable legal principles and otherwise in accordance with any applicable agreement between the parties.

10.5.1.4. To be fair, the Agreement may provide that, should the UFS decide not to continue to protect the Intellectual Property, the UFS will inform the inventor accordingly to afford him/her the opportunity to proceed with patent application at his/her own cost. In such an event, the UFS will concede its rights in favour of the inventor. The Agreement may also stipulate that, should the UFS not attempt to take steps to commercialise the Intellectual Property (including through publication, if applicable) within a reasonable period of time, which must be determined and agreed upon in every individual case, the author or inventor will acquire the right to proceed with the commercialisation of the Intellectual Property (including through

publication, if applicable) at his/her own cost. In such a case, the UFS will concede its rights in favour of the author or inventor.

**10.5.2. Conditions regarding the payment of royalties or retaining of shares and termination of the Agreement**

10.5.2.1. **Conditions can also be set** to which the continued payment of royalties or retaining of shares in the Company or interest in the Intellectual Property by the Employee or Student, as the case may be, will be subject.

10.5.2.2. Should the Student or Employee hold an interest in the Intellectual Property (whether directly or through shares in a commercialisation vehicle, as the case may be), the relevant Agreement might also stipulate that the UFS will have the right to reacquire such person's shares or other interest at an agreed nominal value (or no counter value at all) under certain circumstances, for example if the Employee or Student is no longer involved in the development of the Intellectual Property concerned, or if he/she leaves the service of the UFS. This will particularly apply to Type B Intellectual Property, which may lose its entire or substantially all of its value when the relevant Student's or Employee's participation in the development or commercialisation thereof is terminated. This buy-back right may also apply in the event of the Student or Employee being in breach of an agreement with the UFS.

10.5.2.3. The UFS will normally also require pre-emptive rights to acquire the Employee's or Student's interest in the Intellectual Property or shares in the company, as the case may be. The UFS may also require a right to acquire these shares or interest under specified circumstances, such as when the Employee or Student fails to meet the conditions set for the retaining of the interest in the relevant Intellectual Property or shares in the relevant company, as the case may be, or in the event of the death of the author or inventor. The parties may, however, also agree that such shares or interest will simply revert to the UFS under certain circumstances.

10.5.2.4. Call and put options in respect of the Employee's or Student's share in the company or Intellectual Property may also be included in the Agreement.

10.5.2.5. The Agreement should also provide for the Employee to automatically forfeit his/her rights in relation to the Intellectual Property should he/she fail to inform the UFS of any pre-emptive rights the UFS may have on or in

consequence of his/her termination of service at the UFS. Such provision will, for instance, apply to Agreements in terms of which the UFS has an option to acquire the Employee's interest in the Intellectual Property or shares in the relevant company at an agreed price upon termination of service at the UFS.

### 10.5.3. **Control and management**

10.5.3.1. The Agreement must furthermore be clear on issues such as the control, management and **enforcement of the carrying out of** the Agreement. Persons must be appointed to ensure that the payment of royalties/dividends to persons entitled thereto occurs at the times agreed upon. The persons who have a direct interest in the Agreement, namely the dean of the faculty concerned, as well as the head of the department concerned, should - in consultation with the Executive Management member or body tasked with Intellectual Property affairs or such other person authorised by the Council of the UFS from time to time - accept responsibility for the management of the Agreement.

10.5.3.2. The Agreement will furthermore provide that the onus rests on the Student or Employee concerned to inform the UFS of his/her claim to Intellectual Property and/or the right of the UFS to acquire it on termination of service at the UFS. In addition, the Agreement should then stipulate that, should the Employee fail to inform the UFS accordingly in writing, he/she will forfeit his/her rights, without compensation, on termination of employment.

### 10.5.4. **Settling of disputes**

10.5.4.1. The relevant Agreements should also make provision for the resolution of disputes that may arise regarding the interpretation or cancellation of an Agreement. Unless the Council of the UFS determines otherwise, such dispute resolution procedure will normally - in the first instance - make provision for a dispute to be referred to the entrepreneurial committee of the UFS (or person or body designated by the UFS to co-ordinate entrepreneurial and/or commercial affairs), which will make a recommendation, but not a decision. Should any of the parties be dissatisfied with the recommendation of the entrepreneurial committee or such other person or body referred to above, such party may then refer the matter for further consideration to the Executive Management member tasked with Intellectual Property affairs or such other person authorised by the Council from time to time, who will make the final decision.

10.5.4.2. Should it be possible to deal with the specific dispute within the scope of the policy, the matter should be finalised within the department concerned, in consultation with the dean.

10.5.5. **Method of assessing the market value of Intellectual Property**

The Agreement must further provide for a valuation method and procedure to establish the value of the Intellectual Property or shares, as the case may be, should this be necessary in the event of the Agreement providing for pre-emptive rights in favour of the UFS to acquire the Student's or Employee's interest in the Intellectual Property or shares under specified circumstances.