

REGULATIONS FOR SENATE

TERMS OF REFERENCE

Unless terms encapsulate meanings that are different in their contexts of use, the said terms, when used in this document, mean the following:

ACADEMIC YEAR

The portion of a calendar year in which teaching is offered at a particular university provided that if a student has attended portions of two or more academic years, the Senate may deem such periods of attendance of courses to be equivalent to an academic year (Section 1 of the Statute).

COUNCIL

The Council of the University of the Free State, constituted in terms of the Act (Act No. 101 of 1997), and amendment R. 1937 of 17 August 1999.

SENATE

The Senate of the University of the Free State, constituted in terms of the Act (Act No. 101 of 1997, as amended).

STATUTE

The Statute of the University of the Free State, issued by the Minister of Education in terms of Section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), amendment R. 1937 of 17 August 1999 and the Higher Education Amendment Act, No. 55, 1999.

THE SENATE

1. COMPOSITION OF THE SENATE

The Senate of the University consists of:

- (a) The Rector of the University, by virtue of his office, who serves as chairperson and chief executive officer of Senate (Section 33(1) of the Statute and the Higher Education Amendment Act, No. 55, 1999. 3(b)(a)).
- (b) The Vice-Rector or Vice-Rectors of the University, by virtue of their offices (Section 10(1) of the Statute).
- (c) The Registrars.
- (d) Two members of the Council, elected by the latter body in the way, and for the term, stipulated in the Statute (Section 33(1)(d), 17(7) and 13(1)(a) of the Statute).
- (e) The Deans of the Faculties of the University.

- (f) The professors of the University as the representatives of academic employees (Section 33(1)(f) of the Statute). (cf. **Addendum B**: par. 1.1 – not yet available in English)
- (g) Administrative employees (cf. **Addendum B**: par. 1.2 – not yet available in English).
- (h) Two members of the Student Representative Council, elected by the latter body for the term stipulated by the Statute (Section 37(1), (2) and (3) of the Statute).
- (i) In terms of the stipulations of section 9 of the Universities Act, No. 61 of 1955, those members of staff of the University who, as decided by Senate (however Senate may be constituted at any given time) and approved by the Council, are declared members of the Senate. (In terms of this section, associate professors are represented in Senate by one person from their ranks; and lecturers by two persons from their ranks).

(See Addendum A of the Regulations for electing members from the ranks of lecturers, and addendum B for electing a member from the ranks of associate professors).
- (j) Senate may, within its discretion, invite any person who is not a member of Senate, to attend a meeting of Senate to participate in deliberations, but without assigning such a person the right to vote (Section 35(12) of the Statute).
- (k) If the University exercises its authority to organise a part of the University as a school or college or institution of the University for purposes of improving the execution of its activities, and if, for purposes of managing such a school or college or institution, appoints a council, delegation or commission of the University which, subject to the authority of the Council and the Senate, exercises this authority, the newly formed school or college or institution may obtain representation in the Senate, as stipulated by the Statute.

2. CHAIRPERSON AND VICE-CHAIRPERSON AND SECRETARY

- (a) By virtue of his office, the Rector acts as chairperson of the Senate (Amendment of Section 26 of Act 101 of 1997, as stipulated by the Higher Education Amendment Act, No. 55, 1999 3(b)(a), and section 34(1) of the Statute).
- (b) By virtue of his/her office, a Vice-Rector is the deputy chairperson of the Senate provided that, if there is more than one Vice-Rector, the Senate will elect one of the Vice-Rectors as deputy chairperson of the Senate; and such a deputy chairperson is elected for a four-year term of office, but can then be re-elected (Section 34(1) of the Statute).

- (c) The Registrar: General is secretary of the Senate, and his nomination as Secretary is confirmed by Senate at an ordinary meeting (Section 34(1) of the Statute).

3. MEETINGS

- (a) At least a third of the total number of members of Senate form a quorum (Section 35(1) of the Statute).

The fact that all members of the Senate are not present, does not compromise nor jeopardise the University's functioning as a legal entity, nor any of the competencies, rights or privileges assigned to Senate by this Act on the understanding that Senate decisions are valid only if these are taken at a meeting where a quorum was present, or only if these decisions comply in all respects with the Statute that has bearing on such a meeting.

- (b) As far as possible, the Registrar gives written notification of an ordinary meeting to all members of the Senate, three days prior to such an ordinary meeting, with an outline of the matters to be considered (Section 35(2) of the Statute).
- (c) Notification of matters for consideration at an ordinary meeting must be submitted in writing to the Registrar at least seven days prior to the date of the meeting provided that a member may raise an urgent matter, without notification, and provided that the said member is given permission to proceed by two-thirds of the members of Senate present (Section 35(3) of the Statute).
- (d) Senate determines the time and the place of its ordinary meetings provided that at least two ordinary meetings are held during each semester, and that these meetings are held, as far as possible, at the University. (Section 35(4) of the Statute determines that at least one ordinary Senate meeting must be held during each semester).
- (e) The chairperson convenes an extraordinary meeting if he deems this necessary, or if a written request, received from at least a fifth of the members of the Senate, is submitted on condition that the purpose of the meeting is clearly stated in the request (Section 35(5) of the Statute).
- (f) No matters other than those for which an extraordinary meeting is convened are dealt with at such a meeting except, with the approval of the meeting, once an uncontested motion is passed (Section 35(6) of the Statute).
- (g) Minutes must be kept of the proceedings of the Senate and in these are recorded
 - (i) the date of the meeting;

- (ii) the names of the members present as well as those of members who are on leave;
 - (iii) the ratification and, if required, the amendment of the minutes of the previous meeting or meetings;
 - (iv) the proposals adopted by the meeting;
 - (v) a member's vote, or the number of votes, for or against a proposal, if a member submits a request for this information;
 - (vi) any proposals for the agendas of later meetings; and
 - (vii) any other matter which the meeting may decide to note.
- (h) The minutes of an ordinary or extraordinary meeting are read at the next ordinary meeting, and once these minutes have been approved, they are ratified by the chairperson's signature provided that the meeting deem the minutes as read and on condition that a copy of these minutes had been sent to each member (Section 35(7) of the Statute).
- (i) All matters are decided by a majority of those members present and members who have the vote except where the Statute determines otherwise (Section 35(8) of the Statute).
- (j) With respect to each matter raised, the chairperson or the person who acts as chairperson has an ordinary vote, and in case of an equality of votes, he also has a deciding vote (Section 35(11) of the Statute).
- (k) If a meeting takes such a decision, members may vote per secret ballot (Section 35(9) of the Statute).
- (l) At the request of a member, the chairperson may order that
- (i) the vote of the particular member; or
 - (ii) the number of votes for or against a proposal be noted in the minutes (Section 35(10)(b) of the Statute).
- When persons are elected, the numbers of votes in the various voting rounds are not announced.
- (m) The decision of the chairperson on a point of order or procedure is binding unless a member immediately objects in which case the matter has to be subjected to a final decision of the meeting, without any discussion (Section 35(13) of the Statute).
- (n) Each proposal or amendment must be seconded, and if the chairperson so orders, be submitted in writing (Section 35(14) of the Statute).

- (o) No proposal may be withdrawn without the permission of the meeting (Section 35(15) of the Statute).
- (p) No member may discuss more than once a proposal, nor an amendment to such a proposal, without the permission of the chairperson, except the proposer of such a proposal or amendment, who will have the right to reply at the end of the deliberations on the matter.
- (q) The chairperson has to ensure that any discussion must remain relevant and must call a member to order if he deviates from the point, repeats him/herself, uses improper language or compromises the order or propriety of the meeting in any way; and if the chairperson deems it necessary, he may rule such a member out of order provided that if he is in doubt, he may test the feeling of the meeting by allowing members to vote, in which case the result of the voting shall be decisive.
- (r) Without prior written notification of at least ten days, members may not propose the drawing up, amendment or recalling of a regulation of the Senate in terms of sub-section 2 of section 8 of the Act (Section 44(1) of the Statute).
- (s) Any proposal as intended in paragraph (r) above must be outlined in detail in the notice, and must, unless adopted by a majority of three quarters of the members present, be ratified at the next ordinary meeting by a majority of the votes.

4. POWERS AND DUTIES OF THE SENATE

A. The Senate is authorised to

- (a) decide on the persons who must be awarded study bursaries and prizes in terms of the various deeds of gifts (Section 32(3)(f) of the Statute);
- (b) decide on the examiners of University examinations (Section 32(3)(c) of the Statute);
- (c) supervise and control the work of research officers under the control of the Council (Section 32(3)(g) of the Statute);
- (d) approve the constitutions and regulations pertaining to recognised student bodies, as well as those Senate Committees and Institutes that it may establish;
- (e) elect from its ranks representatives to serve on the Council (Section 36(1) of the Statute), of whom at least one must be elected from the humanities faculties (Humanities, Economic and Management Sciences, and Law) and at least one from the natural sciences faculties (Natural and Agricultural Sciences, and Health Sciences);

- (f) elect an Executive Committee, faculty boards and other committees that it may deem necessary, and to assign activities to such committees (Section 48 C (2) of the Statute);
- (g) arrange classes and university examinations, as well as determine holidays and extraordinary holidays (Section 32(3)(b) of the Statute);
- (h) determine the procedure with regard to introducing graduates, awarding degrees in absentia, academic dress and all other matters that affect convocations, and which are not provided for in chapter XI of the Statute (Section 80 of the Statute);
- (i) take into consideration a report from the lecturer or lecturers in a particular subject on the semester or year work, as well as the semester or year mark, of a candidate when a decision has to be taken whether such a candidate passes the University examination in any course or subject that serves as qualification for a degree or diploma (Section 70 of the Statute);
- (j) require that before a candidate is admitted to an examination in any course or subject, the lecturer(s) involved submit a certificate in which it is declared that the said candidate has qualified for such an examination by means of attendance and class work, or that the student, instead of attendance of an approved course, completed work which the Senate approves as appropriate preparation for the examination (Section 71 of the Statute);
- (k) decide whether a candidate, before he commences with the work of the second or any other semester/year in a subject, has achieved a satisfactory standard in that subject (Section 72 of the Statute);
- (l) recognise periods of class attendance at another university or institution as part of the required period of class attendance that apply to students at this University who qualify for admission to a degree provided such a university or institution is recognised specially for this purpose by Senate; and furthermore to accept any examinations in which the student has passed at such a university or institution, including examinations passed by external students of the University of South Africa, as well as any other examinations specially recognised by Senate for this purpose that qualify such a student for exemption of this University's examinations in the particular subject provided that such a student to whom examination exemption has been awarded, may not be admitted to the baccalaureus degree unless
 - (i) he followed approved courses at this University as outlined below, namely:

in the Faculty of the Humanities, the Faculty of Natural and Agricultural Sciences, as well as the Faculty of Economic and Management Sciences in at least half the courses prescribed for the degree;

in the Faculty of Law - for at least the final two academic years;
and in the School of Education – for at least the final year;

- (ii) his periods of attendance at such another recognised university or institution, together with the period at this University, will not be less than the full period that the University requires for admission to the degree;
 - (iii) he has passed the examinations at the University as specified by Senate;
 - (iv) he pays the fees prescribed by the Council, and
 - (v) he has complied in all other respects with the requirements for the degree (Section 73 of the Statute);
- (m) accept periods of class attendance and examinations in a subject in a particular faculty of this University, or any other university or institution which the University recognises for this purpose with a view to exemption from attendance of, and examination in, that subject in any other faculty provided that such a candidate may not be admitted to a degree in another faculty unless he has complied with the conditions as outlined in (l) above (Section 74 of the Statute);
 - (n) institute measures it may deem necessary for the proper exercising of its authority and executing of its duties;
 - (o) nominate representatives to sit on the Free State Examination Board;
 - (p) nominate a representative to sit on the Advisory Education Committee for Architects;
 - (q) nominate a representative to sit on the Advisory Education Committee for Cost Accountants;
 - (r) nominate a representative to sit on the S.A. Council of Architects; and
 - (s) nominate a representative to sit on the S.A. Council of Cost Accountants.

B. Subject to the approval of the Council, Senate draws up regulations

- (a) to supervise discipline and teaching in the various departments, as well as arrange lectures and classes at the University;
- (b) to determine conditions for obtaining degrees, diplomas or certificates, as well as decide on the persons who comply with the afore-mentioned conditions;

- (c) in terms of various deeds of gifts which stipulate the conditions for awarding and holding a study bursary or prize that has been made available to the University; and
- (d) to control all examinations that are taken down by the University.

Senate makes recommendations to the Council on

- (a) the diplomas and certificates issued by the University (Section 61 of the Statute);
- (b) the departments that are housed in the various faculties (Section 18(5)(a) of the Statute);
- (c) establishing new departments (Section 18(5) of the Statute);
- (d) which professors and lecturers must be members of the various faculties of the University, and recommends, on the advice of a faculty, the nomination of a dean and acting dean of that faculty to Council (Regulations for the election of deans);
- (e) limiting the number of students who may be permitted to register for a course, in which case Senate will select those students from the group of students who qualify, to be admitted to the course.
- (f) The appointment of a rector and vice-rector(s) (Section 7 and section 11 of the Statute) in consultation with Council;
- (g)
 - (i) the admission of graduates from another university (in the Republic or from elsewhere) to a status in the University which is equivalent to the status held in the said other university (Section 73 of the Statute);
 - (ii) taking on persons as candidates for the master's or doctoral degree where they have passed examinations at another institution which, in the view of Senate, are at the same level as those of this University, and which, in the view of Senate, are equivalent to the prescribed examinations for the particular degree, which are a prerequisite for the degree which the person would like to obtain;
- (h) persons to whom *honoris causa* degrees could possibly be awarded, as outlined in 5 below (Section 66(1) of the Statute);
- (i) the nomination of the representatives of the UFS Council in the Council for the Recognition of Legal Examinations (Section 16 [bis] 1(d) of Act 61 of 1955, as amended);
- (j) the nomination of a representative to sit on the Board of Trustees of the National Botanical Gardens.

- D. Apart from its annual report, Senate will submit the following to Council from time to time:
- (a) Reports on its activities
 - (b) Recommendations which Senate deems advisable with respect to matters of importance that affect the University.
 - (c) Recommendations with respect to matters that Council refers to it.

5. AWARDING HONORIS CAUSA DEGREES

- (a) In terms of the stipulations of the Statute, the University may, if so decided by Council and on recommendation from Senate, and without an examination, award a master's or doctoral degree in a faculty to a person who has distinguished him/herself in promoting the humanities, natural sciences, law or any other field of science; or to someone whom the University, on the basis of a Council decision and on recommendation of Senate, deems worthy for such an award provided that such a person to whom a degree is awarded honoris causa is not entitled to enter into a profession on the basis of this award.
- (b) A proposal to award a honorary degree is submitted in writing by a member of Council or Senate to the Registrar, supported by at least 10 seconders who are members of either the Council or Senate, and of whom at least five are members of Senate. Such a proposal, accompanied by a statement in which reasons for the proposal are outlined in detail, must be submitted before or on a date that will be determined from time to time by Council, and on the recommendation of Senate (Section 66(1) of the Statute).
- (c) The proposal is referred to an Honorary Degree Committee consisting of the Rector, who serves as chairperson, the Chairperson of the Council, another two members of Council and three members of Senate. In the absence of the chairperson, the meeting will elect one of the members present as chairperson (Section 66(2) of the Statute).
- (d) A recommendation of the Honorary Degree Committee is first referred to Senate and then to Council. Such an honorary degree can, on a decision of Council, and on recommendation of a majority of ten per cent of the votes that have been recorded of members of Senate who are present and form a quorum, be awarded (Section 67(1) of the Statute).
- (e) The procedure followed by Senate with regard to considering proposals to award honorary degrees, is determined by Senate (Section 67(2) of the Statute). The details pertaining to the candidates who are recommended by the Honorary Degree Committee are circulated beforehand as strictly confidential to all members of Senate.

6. TERMS OF OFFICE OF REPRESENTATIVES ON THE COUNCIL

- (a) Those members of Council who must be elected by Senate, are elected before 1 July of the year in which they have to be elected, and hold office for four years (Section 36(1) of the Statute).
- (b) The election is conducted by means of a closed ballot, and no one may be elected unless he/she has accepted in writing and has been nominated in writing by two members of the Senate. These nominations must reach the Registrar at least seven days prior to the date of the election (Section 36(2) of the Statute).
- (c) At least a month prior to the date of the meeting mentioned in paragraphs (a) and (b) above, the Registrar or the Chairperson of Senate notifies members of Senate of the vacancy and the date of the meeting on which a successor is to be elected to this office provided that a member stepping down may be re-elected (Section 36(3) of the Statute).
- (d) If a member of Council who has been elected by Senate resigns from office before his/her term of office has expired, Senate elects a successor at its next meeting for the unexpired term of office of such a member.
- (e) The election takes place mutatis mutandis as stipulated in paragraph (b) above (Section 36 of the Statute).
- (f) A member of Council who has been elected by Senate, steps down as soon as he/she ceases to be a member of Senate (Section 13(3) of the Statute).

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