



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 693

10

March
Maart

2023

No. 48187

PART 1 OF 2

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ISSN 1682-5845



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DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3133

10 March 2023

HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)**INSTITUTIONAL STATUTE
UNIVERSITY OF THE FREE STATE**

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

**Dr BE Nzimande, MP****Minister of Higher Education, Science and Innovation****Date:** 15/02/2023

AMENDED STATUTE OF THE UNIVERSITY OF THE FREE STATE

The Council of the University of the Free State has made the Statute set out in the schedule to this notice in accordance with section 32 of the Higher Education Act (No 101 of 1997), as amended, which is, in terms of section 33 of the said Act, hereby published with the approval of the Minister of Higher Education and Training and comes into operation on the date of its publication.

SCHEDULE

To introduce the amended Statute of the University of the Free State to give effect to any law relating to the University of the Free State and to promote the effective and responsible management and governance of the University in respect of matters not expressly prescribed by any law.

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CHAPTER I: DEFINITIONS

1. Definitions

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

“Academic employee” means any person appointed to teach and conduct research at the University and any other employee designated as such by the Council of the University.

“Act” means the Higher Education Act, 1997 (No 101 of 1997), as amended.

“Alumni” means all former students who obtained a qualification at the University.

“Certificate” means a certificate of the University awarded to a student on completion of the work prescribed for the certificate by the Senate of the University.

“Chancellor” means a person contemplated in paragraphs 4 to 6 of this Statute and section 26(1) of the Act.

“Convocation” means the Convocation contemplated in paragraphs 41 to 47 of this Statute and section 26(2) of the Act.

“Council” means the Council contemplated in paragraphs 12 to 21 of this Statute and section 27 of the Act.

“Day” means Mondays to Fridays and excludes public holidays, Saturdays and Sundays.

“Degree” means a degree of the University conferred upon a student at a congregation of the University, upon completion of the work prescribed for the degree by the Senate of the University.

“Deputy Vice-Chancellor” means a person appointed by the Council for the purposes of assisting the Vice-Chancellor, as contemplated in paragraphs 9 and 10 of this Statute.

“Diploma” means a diploma of the University awarded to a student at a congregation of the University, upon completion of the work prescribed for the diploma by the Senate of the University.

“Donor” means a person, body or entity who has made a donation to the University, which (in the opinion of the Council) warrants that person, body or entity being recognised as a donor, as contemplated in paragraph 48 of this Statute.

“Electronic communication” is consistent with the definition in section 1 of the Electronic Communication and Transactions Act (No 25 of 2002).

“Employee” means an academic employee or a non-academic employee of the University, whether on a permanent or fixed-term contract, and specifically excludes independent contractors.

“Executive management” means the Vice-Chancellor, the Deputy Vice-Chancellor(s), the Registrar, the Executive Director: Student Affairs and any other position as determined by the Council.

“Executive Committee of Senate” means a committee contemplated in paragraph 26 of this Statute and section 29 of the Act, which consists of the Vice-Chancellor, the Deputy Vice-Chancellors, the Registrar, the Executive Director: Student Affairs, the deans and representatives of the Senate as determined in the Institutional Rules.

“Institutional Forum” means the Institutional Forum contemplated in paragraph 30 of this Statute and section 31 of the Act.

“Institutional Rules” means rules made by the University as contemplated in section 32 of the Act.

“Institutional SRC” means the Student Representative Council of the University as contemplated in paragraph 35 of this Statute and section 35 of the Act.

“Majority” means fifty percent plus one of the votes cast by members, or by those members present at a meeting that is quorate, whichever is applicable.

“Minister” means the Minister of Higher Education and Training.

“Non-Academic Employee” means an employee who renders academic support, student support, human resources management, financial management, administration, building and garden maintenance, catering or security services, and excludes academic employees.

“Participant” means any person who is registered at the University and participates in a Short Learning Programme.

“POPIA” means the Protection of Personal Information Act (No 4 of 2013).

“Qualification” means the degree, diploma or certificate received for the successful completion of a formal academic programme, with a minimum of 120 credits at minimum NQF Level 5, as contemplated in paragraph 50 of this Statute.

“Registrar” means the officer contemplated in paragraph 11 of this Statute and section 26(4)(b) of the Act.

“Senate” means the body responsible for academic matters contemplated in paragraphs 22 to 27 of this Statute and section 28 of the Act.

“Short Learning Programme” is consistent with the definition in the Policy on Short Learning Programme Provisioning at the University.

“Statute” means the Statute of the University, framed and in force, as contemplated in section 32 of the Act.

“Student” means any person currently registered at the University for a programme of study leading to a degree, diploma or certificate, or as an occasional student, but excludes participants.

“The University” means the University of the Free State.

“University Management Committee” means the Vice-Chancellor, Deputy Vice-Chancellors, Registrar, Executive Director: Student Affairs and other senior employees designated by the Vice-Chancellor, as contemplated in paragraph 29 of this Statute.

“Vice-Chancellor and Principal” means the person who is appointed by the Council, as contemplated in paragraphs 7 and 8 of this Statute, and who is the Principal of the University as contemplated in section 26(2)(c) of the Act. Any reference made in this Statute or any other Institutional Rule and/or institutional documents of the University to the terms “Vice-Chancellor” or “Principal”, as well as instances where these terms are used independently, shall be read to mean “Vice-Chancellor and Principal”.

CHAPTER II: THE UNIVERSITY

2. Name, Statute, seat and powers of the University

- (1) The name of the University is the “University of the Free State”.
- (2) The official postal address of the University is: “University of the Free State, PO Box 339, Bloemfontein, 9300, South Africa” and the physical address is: “University of the Free State, 205 Nelson Mandela Drive, Park West, Bloemfontein”.
- (3) The seat of the University is in the area of the Mangaung Metropolitan Municipality, as contemplated in section 65A(1) of the Act.
- (4) The University conducts its academic activities on its campuses in Bloemfontein, as well as other campuses under its authority.
- (5) The University functions in accordance with the Act, this Statute and the Institutional Rules of the University.
- (6) The University may confer qualifications as contemplated in paragraph 50 of this Statute and as contemplated in sections 65B and 65C of the Act.
- (7) The University respects and is driven by the Constitutional Bill of Rights.
- (8) The University is founded on the principles of and pursues the manifestation of the intrinsic values of a university as a place of scientific practice and scholarship.
- (9) The University is a juristic person and, subject to the Act, is capable of performing such acts as juristic persons may by law perform.
- (10) Notwithstanding paragraph 12 of this Statute, the University may not, without the concurrence of the Minister, dispose of or alienate, in any manner, any immovable property acquired with the financial assistance of the state, or grant any person any real right therein or servitude thereon. Furthermore, the University may not acquire any immovable property without the consent of the Minister, should such acquisition of immovable property be reliant on state funding.

3. Composition of the University

- (1) The University consists of:
 - (a) the Chancellor;
 - (b) the Council;
 - (c) the Senate;
 - (d) the Vice-Chancellor;
 - (e) the Deputy Vice-Chancellor(s);
 - (f) the Registrar, subject to section 26(4)(b) of the Act;

- (g) the Institutional Forum;
 - (h) the Institutional SRC and its substructures;
 - (i) students;
 - (j) employees; and
 - (k) such other structures and offices as may be determined by the institutional Statute.
- (2) No vacancy in an office, deficiency in numbers and/or defect in the composition of the positions indicated in paragraph 3(1) above shall have an impact on the existence of the University as a juristic entity or impair any of its functions as delegated by this Statute or the Act.

CHAPTER III: CHANCELLOR, VICE-CHANCELLOR, DEPUTY VICE-CHANCELLORS AND REGISTRAR CHANCELLOR

4. Capacity, functions and term of office

- (1) The Chancellor is the titular head of the University, with no executive powers.
- (2) The Chancellor presides over all congregations of the University and confers all degrees, awards, diplomas and certificates in the name of the University.
- (3) The Chancellor is not an employee of the University and is further not deemed to be an employee of the University.
- (4) The Chancellor is elected for a term to be determined by the Council, but not exceeding five years. The term of office of the Chancellor may be extended once, for another term not exceeding five years.
- (5) The Chancellor's term of office is terminated in the event of:
 - (a) death or incapacity;
 - (b) resignation;
 - (c) removal from office by a resolution taken by at least seventy five percent of all voting members of the Council who are present at the meeting;
 - (d) expiration of his/her term;
 - (e) a court order being issued;
 - (f) the incumbent being convicted of an offence involving dishonesty, or an offence for which imprisonment is imposed, without the option of a fine;
 - (g) the incumbent being declared insolvent and/or removed from a position of trust by a competent court, or
 - (h) the incumbent being declared unfit to attend to his/her personal affairs by a competent court.
- (6) If the Chancellor is absent, or if the office is vacant, the Vice-Chancellor and Principal, or a Deputy Vice-Chancellor nominated by the Vice-Chancellor and Principal, will perform the functions of the Chancellor.
- (7) The Chancellor must, at all times, embody the aspirations and values of the University and actively advance the interests of the University.

5. Manner of election

- (1) The Chancellor is elected by the Council at a meeting specially convened for such purpose, by a majority of the total number of Council members who actually hold office on the date of the election.
- (2) The election is conducted by means of a secret ballot, and no person may be elected unless nominated with his/her written consent by two members of the

Council by means of a written nomination, which must reach the Registrar at least fourteen days before the date of the election.

- (3) Upon receipt of such nomination, the Registrar must immediately inform every member of the Council thereof.
- (4) The criteria for the election of the Chancellor are stipulated in the Institutional Rules and relevant institutional policies and procedures.

6. Vacancy

If the office of Chancellor becomes vacant, the Registrar must notify every member of the Council of such vacancy and the Council must elect a new Chancellor as soon as possible, in accordance with the provisions of the Statute and the Institutional Rules, policies and procedures laid down by the Council.

VICE-CHANCELLOR AND PRINCIPAL

7. Functions, term of office and manner of election

- (1) The Vice-Chancellor is the accounting officer of the University, responsible for the administration and management of the University.
- (2) Subject to paragraphs 12 and 21 of the Statute, the Council delegates to the Vice-Chancellor all the powers necessary to perform his/her duties.
- (3) The Vice-Chancellor may, in turn, delegate duties to other employees or committees, unless the Council decides otherwise.
- (4) The Vice-Chancellor is accountable to and reports to the Council.
- (5) The Vice-Chancellor is an *ex officio* member of all committees of the Council and Senate, including all joint committees (except for the Vice-Chancellor's appointment committee, the Audit, Risk and IT Governance Committee and the Remuneration Committee of Council), but shall have observer status on those committees.
- (6) The Vice-Chancellor also serves as Chairperson of the Senate.
- (7) The Council may assign additional functions and grant additional powers and privileges to the Vice-Chancellor, as contemplated in section 68(2) of the Act.
- (8) When the Vice-Chancellor is absent or unable to carry out his/her duties, he/she may delegate any or all of his/her powers and duties to a member of the University management, as contemplated in paragraph 29 of this Statute and section 68(3) of the Act.

- (9) An acting Vice-Chancellor must be appointed by the Vice-Chancellor for periods of absence of the Vice-Chancellor exceeding five consecutive days, and such acting Vice-Chancellor has the same functions and powers as the Vice-Chancellor.
- (10) Subject to section 31(1)(a)(iii) of the Act, the Vice-Chancellor must be elected by the Council after consultation with the Senate and the Institutional Forum, at a meeting(s) called specially for that purpose, and by a majority of the total number of Council members actually holding office on the date of the election.
- (11) The term of office of the Vice-Chancellor and the conditions of his/her appointment are stipulated in the relevant policies and procedures laid down by the Council and in his/her contract.
- (12) The Vice-Chancellor can be removed by the Council for reasons sufficient in law.

8. Vacancy

- (1) If the office of the Vice-Chancellor becomes vacant for whatever reason, the Council must appoint an acting Vice-Chancellor, after consultation with the Senate and the Institutional Forum, to act as Vice-Chancellor until such time as a new Vice-Chancellor takes up his/her appointment. A successor must be appointed not later than a year after the vacancy arose.
- (2) If a vacancy arises as a result of a Council resolution to terminate the contract of the Vice-Chancellor in accordance with paragraph 7(12) above, such resolution must be passed at a meeting of the Council by a majority vote of not less than seventy five percent of Council members present at the meeting, and after consultation with the Senate and the Institutional Forum.

DEPUTY VICE-CHANCELLORS

9. Capacities and functions

- (1) A Deputy Vice-Chancellor is responsible for assisting the Vice-Chancellor in the management and administration of the University.
- (2) The Council, in consultation with the Vice-Chancellor, determines the functions of a Deputy Vice-Chancellor.
- (3) A Deputy Vice-Chancellor is accountable to the Vice-Chancellor and the Council.

10. Appointment, term of office and vacancy

- (1) Subject to section 31(1)(a)(iii) of the Act, a Deputy Vice-Chancellor must be appointed by the Council after consultation with the Senate and the Institutional Forum.

- (2) The criteria for the selection and appointment of a Deputy Vice-Chancellor are incorporated in the relevant institutional policies and procedures.
- (3) A Deputy Vice-Chancellor holds office for such period as determined by his/her contract.
- (4) A Deputy Vice-Chancellor may be removed from office by the Council for reasons sufficient in law.
- (5) The provisions of paragraph 7 of this Statute apply, with the necessary changes to the term of office and the filling of a vacancy for a Deputy Vice-Chancellor.

REGISTRAR

11. Appointment, official duties and term of office

- (1) As contemplated in section 26(4)(b) of the Act, the Registrar of the University is appointed by the Council.
- (2) The Council may assign particular responsibilities and duties to the Registrar and the Vice-Chancellor may entrust specific managerial, administrative and supervisory functions to the Registrar.
- (3) The Registrar holds office for such period as determined by the institutional policies and procedures and his/her contract.
- (4) The Registrar can be removed from office by the Council for reasons sufficient in law.
- (5) The Registrar acts as the compliance officer of the University.

CHAPTER IV: COUNCIL

12. Functions

- (1) In addition to the powers as determined in the Act, or any other applicable law, the Council has a strategy-making, policy-making and monitoring responsibility in general, which includes laying down guidelines in respect of:
 - (a) strategic management, including the adoption of the University's vision, mission and values and monitoring the realisation thereof;
 - (b) financial management, including the stipulation of tuition fees;
 - (c) personal matters;
 - (d) creating a positive academic climate;
 - (e) disciplinary matters concerning employees and students, and
 - (f) admission of students.

- (2) Without derogating from the generality of paragraph 12(1) above, the Council:
 - (a) may make such institutional rules as are necessary for the effective carrying out of its functions;
 - (b) shall administer all property of the University;
 - (c) shall, in consultation with the Senate and the ISRC, determine the admissions policy of the University;
 - (d) shall determine the language policy of the University in consultation with the Senate and having considered the advice from the Institutional Forum (if any);
 - (e) may make, rescind or amend the Statute of the University;
 - (f) shall seek the advice of the Institutional Forum as required by the Act and this Statute and must inform the Institutional Forum if its advice is not accepted by the Council;
 - (g) sets the tone and promotes an ethical culture and leadership;
 - (h) provides oversight on compliance management and information technology;
 - (i) provides oversight on risk management, and
 - (j) adopts a stakeholder-inclusive approach.
- (3) The Council is empowered:
 - (a) on the recommendation of the Senate, to establish or dissolve or restructure departments, centres, schools, faculties or institutes and other academic functional units, and
 - (b) to suspend or dismiss any member of the staff in compliance with applicable labour laws.
- (4) The Council must have knowledge and experience relevant to the objects and governance of the University.
- (5) When Council members participate in deliberations of the Council or its committees, or exercise any delegated function in any of the aforesaid instances, the Council members shall do so in good faith and with care, diligence and skill, in the best interest of the University.

13. Composition

- (1) Subject to the provisions of this Statute and the Act, the University is governed by the Council, which has general control over the University's affairs and functions.
- (2) The Council consists of:
 - (a) the Vice-Chancellor;
 - (b) a Deputy Vice-Chancellor (rotating annually);
 - (c) not more than five persons appointed by the Minister;
 - (d) one person appointed by the Premier of the Free State Province;
 - (e) two members of the Senate elected by the Senate;
 - (f) two persons from the municipalities in which the University is located,

- namely one person from the Mangaung Metropolitan Municipality and one person from the Thabo Mofutsanyana District Municipality;
- (g) two representatives of the Convocation, elected by the Convocation in terms of the Institutional Rules, both of whom must be external members;
 - (h) one person designated by the donors of the University, as determined by the Institutional Rules;
 - (i) one academic employee who is not a member of the Senate, elected by the academic employees;
 - (j) one non-academic employee elected by the non-academic employees;
 - (k) two students who are members of the ISRC and are appointed by the ISRC;
 - (l) not more than ten persons representing a broad spectrum of competencies in the fields of finance, physical planning, human resources, auditing, health, information technology and legal matters, appointed with due consideration of the gender and racial equity of the Council, and
 - (m) one person from the national business and commerce sector.
- (3) The Council may, when necessary, invite persons who are not members of the Council to attend its meetings in order to advise the Council, subject thereto that such persons may be permitted by the Chairperson to take part in deliberations, but may not vote and will further not be counted for the establishment of a quorum.
- (4) At least sixty percent of the members of the Council must be persons who are neither employees nor students of the University, as contemplated in section 27 (6) of the Act.
- (5) Persons who stand to be nominated, elected or designated to serve on the Council may not be:
- (a) unrehabilitated insolvents;
 - (b) persons declared mentally ill by a court of law;
 - (c) persons who have been convicted of an offence and sentenced to more than twelve months' imprisonment without the option of a fine (however, such a disqualification under this subsection lapses five years after the full sentence has been served), or
 - (d) persons as envisaged in section 27(5B) of the Act.
- (6) Members of the Council are appointed, elected or designated in accordance with paragraphs 14 and 16 of this Statute.
- (7) If a member vacates his/her office, the resulting vacancy must be filled by appointment, election or designation in accordance with paragraphs 14, 15 and 16 of this Statute.

14. Term of office

- (1) Subject to contrary provisions of this Statute:
- (a) a member of the Council holds office for a period of four years, which is

- renewable only once for another period of four years;
- (b) the Chairperson and the Vice-Chairperson, except if appointed in terms of paragraphs 18(3) and 18(4) of this Statute, hold office for a period of four years, or for such shorter period during which they are members of the Council. The terms of office of the Chairperson and the Vice-Chairperson are renewable only once for another term of four years, and
 - (c) the Secretary holds office for as long as he/she holds the office of Registrar to which he/she was appointed, and by virtue of which he/she is the Secretary to the Council.
- (2) The Vice-Chancellor and the Deputy Vice-Chancellor remain members of the Council for as long as they hold the offices of Vice-Chancellor and Deputy Vice-Chancellor.
 - (3) The membership of a representative of the Senate will automatically terminate when he/she ceases to be a member of the Senate.
 - (4) Student members of the Council remain members of the Council for their term of office in the ISRC, provided that their membership of the Council will terminate automatically should they cease to be registered students at the University and/or members of the ISRC.
 - (5) The normal term of office of a Council member is calculated from the date of confirmation by the Council, or a committee of Council delegated for this purpose.
 - (6) A member of the Council, other than the Vice-Chancellor and the Deputy Vice-Chancellor, must vacate his/her office if he/she:
 - (a) is absent without an apology from two consecutive ordinary meetings of the Council;
 - (b) is absent with apology from three consecutive ordinary meetings of the Council;
 - (c) is declared insolvent by a court of law;
 - (d) is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (e) becomes a member of Council of another higher education institution or accepts an executive position at such institution;
 - (f) ceases to be a member of the body that elected, appointed or designated him/her to the Council of the University;
 - (g) becomes incapable of performing the functions of a member of the Council by reason of death or mental illness as defined in the Mental Health Care Act (No 17 of 2002), as amended;
 - (h) tenders a written resignation;
 - (i) is the Minister's elected Council member and the Minister terminates his/her membership before the expiry of his/her term of office, or
 - (j) his/her term of office as a member of Council expires.

- (7) A person elected or appointed in terms of paragraphs 13(2)(c), 13(2)(d), 13(2)(f), 13(2)(g), 13(2)(h), 13(2)(l) or 13(2)(m) of this Statute will immediately cease to be a member of Council on becoming a student or staff member of the University.
- (8) The member serving on the Council in terms of paragraph 13(2)(k) of this Statute will immediately cease to be a member of the Council if he/she ceases to be a member of the ISRC.
- (9) A member may also cease to be a member of Council in accordance with the Disciplinary Procedure for Members of Council.
- (10) Subject to the disciplinary procedures of the University, if an employee or a student member of the Council is dismissed, suspended, expelled or demoted, or an employee's service is terminated for whatever reason by the University, the Council membership of such member automatically terminates.
- (11) An employee who resigns from the University and is a member of the Council on the date of resignation will automatically cease to be a Council member at the University.
- (12) An employee or student of the University who is found guilty, at an official disciplinary hearing of the University, of transgressing the Institutional Rules of the University, may not serve on the Council for a period of two years, and if such a person is a serving Council member at the time of being found guilty, he/she ceases to be a Council member and is only eligible for reappointment after a period of two years.

15. Election method

Except as provided in paragraphs 8(1) and 8(2) of this Statute, the Secretary must give at least three months' written notice, before a member's term of office expires, to the person or body that appointed, elected or designated such member, whereafter that person or body will appoint, elect or designate a successor to fill the vacancy.

16. Vacancies

If a member dies, resigns or vacates office for any reason other than effluxion of time, the Secretary must notify the person or body that appointed such member of the vacancy, and the said person or body must forthwith appoint a successor who will hold office for the period or term as determined in this Statute.

17. Vacancies not to affect powers

- (1) A vacancy in the office of the Chancellor, the Vice-Chancellor or the Deputy Vice-Chancellors or among the number of members of the Council, or among the representatives of the Senate on the Council, or in the membership of the Senate or the Institutional Forum, or in any other category of Council membership, does

not impair or affect the existence of the University or any powers, rights or privileges conferred by this Statute or the Act upon the University, the Council, the Senate or the Institutional Forum.

- (2) Notwithstanding the provisions of subparagraph 1, a resolution of the Council, the Senate or the Institutional Forum is valid only when passed at a meeting at which a quorum is present and where all the other applicable provisions of this Statute have been complied with.

18. Election of Chairperson and Vice-Chairperson

- (1) Prior to the first meeting of the Council convened in terms of this Statute, the Registrar calls for nominations according to the Institutional Rules and confirms the criteria for electing a Chairperson and Vice-Chairperson from among the external members of the Council. The call for nominations must be made at least fourteen days prior to the date of the first meeting of Council, with the deadline for submissions closing seven days prior to the meeting.
- (2) Council members shall nominate the candidates from external members for the position of the Chairperson and Vice-Chairperson, subject to the criteria approved by the Council.
- (3) Whenever a vacancy is about to occur in the office of the Chairperson or of the Vice-Chairperson by effluxion of time, the Secretary must give notice thereof in writing to all members of the Council at least sixty days before the last ordinary meeting of the Council held before the expiration of such term of office, and the Council must, at that ordinary meeting, elect a successor.
- (4) If a vacancy occurs in the office of the Chairperson or of the Vice-Chairperson for any reason other than the effluxion of time, the Secretary must give notice thereof in writing to the members of the Council, and the Council must, at its first ordinary meeting, elect another external member as the Chairperson or the Vice-Chairperson (as the case may be), who will hold office for the duration of time as determined by the Council, and the call for nominations must be made as stipulated in paragraph 18(1) above.
- (5) Whenever both the Chairperson and Vice-Chairperson are absent from a meeting of the Council, the members present must elect a person from among the external members to preside at that meeting.

19. Meetings

- (1) The Council holds at least one regular meeting per quarter.
- (2) Meetings of the Council (including virtual meetings) are held at the times and places as determined by the Council.

- (3) The procedure and quorum at meetings of the Council are as determined in this paragraph 19 (4) of this Statute.
- (4) Fifty per cent plus one of the members of the Council constitutes a quorum.
- (5) At least five days prior to the date of an ordinary meeting, the Secretary must give notice in writing to all members of the Council at the address given to the Secretary in writing for the purpose of such notification, which must set forth the matters to be dealt with.
- (6) Notices of matters for consideration at an ordinary meeting must be lodged in writing with the Secretary at least twelve days before the date of the meeting; however, a member may raise matters of an urgent nature at the meeting without previous notice if he/she procures the consent of two-thirds of the members of the Council present.
- (7) A special meeting may be called by the Chairperson whenever he/she deems it necessary or when requested to do so in writing by any five members, with the object of the meeting being stated clearly in the request.
- (8) No matters other than the one or ones for which a special meeting was called may be transacted at such meeting, except with the consent of the meeting granted on an unopposed motion, and the normal rules pertaining to meeting procedures will apply at such a meeting.
- (9) The minutes of an ordinary or a special meeting must be read at the next succeeding ordinary meeting and, after approval, must be confirmed by the signature of the Chairperson, provided that the meeting may consider the minutes as read if a copy thereof was previously forwarded to every member.
- (10) All matters must be decided by a majority of votes of the voting members present, except in electing the Chancellor and the Vice-Chancellor, where the decision must be taken by a majority of the number of members who actually hold office on the date of the election.
- (11) In the event of there not being a quorum fifteen minutes after the time determined for the meeting, the meeting shall adjourn without motion or vote and be reconvened to another date where the members present, whether in person or by electronic means, shall be deemed to constitute the required quorum.
- (12) The Chairperson or the person presiding at the meeting has a vote on every matter, and in the case of an equality of votes, has a casting vote in addition to his/her ordinary vote.
- (13) The Chairperson may allow a person who is not a member of the Council to attend meetings of the Council without the right to vote, which person is not entitled to

participate in any discussion of the Council unless he/she has obtained the prior permission of the meeting to do so.

- (14) If the meeting so decides, voting must take place by secret ballot.
- (15) Upon the request of any member, the Chairperson must direct that:
 - (a) the vote of such member, or
 - (b) the number of votes in favour of or against any motion, or number of members who abstained from voting, be recorded in the minutes.
- (16) No member of the Council may take part in the discussion on, or may vote upon, any matter in which he/she has a direct or indirect pecuniary or other interest.
- (17) The ruling of the Chairperson on any question of order or procedure is binding, unless immediately challenged by a member, in which case it must be submitted without discussion to the meeting for a final decision.
- (18) Every motion or amendment must be seconded and put in writing if so directed by the Chairperson, and a motion or amendment that is not seconded, falls away.
- (19) No motion may be withdrawn without the permission of the meeting.
- (20) No motion to make, amend or rescind a statute may be submitted unless fourteen days' prior notice was given in writing.
- (21) The motion contemplated in subparagraph 20 must be stated in detail in the notice and, unless it is carried by a three-fourths majority of the members present, it must be confirmed at the next succeeding ordinary meeting by a majority of votes.
- (22) When a majority of the members of the Council reaches agreement (without convening a meeting) on a matter referred to them by letter or electronic means by the Chairperson, and conveys such resolution by letter or electronic means, such resolution is equivalent to a resolution of the Council and shall be recorded in the minutes of the next succeeding ordinary meeting.
- (23) The views of a member of the Council who is unable to attend a meeting may be submitted to the meeting in writing, but may not count as a vote by such member.

20. Committees of the Council

- (1) The Council must appoint an Executive Committee, an Audit, Risk and IT Governance Committee and such other committees as are necessary for governance purposes, including but not limited to joint Council and Senate committees required to fulfil its functions in terms of paragraph 12 of this Statute and section 29 of the Act.
- (2) The composition, election method, functions and procedure at meetings of the

committees are determined in the Institutional Rules.

- (3) The Council may appoint persons with requisite expertise, that are not members of the Council of the University, as members of the committees contemplated in subsection 1 above.
- (4) The Council may further dissolve any committee that it has established in accordance with this Statute and terminate the membership of any person that it has so appointed, subject to the Council's approval.

21. Delegation of Council power and functions

- (1) The Council is empowered, subject to paragraph 21(3) of this Statute, to delegate or assign any of its powers and/or functions to:
 - (a) a specified committee;
 - (b) a member of Council, or
 - (c) any official of the University.
- (2) The Council ultimately remains responsible for the exercising and performance of any function it has so delegated or assigned in terms of paragraph 21(1) above.
- (3) The Council is not empowered to delegate or assign any of the following powers and functions:
 - (a) the appointment of the Vice-Chancellor, the Deputy Vice-Chancellors or the Registrar;
 - (b) the approval of the annual operating and capital expenditure budgets;
 - (c) the adoption of the annual financial statements and annual report;
 - (d) the determination of the fees to be paid by students;
 - (e) the making, approval or amendment of the Statute, Institutional Rules, codes or regulations;
 - (f) the approval of a loan or an overdraft;
 - (g) the decision to embark on the construction of a permanent building or other immovable infrastructural development;
 - (h) the purchase of immovable property, or entering into a long-term lease of immovable property;
 - (i) the establishment or disestablishment of faculties or departments;
 - (j) borrowing or investing any money of the University;
 - (k) approving the Audit Plan, and
 - (l) approving any contract that falls outside the approved procurement or budgeting processes.

CHAPTER V: SENATE

22. Functions

- (1) Subject to the provisions of section 28 of the Act, and this Statute, the Senate is responsible for the strategic direction of all teaching, learning, research, academic and community service functions of the University and for the determination of policy and rules concerning academic matters.
- (2) Without derogating from the generality of paragraph 22(1) above of this Statute, the Senate:
 - (a) organises and controls the teaching, curricula, syllabi, examinations and research of the University;
 - (b) determines the Institutional Rules pertaining to examinations and shall ensure that all examinations are conducted in accordance with such Institutional Rules;
 - (c) determines the Institutional Rules prescribing the requirement for each degree, diploma and certificate, and decides whether a student has complied with these requirements;
 - (d) may present recommendations to the Council regarding the faculty to which each academic department or other academic structure belongs;
 - (e) may present recommendations to the Council regarding the establishment and/or dissolution of faculties, academic departments and other academic structures;
 - (f) may issue standing orders on applicable procedures and the delegation of powers for the efficient execution of its functions;
 - (g) may cancel the registration of a student in all or any of the courses for which the student is registered in that specific year, if, in the considered view of the Senate, the academic achievement of the student is such that the student may not, at the end of the academic year, obtain the requisite credits in such course or courses, as the case may be.
- (3) The Senate performs any other function delegated or assigned to it by the Council and is accountable to the Council.
- (4) Any function of the Senate may, by resolution, be entrusted to any Senate member, to the Executive Committee of the Senate or the University Management Committee as contemplated in paragraphs 22(8) and 22(9) of this Statute, or to a committee of the Senate, including any standing committee established by the Senate as contemplated in section 29 of the Act, with such decisions being reflected in the Institutional Rules.
- (5) Institutional Rules with regard to the matters contemplated in subsection 1 may not be made without the consent of the Senate.

- (6) The Senate:
- (a) shall perform all functions assigned to it by the Council;
 - (b) shall submit to the Council such reports on its work as may be required by the Council;
 - (c) shall present recommendations to the Council on matters referred to it by the Council and/or on any other matter affecting the University, as it deems necessary, and
 - (d) shall consider recommendations from the Executive Committee of Senate and the Faculty Boards.
- (7) The Senate may, by resolution:
- (a) establish committees of the Senate and delegate certain functions to the committees;
 - (b) appoint any person to a committee contemplated in paragraph 22(7)(a) above, whether such person is a Senate member or not;
 - (c) determine the functions and meeting procedures of its committees;
 - (d) dissolve any committee it has established, and
 - (e) terminate and/or remove the membership of any person it has appointed to any committee it has established, subject to a Senate-approved process.
- (8) The Senate may delegate or assign any of its functions to:
- (a) a Senate committee;
 - (b) a Senate member, or
 - (c) any official of the University, provided that it may not delegate or assign a function that has been delegated to it by the Council without obtaining prior approval from the Council.
- (9) The Senate is not divested of responsibility for the performance of any function delegated or assigned to a committee of Senate under this section.
- (10) Composition and membership
- (1) The Senate consists of:
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellor(s);
 - (c) the Senior Director: Research Development;
 - (d) the Senior Director: Centre for Teaching and Learning;
 - (e) the Senior Director: Directorate for Institutional Research and Academic Planning;
 - (f) the Director of the Centre for Graduate Support;
 - (g) the Registrar (Secretary);
 - (h) two external members of the Council elected by the Council, who are not members of the Senate;
 - (i) the Professors, other than honorary Professors;
 - (j) heads of schools or departments;
 - (k) one academic employee other than the persons contemplated in paragraphs 22(10)(1)(i) and (j) of this Statute, elected by such

- academic employees;
 - (l) the deans of faculties;
 - (m) the vice-deans;
 - (n) four non-academic employees by virtue of their office:
 - (i) the Senior Director: Information and Communication Technology Services;
 - (ii) the Senior Director: Human Resources;
 - (iii) the Executive Director: Student Affairs, and
 - (iv) the Director: Library and Information Services;
 - (o) three students who are members of the ISRC and who are appointed by the ISRC, one representing the Bloemfontein Campus, one representing the South Campus and another representing the Qwaqwa Campus;
 - (p) the principals of the Qwaqwa and South campuses of the University, and
 - (q) any other persons as the Council, on the recommendation of the Senate, may determine.
- (2) All appointments to the Senate must be made with due attention to race, gender and qualifications.
- (3) The membership requirements for persons elected or designated in terms of subsection 1 are determined by the Institutional Rules. The Senate may further admit observers and/or advisory observers to its meetings, who will hold no position on the Senate nor be granted any voting rights.
- (4) The majority of Senate members must be academic employees of the University.
- (5) The term of office of members, the disqualification of members and the filling of vacancies in the Senate are as determined by the Institutional Rules.
- (6) Meetings of the Senate are held at the times and places determined by the Senate.
- (7) The Senate shall hold at least four ordinary meetings per year.
- (8) With the exception of *ex officio* members, the term of office of Senate members is four years.

23. Chairperson, Vice-Chairperson and Secretary

- (1) The Vice-Chancellor is the Chairperson of the Senate, as contemplated in section 26(4)(a) of the Act.
- (2) The Senate elects a Vice-Chairperson from among its members at an ordinary meeting, by a majority of votes and for a term of four years.
- (3) The Vice-Chairperson will chair the meeting in the absence of the Chairperson.

- (4) The Registrar is the Secretary to Senate.

24. Meetings

- (1) One-third of the total membership of the Senate constitutes a quorum.
- (2) A written notice must be issued by the Secretary to each member of the Senate five days before the date of an ordinary meeting, setting forth the matters to be dealt with.
- (3) The provisions of paragraphs 19(6) to (23) of this Statute apply, with the necessary changes, to the meetings of the Senate.

25. Representatives of the Senate on the Council

- (1) The Senate members on the Council are elected by the Senate in accordance with the provisions of the Institutional Rules, and hold office for a period of four years.

26. Executive Committee of Senate

- (1) As contemplated in section 29 of the Act and paragraph 20(1) of this Statute, the University has an Executive Committee of the Senate, which consists of the Vice-Chancellor, the Deputy Vice-Chancellors, the Registrar, the Deans and representatives from the Senate as determined in the Institutional Rules.
- (2) The functions and powers of the Executive Committee of the Senate are determined by the Institutional Rules, as contemplated in section 29(4) of the Act.

27. Faculty Boards

- (1) The Faculty Board of every faculty is a standing committee of the Senate.
- (2) The Faculty Boards –
- (a) govern and regulate the activities of the faculties in the University in accordance with the Institutional Rules of the University;
 - (b) consider and recommend to the Senate the qualifications offered by the respective faculties;
 - (c) promote research and teaching in the respective faculties;
 - (d) submit recommendations to the Senate on matters that affect the respective faculties, as well as matters that are referred to them by the Senate;
 - (e) appoint the members of the Faculty Board Committees, and
 - (f) fulfil such other functions as the Institutional Rules may prescribe.
- (3) The Senate determines the composition of each Faculty Board after having received recommendations from the Faculty Board.

- (4) The Council appoints, in accordance with the Institutional Rules, a dean for every faculty who is accountable to the relevant Faculty Board and fulfils the functions as prescribed in the Institutional Rules.
- (5) A Faculty Board is chaired by the dean of the relevant faculty.
- (6) Membership of the Faculty Boards, the terms of office, meeting procedures and other matters relating to the faculties are reflected in the Institutional Rules.

28. Representatives of the ISRC

- (1) The members of the ISRC serving on the Senate hold office for the same duration of time for which they are elected as members of the ISRC.
- (2) If a member of the Senate who was elected by the ISRC dies, resigns or relinquishes his/her office for any reason other than effluxion of time, the Secretary must notify the ISRC of the vacancy and the ISRC must forthwith elect a successor, who holds office during the unexpired term of office of his/her predecessor.
- (3) The ISRC must forthwith notify the Secretary in writing of the name and address of its newly elected representative on the Senate.

CHAPTER VI: UNIVERSITY MANAGEMENT COMMITTEE

29. University Management Committee

- (1) As contemplated in section 29 of the Act and paragraph 20(1) of this Statute, the University has a University Management Committee which consists of the Vice-Chancellor, the Deputy Vice-Chancellors, the Registrar, the Executive Director: Student Affairs and other senior employees as determined by the Institutional Rules.
- (2) The functions and powers of the University Management Committee are determined by the Institutional Rules.

CHAPTER VII: INSTITUTIONAL FORUM (IF)

30. Functions and Composition

- (1) The IF is an advisory body and must advise the Council on issues affecting the University as required by the Act, including but not limited to:
 - (a) the implementation of the Higher Education Act, 1997 (as amended) and the national policy on higher education;
 - (b) policies on race, gender equality and other aspects of discrimination referred to in relevant legislation;
 - (c) the processes used for the selection of candidates for senior management positions and the suitability of intended appointees for meeting equity targets;
 - (d) codes of conduct, conciliation, mediation and dispute resolution procedures;
 - (e) the fostering of an institutional culture which promotes:
 - (i) tolerance and respect for human dignity and fundamental human rights, and
 - (ii) a positive environment for teaching, research and learning;
 - (f) the language policy of the University.
- (2) Where the Council does not accept the advice given by the IF, the Council must provide written reasons for not doing so.
- (3) The Institutional Forum shall perform such other functions as may be delegated or assigned to it by the Council.
- (4) The IF consists of:
 - (a) two representatives of the University Management Committee, designated by the University Management Committee;
 - (b) two representatives of the Council, designated by the Council;
 - (c) two representatives of the Senate, elected by the Senate;
 - (d) two representatives of the academic employees, other than Senate members, elected by the academic employees;
 - (e) four representatives of employees other than academic employees, elected by employees other than academic employees;
 - (f) two representatives of the ISRC, designated by the ISRC;
 - (g) two representatives of the recognised trade unions representing employees of the University, designated by the trade unions;
 - (h) one or two designated representatives of other stakeholder groups as identified by the IF and approved by the Council, provided that when such a group ceases to exist, the membership of its representative ends, and
 - (i) a member of the Convocation, which member should be an employee of the University.
- (5) The IF elects from among its members a Chairperson, a Vice-Chairperson and a

Secretary.

- (6) Whenever both the Chairperson and the Vice-Chairperson are absent from a meeting of the IF, the members present must elect a person from among themselves to preside at that meeting.
- (7) Nomination of representatives shall be transparent and democratic, and each constituency shall follow the procedure within its own constituency and submit the names of its representatives to the Registrar.
- (8) While members of the IF may be elected by their sectoral constituencies, the members of the IF serve in their individual capacities and shall subject themselves to all of the policies and rules of the University and its governance structures.

31. Term of office and vacancies

- (1) The term of office of all IF members shall be three years, unless a member resigns in writing or vacates office for any other reason.
- (2) A vacancy on the IF caused by resignation contemplated in paragraph 31(1), death or the vacation of office by a member, shall be filled for the remaining portion of such member's period of office.
- (3) The term of ISRC members on the IF will be determined by their continuous appointment on the ISRC.

32. Meetings and meeting procedure of the Institutional Forum

- (1) The IF shall hold at least four regular meetings per year (one per quarter).
- (2) The quorum of a meeting consists of fifty percent plus one of the members holding office who are present at the meeting. Where a fraction does arise, it is to be rounded off to the next whole number.
- (3) The meeting procedure will be as determined by the members of the IF.
- (4) Members of the IF shall not be permitted to send substitutes or proxies to IF meetings, except in extraordinary circumstances and with the agreement of the Chairperson for that meeting.

CHAPTER VIII: GENERAL PROVISIONS OF THE COUNCIL, SENATE, UNIVERSITY MANAGEMENT COMMITTEE AND INSTITUTIONAL FORUM

33. Representativeness of the Council, Senate, University Management Committee and Institutional Forum

In the appointment, election and designation of members of the Council, the Senate, the University Management Committee and the Institutional Forum, due attention must be given to representativeness on such relevant grounds as gender, race and disability.

34. Committees of the Council, Senate, University Management Committee and Institutional Forum

- (1) The Council, the Senate, the University Management Committee and the IF may each establish committees to perform any of their functions and may appoint persons, whether or not they are members of the Council, the Senate, the University Management Committee or the IF, as members of such committees.
- (2) The Council, the Senate, the University Management Committee and the IF are not divested of responsibility for the performance of any function delegated or assigned to a committee under this section.
- (3) The Council and the Senate must jointly nominate committees, to be known as joint committees, to perform functions that are common to the Council and the Senate.
- (4) The composition, manner of election or appointment, functions, procedure at meetings and dissolution of a committee and a joint committee are determined by the Institutional Rules.

CHAPTER IX: INSTITUTIONAL STUDENT REPRESENTATIVE COUNCIL (ISRC)

35. Institutional Student Representative Council (ISRC)

Constitution

- (1) The Constitution of the ISRC, which forms part of the Institutional Rules of the University, shall provide for:
 - (a) the establishment and composition of the ISRC;
 - (b) the members of the ISRC to be elected in a general election held each year, in which every student is entitled to vote in the manner the Constitution prescribes, or in a by-election held according to the Constitution;
 - (c) the composition and use of an independent external supplier to facilitate ISRC elections and by-elections;
 - (d) the independent external supplier, as contemplated in paragraph 35(1)(c) above, to ensure strict adherence to the provisions of POPIA;
 - (e) the election of office-bearers of the ISRC;
 - (f) the minimum number of ISRC meetings to be convened, the required quorum at meetings and the meeting procedures to be followed or complied with;
 - (g) the general functions of the ISRC;
 - (h) the establishment and dissolution of faculty representative bodies, and
 - (i) the Constitution of the ISRC to have legal force and effect, provided that the Council approves such Constitution, or the proposed amendments therein.

36. Functions of the Institutional Student Representative Council

- (1) The students of the University are represented by the ISRC in matters that affect them.
- (2) The matters contemplated in paragraph 36(1) include, but are not limited to:
 - (a) liaising with the Council, the Senate, the executive management, the IF, the general public, other higher education institutions, student representative councils of other higher education institutions, national or international student organisations and news media;
 - (b) ensuring that the constitutions of clubs and societies are not in violation of any policies, Institutional Rules or practices of the University;
 - (c) presenting recommendations to the executive management for the suspension, or other form of discipline, of a student body that has been found guilty of contravention of the Institutional Rules;
 - (d) a decision on appropriate action by the executive management of the University or its delegated body in a case where a student body is in violation of the Institutional Rules, as contemplated in paragraph 36(2)(c) above, and the ISRC fails to act in the manner prescribed;
 - (e) the convening and conducting of all authorised meetings of the student body and acting as the managing body in all general referenda and petitions

- organised by the students in accordance with the Institutional Rules;
- (f) the appointment of such office-bearers and establishing of such committees as it deems necessary;
 - (g) utilising the approved University financial procedures and structures, keeping account of all moneys paid over to it by the Council, through its appointed structures, and any other moneys which may accrue to it in its capacity as representative of the students, and disbursing such funds for use by students and approved student clubs, societies and committees after consultation and with the approval of the executive management of the UFS;
 - (h) the responsibility for preserving order at student functions and ensuring good conduct at other approved meetings of students;
 - (i) the co-ordination of student involvement in all community projects initiated by it;
 - (j) the recommendation of institutional rules to the University's executive management and Council to determine the conducting of its affairs;
 - (k) the co-ordination of the processes of the ISRC elections, and
 - (l) such additional functions and privileges as conferred upon it by the appropriate management structures and the Council.

37. Membership

- (1) Only students are eligible to serve as members of the ISRC.
- (2) Notwithstanding paragraph 37(1) above, only students whose academic performance satisfies the rules, as determined by the ISRC Constitution from time to time, shall be allowed to serve as members of the ISRC.

38. Term of Office

The term of office of the ISRC members is one year.

39. Disciplinary Committee of the ISRC

- (1) The ISRC shall establish a Disciplinary Committee responsible for the discipline of any members of the ISRC that contravene the provisions of the ISRC's Code of Conduct.
- (2) Any other disciplinary matters pertaining to student discipline that are not provided for in the ISRC Code of Conduct shall be dealt with according to the Institutional Rules of the University.

40. General Meeting

- (1) The ISRC shall convene a minimum of one general meeting of students per semester.
- (2) The general meeting of the ISRC may also be requested by at least one thousand

signatories petitioning the ISRC.

- (3) Meetings may not disrupt academic activities unless prior written permission has been sought from and granted by the University.

CHAPTER X: THE CONVOCATION

41. Members

- (1) All persons who obtained a formal qualification from the University, as well as all permanent academic and retired academic staff members, are members of the Convocation.
- (2) The fact that the name of a person appears on the Convocation roll is *prima facie* proof of him/her being a member of the Convocation and being entitled to vote.

42. Meetings

- (1) Meetings of the Convocation must take place in Bloemfontein and must be convened by the Registrar, who serves as Secretary to the Convocation and is supported by the Alumni office or another staff member, as designated by the Vice-Chancellor and Principal:
 - (a) at the request of the President of the Convocation at least once every two years, or
 - (b) at any time upon the written request of at least twenty five members, provided that they furnish details regarding the matters for consideration in the form of separate motions, in which case the meeting has to take place within two months after the receipt of the request.
- (2) An extraordinary meeting of the Convocation may be convened by the President or the Vice-Chancellor if and when required.
- (3) Notice of a meeting of the Convocation must be given at least fourteen days before the meeting.
- (4) A member who wishes to raise any matter at such meeting shall submit written motions with regard to the said matter to the Registrar or the President at least one week before the date of the meeting.
- (5) The members present constitute the initial quorum of a meeting of the Convocation.

43. Meeting procedures

- (1) A member may not, without the permission of the meeting, speak more than once on a motion or amendment thereof, unless such member moved the motion or amendment and is speaking in reply.
- (2) All matters are decided by a majority vote of the members present at the meeting.
- (3) In addition to his/her ordinary vote, the Chairperson has a casting vote in the event of an equal number of votes being cast for and against a motion.
- (4) If a meeting so resolves, the number of votes in favour of or against a motion, or abstention from voting on a motion, shall be recorded in the minutes and, at the request of a member, the Chairperson shall further direct that the vote of such member be likewise recorded.
- (5) A motion or amendment thereof shall be seconded, and if the Chairperson directs it, such motion or amendment shall be recorded in writing.
- (6) A motion or amendment may not be withdrawn without the permission of the meeting.
- (7) The Chairperson may permit the discussion of a matter of which notice was not duly given, provided that such discussion is unopposed by the members present at the meeting.
- (8) The ruling of the Chairperson on a point of order of procedure is binding unless immediately challenged by a member, in which event such ruling shall be submitted without discussion to the meeting for a vote and such decision is final and binding.
- (9) The resolutions of the Convocation meetings, and a statement on such other matters as the Convocation may determine, are submitted to the Chairperson of the Council for the information of the Council and to the Vice-Chancellor for the information of the Senate.

44. Election of the President and Vice-President of the Convocation

- (1) The Convocation elects from among its members a President and Vice-President to act as Chairperson of all its meetings, who hold this office for a period of four years from the date of election.
- (2) Should the office of President become vacant, the Vice-President of the Convocation acts as President until a successor is elected in accordance with the provisions of the Constitution of the Convocation.

45. Chairperson

The President is also Chairperson of all meetings of the Convocation and the Executive Committee of Convocation; in his/her absence, the Vice-President chairs the meetings.

46. Executive Committee of Convocation

- (1) There is an Executive Committee of Convocation that takes responsibility for the regular functioning and activities of the Convocation, as well as reporting to Convocation members on its action on behalf of the Convocation members.
- (2) The composition, manner of election or appointment, functions and procedures during meetings and in the exercising of the Convocation's interest are determined by the Constitution of the Convocation.

47. Election of a member of the Council by the Convocation

Whenever the Convocation is required to elect a member to serve on the Council, this will take place in accordance with the processes specified in the Institutional Rules.

CHAPTER XI: DONORS**48. Recognition of Donors**

Every person, body or entity who, in the judgement of the Council, made a significant contribution in money or in kind to the mission of the University, may be recognised by the Council as a donor. The contribution is stipulated in the Institutional Rules.

49. Designation of a member of Council

A member of Council is designated by the donors in the manner determined by the Institutional Rules.

CHAPTER XII: DEGREES, DIPLOMAS AND CERTIFICATES**50. Degrees, diplomas and certificates**

The conferral of degrees and honorary degrees, and the awarding of diplomas and certificates, are determined by the Institutional Rules of the University.

CHAPTER XIII: EXAMINATIONS**51. Examinations**

Every student at the University is subject to the stipulations regarding examinations as determined by the Institutional Rules of the University.

CHAPTER XIV: ADMISSION AND REGISTRATION OF STUDENTS

52. Admission and registration

- (1) The Council is empowered to permit the registration of any person as a student of the University if such person satisfies the legal requirements for registration, as well as any other requirements determined by the Council in the Institutional Rules.
- (2) The requirements for admission of students to faculties are set out in the Institutional Rules and may be changed by the Council after consultation with the Senate.
- (3) A student shall register and, once registered, remain registered until the day before the start of the next academic year, or until he/she graduates or is awarded a diploma or certificate, or is expelled, or for such shorter period as the Council decides – whichever is the shortest.
- (4) A student must comply with the conditions set by the Council in order to renew his/her registration subsequent to the expiry period contemplated in paragraph 52(3) above.
- (5) A student's failure to meet the conditions as set out in paragraph 52(4) above may result in the Council refusing the renewal of the student's registration.
- (6) The conditions contemplated in paragraph 52(4) above may include the payment of outstanding fees.

CHAPTER XV: CONGREGATION

53. Congregation

- (1) A meeting of the members of the University, known as a congregation, is held for the purpose of conferring qualifications.
- (2) A congregation of the University may be held as and when necessary.
- (3) The congregation is constituted in the manner prescribed by the Council, and is presided over by the Chancellor or Vice-Chancellor, or in his/her absence, the acting Vice-Chancellor or a Deputy Vice-Chancellor.
- (4) The procedures with regard to the introduction of the graduates, the awarding of qualifications in absentia, academic attire and all other matters affecting the graduates for which provision is not made in this chapter, are determined by the Senate.

54. Awarding and withdrawal of qualifications

- (1) With the exception of honorary degrees, no-one will be awarded a qualification unless he/she complies with all the requirements prescribed for such qualification.
- (2) The Council may, in consultation with the Senate, withdraw and revoke any degree, diploma, certificate or other qualification that was awarded:
 - (a) on the basis of a material error on the part of the University, provided that such withdrawal and revocation may only take place within a period not exceeding two years after the conferral concerned, or
 - (b) as a result of a fraudulent or dishonest act in connection with the obtaining of such degree, diploma, certificate or other qualification.
- (3) Prior to the Council withdrawing and revoking the conferral of a degree, diploma, certificate or other qualification, the Council shall:
 - (c) notify the recipient of the qualification concerned that a revocation and withdrawal is being considered;
 - (d) provide the recipient with relevant information justifying the intended action;
 - (e) provide the recipient with an opportunity to obtain assistance and to present his/her case, and
 - (f) consider the submissions and representations of the recipient.
- (4) In the event of the withdrawal and revocation relating to the circumstances contemplated above, the University shall report the matter for criminal investigation as contemplated in section 66(2) of the Act.
- (5) In the event that any degree, diploma, certificate or other qualification that was awarded, is withdrawn or revoked, the relevant Quality Council (as defined in section 1 – “Definitions” of the National Qualifications Framework Act, No 67 of 2008) responsible for the qualification or part-qualification and the South African Qualifications Authority shall be informed, so as to amend the National Learner Record Database if necessary.

CHAPTER XVI: DISCIPLINE**55. Student discipline**

- (1) The Institutional Rules will determine the disciplinary measures and provisions applicable to students and the Council is empowered to change such measures and provisions after consultation with the ISRC and the Senate.
- (2) The Vice-Chancellor is empowered to amend monetary penalties applicable to students from time to time.

- (3) The amended penalties will be submitted to the Council for noting at its next ordinary meeting.
- (4) Should the Council rescind or alter the amendment contemplated in section 55(2) above, such rescission or alteration shall not operate retrospectively.

56. Staff discipline

Staff members at the University are subject to such disciplinary measures and procedures as determined by the Institutional Rules, policies and procedures of the University, and the prevailing labour legislation of South Africa.

CHAPTER XVII: UNIVERSITY ASSEMBLY

57. University Assembly

- (1) A General Assembly of the University (“Assembly”) is only called under certain circumstances. It is an extraordinary event, convened on special occasions, with the aim of uniting all constituencies in a joint stance on an issue of national importance.
- (2) The assembly adopts resolutions reached by consensus at the University.
- (3) A decision to call an assembly is made by the Council of the University based on a seventy five percent majority vote of the members present at the Council meeting.
- (4) The Chancellor presides over the assembly and the Vice-Chancellor issues the notice to convene the assembly.
- (5) The following constituencies shall present their written statements at the assembly:
 - (a) the Chancellor;
 - (b) the Chairperson of Council;
 - (c) the Vice-Chancellor;
 - (d) a representative designated for this purpose by the Senate;
 - (e) the Chairperson of the IF;
 - (f) the President of the ISRC;
 - (g) a single joint representative of the recognised trade unions of the University designated for this purpose, and
 - (h) the President of the Convocation.
- (6) Other representatives may present their written statements at an assembly, subject to prior confirmation by the Chancellor of the University.

CHAPTER XVIII: ELECTRONIC COMMUNICATION

58. Meetings by electronic communication

- (1) Any meeting may be conducted entirely by electronic communication or make provision for participation in a meeting by electronic communication, and the power of the University to do so is not limited or restricted by this Statute.
- (2) At the University:
 - (a) any meeting may be conducted entirely by electronic communication, or
 - (b) one or more employees, or members of any committees of the University, may participate by electronic communication in all or part of any meeting that is being held in person,
as long as the electronic communication employed ordinarily enables all persons participating in that meeting to communicate concurrently with one another and without an intermediary, and to participate reasonably effectively in the meeting.
- (3) A notice of any meeting which enables employees or members to participate by way of electronic communication shall inform such employees or members to participate in this manner and shall provide any necessary information to enable any members to access the available medium or means of electronic communication, provided that such access shall be at the expense of the University.

CHAPTER XIX: STATUTES REPEALED

59. Statutes repealed

- (1) The statutes of the University of the Free State as published in Government Gazette No 41399 of 26 January 2018 and Government Gazette No 42337 of 29 March 2019 are hereby repealed.
- (2) Any action performed in terms of a provision of a statute repealed by subparagraph 1 is deemed to have been performed in accordance with the provisions of this Statute.
- (3) A provision applicable to any person immediately before the announcement of this Statute, in terms of any statute repealed by subparagraph 1 but not reincluded in this Statute, continues to be applicable to the University and such person as if such statute was not repealed.

60. Transitional provision

The Council performs its activities and is composed in terms of this Statute from the date of publication of this Statute.

Recognition:

The following institutional statutes were consulted and used to amend the UFS Statute:

1. sections 3(2) / 27 of the Statute of the University of the Witwatersrand, Johannesburg, published in Government Gazette No 41445 dated 16 February 2018;
2. sections 1/3(2) / 4(2) / 11(1) / 17(3) / 17(4) / 17(5) / 31 / 33 / 26 / 40 / 41 / 43 / 45 to 50 / 55 / 61 / 62 of the Institutional Statute: Cape Peninsula University of Technology, published in Government Gazette No 33202 dated 17 May 2010;
3. sections 87 / 88 of the Draft Institutional Amended Statute of the Cape Peninsular University of Technology 2018/2019;
4. section 26 of the Amended Institutional Statute: University of the Western Cape 2018, published in Government Gazette No 927 dated 7 September 2018, and
5. section 27 of the Amended Institutional Statute: University of Pretoria, published in Government Gazette No 41913 dated 21 September 2018.