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Mangosuthu
University of Technology
Statute

STATUTE OF THE MANGOSUTHU UNIVERSITY OF TECHNOLOGY**TABLE OF CONTENTS****APPLICATION**

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1. APPLICATION

This Statute is made under section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997) to promote the effective governance and management of Mangosuthu University of Technology in respect of matters not expressly prescribed in the Higher Education Act, 1997 (Act No. 101 of 1997), as amended. In terms of section 33, it is hereby published with the approval of the Minister of Higher Education and Training and comes into operation on the date of its publication.

2. DEFINITIONS

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

“academic employee” means any person appointed to a teaching or research post at the University and any other employee designated as such by the Council;

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

“chancellor” means the person contemplated in paragraph 5;

“convocation” means the convocation contemplated in paragraph 40;

“council” means the governing body of the institution contemplated in paragraph 9;

“days” means weekdays excluding Saturdays, Sundays and public holidays;

“donor” means a person, natural or juristic, who has made a donation, which, in the opinion of the council warrants that person, being recognised as a donor as contemplated in paragraph 59;

“employee” means any person employed by the University, and includes a person in this category who is serving a probationary period in terms of his or her contract of service prior to permanent appointment;

“employer” means the council of the institution;

“functions” means powers and duties and vice versa;

“graduate” means a person who has obtained a diploma and or a degree of an institution;

“institutional forum” means the institutional forum contemplated in paragraph 30 of this Statute and section 31 of the Act;

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

“office bearer” means a functionary provided for in the Act or determined by the council;

“professor” means an academic employee who has been awarded the status by the University, but does not include an emeritus, adjunct or associate professor.

“qualification” means a certificate, a diploma or a degree;

“representative employees’ organization” means an organisation which is recognised by the council in accordance collective or recognition agreement;

“rules” mean any rules of the University made under section 32 of the Act;

“senate” means the body responsible for academic matters contemplated in paragraph 21 of this statute;

“SRC” means the students’ representative council of the University contemplated in paragraph 34 of this Statute;

“student” means any person registered at the University for full-time or part-time studies;

“university” means Mangosuthu University of Technology;

3. NAME, SEAT AND POWERS

(1) The name of the University is Mangosuthu University of Technology.

(2) The University has its seat in Umlazi, Durban, in accordance with section 65A of the Act.

(3) The University is a juristic person contemplated in section 20(4), subject to the provisions of section 20(5) of the Act.

(4) The University may confer degrees and honorary degrees and award diplomas and certificates in its own name as contemplated in section 65B and 65C of the Act.

4. COMPOSITION OF THE UNIVERSITY

(1) The University consists of the –

(a) chancellor;

(b) council;

(c) senate;

(d) vice-chancellor and principal;

(e) deputy vice-chancellors or such other title as the council may determine;

(f) registrar;

(g) students’ representative council;

(h) institutional forum;

- (i) faculties, the departments, and such other academic structures of the University as may be determined by the council;
- (j) academic employees of the University;
- (k) non-academic employees of the University;
- (l) students of the University;
- (m) convocation of the University, and
- (n) other offices or structures as may be established by the council.

(2) No vacancy in any of the offices contemplated in subparagraph (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function conferred by the Act or this Statute upon the University.

CHANCELLOR

5. Functions of the chancellor

- (1) The chancellor is the titular head of the University.
- (2) The chancellor must at all times embody the aspirations of the University and actively advance the interests of the University.
- (3) The chancellor or in his or her absence the vice chancellor or in his or her absence any of the Deputy Vice-Chancellors acts on behalf of the chancellor at all congregations of the University and confers all degrees and awards all diplomas and certificates in the name of the University.
- (4) The chancellor performs such other functions as are assigned to him or her by the council.

6. Election and appointment of chancellor

- (1) The chancellor is elected by the council in the following manner
 - (a) The chairperson of the council determines the date on which a meeting of the council is to be held for the purpose of electing a chancellor;
 - (b) The meeting contemplated in sub-paragraph 6 (1) (a) must be constituted in accordance with council meeting procedures in paragraph 16 (2) of this statute;
 - (c) the secretary to the council gives due notice to the members of the council of the date, time of and venue for the meeting contemplated in subparagraph (1)(a);

(d) the secretary to the council invites the members of the council and the members of the institutional forum to submit nominations for the office of the chancellor;

(e) the nominations contemplated in subparagraph (1)(d) must be in writing and must include the nominee's written consent and complete curriculum vitae;

(f) the nominations contemplated in subparagraph (1)(d) must reach the secretary to the council at least twenty working days before the meeting contemplated in subparagraph (1)(a);

(g) the secretary to the council must, within five working days after the closing date for nominations, inform members of the council and the institutional forum in writing of the nominations received;

(h) a special meeting of the institutional forum must be held before the meeting contemplated in subparagraph (1)(a) for purposes of considering the nominations and advising the council on the appointment of a candidate to the office of chancellor;

(i) the chancellor is elected by a majority of the members present at the meeting contemplated in subparagraph (1)(a) through a secret ballot;

(j) if no candidate receives a majority of votes, successive rounds of voting are held;

(k) in each successive round of voting the candidate receiving the fewest votes is eliminated as a candidate.

(2) After the council has elected a chancellor, the name of the chancellor is announced by the chairperson of the council.

7. Term of office of the chancellor

(1) The chancellor holds office for a period of four years, unless he or she resigns or is removed from office in accordance with subparagraph (5).

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

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

(4) The term of office of the chancellor terminates in the event of

- (a) death or incapacity;
- (b) resignation; or
- (c) removal from office by the council.

(5) The chancellor may be removed from office by the council only by means of a resolution passed by at least two-thirds of the members of the council and then only after the chancellor has been given the opportunity to answer to the reasons provided by the council for the removal therefrom.

COUNCIL**8. Functions of council**

- (1) The council governs the University, subject to the Act and this Statute.
- (2) In addition to its powers as determined in the Act or any other applicable law, the council has a strategy-making and monitoring responsibility in general, including the-
- (a) realisation of the University's values;
 - (b) creation of a positive academic climate;
 - (c) adoption of the University's vision and mission statements; and
 - (d) monitoring of the implementation of the strategic plans.
- (3) Without derogating from the generality of subparagraph (1), the council
- (a) appoints employees of the University;
 - (b) notwithstanding Paragraph (a), the academic employees must be appointed after consultation with the senate;
 - (c) determines the conditions of service, the disciplinary provisions and the privileges and functions of its employees and may, in the manner set out in the disciplinary rules, suspend or dismiss any employee of the University;
 - (d) may order an employee whom it has suspended to refrain from being on any premises under the control of the University and to refrain from participating in any of the University's activities or issue such other conditions as it may deem necessary;
 - (e) determines the student admission policy of the University, after consultation with the senate;
- (4) Without derogating from the generality of subparagraph (1), the council
- (a) makes the Institutional Statute and any amendments thereto;
 - (b) appoints the senior management, as defined, of the University;
 - (c) makes rules for the University;
 - (d) establishes council committees and determines the composition and functions of each committee;
 - (e) establishes, in consultation with the senate, joint committees of the council and the senate to perform functions which are common to the council and the senate;
 - (f) determines the language policy of the University, with the concurrence of the senate in terms of section 27 (2) of the Act;

- (g) determines, after consultation with the senate, which academic structures are required and the functions of each structure, in order to ensure efficient governance;
 - (h) determines tuition fees, accommodation fees and any other fees payable by students as well as accommodation fees payable by employees;
 - (i) approves the annual budget of the University;
 - (j) approves a loan or overdraft agreement in accordance with section 40 (2), read with section 20 (5) of the Act; and
 - (k) approves that the university may enter into an agreement for the construction of a permanent building or other immovable infra-structural development, in accordance with section 40 (3).
- (5) Subject to section 68 (2) of the Act, the council may delegate any of the functions referred to in subparagraphs (2) and (3), but the council may not delegate any of the functions referred to in subparagraph (4).
- (6) The council is not divested of the responsibility for the performance of any function delegated or assigned under subparagraph (5).

9. Composition of council

- (1) The council, as contemplated in section 27 of the Act, consists of
- (a) the vice-chancellor and principal;
 - (b) not more than three deputy vice-chancellors designated by the vice-chancellor;
 - (c) five persons appointed by the Minister;
 - (d) two members of the senate elected by the senate;
 - (e) two academic employees of the University elected by the academic employees;
 - (f) two students who are elected members of the SRC;
 - (g) two non-academic employees elected by the non-academic employees, provided those so elected do not come from the office of the registrar;
 - (h) two members of convocation elected by convocation;
 - (i) twelve members with a broad spectrum of competencies in the fields of education, business, finance, law, marketing, tourism, information technology, science engineering and technology and human resource management appointed by the council in accordance with the rules.

(2) At least sixty per cent of the members of the council must be persons who are not employed by, or students of the University and regard must be had to the racial and gender representation on the council.

(3) Council members must have knowledge and experience relevant to the objects and governance of the University.

(4) Except as provided in subparagraphs (1)(a), (b), (d), (e), (f), and (g)

(a) no student or employee of the University and no other person in receipt of regular remuneration from the University is eligible for appointment or nomination for election or election as a member of the council;

(b) an external member of the council who becomes a student or an employee of the University or who enters into a contract with the University in terms of which he or she is to receive regular remuneration from the University must forthwith vacate his or her seat on council.

10. Appointment of council members

(1) Members of council are appointed in the manner determined by council.

11. Term of office of council members

(1) Student members of the council remain members of the council for the term of office determined by the SRC Constitution when they are elected, provided that membership ceases automatically when a student member ceases to be a registered student or a member of the SRC.

(2) The term of office of members of the council who are not students or employees of the University is four years.

(3) The term of office of members of the council who are employees of the University, except that of the vice-chancellor and principal and deputy vice-chancellors, is four years.

12. Termination of membership and filling of vacancies

(1) A member of the council's term of office terminates if

(a) he or she tenders a written resignation;

(b) the Minister or body who appointed or elected the member to council terminates the membership in writing at any time before the expiry of the member's term of office, **subject to the provisions of the Promotion of Administrative Justice Act 3 of 2000 (PAJA)**;

(c) if he or she is elected or appointed by a particular interest group and his or her membership of, or association with the interest group is terminated;

(d) he or she is absent from three consecutive meetings without the leave of the council;

(e) he or she is declared insolvent, by a court of law;

(f) he or she has been found guilty of an act of dishonesty by a competent tribunal or court or is removed from an office of trust by a court of law or is convicted of an offence of which dishonesty is an element for which he or she receives a term of imprisonment without an option of a fine; and

(g) he or she, is medically incapacitated or declared medically unsound by a court of law;

(2) The council has the power to suspend, take disciplinary action or terminate a members' membership.

(3) If seventy-five per cent or more of the members of the council resign, the council is deemed to have resigned as contemplated in section 27(8) of the Act.

(4) If the council resigns as contemplated in subparagraph (3) a new council must be constituted in terms of this Statute.

13. Election of the chairperson and vice chairperson of council and term of office

(1) The chairperson and the vice chairperson of the council must not be elected from members contemplated in paragraph 9(1)(a), (b), (d), (e), (f), and (g).

(2) The chairperson and the vice chairperson of the council are elected for a period of two years.

(3) The chairperson and the vice chairperson are eligible for re-election.

(4) Nominations for the office of the chairperson and the vice chairperson of the council must be in writing and be directed to the secretary to the council.

(5) If more than one candidate is nominated, voting is by secret ballot.

(6) Each member of the council has only one vote during a ballot and no proxy is allowed.

(7) A majority of all of the members present elects the chairperson and the vice chairperson.

(8) Whenever a vacancy occurs in the office of the chairperson or the vice chairperson, the provisions of subparagraphs (4) to (7) apply with the necessary changes to the filling of the vacancy.

14. Secretary to council

(1) The secretary to the council is the registrar as contemplated in section 26(4)(b) of the Act.

(2) The secretary acts as the electoral officer.

(3) The secretary attends all meetings and keeps all relevant documents of the council.

15. Meetings of council

(1) The council has at least four ordinary meetings during each academic year.

(2) Notice of any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 21 days before the date determined by the council for the meeting, provided that any matter of an urgent nature may, without prior notice, by consent of the chairperson and a majority of the members present, be considered at the meeting.

(3) At least seven days prior to the date of an ordinary meeting, the secretary gives due notice to each member of all the matters to be dealt with at the meeting and states the time and place of the meeting.

(4) A special meeting may be called at any time by the chairperson.

(5) A special meeting must be called by the chairperson at the request in writing of at least five members, the objective of the meeting being clearly stated in the request, provided that at least seven days notice of a special meeting is given.

(6) No business other than that for which the special meeting was called may be transacted at the meeting.

(7) An emergency meeting may be called by the chairperson, or in his or her absence, by the vice-chancellor and principal at any time, provided that members are given at least 24 hours notice of the meeting.

(8) Notice of an emergency meeting may be given in any manner convenient under the circumstances.

(9) The object of an emergency meeting must be stated to members and no business other than that stated may be transacted at the meeting.

16. Council meeting procedures

(1) Council members must participate in the deliberations of the council in the best interest of the University.

(2) Except where otherwise provided in this Statute, all acts or matters authorised or required to be done or decided by the council and all questions that may come before it are done or decided by the majority of the members present at any meeting, provided that the number present at any meeting is at least fifty percent plus one of the total number of members of the council holding office on the date of such meeting and provided that the majority are external members. This provision applies equally to council committees.

(3) In the absence of the chairperson and the vice chairperson of council, the members present elect an external member present to preside at such meeting.

(4) The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council, provided further that objections to the minutes of a meeting are raised and decided before confirmation of the minutes.

(5) A member of the council may not, without the consent of the meeting, speak more than once to a motion or to any amendment and the mover of any motion or any amendment has the right of reply.

(6) Every motion or amendment must be seconded and, if so directed by the chairperson, must be in writing.

(7) A motion or an amendment seconded as contemplated in subparagraph (6) may not be withdrawn except with the consent of the meeting.

(8) The chairperson has, on any matter, a deliberative vote and, in the event of an equality of votes, also a casting vote.

(9) If so decided by the meeting, the number of members voting for or against any motion must be recorded in the minutes, and at the request of any member the chairperson must direct that the vote of such a member be likewise recorded.

(10) When a majority of the members of the council reaches agreement on a matter referred to it by letter or electronic means by the chairperson, without convening a meeting, and conveys such a resolution by letter or electronic means, such a resolution is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting.

(11) 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 of that member.

(12) Meetings of the council are attended solely by council members, the council secretary and any other person invited by the chairperson with the permission of the council.

(13) The ruling of the chairperson on a point of order or procedure is binding unless immediately challenged by a member, in which event the ruling must be submitted without discussion to the meeting, whose decision is final.

(14) Any member may move that a matter under consideration be discussed in committee and, if seconded, such a motion is put to the vote without further discussion.

(15) Whenever the council meets in committee, members may speak on a matter under deliberation more than once.

(16) Anyone attending a council meeting who, after having been requested to refrain from any conduct that could reasonably be expected to disrupt the meeting, continues to disobey a ruling from the chairperson, must be requested to leave the meeting and, if that person does not comply immediately, must be removed from the meeting and, in the case of a member, may be dealt with by the council in terms of paragraph 12(2).

17. Conflict of interest of council members

(1) A member of the council may not have a conflict of interest with the University.

(2) A member of the council who has a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before or during the meeting, declare the interest.

(3) Any person may, in writing, inform the chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a council member of which such person may be aware.

(4) The member who has a conflict of interest, is obliged to excuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

18. Committees of council

(1) The council appoints

- (a) an executive committee;
- (b) an audit and risk committee;
- (c) a finance and remuneration committee;
- (d) a human resource and development committee;
- (e) a planning and resource committee; and
- (f) such other committees as may be required.

(2) The composition, powers and functions of the committees are determined by the council.

(3) At least sixty per cent of the members of a committee must be persons who are not employees or students of the University.

(4) The chairperson of a committee may not be an employee or a student of the University.

19. Minutes of council and committee meetings

(1) The secretary to the council keeps the minutes of each meeting of council and includes such minutes in the agenda of the next council meeting when the agenda is sent out in terms of paragraph 15(3).

(2) The minutes of all committee meetings must be included in the agenda of the next ordinary meeting of the council following the respective committee meetings.

20. Drafting, amending or rescinding a Statute

(1) No motion to draft, amend or rescind a statute or a rule is of force and effect unless adopted by at least seventy-five per cent of all members present at the meeting, provided that the meeting is constituted by at least seventy five percent of the total number of members of the council.

(2) Any motion to draft, amend or rescind a statute or a rule must be in accordance with the provisions of section 32(2) of the Act.

SENATE**21. Functions of senate**

(1) Subject to the provisions of section 28 of the Act, this Statute and the institutional rules, the senate is accountable to the council for the strategic direction of the academic, research and community service functions of the university and all other functions delegated or assigned to it by the council.

(2) Without derogating from the generality of subparagraph (1) the organisation and superintendence of instruction and examinations, and of lectures and classes vest in the senate; and the senate

- (a) determines, in accordance with the policies of the university, the entrance requirements in respect of particular higher education programmes, the number of students who may be admitted for a particular higher education programme, the manner of their selection, and the minimum requirements for readmission to study at the University; and
- (b) may refuse readmission to a student who fails to satisfy the minimum requirements for readmission.
- (c) if delegated to do so by resolution of the council, may make or amend any rule relating to the curriculum for, or to the obtaining of, any degree, diploma, certificate or other qualification, but may do so only after consulting the relevant faculty board contemplated in paragraph 28 (4);
- (d) if delegated to do so by resolution of the council, may make or amend any rule relating to the manner in which students are to be examined;
- (e) determines what standard of proficiency is required to be attained in any mode of assessment that may be used in order to satisfy the requirements for the obtaining of each degree, diploma, certificate or other qualification;
- (f) may make recommendations to the council regarding the faculty to which each academic department, school or other academic structure belongs;
- (g) may make recommendations to the council regarding the establishment and disestablishment of faculties, academic departments, schools and other academic structures;
- (h) determines, in accordance with any relevant deed or gift, the conditions applicable to any scholarships and other academic prizes;
- (i) determines the persons to whom scholarships and academic prizes are awarded;
- (j) may establish committees to perform any of its functions, may appoint persons who are not members of the senate as members of such committees and may for this purpose deem a single person to be a committee;

- (k) determines the functions of its committees as well as the procedure of meetings of these committees;
 - (l) may make standing orders on procedures and the delegation of powers for the better carrying out of its functions;
 - (m) may delegate its functions; and
 - (n) must take note of any action taken by a committee in exercising its delegated powers or functions when such a committee reports its actions to the next meeting of the senate.
 - (o) the senate is not divested of the responsibility for the performance of any function delegated or assigned under subparagraph (m).
 - (p) approves the appointment of examiners and moderators;
 - (q) may dis-establish any committees it has established;
 - (r) may terminate the membership of any person it has appointed to any committee;
 - (s) advises Council on disciplinary measures and rules concerning students;
 - (t) advises and concurs with the council on the University's language policy; and
 - (u) advises Council on the admissions and re-admissions policy.
- (3) The senate submits to the council
- (a) such reports upon its work as may be required by the council;
 - (b) recommendations on matters referred to it by the council; and
 - (c) recommendations on any other matter affecting the University as the senate considers useful.
- (4) The senate may, in terms of the rules, cancel the registration of a student in all or one or more of the courses for which the student is registered in that year if in the opinion of the senate the academic achievement of the student is such that the student may not at the end of the year obtain credit in such a course or courses, as the case may be.

22. Senate Rules

- (1) Members of the senate must participate in the deliberations of the senate in the best interest of the University.
- (2) Failure to act in the best interest of the University or behaviour that brings the University into disrepute may result in the removal of the member from the senate following due process.

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

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

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

23. Composition of senate

(1) The senate, subject to the provisions of the Act, consists of

- (a) the vice-chancellor and principal;
- (b) the deputy vice-chancellors;
- (c) the registrar;
- (d) all deans of faculties;
- (e) all heads of academic departments;
- (f) all professors;
- (g) the head of the library;
- (h) the head of research;
- (i) the head of quality management;
- (j) the head of student affairs;
- (k) the head of operations;
- (l) the head of human resources and development;
- (m) the head of finance;
- (n) the head of institutional planning and research;
- (o) two representatives of the student representative council nominated by the SRC;
- (p) a non-academic employee from each faculty elected by the non-academic employees of each faculty;
- (q) an academic employee from each faculty elected by the academic employees of each faculty;
- (r) two members of the council designated by the council, provided that no person specified in subparagraphs 9(1)(a), (b) and (d) is eligible for designation under this subparagraph; and
- (s) such additional members as are approved by the senate.

(2) The majority of senate members must be academic employees.

(3) The manner of election of members here applicable is as determined by each constituency.

24. Term of office of senate members

(1) Members appointed in terms of paragraph 23(a) to (n) hold office for as long as they are employed by the University in that capacity.

(2) Members appointed in terms of paragraph 23(p) to (s) hold office for a period of four years.

(3) The term of office for student members is determined by the SRC Constitution provided that membership automatically lapses when a student ceases to be a registered student or a member of the SRC.

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

25. Chairperson, vice chairperson and secretary to the senate

(1) The vice-chancellor and principal is the chairperson of the senate as contemplated in section 26 (4)(a) of the Act.

(2) The vice chairperson of the senate is the deputy vice-chancellor: teaching and learning who in the absence of the vice-chancellor and principal acts as chairperson.

(3) The secretary to the senate is the registrar.

(4) The chairperson presides at the meetings of the senate and the meetings of the sub-committees of the senate if the senate considers it appropriate for him or her to do so.

(5) The chairperson performs such other functions as the senate may determine.

(6) In the absence of the chairperson, the provisions of subparagraph (4) apply to the vice chairperson.

(7) The vice chairperson performs such other functions as the senate may determine.

(8) The secretary performs those functions assigned to him or her by the senate.

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

26. Senate meetings

(1) The senate has at least four ordinary meetings during each academic year.

(2) Notice of any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 7 days before the date determined by the senate for the meeting, provided that any matter of an urgent nature may, without prior notice, by consent of the chairperson and a majority of the members present, be considered at the meeting.

(3) At least seven days prior to the date of an ordinary meeting, the secretary gives due notice to each member of all the matters to be dealt with at the meeting and states the time and place of the meeting.

(4) A special meeting may be called at any time by the chairperson.

(5) A special meeting must be called by the chairperson at the request in writing of at least five members, the objective of the meeting being clearly stated in the request, provided that at least seven days notice of a special meeting is given.

(6) No business other than that for which the special meeting was called may be transacted at the meeting.

(7) An emergency meeting may be called by the chairperson, or in his or her absence, by the vice-chairperson at any time, provided that members are given at least 24 hours notice of the meeting.

(8) Notice of an emergency meeting may be given in any manner convenient under the circumstances.

(9) The object of an emergency meeting must be stated to members and no business other than that stated may be transacted at the meeting.

27. Senate meeting procedure

The procedure applicable to council meetings is applicable with the necessary changes to meetings of the senate. A quorum is fifty percent of the members plus one.

28. Committees of senate

(1) The committees of senate consists of:

- (a) faculty boards, to regulate the activities of the faculties of the University;
- (b) an executive committee; and
- (c) such other committees as may be required.

(2) The composition and functions of the committees established in terms of (b) and (c) above are determined by the senate.

(3) A faculty board:

(a) makes recommendations to the senate on academic programmes and examinations that affect the departments of the faculty concerned and on other matters that the senate may refer to it from time to time, and informs the senate of those candidates who sat for the university examinations and satisfied the conditions prescribed for the qualifications of the university.

(b) may appoint such sub committees as are required, and determine their composition and functions.

(4) The faculty board consists of:

- (a) The dean of the specific faculty;
- (b) the heads of the departments in the faculty;

- (c) the professors in the faculty;
 - (d) academic staff in the faculty in the faculty;
 - (e) two employees representing non-academic staff in the faculty;
 - (f) one employee representing academic staff from each of the other faculties;
 - (g) two SRC members; and
 - (h) any other member recommended by the specific faculty and approved by Senate.
- (5) Council's meeting procedures are applicable with the necessary changes to meetings of faculty boards.
- (6) A meeting of a faculty board must be held before every ordinary meeting of the senate, unless the dean concerned determines that there are no significant matters requiring consideration, provided that the dean may call an extraordinary meeting of the faculty board of his or her own accord and must do so on the request of at least one third of the members of the faculty board.
- (7) The dean of faculty chairs all meetings of the faculty board. In the absence of the Dean, the faculty board elects from its Heads of Department a Chairperson for the meeting.
- (8) The registrar is the secretary to all faculty boards.

29. Joint committees of council and senate

The council, in consultation with the senate, appoints such joint committees of council and senate as may be necessary for the performance of particular tasks.

INSTITUTIONAL FORUM

30. Functions of the institutional forum

- (1) The institutional forum advises the council on issues affecting the University, including
- (a) the implementation of the Act and the national policy on higher education;
 - (b) transformation which includes race and gender equity policies;
 - (c) the selection of candidates for senior management positions;
 - (d) codes of conduct, mediation and dispute resolution procedures;
 - (e) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research, learning and community outreach; and
 - (f) the language policy of the University.

(2) The institutional forum performs such other functions as determined by the council.

31. Composition of the institutional forum

(1) The institutional forum consists of

- (a) two members of the council who are not employees or students of the University;
- (b) two members from the executive management;
- (c) two members of the senate;
- (d) one academic employee from each faculty;
- (e) two members representing the non-academic employees; one from the academic sector and one from the non-academic sector;
- (f) two members from each sufficiently representative employees' organisation;
- (g) two students designated by the SRC;
- (h) two members designated by the executive committee of convocation;
- (i) one or more members co-opted by the institutional forum for the specific purpose of assisting the institutional forum in respect of any specific project; and
- (j) such additional member(s) as determined by the institutional forum.

(2) The nomination of representatives must be transparent and democratic and each constituency must follow the procedure determined within its own constituency and submit the names of its representatives to the registrar.

(3) (a) The term of office of student members is as per paragraph 11 (1).

(b) The term of office of all other members, except executive management is four years.

(c) Membership as per paragraph 31(a), (c), (d), (e), (f) and (h) automatically ceases when the member ceases to be a member of their respective constituency.

(4) Paragraph 12 applies, with the necessary changes, to the termination of membership of the members of the institutional forum.

32. Chairperson and Vice-Chairperson

(1) The institutional forum elects from among those of its members who are not students of the University a chairperson and a vice chairperson, one of whom must be an external member.

(2) The registrar is the secretary to the institutional forum.

33. Meetings and meeting procedure of the institutional forum

- (1) The number of meetings is as contemplated in paragraph 15(1).
- (2) Fifty percent plus one of the members forms a quorum.
- (3) The Institutional Forum meeting procedures are as contemplated in paragraph 16.

STUDENTS' REPRESENTATIVE COUNCIL (SRC)

34. Functions of the SRC

- (1) The primary function of the SRC is to serve and promote the interests of the University and its student community.
- (2) The SRC is not a juristic body but a structure of the University deriving its powers from council.
- (3) The students of the University are represented in matters that may affect them by the SRC.
- (4) The matters contemplated in subparagraph (1) include
 - (a) liaison with the senior management, the students' representative councils of other higher education institutions and national or international student organisations;
 - (b) being the umbrella organisation for all student committees, clubs, councils and societies, and granting or withdrawing recognition of such student committees, clubs, councils and societies in accordance with the SRC constitution;
 - (c) the convening and conducting of all authorised meetings of the student body and being the managing body in all general referenda and petitions organised by the students within the university rules;
 - (d) the appointment of such office-bearers and the establishing of such committees as it deems necessary;
 - (e) the organisation and promotion of extramural activities among students;
 - (f) keeping account of all moneys paid over to it by the council and any other moneys which may accrue to it in its capacity as representative of the students; also allocating or disbursing such funds for use by students, and making grants to approved student clubs, committees, societies and councils in compliance with university policies;
 - (g) the responsibility for the promotion and preservation of good order at approved student functions and meetings;
 - (h) the co-ordination of student involvement in all community projects initiated by it;
 - (i) the responsibility for all student publications initiated by it;
 - (j) the decision-making in all matters falling within its jurisdiction and in the manner consistent with the rules and policies of the university; and

(k) such additional functions and privileges as may be specifically conferred upon it by the council.

35. Composition and Election of SRC

(1) Only registered students whose academic performance meets the criteria as stipulated in the SRC constitution are eligible to serve on the SRC.

(2) The election of SRC members must be consistent with the SRC Constitution and the SRC Electoral Policy.

36. Term of office of SRC members

The term of office of the SRC is one year.

37. Privileges

The privileges of the members of the SRC are as determined by the council.

38. SRC committees

1) Subject to the university disciplinary rules, the SRC must establish a disciplinary committee responsible for the internal discipline of any members of the SRC and members of the student structures affiliated to the SRC.

(2) The SRC may establish such other committees as may be required.

39. General Meetings

The SRC must convene at least one general meeting of students per semester.

CONVOCATION

40. Functions of Convocation

1) The functions of convocation are to:

- (a) discuss and state its opinion on any matter relating to the University, including matters which may be referred to it by the Council;
- (b) Foster and maintain a positive image of the University as a whole in the context of community and business interests;
- (c) Actively foster a spirit of belonging amongst alumni;
- (d) Create in the alumni a sense of responsibility, obligation and accountability towards the community in general and their alma mater in particular;

- (e) Liaise and consult with all other University constituencies on matters of common interest and to foster unity of purpose; and
- (f) Engage in fund-raising for the University and the Convocation.

41. Membership of convocation

(1) The convocation consists of the vice-chancellor and principal, the deputy-vice chancellors, the registrar, academic employees as set out in subparagraph (2), all persons who are graduates of the University, and such other persons as the council may determine.

(2) Academic employees, professors emeriti, and retired members of the academic staff who were in the employ of the university for at least ten years immediately before retirement are members of the convocation.

42. Roll of Convocation

- (1) The Registrar keeps the roll of Convocation;
- (2) Every member of the Convocation must notify the Registrar of his or her address and of any change of address.

43. Office bearers of convocation

- (1) The office bearers of Convocation consists of the President, Deputy-President and the Treasurer.
- (2) The Registrar is the secretary to convocation.

44. Meetings of convocation

- (1) Fifty members constitute a quorum at a meeting of the convocation.
- (2) The president or, if the office of the president is vacant, the vice president convenes a meeting of convocation annually, and notice of such a meeting must be given at least four weeks prior to the date of the meeting.
- (3) A member who wishes to raise any matter at such a meeting must submit written motions in regard to the said matter to the registrar or the president at least two weeks before the date of the meeting.
- (3) Meeting procedures of the Convocation are as determined in its constitution.

MANAGEMENT

45. Executive Management

- (1) The Executive Management consists of the
 - (a) vice-chancellor and principal;
 - (b) deputy vice-chancellors;
 - (c) executive director in the office of the vice-chancellor;
 - (d) registrar;
 - (e) chief financial officer; and
 - (f) such other member as may be determined by the vice-chancellor and principal.
- (2) The Executive Management assists the vice-chancellor and principal in the strategic management of the University.

46. Senior Management

- (1) Senior Management consists of the
 - (a) vice-chancellor and principal;
 - (b) deputy vice-chancellors;
 - (c) executive director in the office of the vice-chancellor;
 - (d) registrar;
 - (e) chief financial officer;
 - (f) deans of faculties;
 - (g) dean of students;
 - (h) senior directors; and
 - (i) such other persons as the vice-chancellor and principal designates.
- (2) The function of senior management is to assist executive management in the implementation and management of the university's strategic goals.

47. The vice-chancellor and principal

- (1) The vice-chancellor and principal is the academic, administrative and management head of the University.

48. Functions of the vice-chancellor and principal

- (1) The vice-chancellor and principal reports to the council.
- (2) The vice-chancellor and principal is responsible for the day-to-day management and administration of the University in accordance with section 30 of the Act.
- (3) The council may determine, delegate or assign any of its functions to the vice-chancellor and principal.
- (4) The vice-chancellor and principal is a member of all the committees of council and senate and may be an ex-officio member of all other committees or as determined by council.
- (5) When the vice-chancellor and principal is absent or unable to perform the duties attendant

upon the position for up to three months, the deputy vice-chancellor designated by the vice-chancellor and principal assumes the duties and responsibilities of the vice-chancellor and principal.

- (6) If the vice-chancellor and principal is unable to designate a deputy vice-chancellor to act in terms of (5) then Council designates an appointment.
- (7) When the vice-chancellor and principal is absent or unable to perform the duties attendant upon the position for more than three months, the council appoints an acting vice-chancellor and principal.

49. Appointment of the vice – chancellor and principal

The council appoints the vice-chancellor and principal in accordance with the rules, after consultation with the senate and the institutional forum.

50. Term of office of the vice-chancellor and principal

- (1) The vice-chancellor is appointed by Council for a period not exceeding five years, provided that the term may be renewed for a further period not exceeding five years.

51. Appointment of deputy vice-chancellors, registrar and other members of the executive Management

(1) Deputy Vice-Chancellors

- (a) The Council appoints the deputy vice-chancellors in accordance with the rules as determined by council after consultation with senate and the institutional forum.
- (b) The Council determines the powers, functions, duties and the term of office of the deputy vice-chancellors.
- (c) If a deputy vice-chancellor is unable for any reason to perform the functions of his or her office, for any period up to three months, the vice-chancellor and principal must designate an acting deputy vice-chancellor, subject to the approval of Council.
- (d) If the office of the deputy vice-chancellor is vacant for more than six months, the Council must consult with the Senate before appointing an acting deputy vice-chancellor.

(2) Registrar, Executive Director in the Office of the Vice-Chancellor and Chief Financial Officer

- (a) The Council may appoint staff as indicated under 51(2);
- (b) The Council determines the powers, functions, duties and the term of office of staff indicated under 51 (2);
- (c) The vice-chancellor and principal may entrust specific managerial, administrative and supervisory functions to staff indicated under 51 (2);
- (d) If the office of any of the staff indicated under 51 (2), his or her powers must be exercised and his or her functions performed by a person designated by the vice-chancellor for a period of not more than six months;

(e) If the office of staff indicated under 51(2) becomes vacant for more than six months, the Council must appoint a replacement.

EMPLOYEES

52. Appointment

Subject to section 34 of the Act, the council appoints employees according to the staffing policies of the University as determined in the university rules.

53. Conditions of employment

The conditions of employment, including the determination and review of the salaries of employees and all other forms of remuneration are approved by the council according to the University's policy as determined in the university rules, which may be amended from time to time by the council.

54. Evaluation

All employees of the University are subject to continuous evaluation in the performance of their duties.

55. Employees' discipline

Every employee is subject to a disciplinary code, a disciplinary procedure and a grievance procedure for employees, as approved by the council and determined in the university rules, which serve as an integral part of every employee's conditions of service.

56. Representative employees' organisation

Council may recognize and enter into agreements with representative employees' organisations.

STUDENTS

57. Admission and registration of students

- (a) The requirements for admission of a student to a particular academic programme are set out in the Admissions Policy of the University.
- (b) A person is registered as a student of the University only if he or she meets the admission requirements contemplated in sub-paragraph (a).
- (c) A student is registered for one year or for such shorter period as may be determined by the Senate in general or in a particular case.
- (d) During the period contemplated in sub-paragraph (c), a student is subject to the rules applicable to his or her study and such other conditions as determined by the Senate and set out in the Rules.
- (e) A student's signature upon registration binds the student to the Statute and the rules of the University.

58. Student discipline

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

(2) The vice-chancellor and principal may, from time to time, amend monetary penalties and such amended must be placed before the council at its next ordinary meeting for approval.

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

GENERAL**59. Donors**

(1) The University may receive moneys and equipment of any sort from donors to assist the institution in providing quality education.

(2) The University may recognise and register certain donors as determined in the University rules.

60. Professors emeritus

(1) The University may, on the resolution of the council and the senate, confer the status of professor emeritus in any faculty upon any retired professor of the University whom the University may deem worthy of such a status.

(2) The privileges attendant upon this award will be as determined by the council upon the recommendation of the senate.

61. Honorary Degrees

Subject to sub-paragraph 3(4), the University may, on the resolution of the council and of the senate, and without examination, confer a degree *honoris causa* of masters or doctor in any faculty upon any person whom the University may deem worthy of such a degree, provided that the holder of such a degree shall not by virtue of the fact that he or she has been admitted thereto be entitled to practise any profession.

62. Impartiality

No test of religion, culture, belief or opinion may be imposed on any person as a condition of that person's becoming or continuing to be a student or staff member of the University, or of holding any degree, diploma or certificate of the University, or of holding any office, receiving any emolument or exercising any privilege in the University; nor may any preference be given to or advantage be withheld from any person on the grounds of that person's religion, culture, belief or opinion.

63. Transitional Arrangements

(1) Anything done under any provisions of Statute of the Mangosuthu Technikon promulgated by Government Notice No. 848, Government Gazette No. 20272 (2 July 1999) or **under any provisions of the Standard Institutional Statute prior to the commencement of** this Statute whilst the respective Statute was in force and effect is deemed to have been done under the corresponding provision of this Statute.

(2) The council, the senate, the faculty boards, the institutional forum, the SRC and the convocation which existed prior to the commencement of this Statute continue to exist and to perform the functions which they performed prior to such commencement, but must comply with the provisions of this Statute within 12 months of the commencement of this Statute.

(3) The rules passed by the council in terms of the Higher Education Act existing at the commencement of this Statute continue to apply until replaced.