

## Government Gazette

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### GOVERNMENT NOTICE

Notice 648 of 1999

### DEPARTMENT OF EDUCATION

### HIGHER EDUCATION ACT, 1997

### THE UNIVERSITY OF STELLENBOSCH AMENDMENT OF STATUTE

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

#### SCHEDULE

1. In this Schedule the expression "the Statute" means the Statute of the University of Stellenbosch promulgated by Government Notice No. 3145 of 20 November 1992.
2. The following paragraph is hereby substituted for paragraph 1 of the Statute:

#### "Definitions

1. In this Statute, unless the context otherwise indicates -

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

"Private Act" means the Private Act of the University of Stellenbosch, 1992 (Act No. 107 of 1992);

"Rules" means the institutional Rules made by the council of the University in terms of section 32(1)(b) of the Higher Education Act, 1997 (Act No. 101 of 1997);

"University" means the University of Stellenbosch."

3. Paragraph 2 of the Statute is hereby amended -

- a. by the substitution for subparagraph (1) of the following paragraph:

"(1) The chancellor shall be the titular head of the University and shall in the name of the University, confer all degrees."; and

- b. by the insertion after subparagraph (2) of the following; subparagraph:

"(3) The chancellor shall hold office for a period of five (5) years, but may be reselected for one further period of five (5) years."

4. Paragraph 4 of the Statute is hereby amended by the substitution for subparagraph 1 of the following subparagraph:

"(1) The rector is *ex of Officio* vice-chancellor of the University and shall be appointed by the council after consultation with the senate and the institutional forum in accordance with the procedures prescribed in the Rules."

5. Paragraph 5 of the Statute is hereby amended by the substitution for subparagraph 1 of the following subparagraph:

"(1) A vice-rector shall be appointed by the council after consultation with the senate and the institutional forum in accordance with the procedures prescribed in the Rules: Provided that the council shall give prior notice to the senate and the institutional forum of the general nature of the contemplated functions of the vice-rector concerned."

6. Subparagraph (1) of paragraph 7 of the Statute is hereby amended by the substitution for the proviso of the following proviso:

"Provided that any such appointment for a period of more than three months shall be made after consultation with the senate and the institutional forum in accordance with the procedures prescribed in the Rules."

7. The following paragraph is hereby inserted after paragraph 8:

**"Management**

**8A.** The management of the University shall consist of the rector and vice-chancellor and the vice-rector or vice-rectors."

8. The following paragraph is hereby substituted for paragraph 9 of the Statute:

**"CHAPTER III  
THE COUNCIL  
Functions and powers**

9. (1) The council of the University shall govern the University subject to the Act, the Private Act and the Statute.

(2) Notwithstanding the provisions of the Private Act, the council shall consist of -

- a. the rector and vice-chancellor;
- b. the vice-rector or vice-rectors;
- c. three (3) members of the senate elected by senate;
- d. one (1) member elected from their number by the permanent academic staff who are not members of the senate;
- e. one (1) member elected from their number by the permanent non-academic staff;
- f. two (2) students elected by the students' representative council;
- g. one (1) member of the institutional forum elected by the institutional forum;
- h. four (4) persons appointed by the Minister of Education;
- i. six (6) persons elected by the convocation of the University;
- j. one (1) person appointed by the council of the municipality of Stellenbosch;
- k. one (1) person appointed by the Premier of the of the Western Cape Province;
- l. three (3) persons elected by persons who are in terms of the Statute donors by virtue of donations made to the University;
- m. one (1) person appointed by the council of the National Research Foundation;
- n. one (1) person appointed by representative bodies in the business community which represent business interests in the Stellenbosch district, designated from time to time by resolution of council;
- o. two (2) persons respectively appointed by representative bodies in civic society, designated from time to time by resolution of council.

(3) The members referred to in subparagraphs (2)(h)-(o) shall be persons who are neither employees nor students of the University."

9. The following paragraph is hereby substituted for paragraph 10 of the Statute:

**"Term of office**

10. (1) The rector and vice-chancellor and vice-rector or vice-rectors shall remain members of the council as long as they hold their offices.

(2) The term of office of student members is one (1) year: Provided that the membership of a student member shall automatically terminate upon such member ceasing to be a registered student.

(3) The term of office of representatives of the senate, the permanent academic staff and the permanent non-academic staff shall be two (2) years.

- (4) The term of office of the member elected by the institutional forum shall be one (1) year.
- (5) The term of office of all other members shall be four (4) years.
- (6) Members of council may be reselected."
10. Paragraphs 11, 12, 15 and 16 of the Statute is hereby amended by the substitution for the word "registrar" of the words "secretary of the council".
11. The following paragraph is hereby substituted for paragraph 14 of the

**"Executive committee of the council**

**14.** The council shall biennially appoint an executive committee which shall consist of Statute:

- a. the chairperson of the council who shall also be chairperson of the executive committee;
- b. the rector and vice-chancellor; and
- c. five (5) members of the council of whom at least three (3) are not employed by the University."

12. The following paragraph is hereby substituted for paragraph 17 of the Statute:

**"Chairperson, deputy chairperson and secretary of the council**

**17.** The council shall by secret ballot elect a chairperson, deputy chairperson and a secretary of the council from among its members at an ordinary meeting: Provided that the rector and vice-chancellor and the vice-rector shall not be elected as chairperson, deputy chairperson or secretary to the council: Provided further that no member shall be so elected unless he has been nominated for the office in writing, with his written consent, at least 14 days prior to the date of the election by at least two members of the council."

13. The following paragraph is hereby substituted for paragraph 18 of the Statute:

**"Term of office of chairperson, deputy chairperson and secretary**

**18.** The chairperson, deputy chairperson or secretary of the council shall hold such office until the expiry of his or her term of office as a member of the council. A chairperson, deputy chairperson or secretary shall be eligible for re-election."

14. Paragraph 26 of the Statute is hereby amended by the substitution for subparagraph (1) of the following subparagraph:

"(1) Fourteen (14) members shall form a quorum."

15. Paragraph 27 of the Statute is hereby amended by the substitution in subparagraph (1) for the words "or the joint statute " of the words "in terms of section 32(2) of the Act."

16. Paragraph 28 of the Statute is hereby amended:

- a. by the substitution for subparagraph (5) of the following subparagraph:

"(5) the senate shall submit recommendations to the council as to what persons, besides the holders of professorships, associate professorships and lectureships contemplated in paragraph 37, shall be members of the several faculty boards of the University;" and

- b. by the substitution for subparagraph (6) of the following subparagraph:

"(6) the senate shall submit recommendations to the council as to the appointment of the dean of each faculty, as well as the alternate dean where necessary, for such period and subject to such conditions of service as the council may consider appropriate, and"

17. The following paragraph is hereby inserted after paragraph 28 of the Statute:

**"Composition**

**28A.** Notwithstanding the provisions of the Private Act, the senate shall consist of -

- a. the rector and vice-chancellor;
- b. the vice-rector or vice-rectors;
- c. the registrar,
- d. two (2) members of council (apart from the rector and vice-chancellor and the vice-rector or vice-rectors) elected by council in the manner and for a term as set out in paragraph 21;
- e. the professors of the University;
- f. five (5) associate professors elected by the associate professors;
- g. four (4) members of the students' representative council elected by the students' representative council;
- h. two (2) members elected from their number by the permanent academic staff of the University who are not professors or associate professors;
- i. two (2) members elected from their number by the administrative staff of the University;
- j. two (2) members elected from their number by the technical staff of the University;
- k. such additional persons as may, by resolution of the senate, approved by the council, be declared to be members of the senate."

18. Paragraph 30 of the Statute is hereby amended by the substitution for the word "registrar" of the words "secretary of the council."

19. The following paragraph is hereby substituted for paragraph 32 of the Statute:

**"Chairperson, deputy chairperson and secretary of the senate**

32. The senate shall elect a chairperson, a deputy chairperson and a secretary from its members at an ordinary meeting."

20. Paragraph 34 of the Statute is hereby amended by the substitution in subparagraph (1 ) for the words "rector and deputy chancellor" of the word "chairperson."

21. The following paragraph is hereby substituted for paragraph 35 of the Statute:

**"Chairperson at meetings**

**35.** If the chairperson of the senate is not present at a meeting of the senate, the deputy chairperson shall act as chairperson, and if both are not present, the members present shall elect one of their number to act as chairperson at that meeting."

22. Paragraph 36 of the Statute is hereby amended by the insertion after subparagraph (2) of the following subparagraphs:

"(3) When a member of the senate is to be elected to some position or other, an election procedure shall be adopted whereby such a member is elected by an absolute majority.

(4) At an election by way of secret ballot the number of votes cast for successful candidates shall be disclosed and minuted except in the case of honorary degrees."

23. Paragraph 37 of the Statute is hereby amended -

- a. by the substitution for subparagraph (2) of the following subparagraph:

"(2) The board of each faculty, except the Boards of the faculties of Medicine and Military Science, shall consist of the professors, associate professors, lecturers and at least three students in the faculty, and such other persons as may be nominated by the council

on the recommendation of the senate from time to time.";

b. by the substitution for subparagraph (3) of the following paragraph:

"(3) The Board of the Faculty of Medicine shall consist of the professors, associate professors, heads of departments, senior lecturers and at least three students in the faculty, and such other persons as may be nominated by the council on the recommendation of the senate from time to time.";

c. by the substitution for subparagraph (4) of the following paragraph:

"(4) The Board of the Faculty of Military Science shall consist of the Commanding Officer of the Military Academy, the teaching staff responsible for the various subjects in the Military Academy, at least three students and such other persons as may be nominated by the council on the recommendation of the senate from time to time."; and

d. by the addition of the following subparagraph after paragraph (5):

"(6) Student members of faculty boards shall be elected in the manner and for the term as determined by the faculty student committee of each faculty.".

24. The following paragraphs are hereby inserted after paragraph 41:

**"CHAPTER IVA  
INSTITUTIONAL FORUM  
Functions and powers**

**41A.**(1) The institutional forum shall advise the council of the University on

- a. the issues in section 31(1)(a)(i) - (v) of the Act; and
- b. other issues affecting the University, in respect of which the council makes decisions after consultation with the institutional forum.

(2) The institutional form shall perform such other functions as determined by the council from time to time.

**Consultation procedures**

**41B.** (1) The procedure for consultation in paragraph 41A shall be determined by the council in consultation with the institutional forum and contained in the Rules.

(2) If no consensus regarding such Rules can be reached, the procedure set out in sections 5(3), (4) and (5) of the Act shall apply *mutatis mutandis*.

**Composition**

**41C.** (1) The institutional forum shall consist of twenty-eight (28) members, seven (7) from each of the following sectors: governance and management, staff, students and community.

(2) The composition of the institutional forum shall be as follows -

*Governance and management sector*

- a. two (2) members of the council elected by the council;
- b. three (3) members of the senate elected by the senate;
- c. one (1) member of management designated by management;
- d. the registrar or a person designated by the registrar; *Staff sector*
- e. two (2) members from their number elected by the permanent nonprofessorial academic staff;
- f. one (1) member from their number elected by the academic support services;

- g. two (2) members from their number elected by recognised trade unions
- h. two (2) members from their number elected by administrative support services;

*Student sector*

- i. two (2) members of the students' representative council elected by the students' representative council;
- j. two (2) members of the prim-committee designated by the prim-committee;
- k. one (1) member designated by the student societies;
- l. two (2) members of the academic affairs council appointed by the academic affairs council;

*Community sector*

- m. two (2) members of the convocation designated by the president of the convocation;
- n. five (5) persons respectively designated from their own members by representative bodies of civic **society**, **without** the exclusion of any sector thereof

**Executive committee**

**41D.** The executive committee shall consist of

- a. the chairperson, deputy chairperson and secretary; and
- b. one (1) member from each sector referred to in paragraph 41C.

**Term of office**

**41E.** (1) The term of office of members, except in the case of members elected by student bodies, shall be two (2) years and members may be reselected.

(2) The term of office of members elected by student bodies shall be one (1) year.

**Chairperson, deputy chairperson and secretary**

**41F.** The chairperson, deputy chairperson and secretary shall be elected from their own number by the institutional forum.

**CHAPTER IVB  
STUDENTS' REPRESENTATIVE COUNCIL  
Functions and powers**

**41G.** (1) The students' representative council exercises its functions and powers subject to the authority of council.

(2) The students' representative council represents the interests of the student community at -

- a. the council;
- b. other institutional structures of the University; and
- c. national and international student bodies.

**41H.** The council shall determine, after consultation with the students' representative council, the Rules by which the liaison envisaged in paragraph 41G(2)(a) shall take place.

**41I.** The students' representative council is a representative body which takes decisions in regard to -

- a. the interests of the student community; and
- b. the administrative functions required to serve these interests.

### **Composition**

**41J.** (1) The students' representative council shall consist of

- a. eleven (11) members elected by the student community;
- b. four (4) *ex officio* members, namely the chairperson and deputy chairperson of the prim-committee, the chairperson of the Tygerberg students' representative council and the chairperson of the academic affairs council.

(2) The student's representative council shall elect from their number a chairperson, deputy chairperson and other office-bearers.

### **Term of office**

**41K.** (1) An election of members of the students' representative council shall be held each year and members shall serve from the constitution of a students' representative council for one (1) year to the constitution of a new students' representative council in the next year.

(2) A member of the students' representative council shall be entitled to serve more than one term.

### **Manner of election**

**41L.** The manner of election of members of the students' representative council shall be set out in the Rules.

### **Privileges**

**41M.** Privileges attached to membership of the students' representative council shall from time to time be determined by the council."

25. Paragraph 42 of the Statute is hereby amended by the substitution in subparagraph (1) for the words "The registrar shall act as secretary of the convocation and" of the words "The secretary of the convocation".
26. Paragraph 43 of the Statute is hereby amended by -
  - a. the substitution for the heading of the following heading:  
"Election and term of office of president, vice-president and secretary"; and
  - b. the substitution in paragraph (1) for the words "The president and vice-president" of the words "The president, vice-president and secretary".
27. The following paragraph is hereby inserted after paragraph 61:  

"**61A.** Disciplinary measures and disciplinary procedures shall be made by the council, after consultation with the senate and the students' representative council, and contained in the Rules."
28. The following paragraph is hereby inserted after paragraph 63:

### **"Transitional provisions**

**64.** The council and senate which exist at the commencement of this Statute shall in terms of section 72(4) of the Act continue to exist until a new council and a new senate have been composed in terms of this Statute."