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**GOVERNMENT NOTICE**

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**DEPARTMENT OF HIGHER EDUCATION AND TRAINING****No. 1077****19 December 2012****HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)****AMENDMENTS TO THE INSTITUTIONAL STATUTE****UNIVERSITY OF SOUTH AFRICA**

I, Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in accordance with section 33(1) of the Higher Education Act, 1997 (Act No. 101 of 1997), hereby publish the amendments to the Institutional Statute of the University of South Africa set out in the Schedule hereto.



**Dr BE Nzimande, MP**

**Minister of Higher Education and Training**

**Date: 06/12/2012**

**GOVERNMENT NOTICE**  
**DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

**HIGHER EDUCATION ACT 101 OF 1997**

**THE STATUTE OF THE UNIVERSITY OF SOUTH AFRICA**  
**AMENDMENT TO THE STATUTE**

The Council of the University of South Africa has made amendments to the Statute 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**

*General explanatory note:*

[        ]        Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_        Words underlined with a solid line indicate insertions in existing enactments.

1.    *In this Schedule the expression “the Statute” means the Statute of the University of South Africa as published under Government Notice No. 28464 of 3 February 2006 and amendments published under Government Notice No. 679 of 20 June 2008*
2.    *Paragraph 1 of the Statute is amended by:*

**[“deputy vice chancellor” is a vice principal designated as deputy vice chancellor by council on the recommendation of the vice chancellor for such period as council may determine;]**

**“employee” means a permanent employee as well as an employee appointed on a 5 year performance-based contract with full benefits;**

“rule” means **[an institutional rule of the university]** an institutional rule approved by council, [made by the University] in terms of section 32(1)(b) of the Act **[and includes a policy];**

3. *Paragraph 3(2) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“3 (2) The office bearers are –

- (a) the chancellor;
- (b) the principal and vice chancellor;
- (c) the pro vice chancellor;
- [(d) the deputy vice chancellor;]**
- [(e) (d)** the vice principal or vice principals;
- [(f) (e)** the registrar; and
- [(g) (f)** such other officers, as council may determine.”

4. *Paragraph 8(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“8 (1) Subject to the provisions of the Act, council consists of the following members –

- (a) the principal and vice chancellor;
- (b) the pro vice chancellor;
- [(c) the deputy vice chancellor;]**
- [(d) (c) [three] five** persons appointed by the minister;
- [(e) (d)** two members of senate, elected by senate;
- [(f) (e)** two further permanent academic employees who are not members of senate, elected by the permanent academic employees;
- [(g) (f)** two students, elected by the students’ representative council;
- [(h) (g)** two permanent employees other than academic employees, elected by such employees;
- [(i) (h)** the president of the convocation and one member of the convocation elected by the convocation;
- [(j) (i)** the chairperson of the board of the graduate school of business leadership;
- [(k) (j)** one person of the local government sector nominated by council;
- [(l) (k)** one person nominated by the board of trustees of the Unisa foundation;

- [(m)] (l)** ten members with a broad spectrum of competencies in fields such as education, business, finance, law, marketing, information technology, human resource management and organized labour nominated and elected by council;
- [(n)]** **such other member as co-opted by council.]”**

5. *Paragraph 9(1)(d) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“9 (1) (d) Members of council are eligible for re-election in order to serve [for] no more than two consecutive terms of office.”

6. *Paragraph 9(5) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“9 (5) Council is entitled to suspend any member if it deems such suspension appropriate under the circumstances and if the member of council contravenes the code of conduct for members of council and committees of council.”

7. *Paragraph 17 of the Statute removed to be paragraph 62 and is amended by the substitution for the paragraph of the following paragraph:*

“Register of resolutions of **[council]** all committees

**[17] 62** The **[secretary of council]** registrar keeps a complete register of the resolutions of **[council]** all committees and of its executive committees, and any interested person or body who submits a request showing reasonable grounds and which is in accordance with the applicable institutional rule or policy, may inspect such resolutions.

8. *Paragraph 18 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- “18. (1) Any member of council or of a committee of council who has a **[direct financial or personal]** business, commercial or financial interest that may raise a conflict or possible conflict of interest with the university in any matter to be discussed at a meeting must, in writing before or during such meeting, declare his or her interest on becoming aware of it.
- (2) If a member of council participates without council's permission in proceedings of council or a committee of council in a matter in which he or she has a business, commercial or financial **[or personal]** interest, voting by council or a committee of council on such a matter is invalid.

- (3) Before any meeting, any **[member of the University community]** person has the right to inform the chairperson in writing, of a conflict of interest or any possible conflict of interest in respect of any member of council or a committee of council.
- (4) After a declaration or finding that a conflict of interest exists, the member of council or a committee of council must excuse him or her**[self]** from the meeting before the matter is discussed.
- (5) A member of council and a committee of council must declare annually his or her financial interests and fiduciary roles, including but not limited to offices, directorships of companies, memberships of close corporations and trusteeships according to the code of conduct for members of council and committees of council.

9. *Paragraph 20(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- “20 (1) Council appoints an executive committee, which consists of at least the following members –
- (a) the chairperson of council;
  - (b) the vice chairperson of council;
  - (c) the principal and vice chancellor;
  - (d) the pro vice chancellor;
  - [(e) the deputy vice chancellor; and]**
  - [(f)] (e)** the chairpersons of the committees of council; and
  - (f)** any other member of council as determined by council.”

10. *Paragraph 21(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- “21 (1) Council appoints such other committees as may be required including, but not limited to:
- (a) a finance **[and]** investment and estates committee;
  - (b) an audit and enterprise risk management committee;
  - (c) a human resources committee;
  - (d) a remuneration committee;
  - (e) an information communication and technology committee;
  - [(e)] (f)** the board of the Graduate School of Business Leadership nominated according to the charter of the School.

11. *Paragraph 22(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“22 (1) Senate is responsible for the teaching, learning, community engagement, **[academic]** and research functions within the University in terms of the rules of senate and is accountable to council.”

12. *Paragraph 28 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“28. (1) Senate appoints an executive committee, which consists of the following members -

- (a) the principal and vice chancellor;
- (b) the pro vice chancellor;
- (c) the vice principal **[: academic and research]** academic: teaching and learning;
- (d) the vice principal: research and innovation
- [(d)] (e)** the registrar and deputy registrar;
- [(e)] (f)** the executive deans of the colleges
- [(f)] (g)** the deputy executive deans of the colleges, **[or in the absence of a deputy executive dean a director of a school of the college];**
- [(g)] (h)** ten members of senate, elected by senate, which will reflect sensitivity to race, gender and disability;
- [(h)] (i)** the dean of students;
- [(i)] (j)** executive directors, as nominated by the chairperson;
- [(j)] (k)** the director responsible for short learning programmes.”

13. *Paragraph 35 of the Statute is amended by:*

- [(1) The inter college board is established to assist senate in respect of academic units which do not form part of colleges.**
- (2) The inter college board is equal in status to a college board.**
- (3) The composition and functions of the inter college board are determined by council.]**

14. *Paragraph 36 of the Statute is amended by:*

- [(1) There must be at least three meetings per calendar year.**

(2) **The procedures governing senate meetings apply with the necessary changes to the meetings of the inter college board.]**

15. *Paragraph 39(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“39 (1) Subject to the Act, the institutional forum consists of the following representatives –

- (a) two members of senior management, designated by the management committee;
- (b) the dean of students;
- (c) the executive director: **[learner support]** tuition and facilitation of learning;
- (d) **[two]** one member[s] of council, who **[are]** is neither an employee[s] nor a student[s] of the University, elected by council;
- (e) two members of senate, elected by senate;
- (f) two permanent academic employees elected by such employees;
- (g) two permanent employees other than academic employees elected by such employees;
- (h) **[four]** two students from the students’ representative council elected by such council;
- (i) **[one]** two members nominated by each sufficiently representative employees’ organization; **[and]**
- (j) two external members recommended by the management committee and approved by council; and
- [(j)]** (k) one or more members co-opted by the institutional forum to assist it with any specific project or projects.”

16. *Paragraph 50 of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“50 (1) At least six months before the retirement of the principal and vice chancellor or, if the office becomes vacant for any reason, **[within fourteen days of the occurrence of the vacancy]** the secretary of council must give notice **[of the vacancy to every member of council and to the chairperson of the institutional forum]** –

- (a) within seven days of the occurrence of the vacancy to every member of the management committee, and

- (b) within fourteen days to every member of council and to the chairperson of the institutional forum.
- (2) Council appoints a selection committee.
- (3) The composition of the selection committee is determined by council and includes external members of council and at least two members of each of senate and the institutional forum.
- (4) The secretary of council requests -
- (a) the executive committee of senate to nominate the required number of members of senate to be members of the selection committee, and
- (b) the executive committee of the institutional forum to nominate the required number of members of the of the institutional forum to serve as members of the selection committee.
- (5) The selection committee takes charge of the selection and appointment process.
- (6) The selection committee submits the procedure for filling of the position of the principal and vice chancellor to council for approval.
- (7) The selection committee submits a draft advertisement of the position of the principal and vice chancellor to council for approval, before continuing with the process of the filling of the position.
- (8) Council approves the process and the medium where the position will be advertised.
- [(8)] (9)** After the advertisement, the selection committee shortlists not more than five candidates.
- [(9)] (10)** The selection committee interviews the shortlisted candidates.
- [(10)] (11)** The selection committee recommends to the executive committees of senate and the institutional forum not more than three candidates it found suitable for appointment to the office of principal and vice chancellor, provided that the names of the other shortlisted candidates and all other applicants are also submitted to the executive committees of senate and the institutional forum for their advice.
- [(11)] (12)** The selection committee submits its three recommended candidates to council whom it found suitable for appointment to the office of principal and vice chancellor, together with the advice given by senate and the institutional forum and the name of the recommended candidate with reasons supporting such



recommendation, provided that the names of the other shortlisted candidates and all other applicants are also submitted to council.

- [(12)] (13) (a) At a meeting, attended by at least 75 per cent of all its members, council considers the recommendations of the selection committee and if required votes by secret ballot on the appointment of one of the recommended candidates to the office of principal and vice chancellor.
- (b) In the event of a vote the candidate with an absolute majority is appointed as principal and vice chancellor.
- (c) If no candidate obtains an absolute majority, council may either decide to start the process afresh or to eliminate the candidate with the least number of votes and vote on the remaining two candidates.
- (d) The candidate who then obtains a majority is appointed as principal and vice chancellor.

17. *Paragraph 51(1) of the Statute is amended by the substitution for the paragraph of the following paragraph*

“51 (1) When the principal and vice chancellor is absent or unable to carry out his or her duties, he or she may appoint[s] an acting vice chancellor from among the senior management members.”

18. *Paragraph 52(3) of the Statute is amended by the substitution for the paragraph of the following paragraph*

“52 (3) The procedure for the selection and appointment of the principal and vice chancellor applies with the necessary changes, by substituting principal and vice chancellor with senior management position, to the filling of other senior management positions

19. *Paragraph 54(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

“54 (1) The extended management committee consists of the following members –

- (a) the principal and vice chancellor;
- (b) the pro vice chancellor;
- (c) the vice principal or vice principals;
- (d) the registrar;
- (e) the executive deans of the colleges;
- (f) the deputy executive deans of the colleges;

- (g) the executive directors; **[and]**
- (h) the deputy executive directors
- (i) the deputy registrar;
- [(h) such other functionaries as may be determined by the principal and vice chancellor.]”**

20. *Inserting a new paragraph 54 in the Statute:*

### **Employees**

#### **54. Conflict of interest**

- (1) An employee must ensure that his or her financial and other personal interests and actions do not and may not reasonably be seen to be in conflict with his or her official duties, requirements and obligations in terms of his or her employment relationship with the university.
- (2) An employee may not conduct business directly or indirectly with the university that brings about or will bring about a conflict of interest with the university, unless otherwise decided by council.
- (3) An employee must, in writing, declare any business that may raise a conflict or possible conflict of interest with the university according to the code of ethics and conduct of the university.

21. *Paragraph 59(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- “59 (1) At its first meeting, the convocation elects a president from among its members who holds office for four years and is eligible for re-election to serve no more than two consecutive terms of office.”

22. *Paragraph 62(1) of the Statute is amended by the substitution for the paragraph of the following paragraph:*

- “62 (1) The convocation appoints an executive committee consisting of –
- (a) the president;
  - (b) the principal and vice chancellor;
  - (c) **[the chairpersons of the chapters of the convocation;]** the registrar; and
  - (d) One or more members co-opted by the members of the executive committee of the convocation.”

23 . *Paragraph 68 of the Statute is amended by:*

- [“68 (1) Anything done under any provision of the Standard Institutional Statute promulgated by Government Gazette No. 23065, Government Notice No. 377 of 27 March 2003, as corrected by Government Gazette No. 23448, Government Notice No. 724 of 23 May 2002 and amended by Government Gazette No. 25698, Government Notice No. 1647 of 7 November 2003, before this Statute came into operation, is deemed to have been done under the corresponding provision of this Statute.
- (2) The existing rules which are in force prior to the commencement of this Statute continue to apply until replaced or amended.
- (3) Persons holding office in terms of the Statute which existed prior to the commencement of this Statute are deemed to hold office under the corresponding provisions of this Statute, unless this is inconsistent with the Act or this Statute.
- (4) Notwithstanding subparagraph (3), the term of office of the members contemplated in paragraph 9 (1) expires at the original agreed upon time.]
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