



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUIDAFRIKA

Vol. 621

24 March  
Maart 2017

No. 40711

**PART 1 OF 2**

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



9 771682 584003

40711



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

## DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 252

24 MARCH 2017

**HIGHER EDUCATION ACT, 1997 (Act No. 101 of 1997)****INSTITUTIONAL STATUTE: NORTH WEST UNIVERSITY**

I, Dr 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 Institutional Statute of the North West University set out in the Schedule hereto.



**Dr BE Nzimande, MP**

**Minister of Higher Education and Training**

Date: 14/02/2017



## STATUTE OF THE NORTH-WEST UNIVERSITY

### PREAMBLE

WHEREAS THE NORTH-WEST UNIVERSITY

- is duly established in terms of the Higher Education Act, 1997;

AND WHEREAS THE NORTH-WEST UNIVERSITY

- is a unitary multi-campus institution;
- is driven by the values underlying the Constitution, in particular relating to human dignity, equality and freedom;
- has its own identity, institutional culture and ethos based on its unity and values in pursuit of fostering engaged and caring staff and students by ethics in all endeavours, academic integrity, academic freedom and freedom of scientific research, responsibility, accountability, fairness and transparency as well as by embracing diversity;
- promotes unity in diversity by inculcating tolerance of and respect for all perspectives and belief systems thereby ensuring a suitable environment for education, learning, research and community service;

AND WHEREAS THE NORTH-WEST UNIVERSITY

- is committed to be an internationally recognised university in Africa, distinguished for engaged scholarship, academic excellence, social responsiveness, and an ethic of care;
- aims to excel in innovative learning and teaching and pioneering research, thereby benefitting society through knowledge;
- is committed to the development of a comprehensive range of academic, professional, vocational and general programmes addressing societal needs;
- is responsive to the well-being of its staff, students and the wider community through optimal interaction, capacity building and sound management practices;

NOW, THEREFORE, THE COUNCIL OF THE NORTH-WEST UNIVERSITY MAKES THIS STATUTE, AS FOLLOWS:

## **ARRANGEMENT OF STATUTE**

### **CHAPTER 1**

#### **DEFINITIONS AND INTERPRETATION**

1. Definitions
2. Interpretation and application

### **CHAPTER 2**

#### **GOVERNANCE AND OTHER STRUCTURES**

3. Name, seat and status of university

##### **COUNCIL**

4. Establishment and composition
5. Election of members
6. Chairperson and deputy chairperson
7. Functions and powers
8. Meetings
9. Quorum
10. Decisions and procedures at meetings
11. Executive committee
12. Election of member of council to senate

##### **SENATE**

13. Establishment and composition
14. Functions, authority and accountability
15. Meetings
16. Quorum
17. Decisions and procedures at meetings
18. Executive committee of senate
19. Senate standing committees

##### **FACULTY BOARDS**

20. Establishment, functions and composition
21. Meetings and procedures

##### **INSTITUTIONAL FORUM**

22. Establishment and composition
23. Functions
24. Meetings and procedures
25. Committees and substructures

##### **STUDENTS' REPRESENTATIVE COUNCIL**

26. Establishment and composition
27. Functions

28. SRC and SCC Constitutions

29. Intervention

#### CONVOCATION

30. Establishment and constitution of convocation

31. Objective and functions

32. Membership and right to vote

33. President and executive committee

34. Meetings

#### DONORS

35. Recognition and functioning

### **CHAPTER 3**

#### **OFFICE BEARERS OF UNIVERSITY**

##### CHANCELLOR

36. Duties

37. Requirements

38. Nomination and election

39. Term of office

40. Vacation of office

41. Filling of vacancy

##### PRINCIPAL AND VICE-CHANCELLOR

42. Duties and accountability

43. Requirements

44. Appointment

45. Term of office

46. Vacation of office

47. Filling of vacancy

48. Acting vice-chancellor

##### VICE-PRINCIPAL

49. Duties and accountability

50. Appointment, term of office, vacation of office and filling of vacancy

##### DEPUTY VICE-CHANCELLORS

51. Duties and accountability

52. Appointment, term of office, vacation of office, acting deputy vice-chancellors and filling of vacancies

##### REGISTRAR

53. Duties and accountability

54. Appointment, term of office, vacation of office, acting registrar and filling of vacancy

##### EXECUTIVE DIRECTORS

55. Duties and accountability

56. Appointment, term of office, vacation of office, acting executive directors and filling of vacancies

#### EXECUTIVE DEANS

57. Duties and accountability
58. Appointment, term of office, vacation of office, acting executive deans and filling of vacancies

#### DEPUTY DEANS

59. Duties and accountability
60. Appointment, term of office, vacation of office, acting executive deans and filling of vacancies

#### ACADEMIC DIRECTORS

61. Duties and accountability
62. Appointment

#### UNIVERSITY MANAGEMENT COMMITTEE

63. Establishment and composition
64. Functions

### **CHAPTER 4**

#### **EMPLOYEES**

65. Appointment
66. Remuneration
67. Evaluation
68. Discipline
69. Trade unions

### **CHAPTER 5**

#### **STUDENTS**

70. Admission and registration
71. Discipline
72. Misconduct
73. Disciplinary bodies
74. Disciplinary procedures
75. Sanctions
76. Appeals

### **CHAPTER 6**

#### **QUALIFICATIONS AND AWARDS**

77. Requirements
78. Conferring and awarding qualifications

79. Honorary degrees and awards

## **CHAPTER 7**

### **GENERAL**

80. Rules

81. Delegations

82. Transitional provisions

83. Amendment of statute

84. Repeal of statute

85. Commencement

## CHAPTER 1

### DEFINITIONS AND INTERPRETATION

#### Definitions

1. In this statute, unless the context indicates otherwise any word or phrase has the meaning ascribed thereto by the Act, and –
  - “**academic director**” means a person appointed in terms of paragraphs 61 and 62;
  - “**academic employee**” means any employee appointed as a professor, associate professor, senior lecturer, lecturer or junior lecturer, or otherwise designated as such by the council, primarily to perform tasks regarding academic functions, namely teaching-learning, research and implementation of expertise;
  - “**academic unit**” means a school or research entity established to perform functions pertaining to teaching-learning, research, academic evaluation and implementation of expertise;
  - “**Act**” means the Higher Education Act, 1997 (Act No 101 of 1997);
  - “**alumni**” means all persons who have been conferred a degree or have been awarded a diploma or certificate from the university or its predecessors;
  - “**annual university calendar**” means a calendar with the dates of official university events in a particular calendar year, approved by the council and published annually by the registrar;
  - “**campus**” means the Mafikeng Campus situated in Mahikeng, the Potchefstroom Campus in Potchefstroom and the Vaal Triangle Campus in Vanderbijlpark, and such other location as may be determined by the council and approved by the Minister in terms of section 65A(2) of the Act;
  - “**Constitution**” means the Constitution of the Republic of South Africa, 1996;
  - “**convocation**” means the association of alumni of the university referred to in paragraphs 30 and 31 and established in accordance with section 26(2)(g) of the Act;
  - “**council**” means the council of the university established by paragraph 4(1) in accordance with sections 26(2)(a) and 27 of the Act;
  - “**deputy dean**” means a person appointed in terms of paragraphs 59 and 60;
  - “**deputy vice-chancellor**” means a person appointed in terms of paragraphs 51 and 52;
  - “**donor**” means a person referred to in paragraph 35(1);
  - “**employees**” means the academic and support employees of the university contemplated in paragraphs 65 to 69, whether appointed on a permanent, temporary or fixed term basis;
  - “**executive dean**” means a person appointed in terms of paragraphs 57 and 59;
  - “**executive director**” means a person appointed in terms of paragraphs 55 and 56;
  - “**faculty**” means an academic management structure established in terms of paragraphs 7(1)(e) and 14(1)(c);
  - “**faculty board**” means a senate standing committee established in terms of paragraph 20;
  - “**institutional forum**” means the institutional forum of the university established in terms of paragraph 22 in accordance with sections 26(2)(f) and 31 of the Act;



**“honorary award”** means an award awarded by the university in terms of paragraph 78 and includes an honorary degree, chancellor’s medal or any other award by means of which a person or entity is honoured;

**“management committee”** means the committee established in terms of paragraph 63(1);

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

**“qualification”** means any formal qualification registered on the respective sub-framework and includes a degree, diploma or certificate;

**“registrar”** means the person referred to in section 26(4)(b) of the Act and paragraph 53, appointed in terms of paragraph 54;

**“rules”** means the rules made by the council in terms of section 32(1)(b) of the Act to give effect to the statute;

**“SCC”** means a Students’ Campus Council provided for in paragraphs 26-29;

**“senate”** means the senate provided for in section 26(2)(b) of the Act and established by paragraph 13;

**“short learning programme”** means any intervention through teaching and learning of which the details are not listed on the NWU Programme Qualification Mix as a formal academic programme or qualification, that is offered for free or for a fee or other form of compensation, or for which an NWU certificate or other form of recognition bearing the emblem of the NWU is issued;

**“SRC”** means the Students’ Representative Council provided for in paragraphs 26-29;

**“student”** means a person admitted and registered as a student to attain a qualification;

**“support employees”** means all employees other than academic employees;

**“trade union”** means a trade union registered in terms of section 96 of the Labour Relations Act, 1995 (Act No 66 of 1995);

**“university”** means the North-West University or NWU;

**“vice-chancellor”** means the principal, and chief executive and accounting officer of the university appointed in terms of paragraphs 42, 44 and 45, who is the principal of the university as provided for in sections 26(2)(c) and 30 of the Act;

**“vice-principal”** means the person appointed in terms of paragraph 50(1) in accordance with section 26(2)(d) of the Act;

**“yearbook of the university”** means the document annually published by the university, containing the General Academic Rules and the Faculty Rules of all faculties and any other information regarding the university and the faculties useful for prospective and current students, academic and administrative employees and management.

## **Interpretation and application**

2. This statute must be interpreted and applied in the spirit of and subject to the Constitution and the Act.

## CHAPTER 2

### GOVERNANCE AND OTHER STRUCTURES

#### **Name, seat and status of university**

- 3.(1) The name of the university is the *North-West University* in English, *Noordwes-Universiteit* in Afrikaans and *Yunibesiti ya Bokone-Bophirima* in Setswana.
- (2) The seat of the university is Potchefstroom, with campuses at Mahikeng, Potchefstroom, Vanderbijlpark, and such other locations as may be determined by the council and approved by the Minister.

#### **COUNCIL**

##### **Establishment and composition**

- 4.(1) The council of the university that governs the university, is composed of –
  - (a) the vice-chancellor;
  - (b) the vice-principal;
  - (c) three persons elected by the senate in accordance with paragraph 5;
  - (d) two persons elected by the academic employees in accordance with paragraph 5;
  - (e) two persons elected by the support employees in accordance with paragraph 5;
  - (f) three students designated by the SRC in accordance with paragraph 5;
  - (g) five persons appointed by the Minister;
  - (h) three persons not being employees of the university elected by the board of donors;
  - (i) four persons elected by the convocation in accordance with paragraph 5;
  - (j) three persons from among community leaders, in accordance with the rules; and
  - (k) three persons who are not employees of the university, appointed by the council in its discretion for their specific expertise
- (2) In addition to the requirements of section 27 of the Act –
  - (a) a member must be a person with knowledge and experience relevant to the objects and governance of the university;
  - (b) members of the council and of a council committee must perform their functions in the best interests of the university.
  - (c) due sensitivity to race, gender and disability must be observed in the election, designation and appointment of members;
  - (d) no person may serve on the council in more than one capacity.
- (3)
  - (a) The term of office of a member contemplated in paragraphs (1)(c), (d), (e), (g), (h), (i), (j) and (k) is three years from the date of their election, designation or appointment.
  - (b) The term of office of a member contemplated in paragraph (1)(f) is one year from the date of his or her designation.
- (4) A person whose membership has lapsed through the effluxion of time is eligible for re-election, re-designation or re-appointment for one further consecutive term.
- (5) Membership of the council terminates if a member –
  - (a) resigns in writing to the chairperson;
  - (b) where applicable, ceases to be an employee of the university;

- (c) is absent from three ordinary consecutive meetings of the council without prior apology having been made to and formally accepted by the council;
  - (d) is declared insolvent by a court of law;
  - (e) is convicted of any offence involving dishonesty or for which the sentence is imprisonment without the option of a fine;
  - (f) becomes incapacitated, or his/her continued membership is deemed improper after a due process in accordance with the prescribed code of conduct, taking into consideration the provisions of the Promotion of Administrative Justice Act 3 of 2000;
  - (g) is a member in terms of paragraph 4(1)(c), (d), (e), (f), (h) or (i) and ceases to be a member of the body that designated or elected the member;
  - (h) is found guilty of contravening a code of conduct or the rules in disciplinary proceedings against the member by the council, and the council confirms a recommendation by the disciplinary committee to terminate membership; or
  - (i) becomes a member of the council of another institution of higher learning, or is employed in a managerial capacity by another institution of higher learning.
- (6) At least three months prior to the expiry of the term of office of a member, or as soon as is reasonably possible when the membership of a member is terminated for any reason prior to the expiry of the term of office, the registrar must give notice in writing of the vacancy to the council and to the body who elected, appointed or designated the member.
- (7) A member who fills a vacancy occurring before the expiry of the term of office concerned is elected, appointed or designated for a full term.

### **Election of members**

5. (1) When a vacancy occurs in the membership of the component of the council referred to in paragraph 4(1)(c), (d), (e), (f) or (i) occurring by the effluxion of time, the registrar must timeously, as determined by the rules pertaining to the body or grouping concerned, in writing inform each member of such body or grouping entitled to participate in the election of members of the council of the vacancy.
- (2) To qualify for election, a candidate must be a member of the body or grouping concerned and must be nominated on a form prescribed by the registrar and must be signed by the nominee and at least two persons entitled to vote in the election.
- (3) The nomination form must be submitted to the registrar before the expiry of a period determined in the rules pertaining to the body or grouping concerned.
- (4) The registrar must as soon as is practical after the expiry of the period for nominations inform each member of the relevant body or grouping in writing of all the valid nominations.
- (5) At the first following ordinary meeting of the body or grouping concerned, the vacancy or vacancies must be filled by means of an election by secret ballot in a procedure determined by the rules pertaining to the body or grouping concerned.
- (6) If, due to the nature or composition of the body or grouping concerned, or due to particular circumstances, it is not possible or if it is impracticable for the members of such body or grouping entitled to vote in an election of a member of the council to gather in a formal meeting for such an election, the vacancy or vacancies must be filled by secret ballot in a secure election process provided for in the rules and managed electronically under the supervision of the registrar.

- (7) The need to follow the procedure contemplated in subparagraph (7) must be determined by the chairperson of the council on the advice of the registrar and after consultation with the chairperson of the body or grouping concerned.
- (8) In the event of the termination of the membership of an elected member of the council before expiry of the term of office, the registrar must cause an election to be held to fill the vacancy as soon as possible.
- (9) For the filling of a vacancy referred to in subparagraph (9), the provisions of subparagraphs (1) to (8) apply with the necessary changes.

### **Chairperson and deputy chairperson**

- 6.(1) The council elects by secret ballot a chairperson and a deputy chairperson from among the members contemplated in paragraph 4(1)(g) to (k).
- (2) The chairperson and deputy chairperson hold their respective offices for a period of three years, and may be re-elected for one consecutive period of three years in accordance with the rules.
- (3) When the office of chairperson or deputy chairperson becomes vacant by the effluxion of time, the registrar must give notice thereof at the penultimate meeting of the council during the term of office concerned, and the council elects a successor at the subsequent ordinary meeting.
- (4) When the office of chairperson or deputy chairperson becomes vacant for any reason other than the effluxion of time, the registrar must notify each member of the council thereof in writing, and the council must elect a successor at its next meeting.

### **Functions and powers**

- 7.(1) The council governs the university in accordance with the Act, this statute and the rules, and may –
  - (a) make and amend the statute;
  - (b) approve and adopt the strategic and performance plans of the university;
  - (c) make rules and determine the university's policies and procedures;
  - (d) monitor operational performance and management and oversee risk management;
  - (e) establish academic structures and units, including faculties, on the recommendation of the senate; and
  - (f) establish other entities and structures subject to the recommendation of the vice-chancellor and, where applicable, the senate.
- (2) The council must establish an audit, risk and compliance committee, a remuneration committee and a finance committee, and may establish additional committees deemed necessary for the performance of its functions, including joint committees with the senate.
- (3) Any provision of the statute applicable to a member of the council, including the codes of conduct contemplated in section 27(7E) of the Act, applies with the necessary changes to a member of a council committee who is not a member of the council.
- (4) Subject to subparagraph (5) and paragraph 81, the council may delegate any of its functions to a committee established in subparagraph (2) and may delegate any of its powers to any structure, employee or body of the university, but remains responsible for the exercise and the performance of the functions so delegated
- (5) (a) The council may not delegate any of the following functions –
  - (i) the establishment, restructuring or disestablishment of faculties;

- (ii) the appointment of the vice-chancellor and members of the management committee, as well as the internal auditor;
  - (iii) the modification of such general conditions of service or terms of appointment of the employees as may have been prescribed by the council;
  - (iv) the approval of the annual budget of the university;
  - (v) the adoption of the unaudited mid-year financial statements and the audited financial statements
  - (vi) the determination of the fees to be paid by students;
  - (vii) the making or amendment of the statute;
  - (viii) the power to obtain a loan or overdraft on behalf of the university;
  - (ix) the decision to embark on the construction of a permanent building or other immovable infrastructural development; and
  - (x) the purchase of immovable property or entering into the long-term lease of immovable property.
- (6) The language policy of the university determined by council in accordance with section 27(2) of the Act, must be flexible and functional, and must redress language imbalances of the past and promote multilingualism, access, integration and a sense of belonging.
- (7) The council appoints or delegates the appointment of the employees of the university in accordance with the rules, it determines the conditions of employment, privileges and functions and disciplinary measures applicable to employees; and, in accordance with the rules, the council determines that no one is authorised to appoint a person reporting directly to such a person.
- (8) The council, after consultation with the SRC, must provide for a suitable structure to advise the council on the policy for student support services within the NWU.

### **Meetings**

- 8.(1) The council must meet at least four times per year in accordance with the annual university calendar at a time and place determined by the council.
- (2) At least 14 calendar days before the date determined for an ordinary meeting, the registrar must notify each member in writing of the time and the place where the meeting is to be held and of the details of all matters to be dealt with at the meeting.
- (3) The chairperson may at any time convene an extraordinary meeting for a particular purpose, and must convene an extraordinary meeting at the written request of at least five members stating the purpose of the meeting.
- (4) Subparagraph (2) applies with the necessary changes to the convening of an extraordinary meeting.
- (5) At the request of the vice-chancellor or a council member, and by agreement with the chairperson, any other person may attend a meeting of the council.

### **Quorum**

- 9.(1) The quorum for a meeting of the council is fifty percent plus one of the members of the council
- (2) If for any reason there is no quorum present, the meeting is adjourned after one hour to a date not more than 14 calendar days later, at which meeting the members present form a quorum.

- (3) The registrar must promptly give each member notice of the date, time and place of the meeting contemplated in subparagraph (2).

### **Decisions and procedures at meetings**

- 10.(1) The council takes decisions by a majority of votes of members present, each member having one vote, but in the event of a parity of votes, the chairperson may exercise a casting vote, except for the purposes of electing a chancellor.
- (2) The council otherwise determines the procedures for its meetings in accordance with the rules.

### **Executive committee**

- 11.(1) There is an executive committee of the council consisting of the chairperson of the council as the chairperson of the executive committee, the deputy chairperson of the council as the deputy chairperson of the executive committee, the vice-chancellor, the vice-principal, and two other members elected by the council who are not employees or students.
- (2) The council elects three members of the council as alternate members for any of the members of the executive committee and in the absence of any regular member, the designated alternate member acts as a member of the executive committee.
- (3) The executive committee may dispose of any urgent business between meetings on behalf of the council, but the council at its first ensuing ordinary meeting must review, and where applicable, confirm all business so disposed of.

### **Election of member of council to senate**

- 12.(1) The council elects a member who is not an employee of the university to serve in accordance with section 28(2)(e) of the Act as a member of the senate for a period not exceeding two years.
- (2) The provisions of paragraph 5 apply, with the necessary changes, to the election of a member of the council to the senate.

## **SENATE**

### **Establishment and composition**

- 13.(1) There is a senate composed of –
  - (a) the vice-chancellor;
  - (b) the vice-principal;
  - (c) the deputy vice-chancellors;
  - (d) the registrar;
  - (e) the executive directors
  - (f) the executive deans;
  - (g) the deputy deans
  - (h) thirty-two academic employees elected by the academic employees in faculties in accordance with the rules;
  - (i) two employees elected by the support employees from among their members;
  - (j) four students, whom one must be the SRC chairperson, and one each from the respective SCCs.

- (k) the chairperson of the council, or his or her delegate, and one other council member elected by the council in accordance with paragraph 12;
  - (l) eight academic employees co-opted by the senate on the recommendation of the senate standing committees, in accordance with the rules, to improve representation in respect of junior academic employees, race, gender and disability.
- (2) Six employees respectively responsible for research and teaching-learning support, library services, quality enhancement, globalisation and IT services attend senate meetings as observers.
- (3) Membership of the senate terminates if a member –
- (a) resigns in writing to the chairperson;
  - (b) ceases to be an employee of the university;
  - (c) is absent from three consecutive meetings of the senate without prior apology having been made to and accepted by the chairperson;
  - (d) is declared insolvent by a court of law;
  - (e) is convicted of any offence involving dishonesty or for which the sentence is imprisonment without the option of a fine;
  - (f) becomes incapacitated, or his/her continued membership is deemed improper after a due process in accordance with the prescribed code of conduct, taking into consideration the provisions of the Promotion of Administrative Justice Act 3 of 2000;
  - (g) is a member in terms of subparagraph (1)(h) to (l) and ceases to be a member of the body that designated or elected the member;
  - (h) is found guilty of contravening an applicable code of conduct or the rules in disciplinary proceedings against the member in terms of paragraph 68, and the senate confirms a recommendation by a disciplinary committee to terminate membership.
- (4) The provisions of paragraph 5 apply, with the necessary changes, to the election of the members of the senate referred to in subparagraphs 1(h) to (k).

### **Functions, authority and accountability**

#### **14.(1) The general functions of the senate are–**

- (a) to regulate all learning, teaching, research and academic support functions;
  - (b) to advise the council in respect of policies and rules concerning all academic matters; and
  - (c) to advise the council on the formation and reconfiguration of faculties and other relevant academic structures to ensure administrative and academic coherence, efficiency, effectiveness and sustainable quality.
- (2) Subject to the approval of the council the senate may adopt, amend and repeal rules in respect of programmes, qualifications, modules or assessments and moderation, but may do so only after taking into account the advice of the senate standing committee(s) concerned.
- (3) The senate may by resolution delegate any function to a member or committee of the senate, including any senate standing committee, but remains responsible for and must review and confirm the exercise and the performance of the functions so delegated.
- (4) The senate must consent to rules concerning matters within its authority made by the council.

## **Meetings**

- 15.(1) The senate must meet at least twice per semester in accordance with the annual university calendar at a time and place determined by the senate.
- (2) At least seven days prior to a meeting, the registrar must notify each member in writing of the time and place of the meeting and the matters to be dealt with at the meeting.
- (3) The registrar must give written notice to each member at least 14 calendar days prior to a meeting at which the senate will consider the adoption, amendment or repeal of rules in respect of which the senate has authority.
- (4) The chairperson may at any time convene an extraordinary meeting for a particular purpose, and must convene an extraordinary meeting at the written request of at least one third of all the members, stating the purpose of the meeting.
- (5) Subparagraph (2) applies with the necessary changes to the convening of an extraordinary meeting.
- (6) The vice-chancellor is the chairperson of the senate and in the absence of the vice-chancellor the vice-principal acts as chairperson.
- (7) In the absence of both the vice-chancellor and the vice-principal, the senate must elect a chairperson for the meeting from among its members.

## **Quorum**

- 16.(1) The quorum for a meeting of the senate is fifty percent plus one of the members of the senate.
- (2) If for any reason there is no quorum, the meeting is adjourned after one hour to a date not more than 14 calendar days later, at which meeting the members present form a quorum.
- (3) The registrar must promptly give each member notice of the date, time and place of the meeting contemplated in subparagraph (2).

## **Decisions and procedures at meetings**

- 17.(1) The senate takes decisions by a majority of votes of members present, each member having one vote, but in the event of a parity of votes, the chairperson may exercise a casting vote.
- (2) The senate determines the procedures for its meetings in accordance with the rules.

## **Executive committee of senate**

- 18.(1) There is an executive committee of the senate consisting of –
  - (a) the vice-chancellor;
  - (b) the vice-principal;
  - (c) the chairperson of the council or the member of the council contemplated in paragraph 12;
  - (d) the deputy vice-chancellors;
  - (e) the executive deans;
  - (f) one of the three members of the senate referred to in paragraph 4(1)(c) elected by the senate;
  - (g) the chairperson of the SRC; and
  - (h) the registrar.



- (2) The vice-chancellor may invite any of those members of the management committee who do not have sitting on the executive committee to attend a meeting of the executive committee.
- (3) The vice-chancellor is the chairperson of the executive committee. In the absence of the vice-chancellor the vice-principal acts as chairperson.
- (4) If both the vice-chancellor and the vice-principal are absent from a meeting, the executive committee must elect from among its members a chairperson for the meeting concerned.
- (5) Between meetings of the senate the executive committee may exercise any power and perform any function of the senate.
- (6) The executive committee must inform the senate of all actions and decisions taken on behalf of the senate and the senate at its next ensuing meeting must review and, where applicable, confirm all actions or decisions taken by the executive committee on behalf of the senate.
- (7)
  - (a) The quorum for a meeting of the executive committee is fifty percent plus one of all the members of the executive committee.
  - (b) If for any reason there is no quorum, the meeting is adjourned after one hour to a date not more than 14 calendar days later, at which meeting the members present form a quorum.
- (8) The registrar must promptly give each member notice of the date, time and place of the meeting contemplated in subparagraph (7).

### **Senate standing committees**

- 19.(1) The senate may establish senate standing committees to perform the tasks assigned to them by the senate, and may establish joint committees with the council or any other body of the university.
- (2) The senate standing committees must be constituted in accordance with the rules.
- (3) Paragraphs 16 and 17 apply with the necessary changes to a meeting of a senate standing committee.

## **FACULTY BOARDS**

### **Establishment, functions and composition**

- 20.(1) For each faculty the senate establishes a standing committee of the senate known as a faculty board.
- (2) The faculty board -
  - (a) is accountable to the senate for the monitoring and the oversight of teaching programmes, learning components of programmes, assessment and moderation, research, community engagement and implementation of expertise of the faculty;
  - (b) must make proposals to the senate for rules prescribing the requirements for each degree, diploma and certificate offered in the faculty, including the requirements for admission and readmission of students;
  - (c) may advise the executive dean of the faculty on all learning, teaching, research, academic support and student matters pertaining to a faculty, as well as appropriate quality-assurance measures;
  - (d) must perform all other functions as the senate delegates or assigns to it; and
  - (e) may by resolution establish committees of the faculty, and may appoint as members of such committees any people whether they are members of the

faculty board or not.

- (3) The senate determines the composition of a faculty board in order to enable it to optimally perform the functions referred to in subparagraph (2).

### **Meetings and procedures**

- 21.(1) A faculty board must meet at least twice per semester at the times determined in the annual university calendar.
- (2) The executive dean may convene an extraordinary meeting of the faculty board, and must do so at the written request of at least one third of the members of the faculty board.
- (3) The executive dean of a faculty board is the chairperson of that faculty board.
- (4) In the absence of the executive dean, a deputy dean, acts as chairperson for the meeting concerned. If there is no deputy dean, or the deputy dean is also absent, the members of a faculty board must elect from among their members a chairperson for that meeting.
- (5)
  - (a) The quorum for a meeting of a faculty board is fifty percent plus one of all the members.
  - (b) If for any reason there is no quorum, the meeting is adjourned after one hour to a date not more than 14 calendar days later, at which meeting the members present form a quorum.
  - (c) The registrar must promptly give each member notice of the date, time and place of the meeting contemplated in subparagraph (b).
- (6) A faculty board takes decisions by a majority of votes of members present, each member having one vote. In the event of an equality of votes, the chairperson may exercise a casting vote.
- (7) A faculty board determines the procedures for its meetings in accordance with the rules.

## **INSTITUTIONAL FORUM**

### **Establishment and composition**

- 22.(1) There is an institutional forum as contemplated in section 31 of the Act, known as the institutional forum of the North-West University, which consists of –
  - (a) one member of the council designated by council for a term of three years;
  - (b) the vice-chancellor or any other member of the management committee designated by the vice-chancellor;
  - (c) three members of the senate elected from among its members for a term of three years;
  - (d) three members of the permanent academic employees elected in accordance with the rules for a term of three years;
  - (e) four members from among the employees of the university who are members of recognised trade unions, designated by the trade union(s) for a term of three years;
  - (f) three persons elected from among the support employees for a term of three years;
  - (g) six students designated for a term of one year from among the members of the SRC;

- (h) two persons designated by the president of the convocation for a term of three years;
  - (i) not more than two persons co-opted from time to time by the institutional forum to perform specialised tasks related to the functions contemplated in paragraph 23(1)(a) to (g).
- (2) The provisions of paragraph 5 apply, with the necessary changes, to the election of the members of the institutional forum referred to in subparagraphs (1)(a),(c),(d) and (f).
  - (3) The chairperson, the deputy chairperson and the secretary must be elected annually at the first meeting of the particular year from among the members contemplated in subparagraphs (1)(c) to (j), and they form the executive committee of the institutional forum.
  - (4) The members of the institutional forum contemplated in subparagraphs (1)(c) to (g) must be designated with sensitivity for race, gender, disability and the nature of the university as a multi-campus institution.
  - (5) A person may serve on the institutional forum for not more than two consecutive terms.
  - (6) Membership of the institutional forum terminates if the member concerned –
    - (a) resigns in writing to the chairperson;
    - (b) ceases to be an employee or student respectively of the university;
    - (c) is absent from three consecutive ordinary meetings without prior apology having been made to and formally accepted by the chairperson;
    - (d) is declared insolvent by a court of law;
    - (e) is convicted of any offence involving dishonesty or for which the sentence is imprisonment without the option of a fine;
    - (f) becomes incapacitated, or his/her continued membership is deemed improper after a due process in accordance with the prescribed code of conduct, taking into consideration the provisions of the Promotion of Administrative Justice Act 3 of 2000;
    - (g) ceases to be a member of the body which designated or elected the member;
    - (h) is found guilty of contravening an applicable code of conduct in disciplinary proceedings against the member, and the institutional forum confirms the recommendation by the disciplinary committee to terminate membership.

## **Functions**

- 23.(1) The forum advises the council on matters affecting the university, including –
  - (a) the implementation of the Act and the national policy on higher education;
  - (b) the selection of candidates for appointment as vice-chancellor and members of the management committee in accordance with the rules;
  - (c) policy on equity in respect of race, gender and disability;
  - (d) codes of conduct;
  - (e) dispute resolution processes and procedures;
  - (f) the management of cultural diversity across the university;
  - (g) the fostering of a university culture that promotes tolerance and respect for human rights and creates an environment conducive to learning, teaching and research.
- (2) The institutional forum must perform such other functions as the council may determine from time to time.

## **Meetings and procedures**

- 24.(1) The institutional forum meets at least four times per year, at a time and place determined by the institutional forum in accordance with the annual university calendar.
- (2) In the absence of the chairperson, the deputy chairperson acts as chairperson of the institutional forum. If the deputy chairperson is also absent, the members of the institutional forum must elect from among their members a chairperson for that meeting.
- (3)
  - (a) The institutional forum determines its rules of procedure by a majority vote of the total number of members.
  - (b) The council must approve the rules of procedure of the institutional forum and must include the rules of procedure in the rules of the university.

## **Committees and substructures**

- 25.(1) The institutional forum may establish technical and standing committees, chaired by members of the institutional forum, and stakeholders who are not members of the institutional forum may be co-opted to such committees.
- (2) The technical and standing committees of the institutional forum function under the control and in support of the activities of the institutional forum.

## **STUDENTS' REPRESENTATIVE COUNCIL**

### **Establishment and composition**

- 26.(1) The North-West University Students' Representative Council (SRC) is established as a structure of the university in accordance with section 26(2)(e) of the Act.
- (2) The SRC is composed of fifteen members designated in accordance with the rules.
- (3) The rules must provide for the election of a Students' Campus Council (SCC) on each campus.
- (4) The SCCs are accountable to the SRC.
- (5) The SCCs are represented in the SRC in proportion to the number of students qualified to elect each SCC.
- (6) The formula for the determination of the proportion referred to in subparagraph (5) must be provided for in the rules.

### **Functions**

- 27.(1) The SRC coordinates organised student life at the university.
- (2) Members of the SRC are designated annually in terms of the SRC Constitution to serve on the council in accordance with paragraph 4(1)(f), and to serve on the senate in accordance with paragraph 13(1)(j).
- (3) The SRC represents the interests of the students of the university as determined by the rules in consultations done in accordance with the requirements of sections 27(3) and 32(2)(c) and (d) of the Act and paragraph 73(2)(a) of the statute.

### **SRC Constitution**

28. (1) Within the framework of the rules, the SRC must adopt a constitution in terms of which the functions and duties of the office-bearers of the SRC and the SCCs, and the procedures, accountability and operation of the SRC and the SCCs are laid down.

- (2) The constitution of the SRC must be approved by the council after consultation with the senate.

### **Intervention**

- 29.(1) The council must make rules to ensure the continued performance of the functions of the SRC and its constituent components to regulate intervention, after consultation with the management committee of the university and the SRC, if the SRC or any of its constituent components cannot or does not perform any of its functions provided for in the constitution of the SRC, the rules, this statute or the Act.
- (2) The rules may provide for appropriate intervention, including, but not limited to the suspension of the SRC or any of its constituent components or their functions or office-bearers, subject to such conditions as the council may impose.
- (3) The rules must provide for the regular review by the council of an intervention for the purposes of the normalisation of the performance of the functions of the SRC.

### **CONVOCATION**

#### **Establishment and constitution of convocation**

- 30.(1) There is a North-West University Convocation.
- (2) The council must, with the concurrence of the convocation, approve a constitution for the convocation.
- (3) The convocation may establish its own structures in accordance with its constitution, and may enter into suitable structural arrangements with other bodies within or outside the university, to achieve its objective.

#### **Objective and functions**

- 31.(1) The objective of the convocation is to establish and develop mutually beneficial relationships between the university and its alumni in order to promote the welfare of the university and present and future members of the convocation.
- (2) In order to achieve its objective, the convocation may –
  - (a) elect members to the council in accordance with paragraph 32(1);
  - (b) establish an association of alumni of the university;
  - (c) support other university structures focusing on promoting professional educational, social and other relationships between the university and alumni and between groups of alumni;
  - (d) consider any matter of interest to the university and to alumni, and convey any resolution to the university governance structures or the general public;
  - (e) maintain a database of members of the convocation in order to enhance communication and information dissemination between members and the university, and maintain the voters' roll for the election of council members.

### **Membership and right to vote**

- 32.(1) Every graduate of the university or its predecessors is eligible for membership of the convocation, to be nominated for election as a member of the council, and to vote in an election of council members in accordance with paragraph 5.
- (2) Every diplomate and permanent staff member, present or past, of the university or its predecessors is eligible for membership of the convocation in terms of subparagraph (3).
- (3) In its constitution, the convocation may define types of membership in addition to those referred to in subparagraphs (1) and (2), and may determine the rights and privileges pertaining to such other types of membership.
- (4) A member may participate in the proceedings, activities or elections which, in terms of the constitution of the convocation, is open to that member's type of membership, as reflected in the convocation roll, if –
  - (a) the member's personal particulars, valid postal address, and the other communication channels determined from time to time in terms of the constitution of the convocation have been furnished to the registrar; and
  - (b) the member has deposited the prescribed membership fee, as determined by the council on the recommendation of the convocation, into a bank account of the convocation.

### **President and executive committee**

- 33.(1) At a general meeting, the convocation must elect from among its members a president, a deputy president and the other officials determined by the constitution of the convocation to form an executive committee with the president and the deputy president.
- (2)
  - (a) The term of office of the president, the deputy president and the other members of the executive committee is three years from the conclusion of the meeting at which the election takes place.
  - (b) If no meeting of the convocation is held in the third year of the term of office, the current term of office is extended until after the conclusion of the next meeting of the convocation.
- (3) In the event of a vacancy in the executive committee occurring before the expiry of the term of office, the other members of the executive committee must co-opt a person to fill the vacancy for the remainder of the term of office.
- (4) The president may from time to time recommend that the convocation establishes committees consisting of members of the convocation to perform specific functions as directed by the convocation.

### **Meetings**

- 34.(1) As determined by the constitution of the convocation, a general meeting must be convened by the president at least once every three years at the seat of the university or another place determined by the president, taking into account the multi-campus nature of the university.
- (2)
  - (a) The president is the chairperson of a meeting of the convocation.
  - (b) In the absence of the president, the deputy president acts as chairperson of the convocation. If the deputy president is also absent, the members of the convocation present must elect from among their members a chairperson for that meeting.

- (3) The types of meetings, rules of convening, quorum requirements, agendas, and procedures for meetings of the convocation and the executive committee, and liaison with other bodies of the university and the general public must be determined by the constitution of the convocation.
- (4) The convocation and another university structure responsible for liaison with individual alumni or groups of alumni may meet at any time after consultation with the executive committee of the North-West University alumni association.
- (5) At a meeting, the convocation may discuss any matter of interest to the university or to alumni, including a matter which the council refers to the convocation for advice, and the president of the convocation must convey the opinion of the convocation to the council.
- (6) A copy of the resolutions of the convocation, and a notification of the other matters determined by the convocation, certified by the president and the registrar, must be forwarded to the chairperson of the council for the information of the council and to the vice-chancellor for the information of the senate, and must be recorded by the registrar.

## **DONORS**

### **Recognition and functioning**

- 35.(1) The council may recognise as donors persons who have during the preceding two years made donations to the university which the council considers to be significant.
- (2) The registrar must maintain an official list of the donors of the university, recording the name and postal address of every donor recognised by the council.
  - (a) Donors may establish a board of donors of not more than ten persons designated by the donors in accordance with the rules.
  - (b) The council may designate not more than three employees to serve on the board of donors.
- (3) The board of donors may offer advice to the vice-chancellor or the council on matters of interest to the university or the donors, at their own initiative or on invitation.
- (4) The board of donors elects a chairperson from among its members, and the registrar acts as the secretary to the board of donors.
- (5) A corporate donor may be represented by any person designated in writing by such donor.
- (6) At any given time the list of donors of the University serves as conclusive proof of the names and addresses of persons who are entitled to nominate, in accordance with the rules, persons for election by the board of donors, of the members of council contemplated in paragraph 4(1)(h).

## **CHAPTER 3**

### **OFFICE BEARERS OF UNIVERSITY**

#### **CHANCELLOR**

##### **Duties**

- 36.(1) There is a chancellor who is the titular head of the university
- (2) All qualifications awarded by the university in accordance with subparagraph 78(1) are formally conferred by the chancellor in the name of the university.

##### **Requirements**

37. A candidate for the office of chancellor must be a fit and proper person for the office.

### **Nomination and election**

- 38.(1) Any person from the categories of persons represented in the institutional forum may nominate a candidate for the office of chancellor on the nomination form prescribed by and made available by the registrar.
- (2) (a) The proposer, the nominee and at least five seconders must sign a nomination form. The proposer must submit the completed form to the registrar. No person may sign more than one nomination form, either as proposer or seconder.
- (b) The registrar must compile a list of all the nominations received and must forthwith submit the list of nominations to the executive committee of the council.
- (3) The executive committee of the council must consider the list and must submit not more than three names from the list to the council for decision.
- (4) Members of council may add names to the list of nominations put before the council in terms of subparagraph (3) and those additional persons are duly nominated.
- (5) The registrar must inform every member of the council of all nominations received in terms of subparagraphs (2), (3) and (4) at least ten days prior to the meeting at which the election of the chancellor will take place.
- (6) The chancellor is elected in a secret ballot by a majority of votes of the members of the council present at an ordinary meeting of the council or at a meeting specially convened for that purpose.

### **Term of office**

39. The term of office of the chancellor is five years, and an incumbent chancellor is eligible for re-election for one further consecutive term.

### **Vacation of office**

- 40.(1) The council may discharge the chancellor from office by a two-thirds majority vote of all the members of the council.

### **Filling of vacancy**

- 41.(1) At least three months before the office of chancellor becomes vacant by the effluxion of time the registrar must notify every member of the council, and the council must elect a new chancellor as soon as practicable in accordance with paragraph 38.
- (2) If the office of chancellor becomes vacant for any other reason, the registrar must notify every member, and the council must elect a new chancellor as soon as practicable in accordance with paragraph 40.

## **PRINCIPAL AND VICE-CHANCELLOR**

### **Duties and accountability**

- 42.(1) There is a principal also referred to as the vice-chancellor who is the chief executive and accounting officer of the university responsible for its management and administration.
- (2) The vice-chancellor may by virtue of the office perform any duty of the chancellor when the office of chancellor is vacant or the chancellor is absent or incapable of performing the duties of chancellor.



- (3) The vice-chancellor may in writing delegate any duty, function, power or responsibility attached to the office to a member of the management committee or to any other suitable staff member.
- (4) The vice-chancellor is accountable to the council in respect of the duties, functions, powers and responsibilities attached to the office.
- (5) The vice-chancellor is a member of all committees of the council and the senate, except of the Audit, Risk and Compliance committee of council.

### **Requirements**

- 43** A candidate for the office of vice-chancellor must be a fit and proper person capable and suitably qualified and experienced for the office.

### **Appointment**

- 44.(1) The council must appoint the vice-chancellor at an ordinary meeting or at a meeting specially convened for that purpose, after complying with the procedure as prescribed in the rules concerning consultation with the senate and the institutional forum, as well as the evaluation as determined by the rules.
- (2) If the council is not unanimous about the appointment, a secret ballot must be held, the outcome of which is determined by a majority of votes of the members present.

### **Term of office**

- 45.(1) The term of office of the vice-chancellor must be determined by the council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (2) A vice-chancellor may be appointed for one further consecutive term.

### **Vacation of office**

- 46.(1) The vice-chancellor's term of office terminates by the effluxion of time in terms of the employment contract, or if the vice-chancellor resigns from office or is discharged from office.
- (2) The council may discharge the vice-chancellor from office by a vote with a majority of two thirds of all the members of the council.
- (3) The council may discharge the vice-chancellor on the grounds of –
  - (a) serious misconduct; or
  - (b) incapacity.

### **Filling of vacancy**

- 47.(1) At least three months before the office of vice-chancellor becomes vacant by the effluxion of time, the registrar must notify every member of the council, the senate and the institutional forum.
- (2) If the office of vice-chancellor becomes vacant for any other reason, the registrar must notify in writing every member of the council, the senate and the institutional forum, and the council appoints a new vice-chancellor as soon as is practicable in terms of paragraph 44.

### **Acting vice-chancellor**

- 48.(1) When the office of vice-chancellor is vacant or the vice-chancellor is absent or incapable of performing the duties of vice-chancellor, the vice-principal acts as vice-chancellor.
- (2) If the vice-principal cannot act as vice-chancellor, another person appointed in terms of paragraph 51 acts as vice-chancellor.
- (3) An acting vice-chancellor has the same duties, functions, powers and responsibilities as the vice-chancellor and is accountable to the council.

## **VICE-PRINCIPAL**

### **Duties and accountability**

- 49.(1) There is a vice-principal who performs the specific managerial, administrative and supervisory duties and responsibilities which the vice-chancellor may assign or delegate to the office.
- (2) The vice-principal is accountable to the vice-chancellor.

### **Appointment, term of office, vacation of office and filling of vacancy**

- 50.(1) The council must appoint the vice-principal after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate and the institutional forum, as well as the evaluation required by the rules.
- (2) Paragraphs 45, 46 and 47 in respect of the term of office, the vacation of office and the filling of a vacancy apply with the necessary changes to the office of vice-principal.

## **DEPUTY VICE-CHANCELLORS**

### **Duties and accountability**

- 51.(1) There are one or more deputy vice-chancellors as the council may determine from time to time to whom the vice-chancellor may entrust specific managerial, administrative and supervisory functions, including the operational oversight of a campus, where appropriate.
- (2) A deputy vice-chancellor is accountable to the vice-chancellor.

### **Appointment, term of office, vacation of office, acting deputy vice-chancellors and filling of vacancies**

- 52.(1) The council must appoint each deputy vice-chancellor after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate and the institutional forum, as well as the evaluation required by the rules.
- (2) The term of office of a deputy vice-chancellor must be determined by the council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) A deputy vice-chancellor's term of office terminates by the effluxion of time in terms of the employment contract, or if the deputy vice-chancellor resigns from office or is discharged from office.
- (4) A deputy vice-chancellor is eligible for re-appointment in accordance with the rules.
- (5) The council may discharge a deputy vice-chancellor from office by a vote with a majority of two thirds of all the members of the council.
- (6) The council may discharge the deputy vice-chancellor on the grounds of –
  - (a) operational requirements;

- (b) serious misconduct; or
  - (c) incapacity.
- (7) When the office of a deputy vice-chancellor is vacant or a deputy vice-chancellor is absent or incapable of performing the duties of deputy vice-chancellor, a person designated by the vice-chancellor and approved by council, acts as deputy vice-chancellor.
  - (8) An acting deputy vice-chancellor has the same duties, functions, powers and responsibilities as the deputy vice-chancellor and is accountable to the vice-chancellor and the council.
  - (9) At least three months prior to the office of a deputy vice-chancellor becomes vacant by the effluxion of time, the registrar must in writing notify every member of the council, the senate and the institutional forum, and the council must appoint a new deputy vice-chancellor in accordance with subparagraph (1).
  - (10) If the office of a deputy vice-chancellor becomes vacant for any other reason, the registrar must in writing notify every member of the council, the senate and the institutional forum, and the council must appoint a new deputy vice-chancellor in accordance with subparagraph (1) as soon as is practicable.

## **REGISTRAR**

### **Duties and accountability**

- 53.(1) There is a registrar who performs all the duties and functions assigned to the office by the statute and the rules, to whom the council may assign specific duties and responsibilities, and to whom the vice-chancellor may entrust specific managerial, administrative and supervisory functions.
- (2) The registrar is the secretary to the council, the senate, the convocation and the board of donors, and may participate in the discussions of the council, the senate, the convocation and the board of donors, but may vote only in the senate.
- (3) The registrar is accountable to the vice-chancellor, and in respect of the duties and functions performed in respect of a particular body, to that body.

### **Appointment, term of office, vacation of office, acting registrar and filling of vacancy**

- 54.(1) The council must appoint the registrar by a resolution adopted by a majority of the members, after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate, the institutional forum and the evaluation required by the rules.
- (2) The term of office of the registrar must be determined by the council after consultation with the incumbent appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) The registrar's term of office terminates by the effluxion of time in terms of the employment contract, or if the registrar resigns from office or is discharged from office.
- (4) The registrar is eligible for re-appointment in accordance with the rules.
- (5) The council may discharge the registrar from office by a vote with a majority of two thirds of all the members of the council.
- (6) The council may discharge the registrar on the grounds of –
  - (a) serious misconduct; or
  - (b) incapacity.

- (7) When the office of registrar is vacant or the registrar is absent or incapable of performing the duties of registrar, a person designated by the vice-chancellor and approved by council acts as registrar.
- (8) An acting registrar has the same duties, functions, powers and responsibilities as the registrar and is accountable to the vice-chancellor, and the council.
- (9) At least three months prior to the office of registrar becoming vacant by effluxion of time, the registrar must in writing notify every member of the council, the senate and the institutional forum, and the council must appoint a new registrar in accordance with subparagraph (1).
- (10) If the office of registrar becomes vacant for any other reason, the registrar must notify every member of the council, the senate and the institutional forum, and the council must appoint a new registrar in accordance with subparagraph (1) as soon as is practicable.

## **EXECUTIVE DIRECTORS**

### **Duties and accountability**

- 55.(1) There are one or more executive directors as determined by the council to whom the vice-chancellor may entrust specific managerial, administrative and supervisory functions.
- (2) An executive director is accountable to the vice-chancellor.

### **Appointment, term of office, vacation of office, acting executive directors and filling of vacancies**

- 56.(1) The council must appoint an executive director by a resolution adopted by a majority of the members, after complying with the procedures prescribed in the rules in respect of consultation with the vice-chancellor, the senate and the institutional forum, as well as the evaluation required by the rules.
- (2) The term of office of an executive director must be determined by the council after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) An executive director's term of office terminates by the effluxion of time in terms of the employment contract, or if the executive director resigns from office or is discharged from office.
- (4) An executive director is eligible for re-appointment in accordance with the rules.
- (5) The council may discharge an executive director from office by a vote with a majority of two thirds of all the members of the council.
- (6) The council may discharge an executive director on the grounds of –
  - (a) operational requirements;
  - (b) serious misconduct; or
  - (c) incapacity.
- (7) When the office of an executive director is vacant or the executive director is absent or incapable of performing the duties of executive director, a person designated by the vice-chancellor and approved by council acts as executive director.
- (8) An acting executive director has the same duties, functions, powers and responsibilities as the relevant executive director and is accountable to the vice-chancellor, and the council.
- (9) At least three months before the office of the relevant executive director becomes vacant by effluxion of time, the registrar must in writing notify every member of the

council, the senate and the institutional forum, and the council must appoint a new executive director in accordance with subparagraph (1).

- (10) If the office of an executive director becomes vacant for any other reason, the registrar must notify every member of the council, the senate and the institutional forum, and the council must appoint a new executive director in accordance with subparagraph (1) as soon as is practicable.

## **EXECUTIVE DEANS**

### **Duties and accountability**

- 57.(1) An executive dean is the executive head of a faculty and is responsible for the management and administration of the faculty.
- (2) The vice-chancellor designates a deputy vice-chancellor to whom an executive dean is accountable.

### **Appointment, term of office, vacation of office, acting executive deans and filling of vacancies**

- 58.(1) The vice-chancellor must appoint an executive dean after complying with the procedures prescribed in the rules in respect of consultation with the responsible deputy vice-chancellor, the senate, the relevant faculty board, the institutional forum, and the evaluation required by the rules.
- (2) The term of office of an executive dean must be determined by the vice-chancellor after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) An executive dean's term of office terminates by the effluxion of time in terms of the employment contract or if the executive dean resigns from office or is discharged from office.
- (4) An executive dean is eligible for re-appointment in accordance with the rules.
- (5) When the office of an executive dean is vacant or the executive dean is absent or incapable of performing the duties of executive dean, a deputy dean, if applicable, or a person designated by the vice-chancellor acts as executive dean.
- (6) An acting executive dean has the same duties, functions, powers and responsibilities as the relevant executive dean and is accountable to the responsible deputy vice-chancellor.
- (7) An executive dean may be discharged on the grounds of –
  - (a) operational requirements;
  - (b) serious misconduct; or
  - (c) incapacity.

## **DEPUTY DEANS**

### **Duties and accountability**

59. There are one or more deputy deans for each faculty as the council may determine from time to time to whom the executive dean may assign specific managerial, administrative and supervisory functions.

### **Appointment, term of office, vacation of office, acting executive deans and filling of vacancies**

- 60.(1) The deputy vice-chancellor must appoint a deputy dean after complying with the procedures prescribed in the rules in respect of consultation with the responsible executive dean, the senate, the relevant faculty board, the institutional forum, and the evaluation required by the rules.
- (2) The term of office of a deputy dean must be determined by the deputy vice-chancellor after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years.
- (3) A deputy dean's term of office terminates by the effluxion of time in terms of the employment contract or if the deputy dean resigns from office or is discharged from office.
- (4) A deputy dean is eligible for re-appointment in accordance with the rules.
- (5) When the office of a deputy dean is vacant or the executive dean is absent or incapable of performing the duties of deputy dean, a person designated by the deputy vice-chancellor acts as deputy dean.
- (6) An acting deputy dean has the same duties, functions, powers and responsibilities as the relevant deputy dean and is accountable to the responsible executive dean
- (7) A deputy dean may be discharged on the grounds of –
  - (a) operational requirements;
  - (b) serious misconduct; or
  - (c) incapacity.

## **ACADEMIC DIRECTORS**

### **Duties and accountability**

61. An academic director is responsible for the management and administration of an academic unit, and may, where appropriate, delegate or assign functions to deputy academic directors at the different campuses.

### **Appointment**

- 62.(1) The responsible executive dean may appoint an academic director in each academic unit after complying with the consultation and evaluation procedure prescribed by the rules.
- (2) The term of office of an academic director must be determined by the relevant executive dean after consultation with the appointee and must be fixed contractually, but may not be less than three years and not more than seven years
- (3) An academic director is eligible for re-appointment in accordance with the rules.
- (4) The responsible executive dean may designate another suitable person to perform the functions of the office during the absence of an academic director.
- (5) An academic director may be discharged on the grounds of –
  - (a) operational requirements;
  - (b) serious misconduct; or
  - (c) incapacity.

## **UNIVERSITY MANAGEMENT COMMITTEE**

### **Establishment and composition**

- 63.(1) There is a university management committee composed of the vice-chancellor, who is the chairperson, the vice-principal, the deputy vice-chancellors, the registrar and the executive directors.
- (2) The vice-chancellor may invite any other person to attend a meeting of the management committee.

### **Functions**

- 64.(1) The university management committee assists the vice-chancellor in the implementation of strategy, and the planning and execution of the management, administration and supervision of the university, in accordance with the rules and policies.
- (2) The university management committee may establish committees and other substructures across the university and at campus level to assist the management committee in performing its functions.

## **CHAPTER 4 EMPLOYEES**

### **Appointment**

- 65.(1) The council must appoint academic and support employees in accordance with the applicable legislation and the employment policies of the university, subject to the availability of financial resources.
- (2) An academic employee must be appointed after consultation with the senate.
- (3) Upon appointment and thereafter annually in accordance with the Act and the rules, every employee must declare possible conflicts of interest emanating from financial interests and fiduciary roles.
- (4) An academic employee who is offered an appointment in a management position is entitled to a contractual stipulation, subject to such conditions as may be agreed upon, pertaining to the return or not to an academic position on the termination of the contract.
- (5) Employees may be discharged on the grounds of –
  - (a) operational requirements;
  - (b) serious misconduct; or
  - (c) incapacity.

### **Remuneration**

66. The council must determine the salaries and other forms of remuneration of employees, and other terms and conditions of employment, in accordance with the remuneration and employment policies and procedures of the university.

### **Evaluation**

67. Employees are subject to continual performance appraisal in terms of the policies and procedures of the university.

### **Discipline**

- 68.(1) Employees are subject to the discipline of the council in respect of all forms of misconduct or neglect of duty as provided in the applicable disciplinary codes, rules and procedures.
- (2) The council must exercise discipline in accordance with the relevant legislation and the rules, policies and procedures determined by the council from time to time.
- (3) The council may delegate its disciplinary functions to the vice-chancellor or a person or body recommended by the vice-chancellor.

### **Trade unions**

- 69.(1) The council may enter into agreements with trade unions, and recognise registered trade unions for the purposes of consultations and negotiations with regard to terms and conditions of employment and related matters in accordance with the relevant labour and employment legislation.
- (2) The council must implement the agreements on terms and conditions of employment in respect of all the employees provided for in that agreement.

## **CHAPTER 5 STUDENTS**

### **Admission and registration**

- 70.(1) In order to be a student of the university, a person must have been admitted to the university and must have been registered for a programme leading to the attainment of a qualification.
- (2) The council may determine, with the approval of the senate, the maximum number of students that may be registered for an academic programme.
- (3) The council may prescribe, with the approval of the senate, selection tests or a particular standard of academic competence as further admission requirements for studies at the university.
- (4) A student who is admitted to and registered at the university continues to be a student of the university for the duration of the academic programme, or until the time the student or the university terminates the registration in accordance with the rules.
- (5) In order to continue with studies at the university, a returning student who has been admitted and registered at the university must report annually in accordance with the rules.
- (6) A student whose studies have been interrupted for a year or longer must apply anew for admission in order to be reregistered.
- (7) The council may set requirements for the readmission of a student and may refuse to allow readmission unless such requirements are met.
- (8) A person who demonstrates the intention to be associated with the university as a student is subject to the rules.



## **Discipline**

- 71.(1) A student is subject to the disciplinary rules and procedures applied by the appropriate disciplinary bodies contemplated in paragraph 73 in accordance with the statute and the rules.
- (2) The vice-chancellor must at least once a year submit a report to the senate and the council on the disciplinary measures taken against students.

## **Misconduct**

72. A student commits misconduct if –
- (a) the conduct of the student is detrimental or may be detrimental to the good name, order, discipline or performance of the university;
  - (b) the student contravenes the statute, the rules, the constitution or the rules of a body within the university, or the law;
  - (c) the academic conduct of the student is dishonest;
  - (d) the student harasses or treats another person or group of persons violently or with hostility; or
  - (e) the student damages property or assets of the university.

## **Disciplinary bodies**

- 73.(1) The vice-chancellor is the chief disciplinary officer of the university in respect of students.
- (2) (a) The vice-chancellor must, after consultation with the senate, the SRC and the institutional forum, and in accordance with the statute and the rules, establish appropriate disciplinary bodies of the university and determine their authority, composition and procedures.
- (b) The authority, composition and procedures of every disciplinary body must be published and made available on request.
- (3) Every disciplinary body must report all disciplinary action taken by it to the vice-chancellor.

## **Disciplinary procedures**

- 74.(1) A complaint concerning an alleged misconduct by a student must be reported to the vice-chancellor or his or her delegate, who must deal with such complaint in accordance with the procedures referred to in paragraph 73(2).
- (2) A student charged with an alleged misconduct is entitled to a fair hearing by the appropriate disciplinary body, which conforms to the requirements of the Constitution and the law.

## **Sanctions**

75. A disciplinary body may impose any of the sanctions provided for in the rules.

## **Appeals**

76. A student found guilty of misconduct by a disciplinary body may appeal to the relevant appeal body against the finding or the sanction, or against both the finding and the sanction, in accordance with the rules.

## **CHAPTER 6**

### **QUALIFICATIONS AND AWARDS**

#### **Requirements**

- 77.(1)** The NWU may award the degrees, the diplomas and the certificates determined by the council from time to time on the recommendation of the senate, and which have been approved, accredited and registered for the university in accordance with the Act and other applicable legislation, and which are contained in the rules of the university.
- (2) The council, with the concurrence of the senate, may revoke a degree or withdraw a diploma or certificate obtained through plagiarism, theft, fraud, bribery or any other dishonest or unlawful act.

#### **Conferring and awarding qualifications**

- 78.(1)** A meeting of the members of the university, known as the congregation, must be convened at least once a year for the purpose of conferring degrees and awarding diplomas and certificates.
- (2) The senate determines the time, place and manner for convening a congregation with the approval of the council.
- (3) The chancellor or the vice-chancellor or, if both are absent, the vice-principal or a member of the senate, chairs the congregation.
- (4) A degree may not be conferred, or diploma awarded, upon any person unless the senate is satisfied that all the requirements for the degree, diploma or certificate have been met.
- (5) A person is not entitled to the privileges of a degree, diploma or certificate until the degree has been conferred, or diploma or certificate been awarded at a congregation.
- (6) A degree may be conferred or diploma or certificate awarded in the absence of the graduate or diplomate, or posthumously.
- (7) An official original certificate verifying the award and conferral at a congregation of a qualification is issued once only.
- (8) Despite subparagraph (7), the certificate may, upon written request and after payment of a fee determined by the senate, be mailed to the student if the degree was conferred or the diploma awarded in the absence of the student in terms of subparagraph (6).
- (9) If a student has met the requirements for a degree or diploma and the degree or diploma certificate has not yet been issued, or if a degree or diploma certificate has been lost, the registrar may issue, at the written request of the student and after payment of a fee determined by the senate, a document stating that the student has met the requirements for the degree or diploma and that the certificate will be issued on a certain date, or that it had already been issued on a previous date.
- (10) The registrar may issue a complete official academic record, including a certificate of conduct, or proof of subjects passed, to a student upon written request and after payment of a fee determined by the senate.
- (11) The senate determines the procedure for the presentation of the persons receiving degrees or diplomas at a congregation, the conferral of a degree and awarding of a diploma in the absence of a student, academic attire and all other matters relating to the congregation, and for which the statute or the rules do not provide.
- (12) The registrar may issue a certificate in respect of a short learning programme offered by the university to a candidate who has met the requirements in the format, on the

occasion, and in the manner determined for that purpose by the rules and in accordance with the annual university calendar.

### **Honorary degrees and awards**

- 79.(1)** The council may award an honorary degree or a chancellor's medal or any other honour in accordance with the rules.
- (2) Honorary awards recommended by any university structures are subject to final approval by the council in accordance with the rules.

## **CHAPTER 7 GENERAL**

### **Rules**

- 80.(1)** Rules made by the council in terms of paragraph 7(1)(c) and in accordance with section 32 of the Act have legal force upon their publication in accordance with subparagraph (2).
- (2) The registrar must promptly publish, in the most expeditious manner, rules made by council.
- (3) The manner and form in which the rules can be accessed and obtained must be made known in the yearbook of the university.

### **Delegations**

- 81.** Any entity, structure or person to whom a power or function is delegated in accordance with this statute, may sub-delegate such power or function only in terms of an authority contained in the delegation itself or otherwise with the prior approval of the entity, structure or person on whom the power or function was originally conferred.

### **Transitional provisions**

- 82.(1)** Anything done, commenced, instituted or in the process of being finalised under the Statute of the North-West University referred to in Government Notice No 795 of 8 August 2005 and published in Government Gazette No 27872 of 8 August 2005, before this statute came into operation, is deemed to have been done, commenced, instituted or in the process of being finalised under the corresponding provision of this statute.
- (2) The council, the senate, the institutional forum, the faculty boards, the SRC and SCCs, the convocation, and other bodies and functionaries provided for in this statute that existed prior to the commencement of the statute, continue to exist and exercise the powers and perform the functions which they have exercised and performed prior to the commencement of the statute, but they must fully comply with the provisions of this statute within 12 months after its commencement.
- (3) The rules made by the council existing at the commencement of the statute continue to apply until they are replaced or repealed.

### **Amendment of statute**

- 83.(1)** The council may amend this statute by a two-thirds majority of all its members.

- (2) A proposal for the amendment of the statute may only be tabled if written notice was given by the registrar to all the members of the council at least 14 calendar days before the meeting at which the proposal is to be introduced, unless a two-thirds majority of the members present vote in favour of disposing with the requirement of prior notice.

#### **Repeal of statute**

- 84.** The Statute of the North-West University referred to in Government Notice No 795 of 8 August 2005 and published in Government Gazette No 27872 of 8 August 2005 is repealed from the date mentioned in the Government Gazette notice referred to in paragraph 85.

#### **Commencement**

- 85.** The statute comes into effect on the date mentioned in the relevant notice in the Government Gazette.

*End*