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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 1199

20 September 2002

HIGHER EDUCATION ACT, 1997 (ACT No. 101 OF 1997)**STATUTE OF THE UNIVERSITY OF CAPE TOWN**

The council of the University of Cape Town has made the Statute, set out in the schedule to this notice, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997) which is, in terms of section 33 of the Act, hereby published with the approval of the Minister of Education, and which comes into operation on the date of this publication.

SCHEDULE

To introduce a Statute for the University of Cape Town to give effect to the Higher Education Act, 1997 (Act No. 101 of 1997) and to promote the effective management and governance of the University in respect of matters not expressly prescribed by the Act.

PREAMBLE

Whereas it is desirable for the University of Cape Town to be a world-class African university; to educate its students; to address the challenges facing society; and to equip people with life-long skills;

And whereas it is necessary to provide for the regulation of the University of Cape Town in the manner that the Higher Education Act, 1997 (Act No. 101 of 1997), requires;

THE COUNCIL OF THE UNIVERSITY OF CAPE TOWN HAS MADE THIS STATUTE.

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DEFINITIONS

1. Definitions

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

“**academic staff**” means any person appointed by the council to a teaching or research position at the University and includes the professors, associate professors, senior lecturers, lecturers, and assistant lecturers, and such categories of research officer as council may designate;

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

“**certificate**” means a certificate of the University awarded to a student on completion of the work prescribed for the certificate by the senate;

“**convocation**” means the convocation contemplated in paragraphs 37 to 42;

“**council**” means the council contemplated in paragraphs 12 to 21;

“**degree**” means a degree of the University conferred upon a student at a congregation on completion on the work prescribed for the degree by the senate;

“**deputy vice-chancellor**” means a person appointed in terms of paragraphs 10 and 11;

“**diploma**” means a diploma of the University awarded to a student at a congregation on completion of the work prescribed for the diploma by the senate;

“**donor**” means a person who, before the commencement of this Statute was a donor entitled to elect members of the council and any other person who satisfies the requirements as determined by the Rules;

“**examination**” means any test or assessment, including any written, oral, practical or clinical test or assessment where the result obtained contributes to, or constitutes, the result for a course;

“**faculty and department**” means a faculty or department contemplated in paragraph 43;

“**graduate**” means a person upon whom a degree has been conferred, and “**graduate of the University**” means a person upon whom the University has conferred a degree;

“**institutional forum**” means the institutional forum contemplated in paragraphs 29 to 34;

“**Minister**” means the Minister of Education;

“**officer of the University**” means a member of the staff of the University designated as such by the council;

“**postgraduate student**”, for the purposes of appointments to the council, the senate and the institutional forum, means a person registered as a student for a degree of master or of doctor of the University;

“**professional, administrative, support and service staff**” means the staff appointed at the University in the libraries, information and communication technology services, and in academic, administrative, support and service departments who are not academic staff;

“**professor**” means a person appointed as a professor or as a distinguished professor by the council after consultation with the senate, but does not include an emeritus, adjunct, associate or honorary professor;

“**recognised staff body**” means any body organised by and among staff to represent the staff, or a section of the staff, including a trade union, recognised for this purpose by the council;

“**registrar**” means the officer contemplated in paragraphs 55 and 56;

“**Rules**” means any rules made by the council in terms of section 32 of the Act;

“**seat of the University**” means the seat contemplated in paragraph 2 of this Statute and in section 65A of the Act;

“**senate**” means the senate contemplated in paragraphs 22 to 28;

“**senior management of the University**” for the purposes of this Statute and section 31 of the Act, means the vice-chancellor, deputy vice-chancellors, deans, executive directors and the registrar;

“**SRC**” means the SRC contemplated in paragraph 45;

“**staff**” means any person appointed at the University to a position by the council, whether part-time or full-time, permanent, temporary or fixed-term contract, remunerated or honorary;

“**student**” means a person currently registered at the University for a programme of study leading to a degree, diploma or certificate, or as an occasional student, or as a postdoctoral fellow;

“**student parliament**” means the student parliament contemplated in paragraph 44;

“**trustee of the UCT Foundation**” means a person holding office as a trustee of the UCT Foundation;

“**UCT Foundation**” means the trust registered under this name to raise and hold funds for the University;

“**University**” means the University of Cape Town; and

“**vice-chancellor**” means the vice-chancellor contemplated in paragraphs 7 to 9 of this Statute and in section 30 of the Act.

UNIVERSITY

2. Name, status and physical location of University

- (1) The name of the University is the University of Cape Town.
- (2) The University is a juristic person and, subject to the Act is capable of performing such acts as juristic persons may perform.
- (3) Notwithstanding subparagraph (2) the University may not, without the concurrence of the Minister, dispose of or alienate in any manner any immovable property or grant any real right therein or servitude thereto.
- (4) The seat of the University is upon the portions of the Groote Schuur Estates that were transferred to and vested in the State under the Rhodes' Will (Groote Schuur Devolution) Act, 1910 (Act No. 9 of 1910), and granted to the University.
- (5) The activities of the University are principally administered at its seat and in Cape Town.

3. Constitution of University

- (1) The University consists of—
 - (a) the chancellor;
 - (b) the vice-chancellor;
 - (c) the deputy vice-chancellors;

- (d) the council;
 - (e) the senate;
 - (f) the institutional forum;
 - (g) the SRC;
 - (h) the convocation;
 - (i) the students; and
 - (j) the staff.
- (2) No vacancy in any of the offices contemplated in subparagraph (1) nor any vacancy or deficiency in the numbers or defect in the composition of the bodies contemplated in subparagraph (1) impairs or affects the existence of the University as a juristic person or any function or powers conferred upon the body or the University by this Statute or by the Act.

CHANCELLOR

4. Functions of chancellor

- (1) The chancellor is the titular head of the University.
- (2) The chancellor, or in his or her absence the person appointed to act on behalf of the chancellor, presides at all congregations of the University and, in the name of the University, confers all degrees and awards all diplomas and certificates.

5. Election of chancellor

- (1) The chancellor is elected by an electoral college.
- (2) The registrar must constitute the electoral college at least three months before the start of the term of office or whenever the office is vacant.
- (3) The electoral college consists of -
 - (a) the president of convocation;
 - (b) twenty-one members elected by the graduates, and holders of diplomas and certificates, from their number, in the manner subparagraph (5) prescribes;
 - (c) six members elected by the academic staff from their number, in the manner subparagraph (6) prescribes;
 - (d) six members elected by the professional, administrative support and service staff from their number, in the manner subparagraph (7) prescribes; and
 - (e) six students elected by the SRC.
- (4) The procedure for nominating candidates for election as chancellor is as follows -
 - (a) The registrar must publish a notice in such manner as the council from time to time decides inviting nominations.
 - (b) Each nomination must be in writing, and must -
 - (i) be signed by at least 20 and not more than 30 people each of whom must be a member of the convocation or a member of staff or a student;
 - (ii) be accompanied by the written acceptance of his or her nomination by the nominee, and by a statement by him or her, not exceeding 200 hundred words, summarising his or her curriculum vitae and candidature; and

- (iii) be received by the registrar by the date he or she specifies in the notice or by such later date as may be condoned by the council.
- (5) The procedure whereby the graduates and holders of diplomas and certificates elect 21 of their number to be members of the electoral college is as follows –
 - (a) The registrar must publish a notice in the manner the council decides inviting nominations.
 - (b) Each nomination must be in writing and must –
 - (i) be signed by six people each of whom must be a graduate, or the holder of a diploma or certificate;
 - (ii) be accompanied by the written acceptance of his or her nomination by the nominee, and by a statement by him or her, not exceeding 200 words, summarising his or her curriculum vitae; and
 - (iii) be received by the registrar by the date he or she specifies in the notice.
 - (c) If the registrar receives 21 or fewer nominations he or she must declare those nominated to be duly elected.
 - (d) If the registrar receives more than 21 nominations, he or she must hold a ballot of the graduates and holders of diplomas and certificates, after publishing the statements of the candidates for election, the method of taking of the ballot to be decided by the council from time to time.
 - (e) If the registrar receives fewer than 21 nominations, he or she must repeat the process in (a), (b) and (c) to make up the number to 21.
- (6) The procedure whereby the academic staff elect six of their number to be members of the electoral college is as follows –
 - (a) The registrar must publish a notice in the manner the council decides inviting nominations.
 - (b) Each nomination must be in writing and must –
 - (i) be signed by six members of the academic staff;
 - (ii) be for a member of the academic staff;
 - (iii) be accompanied by the written acceptance of his or her nomination by the nominee, and by a statement by him or by her, not exceeding 200 words, summarising his or her curriculum vitae; and
 - (iv) be received by the registrar by the date he or she specifies in the notice.
 - (c) If the registrar receives six or fewer nominations he or she must declare those nominated elected.
 - (d) If the registrar receives more than six nominations, he or she must hold a ballot of the academic staff, the method of taking of the ballot to be decided by the council from time to time.
 - (e) If the registrar receives fewer than six nominations, he or she must repeat the process in (a), (b) and (c) to make up the number to six.

- (7) The procedure whereby the professional, administrative, support and service staff elect six of their number to be members of the electoral college is as follows -
- (a) The registrar must publish a notice in the manner the council decides inviting nominations.
 - (b) Each nomination must be in writing and must -
 - (i) be signed by six members of these staff;
 - (ii) be for a member of these staff;
 - (iii) be accompanied by the written acceptance of his or her nomination by the nominee, and by a statement by him or her, not exceeding 200 words, summarising his or her curriculum vitae; and
 - (iv) be received by the registrar by the date he or she specifies in the notice.
 - (c) If the registrar receives six nominations he or she must declare those nominated elected.
 - (d) If the registrar receives more than six nominations, he or she must hold a ballot of these staff, the method of taking of the ballot to be decided by the council from time to time.
 - (e) If the registrar receives fewer than six nominations, he or she must repeat the process in (a), (b) and (c) to make up the number to six.
- (8) The term of office of the -
- (a) members of the electoral college elected by the SRC is a period of 12 months from the date on which it is first convened;
 - (b) other members of the electoral college is a period of three years from the date on which it is first convened.
- (9) If a student vacancy occurs within 12 months, and the electoral college needs to meet, the registrar must invite the SRC to fill any vacancy in the category of members elected by the SRC.
- (10) If any other vacancy occurs in the membership of the electoral college and the electoral college needs to meet, the registrar must -
- (a) declare the person who obtained the next number of votes in the original ballot concerned to be elected to fill the vacancy; or
 - (b) if the vacancy is in the category elected by graduates and holders of diplomas and certificates and if there is no such person, hold a ballot to fill the vacancy only if there are three or more vacancies, in which case the ballot must be held to fill all the vacancies; or
 - (c) if the vacancy is in any other category and if there is no such person, hold a ballot to fill any such vacancy;
- (11) The electoral college must elect the chancellor by ballot, from the nominated candidates after the registrar has given to the electoral college the statements of the candidates for the office of chancellor.
- (12) To be elected, a candidate must win a majority of the votes cast.
- (13) If no candidate wins a majority of the votes cast in a ballot, the candidate obtaining the least votes falls away, and a further ballot or further ballots must be held until a candidate wins a majority of votes,

if two or more candidates obtain the lowest number of votes, a ballot must be held to decide which of these falls away.

- (14) The electoral college determines its own procedure except that -
- (a) the president of convocation, or failing the president the vice-chancellor, or, failing both, a member of the electoral college elected by the electoral college presides at its meetings; and
 - (b) the quorum is 32.
- (15) A person is not eligible for nomination for election as chancellor, or to hold or continue to hold office as chancellor, or for nomination for election to, or to be or continue to be a member of the electoral college if he or she -
- (a) is, or becomes, insolvent; or
 - (b) is declared to be of unsound mind by a court of the Republic; or
 - (c) is, subsequent to his or her election, convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of the Republic.

6. Term of office of chancellor

- (1) The chancellor holds office for 10 years, or until he or she resigns, or dies, or until he or she ceases to qualify to hold office in terms of paragraph 5(15).
- (2) If the chancellor is absent, or if the office is vacant, the vice-chancellor, or in his or her absence the acting vice-chancellor or a deputy vice-chancellor nominated by him or her, or failing them, such other person as the council may designate for the purpose, acts for the chancellor.
- (3) Should a vacancy occur for whatever reason, the chancellor next elected holds office for 10 years, or until he or she resigns, or dies, or until he or she ceases to qualify to hold office in terms of paragraph 5(15).

VICE-CHANCELLOR

7. Functions of vice-chancellor

- (1) The vice-chancellor is the chief executive officer of the University.
- (2) The vice-chancellor may delegate any of the powers assigned or delegated to him or her by the council or the senate to any officer of the University, except where the council or the senate decides otherwise.
- (3) The vice-chancellor is by virtue of his or her office a member of -
 - (a) each committee of the senate; and
 - (b) each joint committee.

8. Appointment of vice-chancellor

The council appoints the vice-chancellor after consulting the senate and the institutional forum.

9. Termination of office of vice-chancellor

- (1) The vice-chancellor holds office for such period and upon such terms as the council decides.
- (2) The appointment may be terminated during the period of office by six months' notice on either side.
- (3) Any resolution of the council to give notice must be taken at a meeting of the council by a majority consisting of not less than half the membership of the council.
- (4) If the office of the vice-chancellor becomes vacant, the council must -
 - (a) after consulting the senate and the institutional forum appoint an acting vice-chancellor to hold office until such time as a new vice-chancellor takes up his or her appointment; and
 - (b) after consulting the senate and the institutional forum, appoint a successor.

DEPUTY VICE-CHANCELLORS**10. Appointment of deputy vice-chancellors**

The council may appoint up to four deputy vice-chancellors, after consulting the senate and the institutional forum.

11. Functions of deputy vice-chancellors

- (1) The deputy vice-chancellors' functions are determined by the council.
- (2) Each deputy vice-chancellor is by virtue of his or her office a member of each committee of the senate.

COUNCIL**12. Functions of council**

- (1) The council governs the University in terms of the Act and this Statute.
- (2) Without derogating from the generality of subparagraph (1), the council -
 - (a) must administer all property of the University;
 - (b) appoints all staff of the University, but, in the case of academic staff of the University, it may do so only after consultation with the senate;
 - (c) must, subject to the policy determined by the Minister, with the concurrence of the senate, determine the language policy of the University;
 - (d) must, after consultation with the SRC, establish a structure to advise on the policy for student support services within the University;
 - (e) must, after consultation with the senate, determine the admissions policy of the University;
 - (f) must consult the institutional forum as required by the Act;
 - (g) may make, rescind or amend a Statute in terms of the Act.
- (3) The council may -
 - (a) establish committees of the council;
 - (b) appoint persons who are and persons who are not members of the council as members of such committees; and

- (c) terminate the membership of any person it has appointed to any committee.
- (4) The council may delegate or assign any of its powers and functions to –
 - (a) a committee of the council;
 - (b) a member of the council; or
 - (c) any officer of the University;except those powers and functions specified in subparagraph (5).
- (5) The council may not delegate or assign any of the following powers and functions –
 - (a) the appointment of the vice-chancellor or of any deputy vice-chancellor;
 - (b) the approval of the annual operating and capital expenditure budgets;
 - (c) the adoption of the annual financial statements and annual report;
 - (d) the determination of the fees to be paid by students;
 - (e) the making or approval of the Statute;
 - (f) the approval of a loan or an overdraft;
 - (g) the decision to embark on the construction of a permanent building or other immovable infrastructural development;
 - (h) the purchase of immovable property, or entering into a long-term lease of immovable property; or
 - (i) the establishment or disestablishment of faculties or departments.
- (6) The council remains responsible for the exercise and performance of any function delegated or assigned in terms of subparagraph (4).

13. Composition of council

- (1) The council consists of –
 - (a) the vice-chancellor;
 - (b) the deputy vice-chancellors;
 - (c) four members of the senate elected by the senate;
 - (d) one member of the academic staff elected by the academic staff;
 - (e) two members of the professional, administrative, support and service staff elected by these staff;
 - (f) three students elected by the SRC, one of whom must be a postgraduate student;
 - (g) five persons appointed by the Minister;
 - (h) one person appointed by the Premier of the Western Cape;
 - (i) one person appointed by the City Council of Cape Town;
 - (j) six persons elected by the convocation;
 - (k) two persons elected by donors;
 - (l) two donors appointed by the trustees of the UCT Foundation;
 - (m) six persons appointed by the appointments committee; and
 - (n) up to two persons co-opted by the council.
- (2) At least 60 per cent of the members of the council must be people who are not staff or students.

- (3) No staff other than staff appointed in an honorary capacity, and no student may be elected or hold an appointment under subparagraphs (1)(g) to (m) or be co-opted under subparagraph (n).
- (4) A person elected, appointed or co-opted under subparagraphs (1)(g) to (n) who becomes a student or a staff member, other than a staff member appointed in an honorary capacity, forthwith ceases to be a member of the council.

14. Election of members of council

The manner in which members of the council are elected is as determined by the Rules.

15. Term of office of council members

- (1) The vice-chancellor and deputy vice-chancellors remain members of the council for as long as they occupy their posts.
- (2) The term of office of the students elected by the SRC is two calendar years, as determined by the Rules.
- (3) The term of office of the remaining members is three years, from 1 July to 30 June three years later, as determined by the Rules, and the term of office of any member elected, appointed or co-opted after the start of the three-year term of office is for the balance of that three-year term of office.

16. Termination of membership and filling of vacancies

- (1) A member of the council vacates his or her position on the council if he or she –
 - (a) resigns;
 - (b) dies;
 - (c) is absent from three consecutive ordinary meetings of the council without leave;
 - (d) is, or becomes, insolvent;
 - (e) is declared to be of unsound mind by a court of the Republic;
 - (f) is removed from an office of trust by a court of the Republic, or is convicted of an offence and sentenced to a term of imprisonment without the option of a fine by a court of the Republic; or
 - (g) is otherwise disqualified in terms of the Rules.
- (2) In the event of a vacancy through death or otherwise, the registrar must forthwith notify the authority or body that appointed or elected the member, requesting the authority or body to appoint or elect a successor.
- (3) The successor holds office for the unexpired term of office of the predecessor.
- (4) If 75 per cent or more of the members of the council resign at a meeting of the council, it is deemed that the council has resigned.
- (5) If the council resigns as contemplated in subparagraph (4), a new council must be constituted in terms of paragraphs 13 and 14.

17. Office-bearers of council

- (1) The council must elect a chairperson and a deputy chairperson from among the members of the council who are neither staff nor students.
- (2) The term of office of the chairperson and of the deputy chairperson is three years, which runs concurrently with the term of office of the members who serve a three-year term, until the start of the meeting of the council elected to serve for the following three-year term.
- (3) The registrar is the secretary of the council.
- (4) The registrar must invite the council to elect a chairperson and a deputy chairperson at the first meeting of the new council.
- (5) A retiring office-bearer is eligible for re-election, if he or she is still a member of the council.
- (6) If a vacancy occurs in the office of chairperson or deputy chairperson within the term of office, the registrar must invite the council at its next ordinary meeting to fill the vacancy for the unexpired period of the term of office.
- (7) The chairperson presides at all meetings of the council at which he or she is present.
- (8) The deputy chairperson presides at meetings of the council in the absence of the chairperson.
- (9) If both the chairperson and the deputy chairperson are absent, the council elects a chairperson for the meeting concerned from those members present who are neither staff nor students.

COUNCIL MEETINGS**18. Ordinary meetings**

The ordinary meetings of the council must be held when and where the council decides, and at least six ordinary meetings must be held each year.

19. Special meetings

- (1) Special meetings must be held -
 - (a) when called by the chairperson; and
 - (b) when a written request, for a special meeting, stating the object of the meeting, is received by the registrar from at least five members of the council.
- (2) At least three days notice must be given of a special meeting, unless, in the opinion of the chairperson, there is an emergency that warrants a shorter period of notice.
- (3) No matters other than those for which the meeting has been called may be dealt with at a special meeting.

20. Quorum and procedure at council meetings

- (1) The quorum at an ordinary meeting of the council is 13.
- (2) The quorum at a special meeting of the council is half of the total membership of the council.
- (3) The registrar must issue a written notice to each member of the council at least three days before each ordinary meeting of the council setting out the place, date and time of the meeting, and the agenda for the

meeting, but the council may, if the chairperson so rules, or a majority of the total membership of the council agrees, consider any urgent matter of which notice has not yet been given.

- (4) At each ordinary meeting the council must -
 - (a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members prior to the meeting; and
 - (b) deal with the business of which notice has been given and any other business which a majority of the total membership of the council agrees to consider.
- (5) The council decides its own rules of debate but -
 - (a) every motion, and every amendment proposed must be seconded and must, if the chairperson requires this, be in writing and a motion or amendment that is not seconded falls away;
 - (b) except where the Act or this Statute requires a different procedure, each question must be decided by the majority of votes of the members present and voting, and unless the meeting decides otherwise voting must be by show of hands;
 - (c) the chairperson has a deliberative vote on each question and also has a casting vote in the case of an equality in the number of votes;
 - (d) the number of members voting for and the number of members voting against any proposal must be entered in the minutes;
 - (e) where any member asks for this, his or her vote for or against a proposal must be entered in the minutes;
 - (f) a motion to make, amend or rescind this Statute may not be considered unless due notice has been given as specified in subparagraph (3);
 - (g) a motion to rescind a resolution of the council within 12 months after it was passed requires -
 - (i) a majority of two thirds of the members present and voting or failing that;
 - (ii) a simple majority of the members present and voting at two consecutive ordinary meetings of the council; and
 - (h) the ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which case the chairperson must submit his or her ruling without discussion to the meeting, which decision is final and binding.

21. Financial and other interests of council members

- (1) Any member of the council or a committee of the council who has a direct or indirect financial or personal interest in any matter to be discussed at a meeting must, before or during such meeting, declare such interest, and comply with such other rules and policies as the council may adopt.
- (2) After such declaration such member of the council or a committee of the council must excuse himself or herself from the meeting and any

subsequent meeting at which the matter is to be discussed, and is not entitled to receive papers relating to the matter.

SENATE

22. Functions of senate

- (1) The senate is accountable to the council for the academic and research functions of the University.
- (2) Without derogating from the generality of subparagraph (1) the senate –
 - (a) must organise and control the teaching, curricula, syllabuses, examinations and research of the University;
 - (b) makes the rules for examinations and must ensure that all examinations are conducted in accordance with these rules;
 - (c) makes rules prescribing the requirements for each degree, diploma and certificate, and decides who has complied with these requirements;
 - (d) appoints examiners for all examinations;
 - (e) decides the conditions for the award of prizes, scholarships and bursaries, where applicable in accord with the terms of the relevant bequest, deed, or gift; and
 - (f) determines the people to whom such prizes, scholarships and bursaries are to be awarded.
- (3) The senate –
 - (a) must carry out such other functions as the council assigns to it;
 - (b) must submit to the council such reports on its work as may be required by the council; and
 - (c) makes recommendations to the council on matters referred to it by the council and on any other matter affecting the University as it considers necessary.
- (4) The senate may by resolution –
 - (a) establish committees of the senate;
 - (b) appoint to any such committee both members of the senate and persons who are not members of the senate;
 - (c) disestablish any committee it has established; and
 - (d) terminate the membership of a committee of any person it has appointed to any committee.
- (5) The senate may delegate or assign any of its functions to –
 - (a) a committee of the senate;
 - (b) a member of the senate; or
 - (c) any officer of the University,provided that it may not delegate or assign a function delegated to it by the council without the council's agreement.
- (6) The senate remains responsible for the performance of any function delegated or assigned in terms of subparagraph (5).

23. Composition of senate

- (1) The senate consists of –
 - (a) the vice-chancellor;
 - (b) the deputy vice-chancellors;

- (c) the deans and acting deans, and the deputy deans and acting deans of faculties;
- (d) the heads and acting heads of academic departments;
- (e) the professors;
- (f) twelve members of the academic staff elected by the academic staff;
- (g) four members of the professional, administrative, support and service staff elected by these staff;
- (h) six students elected by the SRC of whom at least two must be postgraduate students, and at least one of whom must be a member of the SRC;
- (i) two members of the council elected by the council; and
- (j) not more than 10 persons co-opted by the senate.

24. Election of members of senate

The manner in which members of the senate are elected is as determined by the Rules.

25. Term of office of senate members

- (1) The term of office of the students elected by the SRC is two calendar years as determined by the Rules.
- (2) The term of office of the other elected members of the senate is three years from 1 July to 30 June three years later, as determined by the Rules, and the term of office of any member elected, appointed, or co-opted after the start of the three-year term of office is for the balance of that three-year term of office.

26. Office-bearers of senate

- (1) The vice-chancellor is the chairperson of the senate.
- (2) In the absence of the vice-chancellor the acting vice-chancellor presides, failing the acting vice-chancellor, the meeting elects a chairperson for the meeting.
- (3) The registrar is the secretary of the senate.

27. Quorum and procedure at senate meetings

- (1) The quorum for meetings of the senate is one third of the membership, the members on leave at the date of any meeting not counting, for this purpose, among those present nor in the membership.
- (2) Ordinary meetings must be held when and where senate decides and there must be at least two ordinary meetings of the senate each year.
- (3) Any two members of the senate may place a motion on the agenda for a meeting of the senate by giving notice to the registrar at least seven days before the date of the meeting, and the registrar must include any such motion in the agenda.
- (4) The registrar must issue a notice to each member of the senate at least five days before the date of each ordinary meeting of the senate, setting out the place, date and time of the meeting, and the agenda for the meeting, but the senate may by a three quarters majority of the members present and voting agree to consider any urgent matter of which notice has not been given.

- (5) Special meetings must be held -
 - (a) when called by the chairperson; or
 - (b) when a written request for a special meeting, stating the object of the meeting, is received by the registrar from at least 30 members of the senate.
- (6) The registrar must give at least three days' notice to each member of each special meeting of the senate, setting out the place, date and time of the meeting, and the agenda for the meeting.
- (7) No other business may be dealt with at a special meeting, but -
 - (a) the senate may by a three-quarters majority of the members present and voting agree to consider any urgent matter of which notice has not been given; and
 - (b) the chairperson may dispense with the period of notice, where in his or her opinion there is an emergency.
- (8) At each ordinary meeting the senate must -
 - (a) confirm the minutes of the last ordinary meeting, and the minutes of any special meeting held since then, with or without amendment, the minutes to be taken as read if copies have been sent to members at least five days prior to the meeting; and
 - (b) deal with the business of which notice has been given and any other business which a three-quarters majority of those present and voting agrees to consider.
- (9) The senate decides its own rules of debate, but -
 - (a) every motion and every amendment proposed must be seconded, and must, if the chairperson requires this, be in writing, a motion or amendment that is not seconded falls away;
 - (b) except where the Act or this Statute requires a different procedure, each question is decided by the majority of votes of the members present and voting, and unless the meeting decides otherwise voting is by show of hands;
 - (c) the chairperson has a deliberative vote on each question and also has a casting vote in the case of an equality in the number of votes;
 - (d) the number of members voting for and the number of members voting against any proposal must be entered in the minutes;
 - (e) where any member asks for this, his or her vote for or against a proposal must be entered in the minutes;
 - (f) a member may not speak more than once to any motion, or to any amendment, unless the senate allows him or her to do so, but the members moving and seconding a motion or an amendment have the right to reply to the debate before a vote is taken;
 - (g) a member who believes that a question has been sufficiently discussed may move "that the question now be put" and if this is seconded -
 - (i) and if the chairperson also believes that the question has been sufficiently discussed, the chairperson must put to the senate the motion "that the question now be put" which if carried closes the debate, except that the

- proposer and the seconder do not lose their right to reply to the debate;
- (ii) and if the chairperson does not believe that the question has been sufficiently discussed, the chairperson must disallow the motion, but has the right to put it as soon as he or she believes that the question has been sufficiently discussed in which case he or she must put to the senate the motion "that the question now be put" which if carried closes the debate, except that the proposer and the seconder do not lose their right to reply to the debate;
 - (h) an amendment must be put before the motion or amendment to which it refers and when there are two or more amendments they are put in the order the chairperson decides;
 - (i) a motion to rescind a resolution of the senate within 12 months after it was passed requires -
 - (i) a majority of two thirds of the members present and voting at a meeting of the senate; or
 - (ii) a simple majority of the members present and voting at two consecutive ordinary meetings of the senate, and
 - (j) the ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which case the chairperson must submit his or her ruling without discussion to the meeting which decision is final and binding.

28. Boards of faculties

- (1) For each faculty there is a committee of the senate known as a faculty board.
- (2) The composition of each faculty board is as decided by the senate from time to time, but in -
 - (a) each faculty other than the Faculty of Health Sciences the composition of the faculty board must include -
 - (i) the professors in the faculty;
 - (ii) the heads of departments in the faculty;
 - (iii) the permanent full-time associate professors, senior lecturers, lecturers and assistant lecturers in the faculty; and
 - (iv) student representatives.
 - (b) the Faculty of Health Sciences the composition of the faculty board must include -
 - (i) the professors in the faculty;
 - (ii) the heads of departments in the faculty;
 - (iii) members elected by the full-time and part-time associate professors, senior lecturers, lecturers and assistant lecturers in the faculty;
 - (iv) and student representatives.
- (3) The dean of the faculty is the chairperson of his or her faculty board and presides at all meetings of the faculty board at which he or she is present.

- (4) In the absence of the dean, the acting dean presides, and in the absence of both the faculty board must elect a member to preside at that meeting.
- (5) The faculty board -
 - (a) is responsible to the senate for organising and controlling the teaching, curricula, syllabuses, examinations and research 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;
 - (c) must advise the dean of the faculty on policy for resource allocation in the faculty;
 - (d) must carry out such functions as the senate delegates or assigns to it;
 - (e) is accountable to the senate for its work; and
 - (f) 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.
- (6) The quorum and procedure at meetings of faculty boards are as decided by the senate from time to time, but the quorum may not be less than one third of the total membership of the faculty board, the members of the faculty board on leave on the date of any meeting not counting for this purpose among those present or in the membership.
- (7) Ordinary meetings are held on the dates decided by the senate.
- (8) Special meetings must be held -
 - (a) when called by the dean; or
 - (b) when a written request for a special meeting, stating the object of the meeting, is received by the dean from at least 10 members of the faculty board.
- (9) The faculty board decides its own rules of debate.
- (10) The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which case the chairperson must submit his or her ruling without discussion to the meeting which decision is then final and binding.

INSTITUTIONAL FORUM

29. **Functions of institutional forum**

The institutional forum must advise the council on issues affecting the University as required by the Act.

30. **Composition of institutional forum**

- (1) The institutional forum consists of -
 - (a) 10 members and alternate members elected or appointed by the council, the senate and the vice-chancellor in the manner determined by the Rules;
 - (b) 10 members and alternate members elected by the recognised staff bodies in the manner determined by the Rules; and

- (c) 10 members and alternate members elected by the SRC in the manner determined by the Rules.
 - (2) The council must strive to provide fair and equitable opportunities to all members of the institutional forum to prepare for, and participate in, meetings of the institutional forum.
- 31. Election of members of institutional forum**
The manner in which the members of the institutional forum are elected is determined by the Rules.
- 32. Term of office of members of institutional forum**
- (1) The term of office of the members elected by the SRC is one calendar year.
 - (2) The term of office of the members elected by the recognised staff bodies is two years.
 - (3) The term of office of the members appointed by the vice-chancellor is for such periods as the vice-chancellor decides.
 - (4) The term of office of the other members is three years co-incident with the three-year terms of office of members of the council and of the senate serving three-year terms of office.
- 33. Office-bearers of institutional forum**
- (1) The institutional forum must elect three co-chairpersons, one from the members elected or appointed by the council, the senate and the vice-chancellor, one from the members elected by recognised staff bodies, and one from the members elected by the SRC.
 - (2) The co-chairpersons preside at meetings in rotation.
 - (3) In the absence of the co-chairperson scheduled to preside, the next co-chairperson in the order of rotation presides.
 - (4) In the absence of all co-chairpersons, a member elected by those present presides.
 - (5) The co-chairpersons hold office for such term of office as the institutional forum decides.
 - (6) A person ceases to be a co-chairperson if he or she ceases to be a member of the institutional forum or resigns from the office of co-chairperson.
 - (7) If a vacancy occurs in any office of co-chairperson, the institutional forum must fill the vacancy from the group from which the existing co-chairperson was elected, for the unexpired period of his or her term of office.
- 34. Quorum and procedure at meetings of institutional forum**
- (1) The quorum at meeting of the institutional forum is 18 members, including at least four members, or alternate members, appointed in terms of each of –
 - (a) paragraph 30(1)(a);
 - (b) paragraph 30(1)(b);
 - (c) paragraph 30(1)(c).
 - (2) An alternate member may attend any meeting of the institutional forum but may only participate in the deliberations of, and any voting in, the

institutional forum if the substantive member to whom he or she is an alternate is absent.

- (3) The institutional forum determines its own procedures subject to the following -
- (a) ordinary meetings must be held when and where the institutional forum decides, but there must be at least two ordinary meetings of the institutional forum each year;
 - (b) special meetings must be held -
 - (i) when called by the three co-chairpersons; or
 - (ii) when a written request for a special meeting, stating the object of the meeting, is received by the registrar from at least six members of the institutional forum.
 - (c) The ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which case the chairperson must submit his or her ruling without discussion to the meeting which decision is final and binding.

JOINT COMMITTEES

35. Joint committees

- (1) The council, the senate or the institutional forum may, by resolution of each body concerned, establish joint committees, and appoint people to be members of them.
- (2) In addition to their members the council, the senate or the institutional forum, may each agree to appoint any other person to a joint committee.
- (3) Any joint committee may be disestablished by the council and the membership of any person appointed to a joint committee may be terminated by the body which appointed him or her.
- (4) The council may delegate or assign to a joint committee any of its powers and functions, other than those specified in paragraph 12(5), but remains responsible for the performance of those powers and functions.
- (5) The senate may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.
- (6) The institutional forum may delegate or assign to a joint committee any of its functions, but remains responsible for the performance of those functions.

36. Composition of council, senate, institutional forum, committees and joint committees

Any person or body appointing a person, or nominating a candidate for election to the council, the senate, the institutional forum or a committee or a joint committee must have regard to the historic under-representation of women, in particular black women, and black people in general on such bodies and the need to redress that.

CONVOCAATION

37. Functions of convocation

The convocation may discuss and state its opinion upon any matter relating to the University, including any matter referred to it by the council, the senate or the institutional forum.

38. Composition of convocation

The convocation consists of -

- (a) the graduates and all holders of diplomas and certificates of the University;
- (b) the vice-chancellor, the deputy vice-chancellors and the academic staff; and
- (c) those former professors and associate professors elected by the senate to be emeritus professors or emeritus associate professors.

39. Roll of convocation

- (1) The registrar must keep the roll of convocation.
- (2) Every member of convocation must notify the registrar of his or her address and of any change of address.

40. President of convocation

- (1) There must be a president of the convocation who -
 - (a) is elected by the convocation from its members at an annual general meeting;
 - (b) holds office until the close of the second annual general meeting thereafter; and
 - (c) presides at all meetings of the convocation at which he or she is present.
- (2) If a vacancy occurs in the office of the president of the convocation, the vice-chancellor acts until the next annual general meeting which must elect a president to hold office until the close of the second annual general meeting thereafter.

41. Meetings of convocation

- (1) There must be an annual general meeting of the convocation.
- (2) Special general meetings of the convocation -
 - (a) may be called by the president at his or her own instance; or
 - (b) must be called by the president, or in his or her absence by the registrar, when a written request for a special meeting, stating the object of the meeting, is received by the president, or the registrar, from at least 300 members of the convocation.
- (3) The registrar must give notice in a form to be decided by the president of the date, time and place of the annual general meeting of the convocation to each member of the convocation at least 10 weeks before the date of the meeting and must include in this notice -
 - (a) the date by which notices of motion to be considered at the meeting must be received by him or her; and
 - (b) details as to when and how the agenda for the meeting is to be published, the form and the manner of publication to be

decided by the president, or failing the president, by the vice-chancellor.

- (4) The registrar must give notice of the date, time and place of any special general meeting at least five days before the date of the meeting in the form and manner decided by the president, or failing the president by the vice-chancellor; this must include –
- (a) a prominent notice in at least one Cape Town daily newspaper; and
 - (b) a notice on the University's home page on the World Wide Web.

42. Quorum and procedure at meetings of convocation

The procedure at a meeting of the convocation is decided by the meeting, but -

- (a) the quorum at an annual general meeting is 30;
- (b) the quorum at a special general meeting is 100;
- (c) at the annual general meeting the convocation must -
 - (i) confirm the minutes of the last annual general meeting and of any special general meeting held since then, with or without amendment; and
 - (ii) deal with the business of which notice has been given, and any other business which a three-quarters majority of those present agrees to consider.
- (d) at a special general meeting the convocation must deal with the business, and only the business, of which notice has been given;
- (e) in the absence of the president, the meeting must elect a member to preside for that meeting;
- (f) no member may, without the permission of the meeting, speak more than once to any motion or to any amendment, except that the proposer and seconder of any motion or any amendment must have the right of reply to the debate on the motion or the amendment as the case may be;
- (g) the chairperson has a deliberative vote on each question and also has a casting vote in the case of an equality of votes; and
- (h) the ruling of the chairperson on any question of order or procedure is binding unless immediately challenged by a member, in which case the chairperson must submit his or her ruling without discussion to the meeting which decision is final and binding.

FACULTIES AND DEPARTMENTS

43. Faculties and departments

- (1) The council may, with the concurrence of the senate, establish or disestablish faculties.
- (2) The council may, with the concurrence of the senate, establish or disestablish departments.

STUDENT PARLIAMENT AND SRC**44. Student parliament**

- (1) There is a student parliament, comprised of students elected by sectors of the student body, with the composition, powers and functions provided for in the constitution of the student parliament as approved, and as from time to time amended, by the council after consultation with the student parliament and the SRC.
- (2) The student parliament exists to frame policy for the student body.
- (3) Policy framed by the student parliament binds the SRC for 12 months, or until repealed or changed by the student parliament, whichever is the sooner.

45. SRC

The constitution of the student parliament must provide for the SRC and for the composition, powers and functions of the SRC, but -

- (a) it must consist of 15 students; and
- (b) its members must be elected in a general election held during the third quarter of each year, in which every student who has been registered for at least one completed semester is entitled to vote, in the manner the constitution prescribes, or in a by-election held according to the constitution.

REGISTRATION OF STUDENTS, GRANTING OF CREDITS AND EXEMPTIONS AND AWARDING OF QUALIFICATIONS**46. Period of registration as student**

A student must register and once registered remains registered until the day before the start of the next academic year, or until he or she graduates or is awarded a diploma or certificate, or is expelled, or for such shorter period as council decides, whichever is the shortest.

47. Award of credits and exemptions

- (1) Subject to subparagraphs (2), (3) and (4) the senate may –
 - (a) grant credit for a course prescribed for a degree, diploma or certificate to a student who has completed a course or courses or other work which the senate considers equivalent at another university or elsewhere;
 - (b) grant exemption from a course prescribed for a degree, diploma or certificate to a student who has completed a course or courses or work which the senate considers equivalent at another university or elsewhere; and
 - (c) accept as part of the period of attendance and registration prescribed for a degree, (other than an honours bachelor), diploma or certificate, a period or periods of attendance and registration, at another university or elsewhere.
- (2) The senate may not grant credit for more than half of the courses prescribed for the degree, diploma or certificate in question in respect of a course, or courses, or other work completed at another university, or elsewhere.

- (3) A candidate for a degree, diploma or certificate must attend at and be registered as a student of the University -
 - (a) for a one year programme, for a full academic year;
 - (b) for a three year programme, for at least two academic years one of which must be the final year;
 - (c) for a four year programme, for at least the final two years; and
 - (d) for a five or six year programme, for at least three academic years including the final two years.
- (4) The combined periods of attendance and registration at the University and at another university or elsewhere accepted by the senate for this purpose must be not less than the minimum period prescribed by the senate for the degree, diploma or certificate in question.
- (5) The senate may -
 - (a) grant credit for a course prescribed for a degree, diploma or certificate to a student who has completed the course, or an equivalent course, while registered at the University for another degree, diploma or certificate; and
 - (b) accept, as part of the period of registration prescribed for the degree, diploma or certificate, all or part of a period of attendance at the University while registered for another degree, diploma or certificate, provided that where the degree, or degrees, diploma or diplomas, certificate or certificates concerned has or have been conferred or awarded the senate may not -
 - (i) grant credit for more than half of the prescribed courses except to the extent that it grants credit for courses previously completed over and above the requirements prescribed for the completed degree, diploma or certificate; or
 - (ii) accept as part of the prescribed period of attendance and registration -
 - (aa) for a one year programme, any period;
 - (bb) for a three year programme, more than one and a half years;
 - (cc) for a four year programme, more than two years; or
 - (dd) for a five or six year programme, more than three years.

48. Admission as candidates for degrees of master or doctor

The senate may admit a person as a candidate for the degree of master or doctor -

- (a) if it is satisfied that the person is qualified to undertake the proposed line of study or research or both; and
- (b) who is a graduate of the University or another institution; or
- (c) who has attained a level of competence which in senate's opinion is adequate for the purpose of postgraduate study or research or both in the proposed line of study or research or both.

49. Degrees, diplomas and certificates by examination

- (1) The University may, subject to the Act, award diplomas and certificates and confer degrees of bachelor, honours bachelor, master and doctor in any faculty.
- (2) Except as is provided by paragraph 50 no degree may be conferred upon, and no diploma or certificate may be awarded to, any person who has not –
 - (a) been registered as a student of the University for the period and under the conditions which the senate prescribes; and
 - (b) completed the courses and passed in the examinations prescribed by the senate.

50. Honorary degrees

- (1) The University may confer an honorary degree of master or doctor upon any person –
 - (a) by resolution of the senate and the council on the grounds of his or her distinguished contribution to learning; or
 - (b) by resolution of the council on any other grounds.
- (2) A proposal that the University confer an honorary degree of master or doctor –
 - (a) must be in writing and must be received by the registrar by the date decided from time to time by the council;
 - (b) for consideration by the senate and the council must be made by a member of the senate or a member of the council;
 - (c) for consideration by the council must be made by a member of the council;
 - (d) must state the degree proposed and the grounds on which the proposal is made; and
 - (e) must be referred by the registrar to the joint honorary degrees committee of the senate and the council, which must in turn make a recommendation to the senate and the council, or the council, as the case may be.
- (3) The procedures that the senate and the council follow in dealing with a proposal that the University confer an honorary degree must be decided by the senate and the council respectively, but –
 - (a) all voting on a proposal in either body must be by secret postal ballot;
 - (b) a resolution of the senate to confer an honorary degree requires a vote of a majority in favour of the membership of the senate;
 - (c) the members of the senate who do not vote and who are on leave on the date the ballot is taken do not count, for this purpose, in the membership of the senate; and
 - (d) a resolution of the council to confer an honorary degree requires a vote of a majority in favour of the membership of the council.
- (4) The award of an honorary degree to a person does not entitle that person to practise any profession.

51. Conferment of degrees and award of diplomas and certificates

- (1) Degrees are conferred, and diplomas and certificates are awarded at a congregation.
- (2) Congregations are held at times and places decided by the council after consultation with the senate, and the procedures at a congregation, including the procedures for the presentation of those who have qualified for degrees, diplomas and certificates, the award of diplomas and certificates and the conferment of degrees in a person's absence are as decided by the council after consultation with the senate.
- (3) A person is not entitled to any privilege conferred by any degree before he or she has been admitted to such a degree, or to any privilege conferred by any diploma or certificate before he or she has been awarded such a diploma or certificate, at a congregation.

52. Tests of religion, culture, belief or opinion

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

DISCIPLINARY MEASURES AND PROCEDURES**53. Discipline**

Every student must comply with all Rules.

54. Disciplinary measures and procedures

Every student is subject to the disciplinary measures and procedures determined by Rules.

REGISTRAR**55. Appointment of registrar**

The council appoints the registrar who holds office for the period and upon the terms the council decides.

56. Functions of registrar

The registrar -

- (a) is secretary of the council, the senate and the convocation;
- (b) may delegate or assign any function provided for in this statute to a member of staff but remains responsible for the performance of any function he or she delegates or assigns; and
- (c) performs such other functions as the vice-chancellor may from time to time decide.

GENERAL AND TRANSITIONAL PROVISIONS**57. Issue of notices**

The inadvertent failure or omission to give notice as prescribed in this Statute to any person entitled to receive it, or the non-receipt of such notice by any person, does not invalidate the proceedings.

58. Numerical fractions

Where a numerical fraction of a number is prescribed in this Statute and where this is not an integral number, the next higher integral number must be taken to be the prescribed number.

59. Procedures where there is no quorum

Where a meeting of the council, the senate, or the institutional forum is called in the manner this Statute requires, and there is no quorum, the chairperson (or in the case of the institutional forum any two co-chairpersons) may adjourn the meeting to a date not less than seven days later and require the registrar to give notice of the time and venue of the adjourned meeting to all members of the body concerned and if this is done the members present at the start of the adjourned meeting constitute a quorum despite any provision to the contrary.

60. Persons in office

Persons holding office under the University of Cape Town (Private) Act 1999 are deemed to hold office under the corresponding provisions of this Statute, unless this is inconsistent with the Act or this Statute.

61. General and transitional provisions

- (1) Anything done under any provision of the University of Cape Town (Private) Act, 1999, before this Statute came into operation, is deemed to have been done under the corresponding provision of this Statute.
- (2) The council, the senate and the institutional forum which existed at the commencement of this Statute continue to exist in so far as they are consistent with the provisions of the Act and this Statute.
- (3) The existing regulations promulgated in terms of the Universities Act, 1955 (Act No. 61 of 1955), which were in force at the commencement of the Higher Education Act, 1997 (Act No. 101 of 1997) continue to apply until replaced.