THE UNIVERSITY OF CAPE TOWN

Institutional Statute

Institutional Rules

Related Legislation

February 2012
### UNIVERSITY OF CAPE TOWN

**STATUTE, INSTITUTIONAL RULES AND RELATED LEGISLATION**
(at February 2012)

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UNIVERSITY OF CAPE TOWN

INTRODUCTION

Public and private higher education institutions in South Africa are regulated by the Higher Education Act, No 101 of 1997 as amended. This Act and the regulations published under this Act are available at the website of the Department of Higher Education and Training. This Act requires each public higher education institution to have its own institutional statute, the provisions of which augment and must be consistent with the provisions of the Act. This Act also allows the University Council to adopt institutional rules and lays down the procedures the University Council must follow when adopting such rules.

This booklet contains UCT’s institutional statute and the institutional rules that the University Council has adopted.

It also reproduces two measures which have a direct bearing on the work of the University.

It does not reproduce the following measures which are of importance to the work of the University: these measures may be found on the web-sites of HESA, the DHET, the CHE and SAQA.

a) The unrepealed section of the Universities Act, 1955 and Joint Statute and Joint Regulations published under it.

b) The legislation and regulations for the South African Qualifications Authority (SAQA), the National Qualifications Framework (NQF), or the Higher Education Qualifications Framework (HEQF) which is a sub-framework of the NQF.

c) The large number of non-university-specific measures which affect the University directly or indirectly: these range from safety laws and regulations to measures that deal with constitutional values (PAIA and PAJA) to employment law.

Registrar

February 2012
STATUTE OF THE UNIVERSITY OF CAPE TOWN

(As published under Government Notice 1199 of 20 September 2002,
and as amended by
Government Notice 259 of 26 February 2004,
Government Notice 476 of 20 May 2005, and
Government Notice 748 of 27 August 2010, and
Government Notice 408 of 23 May 2012

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);

“appointments committee” means the appointments committee contemplated in paragraph 45 of this Statute;” (added February 2004)

“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 on 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 44 of this Statute and in section 35 of the Act; (amended February 2004)

“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;

(Definition of student parliament deleted February 2004)

“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 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.
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(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;
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.

To be elected, a candidate must win a majority of the votes cast.

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.

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.

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
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) three members of the senate elected by the senate;

(d) one member of the academic staff elected by the academic staff;

(e) one member of the professional, administrative, support and service staff elected by the professional, administrative, support and service staff;

(f) two students elected by the SRC, one of whom must be a postgraduate student;

(g) three 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; and
(l) deleted by GN 259 of 2004.
(m) five persons appointed by the appointments committee.
(n) Deleted by GN 259 of 2004

(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 (1)(m).

(4) A person elected, or appointed under subparagraphs (1)(g) to (1)(m)
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.

(Amended paragraph 13 substituted February 2004)

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 twelve months,
from 1 November to 31 October next.

(Amended sub-paragraph inserted August 2010)

(2) The term of office of the remaining members is four years, from 1 July
to 30 June four years later, as determined by the Rules, and the term of
office of any member elected or appointed after the start of the four-
year term of office is for the balance of that four-year term of office.

(Amended paragraph 15 substituted February 2004)

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.

(2A) Notwithstanding the provisions of (2) above, any vacancy in the Council in respect of a member who held office in terms of paragraph 13(1)(j), 13(1)(k) or 13(m) must be filled for the balance of that member’s term of office by the appointments committee. (added February 2004)

(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 four years which runs concurrently with the term of office of the members who serve a four-year term, until the start of the meeting of the council elected to serve for the following four-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 four ordinary meetings must be held each year. (Amended paragraph inserted August 2010)

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
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 thirty-five persons co-opted by the senate,
provided that if more than ten are co-opted they must be drawn
from the academic staff in such a way as to better reflect in the
senate the diversity of the academic staff. (Subparagraph
substituted February 2004)

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 four
years from 1 July to 30 June four 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 four-year term of office is for the balance of
that four-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;
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 –

1. a majority of two thirds of the members present and voting at a meeting of the senate; or

2. 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) student representatives.

(9) 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.

(10) 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.

(11) 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 procedures at meetings of faculty boards are as decided by the senate from time to time.

(6A) The quorum of a faculty board is as decided by senate from time to time but may not be less than one third of the total membership of the faculty board where the total membership is reduced by –
(a) the number of those who are on approved leave at the date of the meeting; and
(b) the number of those who have missed the last three ordinary meetings of the Board prior to the meeting in question.

(New sub-paragraphs (6) and (6A) inserted, February 2004)

(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.
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.

**CONVOCATION**

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.

44. SRC
   (1) There is an SRC, which represents all students within the University.
   (2) The SRC consists of between fifteen and twenty students as prescribed in the SRC constitution elected in a general election in the second term of each year in which every student who has been registered for at least one term is entitled to vote.
      (Amended by Government Notice No.408, 23 May 2012)
   (3) The SRC functions in terms of a constitution approved by the Council as a set of institutional rules, which determines the manner of election, the term of office, the functions and the privileges of the SRC.

45. The appointments committee of council
   (1) The appointments committee must make appointments to the Council as provided for in paragraph 13(1)(m) and fill vacancies on the council as provided for in paragraph 16(2A).

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The appointments committee consists of –
(a) the chairperson of the council, or failing the chairperson the deputy chairperson, or failing both a member of the council who is neither a staff member nor a student, chosen by the council;
(b) the chairperson of the trustees of the UCT Foundation;
(c) a trustee of the UCT Foundation who is neither a staff member nor a student, chosen by the trustees;
(d) a person who is neither a staff member nor a student, chosen by organised labour in NEDLAC;
(e) the vice-chancellor;
(f) a dean chosen by the deans of faculties from their number; and
(g) the president of the SRC.

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.

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(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;
          (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 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.  

(Amended by Government Notice 748 of August 2010)

(2) A proposal that the University confer an honorary degree of 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.  

(Amended by Government Notice 748 of August 2010)

(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 ballot, and voting on a proposal in senate must be by secret postal ballot;  

(Underlined amendment framed by Council December 2010 and pending Ministerial approval)

(b) a resolution of the senate to confer an honorary degree requires a vote of a majority in favour of the members of the senate voting in the ballot;  

(Amended by Government Notice No 476 of 2005)

(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.

62. **Further transitional provisions**
(1) The terms of office of all members of the council, other than those who hold office ex officio, who hold office at the date of publication of this notice are deemed to come to an end on 30 June 2004; and
(2) The registrar must cause elections to be held, and invite the appointing authorities to make appointments, in order that the new council constituted in terms of the new provisions takes office on 1 July 2004.
RULES FOR THE ELECTION AND APPOINTMENT OF MEMBERS OF COUNCIL

1. Terms of office

Where members of council serve a four-year term of office the terms of office are for the periods 1 July 2004 to 30 June 2008 and subsequent four-year periods; and members appointed, or elected after the start of any four-year term serve for the balance of that four-year term.

2. Members of senate elected by senate to be members of council

(a) The three members of the senate elected by the senate to be members of council must be members of the academic staff.

(b) The senate must elect one person from the members of the senate elected in terms of paragraph 23(f) or the members co-opted from the academic staff in such a way as to better reflect in the Senate the diversity of the academic staff in terms of paragraph 23(j) of the Statute. If this person subsequently becomes a member of senate in some other capacity he or she may continue as a member until the end of his or her term of office.

(c) The senate must elect the other two members to be members of council from all the members of senate who are members of the academic staff, including the members of senate elected in terms of paragraph 23(f).

(d) The members of the senate must be elected by ballot at least two weeks before their term of office begins. The senate must decide the way in which this ballot is to be taken.

(e) A member of the senate chosen to be a member of the council is eligible for re-election.

(f) A person elected by the senate to be a member of the council ceases to be a member of council under this section -

(i) if he or she ceases to be a member of the senate;

(ii) if he or she takes up appointment as vice-chancellor or as a deputy vice-chancellor in a substantive or an acting capacity;

(iii) for any period during which he or she is suspended from the staff; or

(iv) if he or she vacates his or her position in terms of the provisions of paragraph 16 of the Statute.
If during his or her term of office a member of the senate elected by the senate to be a member of the council is granted leave for a period of six months or longer, the senate must elect some other member of the senate to be a member of the council for the period of the leave which falls within his or her term of office if this is longer than three months.

3. **Member of the academic staff elected by the academic staff to be a member of the council**

(a) Every full-time and every permanently appointed member of the academic staff, other than the Vice-Chancellor, is entitled to take part in this election; the academic staff are defined in the Statute, and include academic staff on the joint establishment of the university and of the province whether on the university payroll or the province’s payroll, and staff appointed in the categories of research officer.

(b) The registrar must call for nominations for election by the academic staff of one member of council by notice to each member of the academic staff at least two months before the start of each term of office.

(c) Nominations must be in writing and must be received by the registrar by the date he or she specifies in the notice.

(d) Six members of the academic staff must sign each nomination.

(e) Each nomination must be accompanied by the written acceptance of nomination by the nominee, and by a statement by him or her, not exceeding two hundred words, summarising his or her curriculum vitae and candidature.

(f) If the registrar receives only one nomination, he or she must declare that person elected. If the registrar receives more than one nomination, he or she must hold a ballot of the members of the academic staff after publishing the statements of the candidates for election, the method of taking the ballot to be decided by the council form time to time.

(g) A retiring member is eligible for re-election.

(h) A person elected by the academic staff to be a member of the council ceases to be a member of the council –

(i) if he or she takes up appointment as vice-chancellor, or as a deputy vice-chancellor, in a substantive or an acting capacity;

(ii) if he or she ceases to be a member of the academic staff;
(iii) for any period during which he or she is suspended from the academic staff; or

(iv) if he or she vacates his or her position in terms of the provisions of paragraph 16 of the Statute.

(i) If a vacancy occurs the registrar must call for nominations and hold a ballot to fill the vacancy for the unexpired period of the term of office if this is longer than three months.

(j) If during his or her term of office a member of the council elected by the academic staff is granted leave for a period of six months or longer, the registrar must call for nominations and hold a ballot to fill the temporary vacancy for the period of the leave granted which falls within the unexpired period of the term of office if this is longer than three months.

4. Member of the professional, administrative, support and service staff elected by these staff to be a member of the council.

(a) Every full-time and every permanently appointed member of the professional, administrative, support and service staff, other than the registrar, is entitled to take part in the election.

(b) The members of the professional, administrative, support and service staff must elect one of their number to be a member of the council.

(c) The registrar must call for nominations for election by notice at least two months before the start of each term of office to each member of the professional, administrative support and service staff.

(d) Nominations must be in writing and must be received by the registrar by the date he or she specifies in the notice.

(e) Six members of the staff defined in (a) must sign each nomination.

(f) Each nomination must be accompanied by the written acceptance of nomination by the nominee, and by a statement by him or her, not exceeding two hundred words, summarising his or her curriculum vitae and candidature.

(g) If the registrar receives one only nomination he or she must declare him or her elected. If the registrar receives more than one nomination, he or she must hold a ballot of the staff concerned after publishing the statements of the candidates for election, the method of taking the ballot to be decided by the council from time to time.
(h) A retiring member is eligible for re-election.

(i) A person elected by the professional, administrative, support and service staff to be a member of the council ceases to be a member of the council -

(i) if he or she takes up appointment as registrar in a substantive or an acting capacity;

(ii) if he or she ceases to be a member of the professional, administrative, support and service staff;

(iii) for any period during which he or she is suspended from the professional, administrative, support service staff; or

(iv) if he or she vacates his or her position in terms of the provisions of paragraph 16 of the Statute.

(j) If a vacancy occurs during the member’s term of office, the registrar must call for nominations and hold a ballot to fill the vacancy for the unexpired period of the term of office if this is longer than three months.

(k) If during his or her term of office a member of the council chosen by the professional, administrative, support and service staff is granted leave for a period of six months or longer, the registrar must call for nominations and hold a ballot to fill the temporary vacancy for the period of leave granted which falls within the unexpired period of the term of office if this is longer than three months.

5. Members of the council elected by the students’ representative council

(a) The term of office of the two members of council elected by the students' representative council is for twelve months from 1 November to 31 October next. (Institutional Rule amended to follow the amended para 15(2) of the Institutional Statute.)

(b) The registrar must invite the students’ representative council to elect students to fill the vacancy at least two months before the start of each term of office, and must state whenever the appointment of a postgraduate student is mandatory.
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(c) A person chosen by the students’ representative council under this subsection ceases to be a member of council –

(i) if he or she ceases to be a student;

(ii) for any period during which he or she is suspended from the University; or

(iii) if he or she vacates his or her position in terms of the provisions of paragraph 16 of the Statute.

(d) If a vacancy occurs during the term of office of a member appointed under this subsection, the registrar must invite the students’ representative council to fill the vacancy for the unexpired period of the term of office.

6. Members of the council elected by the convocation

(a) The registrar must call for nominations for election as members of council by the convocation by notice to each member of the convocation at least sixteen weeks before the start of each term of office.

(b) Nominations must be in writing and must be received by the registrar by the date he or she specifies in the notice.

(c) Six members of the convocation must sign each nomination.

(d) Each nomination must be accompanied by the written acceptance of nomination by the nominee, confirmation by the nominee that he or she will be able to attend meetings in Cape Town, and a statement by him or her, not longer than two hundred words, summarising his or her curriculum vitae and candidature.

(e) If the registrar receives six or fewer nominations, he or she must declare those nominated to be duly elected. If the registrar receives more than six nominations, he or she must hold a ballot of the members of the convocation, after publishing the statements made by the candidates for election, the method of publication and the method of taking the ballot to be decided by the council.

(f) A retiring member is eligible for re-election.

(g) If a vacancy occurs during the term of office, the registrar must convene a meeting of the Appointments Committee and invite it to fill the vacancy for the unexpired period of office.
7. Members of the council elected by donors

(a) Each of the following is a donor for the purpose of the Statute -

(i) every natural person who was a member of the constituency of donors prior to 1 January 1997;

(ii) every natural person who up to the end of the calendar year preceding the year of the election has given R5 000 or more to the University; and

(iii) every corporate body, partnership, unincorporated association or trust which has given R25 000 or more to the University in the ten calendar years preceding the year of the election.

(b) The registrar must call for nominations for election by the donors of two persons to be members of council by notice to each donor at least two months before the start of each term of office.

(c) Nominations must be in writing and must be received by the registrar by the date he or she specifies in the notice.

(d) Three donors must sign each nomination.

(e) Each nomination must be accompanied by the written confirmation by the nominee that he or she accepts nomination, confirmation by the nominee that he or she will be able to attend meetings in Cape Town, and a statement by him or her not exceeding two hundred words, summarising his or her curriculum vitae and candidature.

(f) If the registrar receives two or fewer nominations, he or she must declare those nominated to be duly elected. If the registrar receives more than two nominations he or she must hold a ballot of the donors after publishing the statements of the candidates, the method of taking the ballot to be determined by the council from time to time.

(g) A retiring member is eligible for re-election.

(h) If a vacancy occurs during the term of office the registrar must convene a meeting of the Appointments Committee and invite it to fill the vacancy for the unexpired period of office if this is longer than six months.

8. Members of council appointed by the appointments committee of council

(a) The appointments committee consists of –
(i) the chairperson of the council, or failing the chairperson the deputy chairperson, or failing the deputy chairperson a member of council who is neither an employee nor a student, chosen by council;

(ii) the chairperson of the trustees of the University of Cape Town Foundation;

(iii) a trustee of the University of Cape Town Foundation who is neither an employee nor a student, chosen by the trustees;

(iv) a person who is neither an employee nor a student, chosen by organised labour in NEDLAC;

(v) the vice-chancellor;

(vi) a dean, chosen by the deans of faculties from their number; and

(vii) the president of the SRC,

provided that no member of the appointments committee may be a candidate for appointment to the council by the appointments committee.

(b) The term of office of the members of the appointments committee other than those whose membership is ex officio, is for a calendar year.

(c) The quorum is four, provided that at least two are neither staff nor students.

(d) The appointments committee must take reasonable steps to identify people who, because of their experience and/or expertise will be able to contribute to the work of the council, and must ensure, as far as it is able, a mix of diversity and expertise. In doing so it must have regard to the historic under-representation of women, in particular of black women, and of black people on the council.

(e) The appointments committee makes appointments and fills vacancies as required by the Statute.
RULES ON THE ELECTION OF MEMBERS OF SENATE

1. Terms of office

Where members of senate serve a four-year term of office –

(a) the terms of office are for the periods 1 July 2004 to 30 June 2008 and subsequent four-year periods; and

(b) members appointed, elected or co-opted after the start of any four-year term serve for the balance of that four-year term.

2. Members of senate elected by the academic staff who are not members of senate

(a) The registrar must call for nominations for election of twelve members of the academic staff who are not members of senate to be members of senate by notice to each of the members of the academic staff who are not members of the senate at least two months before the start of each term of office.

(b) Nominations must be in writing and must be received by the registrar by the date he or she specifies in the notice.

(c) Each nomination must be signed by six members of the academic staff who are not members of the senate.

(d) Each nomination must be accompanied by the written acceptance of nomination by the nominee, and by a statement by him or her, not exceeding two hundred words, summarising his or her curriculum vitae and candidature.

(e) If the registrar receives twelve or fewer nominations, he or she must declare the nominees to be duly elected. If the registrar receives more than twelve nominations, he or she must hold a ballot of the members of the academic staff who are not members of the senate after publishing the statements of the candidates for election, the method of taking the ballot to be decided by the council from time to time.

(f) A retiring member is eligible for re-election.

(g) A person chosen by the academic staff to be a member of the senate ceases to be a member of the senate under this section –

(i) if he or she becomes a member of the senate in another capacity; or
(ii) if he or she ceases to be a member of the academic staff; or

(iii) for any period during which he or she is suspended from the academic staff.

(h) If a vacancy occurs the registrar must call for nominations and hold a ballot to fill the vacancy for the unexpired period of the term of office if this is longer than six months.

(i) If during his or her term of office a member of the senate chosen in terms of this subsection is granted leave for a period of six months or longer, the registrar, upon being notified of this by the member, must call for nominations and hold a ballot to fill the temporary vacancy for the period of leave granted which falls within the unexpired period of the term of office if this is longer than six months.

3. Members of the senate elected by the professional, administrative, support and service staff

(a) The professional, administrative, support and service staff other than the registrar must elect four of their number to be members of the senate.

(b) The registrar must call for nominations for election by notice to each member of the professional, administrative, support and service staff at least two months before the start of each term of office.

(c) Nominations must be in writing and must be received by the registrar by the date he or she specifies in the notice.

(d) Each nomination must be signed by six members of the professional, administrative, support and service staff.

(e) Each nomination must be accompanied by the written acceptance of nomination by the nominee, and by a statement by him or her, not exceeding two hundred words, summarising his or her curriculum vitae and candidature.

(f) If the registrar receives four or fewer nominations, he or she must declare the nominees to be duly elected. If the registrar receives more than four nominations, he or she must hold a ballot of the members of the professional administrative, support and service staff after publishing the statements of the candidates for election, the method of taking the ballot to be decided by council from time to time.

(g) A retiring member is eligible for re-election.
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(h) A person elected to be a member of senate in terms of this section ceases to be a member of senate -

(i) if he or she ceases to be a member of the professional, administrative, support and service staff; or

(ii) for any period during which he or she is suspended from the staff.

(i) If a vacancy occurs the registrar must call for nominations and hold a ballot to fill the vacancy for the unexpired period of the term of office if this is longer than six months.

(j) If during his or her term of office the member is granted leave for a period of six months or longer, the registrar, upon being notified of this by the member, must call for nominations and hold a ballot to fill the temporary vacancy for the period of leave granted which falls within the unexpired period of the term of office if this is longer than six months.

4. Members of the senate elected by the council

(a) The council must elect two of its number to be members of the senate.

(b) The registrar must invite the council to choose two of its members to be members of the senate at the first meeting of the new council.

(c) A person chosen to be a member of the senate under this subsection ceases to be a member of the senate if he or she ceases to be a member of the council.

(d) If a vacancy occurs during the term of office the registrar shall invite the council to fill the vacancy for the unexpired period of office if this is longer than six months.

5. Members of the senate elected by the students’ representative council

(a) The students’ representative council must elect six students to be members of the senate at least two of whom must be postgraduate students, and at least one of whom must be a member of the students’ representative council.

(b) The term of office of three of the first set of members of senate six elected by the students’ representative council was from 15 June 1999 to 31 December 1999, and of the other three was from 15 June 1999 to 31 December 2000. The terms of office of successive sets of students are two calendar years.

(c) The registrar must invite the students’ representative council to make appointments under this subsection at least two months before the start of each term of office.
(d) A person chosen to be a member of the senate under this section ceases to be a member of the senate –

(i) if he or she ceases to be a student; or

(ii) for any period during which he or she is suspended as a student.

(e) If a vacancy occurs during a term of office, the registrar must invite the students’ representative council to fill the vacancy for the unexpired period of office.

6. **Members co-opted by the senate**

(a) A person co-opted to be a member of senate because he or she holds a specified office, and who ceases to hold that office, ceases to be a member of senate.

(b) The senate must determine the term of office for each person co-opted to be a member of the senate, and may set different terms of office for different people it co-opts.
RULES ON THE ELECTION AND APPOINTMENT OF THE INSTITUTIONAL FORUM

1. **Members and alternate members elected by the council and by the senate, and appointed by the vice-chancellor**

   (a) The council must elect from its number three members, and one general alternate member, the senate must elect from its number three members, and one general alternate member, and the vice-chancellor must appoint two executive officers and two deans to be members, of the institutional forum.

   (b) A person elected -

      (i) by the council ceases to be a member or alternate member of the institutional forum if he or she resigns from the institutional forum or ceases to be a member of the council; and

      (ii) by the senate ceases to be a member or alternate member of the institutional forum if he or she resigns from the institutional forum or ceases to be a member of the senate.

   (c) The members and alternate members elected by the council or the senate serve a four-year term of office where –

      (i) the terms of office are for the periods 1 July 2004 to 30 June 2008 and subsequent four-year periods; and

      (ii) members elected after the start of any four-year term serve for the balance of that four-year term.

   (d) The members appointed by the vice-chancellor serve such terms of offices the vice-chancellor decides.

   (e) If a vacancy occurs during the term of office, the council or the senate or the vice-chancellor, as the case may be, must fill the vacancy for the unexpired period of the term of office.
2. **Members elected by recognised staff bodies**

(a) The staff bodies must choose ten members of staff to be members, and may appoint up to ten members of staff to be alternate members of the institutional forum, as follows -

(i) If there are three, or less than three, staff bodies each having fifteen per cent or more of the total permanent and full-time staff of the University as members at the start of the period of office any such staff body must appoint two members and one alternate member.

(ii) If there are more than three staff bodies each of which has fifteen per cent or more of the total permanent and full-time staff of the University as members at the start of the period of office –

- any staff body having twenty per cent or more must appoint two members and one alternate member; and

- any staff body which has ten per cent or more (but fewer than twenty per cent) of the total permanent and full-time staff of the University as members at the start of the period of office must appoint one member and one alternate member.

(iii) The remainder, if any, of the ten places must be filled in the following way -

- if there are as many or fewer remaining staff bodies as there are remaining places, each of these staff bodies must elect one member;

- if there are more remaining staff bodies than there are remaining places, these staff bodies must fill these places by agreement among themselves, and where they fail to agree each staff body must nominate one candidate, and the places must be filled by drawing by lot as many names from those nominated as there are remaining places; and

- if there are fewer remaining staff bodies than there are remaining places, the place or places left after each staff body has made an appointment must be filled by the staff bodies with the largest membership, in order, appointing one additional member.
(iv) A staff body may count for the purposes of this section only those members who belong to no other staff body, plus those who belong to other staff bodies but for this purpose choose this one as the body to represent them.

(v) A person appointed under this subsection ceases to be a member, or alternate member, of the institutional forum –

• if he or she resigns from the institutional forum; or

• if having been elected by the staff, or appointed by the vice-chancellor, he or she ceases to be a member of staff; or

• if the staff body that appointed him or her ceases to be a recognised staff body; or

• for any period during which he or she is suspended from the University.

(vi) The term of office of the members appointed by staff bodies is for two years where –

• the terms of office are for the periods 1 July 1999 to 30 June 2001 and subsequent two-year periods; and

• members appointed after the start of any two-year term serve for the balance of the two-year term.

(vii) If a vacancy occurs during the term of office, the staff body or bodies concerned must fill the vacancy for the unexpired period of the term of office.

3. Members elected by the students’ representative council

(a) The students’ representative council must elect ten students, and may elect up to ten specific or general alternate members, to be members and alternate members of the institutional forum.

(b) At least three of the ten members must be postgraduate students and at least one of the alternate members must be a postgraduate student.

(c) A person chosen under this section ceases to be a member of the institutional forum –

(i) if he or she resigns from the institutional forum; or

(ii) if he or she ceases to be a student; or
(iii) for any period during which he or she is suspended from the University.

(d) The term of office of members appointed by the students’ representative council is one calendar year.

(e) If a vacancy occurs during the term of office, the students’ representative council must fill the vacancy for the unexpired period of the term of office.
Preamble

We, the students of the University of Cape Town, acknowledge our historical context within the African continent, South Africa and the Western Cape and resolve to unite and build non-racialism, non-sexism and democracy.

We therefore determine the Students’ Representative Council of the University of Cape Town as the primary governing body on all issues of student governance whose role shall be to:

Promote the vision and mission statement of the University of Cape Town;

Affirm and promote the right of students to embark on the acquisition and advancement of knowledge, truth and academic excellence;

Promote and protect the principles entrenched in the Bill of Rights of the Constitution of the Republic of South Africa;

Uphold principles of transparency, accountability, responsiveness and participation in the student community;

Articulate the aspirations of students within the University co-operative governance structures including the Council, Senate, Institutional Forum and University Committees; and

Strive for social redress, increased access and active transformation within the University of Cape Town and the broader society.

In adopting this Constitution for Student Governance at the University of Cape Town, we affirm the principles, values and provisions of the Higher Education Act 1977 (101 of 1997) as amended, and the Statute of the University of Cape Town.
Chapter 1: Introduction

Article 1.1 Definitions


b) “Statute” means the Institutional Statute of the University promulgated under the Act.

c) “University Student Affairs Committee” (USAC) means the Council committee responsible for advising Council on policy in the area of student development and services.

d) “Residences Committee” refers to the USAC committee responsible for advising USAC and Council on policy and funding the residences.

e) “Sports Council” refers to the USAC committee responsible for advising the USAC on policy and funding for student sport.

f) “Student Societies and Organisations Committee” (SSOC) refers to the USAC committee responsible for advising USAC on policy and funding societies and student organisations.

g) “Council” means the University of Cape Town Council.

h) “Absolute majority” means a majority of the total membership.

i) “Simple majority” means a majority of the members present and voting.

j) “Student” means a person registered as a student of the University.

k) “By-laws” are the by-laws set out in the schedule to this constitution.

Article 1.2 Status

Subject to the provisions of the Act, the Statute and the authority of the Council, this Constitution shall bind the Students’ Representative Council, student structures and all the students of UCT.

Article 1.3 Name

The name of the body shall be the Students’ Representative Council of the University of Cape Town, hereinafter referred to as the SRC.

Article 1.4 Structures of Student Governance

There shall be five structures of Student Governance:

1.4.1 the SRC
1.4.2 the SRC Executive Committee

1.4.3 the SRC Standing Committees

1.4.4 the Student Assembly

1.4.5 the SRC Sub-Councils

**Article 1.5 Other student structures**

There shall be seven other student structures:

1.5.1 Undergraduate faculty committees

1.5.2 Postgraduates faculty committees

1.5.3 House committees

1.5.4 Day House committees

1.5.5 Societies

1.5.6 Sport codes

1.5.7 Development agencies

**Article 1.6 Functions, powers and duties of the SRC**

Subject to the provisions of this Constitution, the SRC shall be empowered to:

1.6.1 make representations on behalf of students in general, and in particular to the Council, the Senate, Institutional Forum, and other bodies and officers of the University;

1.6.2 administer in the interests of students of the University in the manner prescribed in the Standing Rules of this Constitution and by the Council, such funds and assets as may be allocated to it from time to time by the Council, or as may be received by it from any other source(s);

1.6.3 extend recognition to or withdraw recognition from any student society or organisation in a manner prescribed in the Standing Rules of this Constitution;

1.6.4 convene and conduct meetings of students;

1.6.5 conduct referenda to ascertain student opinion;

1.6.6 affiliate to bodies and organisations outside the University and to represent students in such structures;
1.6.7 administer the use of premises set aside by the University for promoting students’ activities;

1.6.8 publish progress reports to the student body and the Council once a semester or more frequently if so decided;

1.6.9 initiate, undertake or stimulate discussion, debate or action, or make views known, on matters of general concern or likely to be of interest to or affect students or a group of students.

Chapter 2: SRC

Article 2.1 Authority of the SRC

The SRC is the highest decision-making student body in the University, subject to the powers of the Student Assembly in Article 5.2.3, representing students in terms of the provisions of the Act and the Statute.

Article 2.2 Composition of the SRC

The SRC shall consist of 17 registered students elected annually by students who have been registered for at least one semester in the manner prescribed in the By-Laws.

Article 2.3 Termination of membership

A member of the SRC ceases to hold office if and when:

2.3.1 he/she ceases to be a student of the University;

2.3.2 he/she tenders his/her resignation in writing and such resignation is accepted by the SRC; or

2.3.3 he/she has had two motions of censure passed on him/her during a single term of office by the SRC on one or more of the following grounds:

a) Failure to attend two consecutive meetings of the SRC without an acceptable written apology;

b) failure, without an excuse acceptable to the SRC, to carry out duties entrusted to him/her by the SRC;

c) failure to submit quarterly and final reports acceptable to the SRC;

d) Bringing the name of the SRC into disrepute by being found guilty of a serious offence in the University disciplinary structures
Article 2.4 SRC Term of office

The SRC holds office from 1 November after the SRC elections until 31 October in the following year.

Article 2.5 SRC Members

The SRC must prescribe the functions, duties and powers of its members in Standing Rules.

Article 2.6 Meetings of the SRC

2.6.1 The SRC must meet from time to time in the manner prescribed in Standing Rules.

2.6.2 The quorum for an SRC meeting is 50% + 1 of the members holding office at the time.

Chapter 3: SRC Executive Committee

Article 3.1 Composition of the SRC Executive Committee

The SRC must at its first meeting elect from among its members in the manner prescribed in the By-laws, the following officers who comprise the SRC Executive:

3.1.1 President;
3.1.2 Vice-President (External);
3.1.3 Vice-President (Internal);
3.1.4 Secretary-General;
3.1.5 Deputy Secretary-General;
3.1.6 Treasurer;
3.1.7 Undergraduate Academic Coordinator;
3.1.8 Postgraduate Academic Coordinator

Article 3.2 Functions, duties and powers of the SRC Executive Committee

Subject to the provisions of this constitution, the SRC Executive Committee may-

3.2.1 convene meetings of the SRC;
3.2.2 deal with any matter of urgency;
3.2.3 act as the administrative committee of the SRC; and
3.2.4 execute any mandate, transferred to it by the SRC.

Article 3.3 Meetings of the SRC Executive Committee

3.3.1 Meetings of the SRC Executive Committee may take place from time to time in the manner prescribed in the Standing Rules.

3.3.2 50% +1 of the members of the SRC Executive Committee shall constitute a quorum.

Chapter 4: SRC Standing Committees

Article 4.1 SRC Standing Committees

The SRC must constitute the following standing committees, whose composition, functions and duties must be prescribed in the Standing Rules:

4.1.1 the Presidency;

4.1.2 the Secretariat;

4.1.3 the Finance Committee;

4.1.4 the Constitutional Committee;

4.1.5 the Vacation Committee;

4.1.6 the SRC Elections Committee; and

4.1.7 the Student Leaders’ Transformation Forum

Article 4.2 Composition of SRC Standing Committees

The composition of SRC Standing Committees is determined in accordance with the standing rules.

Chapter 5: SRC Sub-Councils

Article 5.1 Constituting of Sub-Councils

The SRC must constitute seven sub-councils to represent students in:

5.1.1 faculties, designated the Academic Council for undergraduate students;

5.1.2 faculties, designated the Postgraduate Students’ Association for postgraduate students;
5.1.3 residences, designated the Residences Council;
5.1.4 societies, designated the Societies Council;
5.1.5 off-campus accommodation, designated the Day Students Council;
5.1.6 sports codes, designated the Sports Sub-Council;
5.1.7 development agencies, designated the Development Agencies Council

Article 5.2 Composition of Sub-Councils

The composition of each sub-council is determined in accordance with the provisions of its own Standing Rules.

Article 5.3 Chairpersons and Vice-Chairpersons of a Sub-Council

5.3.1 The SRC must elect an SRC member to chair a sub-council related to his/her portfolio as set out in Standing Rules.

5.3.2 Each sub-council must elect a vice-chairperson from its members.

Article 5.4 Powers and Duties of Sub-Councils

5.4.1 A sub-council is accountable to the SRC.

5.4.2 A sub-council:

(a) must refer the following to the SRC:

(i) all policy resolutions;
(ii) proposed amendments to the Standing Rules of the sub-council;
(iii) decisions that may affect the broader student community;
(iv) budgets and financial statements of the sub-council; and
(v) the planned programme of each of the sub-council members.

(b) must implement decisions of the SRC through the relevant sub-council;

(c) must make decisions on operational and technical matters that affect its respective constituency;

(d) must perform duties set out in its Standing Rules;

(e) must submit minutes of its meetings to the SRC;
(f) must communicate matters affecting students within its respective constituency to the SRC;

(g) may make representations and/or presentations on particular matters to the SRC;

(h) must administer funds and assets raised for its own affairs in accordance with its own Standing Rules and approved budget;

(i) may receive funds from the SRC via the SRC Treasury, may spend such funds in accordance with the allocation, and must account for such funds in a manner prescribed in the Standing Rules of the relevant sub-council;

(j) may convene and conduct its own meetings;

(k) may make representation(s) and presentation(s) on particular matters to the Student Assembly;

(l) must deploy members and representatives to the Student Assembly as set out in the Standing Rules;

(m) must forward financial reports from all recognised student structures to the SRC once a semester.

**Chapter 6: Student Assembly**

**Article 6.1 Composition**

The Student Assembly of the University of Cape Town shall consist of the following, as determined in the Student Assembly Standing Rules:

6.1.1 members of the Students’ Representative Council

6.1.2 members of the Postgraduate Students’ Association

6.1.3 members of the Day Students Council

6.1.4 members of the Societies Council

6.1.5 members of the Sports Sub-Council

6.1.6 members of the Development Agencies Council

6.1.7 members of the student assembly management committee, excluding the SRC members
Article 6.2 Aims and Objectives

6.2.1 The Student Assembly shall serve as a collective voice of all student sub-structures on campus.

6.2.2 The Student Assembly shall serve to keep the SRC and its sub-structures accountable and transparent and rooted in the principles and values of this Constitution.

6.2.3 Decisions taken by two-thirds of the full membership of the Student Assembly shall bind the SRC.

Article 6.3 Meetings of the Student Assembly

6.3.1 The chairperson, vice-chairperson and the administrator of the assembly shall be non-SRC members elected by the assembly at its final seating of the previous term of office and together with two members of the SRC appointed by the SRC shall constitute the Student Assembly Management Committee.

6.3.2 The convener of the assembly shall be the SRC vice-president (internal).

6.3.3 Meetings of the Student Assembly shall be governed by Standing Rules of the Student Assembly.

6.3.4 SRC members and the SRC sub-council members must attend all meetings of the Student Assembly.

6.3.5 Meetings of the assembly are open to students to observe and participate without voting powers.

6.3.6 Ordinary Meetings

a) Ordinary meetings of the Student Assembly must be held at least once a quarter.

b) The chairperson shall give at least seven days notice of the date, time, venue and provisional agenda of such a meeting.

c) The chairperson must request the chairpersons of the SRC sub-councils and development agencies to submit agenda items for the meeting at least two weeks before giving notice of a meeting.

6.3.7 Extraordinary Meetings

a) An extraordinary meeting of the Student Assembly must be held if and when

   (i) the chairperson in consultation with the SRC calls such a meeting; or
(ii) a sub-council of the SRC submits a written request to the chairperson for such a meeting, accompanied by a written motivation for consideration at the meeting.

b) Notice of the date, time, venue and agenda of an extraordinary meeting must be given at least twenty-four hours before such a meeting.

6.3.8 The quorum for the Student Assembly shall be 50% + 1 of the members of the Assembly.

Chapter 7: Residence House Committees, Day House Committees, Faculty Committees, Societies, Sports Codes and Development Agencies

Article 7.1 Residence House Committees

7.1.1 A residence is a student housing unit recognised by the Council as a residence.

7.1.2 A Residence House Committee is a student structure recognised by the SRC and approved by the Residences Committee, which, in accordance to its own constitution, provides sports, social, academic, cultural, community outreach and any other needs of students in that particular residence.

7.1.3 In order that a Residence House Committee may carry out its responsibilities it qualifies for funding as allocated by the Residences Committee.

7.1.4 A Residence House Committee may be required by the SRC to submit regular financial reports to the SRC through the Residences Council.

7.1.5 A Residence House Committee must be elected in a manner that is aligned to the principles outlined in the preamble and of this Constitution and in accordance with the provisions of the constitution of that residence.

7.1.6 The constitution of a residence House Committee must be submitted to the SRC for its recommendations before submission to the Residences Committee for approval.

7.1.7 A Residence House Committee of a residence shall include, but is not limited to, the following portfolios:

(i) head student
(ii) secretary
(iii) academic
(iv) health, safety and security
(v) treasurer

Article 7.2 Day Students Council

7.2.1 A Day House, and its Day House Committee is a student structure registered with the SRC which, in accordance to its own constitution, provides sports, social, academic, cultural, community outreach and any other needs of students in that particular Day House.
7.2.2 Day Houses may be required by the SRC to submit regular financial reports to the SRC through the Day Students Council.

7.2.3 A Day House Committee must be elected in a manner that is aligned to the principles outlined in the preamble of this constitution and in accordance to the provisions of the constitution of that Day House.

7.2.4 The constitution of a Day House Committee must be approved by the SRC through the Constitutional Committee and the Day Students Council

7.2.5 A Day House must have at least 100 members.

7.2.6 A Day House Committee shall include, but is not limited to the following portfolios:

(i) head student
(ii) secretary
(iii) academic
(iv) health, safety and security
(v) treasurer

Article 7.3 Undergraduate Faculty Committees

7.3.1 A faculty must be recognised by the Council before acquiring a status of a faculty.

7.3.2 An undergraduate faculty committee is a student structure registered by the SRC, that is linked to a particular University faculty, in accordance to its own constitution, and provides for academic needs, community outreach and any other needs of students in that particular faculty or school.

7.3.3 An undergraduate faculty committee in collaboration with the faculty Dean shall coordinate a system of class representatives.

7.3.4 In order that an undergraduate faculty committee may carry out its responsibilities it qualifies for funding and any other available resources (such as office space) as allocated by the Student Societies and Organisations Committee and/or the faculty to which it is attached.

7.3.5 Undergraduate Faculty Committees may be required by the SRC to submit regular financial reports to the SRC through the Academic Council.

7.3.6 An undergraduate Faculty Committee must be elected in a manner that is aligned to the principles outlined in the preamble of this Constitution and in accordance with the provisions of the constitution of that faculty committee.

7.3.7 The constitution of an undergraduate Faculty Committee must be submitted to the SRC for its recommendations, before submission to the Student Societies and Organisations Committee for approval.
7.3.8 An undergraduate Faculty Committee shall include, but is not limited, to the following portfolios:

(i) chairperson
(ii) secretary
(iii) health / HIV/AIDS
(iv) academic
(v) treasurer

**Article 7.4 Postgraduate Faculty Committees**

7.4.1 A faculty must be recognised by the University Council before acquiring a status of a faculty.

7.4.2 A postgraduate Faculty Committee is a student structure registered with the SRC that is linked to a particular University faculty, in accordance to its own constitution, and subject to relevant university provisions relating to academic matters in collaboration with the Dean(s) concerned, provides for academic needs and community outreach and any other needs of postgraduate students in that particular faculty.

7.4.3 In order that a postgraduate Faculty Committee may carry out its responsibilities it qualifies for funding and any other available resources (such as office space) as may be allocated to it by the Student Societies and Organisation Committee and/or the faculty to which it is attached.

7.4.4 Postgraduate Faculty Committees may be required by the SRC to submit regular financial reports to the SRC through the Postgraduate Students’ Association.

7.4.5 A postgraduate Faculty Committee must be elected in a manner that is aligned to the principles outlined in the preamble of this Constitution and in accordance to the provisions of the constitution of that postgraduate Faculty Committee.

7.4.6 The constitution of a postgraduate Faculty Committee must be submitted to the SRC for its recommendations, before submission to the Student Societies and Organisations Committee for approval.

7.4.7 A postgraduate faculty committee shall include, but not be limited to the following portfolios:

(i) chairperson
(ii) secretary
(iii) health, safety and security
(iv) academic
(v) treasurer

**Article 7.5 Societies**

7.5.1 A society is a student structure registered by the SRC and the Student Societies and Organisations Committee, which, in accordance to its own constitution, has a specific
purpose in relation to social, political, religious, academic, cultural, community outreach or any other needs of students who join as members.

7.5.2 In order that a society may carry out its responsibilities, it qualifies for funding as may be allocated by the Student Societies and Organisations Committee.

7.5.3 Societies may be required by the SRC to submit regular financial reports to the SRC through the Societies Council.

7.5.4 A society must elect a committee in a manner that is aligned to the principles outlined in the preamble of this Constitution and in accordance to the provisions of the constitution of that society.

7.5.5 The constitution of a society must be submitted to the SRC for its recommendations before submission to the Societies and Organisations Committee for approval.

7.5.6 A society must have at least 25 members.

7.5.7 A society’s executive committee shall include, but is not limited to the following portfolios:

   (i) chairperson
   (ii) secretary
   (iii) treasurer

**Article 7.6 Sports Codes**

7.6.1 A Sports Code is a student structure registered with the SRC, recognised by the Sports Council and affiliated to SASSU-UCT, which, in accordance to its own constitution, has a specific purpose in relation to sports and any other needs of students who join as members.

7.6.2 In order that a Sports Code may carry out its responsibilities, it qualifies for funding as allocated by the Sports Council.

7.6.3 Sport Codes may be required by the SRC to submit regular financial reports to the SRC through the Sports Sub-council.

7.6.4 A Sports Code must elect a committee in a manner that is aligned to the principles outlined in the preamble of this Constitution and in accordance to the provisions of the constitution of that Sports Code.

7.6.5 The constitution of a Sports Code must be submitted to the SRC for its recommendations before submission to the Sports Council for approval.

7.6.6 A Sports Code must have at least 30 members.

7.6.7 A Sports Code’s executive committee shall include, but is not limited to the following portfolios:
(i) chairperson
(ii) secretary
(iii) treasurer

Article 7.7 Development Agencies

7.7.1 A development agency is a student structure registered by the SRC and the Student Societies and Organisations Committee, which:

a) is inclusive and representative of UCT students;

b) aims to serve the community in general and the diverse student body;

c) has a clearly defined regular service or product objective and must not be merely coordinative in nature;

d) is staffed by student volunteers; provided that the Council may appoint and mandate persons to carry out its business operations, and may remunerate them; and

e) is line with the standing rules of the Development Agencies sub-council.

7.7.2 A Development agency established in accordance with article 6.7.1 has the following functions and duties:

a) to provide excellent and professional services according to its constitution, regulations and codes of ethics, as well as in accordance with the objectives of the SRC constitution;

b) to serve the diverse student body and the surrounding communities;

c) to be accountable to the broad student body through the SRC;

d) to design and implement programmes, and coordinate their structures in a manner that affirms the principles outlined in the preamble to this Constitution; and

e) to provide the SRC Development Agencies Standing Committee with their planned programmes for their term of office.

7.7.3 In the event that a development agency has a management committee or non-executive board:

a) the SRC shall be entitled to nominate student representatives to that management committee or non-executive board as per the organization’s constitution;

b) accountability to the SRC shall be exercised solely through this management committee or non-executive board.
7.7.4 In order that a development agency may carry out its responsibilities, it qualifies for funding as allocated by the Student Societies and Organisations Committee.

7.7.5 The constitution of a development agency must be submitted to the SRC for its recommendations before submission to the Societies and Organisations Committee for approval.

7.7.6 Student media organisations must provide an impartial, balanced and relevant service to the broader student body with the objective of providing information about student issues.

7.7.7 The SRC, or other student governance structure, must not limit the editorial independence of official student media organisations, in line with Chapter 2, Section 16 of the Constitution of the Republic of South Africa.

Chapter 8: Mass Meetings

Article 8.1 Purpose of mass meetings

The SRC may convene mass meetings of students to consolidate its mandate, or to provide a platform for debate and to serve as a tool to translate the principles of democracy, accountability and transparency of student governance into action.

Article 8.2 Convening a Mass Meeting

8.2.1 The SRC must convene at least one mass meeting per semester in order to account to the student body on the progress made and a report must be given at such a meeting.

8.2.2 An Emergency Mass Meeting may be called by the SRC, should an urgent matter affecting students arise.

8.2.3 Students may request a mass meeting through a petition signed by at least five hundred students and handed over to the SRC Secretary-General. The Secretary-General must after receiving this petition, inform the SRC and convene such a meeting within two weeks after the petition has been received.

8.2.4 A mass meeting must be conducted in a manner prescribed in the standing rules.

8.2.5 Notice of the date, time, venue and agenda of a mass meeting must be given at least seven days before such a meeting, except in the case of Emergency Mass Meetings.

Article 8.3 Chairperson, quorum and resolutions of a Mass Meeting

8.3.1 The Secretary-General of the SRC is the Chairperson of the Mass Meetings.

8.3.2 Attendance at mass meetings is compulsory for all SRC members.
8.3.3 The Secretariat of the SRC shall be responsible for taking minutes of such a meeting and posting of such minutes on the notice boards.

8.3.4 A resolution taken by simple majority of a mass meeting of at least 500 students binds the SRC.

Chapter 9: Constitutional Matters

Article 9.1 Amendments

Any amendment to this Constitution, including an amendment to the By-laws, shall be by a two-thirds absolute majority of the Student Assembly, or failing that, a two-thirds absolute majority of the SRC after the proposed amendment has been considered by the Constitutional Committee and shall be subject to final approval by Council.

Article 9.2 Interpretation

The Constitutional Committee of the SRC must undertake all interpretation of articles in this Constitution and may make a ruling where there is dispute of interpretation.

Article 9.3 SRC Standing Rules

The SRC may by an absolute majority adopt, amend, or repeal SRC Standing Rules to regulate its activities, and must make standing rules to cover:

a) SRC Code of Conduct
b) SRC Meetings and Mass Meetings
c) SRC Portfolios
d) SRC Standing Committees
e) SRC Financial Policy

Chapter 10: SRC Elections

SRC Elections must take place annually in the manner prescribed in SRC by Laws.
NOTE: Changes suggested by DSA and the Registrar’s Office are shown in Track Mode and require consideration by the Student Assembly/ SRC before submission to Council.
Please note: [ ] denotes suggested deletions,
___ denotes suggested additions.

BY-LAWS:

1. GENERAL
   The By-laws constitute a part of the Constitution of the SRC and may only be amended, added to or repealed in the manner set forth in this Constitution.

2. ELECTION COMMITTEE, CHIEF ELECTORAL OFFICER AND ELECTION OFFICERS

2.1 The SRC Elections Committee must supervise and control any SRC election or by-election, and such other elections as may be specified by the SRC, and must carry out the responsibilities and duties assigned to it in terms of these By-Laws.

2.2 The SRC Elections Committee must consist of the following members:
   a) the chairperson shall be an academic staff member appointed by the SRC, in consultation with the ED: DSA or nominee;
   b) two members of DSA staff nominated by the ED:DSA, one of whom shall be nominated by the ED:DSA to be Chief Electoral Officer;
   c) three election officers, who are appointed by the ED:DSA, after consultation with the SRC;
   d) two students nominated by the SRC;
   e) one student nominated by the Student Assembly
   f) one nominee of the SRC Constitutional Committee

2.3 No member of the committee may stand for elections or assist in the campaigning of a student standing for election.

2.4 No member of the SRC may participate in the appointment of the SRC Elections Committee if that member is standing for election or assisting in the campaign of a student standing for elections.

2.5 The SRC Elections Committee must:
   2.5.1 Compile an election timetable (which it may amend if the Chief Electoral Officer considers it necessary);
   2.5.2 co-ordinate the nominations process;
   2.5.3 monitor the conduct of candidates and voters;
   2.5.4 arrange publicity for the entire election process;
   2.5.5 co-ordinate the voting and vote-counting process;
2.5.6 announce the results (including the percentage poll) of the election;
2.5.7 submit regular reports to and make recommendations to the SRC and relevant structures regarding the election; and
2.5.8 receive and act upon complaints regarding irregularities in connection with nominations, voting, or candidates’ conduct or generally in the election.

2.6 The Chief Electoral Officer and the election officers are responsible for:

2.6.1 advertising that nominations are open, together with a closing date;
2.6.2 preparing nomination forms and ballot papers to be ratified by the SRC Elections Committee;
2.6.3 compiling a complete list of candidates;
2.6.4 arranging meetings with candidates to explain the rules for the election, confirming deadlines for which banners, posters, manifestos, photographs, and curricula vitae must be prepared;
2.6.5 ensuring that venues are booked for speeches, question and answer sessions and any other events pertaining to the elections;
2.6.6 ensuring that the election publications carrying relevant information about candidates are distributed prior to the elections;
2.6.7 liaising with campus media about information on the candidates to be published in the media prior to the elections;
2.6.8 making recommendations to the SRC Elections Committee and SRC for the efficient running of the election;
2.6.9 presenting a full report to the SRC as soon as possible after the election, including an account on how funds were spent;
2.6.10 servicing meetings of the SRC Elections Committee;
2.6.11 organize opportunities for candidates to interact with students on at least four of the university campuses.

2.7 The Chairperson of the SRC Elections Committee shall be responsible for:

2.7.1 convening and chairing meetings of the SRC Elections Committee;
2.7.2 receiving complaints regarding irregularities in connection with nominations, voting or candidates’ conduct or generally in the election; and
2.7.3 where a decision must be expedited: act upon complaints regarding irregularities in connection with nomination, voting or candidates’ conduct or generally in the election to be later ratified by the SRC Elections Committee.

3 ELECTION TIME FRAME

3.1 The annual SRC elections must be held over a period of ten consecutive university days, five days of campaigning and five days of voting, in the second semester of each academic year.

3.2 Any by-election must be held over a period of ten consecutive days, five of campaigning and five days of voting in line with the provisions stipulated in section 12 of these by-laws.

4 ELIGIBILITY [CRITERION] FOR VOTING OR STANDING FOR SRC ELECTION

A student must be registered at the University of Cape Town for at least one complete semester in order to vote in, or to stand for SRC Election.

5 NOMINATIONS

5.1 Nominations of candidates for the election must be lodged with and published by the SRC Elections Committee through the Chief Electoral Officer not less than ten days before the first day of the election.

5.2 A candidate must indicate on his/her nomination form the name of any group or organisation(s) s/he is affiliated to for the purpose of the election.

5.3 A nomination form must be signed by not less than twenty students entitled to vote.

5.4 A nomination form must be accompanied by the candidate’s written acceptance of nomination.

5.5 A voter may not nominate more than three candidates for election and may not withdraw his/her nomination once the nomination form has been lodged with the SRC Elections Committee.

5.6 The SRC Elections Committee must decide the validity of all nominations for election.

5.7 The SRC Elections Committee must prepare a list of nominations together with recent photographs of nominees for the election.

5.8 Objections to nominations must be lodged with the SRC Elections Committee not less than seven university days before the first day of the elections.

5.9 A candidate’s nomination form shall be made available for viewing on request by any registered student.
6 CANDIDATES’ CONDUCT AND RESPONSIBILITIES

6.1 Candidates are required to:

6.1.1 submit a photograph, biographical details (as required in the nomination form), course of study, nominators, a brief curriculum vitae and a manifesto of no longer than 250 words for publication on campus;

6.1.2 design their own election campaign material [posters and pamphlets];

6.1.3 submit their election campaign material to the SRC elections committee for approval;

6.1.4 distribute their own election campaign material [media provided that such material is approved by the SRC Elections Committee any poster must be signed and issued by the election officers];

6.1.5 prepare for question and answer sessions;

6.1.6 attend all meetings or workshops arranged by the SRC Elections Committee;

6.1.7 communicate all campaign plans to the SRC Elections Committee before implementing them;

6.1.8 register candidate campaign support team members with the SRC Elections Committee;

6.1.9 adhere to all deadlines set by the SRC Elections Committee and election officers; and

6.1.10 provide any relevant information as requested by the SRC Elections Committee;

6.1.11 seek academic advice from a Programme Convener, Curriculum advisor or the Student Development Advisor within the faculty the student is registered in. The SRC Elections Committee shall create a mechanism for recognition that this meeting has taken place.

6.2 Candidates may [form groups for the purposes of the elections, provided that they register their group with the SRC Elections Committee.]

6.2.1 register a group for the purpose of the election with the SRC Elections Committee and contest the election under the banner of this group; or

6.2.2 contest an election under the banner of a registered student organisation (including but not limited to a society, sports code or other student organisation).
6.3 Candidates, groups and/or student organizations intending to take part in any group/organisation which takes part in an election process must register themselves (name, logo, slogan, sign or symbol which the group will use) when manifests are submitted. These names, logos, slogans, signs and symbols will be used to define the group.

6.4 No individual may claim alliance with another or with a group without the approval of the SRC Elections Committee.

6.5 Each candidate may not spend more on his/her campaign than the maximum amount set by the SRC Elections Committee, whether this expenditure is incurred personally or on behalf of the candidate by others and/or by student organisations. Each candidate must provide receipts or other sufficient proof to the SRC Elections Committee to account for all money spent on his/her election campaign. Any candidate who fails to register any expenditure with the SRC Elections Committee shall be liable to disqualification from election.

6.6 A candidate must not accept any goods for use in his/her campaigns from any party at token or unreasonably low cost. In the event of such an occurrence, the SRC Elections Committee shall assess the value of such goods according to current market value and debit the candidate’s election account accordingly. Further, if the candidate’s account is understated, the candidate must immediately withdraw the goods from his/her campaign or be liable to disqualification.

6.7 Registered student organizations may spend up to a maximum amount set by the SRC Elections Committee, on media in support of any candidate or any group of candidates.

6.8 A candidate may not make use of any SRC resource in the organization of his/her campaigns, unless the resource is provided by the SRC to all candidates in the election.

6.9 A candidate may be held responsible for the conduct of his/her campaign support team members.

6.10 Neither a candidate nor his/her campaign support team members may collect or handle ballot boxes and papers, and nor may they be within a five metre radius of ballot boxes during vote week, except to cast their own votes.

7 VOTERS’ CONDUCT

7.1 All students entitled to vote may vote for candidates in the election.

7.2 Voting shall only be in person or via an internet ballot facility. The Chief Electoral Officer, or his/her duly appointed assistants, shall require that any intending voter produce his/her student registration card.
7.3 A voter must cast his/her own ballot and may not request any person (except where authorised by the SRC Elections Committee) to cast a ballot on his/her behalf.

7.4 Voters are required to vote once, and in the manner set out in Section 9.

7.5 A student may not purchase or utilise, or arrange to be purchased or utilised, any goods or professional services in connection with the election campaign of any candidate in any SRC election or by-election, except with the agreement of all candidates, the SRC Elections Committee, the Chief Electoral Officer and the SRC.

8. REQUIRED POLL

8.1 An SRC election shall be declared invalid if the total number of students who vote is less than 25 per cent of full-time students as defined in clause 8.2.2.

8.2 The SRC Elections Committee must announce the percentage poll obtained in any election, subject to the provisions of clauses 8.1 and 8.3. Such reports shall reflect separately the percentage poll of full-time and part-time students. For the purposes of any SRC Election, the following definitions apply:

8.2.1 All students registered for after-hours programmes, all occasional students, and all students registered for master’s or doctoral programmes shall be considered to be part-time students.

8.2.2 All undergraduate students, candidates for the LL.B and honours degrees, and all diploma, advanced diploma and postgraduate diploma candidates who are not included in 8.2.1 above shall be considered to be full-time students.

8.3 By-elections shall be conducted subject to the same rules as those governing an SRC election provided that a by-election shall be valid if the total number of students who vote is equal to or greater than the number of students comprising 15% of full-time students as defined in clause 8.2.2.

8.4 In the event that the SRC General Election fails to reach the percentage poll required in terms of section 8.1, the SRC, with endorsement of the SRC Constitutional Committee and the Student Assembly, may make recommendations to the Council of the University of Cape Town to appoint an interim SRC for the period of one year, with the term beginning on 1 November and ending on 31 October of the following year.

8.5 The interim SRC may be made up of those candidates elected in terms of 8.4

9. VOTING AND VOTE COUNTING

9.1 There shall be such polling booths as the SRC Elections Committee may deem good and sufficient.

9.2 Polling shall take place at such hours as may be fixed by the SRC Elections Committee.

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9. No person shall tamper or interfere with ballot boxes, papers and/or any other election materials.

9.4 The SRC Elections Committee must announce the number of candidates, the number of places to be filled (seventeen in a SRC General Election) and the number of candidates each voter may vote for, in accordance with clauses 9.5 and 9.6 of these by-laws not less than ten days before the election.

9.5 A voter may vote for up to eleven candidates in an SRC General Election.

9.6 A voter may vote for fewer than the number of candidates for which he/she is entitled to vote.

9.7 A voter must vote for a candidate by marking the ballot paper in accordance with instructions as may be framed by the SRC Elections Committee from time to time.

9.8 All votes cast in the election shall carry equal weight, and the candidates who obtain the highest number of votes (seventeen in an SRC General Election) shall be deemed elected, subject to the requirements of Clauses 10 and 11.

9.9 In the event of a tie in the votes the candidate tying will participate in a run off election that will be run in a manner consistent with these by-laws.

9.10 Only ballot papers supplied by the SRC Elections Committee may be used for voting.

9.11 The decision about whether a vote is valid, invalid or spoilt shall be determined by the SRC Elections Committee, using the following guidelines:

9.11.1 A ballot paper must contain a voter’s registration number, date of birth and comply with 9.5 to be valid.

9.11.2 A ballot paper without a student registration number; or incomplete registration number or containing more votes than the number permitted shall be invalid.

9.11.3 A ballot paper other than that supplied by the SRC Elections Committee, shall be invalid.

9.11.4 A ballot paper that has been defaced in such a way that the vote cannot properly be deciphered, nor the validity verified, shall be invalid.

9.11.5 If a voter has voted more than once and for the same candidates on each occasion, then one ballot paper may be regarded as valid and the remainder invalid.

9.11.6 If a voter has voted more than once, but the votes cast are different, then one ballot paper may be regarded as valid but spoilt and the remainder as invalid.

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9.12 Only the following persons, as determined by the SRC Elections Committee from time to time, may attend vote-counting:

9.12.1 The SRC Elections Committee;
9.12.2 Members of the SRC who are not candidates for election;
9.12.3 Any other people appointed by the SRC Elections Committee for the purpose of vote-counting; and
9.12.4 One member of each candidate’s support team or his/her campaign manager.

9.13 The SRC Elections Committee must provide guidelines for conduct for those at vote-counting.

10. RESULTS AND REPORTS

10.1 The SRC Elections Committee must announce the provisional results and percentage poll attained as soon as possible after vote-counting.

10.2 Election Results shall be declared final (a) 24 hours after the declaration of provisional results in the event of there being no objections or (b) as soon as all objections are disposed of.

10.3 Objections shall be lodged and dealt with in terms of Clause 11. The decision of the SRC Elections Committee regarding an objection shall be subject to appeal in the manner set out in Clause 11.2

10.4 The SRC Elections Committee must within one month after an election or by-election, submit to the SRC a report on the conduct of each election and by-election, together with an account of all election expenses incurred and any recommendations which it may wish to make.

11. CONTRAVENTION OF ELECTION BY-LAWS

11.1 Any irregularity in connection with nominations, voting, or in the conduct of candidates, or generally in the election, must be reported to the SRC Elections Committee which must take steps as it deems necessary. These might include disqualification of candidates or submission to the Vice-Chancellor in terms of DJP1.1.

11.2 An appeal from any decision or ruling given by the SRC Elections Committee shall be to the SRC and an appeal from any decision by the SRC shall be to the Vice-Chancellor, or nominee, whose decision shall be final.

11.3 Objection to the election or by-election must be in writing and must reach the Chairperson of the SRC Elections Committee within 24 hours of the declaration of the provisional result.

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11.4 Heads of argument must be presented within 48 hours of lodging the objection.

11.5 [The decision of the SRC Elections Committee regarding such objection shall be subject to appeal to the SRC and ultimately to the Vice-Chancellor, whose decision shall be final.][The SRC Elections Committee must dispose of the appeal within five university days.]

11.6 An appeal to the SRC against the SRC Elections Committee decision must be lodged with heads of argument within 24 hours of the publication of a decision by the SRC Elections Committee and must be lodged with the SRC Secretary-General or such member as appointed by the SRC if the Secretary-General is contesting the election.

11.7 The SRC must dispose of the appeal within five university days.

11.8 An appeal against the SRC decision must be lodged with heads of argument within 24 hours of the publication of decision by the SRC and must be lodged with the Director of Office of the Vice-Chancellor.

11.9 The Vice-Chancellor or nominee must dispose of the appeal within ten university days.

12 VACANCIES IN THE SRC

12.1 Vacancies in the SRC may be filled by a by-election or another method deemed appropriate by the SRC, with the endorsement of the Constitutional Committee and the Student Assembly, provided that it occurs before 1 April.

12.2 Vacancies occurring after 1 April in any year need not be filled or may be filled as determined by the SRC with the endorsement of the Constitutional Committee and the Student Assembly, and provided further that no by-election shall be held after the mid-year vacation.

13 THE CONSTITUTING MEETING OF THE SRC

13.1 The constituting meeting of the SRC elect shall be called by the chairperson of the SRC Elections Committee or such person as appointed by the SRC Elections Committee, within 10 university days of the final determination of the results of the election.

13.2 The Chairperson of the SRC Elections Committee or such person as appointed by the SRC Elections Committee shall preside at the constituting meeting until the election of the SRC members into portfolios.

13.3 Prior to the constituting meeting the Chairperson of the SRC Elections Committee or such person as appointed by the SRC Election Committee shall outline the procedures of the meeting.
RULES ON DISCIPLINARY JURISDICTION AND PROCEDURES

Definitions

**Authorised member** is an employee of the University who is empowered to issue instructions to students in respect of a particular function of the University, and includes:

(a) The Vice-Chancellor, Deputy Vice-Chancellors and the Registrar in respect of any function of the University;
(b) Any person authorised by the Vice-Chancellor, a Deputy Vice-Chancellor or the Registrar;
(c) Deans, head of departments, and staff of academic departments in respect of the work of academic departments and faculties;
(d) Heads of professional, administrative support and service departments, or their nominees, in respect of the work of their departments.

**Complainant** is for the purposes of Disciplinary Jurisdiction and Procedures, a person alleging rape, sexual assault and sexual harassment by a student.

**Day** is a calendar day.

**Expulsion** is the immediate termination of registration and the prohibition of further registration imposed upon a student.

**No-contact order** is a protective measure issued in terms of these rules prohibiting the person against whom the order is issued from contact with one or more name person(s) either directly or indirectly.

**Proctor** is the person who presides over a matter in the University Tribunal and is appointed by the University Council for such period as the Council may decide.

**Residences Committee** is the Residences Committee of Council.

**Right to be assisted** means an entitlement to engage a person of his or her choice to advise and assist him or her during a hearing before a Tribunal. Such a person is not permitted to represent a student so assisted.

**Right to be represented** means an entitlement to engage a person of his or her choice to act on his or her behalf in any matter before a Tribunal.

**Rustication** is the temporary dismissal of a student from the University or the temporary removal of a student from a student housing unit.

**Rusticated student** means a student rusticated in terms of these rules, who remains subject to these rules and to such conditions as may be attached to the rustication for the period of rustication.

**Senior Proctor** is a person with legal training or experience, appointed by the Vice-Chancellor for such periods as the Vice-Chancellor may decide.

**Student** is a person who has been admitted to the University for the purposes of academic study or research. A person remains a student until such time as he or she has graduated, is refused readmission, is expelled or cancels his or her registration or fails to renew his or her registration; save that a student who has graduated and intends to re-register for a further course of study in the following year or has de-registered from a particular course of study with the view to registering for another course of study, is deemed to remain a student for the duration of the period between such graduation or de-registration and subsequent readmission. A person remains a student when subject to a suspension order imposed in terms of these rules. A postdoctoral fellow is a student for the purpose of these rules.

**Student code** means the Rules on Conduct for Students, and all University rules.

**Student housing** means any housing or residence provided by the University for students, including catering student housing units, self-catering student housing units, houses and flats.

**Student housing unit** means a residence, provided by the University for housing students.

**Unit Committee** is a committee comprising elected student representatives and the warden of a particular student housing unit generally known as a House Committee.

**University** is the University of Cape Town.

**University community** means all registered students, all other members of the University, all staff and all persons rendering services at the University.

**University rules** include: Rules on Disciplinary Jurisdiction and Procedures; Rules on Conduct for Students; Rules on Computer Software Copyright and Licensing; Rules relating to Meetings held on Campus or under the Aegis of the University; Rules on the Use of University Venues; Traffic Rules; The Code of Ethics for Student Publications; Library Rules; and Residences Rules, and such other rules as the Council may make from time to time.

**Warden** is a person in whom the authority of Council and the Residences Committee rests for the administration of a student housing unit.

**Year** is a calendar year.

Breach of Student Code

**DJP1.1** An allegation of a breach of the Student Code other than such allegations as contemplated in DJP1.2 must be reported direct to the Vice-Chancellor or nominee.

**DJP1.2** An allegation of a breach of the Student Code by a student in a student housing unit must be reported to the warden.

(a) Where the allegation is of serious assault, behaviour of a potentially injurious nature, or serious harassment or
where, in the opinion of the warden this referral is warranted, the warden must report the matter to the Vice-Chancellor.

(b) In all other circumstances, the warden must refer the matter to the applicable student housing tribunal.

DJP1.3 The Vice-Chancellor may delegate any function assigned to him or her in terms of these rules to any member of the University staff.

DJP1.4 The Vice-Chancellor may refer any alleged breach of the Student Code to an appropriate tribunal.

DJP1.5 The Vice-Chancellor may refer a matter for a further investigation to an appropriate tribunal and must determine the membership, powers and terms of reference of the tribunal.

DJP1.6 The Vice-Chancellor may at any time, withdraw any matter from any tribunal and may at his or her discretion:
   (a) refer the matter to another tribunal; or
   (b) elect not to continue with the matter; or
   (c) refer the matter to the South African Police Services

DJP1.7 The authority instituting a charge before any tribunal may attach a certificate allowing the student so charged to admit guilt, to pay a fine if provided for, and/or to render community service.

The Tribunal in general

DJP2.1 Any tribunal to which a matter has been referred, or a competent appeal made, must proceed to decide the matter, or the appeal, in terms of these rules.

DJP2.2 A tribunal hearing a matter must determine rules of procedure, except where the Tribunal of Appeal has laid down generally applicable rules of procedure, which will be binding upon all tribunals constituted in terms of these rules.

DJP2.3 The burden of proof in all tribunals is upon the University.

DJP2.4 The standard of proof in all tribunals is on a balance of probabilities.

Powers of suspension and no-contact orders

DJP3.1 If a member of the University staff or a student has reason to believe that:
   (a) the continued presence or participation in the activities of the University by a student against whom there is an allegation of a breach of the Student Code is likely to pose a threat to the maintenance of good order within the University; or
   (b) there are grounds for a non-contact order against a student in order to protect a complainant in a sexual harassment or sexual offences case; he and she must report the matter to the Vice-Chancellor

DJP3.2 If the Vice-Chancellor has reason to believe that the matter justifies the execution of a suspension order he or she may make a provisional order prohibiting the student from:
   (a) attending lectures and classes; and/or
   (b) participating in specified activities of the University; and/or
   (c) entering the precincts of the University or any such part thereof as may be indicated by him or her; and/or
   (d) residing in a student housing unit; and/or
   (e) making contact, directly or indirectly, with one or more than one specified person/s while on campus; as may be appropriate for the elimination of a particular threat to good order and for a period not exceeding 72 hours.

DJP3.3 The Vice-Chancellor may impose any further conditions at the time of issuing the preliminary order or at any time thereafter.

DJP3.4 A suspension in terms of DJP3.2 is provisional. The student so suspended is entitled to a hearing before the Vice-Chancellor within 72 hours of such provisional order being made. After hearing the representations of such student, or at the expiry of the 72-hour period, the Vice-Chancellor may:
   (a) make the provisional order final; or
   (b) make an amended final order;
   (c) withdraw the provisional order in its entirety.

DJP3.5 The Vice-Chancellor may, at any time during the operation of powers of Vice-
of the suspension order, vary or revoke the suspension order in part or in whole.

**DJP3.6**

Where the Vice-Chancellor acts in terms of DJP3.4 or 3.5 in making an order, he or she must inform the student that the student is entitled to appeal to the University Tribunal constituted by a proctor sitting with assessors for a reconsideration of the order.

**DJP3.7**

The maximum period of operation of any order is 100 days provided that:

(a) any such order will be discharged upon the acquittal of the student or the implementation of any sentence imposed upon the student by any Tribunal in respect of charges arising out of the allegations upon which the suspension order is based; and

(b) the noting of an appeal will not suspend an order pending the outcome of the appeal.

**DJP3.8**

Notwithstanding the above 100-day limitation, the period of operation may be extended by the Vice-Chancellor if the student against whom the order has been is an accused in a criminal trial in a State court and if the criminal trial has not been concluded at the expiry of the 100-day period, until a finding and sentence has been delivered in the court or until any appeal process related to such finding and/or sentence in the court has been concluded.

**DJP3.9**

In the case of an appeal to the University Tribunal constituted by a proctor sitting with assessors, the Vice-Chancellor must submit to that tribunal his or her reasons for believing that the continued presence of or participation in activities by that student is likely to pose a threat to the maintenance of good order, and the Tribunal has the power to confirm, amend or set aside the order or an extension of such an order.

**DJP3.10**

If the Vice-Chancellor has reason to believe that there are grounds for a no-contact against a student to protect a complainant under the sexual harassment and sexual offences policies whether or not there is an allegation of a breach of the rules of conduct for students he or she:

(a) may issue a provisional no-contact order prohibiting a student from making contact with one or more named person(s) for a period not exceeding 72 hours;

(b) must allow this student a hearing within 72 hours of such provisional no-contact order being made after which, or at the expiry of the 72 hour period the Vice-Chancellor may make the provisional order final, make an amended final or, or withdraw the provisional order in its entirety.

**DJP3.11**

Unless the Vice-Chancellor determines otherwise when issuing a no-contact order, the order shall constitute an absolute prohibition from making contact, directly or indirectly, with the named person(s) in any way including but not limited to contact in person, by mail, by telephone, through electronic media or by or through any other medium or person.

**DJP3.12**

The provisions of DJP3.5 to 3.9 apply mutatis mutandis to no-contact orders, save that the maximum period of a no-contact order is six months.
The Student Housing Tribunals

DJP4.1 A student housing tribunal is:
(a) the tribunal constituted in terms of the approved constitution of the applicable student housing unit and has jurisdiction in that unit; or
(b) a tribunal constituted by a student housing proctor being person appointed by the Vice-Chancellor, and has jurisdiction in all student housing units.

DJP4.2 A student housing tribunal must hear all matters referred to it by the warden of such student housing unit or by the Vice-Chancellor.

DJP4.3 Upon conviction, this tribunal may refer the matter to the University Tribunal constituted by a proctor sitting without assessors for sentencing, or may impose any of the following sentences in respect of any one conviction:
(a) a reprimand;
(b) a fine of up to R1000.00
(c) community service of up to 80 hours;
(d) a prohibition against holding office in that student housing unit for a period not exceeding one year;
(e) the payment of a sum of money as to permit compensation for damage caused by the student;
(f) rustication from the student housing unit in respect of which the tribunal has jurisdiction;
(g) expulsion from the student housing unit in respect of which the tribunal has jurisdiction.

DJP4.4 Any sentence imposed in terms of DJP4.3 may:
(a) be suspended for any period of time up to a maximum of one year;
(b) may be a combination of any of the sentences listed in DJP4.3; and/or
(c) at the request of the Vice-Chancellor or a warden, be reviewed by the Senior Proctor, who may, if he or she is of the view that the sentence is inappropriately harsh or lenient, refer the charges for re-trial by the University Tribunal sitting without assessors in accordance with DJP5.3.

DJP4.5 A student aggrieved by a conviction or sentence imposed by a student housing tribunal is entitled to have the matter re-tried by the University Tribunal as constituted in terms of DJP5.3.

DJP4.6 Where a conviction has been imposed by a student housing tribunal and the matter has been referred to the University Tribunal as constituted in terms of DJP5.3 for sentencing, a right of appeal exists to the University Tribunal constituted by a proctor sitting with assessors.

DJP4.7 The presiding officer of this tribunal may at any time, on his or her own initiative or at the request of the accused, summon any witness.

DJP4.8 The proceedings of any such tribunal must be in private, save that the tribunal may agree to admit observers upon application. The tribunal may order that the final conviction and sentence and the name of the student found guilty of an offence and, if appropriate, the reasons for judgement, be promulgated on the student housing unit’s notice boards or be communicated to any interested person or body.

DJP4.9 No right to representation is permitted to any student summoned to before this tribunal. However, the accused student has the right to be assisted by any member of the University of his or her choice.

DJP4.10 The presiding officer must keep a suitable record of the proceedings.

The University Student Discipline Tribunal

DJP5.1 The University Student Discipline Tribunal (the University Tribunal) must be presided over by a proctor.

DJP5.2 A proctor:
(a) hears the matter with two assessors where the Senior Proctor, or in his or her absence the Vice-Chancellor’s nominee, considers that the breach of conduct is serious enough to warrant a sentence allowed by DJP5.12; and
(b) hears all other matters without assessors.

DJP5.3 The University Tribunal constituted by a proctor sitting without assessors has:
(a) a jurisdiction of first instance;
(b) a jurisdiction to hear appeals against decisions of the University Tribunal in terms DJP5.3(a) or DJP5.3(c); and
(c) a jurisdiction to hear appeals against suspension orders imposed by the Vice-Chancellor or by his or her nominee.

DJP5.4 The University Tribunal constituted by a proctor sitting with assessors has:

(a) a jurisdiction of first instance;
(b) a jurisdiction to hear appeals against decisions of the University Tribunal in terms DJP5.3(a) or DJP5.3(c); and
(c) a jurisdiction to hear appeals against suspension orders imposed by the Vice-Chancellor or by his or her nominee.

DJP5.5 Where a proctor is to sit with assessors, the Senior Proctor, or his or her nominee, must select one assessor drawn from a list of not less than six names provided by the Vice-Chancellor and the other from a list of not less than six names provided by the SRC.

DJP5.6 When a proctor sits with assessors, a verdict may be reached by a majority. If, for any reason, an assessor is unable to assume or continue with his or her duties as an assessor, a proctor has an ordinary and a deciding vote on matters of verdict. If both assessors are unable to continue with their duties as assessors, the matter must be heard afresh.

DJP5.7 A proctor must pass sentence on his or her own but must consult the assessors.

DJP5.8 Where a proctor is unable to continue with his or her duties as proctor, the case in progress must be heard afresh.

DJP5.9 A student whose conduct is the subject of a charge before the University Tribunal is entitled to be represented.

DJP5.10 A record of proceedings must be kept to the satisfaction of the Senior Proctor.

DJP5.11 A proctor may impose any one or any combination of the following sentences in respect of any one conviction:

(a) a reprimand;
(b) a fine of up to R1000.00;
(c) community service of up to 100 hours;
(d) a prohibition against holding office in any University Committee or recognised University Student body for a period not exceeding one year;
(e) the payment of a sum of money as compensation for damage caused by the student;
(f) rustication from the student housing unit or the student housing system;
(g) expulsion from the student housing unit or the student housing system;
(h) rustication from the University for up to twelve months;
(i) a prohibition against parking on campus for up to one year;
(j) a prohibition against making use of specified University facilities for up to twelve months;
(k) a no-contact order for a period of no more than twelve months;
(l) attendance at a specified form of remedial treatment.

DJP5.12 A proctor sitting with assessors may impose any one or any combination of the following sentences in respect of any one conviction:

(a) expulsion;
(b) rustication;
(c) a fine of up to R5000.00;
(d) community service of up to 300 hours;
(e) the withdrawal of any degree, diploma, certificate or examination or other result;
(f) the payment of a sum of money as compensation for any damage caused by the student;
(g) any other sentence which may be imposed by a tribunal in terms of DJP5.11 or which the proctor may competently impose by reason of any other rules framed by the University Council.

DJP5.13 Any sentence imposed in terms of DJP5.1 or 5.12 may be suspended for any period of time and on any condition.

DJP5.14 A convicted student may appeal:

(a) to the University Tribunal constituted by a proctor sitting with assessors against any verdict and/or any
sentence imposed by a Tribunal constituted by a proctor, other than where the proctor has reheard a student housing matter in terms of DJP5.3(b); and

(b) to the University Tribunal of Appeal against any verdict and/or any sentence imposed by a Tribunal constituted by proctor sitting with assessors, other than a decision in respect of a suspension order.

DJP5.15 Where the Vice-Chancellor is of the view that a penalty is inappropriate, he or she may, within two weeks of the imposition of the penalty, apply to the Senior Proctor for permission to appeal against a penalty. This must be done by way of a written submission to the Senior Proctor.

DJP5.16 When the Senior Proctor receives a written submission from the Vice-Chancellor seeking leave to appeal against a penalty, the Senior Proctor must give the student, or students concerned, the opportunity to make written representation to the Senior Proctor about the Vice-Chancellor’s submission. The Senior Proctor must do this by personal notice to the last residential term address notified by the student, or students concerned, to the Registrar. The Senior Proctor must give the student, or students concerned, ten working days in which to file representations in response.

DJP5.17 The Senior Proctor, having considered the record, the submission by the Vice-Chancellor, and any submission by the student or students concerned must decide whether there is a reasonable prospect that the Vice-Chancellor’s appeal will succeed. If so, he or she may grant leave to appeal; if not, he or she must refuse leave to appeal.

DJP5.18 Where the Senior Proctor grants leave to appeal, the appeal must be heard by:

(a) the Tribunal constituted by a proctor sitting with assessors where it is an appeal against a sentence imposed by a Tribunal constituted by a proctor; and

(b) the Tribunal of Appeal where it is an appeal against a sentence imposed by a Tribunal constituted by a proctor sitting with assessors.

Suspension of graduation

DJP5.19 Where a qualifying student (that is, a student who qualifies for the award of a degree, diploma or certificate) has been summoned to face a charge before the University Tribunal, the graduation of that student, or the award of a diploma or certificate to that student, as the case may be, is suspended until the case has been disposed of by the University Tribunal, unless the Vice-Chancellor, on written application by the student, decides otherwise.

Endorsement of record

DJP5.20 While a disciplinary case against a student is pending before a University Tribunal, the student’s academic record must be endorsed to show this fact.

Publication of sentence and sanction

DJP5.21 The Registrar must publish in summary form the finding and sanction imposed by a tribunal (including the tribunal of appeal) on campus notice boards.

DJP5.22 A tribunal may order that the Registrar also publish the name of any student against whom a finding has been made.

DJP5.23 The Registrar must not publish under 5.21 or 5.22 until any appeal has been disposed of, or until the time for noting of an appeal has lapsed.

DJP5.24 The Registrar must not publish the name of a minor before notifying the parents or guardian(s) of the minor student.

Application for readmission by an expelled student

DJP6.1 A person expelled in terms of these rules who believes that he or she can show that he or she has rehabilitated himself or herself and that the circumstances generally warrant a suspension of his or her expulsion, may after a period of not

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less than five years from the date of his or her expulsion, make application to the University Tribunal of Appeal for readmission as a student.

DJP6.2 Any such application must be considered as an application for the suspension of the operation of the sentence; and not as an application for the setting aside of any finding, or the setting aside of any sentence.

DJP6.3 This application must establish to the satisfaction of the Tribunal of Appeal:
(a) remorse
(b) evidence of rehabilitation; and
(c) that there is no significant risk of the recurrence of the conduct in question

DJP6.4 Any such application must be in writing to the Registrar, and must set out in full the grounds on which the applicant bases his or her case. The Registrar must invite the Vice-Chancellor, or nominee, to file a reply to the application; and must similarly notify any affected third party of the application and invite such third party or parties to file replying submissions. The applicant is/will be entitled to receive any such replying submissions, and to respond to them in writing. Time limits for submissions, replies and responses must be determined by the Senior Proctor.

DJP6.5 The University Tribunal of Appeal may decide the matter on the basis of the papers, and where it considers this necessary, may hold an oral enquiry.

DJP6.6 The University Tribunal of Appeal may:
(a) dismiss the application; or
(b) grant the application with or without conditions, and
(c) impose such conditions on the person’s readmission to the University as it may consider appropriate, including debarring such a person from readmission into a University residence or requiring compulsory involvement in community service.

DJP6.7 If the University Tribunal of Appeal grants an application, the effect of its order will be to suspend the operation of the expulsion, allowing the person to seek readmission, on academic grounds, to one or more courses of study.

DJP6.8 If the University Tribunal of Appeal dismisses the application, the person may after a further period of two years apply in writing to the Senior Proctor for leave to submit a further application, providing the reasons on which he or she believes the application should be considered. The Senior Proctor’s decision on whether to allow a further application to be heard will be final, and must be communicated in writing with reasons.

The University Tribunal of Appeal

DJP7.1 The University Tribunal of Appeal is composed as follows:
(a) a president who has legal qualifications, appointed by Council;
(b) a person appointed by the SRC;
(c) one member appointed by Senate;
(d) a person chosen by the president from a list of not less than 6 names submitted at the beginning of each year, by the SRC.

DJP7.2 The persons appointed in terms of DJP7.1 (a), (b) and (c) must be appointed together with at least three alternates by the appointing body.

DJP7.3 Three of the members form a quorum.

DJP7.4 In the event of a tie in the voting, the president has a casting as well as a deliberative vote.

DJP7.5 If an appeal is made to the University Tribunal of Appeal it may in its discretion:
(a) uphold the appeal in whole or in part;
(b) dismiss the appeal in whole or in part;
(c) alter the penalty imposed by the Tribunal, and in so doing, it has the same powers impose sentences as the University Tribunal in terms of DJP5.12.

DJP7.6 The right of representation before the University Tribunal of Appeal is as for the University Tribunal.

DJP7.7 The University Tribunal of Appeal may prescribe procedures in terms of DJP2.2.

DJP7.8 The University Tribunal of Appeal may set guidelines for
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sentences and for the equivalence between an amount of a fine and an alternate sentence (for example, hours of community service).

Rules of procedure in respect of University tribunals

DJP8.1 The presiding officer of any tribunal may at any time, on his or her own initiative or at the request of the defendant or the University, summon any witness(es) he or she may think appropriate for the just and speedy conclusion of the matter.

DJP8.2 If an accused student or an appellant is absent at the commencement or at any stage of the hearing of any matter against him or her and has not shown good cause for his or her absence the tribunal may proceed in the absence of the accused or of his or her representative.

DJP8.3 If an accused student hinders or obstructs any tribunal proceedings or fails to obey an instruction by a presiding officer, then the tribunal may order his or her withdrawal from the tribunal and proceed to the conclusion of the matter in his or her absence.

DJP8.4 All matters before the University Tribunal or the University Tribunal of Appeal are open to any member of Council or to any staff member or student upon presentation of his or her student card: Provided that the presiding officer may, upon application from any party to the matter, order the matter, or part thereof:
   (a) to be heard in camera; or
   (b) to be heard in the presence of specified individuals only.

DJP8.5 The presiding officer of the University Tribunal or the University Tribunal of Appeal may upon application by a parent or guardian of a student appearing before the tribunal, permit the student's parents or guardians access to the hearing: Provided that, in the case of a student who has obtained the status of majority, the presiding officer must have regard to the student's opinion.

DJP8.6 The presiding officer is charged with the responsibility of ensuring the rules contained in RCS 16 are observed. In this regard, the following powers are granted to such officers:
   (a) The presiding officer of any tribunal is entitled to warn any witness to be truthful.
   (b) The presiding officer of any tribunal has summary jurisdiction to fine any student, including the accused, whom he or she finds to be in breach of any rule contained in RCS 16 subject to the right of such student to appeal to the University Tribunal constituted by a proctor sitting with assessors for a formal re-hearing of the matter within 14 days of such fine being imposed. Any fine imposed in terms of this rule shall not be in excess of R1000.00 per offence.
   (c) The presiding officer of any tribunal constituted in terms of these rules has the power to have any person removed from any tribunal should he or she have reason to believe that such person is in breach of any rule contained in RCS 16.

DJP8.7 Any student who wishes to appeal in terms of these rules must file with the Registrar his or her notice of appeal within seven days of his or her conviction and sentence, setting out his or her grounds of appeal.

DJP8.8 The noting of an appeal under these procedures will suspend the execution of any sentence imposed by any disciplinary authority, unless such authority is satisfied that compelling reasons exist for the immediate execution of sentence.

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General provisions

DJP9.1 In the event that the president of the SRC or the SRC does not act in terms of the powers or rights vested in him or her/it in terms of these rules, the chairperson of Council is, after granting the SRC an opportunity to explain its case, empowered to direct such departures from these rules as may be necessary to enable the tribunals to discharge their disciplinary functions, provided that such departures are well advertised on the campus.

DJP9.2 In any case of proven breach of discipline or misconduct, the student concerned forfeits all claims to repayment or rebate of fees paid to the University, save that the presiding officer, in his or her discretion, may instruct otherwise.

DJP9.3 Advice on these rules and the procedures contained in them is available to any student on request from the Registrar or his or her nominee(s).

DJP9.4 Procedural Rules approved by the University Tribunal of Appeal must be provided to the University's representative to any accused student.

Admission of guilt

DJP10.1 The University Tribunal of Appeal may determine which offences may be dealt with by way of an admission of guilt fine and the upper and lower limits of fine in respect of each such offence.

DJP10.2 Instead of an admission of guilt fine, community service may be rendered at the equivalent of a rate per hour as decided by the Tribunal of Appeal.

Criminal convictions

DJP11.1 Where a student is convicted in a State court of a criminal offence, and the facts at issue in a case against that student before any tribunal are the same, the Tribunal may, if the student admits the conviction and the facts to which it relates, take these facts as proven.

DJP11.2 The Tribunal may in any event take such conviction and the facts to which it relates as proven if these have been determined by a court of final jurisdiction.

DJP11.3 In any such case, the tribunal must proceed to hear evidence and argument, if any, on the question of sanction before imposing any sentence.

Exclusion clause

DJP12 Save in exceptional circumstances as a court of competent jurisdiction may determine, no decision in relation to a disciplinary matter made under these rules by any tribunal, nor any suspension order made under these rules may be the subject of any review proceedings, application or action to the ordinary courts, unless all domestic remedies have been fully and finally exhausted.
RULES ON CONDUCT FOR STUDENTS

General clauses
RCS1.1 Any breach by a student of these Rules on Conduct for Students or any other institutional rules framed by the Council is an offence subject to disciplinary action by the University.

RCS1.2 Nothing in these rules shall be constructed as absolving any student from liability for any misconduct in which he or she is personally involved.

RCS1.3 No student shall wilfully commit any unjustified act or omission which adversely affects the University or any member of the University.

Academic conduct
RCS2.1 A student must refrain from dishonest conduct in any examination, test or in respect of completion and/or submission of any other form of academic assessment. Dishonest conduct includes but is not limited to plagiarism.

RCS2.2 Without limiting the generality of RCS2.1 as student:
(a) must comply with any instruction of an invigilator of an examination;
(b) must comply with all instructions printed on the cover of the answer book for that examination;
(c) may not communicate or receive information relating to any examination during the examinations;
(d) may not remove or attempt to remove from any examination venue an answer book supplied by the University for the purpose of answering questions in an examination;
(e) may not write an examination under a false name and student number, or the name and student number of another student;
(f) may not be party, to any other person writing the examination for him or her;
(g) may not take into an examination venue, or have or use any unauthorised material while sitting an examination;
(h) may not copy another student’s work during an examination; or
(i) may not allow or assist another student to copy during an examination.

RCS2.3 A student may not submit the work of any other person in any examination, test or in respect of the completion and/or submission of any other form of academic assessment without full and proper attribution and acknowledgement.

NOTE: Guidance on forms on referencing is available from academic staff, the staff of the UCT Libraries and from the Writing Centre.

RCS2.4 Where a rule makes an action an offence any attempt to carry out the act is automatically an offence.

RCS2.5 A student must acquaint himself or herself with the rules relevant to the faculty in which he or she is registered.

RCS2.6 No student shall make, distribute, reproduce, copy or make us of any material in which copyright resides, without the permission of the author or owner thereof. Included in this definition of material in which copyright resides are teaching materials, computer software, printed materials and audio or video recordings.

Criminal conduct
RCS3.1 Any criminal offence, in terms of the criminal law of South Africa, committed by a student of the University and which is prejudicial to the University or its staff and students is an offence subject to disciplinary action by the University.

RCS3.2 Any student convicted of any criminal offence by a South Offences vis-à-vis
Sexual offences and misconduct

RCS4.1 Without limiting the generality of RCS1.1, any breach by a student of the University’s policy on sexual harassment is an offence subject to disciplinary action by the University.

RCS4.2 Without limiting the generality of RCS3.1, any act of sexual assault or rape by a student is an offence subject to disciplinary action by the University.

Conduct relating to the work of the University

RCS5.1 A student must comply with any reasonable instruction of an authorised member of the University.

RCS5.2 A student is required to be acquainted with the section entitled “Proper Channels for Student Complaints”.

RCS5.3 A student must, at all times, have in his or her possession his or her student card and must produce this upon request by any authorised person.

RCS5.4 A student must not supply false information to a University authority.

RCS5.5 A student must not commit acts of forgery, falsification or alteration in respect of documents, records or instruments of identification.

RCS5.6 A student must not make unauthorised use of the name or badge of the University.

RCS5.7 A student must not disobey a Suspension Order on or a no-contact order made or issued in terms of the Rules on Disciplinary Jurisdiction and Procedure.

RCS5.8 A student must comply with and is bound by the University’s rules and policies on copyright and on intellectual property.

Conduct relating to student bodies

RCS6 A student shall not make unauthorised use of the name or badge of the SRC or any other recognised student body at the University.

Conduct in general

RCS7.1 A student must not make unauthorised entry into or use of University facilities.

RCS7.2 A student must not make use of any University facilities for illegal purposes or for purposes detrimental to the University.

RCS7.3 A student must not commit acts of theft or damage in respect of University property or the property of any person on the University Campus. For the purposes of this rule, the possession of known stolen property shall be deemed to constitute an act of theft.

RCS7.4 A student may not bring onto the University any explosives or other dangerous weapons except by express permission of the Registrar. “Dangerous weapon” includes, but is not limited to, firearms, knives or daggers, martial arts equipment or switchblades, and a normally harmless instrument designed to resemble a firearm or any other dangerous weapon, or which is used by a student to inflict bodily harm upon any person.

RCS7.5 A student must not commit the act of sale, distribution, use or possess any illegal drug, as defined by the Drug and Drug Trafficking Act 140 of 1992, on the campus of the University.

RCS7.6 A student must not act or threaten to act in a manner which interferes with the work or study of any member of staff or student in general and specifically in relation to the person’s race, gender, beliefs or sexual orientation.

RCS7.7 A student must not abuse or otherwise interfere with any hostile environment.
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member of the University community in any manner which contributes to the creation of an intimidating, hostile or demeaning environment for staff or students in general and specifically in relation to the person’s race, gender, beliefs or sexual orientation.

RCS7.8 A student must not prohibit entry or exit from the University campus or any building on the University campus.

A student must not obstruct, disrupt or interfere with the teaching, research, administrative, custodial or other functions of the University.

RCS7.10 A student must not obstruct the movement of any member of the University community.

A student must notify the Registrar of any change in his or her term and/or permanent address immediately or within 5 working days of becoming aware of such a change.

RCS7.12 A student must not leave litter in any part of the campus (including any building or its grounds and gardens).

RCS7.13 A student must not use of waster bins provided.

RCS7.14 A student must not, nor must a student body affix any picture, poster or advertisement:

(a) on any noticeboard, without the authority of the designated custodian of the precinct in which the noticeboard is; or

(b) elsewhere on the campus.

Where the identity of the person who has affixed any picture, poster or advertisement;

(a) on any noticeboard, without the authority of the designated custodian of the precinct in which the noticeboard is; or

(b) elsewhere on the campus, has not been established, the student body issuing or originating it shall be presumed to have affixed it in contravention of this rule (for the purpose of this rule a precinct is that part of the University, whether building or ground, or both, identified as a Precinct by Council).

RCS7.16 A student must not take part in any form of initiation.

RCS7.17 A student may not offer to any member of staff or any student or accept any reward or pecuniary consideration for any unlawful action or inaction benefitting him/her

RCS7.18 A student may not allow another person to use his or her student card and/or student number.

Conduct in respect of traffic rules

RCS8 A student must observe the Traffic Rules

Conduct relating to student housing

RCS9.1 A student must obey, all student housing rules including those for the student housing unit in which he or she is a resident.

RCS9.2 A student shall not organise or help to organise any gathering, function or party involving the consumption of alcohol in any student housing unit or in the name of any student housing unit without having obtained permission from designated University authorities. These authorities are:

(a) in the case of gatherings, functions or parties held in a student housing unit which will be attended by less than 30 members of the unit and guests, the House Committee in consultation with the warden;

(b) in the case of gatherings, functions or parties held in a student housing unit, which will be attended by more than 30 members of the unit and guests, the House Committee and the warden and;

(c) in the case of gatherings, functions or parties held on campus in the name of a student housing unit but not in that student housing unit, the House Committee, the warden and the Director SH & RL or nominee;

(d) in the case of gatherings, functions or parties held off campus in the name of a student housing unit, the House Committee and the Director SH & RL or nominee.

NOTE: The Residences Committee may determine and place

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annual limits on the number of gatherings, functions and parties involving the consumption of alcohol, which any student housing unit may organise, both on and off the campus.

(a) a function or gathering or party in residence; to the Director SH & RL or nominee seven days before it is due to be held;

(b) a party or function or gathering not in the student housing unit (whether or not on campus); to the Director SH & RL or nominee fifteen days before it is due to be held.

The Director SH & RL or nominee will, when granting approval, specify the conditions under which a function, party or gathering may be held.

RCS9.3 A student must not organise or help to organise, any gathering, function or party in any student housing unit for the financial benefit of any individual without the prior permission of the House Committee.

RCS9.4 A student must not take liquor into, or keep or consume liquor in any student housing unit without the permission of the warden and the House Committee.

RCS9.5 A student must not enter the room of another student without his or her permission, except under the authority of the warden.

RCS9.6 A student may not make such noise as disturbs any other person.

RCS9.7 A student must not sub-let any part of any student housing unit for financial considerations or otherwise.

RCS9.8 A resident student must not have any overnight visitor in his or her room or in any other part of the student housing unit without the consent of the warden.

RCS9.9 A resident student must ensure that his or her visitors comply with domestic rules and all other University rules and shall be responsible for the behaviour of such visitors.

RCS9.10 A student must not be in possession of a key or keys to any part of any student housing unit not issued to him or her by a student housing unit supervisor, a warden or a person authorised by a warden to do so.

RCS9.11 A student may not tamper with electrical installations of any part of the student housing unit.

RCS9.12 A student must not act or threaten to act in any manner which is abusive towards any student or any person employed at a student housing unit and which contributes to the creation of an intimidating, hostile or demeaning living, working or study environment for staff or students in general and specifically in relation to the person’s race, gender, beliefs or sexual orientation.

RCS9.13 A student who requires specialised medical treatment must inform the warden of his or her condition before entering the residence.

RCS9.14 A student must not take part in any inter-residence or inter-University raids.

RCS9.15 A student must not bring into the residence any fireworks without the prior permission of the warden.

RCS9.16 A student must not keep, without the prior permission of the warden, a pet of any kind in the residence or its immediate precints.

RCS9.17 A student must make use of the waste bins provided in the residence. A student must not leave litter in any part of the building, its gardens or its immediate precints.

RCS9.18 A student:

(a) must not affix any picture or poster in any part of a residence by the use of nails or tape or any other method which is likely to cause damage to, or mark, University property;

(b) may affix pictures or posters in his or room (single rooms) or in that part of the residence set aside for his or her personal use (shared accommodation); and

(c) must not affix any picture or poster in any other part of the residence.

RCS9.19 Students must not cook food in any area of the residence other than that allocated for that purpose.

RCS9.20 A student must give to the warden details of the addresses and telephone numbers of his or her parents or guardians or next-of-kin, and must inform the warden immediately
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RCS9.21 No student must move or remove any item of furniture belonging to the University or any fixture from its designated location to any other locations within or out of any residence without the express permission of the warden.

RCS9.22 A student resident in a catering residence must not use in his/her room the following electrical appliances; a heater drawing more than 1 kilowatt of electricity, an immersion heater, a sandwich toaster, grilles, toasters, hot plates, microwave ovens, electric frying pans or any other cooking appliance.

RCS9.23 Electric kettles and microwave ovens for the purpose of heating food must only be used in areas designated for this purpose such as kitchenettes, landings etc.

RCS9.24 Only multi plugs which are SABS approved and have built in fuses or trip switches are permitted for use in rooms.

RCS9.25 A student must have in her/his room a refrigerator not exceeding 120 cubic litres.

RCS9.26 A resident student shall observe the ICTS policies and rules of the University at all times.

RCS9.27 A student shall only make use of a network point to which he or she is entitled to.

RCS9.28 A student shall not share, distribute or sell the IP address/number issued to him/her upon application.

RCS9.29 A student shall not abuse or cause wilful damage to any hardware component related to the services of the information technology provided.

RCS9.30 A student shall not infringe any copyright law as defined in the University’s rules of copyright or that pertaining to sites on the Internet.

RCS9.31 The University reserves the right to withdraw at anytime, the privilege to the Internet, of any student whom it deems to have violated any of the information and communication technology rules and policies.

Conduct in cafeterias and student housing dining halls

RCS10.1 A student must not attempt to take food in a student housing dining hall before the official start of a meal or after the official ending of a meal.

RCS10.1.1 A student must not enter the hall bare-footed.

RCS10.1.2 A student must not enter the dining hall wearing any form of sleepwear apparel.

RCS10.1.3 A student having participated in any sporting activity which results in a build-up of body odour and heavy sweatiness must correct this before entering the dining hall.

RCS10.2 A student must not take, or attempt to take, food in a student housing dining hall unless he or she is entitled to do so.

RCS10.3 A student must not use, or attempt to use, any student housing dining hall card other than his or her own when obtaining a meal.

RCS10.4 A resident student must not attempt to take a meal in a student housing dining hall without handing in his or her dining hall card to the catering supervisor on duty.

RCS10.5 A resident student must not remove non-disposable containers, cutlery or crockery from a dining hall or cafeteria.

RCS10.6 The times at which meals start and end are determined in consultation with the House Committee. A student must not attempt to have a meal before or after these meal times.

Rules relating to consumption of alcohol

RCS11.1 A student must at all times abstain from drunken and disorderly behaviour.

RCS11.2 A student shall not sell, serve or assist any other person to sell or serve liquor on the University campus unless the requirements of the Liquor Act have been met, and permission to sell or serve, as the case may be, has been granted by the Director SH & RL or his or her nominee.

RCS11.3 A student must not wilfully cause or attempt to cause another student to be intoxicated on the University campus.

RCS11.4 A student must not have any alcoholic drink at, or bring any alcoholic drink to, any event where the University, or an authorised agent of the University, has prohibited the sale of drunken or disorderly behaviour.

sale/serving of alcohol

intoxicating another student

prohibitions
Conduct in respect of library rules and micro lab rules

RCS12.1 A student must obey all “Library Rules”.
RCS12.2 A student must comply with the rules laid down for the use of any micro lab.

Conduct in respect of rules relating to meetings

RCS13 No student body or group of students must arrange any meeting on the University campus to which non-University speakers have been invited in contravention of the “Rules relating to meetings on Campus or under the Aegis of the University” and “Rules for use of University venues”.

Conduct of student bodies

RCS14.1 Any office bearer of any University society, club or code must comply with any request by the Societies Council, the University Student Development and Services Committee, or a person or persons acting on behalf of either to give an account of the activities of the society, club or code, in regard to any alleged contravention of any rule, governing such activities, set by any competent authority within the University.
RCS14.2 The office-bearers of any recognised University student body must be personally liable for any breach of any University rule committed by members of that body in the name of that body, unless such office-bearers establish that they took all reasonable steps to prevent the breach of such rule(s).

Rules relating to safety

RCS15.1 A student on the University Campus must not connect any equipment or appliance to an electrical supply in contravention of normal and reasonable safety standards.
RCS15.2 A student must not use an immersion heater on the University campus.
RCS15.3 A student in a student housing unit must not use any appliance which draws more than one kilowatt of electrical power.
RCS15.4 A student must not interfere with or make unauthorised use of fire protection equipment.
RCS15.5 A student in a student housing unit must only make use of an electrical extension cord inside his or her own room.
RCS15.6 A student in a student housing unit must, when leaving a room or going to sleep, switch off any heat-producing electrical appliance such as a heater, stove or iron.
RCS15.7 A student in a student housing unit must not permit a naked flame, such as a gas lamp or candle, to burn in any room in the residence without the prior permission of the warden.
RCS15.8 A student must not interfere with the normal operation of any access control mechanism or installation in any part of the housing unit.

Conduct in respect of University Tribunals and other disciplinary structures

RCS16.1 A student attending any sitting of any disciplinary Tribunal must observe and obey any instruction of the presiding officer of the Tribunal concerned.
RCS16.2 A student present at any tribunal hearing must not, in any circumstances, interfere with or in any manner disrupt or disturb the disciplinary process.
RCS16.3 A student summoned to appear before any Tribunal as a witness or as the accused must be present at all times specified in the summons or as specifically instructed by the presiding officer of any tribunal.
RCS16.4 A student giving evidence before any disciplinary tribunal at the University will be required to be truthful and honest at all times and must not make perjurious statements.
RCS16.5 No student observer in any matter before any disciplinary tribunal must divulge the identities of any person or persons.

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party to such matter in any manner that may constitute publication without the prior permission of the presiding officer.

RCS16.6 A student may not interfere with, threaten or intimidate any person who will be required to appear before a Student Discipline Tribunal to give evidence. 

RCS16.7 A student shall comply with an order made by any Student Discipline Tribunal.

Student disciplinary records and student transcripts

RCS17 Any conviction in a disciplinary matter is recorded, and an individual student’s disciplinary record is permanent. Any transcript of academic record issued to a student is a complete transcript, and includes a statement of conduct. If the student has no disciplinary record, the statement is “conduct satisfactory”. If he or she has one, the Vice-Chancellor or nominee reviews it, together with any submission made by the student, and makes a decision whether or not the record, taken as a whole and in context, allows a statement of “conduct satisfactory” or requires a listing of the transgression(s). Unless a student’s submission provides compelling reasons, or the circumstances do not, in the opinion of the Vice-Chancellor or nominee, require this, academic dishonesty will be endorsed; any record of theft on the campus of UCT or of peer property will be endorsed; and any conviction for violence, especially related to sexual harassment or aggravated by drunkenness, will be endorsed.
THE ROLL OF MEMBERS OF THE CONVOCATION

1. The Convocation consists (Para 38 of the Statute) 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.

2. The Statute requires the registrar to keep the roll of convocation, and requires every member of convocation to notify the registrar of his or her address and of any change of address.

3. Every member of Convocation must notify the registrar of his or her current
   (a) email address; and
   (b) postal address.

4. The last email address of a member of convocation recorded by the registrar shall be the address to which the registrar must send all notices that the registrar is required to send to members of the convocation; except that where a member of the convocation wishes such notices to be sent by mail to his or her postal address he or she must notify the registrar in writing of this, in which case notices to that member shall be sent to the member’s postal address.

5. Notices to member of Convocation in respect of
   (a) the election of Council members; or
   (b) the election of the chancellor
      must be sent by the registrar to the last recorded email address of each member of convocation, or, where the member has elected to receive these notices at his or her postal address, to the last recorded postal address of the member.

6. Notices to members of convocation in respect of 5 (a) and (b) above must in addition be placed on the University’s web-page and published in such other manner as Council directs.

Adopted by the Council: 6 August 2008