



## MUT INSTITUTIONAL RULES

<b>DESIGNATED DIVISION</b>	<b>REGISTRAR</b>
<b>APPROVAL AUTHORITY</b>	<b>COUNCIL</b>

<b>LATEST APPROVAL DATE</b>	<b>28 AUGUST 2023</b>
<b>COMMENCEMENT DATE</b>	<b>29 AUGUST 2023</b>

## STRATEGIC INTENT

The following Rules are framed in terms of Section 32 of the Higher Education Act (Act 101 of 1997) and the Amended Mangosuthu University of Technology Statute (45616/2021) to set out the procedural and other processes on matters relevant to the business of Council, Senate, the Institutional Forum, Convocation and the sub-committees of these bodies.

### TABLE OF CONTENTS

<b>DOCUMENT CONTROL</b> .....	<b>7</b>
<b>Glossary of Terms and Definitions</b> .....	<b>8-8</b>
<b>CHAPTER 1: BACKGROUND TO THE INSTITUTIONAL RULES</b> .....	<b>10</b>
1.1. Background to the rules document .....	10
1.2. Purpose of the document .....	10
1.3. Scope and applicability .....	10
1.4. Responsibility for the rules .....	10
<b>CHAPTER 2: THE COUNCIL</b> .....	<b>11</b>
2.1. Introduction .....	11
2.2. Purpose of the rules .....	11
2.3. Functions and Responsibilities of Council .....	11
2.4. Role of Council.....	12-15
2.5. Specific Functions of Council.....	15
2.5.1 Performance assessments.....	14
2.5.2 Matters reserved for Council decision.....	16-17
2.6. Composition of Council.....	17
2.7. Election and appointment of Council Members.....	17
2.7.1 Ex-officio members.....	18
2.7.2. Rules relating to Members Elected By Senate.....	17
2.7.3. Rules relating to members elected by permanent academic staff of the university .....	18

2.7.4.	Rules relating Members Elected By Administrative And Supporting Employee..	18
2.7.5.	Rules relating to Members Elected By The SRC	18
2.7.6.	Rules relating to Members Appointed by Council	20
2.7.7.	Rules relating to Members Appointed By Convocation	19
2.7.8.	Rules relating to Members Appointed By Council	19
2.8.	Rules on Recruitment of members of Council	21
2.9	Guests and Resource Persons	20
2.10.	Quorum	20
2.11.	Minutes	21
2.12.	Meeting procedures	21
2.13.	Confirmation of minutes	22
2.14.	Speaking to motions	22
2.15.	Voting	22
2.16.	Rulings of the chairperson	23
2.17.	Waiver of rules	23
2.18.	The Agenda	23
2.19.	The role of the Chairperson of Council	23
2.20.	The election of the Chairperson and Deputy-Chairperson	23-25
2.21.	Terms of office of members of Council	24
2.22.	Executive Committee of Council	25
2.23.	Round-robin resolutions	27
2.24.	Termination of membership of Council	27
2.25.	Meetings	28
2.26.	Special or Emergency Meetings of Council	28
2.27.	Confidentiality	29
2.28.	Council in-committee sessions	29

<b>CHAPTER 3: COMMITTEES OF COUNCIL</b> .....	<b>29</b>
3.1 Establishing of Committees of Council.....	30
3.2 Election of chairpersons of Council Committees .....	30
3.3 Joint committees.....	30
<b>CHAPTER 4: SENATE</b> .....	<b>32</b>
4.1 Senate and its Committees .....	32
4.2 Meetings of Senate.....	32
4.3 General rules relating to Senate.....	32
5. <b>CHAPTER 5: FACULTY BOARDS</b> .....	<b>34</b>
6. <b>CHAPTER 6: THE INSTITUTIONAL FORUM</b> .....	<b>35</b>
6.1. Composition of the Institutional Forum .....	35
6.2. Term of office .....	35
6.3 Chairperson and Deputy-Chairperson of the IF.....	35
6.4. Functions.....	36
6.5. Sub-committees .....	36
6.6. Meetings .....	36
6.7. Quorum.....	36
7. <b>CHAPTER 7: STRUCTURES WITHIN THE INSTITUTION</b> .....	<b>37</b>
7.1. Executive Management Committee (EMC) .....	37
7.2. Secretary .....	37
7.3 Term of Office.....	37
7.4 Schedule of Meetings and Quorum.....	37
7.5. The Student Representative Council .....	37
7.6. Convocation .....	38
<b>CHAPTER 8: APPOINTMENT, TERMINATION AND RELATED MATTERS OF SENIOR MANAGEMENT- APPOINTMENT OF THE VICE-CHANCELLOR AND PRINCIPAL</b> .....	<b>39</b>

8.1.	<b>General .....</b>	<b>39</b>
8.2.	<b>Authorisation to fill position.....</b>	<b>39</b>
8.3.	<b>Composition and membership of the Selection Committee .....</b>	<b>39</b>
8.4.	<b>Project Manager .....</b>	<b>40</b>
8.5.	<b>Functions of the Selection Committee .....</b>	<b>40</b>
8.6.	<b>The role of the Chairperson and External Expert .....</b>	<b>40</b>
8.7.	<b>The role of the External Expert .....</b>	<b>40</b>
8.8.	<b>The role of the Observers.....</b>	<b>40</b>
8.9.	<b>The role of the Project Manager.....</b>	<b>41</b>
8.10.	<b>Role of the Registrar.....</b>	<b>41</b>
8.11.	<b>Role of internal Audit.....</b>	<b>42</b>
8.12.	<b>Conduct of the Selection Committee and Observers .....</b>	<b>42</b>
8.13.	<b>The Selection Process.....</b>	<b>43</b>
8.14.	<b>Dispute Resolution .....</b>	<b>48</b>
8.15.	<b>RULES ON APPOINTMENT OF SENIOR MANAGEMENT EXCLUDING THE VC....</b>	<b>49</b>
8.15.1.	<b>General .....</b>	<b>49</b>
8.15.2.	<b>Authorisation to fill the position. ....</b>	<b>49</b>
8.15.3.	<b>Compositions and membership of the Selection Committee .....</b>	<b>49</b>
8.15.4.	<b>Observers .....</b>	<b>49</b>
8.15.5.	<b>Project Manager .....</b>	<b>50</b>
8.15.6.	<b>Functions of the Selection Committee. ....</b>	<b>50</b>
8.15.7.	<b>The role of the Chairperson and External Expert .....</b>	<b>50</b>
8.15.8.	<b>The role of Observers .....</b>	<b>50</b>
8.15.9.	<b>The role of the Project Manager.....</b>	<b>51</b>
8.15.10.	<b>Conduct of the Selection Committee.....</b>	<b>51</b>
8.15.11.	<b>The Selection Process.....</b>	<b>52</b>

8.16.	Steps in the reappointment procedure.....	55
8.17.	Reappointment procedure: Deputy Vice-Chancellors, Registrar, and Executive Directors .....	56
8.18.	Appointment of Acting VC, DVCs, Registrar and Executive Directors.....	56
<b>CHAPTER 9: THE CHANCELLOR.....</b>		<b>57</b>
9.1.	Election and Appointment of the Chancellor .....	57
9.2.	Appointment of the Chancellor for a further term .....	57
9.3.	Further rules on election of the chancellor .....	57
9.4.	The process of election and appointment.....	58
10.	<b>CHAPTER 10: ANNEXURES TO THE INSTITUTIONAL RULES.....</b>	<b>59</b>
11.	<b>CHAPTER 11: AMENDMENT OF THE INSTITUTIONAL RULES.....</b>	<b>60</b>

## DOCUMENT CONTROL

1. This document is the property of Mangosuthu University of Technology. It contains information that is public to the university community and can be used by outside parties so long as they acknowledge their source.
2. This document has gone through the following mandated policy development and approval process as determined by Council.

<b>DEVELOPMENT AND APPROVAL PROCESS</b>	
<b>ORGAN</b>	<b>Applicable date</b>
<b>REGISTRAR</b>	<b>17/05/2023</b>
<b>EMC</b>	<b>09/06/2023</b>
<b>FACULTY BOARD MANAGEMENT SCIENCES</b>	<b>13/06/2023</b>
<b>FACULTY BOARD NATURAL SCIENCES</b>	<b>19/06/2023</b>
<b>FACULTY BOARD ENGINEERING</b>	<b>19/06/2023</b>
<b>SENATE</b>	<b>20/07/2023</b>
<b>INSTITUTIONAL FORUM</b>	<b>25/07/2023</b>
<b>STUDENT REPRESENTATIVE COUNCIL</b>	<b>19/07/2023</b>
<b>ADMINISTRATOR'S WORKING GROUP</b>	<b>10/08/2023</b>
<b>ADMINISTRATOR</b>	<b>28/08/2023</b>

3. This document has the history as stated below and, where applicable, the related documents are available from the Registrar.

<b>POLICY HISTORY</b>		
<b>NAME OF THE POLICY</b>	<b>POLICY NUMBER</b>	<b>APPROVAL OR LATEST AMENDMENT DATE</b>
MUT Institutional Rules	MUTINST28082023	28 AUGUST 2023

## Glossary of Terms and Definitions

TERM	ROLE & EXPLANATION
Act	The Higher Education Act 101 of 1997.
Charter	The document outlining the composition, principles, functions, competencies, capacities and organisation of a Committee with a status of Institutional Rules.
Council	The Council of the University as contemplated in Section 11 of the Amended MUT Statute; The highest governing body of the University.
Dean	The head of a Faculty.
Faculty	A primary cluster of allied academic entities in a major field of knowledge. A Faculty can also mean the academic employees in a Faculty.
Faculty Board	A board that has been delegated by Council to govern a Faculty and to regulate its activities.
Institutional Forum	Accountable to and advises Council on specific issues affecting the Institution as delegated to it by Council, including those listed in section 31 of the Act.
Majority	Is constituted by 50% of members, plus one (1) more member of the structure.
Minutes	A written record of what took place at a committee meeting and is final only upon confirmation at a subsequent meeting of a committee.
Motion	A formal proposal for discussion and action.
Quorum	The minimum number of members who must be present at a meeting to allow proceedings to be validly and effectively conducted.
Senate	Accountable to Council for regulating all learning, teaching, assessment, research and academic functions of the University and all other functions delegated or assigned to it by Council.
Senior Management	Senior Management consists of the:



TERM	ROLE & EXPLANATION
	<p>(a) Vice-Chancellor and Principal;</p> <p>(b) Deputy Vice-Chancellors;</p> <p>(c) Registrar;</p> <p>(d) Executive Directors;</p> <p>(e) Chief Financial Officer;</p> <p>(f) Deans of Faculties;</p> <p>(g) Dean of Students;</p> <p>(h) Senior Directors; and</p> <p>(i) such other persons as may be approved by Council on the recommendation of the Vice-Chancellor and Principal.</p>
Student Representative Council	Accountable to the Student body/community, the Vice-Chancellor and Principal and the Council and represents students in all aspects of student life.
Sub-committee	A Committee appointed by a larger Committee to undertake delegated functions or responsibilities or a specified duty or task.
Terms of reference	Define the specific task of a sub-committee, task group/team by a given date and are included in a Committee Charter.

## **CHAPTER 1: BACKGROUND TO THE INSTITUTIONAL RULES**

### **1.1. Background to the rules document**

- 1.1.1. The Statute of Mangosuthu University of Technology compels Council to adopt rules meant to assist with the implementation of the statute and the Higher Education Act.
- 1.1.2. The secondary objective of these Rules is to ensure consistent application and practice and to promote high levels of skill, knowledge, professional competence and integrity on the part of members of Council as they conduct the business of the university and the functionaries meant to support Council.

### **1.2. Purpose of the document**

- 1.2.1 The rules herein documented are prepared in such a way as to help in the day-to-day application and interpretation of the Higher Education Act and the amended MUT Statute.

### **1.3 Scope and applicability**

- 1.3.1 These rules apply to Council and any of its members. These rules apply *mutatis mutandis* to Committees of Council, Council Task Teams, Senate and its Committees, the Institutional Forum, the SRC and CONVOCATION and its Committees. They are adopted as minimum standards by all university structures to ensure consistent application in the university.

### **1.4 Responsibility for the rules**

- 1.4.1 The responsibility for developing, approving and implementing these rules rests with Council. The Office of the Vice Chancellor and Principal (the Vice Chancellor), through the Registrar, provides the administrative and logistics support to realise the objectives of these rules.

## **CHAPTER 2: THE COUNCIL**

### **2.1. Introduction**

- 2.1.1. The Act and the Statute regulate the governance of the University. The Act constitutes the principal legal framework for higher education institutions and provides for the establishment of the governance structures; among other offices and structures as set out hereinafter, in all public higher education institutions, each with distinctive roles.
- 2.1.2. These rules expand on some of the provisions of the Higher Education Act as well as the amended Mangosuthu University of Technology Statute.

### **2.2. Purpose of the rules**

- 2.2.1. The primary purpose of the Institutional Rules is to provide clarity and certainty in matters where the amended Institutional Statute and the Higher Education Act are ambiguous.
- 2.2.2. It also details further some of the requirements as canvassed in the two mentioned strategic documents. Good governance and compliance occur when there is an understood measure of doing things, and all those that are subject to rules are aware of the standard upon which their actions will be judged.

### **2.3. Functions and Responsibilities of Council**

- 2.3.1. In terms of the Higher Education Act 101 of 1997 (as amended):
  - 2.3.1.1 Council must govern the University, subject to the Act and the Institutional Statute;
  - 2.3.1.2 Subject to the policy determined by the Minister, the Council, with the concurrence of the Senate, must determine the language policy of the University, and must publish and make it available on request;
  - 2.3.1.3 Council, after consultation with the Students' Representative Council, must provide a suitable structure to advise on the policy for student support services within the University;
  - 2.3.1.4 Members of Council must be persons with knowledge and experience relevant to the objects of governance of the University; and
  - 2.3.1.5 Members of Council must participate in the deliberations of Council in the best interests of the University.
- 2.3.2 In terms of the Institutional Statute, Council:
  - 2.3.2.1 Makes rules for the University;
  - 2.3.2.2 Establishes the Council committees and determines the composition and functions of each committee;
  - 2.3.2.3 Establishes, in consultation with Senate, joint committees of Council and Senate to perform functions which are common to Council and Senate;
  - 2.3.2.4 Appoints employees of the University, but, in the case of academic employees of the University, it may do so only after consultation with the senate;
  - 2.3.2.5 Determines the student admission policy of the University, after consultation with Senate;
  - 2.3.2.6 Determines, with the approval of Senate, the entrance requirements in respect of particular higher education programs, the number of students who may be admitted for a particular higher education program and the manner of their selection, and the minimum requirements for readmission to study at the University;

- 2.3.2.7 May, with the approval of Senate, refuse readmission to a student who fails to satisfy the minimum requirements for readmission;
- 2.3.2.8 Determines and provides student support services after consultation with SRC;
- 2.3.2.9 May, in the manner set out in the disciplinary Rules, suspend or dismiss any employee of the University, and may order an employee whom it has suspended to refrain from being on any premises under the control of the University and to refrain from participating in any of the University's activities, or issue such other conditions as it may deem necessary; and
- 2.3.2.10 May establish legal entities in terms of the applicable legislation for the benefit of the University.

## **2.4 Role of Council**

- 2.4.1. The Council must assume ultimate accountability for the performance and affairs of the University. In so doing, it must effectively represent and promote the interests of the University, whilst management, led by the Vice-Chancellor, retains the responsibility of the day-to-day operational running of the University, for which he or she will account fully to the Council.
- 2.4.2. In addition, the Council is responsible to the broader community, which includes the present and potential beneficiaries of MUT products and services, students and employees, to achieve long-term institutional sustainability, growth in the quality of its core business and long-lasting prosperity for the University.
- 2.4.3 Council members must exercise leadership, integrity and judgement in directing the Council to achieve long-lasting prosperity and to act in the best interest of the University while respecting the principles of transparency and accountability.
- 2.4.4 The Council must consider and approve the University's strategy, major plans of action, governance policies, appropriate procurement and provisioning policies and systems, annual budgets and business plans.
- 2.4.5 The Council must ensure that the commitments of the Council to the Department responsible for Higher Education have been met.
- 2.4.6 The Council must serve the interests of the University with due sensitivity to the expectations of all constituencies represented on the Council.
- 2.4.7 The Council must establish formal and transparent arrangements for maintaining a relationship with external and internal auditors and ensure the timely and accurate disclosure to the Department responsible for Higher Education all other stakeholders of any information that would be of material importance.
- 2.4.8 It is the responsibility of the Council to develop a clear definition of the levels of materiality or sensitivity to determine the scope and delegation of authority and ensure that it reserves specific powers and authority for itself. Delegated authority must be in writing and be revised regularly.

- 2.4.9 The Council must manage potential conflicts of interest of Management, Council members and constituencies represented on the Council.
- 2.4.10 The Council is the guardian of the values and ethics of the University, and must proactively promote the Code of Conduct for Council members by signing it and subscribing to the value framework imbedded therein.
- 2.4.11 The Council must assume responsibility and accountability to the Department responsible for Higher Education and other stakeholders for the University's compliance with the prescripts of the Act, the Statute and the Code of Conduct pertaining to Council membership and ethics.
- 2.4.12 The Council must, on an annual basis, undertake performance/effectiveness assessments of the individual Council members, the Chairperson, the Vice- Chancellor, the Council, the Council Committees and their members.
- 2.4.13 The Council shall be responsible for ensuring that continuity and succession protocols are in place for the:
  - 2.4.13.1 Council members;
  - 2.4.13.2 Chairperson of the Council and Deputy Chairperson;
  - 2.4.13.3 Vice-Chancellor;
  - 2.4.13.4 Deputy Vice-Chancellors;
  - 2.4.13.5 Council Committee members;
  - 2.4.13.6 Registrar and Secretary of the Council;
  - 2.4.13.7 Deans; and
  - 2.4.13.8 Key posts (as determined by the Council, Vice-Chancellor and Human Resources Committee from time to time).
- 2.4.14 Council members, both executives and non-executives, carry full fiduciary responsibility and owe a duty of care and skill to the University in terms of the Act, the Statute, common law principles and the Code of Conduct for members of the Council.
- 2.4.15 The Council shall retain full and effective governance of the University and shall direct and supervise the business of the University, including:
  - 2.4.15.1 Overseeing that goals are established and that strategies to achieve the goals are in place;
  - 2.4.15.2 Approving policies to strengthen the performance of the University;
  - 2.4.15.3 Monitoring management's performance and implementation of Council plans and strategies;
  - 2.4.15.4 Appointing the Vice-Chancellor and setting the terms of his/her employment;
  - 2.4.15.5 Protecting the University's financial position;
  - 2.4.15.6 Overseeing that the financial statements are accurate and fair and contain proper disclosures, and comply with the law and applicable accounting standards;
  - 2.4.15.7 Overseeing that the University adheres to high standards of ethics and corporate behaviour which satisfy in substance and form the requirements of King III;
  - 2.4.15.8 Overseeing that the University has appropriate risk management, internal controls and regulatory compliance policies and processes in place;

- 2.4.15.9 Overseeing that an effective Risk Management Framework is implemented and maintained;
- 2.4.15.10 Overseeing that the University complies with all relevant laws, regulations and codes of business practice;
- 2.4.15.11 Overseeing that the University has a communication policy and communicates with stakeholders openly and promptly, with substance prevailing over form;
- 2.4.15.12 Overseeing that key risk areas and key performance indicators of the business are identified and maintained, with particular attention to technology and systems;
- 2.4.15.13 Overseeing that non-financial aspects relevant to the business of the University are identified and monitored;
- 2.4.15.14 Reviewing and recording the facts and assumptions on which the Council relies to conclude whether the University will continue as a going concern in the financial year ahead and, if not, why and what steps are being taken to remedy the situation;
- 2.4.15.15 Overseeing that Council member selection, orientation and evaluation processes are in place and carried out; and
- 2.4.15.16 Enabling that management of the University shall vest with Management under the leadership of the Vice-Chancellor. The Council must afford the management strategic direction and support in the execution of its duties.
- 2.4.16 The Council must undertake a formal and rigorous annual evaluation of its performance and effectiveness and that of its committees and individual Council members.
- 2.4.17 Subject to the provisions of the Act and the Statute, a Council member may not vote nor be counted in the quorum on any matter in which he/she has an interest and, additionally, he/she may be recused from any meeting at the discretion of the Chairperson when such matters are discussed.
- 2.4.18 A register of declarations of interest must be kept and updated by the Registrar regularly.
- 2.4.19 Internal Council members must distinguish between their role as Council members and that of managers/employees/students. If they are conflicted in their various roles, they must withdraw from the discussion concerned in the Council and the voting.
- 2.4.20 The Council members must develop and put in place a Code of Conduct outlining the values, ethics, and beliefs that guide the behaviour of members of the Council and define the ethical standards applicable to it and to all who deal with it.
- 2.4.21 Council members must monitor the social responsibilities of the Council and promulgate policies consistent with the University's legitimate interests and good business practices.

## **2.5 Specific Functions of Council**

### **2.5.1 Performance assessments**

The Council will be responsible for the annual performance assessments of:

- 2.5.1.1 The Chairperson;
- 2.5.1.2 Council members;
- 2.5.1.3 Council as a whole;
- 2.5.1.4 Council committees in terms of their charters and their individual members; and
- 2.5.1.5 The Vice-Chancellor and Principal.

## **2.5.2 Matters reserved for Council decision**

**2.5.2.1** The Council must define levels of materiality, reserving specific powers for itself and delegating other matters with the necessary written authority to management. Delegations must be minuted and revised every two (2) years. The following matters are reserved for decision by the Council based on any recommendation that may be made from time to time by the committees of the Council and/or Management and/or Senate and/or Institutional Forum:

### **2.5.2.1.1 Financial issues**

- 2.5.2.1.1.1. The adoption of any significant change in or departure from the accounting policies and practices of the University;
- 2.5.2.1.1.2. The establishment of loan facilities from any financial institution or other body;
- 2.5.2.1.1.3. The approval of annual financial statements, the approval of interim reports and the valuation of unlisted investments; and
- 2.5.2.1.1.4. The determination of fees (where this includes any approval of any increase in student fees (including accommodation fees).

### **2.5.2.1.2 Statutory and administrative matters**

- 2.5.2.1.2.1. Approval of amendments to the Statute and Rules;
- 2.5.2.1.2.2. The appointment, removal or replacement of the external auditors of the University;
- 2.5.2.1.2.3. The frequency of meetings of the Council;
- 2.5.2.1.2.4. The approval of policies in relation to employment relations;
- 2.5.2.1.2.5. The prosecution, defence or settlement of legal or arbitration proceedings, where material, except for those proceedings that are conducted in the ordinary course of business as identified in the delegation frameworks approved by Council;
- 2.5.2.1.2.6. The appointment of responsible persons at the University required in terms of any Act in South Africa or elsewhere in respect of institutional statutory responsibilities;
- 2.5.2.1.2.7. The approval of the rules of and amendments to pension and provident funds having a material effect on the actuarial liabilities associated with those funds;
- 2.5.2.1.2.8. The granting of general signing authorities and changes thereto; and
- 2.5.2.1.2.9. The approval of recommended policies in relation to employment equity, the environment, health and safety and any such other policies required by law.

### **2.5.2.1.3 Human resources**

- 2.5.2.1.3.1. Appointment of members of the Council, officials of the Council and the Executive Management as contemplated in the Act and the Statute; and
- 2.5.2.1.3.2. The approval of the terms of reference of and changes in the composition of the committees of the Council.

### **2.5.2.1.4 Strategic issues**

- 2.5.2.1.4.1. Approval of the strategy, business plans and annual budgets and of any subsequent material changes in strategic direction or material deviations from business plans;
- 2.5.2.1.4.2. Considering and approving any material departure from strategic objectives and policies, including significant re-alignment of any aspect of the core business of the University;
- 2.5.2.1.4.3. Considering and approving any major transactions outside the ordinary course of the University's business;
- 2.5.2.1.4.4. Evaluating all key assumptions and business indicators on which the University's strategic objectives and policies are based; and

2.5.2.1.4.5. Considering and reviewing all important policies regulating the University's relations with its constituencies and significant issues arising from these relationships.

#### **2.5.2.1.5 Risk Management**

2.5.2.1.5.1. The Council is responsible for monitoring the risk management practices within the University.

2.5.2.1.5.2. The Council is also responsible for disclosures on risk management in the annual reports and financial statements.

2.5.2.1.5.3. The Council must ensure that a risk assessment is undertaken at least annually for the purposes of making its public statement on risk management as well as ensuring that at appropriately considered intervals, it receives and reviews reports on the risk management process.

2.5.2.1.5.4. The Council is also responsible for reporting significant risks that affect the decisions of stakeholders in their dealings with the University and which should be disclosed in the annual report.

2.5.2.1.5.5. An effective on-going process must be in place to identify risks, measure their impact and proactively manage and monitor these impacts. A fundamental element of the role of the Council members within the Council is to satisfy themselves that management is managing risks in an appropriate and informed manner. The Council must receive for review regular reports on:

- The University's risk profile; and
- Compliance with legislation on risk and risk management.

#### **2.5.2.1.6 Corporate Governance**

2.5.2.1.6.1. The Council is responsible for ensuring that an adequate and effective corporate governance process is established and maintained and that the Code of Corporate Practice and Conduct (King IV), the DHET Guidelines for Good Governance Practice and Governance Indicators for Councils of South African Public Higher Education Institutions, 2017 and any other latest and pertinent legislative framework whose provisions have a significant bearing on the University are complied with. The process must be consistent with the nature and complexity of, as well as the risks inherent in, the University's activities.

2.5.2.1.6.2. The external auditors must assess and review the process annually, including the management of risk, and report to the Council. A statement relating to compliance must be included in the annual report.

#### **2.5.2.1.7 Remuneration**

2.5.2.1.7.1. The remuneration of the University employees at peromnes (1 – 4) must be reviewed by the Remuneration Committee of the Council and approved by the Council.

2.5.2.1.7.2. The remuneration of the employees at peromnes (5-16) is by the collective staff bargaining council and is finally approved by Council.

2.5.2.1.7.3. **There will be no remuneration/ honorarium for members of Council for meetings and any other university-related work. Members of Council shall be re-imbursed for travelling, accommodation and other incidental expenses.**



## **2.6 Composition of Council**

- 2.6.1. Council members are appointed or elected in terms of the Amended Mangosuthu University of Technology Institutional Statute<sup>1</sup>, the Higher Education Act<sup>2</sup> and the clauses and sub-clauses of this Chapter define and give more detail to the processes and procedures to be followed.
- 2.6.2. Council shall develop and approve an instrument which contains the criteria for eligibility of Council members.

## **2.7 Election and appointment of Council Members**

**2.7.1.** The membership of the following members of Council is regulated by Clause 13 of the Amended Mangosuthu University of Technology Statute and is not subject to an election:

2.7.1.1. The Vice-Chancellor and Principal<sup>3</sup>

2.7.1.2. Not more than two of the Deputy Vice-Chancellor(s) rotated annually by the Vice-Chancellor with the approval of Council. Council should be notified in its third quarter meeting of the preceding year which two will be members in the coming year.

### **2.7.2. Rules relating to Members Elected by Senate**

2.7.2.1. At least three (3) months before the end of the term of office or within a month after the vacancy has occurred for whatever reason, the Secretary to Council shall notify Senate of the vacancy or potential vacancy;

2.7.2.2. Consonant with the Higher Education Act,<sup>4</sup> the Secretary to Council Shall conduct the elections of Senate representative(s) to Council at a formally constituted Senate Meeting by calling for nominations and, where necessary, conducting an election by secret ballot and

2.7.2.3. Criteria for eligibility for Senate representatives include academic standing and leadership, honesty<sup>5</sup>, as well as equity and diversity.

### **2.7.3. Rules relating to Members Elected by The Permanent Academic Employees of The University**

2.7.3.1. As mentioned in the Amended Statute, “Academic employee” means any person appointed by Council after consultation with the Senate or a committee mandated by Senate to a teaching or research post at the University and any other employee designated as such by Council<sup>6</sup>.

---

<sup>1</sup> Amended Mangosuthu University of Technology Statute No.45616 of 10 December 2022.

<sup>2</sup>Higher Education Act, 1997 (Act No. 101 of 1997)

<sup>3</sup>Amended MUT Statute 13 (a)(i)

<sup>4</sup>Higher Education Act 8 (1)(d).

<sup>5</sup>Amended MUT Statute 15(b)

<sup>6</sup>Page 7 under ‘Definitions’.

- 2.7.3.2. At least three (3) months before the end of the term of office or within a month after the vacancy has occurred for whatever reason, the Secretary to Council shall notify academic employees of the vacancy or potential vacancy and call for nominations from those eligible to vote, in terms of the following process.
- 2.7.3.3. The Secretary to Council shall call for nominations by written notice, by either email or hand-written notes sent to the office of the Secretary to Council, at least seven (7) days before the date of closure of nominations.
- 2.7.3.4. A completed nomination form must be lodged as prescribed in the notice. Late or partly completed forms will not be accepted. Each nomination must be signed by at least (6) academic employees and counter-signed by the nominee to reflect his/her acceptance. If only one person is nominated, then the Secretary to Council declares the person duly elected. If more than one person is nominated, the Secretary to Council conducts an election by secret ballot, according to the procedure and process determined by the Secretary to Council; and The Secretary to Council declares the candidate with the highest number of votes to have been duly elected. In the event of a tie, the Chairperson of Senate shall have a casting vote.

#### **2.7.4. Rules relating Members Elected by Administrative and Supporting Employees**

- 2.7.4.1. Every full-time and permanently appointed administrative and support staff member, other than the Secretary to Council, is entitled to participate in the election of administrative and supporting employees.
- 2.7.4.2. Nominations, which must be signed by two members of the administrative and support staff in the grade groups concerned and accepted in writing by the nominee, must be received by the Secretary to Council by the date specified in the notice.
- 2.7.4.3. If the Secretary to Council receives only one nomination for each or either seat, those people or that person must be declared duly elected. If the Secretary to Council receives more than one nomination for each or either seat, a ballot of the members of the administrative and support staff concerned must be held.
- 2.7.4.4. If a vacancy occurs during a member's term of office, the Secretary to Council 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.

#### **2.7.5. Rules relating to Members Elected by the SRC**

- 2.7.5.1. The two members of Council elected by the SRC are determined in compliance with the Amended MUT Statute 13.1 (a)(vi) and in accordance with the SRC Constitution.
- 2.7.5.2. The Secretary to Council must notify the President of the SRC whenever it becomes necessary for the SRC to elect a member of the Council.
- 2.7.5.3. If a vacancy occurs during a member's term of office, the Secretary to Council must invite the SRC to fill the vacancy for the unexpired period of the term of office, if this is longer than three (3) months.

#### **2.7.6. Rules relating to Members Appointed by The Minister**

- 2.7.6.1. The Amended MUT Statute<sup>7</sup> states that no more than five (5) persons may be appointed by the Minister in accordance with 24(7)(c) of the Higher Education Act.
- 2.7.6.2. The Secretary to Council must notify the Minister whenever it becomes necessary for the Minister to appoint a member of the Council.
- 2.7.6.3. If a vacancy occurs during a member's term of office, the Secretary to Council must invite the Minister to fill the vacancy for the unexpired period of the term of office, if this is longer than three months.

#### **2.7.7. Rules relating to Members Appointed by Convocation**

- 2.7.7.1. The Amended MUT Statute states that two members shall be elected or appointed by Convocation in line with its Constitution.<sup>8</sup>
- 2.7.7.2. The Secretary to Council must notify the President of the Convocation whenever it becomes necessary for the Convocation to appoint a member(s) of the Council.
- 2.7.7.3. If a vacancy occurs during a member's term of office, the Secretary to Council must cause the Convocation to meet and elect its representative on Council.

#### **2.7.8. Rules relating to Members Appointed by Council**

- 2.7.8.1. In terms of the Amended MUT Statute, twelve (12) members appointed by Council in accordance with the rules based on their expertise and experience in the fields of further education and training, higher education, strategy, business, ins, tourism, information technology, law, engineering, fundraising, finance, auditing and human resource management, taking into consideration the skills already in Council as well as any possible skills lacuna.<sup>9</sup>
- 2.7.8.2. The Secretary to Council must notify the Chairperson of Council whenever it becomes necessary for the Council to appoint a member of the Council.
- 2.7.8.3. The Chairperson of Council shall cause for Council to determine the skills and competencies that will be required for a vacancy that would have arisen.
- 2.7.8.4. Following a Council decision, the Secretary to Council shall cause the vacancy to be filled per the decision.
- 2.7.8.5. The Nomination process shall be handled by the Executive Committee of Council or such other committee as decided by Council.
- 2.7.8.6. A completed nomination form must be lodged as prescribed in the notice. Late or partly completed forms will not be accepted.
- 2.7.8.7. In making the appointment, Council should ensure that the majority of Council members collectively possess the competencies and skills required by Council.

---

<sup>7</sup>Amended MUT Statute 13 (b)(i)

<sup>8</sup>Amended MUT Statute 13 (b)(ii)

<sup>9</sup>Amended MUT Statute 13 (b)(iii)

## **2.8. Rules on Recruitment of members of Council**

- 2.8.1 All vacancies on Council are brought to the attention of the relevant constituencies where applicable.
- 2.8.2 In the case of Council vacancies, vacancies are advertised as described below, and applicants are invited to submit a curriculum vitae and a motivation detailing their interest and suitability.
- 2.8.3 The EXCO acting as a Governance Committee, will then set up a shortlisting process and an interview session with each member. The EXCO's recommendations for appointment are then presented to Council for approval, and appointments are confirmed in writing by the Registrar.
- 2.8.4 In case of a dispute<sup>10</sup> arising from (2.8.3) above, Council will act as the final arbiter.
- 2.8.5 Vacancies for external members (except ministerial appointees) are advertised using a number of platforms, depending on the number of vacancies and the skills/experience being sought. These include:
  - a. The University's website;
  - b. Social media platforms;
  - c. National media (newspapers);
  - d. Executive searches.
- 2.8.6 Vacancies for internal members are advertised by email to the relevant constituencies, and nominations are invited.
- 2.8.7 An election, conducted by the Registrar, is held when the number of nominations exceeds the number of vacancies.

## **2.9 Guests and Resource Persons**

- 2.9.1 In terms of the Amended MUT Statute Council may invite any person to attend a Council meeting in an advisory role as a resource person or as an observer, and such an invited person does not have any voting rights.<sup>11</sup>
- 2.9.2 Persons mentioned above shall be invited through a decision of the Chairperson of Council and the Vice-Chancellor, with Council noting the decision.

## **2.10. Quorum**

- 2.10.1 The quorum of a meeting of the Council consists of 50 percent plus one of all members of the Council, provided that at least half plus one of the members forming such a quorum are neither employees nor students of the University.
- 2.10.2 If, for any meeting, there is no quorum, the meeting will be adjourned to a date not more than fourteen days later, at which meeting the members present constitute a quorum, provided further that at least half of the members present are neither employees nor students of the University; and
- 2.10.3 If, during the course of a meeting, a quorum, as contemplated in 1.10.1 above, is lost, such meeting will be deemed quorate if the number of members present is not less than

---

<sup>10</sup> A dispute of whatever manner.

<sup>11</sup>Amended MUT Statute 13.2

one-third of all the members of the Council, provided further that at least half of such remaining members are neither employees nor students of the University.

## **2.11. Minutes**

- 2.11.1 After being constituted and opened, an ordinary meeting commences with the reading and confirmation, by signature of the Chairperson, of the minutes of the previous ordinary meeting and any subsequent extraordinary/special meetings.
- 2.11.2 Minutes for all extraordinary/special meetings may only be approved/confirmed at an ordinary meeting of the Council.
- 2.11.3 Any objection to the minutes is raised and disposed of before the minutes are confirmed.
- 2.11.4 The Secretary to the Council keeps the minutes of each meeting of the Council and must include such minutes with the agenda of the next Council meeting.
- 2.11.5 The minutes may be regarded as read if a copy of the draft minutes was previously sent to each member.
- 2.11.6 The number of votes in favour of or against any proposal is not recorded in the minutes unless the meeting so decides.
- 2.11.7 Notwithstanding 2.11.6, at the request of a member, the Chairperson may direct that the vote of such member be recorded.

## **2.12. Meeting procedures**

- 2.12.1 All meetings serviced by the Secretariat or the Registrar shall be recorded electronically.
- 2.12.2 The electronic recordings are for the assistance of the person responsible for drafting the minutes.
- 2.12.3 Once the relevant committee has approved the minutes of that particular meeting, the recording will be destroyed by the Secretariat.
- 2.12.4 Mangosuthu University of Technology affirms that only the written and confirmed minutes of a meeting serve as the official record of the meeting.
- 2.12.5 Should the written minutes be challenged and therefore not confirmed, only the Chairperson of the committee and the Registrar have the right to access the recordings for clarification.

## **2.13. Confirmation of minutes**

- 2.13.1 After being constituted, the first act of each ordinary meeting (except Senate) shall be to confirm, by a proposer and a seconder, the minutes of the last preceding ordinary meeting and any special meetings held subsequently to it.
- 2.13.2 All objections to the minutes must be raised and decided before such confirmation. No motion or discussion shall be allowed upon minutes except as to their accuracy.

## **2.14. Speaking to motions**

- 2.14.1 A member may not, without the permission of the chairperson, speak more than once on any motion or amendment thereof.

## **2.15. Voting**

- 2.15.1 Subject to any provisions in these rules or any applicable university policies and protocols to the contrary, all questions to the extent possible shall be decided by consensus, but

where necessary, shall be decided by the majority of votes of the members present and voting.

2.15.2 The chairperson shall have an ordinary vote.

2.15.3 The chairperson shall also have a casting vote in the case of an equality in the number of votes.

## **2.16. Rulings of the chairperson**

2.16.1. The chairperson's ruling on any question of order or procedure shall be binding unless immediately challenged by a member, in which case it shall be submitted without discussion to the meeting, whose decision shall be final.

## **2.17. Waiver of rules**

2.17.1. The meeting may, by a vote of two-thirds of the members present at any duly constituted meeting, approve of an exception to any of the rules pertaining to meeting procedures.

## **2.18. The agenda**

2.18.1 The Registrar will prepare the agenda for AND minutes of all meetings of Council.

2.18.2 The agenda for an ordinary meeting of Council shall have the following as standard items:

- (a) Adoption of the Agenda;
- (b) Adoption of previous minutes of Council (that need to be approved);
- (c) Noting of Minutes of Committees of Council and Other Institutional Structures (for meetings held in the preceding period);
- (d) Matters arising from previous minutes (being matters that are outstanding or were not concluded);
- (e) Council-mandated reports (as proposed by the different Committees of Council and approved by Council);
- (f) Matters for approval of Council (as per the Delegations of Authority framework);
- (g) Matters for noting of Council (being information the VC wants to bring to the attention of Council);
- (h) Council matters and housekeeping (being items driven by administrative affairs of Council); and
- (i) Members' requests (being matters introduced for discussion as proposed by members).

2.18.3 The agenda for Council meetings prepared as above is subject to approval by the Chairperson of Council before it is released. The Vice-Chancellor may have input on the Agenda by engaging the Registrar before the Agenda is presented to the Chairperson of Council for approval.

2.18.4 Items not appearing on the agenda may be taken up on an emergency basis. Any member of Council requesting emergency consideration of an item shall make a motion to that effect which specifies the subject to be considered, the reason the item is not in the agenda and the reason the item cannot be delayed until a subsequent meeting.

2.18.5 If seconded and approved by a majority vote of the quorum present, the emergency item may then be moved, seconded, discussed, and disposed of in the same manner as any other matter which comes before Council.

## **2.19. The role of the Chairperson of Council**

- 2.19.1 The Council should be led by an independent non-executive chairperson.
- 2.19.2 The Council should elect a chairperson who can provide the direction necessary for an effective Council.
- 2.19.3 The chairperson of the Council should be independent and free of conflicts of interest on appointment.
- 2.19.4 The chairperson should preside over Council meetings and should ensure that the time of the meeting is used productively. The chairperson should encourage collegiality among council members but without inhibiting candid debate and creative tension among council members.
- 2.19.5 The chairperson should manage conflicts of interest among members. <sup>12</sup>

## **2.20. The election of the Chairperson and Deputy-Chairperson**

- 2.20.1 The election of Chairperson and Deputy Chairperson shall be per the Institutional Statute's provisions;
- 2.20.2 The Chairperson and Deputy Chairperson must have appropriate knowledge and experience relevant to the University's governance.
- 2.20.3 In addition, the Chairperson and Deputy Chairperson must possess the following competencies:
  - 2.20.3.1 Demonstrable track record of leadership of structures and organisations;
  - 2.20.3.2 Demonstrable ability to separate governance from operational management issues;
  - 2.20.3.3 Sound people, time and process management skills;
  - 2.20.3.4 Sound understanding of strategic challenges facing the institution;
  - 2.20.3.5 Ability to work with people and galvanise them into a cohesive team;
  - 2.20.3.6 Ability to solve disputes and differences in opinions and views between Council members;
  - 2.20.3.7 Ability to work constructively with the Vice-Chancellor;
  - 2.20.3.8 Ability to hold the Vice-Chancellor together with his/ her executive team to account when necessary;
- 2.20.4 The Secretary to Council shall oversee the nomination and election process for the positions of Chairperson and Deputy Chairperson as follows:
  - 2.20.4.1 Whenever a vacancy occurs in the offices of the Chairperson or Deputy Chairperson, the Secretary to Council will, in writing, call for nominations from Council members and distribute to each of them a Nomination Form;
  - 2.20.4.2 The call for nominations must clearly state the return date for nominations, which may not exceed seven (7) working days;
  - 2.20.4.3 All nominations must be in writing, signed by a principal nominator and a seconder, and must state that the nominee has indicated a willingness to serve in the particular office to which s/she is being nominated;
  - 2.20.4.4 Should only one person be nominated, the Secretary to Council shall duly declare the nominated person elected and inform Council members accordingly;
  - 2.20.4.5 Should more than one nomination be received for a particular office, the Secretary to

---

<sup>12</sup>King IV Report on Good Corporate Governance at 5.3.

Council shall conduct an election process by secret ballot at a duly constituted meeting of Council;

2.20.4.6 No discussion or debate shall precede the voting process; and

2.20.4.7 Nominated candidates may not participate in the voting process.

## **2.21. Terms of office of members of Council**

2.21.1 The terms of office for all Council members, including the Chairperson and Deputy Chairperson of Council, shall be for a period of four years or such shorter period as he or she may be a member of Council, <sup>13</sup> except for

2.21.2 The Vice-Chancellor, who by virtue of his position is ex officio a member of Council.

2.21.3 A Deputy Vice-Chancellor nominated by the Vice-Chancellor may, with the approval of Council, be rotated annually.

2.21.4 The student representatives elected by the Student Representative Council in terms of the Amended MUT Statute 13.1 (a)(vi) who serve for the period defined in section 16(c) of the statute.

2.21.5 For continuity, the First terms of Office of the external members of Council will be varied, with some members serving for 4 years, whilst others will be 3 years and this is decided during a Council meeting by drawing of a lot.

## **2.22. Executive Committee of Council**

2.22.1 The executive committee of Council is established by clause 22.1(a) of the Amended Statute of MUT.<sup>14</sup>

### **2.22.2 Composition of the Executive Committee of Council**

The Executive Committee of Council consists of the following voting members:

2.22.2.1 The chairperson of Council who is the chairperson of the committee;

2.22.2.2 The deputy-chairperson of Council;

2.22.2.3 The Vice-Chancellor;

2.22.2.4 The chairpersons of all standing committees of Council;

The non-voting members of the committee are the following:

2.22.2.5 Not more than any two of the deputy vice-chancellors rotated annually by the vice-chancellor

2.22.2.6 The primary resource person of the committee is the Registrar

2.22.2.7 Council may co-opt an additional member who is neither an employee of the university nor a student.

---

<sup>13</sup>Amended MUT Statute 16.

<sup>14</sup>Amended MUT Statute 22.1(a).



### **2.22.3 Quorum of the Executive Committee of Council**

- 2.22.3.1 A minimum of 50% plus 1 of EXCO members must be present at any EXCO meeting and for every EXCO decision, provided the external members are in the majority.

### **2.22.4 Functions of the Executive Committee of Council**

- 2.22.4.1. To deal with matters referred to it by Council, provided that any such decisions be tabled at the next ordinary meeting of Council for noting;
- 2.22.4.2. To deal with any urgent matter in between Council meetings within the limits of the Higher Education Act and the University Statute, provided that any such decisions be tabled at the next ordinary meeting of Council for noting.
- 2.22.4.3. To be the Nominations Committee of Council as described in these rules read together with the Amended Statute and the Charter of EXCO;<sup>15</sup>
- 2.22.4.4. To be the Governance and Ethics Committee of Council as described in these rules read together with the Amended Statute the Charter of EXCO;
- 2.22.4.5. To provide governance oversight on the Registrar;
- 2.22.4.6. To provide performance management of the Vice-Chancellor and the Registrar;
- 2.22.4.7. To provide oversight with regard to good corporate citizenship (social, environment and sustainability initiatives);
- 2.22.4.8. The primary role of EXCO as the Nominations Committee is to make sure that the Council comprises of individuals with the necessary skills, knowledge and experience;
- 2.22.4.9. The Committee shall oversee the development and periodic revision of a background document that explains the eligibility criteria for nomination of Council members as provided for in the Amended University Statute and recommends it to Council for approval;<sup>16</sup>
- 2.22.4.10. The Committee shall mandate the Registrar to facilitate the process for the election of internal member(s) of Council as described in the University Statute;
- 2.22.4.11. The Committee shall approve the advertisement that the Registrar is to place in national newspapers inviting organisations, interest groups and individuals to nominate persons with the necessary skills and expertise as determined by Council to serve on Council;
- 2.22.4.12. The Committee shall review the background checks on individuals nominated or elected to serve on the Council. If the background checks reveal issues that may disqualify a nominated candidate from serving on Council, such nomination should be referred back to the entity that put forward the name for reconsideration;
- 2.22.4.13. The Committee shall recommend to Council candidates to be appointed as members of Council in terms of the University Statute.

### **2.22.5 Term of office of the members of EXCO**

- 2.22.5.1. The Executive Committee of Council is established in accordance with University Statute and, therefore, only ceases to exist if the Council is not operational;

---

<sup>15</sup>Amended Statute 22.1(g).

<sup>16</sup>Amended Statute 15.

- 2.22.5.2. The tenure of EXCO members shall be four (4) years and linked to their terms of office as Committee Chairpersons, Chairperson of Council or Deputy-Chairperson of Council as applicable.
- 2.22.5.3. The term of office of the Chairperson and Deputy-Chairperson shall be two (2) years, renewable for one term only, linked to their terms of office in Council.

#### **2.22.6 Code of conduct for Council members**

- 2.22.6.1. The code of conduct for Council Members, as approved by the Council, will be attached to these rules and must be reviewed annually and approved by Council. <sup>17</sup>
- 2.22.6.2. All members of Council must sign the Code of Conduct on assumption of office.

#### **2.22.7 Assessment of EXCO and Council**

- 2.22.7.1. Council will undertake an annual assessment of its performance (internally or externally administered). Such assessment will include:
- 2.22.7.2. Governance Indicator Scorecard for Councils of Public Higher Education Institutions in South Africa, which is submitted annually to the Department of Higher Education, Science and Technology; and
- 2.22.7.3. Any other instrument deemed fit-for-purpose.
- 2.22.7.4. Externally conducted biennial Performance Review of Council and individual Council Members and Committees (optional).
- 2.22.7.5. The outcome of the assessments should be analysed and shared with the members of the Council for adoption. Such analysis should be used by the EXCO, which also serves a function as the Governance and Ethics Committee of Council for recommendations with regards to Council development and appropriate Workshops.

#### **2.23. Round-robin resolutions**

- 2.23.1 When a majority of the members of the Council reaches an agreement on a matter referred to them by letter or electronic means on behalf of the Chairperson without convening a meeting, and at least two-thirds of the members have confirmed by letter or electronic means that they were involved in the process to reach such resolutions, such resolution is equivalent to a resolution of the Council. The decision must be noted and recorded in the minutes of Council at its next meeting.

#### **2.24 Termination of membership of Council**

- 2.24.1 A person ceases to be a member of Council if he or she –
  - 2.24.1.1. Resigns by giving written notice to the Chairperson of Council;
  - 2.24.1.2. Is absent from three consecutive ordinary meetings of the Council without prior apology for such absence having been made to the Council Chairperson;
  - 2.24.1.3. Is declared insolvent by a court of law;
  - 2.24.1.4. Is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine;
  - 2.24.1.5. Is declared unable to attend to his or her personal affairs by a court of law; or

---

<sup>17</sup>Amended Statute 21(b).

- 2.24.1.6. Ceases to be a member of the constituency which elected him or her to the Council, provided that a student's membership ceases automatically when he or she ceases to be a registered Student.
- 2.24.2 A Committee of Council may recommend suspension, disciplinary action or termination of a member's membership as provided for in the charter of the committee;
- 2.24.3 In the event of a vacancy on Council for any reason, the Secretary to the Council must immediately notify the constituency or entity that elected the member, requesting the constituency or entity to elect a successor to the Council.

## **2.25 Meetings**

- 2.25.1. In keeping with the Amended MUT Statute, Council shall have at least four (4) meetings during the academic year either by physical, electronic or any other means as determined by Council;<sup>18</sup>
- 2.25.2. Ordinary meetings of Council are published in the University governance calendar (Almanac);
- 2.25.3. A written notice must be issued by the Registrar to each member of Council at least seven (7) days before any ordinary meeting, setting forth the time of the meeting and the matters to be considered.

## **2.26 Special or Emergency Meetings of Council**

- 2.26.1. The Registrar has the responsibility to issue notices of special or extraordinary meetings of Council that are called by the Chairperson of Council and/or by members as anticipated in the Statute<sup>19</sup>;
- 2.26.2. At least seven (7) calendar days' notice, with both the days of calling the meeting and holding the meeting included, shall be given for a special meeting of Council;
- 2.26.3. An emergency meeting of Council can be called within 24 hours;
- 2.26.4. No matters other than those for which the meeting has been called must be dealt with at a special meeting or an emergency meeting of Council; The minutes of the special meeting or emergency meeting will be adopted at the next Council meeting, save if another special meeting or an emergency meeting is held prior to the next Council meeting, then such a special or emergency meeting will adopt the minutes.<sup>20</sup>
- 2.26.5. Decisions of the special or emergency meeting of Council must noted and recorded in the minutes at the subsequent meeting of Council.<sup>21</sup>
- 2.26.6. A meeting is a seating which has not finished its business irrespective of the number of days over which it took place.
- 2.26.7. Council members will not be paid for any special meeting held as a consequence of not finishing an ordinary Council meeting.

---

<sup>18</sup>Amended MUT Statute 20.1(a).

<sup>19</sup>Amended MUT Statute 20.2(a)

<sup>20</sup>Amended MUT Statute 20.2(b).

<sup>21</sup> MUT Standing Rules of Council as approved, 2019.

## **2.27 Confidentiality**

- 2.27.1 Committee meetings, including those of Council, are considered closed to the extent that disclosure of any of their proceedings is prohibited by Chapter 4 of the Promotion of Access to Information Act No. 2 of 2000.
- 2.27.2 Committee members must keep confidential all information on matters dealt with by a committee – this includes all records of committee proceedings. Furthermore, maintaining confidentiality is one of the fiduciary responsibilities required of every committee member.

## **2.28 Council in-committee sessions**

- 2.28.1 Council in-committee sessions which exclude any member of Council can only happen when such a member is conflicted on an item or in instances of the operations of the Audit, Risk and Compliance Committee.
- 2.28.2 No Council In-Committee session may exclude any member of Council other than in instances listed above.

## CHAPTER 3: COMMITTEES OF COUNCIL

### 3.1. Establishing of Committees of Council:

- 3.1.1. The Executive Committee of Council (EXCO) whose functions shall include dealing with all matters referred to it by Council and dealing with any urgent matter in between Council meetings (within the limits of the Higher Education Act and the University Statute). EXCO shall also act as a Nominations Committee of Council, provide governance oversight on the Registrar, provide performance management of the Vice-chancellor and Registrar and provide leadership on good corporate citizenship;<sup>22</sup>
- 3.1.2. The Audit, Risk and Compliance Committee the functions of which shall include making recommendations to the Council on the appointment, reappointment, and removal of external auditors, subject to the approval of the Auditor General South Africa (AGSA) and to consider the effectiveness of internal accounting controls as identified during the external audit and management's follow-up;
- 3.1.3. The Finance and Investment Committee which has the strategic function of providing effective and coordinated oversight of the development and implementation of the Financial and Investment Strategy in support of the University's Vision and Mission, to create conditions that promote the long-term financial sustainability of the Institution;
- 3.1.4. The Human Resources Committee, the functions of which shall include effective and coordinated oversight of the development and implementation of the Human Resource Strategy in support of the University's Vision and Mission with a view to creating a conducive environment for the attraction, development and retention of high-performing individuals.
- 3.1.5. The Planning and Resources Committee has planning and resource utilisation at the Mangosuthu University of Technology as its primary focus, and that will provide oversight that the University plans for and develops appropriate and adequate facilities and infrastructure in accordance with the particular needs of the various academic and support services departments and divisions within the University, in order to enable them to deliver on their respective mandates.
- 3.1.6. The Student Affairs Committee, the functions of which shall include providing effective and coordinated oversight of the development and implementation of a student services strategy in support of the University's Vision and Mission, with a view to creating a conducive learning and living environment for students.
- 3.1.7. Any other committee that may be required to ensure that Council provides leadership and oversight on all matters within the University.<sup>23</sup>
- 3.1.8. All Committees must have a Charter, developed by the relevant committee and approved by Council, which specifies the name, purpose, structure, authority and operation of the committee, as follows:
  - 3.1.8.1. Each standing committee shall review its Terms of Reference (TORs) annually, and may do so at any other time, if required, and submit any amendments to EXCO for oversight and recommendation to Council for approval;
  - 3.1.8.2. A standing committee of Council may establish sub-committees to assist it in the execution of its duties;

---

<sup>22</sup> Clause 4 of the Charter of the Executive Committee of Council 2022 as approved by Council.

<sup>23</sup> Clause 22.1(g) of the Amended Statute of MUT.

- 3.1.8.3. The Terms of Reference (TOR) should be discussed and agreed upon by the committee and be sent together with the Charter to EXCO for recommendation to Council for approval;
- 3.1.8.4. The operational procedures should be discussed and agreed upon by the Committee and be sent together with the TORs to Council for approval.
- 3.1.8.5. These general rules and operating procedures apply if a matter is not explicitly included in a Committee's Charter.

### **3.2. Election of chairpersons of Council Committees**

- 3.2.1. The Chairperson of Council shall be the Chairperson of the Executive Committee of Council (EXCO).
- 3.2.2. In line with its function as a Nominations Committee, the EXCO shall recommend to Council for approval suitable Council members to serve as chairpersons for each standing committee;
- 3.2.3. Only external Council members are eligible for election as Chairpersons of Standing Committees of Council – provided that, in the absence or non-availability of an elected chairperson, any external member of a committee may serve as a temporary chairperson at a particular meeting;
- 3.2.4. The person elected as chairperson of a standing committee shall hold office for a period of two (2) years or for such period as he/she may be a member of Council;
- 3.2.5. A chairperson of a Committee may serve for a maximum of two terms in the particular committee, but may subsequently be eligible for election as chairperson of another standing committee.
- 3.2.6. It is Council, through its own mechanisms, that elects the chairpersons of Council committees upon receipt of nominations from EXCO.

### **3.3. Joint committees**

- 3.3.1. The Council and the Senate may, by resolution of each body concerned, establish joint committees, and appoint people to be members.
- 3.3.2. In addition to their members, the Council and the Senate may each agree to appoint any other person to a joint committee.
- 3.3.3. The Council may disestablish any joint committee, and the membership of any person appointed to a joint committee may be terminated by the body which appointed him or her.
- 3.3.4. The Council may delegate or assign to a joint committee any of its powers and functions other than those specified in clauses 11 and 12 of the Amended MUT Statute but remains responsible for the performance of those powers and functions.
- 3.3.5. The Senate may delegate or assign to a joint committee any of its functions but remains responsible for the performance of those functions.
- 3.3.6. The Institutional Forum may delegate or assign to a joint committee of Senate and Council, or of the Executive Management Committee and Senate any such of its advisory functions but remains responsible for the performance of those advisory functions.

3.3.7. Any delegated functions and responsibilities that such a Joint Committee devolves must be reflected in the Delegation of Authority Framework.

## **4. CHAPTER 4: SENATE**

### **The Institutional Statute determines the composition, powers and functions of Senate <sup>24</sup>**

#### **4.1 Senate and its Committees**

- 4.1.1. The composition and term of office of elected Senate members and functions are contained in clause 32 of the Amended MUT Statute;
- 4.1.2. The Executive Committee of Senate must act for Senate in those matters delegated to it by Senate;
- 4.1.3. The Executive Committee of Senate must initiate business for the consideration of Senate and make recommendations thereon to Senate;
- 4.1.4. In addition to the Executive Committee of Senate and Faculty Boards<sup>25</sup>, Senate retains the discretion to establish any committee that will promote its functions<sup>26</sup>;
- 4.1.5. Senate shall approve the Terms of reference containing the composition and mandate of each committee;
- 4.1.6. Save when expressly provided otherwise in the Amended MUT Statute, these Rules and/or committee Terms of Reference, each Senate Committee shall report directly to the Senate, not the Executive Committee of the Senate. However, in the event of doubt or contradiction, the Executive Committee of Senate shall have jurisdiction.
- 4.1.7. A Senate committee may establish sub-committees to assist it in conducting its business.

#### **4.2. Meetings of Senate**

- 4.2.1. In keeping with clause 29(a) of the Amended MUT Statute, Senate shall have at least four (4) ordinary meetings during each academic year;
- 4.2.2. Ordinary meetings of Senate shall be held on dates to be published in the Institutional calendar.
- 4.2.3. Ordinary meetings of Senate shall receive reports on all strategic matters contemplated in clause 24 of the Amended MUT Statute;
- 4.2.4. The Chairperson must call a special meeting at the request of at least five (5) members, the objective of which being clearly stated in the request for a meeting, provided that at least seven days' notice is given. No business other than that for which the special meeting was called may be discussed in the meeting.
- 4.2.5. The Chairperson may call an emergency meeting at any time, provided that members are given at least 24 hours' notice of the meeting. No business other than that for which the emergency meeting was called may be discussed in the meeting.
- 4.2.6. A written notice must be issued to each member by the Registrar before any meeting, setting forth the time of such meeting and the matter(s) to be discussed.

#### **4.3. General rules relating to Senate**

- 4.3.1. The Vice-Chancellor and Principal is the Chairperson of Senate;<sup>27</sup>

---

<sup>24</sup>Amended MUT Statute at 24 – 25.

<sup>25</sup>Amended MUT Statute at 31.

<sup>26</sup>Amended MUT Statute at 24(m).

<sup>27</sup>Amended MUT Statute at 28(a).



- 4.3.2. The Deputy Vice-Chairperson of Senate is the Deputy Vice-Chancellor: Teaching and Learning/Academic;<sup>28</sup>
- 4.3.3. The Secretary to Senate is the Registrar;<sup>29</sup>
- 4.3.4. The Secretary to Senate must;
- 4.3.4.1. Act as Secretary to all committees and joint committees of Senate; provided that the Registrar is entitled to designate a staff member of the University to assist him or her with the compilation of the agenda and minutes;
  - 4.3.4.2. Keep the minutes of the meetings of Senate and its committees and distribute copies of the minutes together with the agenda of the next meeting of Senate to members and
  - 4.3.4.3. Keep a register of resolutions adopted by Senate, the Executive Committee of Senate and Senate Committees and all members of these bodies must have access to this register.
- 4.3.5. The Vice-Chancellor and Deputy Vice-Chancellor: Teaching Learning/Academic are *ex officio* members of all Senate committees, and have the power to nominate a person to represent them. Attendance at meetings will be at their own discretion.
- 4.3.6. The Chairperson of a Senate-appointed committee shall, wherever possible, be a member of Senate, and thus in a position to present any committee report or proposal to Senate;
- 4.3.7. In cases where a Chairperson is not designated, the Vice-Chancellor may designate a member of the Committee as Chairperson;
- 4.3.8. All standing committees of Senate have the power to co-opt additional members according to their needs;
- 4.3.9. The Senate may appoint ad hoc committees for any purpose in the mandate of Senate and the members thereof may be elected at any Senate meeting, special, or ordinary.
- 4.3.10. The Senate shall determine the policies that will regulate its relationship with Industry Advisory Boards or any other body of a similar nature.
- 4.3.11. In establishing a quorum for Senate, academics must be in the majority. A majority is 50% of the members of Senate, plus one (1) member.

---

<sup>28</sup>Amended MUT Statute at 28(b).

<sup>29</sup>Amended MUT Statute at 28(c).

## 5. CHAPTER 5: FACULTY BOARDS

- 5.1. The Faculty Board of every Faculty is a standing committee of the Senate and is established in terms of the provisions contained in the Amended MUT Statute, sections 31(b) and 33;
- 5.2. Guided by the Amended MUT Statute and having been advised by the relevant Faculty via the Executive Committee of Senate, Senate shall approve in respect of each Faculty Terms of Reference (TORs) determining the composition, powers and functions of the specific Faculty Board;
- 5.3. The Dean of the Faculty is the chairperson of his or her Faculty Board and presides at all Faculty Board meetings at which s/he is present.<sup>30</sup>
- 5.4. In the absence of the Dean, the acting Dean presides, and in the absence of both, the Faculty Board must elect a member to preside at that meeting.
- 5.5. The Faculty Board –
  - 5.5.1. Is responsible to Senate for organizing and controlling the learning and teaching curricula, syllabuses, developmental and summative assessments, and research of the faculty;
  - 5.5.2. Shall ensure that academically related policies and decisions of the University are implemented at faculty level;
  - 5.5.3. Determines all matters pertaining to departmental substantive assessment requirements and the finalization of all examination results subject to the approval of Senate or the relevant Senate Committee;
  - 5.5.4. Must make proposals to the Senate for the rules prescribing the requirements for each degree, diploma and certificate offered in the faculty, including the criteria for admission and readmission;
  - 5.5.5. The power to determine academic exclusions and recommend them to the Executive Committee of Senate for the approval of Senate has been delegated to the Faculty EXCO;
  - 5.5.6. The power to determine which of the students, if any, should be excluded in terms of the applicable academic rule, provided that any student so excluded has the right of appeal to the Dean in the first instance and after that to the Faculty Appeals Committee, is the power of the Faculty Board and has been delegated to the Faculty EXCO for operational reasons;
  - 5.5.7. Is accountable to the Senate for its work; and
  - 5.5.8. May, by resolution, establish sub-committees of the faculty and may appoint as members of the sub-committee any people whether they are members of the Faculty Board or not.
- 5.6. Any delegated functions and responsibilities devolved to any such sub-committee must be reflected in the Delegation of Authority Framework.
- 5.7. The procedure at meetings of Faculty Boards is as decided by the Senate from time to time.
- 5.8. Any matter on which the Faculty Boards are consulted can proceed if supported by two Faculty Boards, provided that the Faculty Board that does not support does so through a majority vote.

---

<sup>30</sup>Amended MUT Statute 35(a).

## **6. CHAPTER 6: THE INSTITUTIONAL FORUM**

### **6.1. Composition of the Institutional Forum**

The Amended MUT Statute provides for the appointment and/or election of Institutional Forum members and generally the processes to be followed<sup>31</sup>, with the Institutional Forum consisting of the following members;

- 6.1.1. Two members from the Executive Management appointed by the Vice-Chancellor;
- 6.1.2. Two members of Council who are not employees or students of the University;<sup>32</sup>
- 6.1.3. One member of Senate elected by Senate;
- 6.1.4. One member representing academic employees;
- 6.1.5. One member representing the administrative and support employees;
- 6.1.6. One member from each representative employee organization;
- 6.1.7. Two students designated by the SRC, with one being a current SRC member and the other a postgraduate student;<sup>33</sup>
- 6.1.8. Two members designated by the Executive Committee of Convocation<sup>34</sup>;
- 6.1.9. One person appointed by the Vice-Chancellor who is an expert on transformation.

### **6.2. Term of office**

- 6.2.1. The term of office of student members is one year linked to the term of office of the SRC.
- 6.2.2. The term of office of all other members, except executive management, is four (4) years.
- 6.2.3. Membership of members listed in 6.1.2 to 6.1.8 automatically ceases when the member ceases to be a member of his/her respective constituency.

### **6.3. Chairperson and Deputy-Chairperson of the IF**

- 6.3.1. The Institutional Forum must elect a Chairperson and a Deputy Chairperson from its ranks, provided that either the Chairperson or the Deputy Chairperson is an external member.<sup>35</sup> It cannot be that both the chairperson and deputy-chair are internal members.
- 6.3.2. The Chairperson of the Institutional Forum is an ex officio member of Senate.
- 6.3.3. The term of office of the Chairperson and the Deputy Chairperson will be three years or a lesser duration, depending on their membership of the Institutional Forum.
- 6.3.4. Office-bearers should not be drawn from the same or broadly similar constituency.
- 6.3.5. When office-bearers are replaced, for whatever reason, the replacement should not be drawn from the same constituency as the previous incumbent; and
- 6.3.6. Equity principles must be applied.
- 6.3.7. The Registrar shall be the Secretary of the Institutional Forum.<sup>36</sup>

---

<sup>31</sup>Amended MUT Statute 36-38.

<sup>32</sup>These members of Council shall be elected in a manner so approved by Council.

<sup>33</sup>These members shall be elected in a manner so approved by the majority of the SRC.

<sup>34</sup>These members shall be elected in a manner so approved by the Convocation as recommended by the Executive Committee of the Convocation.

<sup>35</sup>Amended MUT Statute 39.

<sup>36</sup>Amended MUT Statute 40.

#### **6.4. Functions**

- 6.4.1. The Institutional Forum is an advisory body to Council on matters stipulated in the Amended MUT Statute;<sup>37</sup>
- 6.4.2. Council may determine additional functions that the Institutional Forum may perform, which shall be expressly stated in the Forum's Council-approved Terms of Reference (TOR) and its operating Charter;
- 6.4.3. The IF shall review its TORs and Charter annually at the last scheduled meeting of the year and may also do so at any other time if required. It submits proposal/s for amendment to the Executive Committee of Council (EXCO) for oversight and recommendation to Council for approval.

#### **6.5. Sub-committees**

- 6.5.1. The Institutional Forum may establish committees to assist it in conducting its business, provided that:
  - 6.5.1.1. the Forum approves clear terms of reference for such a sub-committee; and
  - 6.5.1.2. resource implications are clearly spelt out.
- 6.5.2. The committees established by the IF may co-opt members who are not part of the IF but may not be chaired by them.

#### **6.6. Meetings**

- 6.6.1. In terms of the Amended MUT Statute, the chairperson must convene a meeting of the IF at least twice each semester. The dates of the meetings shall be set out in the University Calendar.

#### **6.7. Quorum**

- 6.7.1. Fifty percent plus one (50%+1) of the members form a quorum.

---

<sup>37</sup>Amended MUT Statute 36.

## **7. CHAPTER 7: STRUCTURES WITHIN THE INSTITUTION**

### **7.1. Executive Management Committee (EMC)**

- 7.1.1. The Executive Management Committee (EMC) assists the Vice-Chancellor and Principal in the management and administration of the University;<sup>38</sup>
- 7.1.2. The Charter of the EMC, read together with the Amended MUT Statute, determines the composition, functions and powers of the EMC;
- 7.1.3. The EMC may establish subcommittees to perform any of its functions;
- 7.1.4. After consultation with the Senate, the EMC may establish joint committees to perform functions common to the EMC and Senate.
- 7.1.5. The composition, functions, meeting procedure and dissolution of a committee contemplated above will be detailed in each subcommittee's charter.
- 7.1.6. Such charters become part of the Institutional Rules. Any delegated functions and responsibilities that any such joint committee devolves must be reflected in the Delegations of Authority Framework.

### **7.2. Secretary of the EMC**

- 7.2.1. The Secretary attends all meetings and keeps all relevant documents of the EMC. The Registrar is the Secretary and member of the EMC, and therefore he or she may appoint an employee of the University to assist him or her.<sup>39</sup>

### **7.3. Term of Office of members of EMC**

- 7.3.1. All EMC members serve based on their respective portfolios in the University, and they remain members based on the status of their employment contract.

### **7.4. Schedule of Meetings and Quorum**

- 7.4.1. Meetings of EMC will be convened on a fortnightly basis or as and when requested by the Chairperson.
- 7.4.2. A majority of members present at the beginning of the meeting constitute the quorum (50% plus 1).

### **7.5. The Student Representative Council**

- 7.5.1. The SRC, including any campus SRC committee, is constituted in terms of a Council-approved SRC Constitution, which serves as the Rules of the SRC; and the SRC conducts its affairs in terms of the SRC Constitution;
- 7.5.2. When participating in University structures and/or interacting with members of the University community, any SRC, SRC member, student organisation/society, and member of a student organisation/society shall at all times:
  - 7.5.2.1. Work collegially with the relevant University officials designated to assist the SRC in managing its affairs;

---

<sup>38</sup> Amended MUT Statute at 10.2 (a).

<sup>39</sup>Amended MUT Statute 10.4.

- 7.5.2.2. Abide by and promote the University's policies and rules of meeting procedure and order;
- 7.5.2.3. In procuring goods and services, adhere to MUTs Supply Chain Management Policy;
- 7.5.2.4. In organising events, adhere to the University's applicable Policy and any directive as to procedures that must be followed.

## **7.6. The Convocation**

- 7.6.1. The Amended MUT Statute regulates the manner in which the affairs of Convocation are conducted;<sup>40</sup>
- 7.6.2. When participating in University structures and/or interacting with members of the University community, members of Convocation and/or any committee of Convocation shall at all times:
  - 7.6.2.1. Work collegially with the relevant University officials designated to assist the Convocation in managing its affairs;
  - 7.6.2.2. In organising events, adhere to the University's applicable Policy as well as any directive as to procedures that ought to be followed;
- 7.6.3. Ensure good governance and transparency in relation to the management of public funds, of which the following provisions shall apply:
  - 7.6.3.1. Convocation may not hold and/or raise funds in its own name;
  - 7.6.3.2. All fundraising activities must comply with the University's policy prescripts;
  - 7.6.3.3. All fundraising activities must be coordinated in partnership with the University's relevant Department and must not negatively impact the latter's fundraising programme;
  - 7.6.3.4. A Convocation fundraising report must be presented at the meeting of the EMC when such an activity has taken place;
  - 7.6.3.5. Although it has the authority to direct how its allocated budget is to be spent, Convocation must ensure that funds allocated to it are spent in line with University policies and procedures;
  - 7.6.3.6. All funds which Convocation raises must be channelled through the University's finance system;
  - 7.6.3.7. Convocation may not open separate bank accounts and/or hold funds outside the University's finance system; and
  - 7.6.3.8. In procuring goods and services, Convocation must adhere to the University's Supply Chain Management Policy.

---

<sup>40</sup>Amended MUT Statute 49 – 52.

## **CHAPTER 8: RULES ON APPOINTMENT, TERMINATION AND RELATED MATTERS OF SENIOR MANAGEMENT- APPOINTMENT OF THE VICE-CHANCELLOR AND PRINCIPAL**

### **8.1. General**

**8.1.1.** The post of the Vice-Chancellor and Principal shall be filled following the procedure outlined in these rules.

**8.1.2.** These rules shall be read together with the Recruitment and Selection Policy. Where there are differences, the Rules shall trump the policy.

### **8.2. Authorisation to fill the position**

**8.2.1.** Council shall receive, consider, and approve a request from the Registrar to fill the position of the Vice-Chancellor and Principal.

**8.2.2.** Council shall, by resolution, establish a Selection Committee (SC) to undertake the recruitment and selection of a new Vice-Chancellor and Principal.

### **8.3. Composition and membership of the Selection Committee**

#### **8.3.1. Voting members**

a) In the case of Vice-Chancellor and Principal appointment, the SC shall be composed of the following voting members:

b) A selection panel of eight (8) voting members of Council nominated by Council as follows:

- I. The Chairperson of Council
- II. The Deputy Chairperson of Council
- III. The Chairperson of the Human Resources Committee
- IV. The Chairperson of the Finance and Investment Committee
- V. Any other four (4) Council members selected by Council provided at least two (2) are external members.

AND

c) An external expert drawn from the community of current or former Vice-Chancellors of public universities in South Africa who has served a full term of office.

#### **8.3.2. Observers**

a) Proceedings of the SC shall be observed by a representative from each of the following structures:

- I. Institutional Forum (IF)
- II. Convocation
- III. Senate
- IV. Students Representative Council (SRC)
- V. Recognised unions

#### **8.4. Project Manager**

- a) The Project Management for the recruitment of the Vice-Chancellor & Principal shall be provided by the Senior Director: HR&D or an external service provider as approved by Council. The appointment of the service provider shall be procured in terms of the approved procurement policy.

#### **8.5. Functions of the Selection Committee**

- a) To undertake all aspects pertaining to the recruitment of the Vice-Chancellor & Principal, including, but not limited to the following:
  - i. To agree on the recruitment project with timelines for what needs to be accomplished in all the steps (e.g., job description reviewed, writing an advert, the appointment of a recruitment agency, placing an advert in newspapers, procurement of services providers, receiving reports from service providers, organising interviewees, getting external expert, etc.).
- b) To ensure that all support and logistics pertaining to the recruitment and selection are correct and add value throughout all the steps of the process.

#### **8.6. The Role of the Chairperson and External Expert**

- a) The Chairperson of Council shall always chair the meetings of the SC.
- b) The Chairperson has an ordinary vote and shall have a casting vote in the event of a deadlock.
- c) If the Chairperson of Council is unavailable, the Deputy Chairperson should preside over the meeting. If both the Chairperson and Deputy Chairperson are not present, then the SC must postpone the meeting to another date where the chairperson or deputy is in attendance and can preside over the meeting.

#### **8.7. The Role of the External Expert**

- a) The role of the external expert shall be as follows:
  - i. To provide the SC with outside technical expertise and experience during the interview process.
  - ii. The Chairperson of Council shall be responsible for sourcing the external expert and recommending him/her to the SC. The technical expert does not vote on any matter of the meeting of the SC.

#### **8.8. The role of the Observers**

- a) To highlight to the SC any contemplated action that may cause infraction of rules to the recruitment and selection policies and procedures of the University. Observers do not actively participate in the process and thus only make their comments at the end of each stage of the process.
- b) To assure the SC that the agreed process and associated steps and procedures are followed without prejudicing any applicant and/or candidate.



- c) The observers shall be included in all processes but excluded from any administrative process dealing with the recruitment of the Vice-Chancellor & Principal.

### **8.9. The role of the Project Manager**

- a) The Project Manager shall appoint dedicated internal resources to undertake the Project and who shall be relieved of their day-to-day functions until the end of the project.
- b) These resources shall operate under the control and direction of the Project Manager and shall be exclusively accountable to the Project Manager for the duration of the Project.
- c) The Project Manager provides technical and logistical support to the selection and recruitment process supported by the Office of the Registrar.
- d) At the minimum, the Project Manager shall provide the following support:
  - i. Ensure the VC's job description is updated and evaluated before the process begins.
  - ii. Advert is developed and placed in the agreed media.
  - iii. Receive applications and process them per the University's internal rules.
  - iv. Procure service providers in line with the approved SCM policies and procedures.
  - v. Receive and process reports from service providers appointed, for, e.g. probity checks, reference checks, psychometric assessments; for placement of advert in relevant media; travel & accommodation booking; interview venue; etc;
  - vi. Interact with shortlisted candidates for interviews.
  - vii. Arrange associated logistics of the SC members and candidates.
  - viii. Ensure that the SC implements all steps of the recruitment process; and
  - ix. Guide the voting members on critical human resource principles and practices to be followed.
  - x. To provide secretarial services to the SC.
- e) The Project Manager is accountable to the Deputy Vice-Chancellor (Resources & Planning) for the technical and logistical support provided to the recruitment and selection process.
- f) The Project Manager shall cause for the SC to meet as soon as possible after the closing date of the advert, preferably within two (2) weeks, to consider applicants to be shortlisted and interviewed.
- g) Consequence Management on the Project Manager shall be implemented by the Deputy Vice-Chancellor (Resources & Planning) should the process not be followed.

### **8.10. Role of the Registrar**

- a) The office of the Registrar will provide the following support:

- i. To provide advice and support on governance-related matters.
- ii. To provide oversight and monitoring on implementing the process, resolutions of Council and any other governance-related matters in line with approved Council policies & procedures.
- iii. To facilitate the provision of a report by internal audit to the SC to confirm that the set process was adhered to and the accuracy of the information submitted.

**8.11. Role of Internal Audit**

- a) Internal Audit to provide an assurance function about each step of the recruitment process.
- b) The Senior Director: HR&D will provide the necessary information and documentation to Internal Audit to conduct the audit process.

**8.12. Conduct of the Selection Committee and Observers**

- a) Duty of care and avoidance of conflict of interest:
  - i. Any SC member or observer who reasonably becomes aware that any applicant is known to him/her must make a written declaration setting out the details of the nature of their relationship, whether past or present and in doing so, must advise the SC as to whether or not they believe there is any actual or potential conflict of interest or whether there is any benefit, tangible or intangible, that can be derived by any person(s).
  - ii. The SC member who makes such a declaration must leave the meeting where after, the SC shall deliberate the matter and pronounce a ruling on the outcome of the declaration.
  - iii. Once the ruling has been made, the member shall be called in and advised of the outcome.
  - iv. No member of the SC shall act as a referee for any applicant. If any candidate indicates an individual as a referee or as soon as the said individual becomes aware of it, he/she must recuse himself/herself from the entire process.
  - v. No proxy votes shall be allowed, and no substitution of members shall be permitted unless in an instance where a member needs to be replaced, and Council has appointed alternate members that may form part of the SC.
  - vi. Members involved in the recruitment process must participate in the deliberations of the recruitment process in the best interest of the University. Failure to do so will lead to disciplinary action against the offender. Discipline of Council members is dealt with through Council processes, and that of staff will be dealt with through institutional processes
  - vii. Each SC member should declare their conflict of interest at any stage of the recruitment process or as soon as they become aware of any conflict or potential conflict of interest. Then he/she must recuse himself/herself from the entire process.

- viii. Any conflict declared by any SC member must be dealt with by the SC and concluded before proceeding with any part of the recruitment process.
- b) Communication about the process
  - i. All communication and correspondence to applicants will be channelled only through the Office of the Senior Director: Human Resources & Development.
  - ii. The Chairperson of the SC shall communicate on behalf of the SC to all relevant stakeholders.
- c) Confidentiality of the process and information
  - i. The committee's proceedings are strictly confidential, and each SC member is required to sign a written declaration of confidentiality upon appointment.
  - ii. Every member of the recruitment process of SC must sign a declaration of confidentiality before the shortlisting meeting, and the interviews commence.
    - The identity of all unsuccessful candidates and any information by or about them submitted to the SC remain confidential to the committee, except where required by the process.
    - All referees' reports always remain confidential to the SC.
    - Under no circumstances should any member of the SC or any MUT employee discuss and/or divulge any information concerning the recruitment and/or selection process outside of the actual procedure.
    - Any breach of the above confidentiality declaration will lead to disciplinary action against the offender, which will be taken in terms of the approved and prescribed policies and procedures.
- c) Attendance of Meetings of the Selection Committee
  - i. A panellist and/or observer is responsible for attending each meeting from the beginning to the end in each step.
  - ii. The quorum for an SC to continue with its business is six (6) voting members in each step.

### **8.13. The Selection Process**

- a) The SC shall undertake the Selection process in accordance with the twelve (12) steps represented diagrammatically below.



### Step 1 – Request to fill the Position.

- a) Upon the position of the Vice-Chancellor & Principal becoming vacant the Registrar will present a report to Council to initiate the recruitment process of a substantive Vice-Chancellor & Principal.
- b) The request from the Registrar must be accompanied by the latest Job Description (JD) as approved by Council.
- c) Council will give its go-ahead to fill the position and express an opinion on the adequacy of the last approved JD.

#### 8.13.1. Step 2 – Job Profiling.

- a) If necessary, the job description must be reviewed, amended, and approved by the Chairperson of Council assisted by the SC, taking into consideration the opinion of the Council on the adequacy of the JD before recruitment for the position takes place and taking into consideration the minimum requirements for the position of the Vice-Chancellor & Principal as stated in the latest JD. The SC must finalise the JD to suit current and future circumstances per the approved strategic plan.
- b) The SC will submit the concluded JD to:
  - i. IF for seeking their advice on adequacy for transformation and employment equity.
  - ii. Senate for their advice on the provisions dealing with the academic enterprise.
- c) The SC must review the JD if Senate indicates that it is not in order.
- d) After recruitment, the SD: HR&D must take the JD to the Council for noting.

### **8.13.2. Step 3 – Advertising**

- a) An advertisement, which considers the University's employment equity plan, shall be placed on the University's website and other communication platforms as soon as Council has approved the filling of the position, inviting applications from suitably qualified and experienced individuals.
- b) Applications must be accompanied by the following:
  - i. Fully completed MUT application for employment form.
  - ii. Candidate's complete Curriculum Vitae.
  - iii. A brief statement by the candidate reflecting on his/her suitability and vision for the position.
  - iv. Certified copies of degrees/diplomas/qualifications.
  - v. A detailed portfolio of evidence of academic & research work is to be submitted by each applicant.
  - vi. The names and contact details of three (3) appropriate referees who can provide a substantive written, independent and verifiable reference.
  - vii. Certificate of honourable discharge from the last three (3) employers, excluding the current employer.
  - viii. Certificate/letter of good standing from relevant professional bodies.
  - ix. Details of social media accounts.
  - x. A signed declaration of civil disputes, criminal record, pending and/or concluded misconduct or poor performance matters, medical boarding, poor performance and any adverse ethical issues MUT should be aware of regarding the applicant (as a supplement to the application form).

### **8.13.3. Step 4 – Shortlisting of the candidates for interview**

- a) The SC will convene to short-list candidates for the interview. In considering the credentials of the candidates, the committee evaluates them in relation to all the relevant factors, including:
  - i. The criteria and requirements for the position.
  - ii. The candidates' qualifications and experience.
  - iii. All legal and regulatory prescripts and policies.

- iv. An applicant who has been dismissed from his/her place of work will be Disqualified from the MUT's recruitment process.
  - v. An ex-employee of MUT who left the University whilst facing a disciplinary enquiry or who resigned in the face of an investigation will be disqualified from the recruitment process.
  - vi. An ex-employee who was dismissed from the employ of the University may not be re-employed.
  - vii. Any applicant who elects not to disclose the contents of any non-disclosure agreement (NDA) emanating from a mutual separation will be disqualified from the recruitment process.
- b) The SC must be provided with the following documents before the Committee convening for shortlisting:
- i. MUT Equity Plan;
  - ii. MUT Equity Profile;
  - iii. Equity Plan for the ambit of the position for which the Committee is interviewing.
- c) In all deliberations, the SC must try to reach consensus. If consensus cannot be achieved on any matter before the committee, the matter must be decided by a simple majority vote of the members present at the meeting.
- d) The SC must shortlist a minimum of three (3) and a maximum of six (6) qualifying candidates for interviews.

#### **8.13.4. Step 5 – Confirmation of Final Shortlist**

- a) The Project Manager will present an analytical report of the shortlisted candidates based on the results of the probity tests and reference checks mentioned in Step four (4) above before proceeding to interviews.

#### **8.13.5. Step 6 – Probity and Psychometric Tests**

- a) The shortlisted candidates shall be subjected to Psychometric tests.
- b) Probity tests, including reference checks, shall also be conducted on the shortlisted candidates' identity, academic record, work history, criminal record, disciplinary record, and ethical standing.
- c) The SC shall deliberate on the results of the psychometric assessments, referee checks and any adverse findings in 11.4.1 and 11.4.2 and make a decision.

- d) Besides internal and external advertising, the services of a recognised recruitment agency may be procured for purposes of advert placement, receipt of CVs, a compilation of summary of applicants, the conduct of probity checks, reference checks, scanning and verification of social media presence & activities and psychometric assessments.

**8.13.6. Step 7 – Interviews**

- a) The SC will undergo training before the interviews to understand the scoring framework.
- b) The SC will agree on the process for developing interview questions.
- c) Each candidate will be required to do a presentation to the SC before the commencement of the interviews.
- d) The SC shall conduct the interviews on a date agreed and through agreed methods i.e. face to face, virtual or hybrid methods.
- e) Upon conclusion of the interviews, the SC is to submit the names of three (3) appointable candidate(s) to Senate for their opinion and to the IF to advise Council on the candidate's suitability.

**8.13.7. Step 8 - Presentation to Senate, IF and the broader community**

- a) The three (3) appointable candidates would be required to present a vision statement of the University's future and how they envision their role therein to Senate, IF and the broader University community, including alumni.
- b. Senate and IF will have an opportunity to debate the appointability of the candidates identified as appointable according to the SC, in accordance with the minimum requirements set for the position in the advertisement and JD.
- b) Senate and IF will note their observations, after which they shall convene to formulate their opinion and advice to the Council regarding the three (3) appointable candidates.

**8.13.9 Step 9- Consultation with Senate and Advice of the Institutional Forum**

- a) The Selection Committee shall present a report, through the Human Resources Department, to Senate for consultation and to the Institutional Forum for its advice on the recommended candidates.

**8.13.10. Step 10 – Recommendations to Council**

- a) Three (3) separate reports shall be placed before Council in the following manner:
  - i. A report reflecting the deliberations of the SC on the appointable candidates, in order of preference, shall be placed before Council by the SC.
  - ii. A report reflecting the recommendation of Senate after consultation by Council on the appointable candidates, in order of preference, shall be placed before

Council by the Registrar.

- iii. A report reflecting the advice of the Institutional Forum on the appointable candidates, in order of preference, shall be placed before Council by the Registrar.

**8.13.11. Step 11– Decision and appointment by Council**

- a) Council must deliberate and consider the recommendations of the reports of SC, Senate and IF when making its final decision.
- b) The Council must try to reach consensus on which candidate to appoint.
- c) If consensus on the matter cannot be achieved, then Council must put the decision to a vote of the appointment of the successful candidate by majority vote (50%+1) through a secret ballot of those members present, and voting provided that the meeting of Council is correctly constituted as per the Statute.
- d) The Registrar will present the secret ballot results, culminating in the announcement of the preferred candidate.
- e) Should a suitable candidate not be found, Council may resolve that the position be re-advertised and/or to headhunt a suitable candidate via a recruitment agency or any other means.

**8.13.12. Step 12 – Post Council Decision**

- a) The Chairperson of Council shall develop a contract of employment in consultation with HR&D in line with the governing policies and procedures (incumbent not to assume duty without a signed contract of employment).
- b) Within seven (7) working days of Council approval, the Chairperson of Council, Finance and HRC will enter into negotiations with the appointed candidate concerning salary, conditions of employment, etc.
- c) If the appointed candidate does not accept the appointment, then Council must reconvene to vote on the remaining candidates until a candidate enjoys the support of the majority (50%+1) of Council members present and voting.
- d) An official statement shall be released, on behalf of Council, to all stakeholders by the Chairperson of Council once the candidate has accepted an offer of employment.
- e) The Chairperson of Council shall develop and sign a performance agreement with the incumbent within three (3) months from the assumption of duty.

**8.14. Dispute Resolution**

- a) Should an essential question or dispute on a technical legal point occur at any stage, the official legal advisors of the University shall be contacted by the



Chairperson for finality through obtaining a legal opinion. The SC shall accept no other legal opinion.

- b) This legal opinion shall be tabled at EXCO of Council for deliberation and consideration and thereafter at Council for noting.

## **8.15. RULES ON THE APPOINTMENT OF SENIOR MANAGEMENT EXCLUDING THE VICE-CHANCELLOR AND PRINCIPAL**

### **8.15.1. General**

- a) The posts to be filled in accordance with this procedure document are those for Senior Management excluding the VC (e.g., the Deputy Vice-Chancellors, Registrar, Executive Directors, CFO, Senior Directors, Deans, etc.).
- b) These rules shall be an Annexure to the Recruitment and Selection Policy. Where there are differences, the rules shall trump the policy.

### **8.15.2. Authorisation to fill the position.**

- a) Council shall receive, consider and approve a request from the Vice-Chancellor to fill a position in this category of university employees.
- b) Council shall, by resolution, establish a Selection Committee (SC) to undertake the project to recruit for the position(s).

### **8.15.3. Compositions and membership of the Selection Committee**

8.15.3.1. In the case of Senior Management appointments, the SC shall have the following composition:

- a) A selection panel of a maximum of eight voting members of Council nominated by Council as follows:
  - i. The Chairperson of Council;
  - ii. The Chair of the Human Resource and Development Committee;
  - iii. The Chair of the Finance and Investment Committee;
  - iv. The Vice-Chancellor; and
  - v. Any other four Council members selected by Council provided that at least two are external members.

AND

8.15.3.2. An external expert drawn from the community of current or former Vice-Chancellors, Deputy Vice-Chancellors, Registrars, CFOs or Executive Directors of Public Universities in South Africa as appropriate for the position in question.

### **8.15.4. Observers**

8.15.4.1. Proceedings of the Selection Committee shall be observed by a representative from each of the following structures:

- a) Institutional Forum;

- b) Convocation;
- c) Senate;
- d) SRC; and
- e) Recognised Unions.

#### **8.15.5. Project Manager**

8.15.5.1. The Senior Director: Human Resources & Development shall provide project management for recruitment at these contemplated levels, assisted by resource persons of his/her choosing.

#### **8.15.6. Functions of the Selection Committee.**

8.15.6.1. The Selection Panel shall have the following functions:

- a) To undertake all aspects pertaining to the job being recruited, including but not limited to the following:
  - i. To agree that the latest job description is appropriate for the job being recruited;
  - ii. To identify specific characteristics and qualities required for the position in line with the job profile;
  - iii. To agree on the recruitment project with timelines for what needs to be accomplished in all the steps (e.g. Job description reviewed and evaluated, writing adverts, putting adverts in newspapers, procurement of service providers, receiving reports from service providers, organising interviewees, getting external experts, etc.).

8.15.6.2. To ensure that all support and logistics pertaining to the recruitment and selection are correct and add value throughout all the steps of the process.

#### **8.15.7. The Role of the Chairperson and External Expert**

8.15.7.1. The meetings of the Selection Panel shall be chaired by the Chairperson of Council or a member of Council delegated by him or her and who shall have a casting vote.

8.15.7.2. The role of the External expert shall be as follows:

- a) To provide the SC with outside technical expertise and experience during the interview process.
- b) The VC shall be responsible for sourcing the external expert/s and recommending them to the SC.

#### **8.15.8. The Role of Observers**

8.15.8.1. To highlight, in writing, to the SC if any contemplated action may cause a possible infraction of rules or agreements concerning the University's recruitment and selection policies and procedures.

8.15.8.2. To assure the SC, in writing, that the agreed process and associated steps and procedures were followed without prejudicing any applicant and/or candidate.

### **8.15.9. The Role of the Project Manager**

8.15.9.1. The Project Manager provides technical and logistical support to the selection and recruitment process.

8.15.9.2. At the minimum, the Project Manager shall provide the following support:

- a) Ensure that the job descriptions are updated and evaluated before the process begins;
- b) Adverts are developed and put in the agreed media;
- c) Receive applications and process them per the University's internal rules;
- d) Procure service providers in line with the SCM policies and procedures;
- e) Receive and process reports from service providers;
- f) Interact with shortlisted candidates for interviewees;
- g) Arrange associated logistics of the SC members and candidates;
- h) Ensure that all steps of the recruitment process are implemented; and
- i) Guide the voting members on critical human resource principles and practices to be followed.

8.15.9.3. The Project Manager is accountable to the Vice-Chancellor for the technical and logistical support provided to the recruitment and selection process.

8.15.9.4. The Project Manager shall cause the SC to meet as soon as possible after the closing date of the advert, preferably within two weeks, to consider applicants to be shortlisted and interviewed.

8.15.9.5. Consequently, Management of the Project Manager shall be conducted by the Vice-Chancellor should the process not be followed.

### **8.15.10. Conduct of the Selection Committee.**

8.15.10.1. Duty of care and avoidance of conflict of interest

- a) No member of the SC may act as a referee for any applicant.
- b) No proxy votes are allowed.
- c) Members involved in the recruitment process must participate in the deliberations of the recruitment process in the best interest of the University. Failure to do so will result in disciplinary action against the offender.

8.15.10.2. Communication about the process

- a) All communication and correspondence to applicants will be done via the Senior Director: Human Resource & Development only.

- b) The chairperson of the SC shall communicate on behalf of the SC to all relevant stakeholders.

8.15.10.3. Confidentiality of the process and information

- a) The committee's proceedings are strictly confidential, as is the information provided to it. All care must be taken that no confidential information of applicants and candidates is given to persons that are not members of the SC. All information at the disposal of the SC shall be handled within the confines of the Protection of Personal Information Act (POPIA).
- b) Every member of the recruitment process of SC must sign a declaration of confidentiality before the shortlisting meeting and the interviews commence.
- c) The identity of all unsuccessful candidates and any information by or about them submitted to the SC remain confidential to the committee, except where required by the process.
- d) All referees' reports remain confidential to the SC at all times.
- e) Under no circumstances should any member of the SC or any MUT employee discuss and/or divulge any information concerning the recruitment and/or selection process outside of the actual procedure.
- f) Any breach of the above confidentiality declaration will lead to disciplinary action against the offender, which will be taken in terms of the approved and prescribed policies and procedures.

8.15.10.4. Attendance of Meetings of the Selection Committee

- a) A panellist and/or observer is responsible for attending each meeting from the beginning to the end of each step.

**8.15.11. The Selection Process**

The Selection process shall be undertaken in accordance with the steps represented diagrammatically below:



#### 8.15.11.1. Step 1 – Job Profiling

- a) The VC shall develop the job description as a line manager and have it evaluated in line with the approved job grading system at the University.

#### 8.15.11.2. Step 2 – Advertising

- a) An advertisement, which takes into cognisance the University's employment equity plan, will be placed on the University Notice System and the local and national media at least three months before the expiry of the term of office of the executive concerned, inviting applications for the post(s) to be filled.
- b) In cases of resignations, an advertisement will be placed on the University Notice System and the local and national media within one month of the departure of the executive member, inviting applications for the post(s) to be filled, unless in cases where the University is undergoing restructuring.
- c) Applications must be accompanied by the following:
  - i. Candidate's complete curriculum vitae;
  - ii. A brief statement by the candidate reflecting on his/her suitability and vision for the post under consideration;
  - iii. The name and contact details of three appropriate referees;
  - iv. Certified copies of degrees/diplomas/qualifications; and
  - v. Declaration of criminal record, disciplinary issues or any adverse issues MUT should be aware of regarding the applicant.

#### 8.15.11.3. Step 3 - Shortlisting of candidates for interview.

- a) The SC will convene to short-list candidates for interview. In considering the credentials of the candidates, the committee evaluates them in relation to all the relevant factors, including:
  - i. The criteria and requirements for the position;
  - ii. The candidates' qualifications and experience; and
  - iii. All legal imperatives.
- b) The SC must be provided with the following documents before the Committee convenes for shortlisting:
  - i. MUT Equity Plan;
  - ii. MUT Equity Profile;
  - iii. Equity Plan for the ambit of the position the Committee is interviewing for.

#### 8.15.11.4. Step 4 – Psychometric Tests and Reference Check

- a) The shortlisted candidates shall be subjected to Psychometric tests.

- b) Probity tests, including reference checks, shall also be conducted on the shortlisted candidates' identity, academic record, work history, criminal record, disciplinary record and ethical standing.

8.15.11.5. Step 5 – Confirmation of Final Shortlist

- a) The SC shall meet to confirm the final shortlist taking on board the results of the Psychometric tests, probity tests and reference checks mentioned in Step 5 above before proceeding to interviews.

8.15.11.6. Step 6 – Interviews

- a) The SC will agree on the process to develop interview questions and identification of a suitable topic to be presented by the shortlisted candidates at the interview.
- b) The SC shall conduct the interviews on a date agreed and through agreed methods, i.e. face to face, virtual or hybrid methods.
- c) Upon conclusion of the interviews, the SC shall submit to Council recommendations for appointment, which must be supported by means of a majority vote of members present and voting.

8.15.11.7. Step 7- Consultation with Senate and Advice of the Institutional Forum

- a) The Selection Committee shall present a report, through the Human Resources Department, to Senate for consultation and to the Institutional Forum for its advice on the recommended candidates.

8.15.11.8. Step 8- Appointment and decision by Council.

- a) A report of the deliberations of the SC, including its comprehensive motivation for the recommendation made by the SC, is placed before the full Council.
- b) A report reflecting the recommendation of Senate after consultation by Council on the appointable candidates, in order of preference, shall be placed before Council by the Registrar.
- c) A report reflecting the advice of the Institutional Forum on the appointable candidates, in order of preference, shall be placed before Council by the Registrar.
- d) A decision taken for the appointment of the successful candidate must be by a majority vote of those members present and voting provided that the meeting of Council is appropriately constituted as per the Statute.
- e) Comments about unsuccessful candidates must be brief and sensitively phrased to avoid invading their privacy and dignity.

- f) A statement is released on behalf of Council immediately after a decision is reached, but every effort will be made to inform the candidate(s) before it is made public.
- g) If a suitable candidate cannot be found, Council may resolve that the position be re-advertised and/or to head-hunt a suitable candidate via a recruitment agency or other means.

#### 8.15.12. Letter of appointment and contracting

- a) The VC shall develop a contract of employment and a performance agreement to be offered to the successful candidate for their consideration and acceptance within a reasonable time soon after the Council decision.

### **8.16. Steps in the reappointment procedure of Executives**

#### **8.16.1. Reappointment procedure: Vice-Chancellor**

8.16.1.1. In the case of a possible reappointment of a Vice-Chancellor, unless Council decides otherwise beforehand, a shortened procedure may be followed, but only once as follows:

8.16.1.1.1. The Chairperson of Council approaches the Vice-Chancellor twelve (12) months before the expiry of the incumbent's term and asks if he or she wants to continue for a second term.

8.16.1.1.2. If the Vice-Chancellor wants to continue for a second term, he or she must submit the following documents to the Chairperson of Council:

- a) A report on the performance achieved during his/her current term.
- b) A vision statement for a possible second term.
- c) An updated detailed Curriculum Vitae.

8.16.1.1.3. The Chairperson of Council must submit all of the annual performance management summary reports held by the Chairperson with the Vice-Chancellor together with any documents that may have been signed to give effect to his stipulated functions, via the Human Resources and Remuneration Committee of Council for its recommendation, to Council for decision-making on whether the short procedure or the standard procedure (as set out in the Guidelines for the Appointment of Vice Chancellor at MUT) must be followed.

#### **8.16.2. Consultation with Senate and the Institutional Forum**

8.16.2.1. The documents mentioned in 8.16.2.2. must be presented by the Chairperson of Council (or her or his delegate) to the Senate and the Institutional Forum to vote on the reappointment of the incumbent.

8.16.2.2. The results of the votes are presented to Council.

- 8.16.2.3. If the candidate, with due allowance for the voting in Senate and the Institutional Forum, obtains a majority of members of Council present and voting, he or she is appointed for a further term, the duration of which is decided by Council.
- 8.16.2.4. The Chairperson of Council informs the incumbent of the final decision.

**8.17. Reappointment procedure: Deputy Vice-Chancellors, Registrar, Executive Directors, Chief Finance Officer and other Senior Managers**

- 8.17.1. All of the steps outlined in the reappointment process for the position of the Vice-Chancellor shall be applicable mutatis mutandis to the Deputy Vice-Chancellors, Registrar, Executive Directors, Chief Finance Officer and Senior Managers. The role of the chairperson of Council in the re-appointment of the Vice-Chancellor will now be executed by the Vice-Chancellor in respect of the executives who all report directly to him/her.
- 8.17.2. Where an Executive Director reports to another office bearer, the onus will be on that officer to request the Vice-Chancellor to implement the process accordingly for that incumbent.
- 8.17.3. The Chairperson of Council informs the incumbent of the final decision.

**8.18. Appointment of An Acting Vice-Chancellor, Deputy Vice-Chancellors, Registrar and Executive Directors**

- 8.18.1. In the case of a vacancy in the position of Vice-Chancellor or for any reason of an absence longer than thirty (30) days, Council shall appoint an Acting VC upon the recommendation of the Chairperson of Council, following consultation with Senate and the Institutional Forum.
- 8.18.2. In the case of a vacancy in the positions of Deputy Vice-Chancellors, Registrar and Executive Directors or for any reason of an absence longer than thirty (30) days, Council shall appoint an Acting VC upon the recommendation of the Vice-Chancellor, following consultation with Senate and the Institutional Forum.
- 8.18.3. The appointment processes of the incumbents mention in 8.18 may be preceded by an internal process to be determined from time to time depending on circumstances.



## **CHAPTER 9: THE CHANCELLOR**

### **9.1. Election and Appointment of the Chancellor**

- 9.1.1. The Institutional Statute provides for the election of the Chancellor.<sup>41</sup>
- 9.1.2. The Chairperson of Council determines the date on which a meeting of Council is to be held to elect a Chancellor.<sup>42</sup>
- 9.1.3. For the sake of clarity, the Council meeting referred to in the Statute at which the Chancellor is elected need not necessarily be a meeting called especially and only for the purpose of electing a Chancellor; and provided that the stipulated processes have been followed, the business of electing a Chancellor may form part of the business of any other meeting of Council.

### **9.2. Appointment of the Chancellor for a further term**

- 9.2.1. Where an incumbent is in office and eligible for re-election, the following process must be followed: The Secretary to Council must, at least ninety (90) days before the expiry of the Chancellor's term of office, consult with the Council Chairperson and the Vice-Chancellor to ascertain whether the Chancellor should be approached for a second term;
- 9.2.2. Should either the Council Chairperson or the Vice-Chancellor express reservations, the matter must be presented to Council for direction;
- 9.2.3. Should there be agreement that the Chancellor should be approached for a second term, the Secretary to Council must approach the Chancellor to ascertain whether s/he would be willing to serve a second term of office;
- 9.2.4. Should the Chancellor be eligible and available, the Secretary to Council shall not call for further nominations but instead present the incumbent's name before Council for a decision;
- 9.2.5. Council shall, after that, determine, by a majority vote through secret ballot, whether or not the incumbent Chancellor's term of office should be extended for a further term;

### **9.3. Further rules on the election of the Chancellor**

- 9.3.1. Should the incumbent Chancellor be ineligible or unavailable for re-election, or should Council determine that the incumbent's term of office should not be extended, the elective procedures set out in the Statute shall apply; and
- 9.3.2. In the event of a sudden vacancy, the elective procedures set out in the Statute shall apply.

---

<sup>41</sup>Amended MUT Statute 6.

<sup>42</sup>Amended MUT statute 6.2(a)

#### **9.4. The process of election and appointment of a Chancellor**

- 9.4.1. In the above two (2) cases, the Secretary to Council gives due notice to the members of Council of the date, time, and venue for the meeting for the re-election of the Chancellor.
- 9.4.2. The Secretary to Council invites the members of Council and the members of the Institutional Forum to submit nominations for the office of the Chancellor.
- 9.4.3. The nominations contemplated must be in writing and must include the nominees' written consent and complete Curriculum Vitae.
- 9.4.4. The nominations contemplated must reach the Secretary to Council at least twenty-eight days before the meeting for the re-election of the Chancellor.
- 9.4.5. The Secretary to Council must, within seven days after the closing date for nominations, inform members of Council and the Institutional Forum in writing of the nominations received.
- 9.4.6. A special meeting of the Institutional Forum must be held before the meeting contemplated in subparagraph 2.1.1 for purposes of considering the nominations and advising Council on the appointment of a candidate to the office of Chancellor;
- 9.4.7. The Chancellor is elected by a majority of the members present at the meeting contemplated in subparagraph 2.1.1 through a secret ballot;
- 9.4.8. If no candidate receives a majority of votes, successive rounds of voting are held;
- 9.4.9. In each successive round of voting, the candidate receiving the fewest votes is eliminated as a candidate. The Chairperson shall have a casting and deliberative vote. In a case of equality of votes, the Chairperson of Council has a casting vote; and
- 9.4.10. After Council has elected a Chancellor, the name of the Chancellor is announced by the Chairperson of Council.

## CHAPTER 10: ANNEXURES TO THE INSTITUTIONAL RULES

10.1. The Following governance instruments, as approved by Council, Senate, the Institutional Forum, CONVOCATION, and the SRC are annexures to the Institutional Rules:

10.1.1. Charter of Council and its committees;



Adobe Acrobat  
Document

10.1.2. Charter of Senate and its committees;



Adobe Acrobat  
Document

10.1. 3. Charter of the Institutional Forum and its committees;



Adobe Acrobat  
Document

10.1.4. Constitution of CONVOCATION and Charters of its committees;



Adobe Acrobat  
Document

10.1.5. Constitution of the SRC and Charters of its committees;



Adobe Acrobat  
Document

10.1.6. Policies as approved by Council or Senate or the EMC;



Policy universe.docx

10.1.7. Standard Operating Procedures as approved by EMC;



Policy universe.docx

10.1.8. Frameworks as approved by Council and EMC; and

10.1.9. Any other governance documents as approved by Council or Senate or the EMC.

## 11. CHAPTER 11: AMENDMENT OF THE INSTITUTIONAL RULES

11.1. The Institutional Rules may be amended by Council at any given time as initiated by the Registrar and approved by Council that an amendment is warranted.

### Authorisations and Signatures

I, Prof Lourens Van Staden, acting on behalf of the Council of Mangosuthu University of Technology and in my capacity as the Administrator hereby sign these Institutional Rules and authorise that they are implemented in the university.

Signature:  \_\_\_\_\_

Date: 31 August 2023