



POLICY ON DELEGATION, ASSIGNMENT AND AGENCY

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POLICY ON DELEGATION, ASSIGNMENT AND AGENCY¹

Against the background of the dream to be an internationally recognised university in Africa, distinguished for engaged scholarship, social responsiveness and an ethic of care, the council of the North-West University (NWU) has adopted this policy on 21 November 2019 to regulate the delegation and assignment of powers and functions and agency entrusted to governance and management structures and office bearers of the university.

1 Interpretation and application

- 1.1 This policy must be interpreted and applied in a manner consistent with the –
- 1.1.1 Constitution of the Republic of South Africa, 1996;
 - 1.1.2 Higher Education Act, 101 of 1997 (“HE Act”);
 - 1.1.3 The Statute of the North-West University (2017) (“the Statute”), and
 - 1.1.4 All related policies of the NWU, particularly policies concerning the financial, contractual, procurement and human resources functions and operations of the NWU that, in turn, would need include pertinent references to this policy.
- 1.2 For ease of reference statutory provisions relevant to this policy are reflected in the Appendix to this policy, which the registrar must keep current.

2 Definitions

In this policy –

“**accounting officer**” means a functionary or employee of the university who bears responsibility in terms of the applicable terms of employment to ensure that a component of the university has and maintains effective, efficient and transparent systems of financial and risk management and internal control, taking into account that the vice-chancellor is in terms of section 30 of the HE Act and paragraph 42(1) of the Statute the chief executive and accounting officer of the NWU responsible for the management and administration of the university;

“**agency**” means the capacity of any person or entity lawfully empowered by a governance or other structure or office bearer of the university to represent the NWU in the performance of legally binding acts, “**agent**” having a corresponding meaning;

“**assignment**” means the transmission to a committee, functionary or employee of the NWU of the authority to perform an act under specific conditions or within a specific framework whereby the NWU is deemed to incur or fulfil an obligation;

“**delegation**” means the revocable transfer of a power or function of the NWU by the bearer of such power or function (‘the delegans’) upon another structure, body or person (‘the delegatus’) to be exercised by the delegatus on behalf of the delegans;

“**line manager**” refers to an employee of the NWU who is responsible for the management of other employees and who is accountable in terms of the relevant terms of employment for the administrative management and output of a component of the university.

¹ This policy is a new policy and not a review of the current Policy on Delegations and Schedule of Authorisation Levels (4P/4). The Schedule of Authorisation approved by Council on 22 June 2017 is to be viewed as a schedule in terms of para 5.6 of the NWU Financial Policy (4P/4)

3 Policy statement

It is the policy of the NWU –

- 3.1 to grant standing delegation, assignment and agency to functionaries, line managers and employees of the university in accordance with the nature of the positions in which they are employed as reflected in their terms of employment or in another written form freely accessible to all concerned;
- 3.2 that every additional or incidental delegation and sub-delegation made by a structure, body or line manager must be reduced to writing and formally recorded in a manner accessible to all concerned.

4 Purposes of delegation, assignment and agency

Delegation, assignment and agency must serve the purpose of –

- 4.1 ensuring best practices in the governance, management and administration of the university;
- 4.2 providing clarity of roles and responsibilities to ensure that the performance by functionaries, line-managers and employees and the functioning of the structures of the university are effective, efficient and transparent;
- 4.3 ensuring that a clear and transparent framework for effective and informed decision-making by structures, functionaries, managers and employees of the university is established, and
- 4.4 ensuring consistent accountability for and reporting on the performance of functions and responsibilities throughout the university.

5 Responsibilities and accountability

- 5.1 The assignment of the authority and agency to perform acts on behalf of the NWU involving finance and the signing of contracts relating to academic research and innovation is regulated by the Financial Policy of the NWU.
- 5.2 An accounting officer is responsible to the line manager concerned for the performance of financial competences within the framework of the assignments and delegations pertaining to the component of the university for which such officer is responsible.
- 5.3 A delegatus, assignee and agent is required to perform the functions associated with the relevant position with due diligence and responsibility as determined by the terms of employment or applicable written delegation, assignment or agency.
- 5.4 A delegans may delegate a function or authority only to a person qualified and empowered to perform the function or exercise the authority concerned, and who is actively involved in the component of the university concerned, and who has the appropriate knowledge and technical skills, including knowledge of the applicable policies and rules.

Statutory Provisions Relevant to Delegation, Assignment and Agency

Higher Education Act 101 of 1997

30. Principal of public higher education institution.—The principal of a public higher education institution is responsible for the management and administration of the public higher education institution.

68. Delegation of powers.

(2) The council of a public higher education institution may, on such conditions as it may determine, delegate any of its powers under this Act or delegated to it in terms of subsection (1), except the power to—

- (a) make an institutional statute;
- (b) enter into an agreement contemplated in section 40 (2); or
- (c) perform an action contemplated in section 40 (3),

and assign any of its duties in terms of this Act or assigned to it in terms of subsection (1), to the other internal structures, the principal or any other employee of the public higher education institution concerned.

(3) The principal of a public higher education institution may, on such conditions as he or she may determine, delegate any of his or her powers under this Act and assign any of his or her duties in terms of this Act to any other employee of the public higher education institution concerned.

Statute of the North-West University (2017)

7. (4) Subject to subparagraph (5) and paragraph 81, the council may delegate any of its functions to a committee established in subparagraph (2) and may delegate any of its powers to any structure, employee or body of the university, but remains responsible for the exercise and the performance of the functions so delegated

- (5) (a) The council may not delegate any of the following functions –
- (i) the establishment, restructuring or disestablishment of faculties;
 - (ii) the appointment of the vice-chancellor and members of the management committee, as well as the internal auditor;
 - (iii) the modification of such general conditions of service or terms of appointment of the employees as may have been prescribed by the council;
 - (iv) the approval of the annual budget of the university;
 - (v) the adoption of the unaudited mid-year financial statements and the audited financial statements
 - (vi) the determination of the fees to be paid by students;
 - (vii) the making or amendment of the statute;
 - (viii) the power to obtain a loan or overdraft on behalf of the university;
 - (ix) the decision to embark on the construction of a permanent building or other immovable infrastructural development; and
 - (x) the purchase of immovable property or entering into the long-term lease of immovable property.

(7) The council appoints or delegates the appointment of the employees of the university in accordance with the rules, it determines the conditions of employment, privileges and functions and disciplinary measures applicable to employees; and, in accordance with the rules, the council determines that no one is authorised to appoint a person reporting directly to such a person.

14. (3) The senate may by resolution delegate any function to a member or committee of the senate, including any senate standing committee, but remains responsible for and must review and confirm the exercise and the performance of the functions so delegated.
- 20 (2) The faculty board –
(d) must perform all other functions as the senate delegates or assigns to it;
- 42 (3) The vice-chancellor may in writing delegate any duty, function, power or responsibility attached to the office to a member of the management committee or to any other suitable staff member.
49. (1) There is a vice-principal who performs the specific managerial, administrative and supervisory duties and responsibilities which the vice-chancellor may assign or delegate to the office.
61. An academic director is responsible for the management and administration of an academic unit, and may, where appropriate, delegate or assign functions to deputy academic directors at the different campuses.
68. (3) The council may delegate its disciplinary functions to the vice-chancellor or a person or body recommended by the vice-chancellor.
74. (1) A complaint concerning an alleged misconduct by a student must be reported to the vice-chancellor or his or her delegate, who must deal with such complaint in accordance with the procedures referred to in paragraph 73(2).

Delegations

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

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