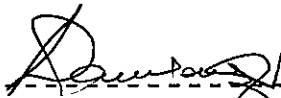




**WALTER SISULU UNIVERSITY
DELEGATIONS OF AUTHORITY
POLICY**

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REG: 01



Sponsor Division	Registrar
Responsible Department	
Related WSU policies	
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Preamble

Whereas Walter Sisulu University is a unitary multi-campus university with a divisional management system;

Acknowledging that Council is the apex decision making organ of the university;

Recognising that Council is a non-executive body acting through the agency of the Vice Chancellor and other employees of the university;

Desirous of creating an environment where the Vice Chancellor and other employees of the university are empowered to make executive, operational and administrative decisions where and when they are needed;

Fully cognisant of the principal function of Council as that of governance through providing strategic leadership and exercising oversight on the operations of the university but being able to account for all acts, events, decisions and/or expenditures made in the university by employees on behalf of the university;

Further desirous of ensuring that employees are properly guided on all avenues to access decision making throughout the university system;

Wanting to ensure that all acts, events, decisions and/or expenditures made in the university are auditable;

Do hereby adopt this policy to guide the general principles governing how authority and power are delegated within the university.

Glossary of Terms and Definitions

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

The policy is written in deliberate and precise language with meanings of words and terms intended to remove confusion and increase ease of implementation. Users of the policy should be aware of how the following words are used in the policy:

- i. '*may*' (e.g. the VC *may* constitute a committee) means the action is optional;
- ii. '*must*' (e.g. the meeting *must* happen by the 15th of May) means it is a mandatory instruction and noncompliance *must* be addressed; and
- iii. '*shall*' (e.g. subordinates *shall* consult with their superiors) means the action is recommended but not mandatory.

All the defined terms used in this policy are italicised throughout and are important for the correct interpretation and implementation of the policy. .

<i>Act</i>	The Higher Education Act, 1997 (Act No. 101 of 1997), as amended
<i>administrative delegate</i>	An <i>employee</i> appointed by a <i>delegate</i> including <i>Council</i> to perform routine administrative tasks and systems processes required to give effect to the exercise of a <i>delegation</i> . S/he cannot be appointed to exercise any <i>delegations</i> creating an obligation on the part of the university or relating to approval of expenditure. An <i>administrative delegate</i> who has <i>to sign</i> on behalf of a <i>delegate</i> will indicate that they do so having been duly authorised under the authority of the <i>delegate</i>
<i>approval route</i>	The route determined by a <i>Level A delegate</i> that a <i>submission or management report must</i> follow before they approve that an act is taken, an event occurs, a decision is made and/or expenditure incurred
<i>Council</i>	The accounting authority and governing body of the university
<i>delegate</i> (noun)	A decision making organ, be it an <i>employee</i> , officer, team or committee assigned specific authority to act or take a decision in accordance to the ambit and <i>limitations</i> of the specific <i>delegations</i>
delegate (verb)	To authorise or entrust an officer or committee of the university with power or authority to act and/or decide
<i>delegation or delegated authority</i>	Power to a delegate or a university organ that an act is taken, an event occurs, a decision is made and/or expenditure incurred on behalf of the university in accordance with Legislation, the <i>statute</i> , the <i>policy</i> and delegations schedules

<i>delegations profile (profile)</i>	A written sum total of the delegated authorities assigned for a position and therefore to the incumbent of that position
<i>Employee</i>	Any person, excluding an independent contractor, employed by the university for remuneration whether appointed on a part-time or full-time, permanent, temporary or fixed-term basis, remunerated or honorary and includes an academic, non-academic, management and/or non-management employee.
<i>Function</i>	Include powers and duties and vice versa
<i>functional delegations</i>	delegations assigned for the exercise of a unique function or standard within a division
<i>Institutional management committee (IMC)</i>	A body constituted according to section 31(2)(a) of the Higher Education Act and the relevant section of the statute and whose members are the Vice Chancellor, Deputy Vice Chancellor(s), the Registrar and any other executive position reporting to the Vice Chancellor the Council may create from time to time
<i>institutional policy</i>	An institutional policy is a formally documented statement of principles and expectations, intended for institution wide application, on the different matters inherent in the business of the university and is approved by Council or its delegated appointee. Compliance is mandatory
<i>Legislation</i>	All the relevant laws enacted by the different spheres of government
<i>Level A delegation</i>	<p>This is the delegation to approve that an act is taken, an event occurs, a decision is made and/or expenditure incurred. It is the apex authority in the exercise of a delegation. Inherent in it are the subsidiary Level R and Level P delegations as defined.</p> <p>Because the delegate exercising this authority is held accountable for the outcomes of their decision(s) they have to assure themselves that all procedures have been followed and all requirements have been met before they approve or sign.</p>
<i>Level R delegation</i>	<p>This is the delegation to recommend that an act is taken, an event occurs, a decision is made and/or expenditure incurred. This is the authority to review a request for approval by a Level A delegate. Inherent in it are the subsidiary Level P delegations as defined</p> <p>A delegate that has this authority is responsible for what they pass for approval by the delegate. They are accountable for the processes and systems to ensure</p>

	that what goes forward is correct and adhere to policies, standards and directives.
<i>Level P delegation</i>	<p>This is the delegation to collate all germane information about an act, event, decision or expenditure and initiate, prepare and/or develop submissions or management reports that need to be approved by a Level A delegate.</p> <p>A delegate that has this authority <i>must</i> use their skills and competences to provide the Level A delegate with the basis for the act, event, decision or expenditure desired</p>
<i>Level S delegation</i>	<p>This is the delegation assigned to a delegate to ensure that the university meets or observes a specified university standard or protocol.</p> <p>An employee having this delegation is the custodian of that university standard or protocol</p>
<i>line management</i>	The hierarchical managerial structure following the organogram from the lowest level employee up to the Vice Chancellor
<i>limitation(s)</i>	Condition(s) limiting the use of a delegation placed by line management.
<i>mutatis mutandis</i>	Means "with the necessary changes"
<i>principal delegate</i>	This is the highest management employee at the helm of a divisional hierarchy as per the university organogram. Typically these would be executive managers reporting to the Vice Chancellor
<i>Resolution</i>	A formal decision of a delegate on recommendation(s) proposed in a submission or management report OR a formulated decision by the delegate
<i>responsibility centre</i>	The institutional division, department, unit or portfolio (academic or administrative) which receives a budget allocation and for which a delegate is responsible and is held accountable for the operations and management, acquisition and/or utilisation of resources
<i>standard operating procedures (SOPs)</i>	Procedures detailing how an institution wide activity is to be undertaken or implemented. They are developed to guarantee consistent operation across the organisation
<i>Statute</i>	The Walter Sisulu University institutional statute as promulgated in terms of the Act

<i>submission or management report</i>	A formal report prepared according to approved standards and format communicating an act, event, decision or expenditure that need to be authorised/approved
<i>terms of reference</i>	The rules and delegations under which committees and/or task team(s) established by Council, the Vice Chancellor or Institutional management committee undertake their purpose and mandate
<i>to sign</i>	A delegation is exercised by the delegate affixing their signature to a document or by using their password in an electronic system
<i>transferable</i>	A delegation can be transferred downwards to relevant levels of employees unless it is prohibited by Legislation or by decree or by operation of this policy or other policy approved or directive duly issued by an appropriate authority
<i>university rules</i>	means any rules of the university made under section 32 of the Act
<i>university standards or protocols</i>	An agreed norm or procedure on how something is done, maintained or used
<i>university organ</i>	A body constituted by the Council, the Vice Chancellor and/or IMC, under approved Terms of Reference, to be responsible for a task(s) and it <i>may</i> be assigned delegations

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1. INTRODUCTION

The Council of Walter Sisulu University (the university) is the accounting authority of the university and it is accountable and responsible for the attainment of the mission and purpose of the university as anticipated in the Higher Education Act, Act 101 of 1997 (the Act) and the statute.

The Council is a non-executive university organ of the university and realises its mission through the agency of employees to perform different functions in the university system as empowered to delegate or assign some of its powers¹. For these employees to perform in their jobs they need delegations to authorise that an act is taken, an event occurs, a decision is made and/or expenditure incurred.

2. POWER OF COUNCIL TO DELEGATE AUTHORITY

Council is the apex decision-making *university organ* and have the power to delegate authority to any other *university organ* or *employee*² for the functioning of the university in pursuance of the mission and purpose of the university.

3. POLICY OBJECTIVES

The principal objective of this policy is to devolve delegated authority and set guidelines on how the system, principles and processes of delegating authority to manage the university are to be set up. Without derogating from the generality of this, this policy is meant to have the following outcomes:

- a. Empowered employees who have decision-making being as close as possible to where it is needed;
- b. A consistent delegations framework throughout the university;
- c. An effective and efficient delegations process;
- d. An institution where employees can be held accountable for actions taken or not taken, events occurring or not occurring, decisions made or not made and/or expenditure incurred or not incurred;
- e. To create an environment where actions taken or not taken, events occurring or not occurring, decisions made or not made and/or expenditure incurred or not incurred are auditable; and
- f. To assist in developing informed employees.

¹ Section 68 of the Act

² WSU Statute 7 (2)

4. APPLICATION OF THIS POLICY

4.1. Managerial activities

This policy applies to all managerial activities within the university (academic and non-academic). Without derogating from the generality of this, this policy applies to the following activities as they are to be performed in a responsibility centre in the university:

- a. Planning, management, administration and reporting on functional outputs and/or services as mandated to be delivered;
- b. Performance of generic management responsibilities in the responsibility centre including the following:
 - i. Management, acquisition & utilisation of goods & services;
 - ii. Management, acquisition & utilisation of human resources;
 - iii. Use of university infrastructure and facilities;
 - iv. Risk management & ensuring compliance;
 - v. Administration & reporting on performance, activities and resources.
- c. Acquisition, allocation & maintenance of university infrastructure & facilities;
- d. Management of financial affairs and reporting requirements;
- e. Management of legal affairs;
- f. Management of the university brand, image and external affairs;
- g. Management of all non-academic and out of class student activities and affairs.

4.2. Institutional geography

This policy applies to all operations of the university. Without derogating from the generality of this, this policy applies to the following areas:

- a. All the campuses and locations of the university;
- b. Academic and non-academic infrastructure;
- c. Infrastructure owned by non-autonomous entities owned by the university such as institutes and centres.

5. COMMENCEMENT DATE

This policy repeals, in their entirety, any other policies (permanent or interim) and will come into operation on a date indicated by Council.

6. PREVIOUS DELEGATED AUTHORITIES

Adoption of this policy supersedes and revokes all previous delegated authorities but does not invalidate acts taken or not taken, events occurring or not occurring, decisions made or not made and/or expenditure incurred or not incurred using those *delegations*.

7. LEGISLATION IMPACTING ON THIS POLICY

As a public good the university does its business under all relevant *legislation* drawn from various spheres of government. It endeavours to comply with this *legislation* at all times and where there are contradictions in this policy the *legislation* supersedes.

7.1. General legislation

The principal *legislation* that this policy must always strive to comply with is the following:

- i. The Constitution of the Republic of South Africa, 1996 (as amended);
- ii. The Reporting by Public Entities Act, 1992 (Act No. 93 of 1992); and
- iii. The Public Finance Management Act, 1999, (to the extent that it sets out good practice in managing public money),

7.2. Specific legislation

The powers and authorities that *Council* has originate primarily from the following *Legislation* applicable to the higher education sector:

- i. Higher Education Act (Act 101, 1997, as amended); and
- ii. The Standard Institutional Statute or the statute adopted.

7.3. National policy, regulations and directives

The following national policies, regulations and directives, issued from time to time by relevant authorities of the state, also impact on this policy:

- i. Directives issued by the Auditor General
- ii. Treasury regulations

8. PRINCIPLES GOVERNING THIS POLICY

8.1. Governance

- a. All delegated power and authority exercised in the university originate and belong to Council.
- b. All actions taken or not taken, events occurring or not occurring, decisions made or not made and/or expenditure incurred or not incurred decisions made anywhere in the university system are made on behalf of *Council* and it can withdraw them at any time without notice and exercise them instead.
- c. No one can exercise an authority they do not have. Where a situation arises where there is a deficiency in *delegated authority Council* is the sole body that may exercise that *delegation*.

8.2. Fiduciary care

- a. The exercise of any *delegation* will be in the best interest of the university and not for group or individual self-interest.
- b. *Delegates* must not exercise *delegations* in respect of themselves.

NB: *Line management* should be accessed to facilitate and obviate this possible breach.

- c. All *employees* are required to declare any interests they might have that may result in a situation of conflict of interest where they exercise *delegations* assigned to them as incumbents in positions or as members of *university organs*.

8.3. Individual responsibility and accountability

- a. Inappropriate or incompetent use of *delegations* does not absolve the *principal delegate* who delegated in the first place.
- b. A *delegation* is exercised by the *delegate* affixing their signature to a document or by using their password in an electronic system.
- c. No person is authorised *to sign* on behalf of another except in an emergency. (See section on emergencies below)
- d. No *delegate* can exercise a *delegation*, especially a financial commitment or expenditure, unless there are authorised funds available for that expenditure.
- e. *Employees* shall apprise themselves of all relevant university policies, *rules* and procedures as they exercise their *delegations*.

8.4. Effectiveness and efficiency

- a. *Delegations* are to positions and not to individual persons.
- b. An *employee* in an acting role has the same *delegations* as a permanent incumbent unless there is a *limitation* placed.
- c. Refusal to use or inappropriate use of a *delegation* shall be escalated up the relevant *line management* for resolution.

8.5. Delegations follow line management hierarchy

- a. The *delegations* held by any *delegate* cascade from those held by their superior and held *mutatis mutandis* through *line management* up to and including the Vice Chancellor to *Council*
- b. *Employees* can only exercise delegations in regard to matters within their own *responsibility centre* and/or *line management* of responsibility.
- c. Variations to an initially authorised decision can only occur after a new authorising act is given by the *delegate*.

9. CATEGORIES OF DELEGATED AUTHORITIES

Delegated authorities applicable to the university are in the categories listed below. These are aligned with the mandates and responsibilities of all *university organs* and government organs responsible as they are derived from the various principal *legislations* affecting the university.

9.1. Governance delegations

Governance *delegations* are those exercised by *Council* and its subcommittees. These are exercised in the form of resolutions of properly constituted meetings of these *university organs*.

The normal areas where these *delegations* are necessary are the following:

- a. Strategic leadership – setting out where the university is going;
- b. Policies – setting out the pathways and boundaries of how to go where the university has set out to go to;
- c. Resource allocation – enabling the resources to attain what has been set out to be achieved; and
- d. Risk management – ensuring that risks that may affect the university are identified and planned for;
- e. Oversight – getting reports about activities and use of resources in the university and evaluating whether these occur in furtherance and in pursuit of what the university has set out to do
- f. Audit – requiring that periodic and special audits are conducted to ensure that everything happens within plans and within policies and rules approved.

NB: These *delegations* are included in the WSU Statute³ and forms part of this policy.

9.1.1. Delegations to individuals by Council

Council also has the power, through a specific *resolution*, to instruct any of its members or those of its subcommittees, any *employee* or *university organ* to perform any act or take any decision or perform any of the duties assigned to the *Accounting Authority* in terms of the Act.

9.2. Executive delegations

- a. Executive *delegations* are those delegated powers and authorities assigned to the Vice Chancellor as the chief executing officer of the university to manage the activities of the university. These delegated powers and authorities places the Vice Chancellor as the apex management and administrative authority for the day to day leadership, management and administration of the university.

³WSU Statute Section 7

- b. The delegated authorities *Council* has assigned to the Vice Chancellor are tabulated in a separate appendix **Delegated authorities of the Vice Chancellor** and forms part of this policy.

9.2.1. Delegated authorities retained by the Vice Chancellor

In its assigning the delegated authorities to the Vice Chancellor, *Council* will designate those it prescribes as being not *transferable* to any other *employee* or *university organ* but are solely to be exercised by the Vice Chancellor or a duly appointed acting Vice Chancellor and it *must* designate them accordingly, as not *transferable*..

9.2.2. Delegated authorities assigned to executive managers

The Vice Chancellor has the power to assign *delegations* to individual executive managers, as *principal delegates*, and any other employees reporting directly to her/him for them to manage their areas of responsibility. These *delegations* will be constituted into separate delegations profiles.

These *delegations* should enable the executives to make functional decisions so as they are able to, at the minimum, do the following with respect to their areas of responsibility:

- i. Plan for the delivery of their core mandate of providing services or producing something;
- ii. Managing, acquiring and utilising resources to realise their core mandate;
- iii. Establish or follow standards and protocols germane to their core mandate;
- iv. Determine the skills and systems required to deliver on their core mandates.

9.2.3. Delegated authorities assigned to management organs

The Vice Chancellor has the power to establish various management committees and/or task team(s) and to assign *delegations* under approved *Terms of reference* to ensure consistent outcomes, adherence to institutional *standards* and/or integration of systems and/or equitable distribution of resources.

NB: For every management committee and/or task team established its *Terms of reference* should clearly state who the *administrative delegate* is.

9.2.4. Discretionary authorities

These are authorities exercised and decisions taken by *employees* without reference to any pre-set *schedule* but which are within the *university rules* and *standards*.

9.3. Types of delegations

To correctly exercise a *delegation* a *delegate* needs to know what they want to do and whether they are authorised to do so. The types of delegations listed below are prescribed in exercising a *delegation*:

- i. *Level P delegation* giving authority to **propose/initiate** that an act is taken or not taken, event(s) occur or not occur, decision(s) is made or not made and/or expenditure incurred or not incurred.
- ii. *Level S delegation* giving authority to **satisfy** themselves that a university standard or protocol has been adhered to before approval that an act is taken or not taken, event(s) occur or not occur, decision(s) is made or not made and/or expenditure incurred or not incurred.
- iii. *Level R delegation* giving authority to **recommend** that an act is taken or not taken, event(s) occur or not occur, decision is made or not made and/or expenditure incurred or not incurred.
- iv. *Level A delegation* giving authority to **approve** that an act is taken or not taken, event(s) occur or not occur, decision(s) is made or not made and/or expenditure incurred or not incurred.

10. IMPLEMENTATION FRAMEWORK

10.1. The role of the Vice Chancellor

Without detracting from his/her other responsibilities and mandates within the university system the Vice Chancellor has responsibilities emanating from this policy. These responsibilities and powers are detailed below. S/he must be held accountable for actions, inactions and decisions taken in the exercise of powers and authorities under this policy.

10.1.1. Accountability for this policy

The Vice Chancellor is the *principal delegate* and accounting officer under this policy. S/he is accountable and/or responsible for, amongst others:

- i. The development of the policy and its review;
- ii. The full implementation of the policy in the university;
- iii. Training of employees for meaningful participation in implementing this policy; and
- iv. The reporting on the implementation of the policy to *Council*.

10.1.2. Power to delegate

The Vice Chancellor has the power to delegate some of his/her *delegations* to *employees* and to other *university organs* established⁴.

⁴ WSU Statute 52(6)

10.1.3. Limitations to delegated authorities

The Vice Chancellor is authorised to place any *limitations* on the exercise of *delegations to employees* and/or any *university organ*.

10.1.4. Standard operating procedures

The Vice Chancellor is authorised to develop and authorise *standard operating procedures* to give effect to this policy. Such procedures are to ensure consistent application of the policy throughout the university and ensure attainment of the objectives of this policy.

10.2. Emergencies

In the event of an emergency⁵ and also in the absence of the appropriate *line management delegate* to authorise any critical action or decision, assistance of the most senior manager from another *line management* may be sought to act in a surrogate role to resolve the emergency. This action *must* be reported by the surrogate *delegate* to the Vice Chancellor as soon as practicable.

11. BREACH OF THE POLICY

The Vice Chancellor *must* follow any breaches of the provisions of this policy with disciplinary and/or corrective action. Where necessary, assistance of the police or any outside service providers shall be sought to investigate and/or resolve any act of misconduct.

12. DEVELOPMENT AND REVIEW

- a. This policy *must* be reviewed at least biannually to ensure that it is aligned with any new national interventions be they legislative, national policy or directives.
- b. The Vice Chancellor *shall* apprise *Council* on the adequacy of the policy at any time when it is necessary to do so and s/he will propose amendments meant to address deficiencies identified.
- c. Factors to be considered when doing the appraisal *shall* draw from the experience gained through implementation in the preceding year(s) and any new best practice gleaned from similar organisations as the university.

⁵ Imminent or actual danger to students and/or *employees* or damage to university property

13. DELEGATIONS SCHEDULES

13.1. Delegated authorities of the Vice Chancellor

Council has approved the delegated authorities in the appendix as appropriate to effect implementation of this policy. Whilst it is hoped that this *schedule* will cover all areas and activities in the operations of the university, situations may arise where something is not addressed in the totality of the delegated authorities. Such matters should be brought to the attention of *Council* for its action.

13.2. Amendments to delegations schedules

The Executive Committee of *Council* is empowered to deal with amendments to delegations schedules and present these to a subsequent *Council* meeting for ratification.