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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 249

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HIGHER EDUCATION ACT, 1997

STATUTE OF THE VAAL TRIANGLE TECHNIKON

The council of the Vaal Triangle Technikon has made the Statute set out in the Schedule hereto, in accordance with section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), which is, in terms of the provisions of section 33 of the said Act, hereby published with the approval of the Minister of Education and which comes into operation on the date of this publication.

SCHEDULE

To introduce a new Statute for the Vaal Triangle Technikon to give effect to any law relating to the Technikon; and to promote the effective management of the Technikon in respect of matters not expressly prescribed by any law.

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DEFINITIONS

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

"academic employee" means any person appointed to teach or to do research at the Technikon or any other employee designated as such by the council of the Technikon;

"Act" means the Higher Education Act, 1997 (Act No. 101 of 1997);

"auditor" means any person registered as such in terms of the Public Accountants and Auditors Act, 1991 (Act No. 80 of 1991);

"convocation" means the convocation of the Technikon;

"council" means the council of the Technikon;

"Department of Education" means the government department responsible for education at national level;

"donor" means a person who has made a donation, which, in the opinion of council, warrants that person being recognised as a donor;

"employee" means any person employed full time or part time in a permanent or temporary capacity at the Technikon;

"employer" means the council of the Vaal Triangle Technikon;

"institutional forum" means the body contemplated in section 31 of the Act;

"institutional rules" means any rules made by the council of the Technikon under section 32 of the Act;

"Minister" means the Minister of Education;

"management" means the rectorate of the Technikon contemplated in paragraph 36 of the Statute;

"principal" means the chief executive and accounting officer of the Technikon;

"senate" means the body contemplated in section 28 of the Act;

"simple majority" means 50% (fifty per cent) plus one of all members;

"student" means any person registered as a student at the Technikon;

"students' representative council" means the body elected by the student body of the Technikon;

"Technikon" means the Vaal Triangle Technikon;

"vice-principal" also means vice-rector and deputy vice-chancellor.

CHANCELLOR

Powers, privileges and functions

2. (1) The chancellor shall be the titular head of the Technikon, and shall award all Technikon certificates on behalf of the Technikon.

(2) The chancellor shall have no other powers than those described in subparagraph (1).

(3) In the absence of the chancellor, the principal is to preside at ceremonial occasions.

Term of office

3. (1) The chancellor shall hold office for a period of 4 (four) years, unless he or she tenders his or her resignation in writing to the council or for any other reason vacates his or her office before the expiry of his or her term of office.

(2) The chancellor may be removed from office by resolution of not less than 75% (seventy-five per cent) of all members of the council on account of misconduct, incapacity to carry out his or her official duties or on account of any other reason which the council might, after seeking the opinion of senior legal council, deem justifiable.

(3) The resolution contemplated in subparagraph (2) may not be passed without providing the chancellor a reasonable opportunity to speak in his or her defense.

(4) The chancellor shall be eligible for re-election.

Election

4. (1) The chairperson of the council shall determine the date on which a meeting of council shall be held for the purpose of electing a chancellor, provided that such meeting shall be held within 90 (ninety) days after the office of chancellor becomes vacant.

(2) The secretary to the council shall give notice of the vacancy in the office of chancellor or of the expiry of the term of office of the chancellor, to every member of the council and such notice shall indicate the date, place and time of the meeting contemplated in sub-paragraph (1) and invite members of the council to submit nominations for the office of chancellor on a form approved by the principal, provided that any member shall be at liberty to supplement the information on the approved form, if he or she so desires.

(3) The completed nominations shall reach the secretary to the council at least 21 (twenty-one) days before the date of the meeting contemplated in subparagraph (1).

(4) The secretary to the council shall, within 3 (three) days after the closing date for nominations, give notice to every member of the council of the nominations received.

(5) No person shall be elected to the office of chancellor unless he or she has been nominated in writing, with his or her written consent, by at least 2 (two) members of the council.

(6) The council shall elect a chancellor by secret ballot.

(7) The candidate shall be elected to the office of chancellor by not less than a 75% (seventy-five per cent) majority of all the members of council present.

(8) Each member of the council shall have only 1 (one) vote during each ballot, provided that there shall be a series of ballots if no candidate gains a 75% (seventy-five per cent) majority of the votes in the first ballot.

(9) In each successive round of voting the candidate who gains the least support in the previous ballot shall be eliminated as candidate.

(10) After the council has elected a chancellor, the chairperson of the council shall announce the name of the new chancellor.

Vacancy

5. If the office of the chancellor becomes vacant, the provisions of paragraph 4 shall be applicable to the filling of such vacancy and the provisions of paragraph 3 shall be applicable to the term of office of such successor.

PRINCIPAL

Powers, privileges and functions

6. (1) The principal is the vice-chancellor, the chief executive officer and chairperson of the senate.

(2) The principal shall report directly to the council of the Technikon and shall as such be responsible for the day-to-day management of the Technikon, which shall include but is not limited to -

- (a) making proposals to the council about the educational character and mission of the Technikon;
- (b) the implementing of decisions of the council;
- (c) the organisation, direction and management of the Technikon and leadership of the employees;
- (d) preparing annual estimates of income and expenditure for consideration by the council, and for the management of the budget and resources within the estimates approved by the council; and
- (e) the maintenance of student discipline and, within the Rules and procedures provided for therein, for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.

(3) The council may delegate additional duties, powers and privileges to the principal to enable him or her to perform his or her functions.

(4) An acting principal shall be designated by the council for periods of absence of the principal exceeding 7 (seven) days, and such an acting principal shall have the same powers, privileges and functions as the principal on the understanding that he or she may not change existing policy unless with the approval of the executive committee of the council.

Term of office

7. (1) The principal shall occupy his or her office for a period determined by the council, as stated in the contract of appointment.

(2) The term of office of the principal may be terminated by a resolution of not less than 75% (seventy-five per cent) of all members of the council, in the following circumstances –

- (a) when he or she, in the opinion of the council, becomes incapacitated;
- (b) when he or she becomes insolvent;
- (c) if he or she is found guilty of an offence which in the opinion of the council renders the principal unfit; or
- (d) if he or she is dismissed on reasonable grounds by the council.

Election and appointment

8. (1) The secretary to the council shall, at least 3 (three) months before the principal retires, and if the office becomes vacant for any other reason, within 14 (fourteen) days after the office becomes vacant, give notice to every member of the council of such vacancy.

(2) At a special meeting of the council, convened for this purpose, the council shall, while ensuring that the principles of democracy, inclusivity and transparency are complied with, determine the criteria to be applied for the purpose of designating a candidate.

(3) At the special meeting contemplated in subparagraph (2) the council shall –

- (a) consider the advice received from the institutional forum on the selection of candidates for senior management positions; and
- (b) appoint a special committee for the purpose of designating a candidate and for recommending his or her appointment to the council.

(4) The special committee contemplated in subparagraph (3) shall consist of not less than 5 (five) members -

- (a) one of the members of the council who is not an employee of the Technikon who shall also be the chairperson;
- (b) one of the members of the council who represents the senate;
- (c) one of the members of the council who represents the institutional forum;
- (d) one of the members of the council who represents the employees other than the academic employees of the Technikon; and
- (e) one of the members of the council who represents the 'students' representative council.

(5) The secretary to the council shall, ex officio, be the secretary to the special committee referred to in subparagraph (4).

(6) The secretary to the council shall, at the direction of the special committee, place an advertisement for the post of principal in such manner as may be decided.

(7) The secretary to the council shall, within 5 (five) days, after the closing date for application as stated in the advertisement referred to in subparagraph (6), call a meeting of the special committee to compile a shortlist of candidates for the office of principal and arrange for personal interviews with persons whose names appear on the short list.

(8) The special committee shall, after personal interviews with all the persons on the short list have been conducted, designate one candidate for recommendation to the council for appointment to the office of principal, provided that the names of all applicants, including the names of the short-listed candidates, shall also be submitted to the council.

(9) The council shall vote by secret ballot on the appointment of the proposed candidate to the office of principal and a simple majority of votes shall carry the proposal.

(10) If a candidate cannot obtain a simple majority, the council shall vote by secret ballot on all of the short-listed candidates.

(11) If no candidate gains a simple majority, a series of ballots shall take place.

(12) In each successive round of voting the candidate with the least support in the previous ballot, shall be eliminated as candidate.

(13) The chairperson of council shall, on behalf of the council, appoint the successful candidate in writing.

Vacating of office

9. If the office of principal becomes vacant, the provisions of paragraph 8 shall be applicable to the filling of such vacancy.

Vice-principals and registrars

10. The principal and council shall determine the functions of vice-principals and registrars.

Term of office

11. Vice-principals and registrars shall hold office up to the normal retirement age, provided that the council may extend the term of office by not more than five (5) years on a yearly basis.

Election and appointment

12. The election and appointment procedure as set out in paragraph 8 shall apply with the necessary changes to the appointment of a vice-principal and a registrar.

Vacating of office

13. If the office of a vice-principal or a registrar becomes vacant, the provisions of paragraph 12 shall with the necessary changes be applicable to the filling of such vacancy.

COUNCIL

Functions and composition of council

14. (1) The council shall govern the Technikon.
- (2) The council shall consist of the following members -
- a) the principal;
 - b) the vice-principals and the registrars;
 - c) four members appointed by the Minister;
 - d) three members of the senate elected by the senate in accordance with paragraph 48;
 - e) one academic employee of the Technikon, elected by such employees;
 - f) two students of the Technikon, elected by the students' representative council in accordance with the students' representative council's constitution;
 - g) one employee who is not an academic employee of the Technikon, elected by the employees other than academic employees of the Technikon;
 - (h) one member designated by the Western Vaal Metropolitan Sub-Structure;

- (i) one member designated by the Vereeniging Kopanong Metropolitan Sub-Structure;
- (j) one member designated by the National African Federated Chamber of Commerce (NAFCOC);
- (k) one member designated by the South African Chamber of Business (SACOB);
- (l) one member designated by the Steel and Engineering Industries Federation of South Africa (SEIFSA);
- (m) one member designated by the Chamber of Mines (CM);
- (n) one member designated by the Congress of South African Trade Unions (COSATU);
- (o) two parents of students elected by parents of students;
- (p) one person with specific expertise and stature in education designated by the council;
- (q) one member designated by the National Sports Council (NSC);
- (r) two members representing the satellite campuses who are not employees or students of the Technikon designated by the advisory committee of each campus, provided that these members from the satellite campuses shall rotate biennially;
- (s) two donors elected in accordance with paragraph 65; and
- (t) one member of the convocation, designated by the convocation.

Election of chairperson and vice-chairperson

15. (1) The members of the council shall at the first meeting of the council and thereafter when it becomes necessary, elect from among their number, a chairperson and a vice-chairperson, who shall each hold office for a period of two (2) years, or for such shorter period as he or she may be a member of the council.

(2) The chairperson or vice-chairperson of the council shall not be an employee or student of the Technikon.

(3) Nominations for the office of chairperson or vice-chairperson of the council shall, with their respective consent, be submitted in writing to the secretary to the council.

(4) If more than one candidate is nominated for one of the offices, voting shall be by secret ballot.

(5) A candidate may only be elected to the office of chairperson or vice-chairperson by a majority of the members present at the meeting of the council.

(6) Each member of the council shall have only one (1) vote during each round of voting, provided that there shall be a series of ballots if no candidate gains a majority in the first ballot.

(7) In each successive round of voting, the candidate who gained the least support from the previous ballot shall be eliminated as candidate.

(8) Whenever a vacancy occurs in the office of chairperson or vice-chairperson, the provisions of subparagraph (3) to (7) shall with the necessary changes be applicable to the filling of the vacancy.

(9) The chairperson and the vice-chairperson shall be eligible for re-election if they are still members of council.

Secretary

16. (1) The council shall elect the secretary to the council from among its members, provided that the council may appoint any other employee to assist the secretary or to act in his or her place.

(2) The secretary shall act as electoral officer at all meetings of the council.

(3) An acting secretary may take part in the discussions, but may not vote.

Meetings

17. (1) The quorum of a meeting of the council shall consist of 50 % (fifty per cent) of all members of the council.

(2) The secretary to the council shall, at least 10 (ten) days before the date set for any meeting, give notice in writing to each member of the council of such meeting, setting forth the matters to be dealt with, as well as the time and place of such a meeting, including a copy of the minutes of any previous meeting.

(3) Notice of matters for consideration shall be submitted to the secretary to the council at least 5 (five) days prior to the date on which he or she is required to give notice of such meeting, provided that a member may raise matters of an urgent nature at a meeting without prior notice if he or she procures the consent of at least 75% (seventy-five per cent) of the members present.

(4) The chairperson may convene an extraordinary meeting whenever he or she may deem it necessary, and he or she shall convene such a meeting at the written request of any 5 (five) members clearly stating the purpose of the meeting in such request.

(5) No matters other than those for which the extraordinary meeting has been convened, shall be discussed at such meeting, except when the consent of the meeting is granted on an unopposed motion.

(6) The council may invite persons who are not members to attend meetings, provided that such persons may take part in such discussion, but may not vote.

Emergency meetings of council

18. (1) An emergency meeting may be called by the chairperson at any time, provided that members shall be given at least 24 (twenty four) hours notice of such meeting.

(2) The notice contemplated in subparagraph (1) may be given in any manner deemed expedient by the chairperson in the circumstances.

(3) Members shall be notified of the purpose of an emergency meeting, and no business other than that of which notice has been given to the members shall be transacted at such meeting.

Number of council meetings

19. The chairperson shall convene at least one meeting of the council per Technikon term at the seat of the Technikon.

Minutes of council meetings

20. (1) The secretary to the council shall keep minutes of each meeting of the council and shall include such minutes with the agenda of the next council meeting.

(2) At every ordinary meeting of the council, the minutes of the last preceding ordinary meeting and of any extraordinary meeting held subsequently, shall be read and confirmed by the signature of the chairperson, provided that any objection to the minutes shall be raised and dealt with before confirmation of the minutes.

(3) The meeting may take the minutes as read if a copy thereof has been sent to each member in accordance with paragraph 17(2).

Register of resolutions of council

21. The secretary shall keep a complete register of council resolutions adopted in terms of this Statute and all members of the council shall have access to such register.

Discussion of motions

22. (1) No member of the council shall, without the leave of the meeting, speak more than once on a specific motion or amendment, but the proposer of a motion or amendment shall have a right to reply, provided that a member may propose that the matter under discussion be dealt with in committee.

(2) If the motion contemplated in subparagraph (1) is seconded, it shall be put to vote without further discussion and, if such motion is adopted, the council shall immediately go into committee, whereafter a member may speak more than once on the matter under discussion.

(3) A motion or amendment shall be seconded and shall, if so directed by the chairperson, be in writing, and no motion or amendment shall be withdrawn without the consent of the proposer, the seconder and the meeting.

Voting

23. (1) Except as otherwise provided in this Statute, all matters shall be decided by a simple majority of all members present.

(2) The chairperson shall have an ordinary and a casting vote, provided that in the case of a vote by secret ballot, he or she shall not have a casting vote.

(3) In the event of a tie of votes in a secret ballot, the issue shall be decided by lot.

(4) In the event of a tie of votes excluding the secret ballot as contemplated in subparagraph (3), a motion shall be rejected.

(5) If members present during any vote on a motion abstain from voting, their abstentions shall be noted as such.

(6) If it is so decided by the meeting, the number of members voting for or against any motion shall be recorded and, at the request of any member, the chairperson shall direct that the vote of such member be recorded.

(7) Where at least 75% (seventy-five per cent) of the members of the council have reached agreement on a matter referred to them by letter or telefax by the chairperson of the council without convening a meeting, and have conveyed their resolutions by letter or telefax, such resolution shall be deemed to be a resolution of the council and shall be recorded in the minutes of the next ordinary meeting.

(8) If a member of the council is unable to attend a meeting, his or her views on any matter on the agenda concerned may be communicated to the meeting in writing, but shall not count as a vote by the member concerned.

(9) No member of the council may participate in the discussion of, or vote on a matter in which he or she has a direct or indirect pecuniary or financial or other material interests, unless he or she first discloses the extent of his or her interest and obtains the permission of the meeting to participate in the discussion or vote on the matter or both.

(10) If a member of the council without the council's permission participates in the proceedings of the council in connection with the matter in which the member does have a direct or indirect pecuniary or financial or other material interest, voting by members of the council shall be invalid.

Ruling by the chairperson

24. The ruling of the chairperson on any point of order or procedure shall be binding, unless immediately challenged by a member, in which event such ruling shall be submitted to the meeting without discussion and the decision of the meeting shall be final.

Drafting, amending, repealing of Rule or Statute

25. (1) No motion to draft, amend or repeal any Statute or Rule may be adopted unless agreed to by at least 75 % (seventy-five per cent) of the members present at the meeting, provided that such meeting is constituted of not less than 50% (fifty per cent) of all members.

(2) Any motion to draft, amend or repeal a Statute or a Rule shall be in accordance with the provisions of section 32(2) of the Act.

Term of office

26. (1) The term of office of the members of the council contemplated in paragraph 14(2)(c), 14(2)(h) to (t) shall be four (4) years, provided that at the first election and appointment of members of the council, one half of them, decided by lot, shall hold office for 2 (two) years.

(2) The term of office of the members of the council contemplated in paragraph 14(2)(d), 14(2)(e) and 14(2)(g) shall be 2 (two) years, provided that at the first election after the commencement of the Act, 1 (one) member decided by lot shall hold office for 1 (one) year.

(3) The representatives elected by the students' representative council shall hold office for a period of 1 (one) year.

(4) Should a member cease to be a member of the constituency which the person represents, his or her membership of the council shall also cease.

Vacating of office

27. (1) The office of a member of the council becomes vacant if a member -

(a) dies;

(b) resigns from office in writing under his or her hand addressed to the chairperson of the council;

- (c) in the case of an appointed or elected member, becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compound with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) in the case of an appointed or elected member, becomes a temporary patient or a continued treatment patient in an institution for mental health;
- (e) is convicted of an offence that is punishable by penal servitude or imprisonment for 12 months or more, or is convicted elsewhere than in the Republic of an offence that if committed in South Africa would be an offence so punishable;
- (f) in the case of an appointed, elected or designated member, is absent from three consecutive meetings of the council of which reasonable notice has been given to the member personally or in the ordinary course of post, and is not, within six weeks of the last of those meetings, excused by the council for his or her absence.

(2) Membership of the council shall automatically terminate in the event of a member of the council, either vacating or being transferred for whatsoever reason, to another constituency than that for which he or she was elected appointed or designated.

(3) The membership of a council member who is not an employee or a student of the Technikon shall immediately terminate should such a member be appointed as an employee of the Technikon.

(4) Membership of the council shall terminate if the Minister or the organisation or body who appointed, elected or designated the member, terminates in writing the membership of the member at any time before the expiry of his or her term of office.

(5) Subject to the disciplinary procedure of the Technikon, if an employee or a student member is dismissed, suspended, expelled, demoted or his or her service is terminated for whatever reason by the Technikon, the membership of such member shall automatically terminate.

terminated for whatever reason by the Technikon, the membership of such member shall automatically terminate.

Code of conduct

28. As the conduct of a member of the council at the Technikon and in public should be beyond reproach, a council member shall deal with all business of the council with the diligence, efficiency and impartiality that befit the dignity of the council and therefore, a member shall -

- (a) act in good faith towards the council and the Technikon;
- (b) attend council meetings well prepared;
- (c) accept membership of council committees;
- (d) support official activities of the Technikon;
- (e) treat confidential council affairs with appropriate confidentiality;
- (f) be committed and loyal to the Technikon;
- (g) positively promote the broader interests of the Technikon within the community and amongst various stakeholders;
- (h) not issue any statement to the media, without authorisation and clearing with the office of the chairperson of the council; and
- (i) act without being prejudiced towards any member or protocol.

Executive committee of council

29. (1) The executive committee shall discuss and make decisions on all matters referred to them by the council and shall then report back to the council.

(2) Notwithstanding subparagraph (1) the executive committee may not make decisions relating to the -

- (a) appointment or dismissal of the chief executive officer and the management;
- (b) sale or other disposition of real estate or other assets;
- (c) approval of the annual budget;
- (d) use of the institution's credit line;
- (e) conferral of degrees;

- (f) review of the institution's mission or purposes; and
- (g) the amendment of the Statute,

as these are reserved powers for the council to discuss and make decisions on.

(3) All matters not referred to in subparagraph (2) may be delegated to the executive committee by the council.

(4) All decisions shall be reported to the council.

(5) The executive committee of the council shall consist of the -

- (a) chairperson of the council as chairperson;
- (b) deputy chairperson of the council;
- (c) chairperson of the finance committee;
- (d) chairperson of the audit committee;
- (e) chairperson of the human resources committee;
- (f) chairperson of the building and campus committee;
- (g) chairperson of the student affairs committee;
- (h) principal;
- (i) vice-principals;
- (j) registrars (if any); and
- (k) secretary to the council

(6) All the Rules and by-laws relating to the meetings of the executive committee of council with regard to the quorum of a meeting, notice of a meeting, minutes of meetings, register of resolutions and voting shall be the same as in the case of the council.

Finance committee of council

30. (1) The committee shall consist of at least 4 (four) persons other than the employee or student members of council.

(2) A quorum will be 3 (three) council members of whom at least 2 (two) shall not be employee or student members of the council.

(3) At least 1 (one) of the 4 (four) finance committee members who are not employees or students shall be a person with financial expertise.

(4) The chairperson of the committee shall be 1 (one) of the 4 (four) members that are not employees or students of the Technikon and the person shall be appointed by the council.

(5) The chairperson and vice-chairperson of council shall be members of the committee.

(6) The principal and the vice-principals shall be members of the committee.

(7) The members of the committee shall be appointed by the council for an initial 2 (two) year term of office, after which their appointments shall be subject to annual rotation.

(8) The committee shall have the authority to seek any relevant information it requires from any officer or employee of the Technikon and such officers or employees shall be instructed by the principal to respond to such enquiries.

(9) The committee shall have the authority to take such independent professional advice as it deems necessary.

(10) The director: finance shall be the secretary to the committee.

(11) The secretary, in conjunction with the chairperson, shall draw up an agenda, which shall be circulated at least 1 (one) week prior to each meeting to the members of the committee and the external auditor.

(12) The chairperson shall call a meeting of the committee if so requested by any committee member or the external auditor.

(13) Meetings shall be held at least 4 (four) times a year.

(14) Meetings are to be held within 6 (six) weeks of the date of close of the financial quarters.

(15) The meetings contemplated in subparagraphs (13) and (14) shall be scheduled to cover the -

- (a) review of the quarterly financial results;
- (b) review of the annual budgets of the Technikon;
- (c) planning of the external audit;
- (d) review of the draft audited financial statements; and
- (e) review of the report of the external auditor.

(16) Additional meetings may be held as deemed necessary by the chairperson of the committee or as requested by the external auditor.

(17) The committee shall consider any matters relating to the financial affairs of the Technikon and to the Technikon's external audit that it determines to be desirable.

(18) Notwithstanding subparagraph (17), the committee shall examine any other matters referred to it by the council.

(19) The committee shall satisfy itself, on behalf of the council, of -

- (a) the compliance with law and accounting standards, including consideration of the impact of any changes in accounting standards and statutory requirements;
- (b) the treatment of significant accounting, auditing or disclosure problems highlighted by the auditors and financial management;
- (c) the nature and impact of any changes in accounting policies during the year;

- (d) the accounting policies adopted in respect of major transactions;
- (e) the reasons for unusual fluctuations in reported figures or financial ratios or inconsistencies with educational institution trends as reflected in the accounts; and
- (f) the treatment of unusual or significant commitments or contingent liabilities.

(20) The committee shall, on behalf of the council, -

- (a) supervise special investigations;
- (b) review internal executive management remuneration and allowances;
- (c) review compliance with certain government regulations;
- (d) review policies to avoid conflicts of interest and review past or proposed transactions between the Technikon and members of management;
- (e) assess the performance of financial management; and
- (f) review the adequacy of the insurance coverage.

(21) The chairperson of the committee shall make a brief report of the findings and recommendations of the committee to the executive committee after each committee meeting.

(22) The minutes of all meetings shall be circulated to all members of the council.

(23) The supporting schedules and information reviewed by the committee shall be available for examination by any council member upon request to the secretary to the committee.

(24) The committee shall have no executive powers with regard to its findings and recommendations as such recommendations have to be ratified by the council.

Audit committee

31. (1) The committee shall consist of at least 4 (four) persons other than the employee or student members of the council.

(2) A quorum will be 3 (three) council members of whom at least 2 (two) shall not be employee or student members of the council.

(3) At least 1 (one) of the 4 (four) audit committee members who are not employees or students of the Technikon shall be a person with financial expertise.

(4) The chairperson and the vice-chairperson of council shall be members of the committee.

(5) The chairperson of the committee shall be 1 (one) of the 4 (four) members that are not employees or students of the Technikon and shall be appointed by the council.

(6) The principal and the director: finance shall be members of the committee.

(7) The director: finance shall be the secretary to the committee.

(8) The members of the committee shall be appointed by the council for an initial 2 (two) year term of office, after which their appointments shall be subject to annual rotation.

(9) The committee shall be authorised by the council to investigate any activity within its terms of reference.

(10) The committee shall have the authority to seek any relevant information it requires from any employee and all employees shall be instructed to co-operate with any request made by the committee.

(11) The committee shall be authorised by the council to obtain legal or other independent professional advice and to secure the attendance of persons who are not employees or students of the Technikon with relevant experience and expertise, if it considers this necessary.

(12) The committee shall –

- (a) consider the appointment of the external auditor, the audit fee, and any question of resignation or dismissal;
- (b) discuss with the external auditor before the audit commences, the nature and scope of the audit, and ensure co-ordination where more than one audit firm is involved;
- (c) review the half-yearly and annual statements before submission to the council, focusing particularly on -
 - (i) any changes in accounting policies and practices;
 - (ii) major judgemental areas;
 - (iii) significant adjustments resulting from the audit;
 - (iv) the going concern statement; and
 - (v) compliance with accounting standards;
- (d) discuss problems and reservations arising from the interim and final audits, and any matters the auditor may wish to discuss (in the absence of management) where necessary;
- (e) review the external auditors' management letter and management's response;
- (f) review the Technikon's statement on internal control systems prior to endorsement by the council;
- (g) review the internal audit programme, ensure co-ordination between the internal and the external auditor, and ensure that the internal audit function is adequately resourced and has appropriate standing within the Technikon;
- (h) consider the major findings of internal investigations and management's response;
- (i) monitor compliance with the Technikon's financial code of conduct, to review it and any significant breaches of such code; and

(j) consider other topics as determined by the council.

(13) Meetings shall be held not less than twice a year, but preferably three times a year.

(14) Meetings shall be held prior to the commencement of the annual external audit, prior to the council's approval of the interim results and after the completion of the annual external audit.

(15) The external auditors or the head of the internal audit may request a meeting if they consider that one is necessary.

(16) The chairperson of the committee shall make a brief report of the findings and recommendations of the committee to the executive committee after each committee meeting.

(17) The minutes of all committee meetings shall be circulated to all the members of the council.

(18) The supporting schedules and information reviewed by the committee shall be available for examination by any council member upon request to the secretary to the committee.

(19) The committee shall have no executive powers with regard to its findings and recommendations as such recommendations have to be ratified by the council.

Human resources committee

32. (1) The committee shall consist of at least 4 (four) persons other than employee or student members of the council.

(2) A quorum will be 3 (three) council members of whom at least 2 (two) shall not be employee or student members of the council.

(3) At least 1 (one) of the 4 (four) committee members who are not employees or students of the Technikon shall be a person with expertise in human resource matters.

(4) The chairperson of the committee shall be one of the 4 (four) members who are not employees or students of the Technikon and the person shall be appointed by the council.

(5) The chairperson and the vice-chairperson of council shall be members of the committee.

(6) The principal and the vice-principals shall be members of the committee.

(7) The members of the committee shall be appointed by the council for an initial 2 (two) year term of office, after which their appointments will be subject to annual rotation.

(8) The committee shall have the authority to seek any relevant information it requires from any employee of the Technikon and such employee shall be instructed by the principal to respond to such enquiries.

(9) The committee shall have the authority to take such independent professional advice as it considers necessary.

(10) The director: human resources shall be the secretary to the committee.

(11) The secretary, in conjunction with the chairperson, shall draw up an agenda, which shall be circulated at least 1 (one) week prior to each meeting to the members of the committee.

(12) The chairperson shall call a meeting of the committee if so requested by any committee member.

(13) Meetings shall be held at least 4 (four) times a year.

(14) Additional meetings may be held as deemed necessary by the chairperson of the committee or as requested by any member.

(15) The committee shall consider any matters relating to the human resources affairs of the Technikon that it deems desirable, and in addition, any other matters referred to it by the council.

(16) The committee shall, on behalf of the council -

- (a) ensure proper compliance with all legislation applicable to human resource matters;
- (b) ensure the appropriateness of the human resources policies adopted from time to time;
- (c) review the treatment by management of major human resources issues which arise from time to time;
- (d) review steps taken by management to ensure that adequate employment standards are maintained and a human resource plan is prepared;
- (e) review the training budget annually and ensure that adequate resources are allocated to employee training and that the training requirements of the Technikon are properly identified;
- (f) review employment practices and disciplinary codes;
- (g) ensure that the Technikon implements an acceptable affirmative action programme to cater for previously disadvantaged groups; and
- (h) assess the performance of human resources management.

(17) The chairperson of the committee shall make a brief report of the findings and recommendations of the committee to the executive committee after each committee meeting.

(18) The minutes of all committee meetings shall be circulated to all members of the council.

(19) The supporting schedules and information reviewed by the committee shall be available for examination by any council member upon request to the secretary to the committee.

(20) The committee shall have no executive powers with regard to its findings and recommendations as such recommendations have to be ratified by the council.

Building and campus committee

33. (1) The committee shall consist of at least 4 (four) council members other than the employee or student members of the council.

(2) A quorum will be 3 (three) council members of which at least 2 (two) shall not be employee or student members of the council.

(3) At least 1 (one) of the 4 (four) committee members who are not employees or students of the Technikon shall have extensive building experience.

(4) The chairperson of the committee shall be 1 (one) of the 4 (four) members who are not employees or students of the Technikon and the person shall be appointed by the council.

(5) The chairperson and the vice-chairperson of the council shall be members of the committee.

(6) The principal and the vice-principals shall be members of the committee.

(7) The members of the committee shall be appointed by the council for an initial 2 (two) year term of office, after which their appointments will be subject to annual rotation.

(8) The committee shall have the authority to seek any relevant information it requires from any officer or employee of the Technikon and such officers or employees shall be instructed by the principal to respond to such enquiries.

(9) The committee shall have the authority to take such independent professional advice as it deems necessary.

(10) The director: projects and services will be the secretary to the committee.

(11) The secretary, in conjunction with the chairperson, shall draw up an agenda, which shall be circulated to the members of the committee at least 1 (one) week prior to each meeting.

(12) The chairperson shall call a meeting of the committee if so requested by any committee member.

(13) Additional meetings may be held as deemed necessary by the chairperson, the committee or as requested by a member.

(14) The committee shall consider any matters relating to the building programme, service of maintenance contracts and the development of the campuses, and in addition any other matters referred to it by the council.

(15) The committee shall, on behalf of the council -

- (a) ensure that buildings to be erected comply with the departmental and local government prescriptions;
- (b) prioritise the building programme;
- (c) ensure that buildings are in accordance with the requests of the users of the buildings;
- (d) evaluate proposed plans and the tenders received;
- (e) ensure that buildings are erected within the budget and report to council on the reasons for over or underspending.

- (f) ensure that any service, maintenance, rental or lease agreement entered into by the Technikon, falls within the policy and tender procedures for new projects.
- (16) The chairperson of the committee shall make a brief report of the findings and recommendations of the committee to the executive committee after each committee meeting.
- (17) The minutes of all committee meetings shall be circulated to all members of the council.
- (18) The supporting schedules and information reviewed by the committee shall be available for examination by any council member upon request to the secretary to the committee.
- (19) The committee shall have no executive powers with regard to its findings and recommendations, as such recommendations have to be ratified by the council.

Student affairs committee

34. (1) The committee shall consist of at least 4 (four) council members that are not employee or student members of the council.
- (2) A quorum will be 3 (three) council members of whom at least 2 (two) shall not be employee or student members of the council.
- (3) At least 1 (one) of the 4 (four) committee members who are not employees or student members of council shall have extensive knowledge of student affairs.
- (4) The chairperson of the committee shall be 1 (one) of the 4 (four) members who are not employees or students of the Technikon.

- (5) The chairperson and the vice-chairperson of the council shall be members of the committee.
- (6) The vice-principal: student affairs and marketing shall be a member of the committee.
- (7) The members of the committee shall be appointed by the council for an initial 2 (two) year term of office, after which their appointments will be subject to annual rotation.
- (8) The committee shall have the authority to seek any relevant information it requires from any officer or employee of the Technikon and such officers or employees shall be instructed by the principal to respond to such enquiries.
- (9) The committee shall have the authority to take such independent professional advice as it deems necessary.
- (10) The director: student services will be the secretary to the committee.
- (11) The secretary, in conjunction with the chairperson, shall draw up an agenda, which shall be circulated to the members of the committee at least 1 (one) week prior to each meeting.
- (12) The chairperson shall call a meeting of the committee if so requested by any committee member.
- (13) Additional meetings may be held as deemed necessary by the chairperson of the committee or as requested by a member.
- (14) The committee shall consider any matters relating to student affairs and the well-being of students on the campus, and in addition examine any matters referred to it by the council.

(15) The chairperson of the committee shall make a brief report of the findings and recommendations of the committee to the executive committee after each committee meeting.

(16) The minutes of all committee meetings shall be circulated to all members of the council.

(17) The supporting schedules and information reviewed by the committee shall be available for examination by any council member upon request to the secretary to the committee.

(18) The committee shall have no executive powers with regard to its findings and recommendations, as such recommendations have to be ratified by council.

Dissolution of committees of council

35. A committee of the council may only be dissolved by the council.

Rectorate

36. (1) The rectorate consists of -

- (a) the principal;
- (b) the vice-principal: academic;
- (c) the vice-principal: administration;
- (d) the vice-principal: student affairs and marketing.

(2) The rectorate, as the executive management structure of the Technikon, shall be responsible for the day to day activities of the Technikon as delegated by the council.

(3) The principal, as the chief executive officer of the Technikon, shall act as chairperson at meetings of the rectorate.

(4) The principal shall assign the duty of secretary to the rectorate to a member of the committee administration in the office of the vice-principal: administration.

SENATE

Function and composition of senate

37. (1) The senate is responsible for academic and research functions within the Technikon and is accountable to the council.

(2) The members of the senate referred to in section 28(2) of the Act shall be the following -

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) the registrar or the director of administration if there is no registrar;
- (d) the deans of faculties;
- (e) the heads of department of the academic departments;
- (f) the heads of the academic support sections;
- (g) the head of the library and information centre;
- (h) the head of the students' bureau;
- (i) the head of the bureau for teaching development and lifelong learning;
- (j) the head of the department for student counselling and support;
- (k) two members of the council not employed by the Technikon;
- (l) the directors of the satellite campuses;
- (m) the vice-president: academic of the majority union on the campus;
- (n) two representatives from the students' representative council;
- (o) all members of staff with the rank of professor.

Chairperson, vice-chairperson, secretary and other office-bearers

38. (1) The chairperson, vice-chairperson, secretary and other office-bearers of the senate shall be elected by the senate in the manner determined by the rules.

(2) The secretary to the senate shall act as secretary to all committees and joint committees of the senate.

Meetings

39. (1) The quorum shall consist of 50% (fifty per cent) of the total number of members.

(2) The secretary to the senate shall, at least 5 (five) days before the date set for any meeting, give notice in writing to each member of the senate, setting forth the business to be dealt with at such a meeting, as well as the time and place of such meeting.

(3) Notice of matters for consideration shall be submitted to the secretary at least 5 (five) days prior to the date on which the secretary is required to give notice to the meeting, provided that a member may raise matters of an urgent nature at the meeting without prior notice if he or she procures the consent of at least 75% (seventy-five per cent) of the members present.

(4) The chairperson of the senate may convene an extraordinary meeting of the senate whenever he or she may deem it necessary, and he or she shall convene such a meeting at the written request of any 10 (ten) members, clearly illustrating the purpose of the meeting in such request.

(5) No matters other than those for which an extraordinary meeting was convened shall be transacted at such a meeting, except with the consent of the meeting granted on an unopposed motion.

(6) The senate may invite persons who are not members to attend meetings, provided that such persons may take part in discussions but may not vote.

Minutes of senate meetings

40. (1) The secretary to the senate shall keep minutes of each meeting of the senate and shall include such minutes with the agenda for the next meeting of the senate.

(2) At each ordinary meeting of the senate, the minutes of the previous ordinary meeting and of any extraordinary meeting held subsequently, shall be approved, provided that, if an objection is raised to the minutes, it shall be dealt with at that meeting before confirmation of the minutes.

(3) The meeting may take the minutes as read if a copy thereof has been previously sent to each member.

Register of resolutions of senate

41. The secretary shall keep available to all members of the senate a complete register of senate resolutions adopted.

Discussions of motions

42. (1) No member of the senate shall, without the leave of the meeting, speak more than once in relation to a motion or amendment, but the proposer of a motion or amendment shall have the right to reply, provided that a member may move that the matter under discussion be concluded in committee.

(2) If the motion contemplated in subparagraph (1) is seconded, it shall be put to vote without further discussion and, if such motion is adopted, the senate shall immediately go into committee, whereafter a member may speak more than once on the subject under discussion.

(3) A motion or amendment raised at a meeting shall be seconded and shall, if so directed by the chairperson, be submitted in writing and no motion or amendment shall be withdrawn without consent of the proposer, the seconder and the meeting.

Voting

43. (1) Except as otherwise provided for in the Statute, all matters shall be decided by a simple majority of all members present.

(2) Subject to the provisions of subparagraph (3), the chairperson shall in respect of any matter at the meeting, in addition to his or her ordinary vote, also have a casting vote.

(3) In the event of a tie of votes in a secret ballot, the lot shall decide the issue.

(4) In the event of a tie of votes, the motion is rejected, except as provided for in subparagraph (3), unless the chairperson uses his or her casting vote in favour of such motion.

(5) If members present during any vote on a motion abstain from voting, their abstentions shall be noted as such.

(6) If so decided by the meeting, the number of votes of members for or against any motion shall be recorded and, at the request of any member, the chairperson shall direct that the vote of such member shall be recorded.

(7) Where at least 75% (seventy-five per cent) of all the members of the senate have reached agreement on matters referred to them by letter or by telefax by the chairperson without convening a meeting, and have conveyed their resolution by letter or telefax, such resolution shall be deemed to be a resolution of the senate and shall be recorded in the minutes of the next ordinary meeting.

(8) If a member of the senate is unable to attend a meeting, his or her views on any matter on the agenda concerned may be communicated to the meeting in writing, but such view shall not count as a vote on the matter concerned by such member.

Ruling by chairperson

44. The ruling of the chairperson on any point of order or procedure at the meeting of the senate shall be binding unless immediately challenged by a member, in which event such ruling shall be submitted to the meeting without discussion and the decision of the meeting shall be final.

Drafting, amending or repealing of Rule

45. No motion to draft, amend or repeal any Rule may be adopted unless agreed to by at least 75% (seventy-five per cent) of the members present at the meeting.

Emergency meetings of senate

46. (1) An emergency meeting of the senate may be called by the chairperson at any time, provided that members shall be given at least 24 (twenty four) hours notice.

(2) The notice contemplated in subparagraph (1) may be given in any manner deemed expedient in the circumstances.

(3) Members of the senate shall be notified of the object of an emergency meeting, and no business other than that of what notice has been given to members shall be transacted at such meeting.

Number of meetings of senate

47. The chairperson shall convene a meeting of the senate at least once in each Technikon semester at the seat of the Technikon.

Representatives of senate on council

48. (1) The members of the senate which are to be elected as members of the council, as contemplated in section 27(4)(d) of the Act, shall be elected at an ordinary meeting of the senate.

(2) If a member referred to in subparagraph (1) for any reason vacates his or her office, the provisions of subparagraph (1) shall be applicable.

Representatives of council on senate

49. (1) The two representatives of the council referred to in subparagraph 37(2)(k) of the Statute shall be elected at an ordinary meeting of the council and shall be appointed by the chairperson of the council for a period of 1 (one) year.

(2) If a member referred to in subparagraph (1) for any reason vacates his or her office, the provisions of subparagraph (1) shall be applicable.

Term of office

50. (1) All members who are members of the senate, because of their office, will hold office for the period while they are in the specific office.

(2) The representatives of the students' representative council shall hold office for the period in which they are members of the students' representative council.

Proxy

51. (1) A member has the right to give a proxy to another member of the senate to vote on his or her behalf at a meeting of the senate.

- (2) Under no circumstances shall a member send another person to represent him or her if that person is not a member of the senate.

Committees of senate

52. (1) The executive committee of the senate shall consist of -

- (a) the chairperson;
- (b) the vice-principals;
- (c) the registrars;
- (d) the deans of faculties; and
- (e) one representative of the satellite campus directors.

- (2) The executive committee of the senate shall deal with matters referred to them by the senate, and report back to the senate at the following meeting of the senate.

- (3) The executive committee shall also deal with extraordinary matters to facilitate the day to day function of the Technikon.

INSTITUTIONAL FORUM

Membership

53. The institutional forum of the Technikon as contemplated in section 31(2) of the Act, shall consist of -

- (a) two representatives of management;
- (b) two representatives of the council, neither of which representatives shall be employee or student members of the council;
- (c) two representatives of the senate;
- (d) three academic employees elected by the academic employees of the Technikon, one of whom shall be from a satellite campus;
- (e) two employees elected from the employees other than academic employees of the Technikon;
- (f) the satellite campus co-ordinator of the Technikon;

- (g) five students elected by the students, of whom at least two must be from satellite campuses and one must be the residence house affairs co-ordinator of the student representative council of the Technikon;
- (h) one representative per registered union at the Technikon and one additional member for every 150 (one-hundred and fifty) members belonging to the union with a maximum of 3 (three) per union;
- (i) one representative from the affirmative action monitoring task team; and
- (j) the director: student services.

Term of office of representatives on institutional forum

54. (1) The term of office of the members of the institutional forum contemplated in paragraph 53(a), (b), (c), (d), (e), (f), (h) and (i) is determined by their respective constituencies.

(2) The term of office of members of the institutional forum contemplated in paragraph 53(g) is one year.

Election of chairperson and vice-chairperson

55. (1) The members of the institutional forum, when it becomes necessary, shall elect from amongst themselves a chairperson and vice-chairperson who each holds office for a period of 1 (one) year.

(2) Nominations for the chairperson and vice-chairperson of the institutional forum shall be given in writing to the minuting secretary to the institutional forum.

(3) Each nomination must be signed by at least 5 (five) members of the institutional forum and countersigned by the nominee to denote his or her acceptance of the nomination.

- (4) If more than one person is nominated for one of the offices, voting shall be by secret ballot.
- (5) A candidate may be elected to the office of chairperson or vice-chairperson only by a majority of members present at a meeting of the institutional forum.
- (6) If no candidate receives a majority of votes, successive rounds of voting shall be held.
- (7) In each successive round of voting the candidate receiving the least number of votes in the previous round shall be eliminated as a candidate.
- (8) If a vacancy occurs in the office of chairperson or vice-chairperson for any reason, the provisions of subparagraphs (1) to (7) shall apply to the filling of such vacancy.
- (9) For the duration of the election of a chairperson, the principal acts as acting chairperson.
- (10) The chairperson and vice-chairperson shall cease to hold their respective offices when the incumbent is removed from that office by a majority decision of the institutional forum or when the incumbent ceases to be a member of the institutional forum.

Functions of institutional forum

- 56.** (1) The institutional forum is an advisory body and shall advise the council among other things on -
- (a) the implementation of the Act and the national policy on higher education;
 - (b) race and gender equity policies;
 - (c) the selection of candidates for senior management positions;

- (d) codes of conduct, mediation and dispute resolution procedures; and
- (e) the fostering of an institutional culture which promotes tolerance and respect of fundamental human rights and creates an appropriate environment for teaching, research and learning.

(2) The institutional forum shall perform any other function referred to it by the council.

Election of members of management and council as representatives on institutional forum

57. (1) The representatives from management shall be elected at a meeting of the rectorate of the Technikon.

(2) The members of the council to be elected representatives on the institutional forum as contemplated in section 31(2)(b) of the Act shall be elected at an ordinary meeting of the council.

(3) Only members of the council who are not employees or students of the Technikon may be elected on the institutional forum.

Election of members of senate as representatives on institutional forum

58. (1) The two members of the senate to be elected as representatives on the institutional forum as contemplated in section 31(2)(c) of the Act shall be elected at an ordinary meeting of the senate.

(2) If a member referred to in subparagraph (1) vacates his or her office, the provisions of subparagraph (1) shall be applicable.

Election of academic employees as representatives on institutional forum

59. (1) The two members of the academic employees at the main campus to be elected as representatives on the institutional forum as contemplated in section 31(2)(d) of the Act, shall be elected at a meeting of the academic employees of the institution.

(2) Nominations of candidates shall be given in writing to the vice-principal: administration of the Technikon and shall be signed by two members of the academic employees of the Technikon as well as the person nominated, and such nomination shall reach the vice-principal: administration of the Technikon at least 7 (seven) days prior to the date of the meeting referred to in subparagraph (1).

(3) If more than 2 (two) candidates are nominated, voting shall be by secret ballot.

(4) A candidate shall only be elected by a simple majority of all the academic employees of the Technikon present.

(5) Each academic employee of the Technikon shall have only 1 (one) vote during each ballot, provided that there shall be a series of ballots if no candidate gains a simple majority in the first ballot.

(6) In each successive round of voting, the candidate who gains the least support in the previous ballot shall be eliminated as a candidate.

(7) If a member referred to in subparagraph (1) for any reason vacates his or her office, the provisions of subparagraph (1) to (6) shall be applicable.

Election of employees other than academic employees as representatives on institutional forum

60. (1) The two members of the employees other than academic employees at the main campus to be elected as representatives on the institutional forum as contemplated in

section 31(2)(e) of the Act, shall be elected at a meeting of the employees other than academic employees of the technikon.

(2) Nominations of candidates shall be given in writing to the vice-principal: administration of the Technikon and shall be signed by two members of the employees other than academic employees of the Technikon as well as the person nominated, and such nomination shall reach the vice-principal: administration of the Technikon at least 7 (seven) days prior to the date of the meeting referred to in subparagraph (1).

(3) If more than 2 (two) candidates are nominated, voting shall be by secret ballot.

(4) A candidate shall only be elected by a simple majority of all the academic employees of the Technikon present.

(5) Each employee other than academic employees of the institution shall have only 1 (one) vote during each ballot, provided that there shall be a series of ballots if no candidate gains a simple majority in the first ballot.

(6) In each successive round of voting, the candidate who gains the least support in the previous ballot shall be eliminated as a candidate.

(7) If a member referred to in subparagraph (1) for any reason vacates his or her office, the provisions of subparagraph (1) to (6) shall be applicable.

Election of representatives of students on institutional forum

61. (1) The representatives of the students to be elected on the institutional forum as contemplated in section 31(2)(f) of the Act shall be elected according to the Rules laid down in the constitution of the students' representative council.

(2) The representatives from the satellite campuses shall be elected in a manner determined by the satellite campuses.

Election of members of unions as representatives on institutional forum

62. One representative per registered union at the Technikon and one additional member for every 150 (one-hundred and fifty) members belonging to the union with a maximum of 3 (three) per union shall be elected by their respective constituencies.

Election of academic employee of satellite campuses as representative on institutional forum

63. (1) The representative of the academic employees at the satellite campuses to be elected as a member of the institutional forum as contemplated in paragraph 53(d), shall be elected as follows -

- (a) each satellite campus shall, at a meeting of the academic employees, elect one member to represent the academic employees of the satellite campus; and
- (b) the names of the representatives of the satellite campuses shall then be handed to the vice-principal: administration who shall then decide by lot who will be representing the satellite campuses on the institutional forum.

Meetings of institutional forum

64. (1) All the provisions relating to the meetings of the council with regard to the quorum of a meeting, notice of a meeting, minutes of meetings, register of resolutions and voting shall apply to the meetings of the institutional forum.

(2) A decision shall be deemed to have been taken by the institutional forum if, in the opinion of the chairperson, sufficient consensus has been reached.

DONORS**Manner of elections of representatives of donors on council**

65. (1) Whenever it is necessary for donors to elect a person as a member of the council as referred to in paragraph 14(2)(s), the secretary to the council shall, by written notice at least 90 (ninety) days before the date determined by him or her for the election of members of the council, invite such donors to nominate in writing persons to be elected as members of the council.

(2) A nomination referred to in subparagraph (1) shall be signed by the nominee and shall reach the secretary to the council at least 60 (sixty) days before the date referred to subparagraph (1).

(3) If the number of candidates nominated is not greater than the number of members to be elected, the secretary to the council shall declare such candidates to be duly elected.

(4) If more candidates are nominated than there are members to be elected, the secretary to the council shall, not less than 30 (thirty) days before the date referred to in subparagraph (1), post to the donors ballot papers containing the names of the candidates in alphabetical order.

(5) A donor shall be entitled to one vote.

(6) Ballot papers shall be returned to the secretary to the council by registered post.

(7) Ballot papers, received by the secretary to the council after the date referred to in subparagraph (1), shall be invalid.

(8) At any election, the secretary to the council shall act as electoral officer and he or she shall be assisted by two (2) scrutineers nominated by the principal.

(9) The secretary to the council shall declare the persons who obtains the highest and second highest number of votes to have been duly elected, and in the event of an equal number of votes, the result shall be determined by him or her by lot in the presence of 2 (two) scrutineers.

STUDENTS' REPRESENTATIVE COUNCIL

Composition of students' representative council

66. (1) The students' representative council contemplated in section 35 of the Act, consists of -

- (a) the president;
- (b) the deputy president;
- (c) the general secretary;
- (d) the finance co-ordinator;
- (e) the academic co-ordinator;
- (f) the culture co-ordinator;
- (g) the entertainment co-ordinator;
- (h) the media and publicity secretary;
- (i) the organisations co-ordinator;
- (j) the gender equality co-ordinator;
- (k) the residence house affairs co-ordinator; and
- (l) the sport co-ordinator.

(2) The students' representative council may invite persons who are not members of the students' representative council to attend meetings of the students' representative council on condition that such persons may take part in discussions but may not vote.

(3) The chairperson and vice-chairperson and secretary of the students' representative council must be elected from among the members contemplated in paragraph (1).

(4) The meeting procedures of the students' representative council and the manner of election of the president and the deputy president shall be as prescribed in the constitution of the students' representative council.

Functions of students' representative council

- 67.** (1) The students' representative council shall -
- (a) preserve and promote the interests of the student community and of the Technikon;
 - (b) carry out all duties and responsibilities as agreed upon in meetings of the students' representative council, within the Rules and policies of the Technikon;
 - (c) respect and uphold the constitution and the code of conduct of the students' representative council;
 - (d) protect and promote the good image of the students' representative council at all times;
 - (e) enhance unity and co-operation among students;
 - (f) affiliate to any external non-partisan structure whose operations are in the interest of students of the Technikon and technikon education in general;
 - (g) manage society life on campus and render any assistance necessary;
 - (h) at all times be subject to the final authority of the principal of the Technikon;
 - (i) convene all student general meetings on campus; and
 - (j) co-opt any student it deems fit for any vacancies created after the by-election period as contemplated in the constitution of the students' representative council.

Term of office

68. The term of office of members of the students' representative council is 12 (twelve) months.

Election of members

69. (1) The students' representative council in office shall appoint an independent electoral commission to administer the students' representative council election.

(2) The electoral commission shall appoint a chief electoral commissioner from its members.

(3) The chief electoral commissioner shall compile a voters' roll on the condition that -

- (a) all registered Technikon students shall be eligible to vote;
- (b) notification of the drawing up of the voters' roll shall be given at least 14 (fourteen) days prior to the holding of the students' representative council elections;
- (c) the voters' roll shall be open to students for inspection;
- (d) objections and requests for the inclusion or exclusion of names shall be submitted in writing with supporting arguments, to the chief electoral commissioner not later than 48 (forty-eight) hours after the closure of the voters' roll for inspection; and
- (e) any objections in terms of subparagraph (d) shall be considered by the chief electoral commissioner, whose decision is final.

Nomination of members

70. (1) The chief electoral commissioner shall call for nominations of candidates for the students' representative council elections by means of a notice in which the office where the nomination forms may be obtained and the deadline for their submission shall be indicated.

- (2) Nominations shall be submitted within two weeks of the date of the notice.
- (3) A nomination shall be valid only if it contains -
 - (a) the name, student number, faculty and postal address of the nominee;
 - (b) the name, student number, faculty and signature of the enfranchised proposer;
 - (c) the names, student numbers, faculties and signatures of two enfranchised seconders; and
 - (d) a written, signed declaration by the nominee that he or she is willing to seek election.
- (4) The chief electoral commissioner shall ensure that a nominee is a registered student of the Technikon.
- (5) The chief electoral commissioner shall consider all nominations and determine whether nominations are accepted or not and his or her decision shall be final.
- (6) After the decision as contemplated in subparagraph (5) has been taken, notice shall be given to the persons nominated as candidates for the election.

Elections

71. (1) The students' representative council and the students' general council shall determine the election programme in consultation with the electoral commission.
- (2) The electoral commission shall give notice of the day, time and venue of the election.
 - (3) The election shall take place on the appointed day, time and place by means of a secret ballot, under the supervision of the electoral commission and its workers.

(4) The chief electoral commissioner shall be in full control of the election process and shall be empowered to deal with any irregularities that arise.

(5) Only ballot papers supplied by the electoral commission shall be used.

(6) Each voter shall vote in person.

(7) No voter may vote for more than one candidate per portfolio, and any such voting shall render the ballot paper spoilt and the vote shall be disqualified.

(8) The chief electoral commissioner may request that a photograph of every candidate, a summary of the candidates' curriculum vitae and a summary of the candidates' policy appear on the notice boards indicated by him or her for that purpose.

(9) The students' representative council shall appoint monitors to observe the counting of votes.

(10) A notice with the names of elected candidates shall be posted on notice boards as soon as possible after the votes have been counted.

(11) In the case of a by-election to fill a vacant position on the students' representative council, the above stipulations shall be applicable.

(12) A by-election contemplated in subparagraph (11) may only take place during the first semester of the academic year.

(13) After the election of the students' representative council, the chief electoral commissioner shall convene a meeting of all elected members at a determined date, time and place and declare the students' representative council as properly constituted and empowered to function in accordance with the provisions of the constitution of the students' representative council.

(14) The president of the students' representative council shall convene a meeting of the elected faculty representatives to elect a faculty representative co-ordinator.

(15) In order for the meeting contemplated in subparagraph (14) to be properly constituted, two-thirds of the faculty representatives must be present.

(16) The president of the students' representative council shall convene a meeting of house committee executive committees to elect a resident house affairs co-ordinator from their number.

(17) In order for the meeting contemplated in subparagraph (16) to be properly constituted, two-thirds of the members must be present.

(18) An elected candidate must be a registered student during his or her term of office as a member of the students' representative council.

(19) The students' representative council in office continues to function until the handing over function where the newly elected students' representative council officially takes up its responsibilities.

Privileges

72. The privileges of members of the students' representative council shall be determined by the council.

CONVOCATION

Convocation

73. The convocation of the Technikon shall be known as the convocation of the Vaal Triangle Technikon.

Members of convocation

- 74.** (1) The convocation shall consist of -
- (a) all persons to whom the Technikon has awarded a diploma or a degree; and
 - (b) the members of the academic employees and employees other than the academic employees permanently appointed to posts on the establishment of the Technikon and in the case of employees other than the academic employees those with a higher education qualification.

Functions of convocation

- 75.** The convocation may discuss and state its opinion on any matter relating to the Technikon, including matters which may be referred to it by the council.

Election of president of convocation

- 76.** (1) The president of the convocation, who shall be elected by the convocation from amongst its own members, shall hold office for a period of 2 (two) years.
- (2) The president of the convocation may not be a full-time employee of the Technikon.
- (3) The president shall be elected at a meeting of the convocation by secret ballot and a majority of the members present.
- (4) The principal shall act for the duration of the election of a president as acting president.
- (5) Should the president for any reason vacate his or her office prior to the expiring of his or her term of office, the convocation shall elect a successor in accordance with the provisions of subparagraph (1).

GENERAL

Disciplinary measures and procedures applicable to students

77. Subject to section 32(2)(d) of the Act, disciplinary measures and procedures applicable to students shall be as determined by the Rules of the Technikon.

Academic functions of Technikon

78. Subject to section 32(2)(b) of the Act, the academic functions of the Technikon shall be as determined by the Rules of the Technikon.

Conferring of honorary doctorate

79. (1) The Technikon may, without examination, confer an honorary doctorate on a person who has rendered distinguished service in the advancement of any branch of learning or technology.

(2) The criteria and procedures for conferring an honorary doctorate shall be as determined by the Rules of the Technikon.

Conditions of service of employees of Technikon

80. The negotiated conditions of service of employees of the Technikon are provided for in the Rules of the Technikon.

Repeal of previous Statute

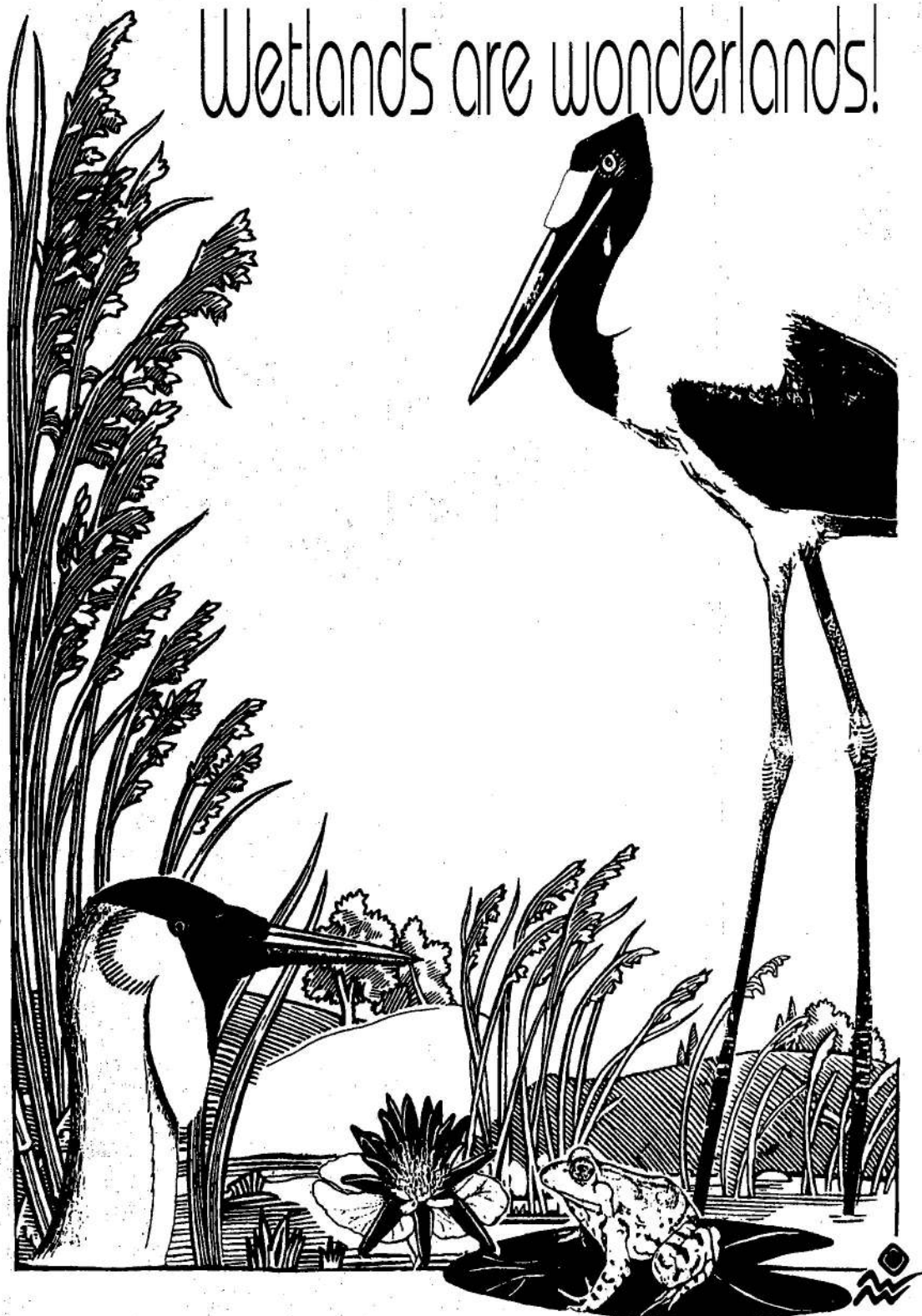
81. (1) The Statute applicable to the Vaal Triangle Technikon published by the Government Gazette No. 16211, Notice No. 9 of 13 January 1995, shall hereby be repealed with effect from the date on which this Statute shall come into operation.

(2) Notwithstanding subparagraph (1) any body of the Technikon which existed immediately prior to the publication of this Statute shall continue to exist and function in terms of this Statute until the day prior to the day when each new structure, reconstituted in terms of this Statute, becomes functional.

(3) Notwithstanding subparagraph (2) the constitution of the new council in terms of this Statute shall be within a period of 4 (four) months after the publication of this Statute.



Wetlands are wonderlands!



Department of Environmental Affairs and Tourism



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