

## **Government Gazette**

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### **GENERAL NOTICE**

**Notice 715 of 1999**

### **DEPARTMENT OF EDUCATION**

### **HIGHER EDUCATION ACT, 1997 STATUTE OF THE TECHNIKON FREE STATE**

The council of the Technikon Free State 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 Technikon Free State to give effect to any law relating to the Technikon; to ensure academic freedom; and to promote the effective and responsible management and governance of the Technikon in respect of matters not expressly prescribed by any law.

### **PREAMBLE**

**WHEREAS** the Technikon Free State concerns itself with technologically based higher education, teaching, learning, research and community service activities in the Free State and nationally;

**AND WHEREAS** the Technikon fulfils its global role of technologically based teaching, learning, research and technological advancement for all South Africans in accordance with internationally recognised standards;

**NOW THEREFORE** and by virtue of the authority vested in the council of the Technikon and the Minister of Education, under the Higher Education Act, 1997 (Act No. 101 of 1997), and all relevant laws, to ensure academic freedom and to provide responsible management and government of the affairs, including academic control of the instructions, programmes of the Technikon, within a single co-ordinated higher education system, a new Statute for the Technikon is hereby introduced and made known.

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## **CHAPTER 1**

### **DEFINITIONS**

#### **Definitions**

1. (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) has the same meaning and unless the context otherwise indicates

**"absolute majority"** means half the total number of members plus one of a voting body;

**"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;

**"academic plan"** means a framework in which the principles for planning and offering of instructional programmes are prescribed;

**"academic structures"** means academic departments, faculties, units, centres and other academic entities;

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

**"appoint"** means to employ or to assign or designate to someone an office or function;

**"convocation"** means the convocation of the Technikon; **"council"** means the council of the Technikon;

**"days"** means calendar days;

**"deputy vice-chancellor"** means the deputy vice-chancellor (Academic) of the Technikon and includes the vice-principal;

**"employee"** means either an academic or a support services employee, excluding an independent contractor, employed full-time or part-time in a permanent or temporary capacity at the Technikon and who receives, or is entitled to receive, any remuneration, provided that a house committee member, SRC member or external council member is not an employee, but contracted with the Technikon.;

**"instructional programme"** means any programme of education and training offered at the Technikon and in respect of which a Technikon certificate is awarded upon the successful completion thereof;

**"majority"** means a simple majority unless otherwise indicated;

**"months"** means calendar months;

**"nominate"** means the submitting of names for election in accordance with this Statute and any nomination is only valid if countersigned by the nominee to indicate his or her acceptance of the nomination;

**"rules"** means the institutional rules of the Technikon made in terms of section 32 of the Act;

**"semester"** means one half of a calendar year approved by the council on the recommendation of the senate for the academic activities of the Technikon;

**"senate"** means the senate of the Technikon;

**"simple majority"** means more than half of the votes cast, excluding abstentions;

**"SRC"** means the students' representative council of the Technikon;

**"support services employees"** means employees other than academic employees;

**"Technikon"** in the application of this Statute means the Technikon Free State, a technologically based teaching and learning and research higher education institution;

**"vice-chancellor"** means the chief executive and accounting officer of the Technikon and includes the principal.

(2) Unless otherwise indicated in this Statute, if a quorum or required majority of votes is expressed as a mathematical fraction and it happens that the consequent quorum or majority is not an integral number, the next greater integral number is the quorum or majority of votes.

(3) Due notice is deemed to have been given if written notice is sent to the last known address of the person concerned at the commencement of the required period of notice.

## **CHAPTER 2**

### **CHANCELLOR**

#### **Functions of chancellor**

2. (1) The chancellor is the titular head of the Technikon and confers all degrees, certificates and diplomas on behalf of the Technikon.
- (2) The chancellor performs such other functions as assigned to him or her by council.

#### **Term of office of chancellor**

3. (1) The chancellor occupies his or her office for a period of four years unless he or she tenders his or her resignation in writing under his or her hand, addressed to the secretary to the council, or vacates his or her office for any reason before the expiration of the term concerned.
- (2) The chancellor may be removed from office by a resolution of the majority of all members of the council on account of -
  - a. misconduct;
  - b. incapacity to carry out his or her official duties; or
  - c. any other reason that the council deems adequate.

#### **Election of chancellor**

4. (1) The chairperson of the council or in his or her absence the vice-chancellor, determines the date on which a meeting of the council must be held for the purpose of electing a chancellor.
- (2) The date contemplated in subparagraph (1) must be within 90 days after the office of chancellor becomes vacant.
- (3) The secretary to the council must, at least two months, but not more than four months prior to the expiry of the term of office of the chancellor, give due notice to every member of the council of the date, place, and time of the meeting contemplated in sub-paragraph (1) and must invite members of, the council to submit nominations for the office of chancellor on a form approved by the vice-chancellor.
- (4) In order to be eligible for election, a candidate for the office of chancellor must have been nominated in writing, with his or her written consent, by at least four members of council.
- (5) A member may supplement the information on the approved form contemplated in subparagraph (3) by the submission of additional information.
- (6) The completed forms for the nomination of candidates must reach the secretary to the council at least 21 days before the date of the meeting contemplated in subparagraph (1).
- (7) The secretary to the council must, within three days of receiving a valid nomination, give due notice to every member of the council of such nomination.
- (8) The election of the chancellor is by secret ballot, and all nominations are to be treated with the utmost confidentiality at all times.

- (9) A candidate is elected to the office of chancellor by an absolute majority of all the members of the council.
- (10) Each member of the council has only one vote during each ballot.
- (11) There is a series of ballots if no candidate gains a majority with the first ballot.
- (12) In each successive round of voting the candidate with the least support in the previous ballot is eliminated as a candidate.
- (13) The chairperson of the council declares the person who obtains the most votes as properly elected.

#### **Vacancy in office of chancellor**

- 5. (1) If the office of chancellor becomes vacant or the chairperson of the council receives the chancellor's written resignation, the secretary to the council must, within 14 days of the occurrence of the vacancy or of the receipt of the resignation, as the case may be, give due notice to each member of the council of such vacancy or resignation and call for nominations.
- (2) The council must within 90 days of the occurrence of the vacancy elect a new chancellor in accordance with the provisions of paragraph 4.
- (3) If the chancellor is absent or is unable to perform the functions of his or her office for any other reason, the principal, in his or her capacity as vice-chancellor, performs the functions pertaining to the office of chancellor.

### **CHAPTER 3**

#### **VICE-CHANCELLOR AND PRINCIPAL AND DEPUTY VICE-CHANCELLOR VICE-CHANCELLOR AND PRINCIPAL**

##### **Functions of principal**

- 6. (1) The principal is the vice-chancellor.
- (2) The principal, as the chief executive and accounting officer of the Technikon, is responsible for the general management and control of the Technikon.
- (3) The principal, in accordance with subparagraph (2) executes all actions on behalf of the Technikon, and has the power to
  - a. manage and administer the Technikon;
  - b. restructure and reorganise the institution for purposes of effective management and development of the Technikon; and
  - c. give instructions to any employee, student or managerial committee, which instructions must be executed promptly and fully.
- (4) The principal is directly responsible to council.
- (5) The principal is by virtue of his or her office a member of all committees of the council, the senate and all managerial committees.

##### **Membership of council**

- 7. The principal is by virtue of his or her office of the council as contemplated in section 27(4)(a) of the Act.

##### **Conditions of service and term of office**

- 8. (1) The conditions of service of the principal are as determined by the council from time to time.

(2) The principal occupies his or her office for a period determined by the council, subject to reappointment if the council deems it fit.

### **Appointment of principal**

9. The council, while ensuring that the principles of democracy, inclusivity and transparency are complied with, determines from time to time the process of election and appointment of the principal and the criteria to be applied in electing a principal.

### **Absence of principal**

10. (1) If the principal is absent or is unable to perform the duties of his or her office for any other reason, the principal may designate the deputy vice-chancellor as acting principal for that period.

(2) An acting principal has the functions as prescribed by the principal in consultation with the council, on the understanding that he or she may not change existing policy unless with the approval of the executive committee of the council.

(3) If the office of the principal becomes vacant, the council appoints an acting principal in terms of subparagraph (1) until a successor appointed in terms of paragraph 9 assumes office.

### **Vacation of office by principal**

11. The principal vacates office if he or she-
- a. resigns by giving written notice to the chairperson of the council;
  - b. is declared insolvent by a court of law, and the council terminates the services of the principal; or
  - c. is declared unable to attend to his or her personal affairs by a court of law.

## **DEPUTY VICE-CHANCELLOR**

### **Functions of deputy vice-chancellor**

12. The functions of a deputy vice-chancellor are determined by the council.

### **Membership of council**

13. The deputy vice-chancellor is by virtue of his or her office a member of the council as contemplated in section 27(4)(b) of the Act.

### **Manner of appointment of deputy vice-chancellor**

14. The deputy vice-chancellor is appointed by the council for such period as decided by council.

### **Conditions of service of deputy vice-chancellor**

15. The conditions of service of the deputy vice-chancellor are determined by the council.

## **CHAPTER 4**

## **COUNCIL**

### **Membership of council**

16. (1) The members of the council contemplated in section 27(4)(a), (b), (c), (d), (e), (f) and (g) of the Act are as follows-
- a. the principal;

- b. the vice-principal;
- c. three persons appointed by the Minister;
- d. one member of the senate elected by the senate;
- e. one academic employee elected by such employees;
- f. one student elected by the SRC; and
- g. one person elected by the support services employees.

(2) The members of the council contemplated in section 27(4)(h) of the Act are as follows-

- a. the registrar;
- b. two persons with expertise in technology;
- c. one person with legal expertise;
- d. one person with financial expertise;
- e. one person from Trade and Industry;
- f. one person from organised agriculture;
- g. one person from the chamber of mines; and
- h. one person elected by the convocation.

(3) The council may invite persons who are not members to attend meetings of the council, on the understanding that such persons may take part in deliberations but may not vote.

#### **Election of representative of senate on council**

17. (1) When it becomes necessary for the senate to elect its representative to the council as contemplated in section 27(4)(d) of the Act, such representative is elected by secret ballot and a majority of the members present at an ordinary senate meeting.

(2) Nominations of candidates must be in writing, and must be signed by at least two members of the senate and the nominee, and must reach the secretary at least three days before the relevant senate meeting.

(3) Notice of the expiry of the term of office of a senate member on 'the council must be given by the secretary to the senate by including an item on the agenda of the ordinary meeting of the senate preceding the last meeting of the council which takes place during the term of office of such a member.

(4) A member whose term of office expires may be re-elected.

(5) If a representative of the senate on the council vacates his or her office prematurely, the senate elects a successor for the remaining part of his or her term of office at its next meeting.

#### **Election of external persons with specific expertise on council**

18. Whenever it is necessary to elect persons with either financial or legal expertise or expertise in technology, as the case may be, as members of the council as contemplated in paragraph 16(2)(b), (c) and (d), the following procedure is to be followed-

- a. the secretary to the council, in accordance with the procedure determined by the council invites nominations in writing for a financial or legal expert or persons with expertise in technology, as the case may be, to be elected as a member or members of the council;
- b. a nomination must be lodged with the secretary to the council at least 20 days before the date contemplated in subparagraph (a), or such shorter period as indicated by the council;
- c. if only one person is nominated per category in terms of subparagraph (a) the council may declare such candidate to be duly elected;
- d. if more persons are nominated per category than are to be elected, an election committee, appointed by the council, makes a shortlist of at least two, and not more than five nominated candidates for election by the council;



- e. the secretary to the council must draft a ballot paper at least 10 days before the date and time determined for the election containing the names of the short-listed candidates in alphabetical order, and communicate such names to members of the council in the manner as decided on by the council;
- f. the council votes by secret ballot on the date and time determined by the secretary to the council for the election of the external members of the council, one member per particular category;
- g. the secretary to the council acts as electoral officer and is supported by two polling clerks appointed by the chairperson;
- h. the secretary to the council declares the person obtaining the highest number of votes to have been duly elected, and, in the event of an equality of votes, the result is determined by lot by the secretary to the council in the presence of the two polling clerks contemplated in subparagraph (g);
- i. the persons elected in accordance with this paragraph do not represent the institutions or persons who nominated him or her, but must serve on the council in his or her individual capacity as a person with the relevant expertise.

#### **Election of external members**

19. (1) The persons designated by the council to serve as members of the council in accordance with paragraph 16(2)(e), (f) and (g) are elected as follows-
- a. the secretary to the council in accordance with a procedure as determined by the council invites relevant major institutions as indicated by the council to nominate a person to be elected as a member of the council in a particular portfolio;
  - b. a nomination must be lodged with the secretary to the council at least 20 working days before the date and time as determined by him or her for the election of members to the council;
  - c. if only one person is nominated for a particular portfolio, the council may declare such candidate to be duly elected;
  - d. if more than one person is nominated per particular portfolio an election committee, appointed by the council, must make a short-list of three nominated candidates for election by the council;
  - e. the secretary to the council must draft a ballot-paper including the names of the short-listed candidates in alphabetical order, at least 10 working days before the date and time determined for the election, and communicate such names to members of the council in the manner as decided on by the council;
  - f. the council must vote by secret ballot on the date and time determined by the secretary to the council for the election of members of the council, one member per particular portfolio;
  - g. the secretary to the council acts as electoral officer and is supported by two polling clerks who are appointed by the chairperson;
  - h. the persons elected in accordance with this paragraph may not represent the society, structure or person who nominated him or her, but must serve on the council in his or her individual capacity.

#### **Election of employees on council**

20. (1) Whenever it is necessary for academic employees to elect a person as a member of the council as contemplated in section 27(4)(e) of the Act, the following election procedure is to be followed-
- a. the secretary to the council must in accordance with a procedure as determined by council invite nominations in writing for a candidate to be elected to council;
  - b. a nomination must be handed to the secretary to the council at least 5 days before the date and time determined for the election;
  - c. if the number of nominated candidates is not more than the number of persons to be elected, the secretary to the council must declare such candidate as properly elected;
  - d. if more candidates are nominated than the number to be elected, the secretary to

the council must draft and distribute a ballot-paper including the names of all the candidates in alphabetical order, at least 3 working days before the date and time determined for the election;

- e. the academic employees must vote on the date and time determined by the secretary to the council for the election of members of the council, for one candidate by means of secret ballot which is placed in a previously sealed ballot-box;
- f. the secretary to the council acts as electoral officer and is supported by two polling clerks who are appointed by the principal;
- g. the secretary to the council declares the person who obtains most votes as properly elected and, in the case of a tie of votes, the result must be determined by the drawing of lots by him or her in the presence of the two polling clerks referred to in subparagraph (f).

(2) Whenever it is necessary for support services employees to elect a person as a member of the council as contemplated in section 27(4)(g) of the Act, such representative is elected by secret ballot and a majority of the members present at an ordinary meeting of the support services board, and the election procedure as set out in paragraph 17 applies with the necessary changes.

### **Election of representative of students on council**

21. Whenever it is annually necessary for the newly elected students' representative council to elect one of its members as a member to the council as contemplated in section 27(4)(f) of the Act, the following procedure is followed-
- a. nominations of candidates are done by means of a letter signed by two members of the newly elected students' representative council, as well as the nominee, and addressed to the secretary of the students' representative council, provided that the students' representative council must appoint another member of the students' representative council as secretary for the purposes of this election, if the secretary of the students' representative council is a candidate in the election;
  - b. the election must be supervised by the dean of student affairs;
  - c. if more than one candidate is nominated, election must proceed by secret ballot;
  - d. the candidate who obtains the most votes, is elected to the council;
  - e. each member of the students' representative council has one vote;
  - f. in the case of a tie of votes, the result must be determined by means of a drawing of lots by the secretary to the students' representative council, or the other person appointed in accordance with subparagraph (a).

### **Election of representative of convocation on council**

22. (1) Whenever it is necessary for the convocation to elect one of its members as a member of the council, as contemplated in paragraph 16(2)(a), the following procedure must be followed-
- a. the secretary to the convocation must in accordance with a procedure as determined by the council invite all members of the convocation at least 90 days before the date determined by him or her for the election, to nominate in writing a candidate to be elected as a member of the council;
  - b. a nomination referred to in subparagraph (a) must be lodged with the secretary at least 60 days before the date determined for the election;
  - c. each nomination must be signed by at least two members of the convocation and countersigned by the nominee to denote his or her acceptance of the nomination;
  - d. if only one candidate is nominated, the secretary must forthwith declare such candidate to be duly elected;
  - e. if more than one candidate is nominated, the secretary must, at least 30 days before the date determined for the election, post to the members of the convocation ballot papers containing, in alphabetic order, the names of all the candidates, a blank envelope in which to seal the completed ballot paper and a return envelope with the member's name and a place for the member's signature, for his or her declaration of identity and for a signature of a witness;

- f. each member of the convocation is entitled to one vote;
- g. a completed ballot paper sealed in the blank envelope must be placed in the return envelope and returned to the secretary by post;
- h. a ballot paper is invalid-
  - i. if it is received by the secretary after the date determined for the election; or
  - ii. it is not sealed in the blank envelope and returned in the return envelope;
- i. the secretary, assisted by two scrutineers nominated by the council must, after verifying each returned envelope for the identity of membership, count the votes cast for each candidate;
- j. the secretary must declare the member obtaining the highest number of votes to have been duly elected, and, in the event of an equality of votes, the result must be determined by lot by the secretary in the presence of the two scrutineers.

(2) Only a person not employed by the Technikon may be appointed to the council as a representative of the convocation.

### **Term of office of council members**

23. (1) Members appointed, elected or designated in terms of section 27 of the Act, excluding members contemplated in sections 27(4)(a), 27(4)(b), 27(4)(d), 27(4)(e), 27(4)(f) and 27(4)(g) of the Act, hold office for four years, from the date of election by the council.
- (2) The term of office of members contemplated in sections 27(4)(b), 27(4)(e), 27(4)(f) and 27(4)(g) of the Act is one year.
- (3) An officer of the Technikon who becomes a member of the council by virtue of his or her office, remains a member of the council as long as he or she holds the office to which he or she was appointed and by virtue of which he or she is a member of the council.

### **Termination of membership of council members**

24. (1) A member of the council ceases to be a member of the council, and must be informed as such by the secretary, if the member
- a. resigns by giving written notice to the secretary to the council;
  - b. in the case of an appointed, elected or designated member, is absent from three consecutive ordinary meetings of the council without the leave of the chairperson of the council;
  - c. is declared insolvent by a court of law, and the council terminates the membership of such council member;
  - d. is convicted of an offence involving dishonesty or of an offence for which the member is imprisoned without the option of a fine;
  - e. is declared unable to attend to his or her personal affairs by a court of law; or
  - f. is recalled by his or her constituency on the recommendation of the council.
- (2) Vacancies on the council as a result of death, resignation or other causes as contemplated in subparagraph (1) are filled as prescribed in paragraphs 17, 18, 19, 20, 21 and 22 for the unexpired term of office of such predecessor, provided that the council may freeze the filling of a vacancy for the remaining period.

### **Casual vacancies in council**

25. If the membership of a member of the council terminates for any reason before the expiry of the period for which he or she was appointed, elected or designated, the secretary to the council must inform the body or person that appointed, elected or designated the member of the vacancy, and that body or person must appoint, elect or designate a successor for the remaining period, provided that the council may freeze the filling of a vacancy for the remaining period.

**Notification of expiry of term of office**

26. The secretary to the council must at least three months prior to the expiry of the term of office of a member, give written notice of such expiry to the body or person that appointed, elected or designated the member, whereupon the applicable procedure regarding appointment, election or designation must be followed.

**Chairperson, vice-chairperson and other office-bearers of council**

27. (1) Nominations for the offices of chairperson, vice-chairperson and other office-bearers of the council must be in writing to the secretary to the council on a date determined by him or her.
- (2) The vice-chancellor, the deputy vice-chancellor or any employee or student of the Technikon is not eligible for nominations as chairperson or vice-chairperson.
- (3) If more than one candidate is nominated for each portfolio, voting must be by secret ballot.
- (4) The chairperson, the vice-chairperson and other office-bearers of the council must be elected by an absolute majority of the members at a duly constituted meeting of the council.
- (5) The council decides before the elections contemplated in subparagraph (4) on the electoral system to be employed.
- (6) The chairperson, the vice-chairperson and other office-bearers occupy their respective offices for a term of one year from the date following the day on which the previous chairperson, vice-chairperson or other office bearers' terms expire.
- (7) If the chairperson for any reason vacates his or her office prior to the expiry of his or her term of office, the vice-chairperson presides at all council meetings pending the election of a new chairperson.
- (8) If the chairperson and the vice-chairperson are not available for any council meeting, members of the council must elect an acting chairperson from among its members to preside at a particular meeting.

**Secretary to council**

28. (1) As required by section 26(3) of the Act the council must from among its members elect a secretary to the council by means of a secret ballot and a majority of the members present at a duly constituted ordinary meeting of the council.
- (2) The council may appoint any employee to assist the secretary or to act in his or her place.
- (3) The secretary must hold office year, or such shorter period as he or she may be a member of the council.
- (4) The secretary to the council may be re-elected at the expiration of his or her term of office.
- (5) Whenever a vacancy occurs in the office of the secretary, such vacancy must be filled in accordance with subparagraph (1).
- (6) The secretary elected in terms of subparagraph (5) holds office for the unexpired portion of the term of office of his or her predecessor.
- (7) The secretary is the electoral officer at all meetings.

**Meetings of council**

29. (1) The number of meetings, notice of the dates and venues of meetings and the matters to be dealt with are as determined by council from time to time.

(2) The council must formulate standard rules of order for the council and all official committees, including amongst other rules regarding the following-

- a. notice of meeting;
- b. notice of matters to be dealt with at a council meeting;
- c. quorum for a council meeting;
- d. minutes;
- e. discussion of proposals;
- f. voting procedure at a council meeting;
- g. recording of votes at a council meeting;
- h. proposal to be seconded at a council meeting;
- i. ruling of chairperson; and
- j. attendance of non-members.

### **Extraordinary meeting**

30. An extraordinary meeting of the council must be convened by the chairperson at any time, at the written request of at least nine members if-
- a. the purpose of the meeting is stated in such request;
  - b. no business other than that stated in the request is dealt with at the meeting; and
  - c. at least ten days notice of such meeting can be given.

### **Drafting, amending, supplementing or repealing of Statute**

31. (1) A motion to draft, amend supplement, or repeal the statute may only be adopted if an absolute majority votes in favour of it.
- (2) If fewer than an absolute majority vote for such a motion, the motion may be resubmitted at the next ordinary meeting, where it may only be adopted if at least two-thirds of the members present vote in favour thereof.
- (3) If the motion has not been adopted by at least two-thirds of the members present at the meeting referred to in subparagraph (2), the motion lapses.

### **Financial and other interests of members**

32. (1) Any member of the council or a committee who has a direct financial or personal interest in any matter to be discussed by a meeting of the council or the committee must declare such interest before the commencement of the meeting.
- (2) Any person has the right to inform the chairperson in writing, before any meeting, of any possible conflict of interest in respect of any member of the council or a committee.
- (3) The chairperson is then obliged to place the matter as a first item on the agenda for the council or a committee to discuss.
- (4) The member so affected must be given an opportunity to respond, whereafter a ruling is made in his or her absence.
- (5) The affected member is thereafter called into the meeting where the decision of the council or a committee must be communicated to him or her.
- (6) After such declaration or in the event that the council or the committee finds that such an interest exists, such member of the council or a committee must excuse himself or herself from the meeting before the issue in which he or she has an interest, is discussed.
- (7) If the person excusing himself or herself from the meeting is an officer of the Technikon, the chairperson of the council or a committee may nominate a suitable alternative from the relevant structure or department to attend the meeting in the place of the person who has excused himself or herself.

(8) In the event that the person excusing himself or herself is the chairperson of the meeting, the vice-chairperson assumes the duty as chairperson of such meeting.

(9) In the event that there is no vice-chairperson, and with due regard to paragraph 27(2) the council or a committee elects by a majority vote a member of the council or a committee to act as the chairperson.

(10) Failure to disclose an interest by an employee of the Technikon in terms of subparagraph (1), or to excuse himself or herself in terms of subparagraph (6), constitutes misconduct in terms of Chapter 9.

#### Executive committee and other committees of council

33. (1) The council may appoint standing committees of the council to address issues as indicated in the Act, and the provisions of paragraphs 29, 30, 31 and 32 apply with the necessary changes.

(2) If the council appoints a committee in terms of section 29 of the Act, the provisions of paragraphs 29, 30, 31 and 32 apply with the necessary changes.

(3) The council, the senate and any other official committee established in accordance with section 29 of the Act, may establish an executive committee with such powers and duties as determined by the council.

(4) Members of committees instituted in accordance with subparagraph (1) and (2) hold office for a maximum period of four years and the functions of such committees are as determined by the council.

## CHAPTER 5

### SENATE

#### The manner of election or designation of members of senate

34. (1) The members of the senate contemplated in section 28(2) of the Act are the following-

- a. the principal;
- b. the executive assistant of the principal;
- c. the vice-principal;
- d. one member of the council not employed by the Technikon;
- e. two members of the students' representative council;
- f. the academic employee representative elected by the academic employees;
- g. the support staff representative elected by the support staff;
- h. the deans of faculties;
- i. the dean: student affairs;
- j. the heads of department of the academic departments;
- k. the heads of the library and information centre;
- l. the chairperson of the student support services council;
- m. the head of the student guidance services department;
- n. the chairperson of the central research committee,
- o. all other professors in the academic structures of the Technikon;
- p. the head of academic administration; and
- q. any other employee as determined by the council.

(2) Whenever it is necessary for the council to elect its representative as member of the senate as contemplated in subparagraph 1(d), the following procedure must be followed-

- a. nominations of candidates must be made in writing signed by two members of the council as well as the nominee and addressed to the secretary to the council;
- b. if more than one candidate is nominated, voting must be by secret ballot;
- c. the candidate obtaining the most votes must be elected to the senate;
- d. every member of the council has one vote;



- e. in the case of a tie of votes, the result must be determined by the drawing of lots by the secretary to the council.

(3) (a) Whenever it is necessary for a member of the SRC to be elected to the senate as contemplated in section 28(2)(f) of the Act and paragraph 34(1)(e) the secretary to the senate notifies the chairperson of the SRC accordingly.

- b. The SRC elects two of its members to the senate by means of a secret ballot and a majority of the members present at an ordinary meeting of the SRC provided that one of the members elected to the senate must occupy the academic portfolio in the SRC.
- c. The chairperson of the SRC submits the name of the member elected to the secretary to the senate.

(4) Whenever it is necessary for employees of the Technikon to elect persons as members of the senate as contemplated in subparagraph (1)(f) and (a) the provisions of paragraph 20 apply with the necessary changes.

#### **Term of office of members of senate**

35. (1) The members of the senate who become members of the senate by virtue of their office, remain members of the senate as long as they hold the offices to which they were appointed and by virtue of which they are members of the senate, provided that members of the senate contemplated in paragraph 34(1)(f) (g) and (q) are subject to annual re-elections.

(2) In case of a vacancy, the constituency that elected or designated such a member must fill such vacancy.

#### **Functions of senate**

36. (1) Subject to the provisions of the Act, the senate-

- a. makes recommendations to council concerning the policy and procedure for the creation of new teaching and learning and research programmes and structures as well as the dissolution of such structures and programmed;
- b. approves the constitutions of faculty boards, centres, units and other academic entities;
- c. approves the appointment of academic deans and the acting deans of each faculty;
- d. prescribes the functions of the deans and heads of departments;
- e. approves the appointment of heads of departments and heads of centres, institutes and other academic structures;
- f. monitors and advises on quality tuition in the various faculties, departments, centres, institutes, lectures and classes;
- g. approves policy and procedure for the appointment of all examiners;
- h. makes recommendations to the council concerning the policy and procedure for determination of the minimum requirements for degrees, diplomas, certificates and other academic awards, including the admission requirements to study for such degrees, diplomas, certificates and other academic awards and the conditions for the granting of equal status to persons that have studied at other higher education institutions;
- i. approves the procedure for the awarding of degrees, diplomas, and certificates as well as the nature of the academic dress;
- j. regulates all matters relating to academic meetings for which no provision has been made in the Statute;
- k. makes recommendations to council concerning the appointment of professors, associate professors, professors emeriti, special category appointments and the persons to whom honorary degrees may be awarded;
- l. makes recommendations to the council in accordance with the deeds of gift concerned, and rules regarding the conditions for the awarding of and duration of scholarships and prizes at the disposal of the Technikon, makes submissions to the

council for consideration from time to time with regard to the awarding of such scholarships and prizes and determines from time to time, the extent to which a holder of any scholarship has complied with the conditions;

- m. makes recommendations to council concerning the amendment, supplementation, or repeal of disciplinary rules in the academic sphere;
- n. approves the constitutions of the executive committee of the senate and other standing committees of the senate;
- o. approves and implements the academic plan of the institution, and ensures that all academic activities of the various facilities adhere to the mission of the Technikon;
- p. may conduct an assessment in respect of any instructional programme or a subdivision of an instructional programme offered by the Technikon; and
- q. may design the format of a Technikon diploma, degree or certificate with the concurrence of the council.

(2) The senate may delegate or assign any of its powers and functions to a member or a committee of the senate.

(3) The senate is not divested of any power, nor relieved of any functions or duty delegated or assigned in terms of subparagraph (2), and may amend or set aside any decision of any such person or committee at the meeting of the senate following such decision.

### **Election of chairperson and vice-chairperson**

37. (1) Nominations for the chairperson and the vice-chairperson of the senate must, with their respective consent, be submitted in writing to the secretary to the senate on a date determined by him or her.

(2) The chairperson or the vice-chairperson of the senate may not be a student of the Technikon.

(3) If more than one candidate is nominated for one of offices, voting must be by secret ballot.

(4) A candidate may only be elected to office of the chairperson or vice-chairperson by an absolute majority of the members present at a duly constituted meeting of the senate.

(5) Each member of the senate has only one vote during each round of voting, provided that there must be a series of ballots if no candidate gains an absolute majority in the first ballot.

(6) In each successive round of voting the candidate who gained the least support in the previous ballot is eliminated as candidate

(7) The chairperson and vice-chairperson occupy their respective offices for a term of one year, or for such shorter period as the chairperson or vice-chairperson may be a member of the senate.

(8) The chairperson and the vice-chairperson are eligible for re-election.

(9) Whenever a vacancy occurs in the office of chairperson or vice chairperson, the provisions of subparagraphs (1), (2), (3), (4), (5) and (6) are applicable to the filling of the vacancy.

(10) If the chairperson and the vice-chairperson are not available for any senate meeting, members of the senate must elect an acting chairperson from among its members to preside at the particular meeting.

### **Secretary to senate**

38. (1) The senate must in terms of section 26(3) of the Act from among its members elect a secretary to the senate by means of a secret ballot and a majority of the members present at a duly constituted ordinary meeting of the senate.



- (2) The secretary holds office for one year, or such shorter period as he or she may be a member of the senate.
- (3) The secretary to the senate may be re-elected at the expiration of his or her term of office.
- (4) Whenever a vacancy occurs in the office of the secretary, such vacancy must be filled in accordance with subparagraph (1).
- (5) The secretary elected in terms of subparagraph (4) holds office for the unexpired portion of the term of office of his or her predecessor.
- (6) The secretary to the senate is also the secretary of committees of the senate.
- (7) The council may appoint an employee of the Technikon to assist the secretary in his or her duties as secretary or to act in his or her place.

### **Meetings of senate**

- 39. (1) At least two ordinary meetings of the senate must be held during each semester of the academic year.
- (2) Ordinary meetings of the senate are held on the dates, and at the times and places, as determined by the senate.

### **Attendance of meetings by non-members**

- 40. (1) The senate may invite persons who are not members to attend a meeting.
- (2) The persons contemplated in subparagraph (1) may take part in the discussions but are not allowed to vote.

### **Quorum for senate meetings**

- 41. A quorum consists of half plus one of the total number of members.

### **Rules of order**

- 42. The rules of order as formulated in accordance with paragraph 29(2) apply with the necessary changes to the senate.

### **Amendment of rules**

- 43. No proposal to make, amend, or repeal a rule contemplated in section 32(1)(b) of the Act may be considered by the council unless it was accepted by at least two thirds of the total number of members at an ordinary meeting of the senate.

### **Extraordinary meetings**

- 44. (1) The chairperson to the senate or in his or her absence his or her representative may convene an extraordinary meeting at any time if he or she deems it necessary, and must convene such a meeting if he or she is requested to do so in writing by at least ten members of the senate if the purpose of such meeting is stated in such request.
- (2) No matter not stated in such request must be transacted at such meeting contemplated in subparagraph (1) except with the consent of the meeting following an uncontested motion.

### **Committees of senate**

- 45. (1) Committees of the senate may be established by the and have such functions as indicated by the senate.
- (2) The members of standing committees of the senate are elected biennially by secret

ballot by way of an electoral system previously determined by the senate.

(3) Members of committees established for particular purposes hold office as long as are deemed necessary by the senate.

(4) The first meeting of every committee is called by the person elected by the senate as, the convenor of that committee, or failing the election of a convenor, by the secretary to the senate.

(5) Every committee elects a chairperson at its first meeting before transacting any other business, unless the senate at the time of electing the committee appointed a chairperson.

(6) The chairperson of a committee must submit at every ordinary meeting of the senate a report of the activities of the relevant committee.

#### **Financial or other interests of committee members to be declared**

46. The provisions contained in paragraph 32 apply with the necessary changes to committee members of the senate.

## **CHAPTER 6**

### **INSTITUTIONAL FORUM**

#### **Composition of institutional forum**

47. The institutional forum of the Technikon comprises of the following numbers per category

- a. (a) one person representing the principal's office;
- b. (b) one person representing the vice-principal's office;
- c. one persons representing operations;
- d. one person representing financial administration;
- e. one person representing institutional administration;
- f. two persons representing the council;
- g. four persons representing the senate, a member from each faculty
- h. one person representing academic employees;
- i. one person representing support services employees;
- j. two persons representing students;
- k. one person representing, the budget, planning and operations committee;
- l. two persons representing employee unions recognised by the Technikon;
- m. one person representing the registrar: academic;
- n. one person representing the dean: student affairs;
- o. one person representing the student support services council;
- p. one person representing human resources;
- q. one person representing the legal services;
- r. one person representing the secretariat;
- s. one person representing integrated technology;
- t. one person representing quality assurance;
- u. one person representing corporate relations,
- v. one person representing research development;
- w. one person representing the institutional commission; and
- x. one person representing the joint planning, advisory and budget committee

#### **Election of members of council as representatives on institutional forum**

48. Whenever it is necessary for the council to elect and appoint two of its members as representatives on the institutional forum as contemplated in section 31(2)(b) of the Act, such members must comprise the chairperson of the council and such other representative as elected by the council from amongst its external members and appointed to the institutional forum by

the chairperson of the council. In case of the latter, the following procedure must be followed-

- a. nominations of candidates must be made by letter signed by two members as well as the nominee and addressed to the secretary to the council;
- b. if more than one candidates are nominated, voting must be by secret ballot;
- c. the candidate obtaining the most votes, must be elected to the institutional forum;
- d. every member of the council has one vote;
- e. in the case of a tie of votes, the result must be determined by the drawing of lots by the secretary to the council.

#### **Election of members of senate as representatives on institutional forum**

49. Whenever it is necessary for the senate to elect from among its members four representatives, one per faculty, to the institutional forum as contemplated in section 31(2)(c) of the Act, the following procedure must be followed-

- a. nominations of candidates must be made by letter signed by two members as well as the nominee and addressed to the secretary to the senate;
- b. if more than one candidate is nominated per faculty, voting must be by secret ballot;
- c. the candidate obtaining the most votes per faculty, must be elected to the institutional forum;
- d. every member of the senate has one vote for each faculty representative;
- e. in the case of a tie of votes, the result must be determined by the drawing of lots by the secretary to the senate.

#### **Election of academic employee as representative on institutional forum**

50. Whenever it is necessary for the academic employees to elect a person as representative of the institutional forum as contemplated in section 31(2)(e) of the Act, the election procedure as set out in paragraph 20 applies with the necessary changes.

#### **Election of support services employees as representative on institutional forum**

51. Whenever it is necessary for the support services employees to elect a person as representative of the institutional forum as contemplated in section 31(2)(e) of the Act, the election procedure set out in paragraph 20 applies with the necessary changes.

#### **Election of representatives of students on institutional forum**

52. (1) The SRC chairperson is appointed to the institutional forum by the chairperson of the council.

(2) The SRC must elect another representative according to the following procedure

- a. nominations of candidates are by means of a letter signed by two members of the SRC, as well as the nominee, and addressed to the secretary to the SRC, provided that the SRC must appoint another member of the SRC as secretary for the purposes of this elections, if the secretary to the SRC is a candidate in the election, provided further that only with an appropriate portfolio may be nominated;
- b. if more than one candidate is nominated, election must proceed by secret ballot;
- c. the candidate who obtains the most votes, is elected to the institutional forum;
- d. each member of the SRC has one vote;
- e. in the case of a tie of votes, the result must be determined by means of a drawing of lots by the secretary to the SRC.

#### **Members of unions as representatives on institutional forum**

53. The chairpersons of the employee unions recognised by the Technikon are appointed as members of the institutional forum by the chairperson of the institutional forum.

**Appointment of other members of institutional forum**

54. The representatives to be appointed in accordance with paragraph 47(k) to (x) are designated by council on recommendation of the principal.

**Election of chairperson, vice-chairperson and secretary**

55. (1) The members of the institutional forum, at the first meeting of the institutional forum, elect from their number in a manner decided upon beforehand a chairperson, a vice-chairperson and a secretary, who each holds office for a period of one year.
- (2) The principal acts for the duration of the election of a chairperson as acting chairperson.

**Term of office of members of institutional forum**

56. The term of office of members of the institutional forum is as determined by their respective constituencies.

**Meetings of institutional forum**

57. (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 and register of resolutions apply to the meetings of the institutional forum.
- (2) A decision is deemed to have been taken by the institutional forum if, in the opinion of the chairperson, sufficient consensus has been reached.

**Constitution of institutional forum**

58. The council, in accordance with section 32(1)(b) of the Act, may make rules that comprise the constitution of the institutional forum.

## **CHAPTER 7**

### **CONVOCATION**

**Composition of convocation**

59. The convocation consists of-
- a. all persons to whom the Technikon has awarded a degree, diploma or other certificate;
  - b. members of the permanent academic employees; and
  - c. such other persons and employees of the Technikon as the council may determine.

**Secretary to convocation**

60. (1) The secretary to the convocation must be elected by the convocation from among its members.
- (2) The council may appoint any other employee to assist the secretary to the convocation or to act in his or her place.
- (3) At an election the secretary to the convocation acts as electoral officer and he or she must be assisted by two scrutineers appointed by the council, provided that a person who has been nominated must be replaced by another person appointed by the council.

**Convocation roll**

61. (1) The secretary to the convocation keeps a convocation roll showing the full names and the addresses of the members of the convocation.

(2) It is the duty of every member of the convocation to notify the secretary in writing of any change of address and such address is regarded as the member's registered address.

(3) The fact that the name of a person appears on the convocation roll is sufficient proof of his or her membership of the convocation and of the fact that he or she is entitled to vote.

### **Chairperson and vice-chairperson of convocation**

62. (1) In the absence of both the chairperson and the vice-chairperson the members present must under the guidance of the secretary to the convocation, elect a chairperson for that meeting from among themselves

(2) The chairperson and the vice-chairperson of the convocation must be elected by the convocation from amongst its own members and each holds office for a period of four years.

(3) If the chairperson for any reason vacates his or her office prior to the expiry of his or her term of office, the vice-chairperson must act as chairperson until the convocation has elected a new chairperson for the unexpired portion of such term of office.

### **Meetings of convocation**

63. (1) All meetings of the convocation take place at the Technikon, unless the council, after consultation with the senate, decides otherwise.

(2) There must be at least two meetings per year, one of which is an annual general meeting at which elections of office-bearers take place.

(3) A meeting of the convocation may be convened by the chairperson at any time if he or she deems it necessary, and must be convened by the secretary when a written request signed by at least 20 members is lodged with him or her, provided that the matters for consideration at such meeting are stated in the form of specific motions and that no matters other than those stated in such request may be discussed at such meeting.

(4) The meeting contemplated in subparagraph (3) must be convened by the secretary as soon as possible after but at any event within two months of receipt of such request.

### **Executive committee of convocation**

64. (1) The executive committee of the convocation must-

- a. administer the affairs of the convocation;
- b. discuss and on behalf of the convocation state its opinion upon any matters relating to the Technikon or to the convocation, including matters which may be referred to it by council; and
- c. administer such funds as may be allocated to it from time to time by council.

(2) The executive committee of the convocation consists of such members as determined by council from time to time.

(3) The executive committee members are elected in accordance with the procedure determined by the electoral officer, who for this purpose is the secretary to the convocation.

### **Funds of convocation**

65. All monies pertaining to the business of the convocation are administered by the finance department of the Technikon according to the Technikon's financial policies.

### **Notice of meetings of convocation**

66. Notice of a meeting of the convocation with a statement of the business to be brought before the meeting must be sent at least 14 days before such meeting to every person who is a member, or

who at the time of the meeting, is eligible to be a member.

### **Quorum, and procedure at meetings of convocation**

67. (1) Fifty members constitutes a quorum for the purposes of convocation meetings and five members constitute a quorum for purposes of executive committee meetings.
- (2) The procedure at a meeting of the council applies with the necessary changes to meetings of the convocation.
- (3) A copy of all resolutions of the convocation and declarations concerning all other matters on which the convocation may decide, duly certified by the chairperson and the secretary, must be sent to the secretary to the council and the secretary to the senate for the information of the council and the senate respectively.

## **CHAPTER 8**

### **STUDENTS**

#### **Registration of students**

68. (1) Every person registering as a student at the Technikon must sign the official registration form, thereby binding himself or herself to such conditions and rules as the council may determine.
- (2) A person registered as a student of the Technikon is registered for the ensuing academic year or semester or for such shorter period as may be determined by the council after consultation with the senate generally or in any particular case.
- (3) No person is enrolled for a course for any degree or diploma or certificate unless he or she has satisfied all the pre-requisites laid down in the rules concerned.

#### **Student discipline**

69. (1) A student of the Technikon is subject to the disciplinary measures and procedures contained in the rules in respect of disciplinary action as prescribed by the council in accordance with section 32(2)(d) of the Act and the council may cancel the registration of a student or, for a specified period suspend registration of a student or admission to and accommodation in any student hostel or residence of the Technikon or his or her right or entitlement to utilise any other Technikon facilities if, at any time after due inquiry, the council is satisfied that such disciplinary measures and procedures are in the best interest of the Technikon.
- (2) The dean: student affairs is responsible for all student affairs.

#### **Student support services council**

70. The student support services council monitors and supervises all student support services.

### **Student's representative council (SRC)**

#### **Composition**

71. (1) The SRC contemplated in section 35 of the Act consists of not more than 20 and not fewer than 12 members.
- (2) To be nominated as an SRC candidate, a student must meet the following requirements-
- a. he or she must identify or associate himself or herself with the mission of the Technikon;
  - b. he or she must be a registered full-time year or semester student completing two

- semesters in the same year; and  
c. he or she must be a student who does not practice a career on a full-time basis.

(3) The secretary to the SRC acts as secretary at the meetings of the SRC.

(4) The meeting procedures of the SRC, the manner of election of the chairperson, the vice-chairperson and the secretary, and the contents of the portfolios in the SRC are as prescribed in the constitution of the SRC and approved by the council.

### **Election of members**

72. (1) Nominations for candidates for the SRC must be signed by eight students with a right to vote, and must be countersigned by the nominee.

(2) A student has the right to vote if and so long as he or she is registered as a year or a semester student for an instructional programme at the Technikon and has paid the minimum required fees.

(3) An election is conducted by secret ballot.

(4) The council must, after consultation with the existing SRC, nominate a person to officiate as electoral officer for the election of members of the SRC.

(5) The chairperson and the vice-chairperson must be elected by the members of the SRC at a special meeting convened for that purpose

### **Term of office of members**

73. The term of office of members of the SRC is one year, provided that members of the SRC are eligible for re-election.

### **Functions and privileges**

74. (1) The SRC is the highest body of authority among students, and agreements between the SRC and the Technikon council bind all students

(2) The SRC acts on behalf of the Technikon only with the prior approval of the principal.

(3) The SRC represents, co-ordinates and promotes student interests and is accountable at all times to the students.

(4) The SRC must uphold the pursuit of academic freedom, including the following-

- a. preserving and promoting the interests of the student community and of the Technikon;
- b. carrying out all duties and responsibilities as agreed upon in meetings of the SRC within the rules and policies of the Technikon;
- c. respecting and upholding the constitution and the code of conduct for students and the SRC,
- d. protecting and promoting the good image of the SRC at all times;
- e. enhancing unity and co-operation among students;
- f. managing society life on campus and rendering any assistance necessary;
- g. convening all student general meetings on campus; and
- h. at all times be subject to the final authority of the principal of the Technikon.

(5) The privileges of members of the SRC are as determined by the council.

## **CHAPTER 9**

### **APPOINTMENT AND CONDITIONS OF SERVICE OF TECHNIKON EMPLOYEES**



**Appointment of employees**

75. The appointment of every employee of the Technikon is subject to the general authority of the council.

**Conditions of service, service benefits and leave privileges or employees**

76. The conditions of service of terms or employment of Technikon employees relating to hours of work, leave privilege, holidays, benefits, allowances, grievances, achievement, performance appraisal, termination of service, promotion, working conditions and others are as determined by the council, subject to the applicable labour law.

**Discipline**

77. The council determines the disciplinary and grievance provisions and disciplinary measures and procedures for employees subject to the applicable labour law.

**CHAPTER 10****AWARDS****Degrees, diplomas and certificates**

78. (1) The council has the power to confer upon any persons after assessment in accordance with this Statute, the Act, and the rules of the Technikon such degrees, diplomas or other awards as the Technikon may have constituted.
- (2) The council has the power, in accordance with this Statute, the Act, and the rules of the Technikon, to admit a person to an honorary degree of Doctor of the Technikon, whether or not that person has graduated at the Technikon or any other higher education institution, in consultation with the state.
- (3) The council has the power to cancel an award previously conferred upon a person by the Technikon.
- (4) The council has the power to determine the requirements and standards to be applied in the Technikon, and which must be adhered to before a degree, diploma or certificate may be obtained.
- (5) The council has the power to formulate the admission requirements of the institution and for degrees, diplomas and certificates.

**Introduction of instructional programme**

79. (1) The council may introduce an instructional programme, and approve the process of determination of the admission requirements and curriculum for such instructional programme.
- (2) The senate must implement and supervise the process as determined in subparagraph (1).

**Recognition of equivalent status and exemption of examinations by council**

80. (1) The council approves the process for recognition of equivalent status or exemption of examination which a student at the Technikon has passed at any other higher education institution for the purpose of the said students' obtaining a degree, diploma or certificate at the Technikon.
- (2) The senate must implement and supervise the process as determined in subparagraph (1).

**CHAPTER 11**



## GENERAL PROVISIONS

### Academic functions of Technikon

81. Subject to section 28(1) and 32(2)(b) of the Act, the academic functions of the Technikon are as determined by the council.

### Seal of Technikon

82. (1) The principal is the custodian of the Technikon's seal.
- (2) In the case of any certificate for a degree or diploma the seal may be affixed in the presence of and be attested by the principal alone.
- (3) The custodian may authorise the affixing of the seal to any document, and the affixing of the seal on such authorisation is attested by the signature of the custodian and of the officer who affixed it.

### Contracts

83. Contracts made by or on behalf of the Technikon is validly made and binding on the Technikon if made by the principal or any person to whom the council may delegate the power.

### Documents of Technikon

84. (1) The Technikon may make and execute any document in the performance or exercise of its functions or powers or in connection with any matter reasonably incidental to or consequential upon the performance or exercise of its functions or powers.
- (2) Any document purporting to be duly executed under the seal of the Technikon is admitted in evidence and, unless the contrary is proved, is deemed to have been duly executed.
- (3) The Technikon stores all official documents in accordance with a system as decided by the council, and the council must decide and act on the confidentiality of such documents.

### The general powers of Technikon

85. Subject to the other provisions of this Statute and the Act, the Technikon has the power to do all such things as are necessary for, or incidental or conducive to, or connected with, the furtherance of its functions and may in particular, but without prejudice to the generality of the foregoing, and without limiting inherent statutory powers-
- a. acquire, take on lease, purchase, hold and enjoy property of any description and sell, let or otherwise dispose of or deal with the same in such manner and to such extent as the law would allow if the property were held by a natural person in the same interest;
  - b. enter into any contract;
  - c. erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve, keep in repair and regulate its buildings, premises, furniture and equipment and other property;
  - d. set terms of remuneration and conditions of service for employees;
  - e. engage persons on a part-time basis;
  - f. provide appropriate amenities, including residential accommodation, facilities for social activities and physical recreation, for its students and persons in its employment;
  - g. receive and expend funds;
  - h. invest its funds in such manner and to such extent as it thinks necessary or expedient;
  - i. borrow money in such manner and on such securities or terms as it thinks expedient;
  - j. apply for and receive any grant in aid for its functions on such conditions as it

- thinks fit;
- k. engage any professional or expert person to advise it on any matter,
  - l. fix and collect fees and charges for courses of study, facilities and other services provided by it and specify conditions for the use of such facilities and services;
  - m. reduce, waive or refund fees and charges so fixed generally or in any particular case or class of case;
  - n. receive and solicit gifts, whether on trust or otherwise, on its behalf and act as trustee of moneys or other property vested in it on trust;
  - o. acquire, hold and dispose; of interests in other corporate bodies and form or take part in forming corporate bodies,
  - p. provide for profit or otherwise advisory, consultancy, research and other related services;
  - q. print, produce or publish any manuscript, book, play, music, script, programme or other materials, including video and audio material and computer software as the Technikon thinks appropriate or expedient.;
  - r. formulate rules, policy and procedures to govern and manage the Technikon effectively, which rules, policy and procedures must be adhered to by all students and employees.

## **CHAPTER 12**

### **REPEAL OF PREVIOUS STATUTE**

#### **Repeal of previous Statute**

86. (1) The Statute applicable to the Technikon of the Free State published by Government Notice No. 1649 of 7 October 1994, as amended by Government Notice No. 1781 of 8 November 1996, as corrected by Government Notice No. 1937 of 29 November 1996 and as further amended by Government Notice No. 624 of 25 April 1997 is hereby repealed with effect from the date on which this Statute comes into operation.
- (2) Anything done, any body established and person appointed to an office under a provision of the Statute repealed by subparagraph (1) is deemed to have been done, established or appointed under the corresponding provision of this Statute, provided that such provisions are not inconsistent with any provision of this Statute or the Act.