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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 1124

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HIGHER EDUCATION ACT, 1997

STATUTE OF THE PORT ELIZABETH TECHNIKON

The council of the Port Elizabeth Technikon has made this 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 Higher Education Act, 1997 (Act No. 101 of 1997), 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 Port Elizabeth 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

PREAMBLE

WHEREAS IT IS DESIRABLE that the Technikon of Port Elizabeth applies and extends knowledge by means of teaching and research in accordance with internationally recognised standards in order to -

EDUCATE and train students for high-level careers to meet the needs of South Africa;

BE in the forefront of the innovation and transfer of technology; and

PROMOTE economic growth and the technological and social advancement of the Nation.

NOW THEREFORE, the Technikon will, from time to time adopt policy and set in place procedures and mechanisms to ensure the realisation of these objectives.

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DEFINITIONS

1. (1) In this Statute any expression to which a meaning has been assigned by the Higher Education Act, 1997 (Act No. 101 of 1997) has the same meaning so assigned to it, and unless it is inconsistent with the context -

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

“appointment” means employing, or assigning, or designating a task or functions to someone;

“board of faculty” means the dean, the permanent academic employees of the faculty concerned, and at least one student representative as determined by the board of faculty;

“chancellor” means the chancellor of the Port Elizabeth Technikon;

“chief director (finance and services)” means an employee of the Technikon appointed by the council as “chief director (finance and services)”;

“convocation” means the convocation of the Port Elizabeth Technikon;

“council” means the council of the Port Elizabeth Technikon;

“deed of trust” means the legal document providing for the establishment, powers and functions of the board of trustees of the Port Elizabeth Technikon Trust Fund;

“donor” means any body or person that donates to the Technikon an amount in cash or kind as may be determined by the council from time to time, or who has undertaken to donate such an amount to the Technikon, in regular instalments over a period of not more than four years and who is not in arrears with the instalments;

“employee” means a person 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;

“employee organisation” means an organisation which consists of employees, excluding members of the rectorate of the Technikon, formally associated together and organised in a staff association or trade union for the purpose of regulating relations between themselves and the Technikon and which is recognised by the council on such conditions as have been negotiated between the council and the employee organisation;

“faculty committee” means the dean and heads of department of the faculty concerned;

“management” means the rectorate of the Technikon contemplated in paragraph 20(1) of this Statute;

“nominate” and **“nomination”** means the act of submitting names for election;

“principal” means the rector and vice-chancellor of the Technikon;

“registrar” means an employee of the Technikon appointed by the council as “registrar”;

“service employee” means an employee appointed on post levels 15 to 18 in terms of the job grading system of the Technikon, and includes the following categories of employees: cleaners, drivers, messengers and security staff;

“student general council” means the executive committee of the students' representative council and two elected representatives from each of the recognised student societies;

“Technikon” means the Port Elizabeth Technikon;

“vice-principal” means the vice-rector or vice-rectors of the Technikon.

(2) 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.

CHANCELLOR

Powers and functions

2. (1) The chancellor is the titular head of the Technikon and confers all diplomas and degrees on behalf of the Technikon.

(2) The chancellor performs such other functions as assigned to him or her by council.

Manner of election, term of office and vacation of office

3. (1) The council, while ensuring that the principles of democracy, inclusivity and transparency are complied with, determines from time to time the process of election of a chancellor and the criteria to be applied in electing a chancellor.

(2) The chancellor occupies his or her office for a period of four years and is eligible for re-election when his or her term of office expires.

(3) The chancellor vacates his or her office if he or she, by writing under his or her hand, addressed to the secretary of the council, resigns as chancellor.

(4) The chancellor may be removed from office by a resolution of at least two-thirds of the members of the council on account of incapacity to carry out his or her official duties or any other reason that the council deems adequate.

PRINCIPAL

Powers and functions

4. (1) The principal, as the chief executive officer of the Technikon, is responsible for the general management and control of the Technikon.

(2) The principal is directly responsible to council.

(3) In the absence of the chancellor, the principal, in his or her capacity as vice-chancellor, executes the powers and perform the functions pertaining to the office of chancellor.

(4) The principal may, on such conditions as he or she may determine, delegate any of his or her powers under the Act to an employee of the Technikon.

(5) The principal is by virtue of his or her office a member of all committees of the council and the senate.

Manner of appointment, term of office and filling of vacancy

5. (1) 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.

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

(3) If the principal is absent or unable to perform the duties of his or her office for any other reason, the principal in consultation with the council may designate a vice-principal as acting principal for that period.

(4) An acting principal has the same privileges and functions as the principal on the understanding that he or she may not change existing policy.

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

COUNCIL

Membership of council

6. (1) The members of the council contemplated in section 27(4)(b), (d), (e), (f) and (g) of the Act are -

- (a) two vice-principals;
- (b) two representatives of the senate;
- (c) two representatives of academic employees;
- (d) two representatives of students; and
- (e) two representatives of employees other than academic employees.

(2) The number of persons contemplated in section 27(4)(c) of the Act may not be more than four.

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

- (a) one person elected in the manner contemplated in paragraph 10 of the Statute, by the convocation;

- (b) two persons elected in the manner contemplated in paragraph 11 of the Statute, by the donors;
- (c) one person designated by the black management forum;
- (d) one person designated by the Engineering Council of South Africa;
- (e) one person designated by the Port Elizabeth City Council;
- (f) one person designated by the George City Council;
- (g) one person designated by the Committee of Technical College Principals (Eastern Cape);
- (h) one person designated by the Eastern Cape African Chamber of Commerce;
- (i) one person designated by the Small Business Development Corporation;
- (j) one person designated by the Afrikaanse Sakekamer, Port Elizabeth;
- (k) one person designated by the Congress of South African Trade Unions;
- (l) one person designated by the Port Elizabeth Regional Chamber of Commerce and Industry;
- (m) one person designated by the Department of Education and Culture (Eastern Cape);
- (n) the chief director (finance and services).

(3) The number of persons contemplated in section 27(4)(h) of the Act may not be more than sixteen.

(4) 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.

(5) The registrar is the secretary of the council, on the understanding that the principal may assign any other member of staff to assist the secretary or to act in his or her place.

Election of representatives of senate on council

7. (1) When it becomes necessary for the senate to elect its representatives to the council as contemplated in section 27(4)(d) of the Act, such representatives are elected by secret ballot and a

majority of the members present at an ordinary meeting of the senate.

(2) No person may be elected unless he or she has been nominated in writing by two members and he or she has confirmed by his or her signature that he or she accepts the nomination.

(3) The signed nomination contemplated in subparagraph (2) must reach the secretary of the senate at least two days before the date of the meeting.

Election of representatives of employees on council

8. (1) Whenever it is necessary for employees of the Technikon to elect persons as members of the council as contemplated in section 27(4)(e) and (g) of the Act the secretary of the council, by written notice, invites each of the recognised employee organisations as well as employees who are not members of such employee organisations, to nominate in writing candidates to be elected as members of the council.

(2) A nomination contemplated in subparagraph (1) must be lodged with the secretary of the council on a date determined by him or her.

(3) Each nomination contemplated in subparagraph (1) must be signed by at least five employees and countersigned by the nominee to denote his or her acceptance of the nomination.

(4) If only one candidate is nominated in accordance with subparagraph (1), the secretary of the council declares such candidate to be duly elected.

(5) If more than one candidate is nominated in accordance with subparagraph (1), the secretary of the council determines a date for the election; and posts to employees of the Technikon ballot papers containing the names of all such candidates and return envelopes in which to seal the completed ballot papers.

- (6) Each employee is entitled to one vote.
- (7) A ballot paper sealed in the return envelope must be returned to the secretary of the council.
- (8) A ballot paper is invalid if -
 - (a) it is received after the date determined for the election; or
 - (b) it is not sealed in the return envelope; or
 - (c) it is spoilt because it does not clearly indicate the candidate in whose favour the vote has been cast or because more than one vote has been cast.
- (9) The secretary of the council must take steps to ensure that employees cast one vote each.
- (10) The secretary of the council is the returning officer and may be assisted by two scrutineers nominated by him or her.
- (11) The secretary of the council declares the person obtaining the highest number of votes to have been elected and, in the event of an equality of votes, a further election must be held in accordance with subparagraph (5) to (10).

Election of representatives of students on council

- 9. (1) Whenever it is necessary for students to be elected to the council as contemplated in section 27(4)(f) of the Act, the secretary of the council notifies the president of the students' representative council accordingly.
- (2) The students' representative council must elect two of its members to the council by means of a secret ballot and a majority of the members present at an ordinary meeting of the students' representative council.

(3) The president of the students' representative council submits the names of the members elected to the secretary of the council.

Election of representative of convocation on council

10. Whenever it is necessary for the convocation to elect a member as a member of the council as contemplated in paragraph 6(3)(a), such person must be elected by means of a secret ballot and a majority of the members present at an ordinary meeting of the convocation.

Election of representatives of donors on council

11. (1) Whenever it is necessary for donors to elect a person as a member of council as contemplated in paragraph 6(3)(b) the secretary of the council, by written notice, posted at least ninety (90) days before the date determined by him or her for the election of members of the council, invites such donors to nominate in writing two candidates to be elected as members of the council.

(2) A nomination must be lodged with the secretary of the council at least 60 days before the date contemplated in subparagraph (1).

(3) If the number of candidates nominated in terms of subparagraph (1) is not greater than the number of vacancies, the secretary of the council forthwith declares such candidates to be duly elected.

(4) If more candidates are nominated than are to be elected, the secretary of the council, at least 30 days before the date contemplated in subparagraph (1), posts to the donors, ballot papers containing the names of all such candidates in alphabetical order.

(5) A donor is entitled to one vote plus an additional vote for every completed amount of R5 000 over and above the minimum amount determined by the council from time to time, donated to the Technikon or the donation of which to the Technikon in regular instalments over a

period of not more than four years has been undertaken, on condition that such period of four years commences from the date of the receipt of the first instalment of the payment or the donation and the number of votes so gained is limited to 50 per donor and that a donor's number of votes is calculated on only those donations made during the four-year period immediately preceding the election.

(6) A ballot paper must be returned to the secretary of the council by registered post.

(7) A ballot paper, which is received by the secretary of the council after the date contemplated in subparagraph (1), is invalid.

(8) At any election the secretary of the council is the returning officer and may be assisted by two scrutineers nominated by the principal.

(9) The secretary of 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 of the council in the presence of the scrutineers contemplated in subparagraph (8).

Election of chairperson and vice-chairperson of council

12. (1) The members of the council, at the first meeting of the council and thereafter when it becomes necessary, elect from amongst its members a chairperson and a vice-chairperson who each holds office for a period of four years, or for such shorter period as he or she is a member of the council.

(2) Nominations for the chairperson or vice-chairperson of the council must be given in writing to the secretary of the council on a date determined by him or her.

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

- (4) The principal must act for the duration of the election of a chairperson as acting chairperson.
- (5) If more than one candidate is nominated for one of the offices, voting is by secret ballot.
- (6) A candidate may only be elected to the office of chairperson or vice-chairperson by a majority of the members present.
- (7) If no candidate receives a majority of votes, successive rounds of voting are held.
- (8) In each successive round of voting the candidate receiving the fewest votes in the previous round of voting is eliminated as a candidate.
- (9) If a vacancy occurs in the office of chairperson or vice-chairperson for any reason, the provisions of subparagraphs (1) to (8) apply with the necessary changes to the filling of such vacancy.
- (10) The person elected in terms of subparagraph (9) holds office for the unexpired period of office of his or her predecessor.

Term of office of members of council

13. (1) The members of council contemplated in section 27(4)(c), (e), (g) and (h) of the Act, with the exception of the chief director (finance and services) who holds his or her office for the duration of his or her appointment, hold office for four years.
- (2) The members of council contemplated in section 27(4)(d) of the Act, hold office for two years.
- (3) The members of council contemplated in section 27(4)(f) of the Act, hold office for one year.

Termination of membership and filling of vacancies

14. (1) A person ceases to be a member of the council if he or she –
- (a) resigns by giving written notice to the secretary of the council;
 - (b) is absent from three consecutive meetings of the council without the leave of the chairperson or, in the case of the chairperson, the leave of the executive committee of the council;
 - (c) is declared insolvent, is removed from an office of trust by a court of law or is convicted of an offence involving dishonesty or an offence for which the sentence is imprisonment without the option of a fine; or
 - (d) is declared unable to attend to his or her personal affairs by a court of law.
- (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 7, 8, 9, 10 and 11 for the unexpired term of office of such predecessor.

Meetings of council

15. (1) The number of meetings, the 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 meeting procedure, quorum, discussion of motions, voting procedures, ruling by the chairperson, recording of votes, minutes of the meetings, financial or other interests of members and attendance by non-members are as prescribed in the Rules of the Technikon.

Committees of council

16. (1) (a) The executive committee of the council consists of –

- (i) the chairperson of the council, who is the chairperson;
- (ii) the vice-chairperson of the council;
- (iii) the principal;
- (iv) the chief director: finance and services;
- (v) three members of the council elected by the council on account of their experience and expertise in human resources management or general management; and
- (vi) the registrar, who is the secretary.

(b) The executive committee -

- (i) makes recommendations to the council on matters relating to conditions of service, discipline and functions of employees;
- (ii) may advise the council on any matter which the executive committee deems expedient for the efficient management of the Technikon, and must, at the request of the council, advise the council on any matter within the mandate of the executive committee;
- (iii) makes decisions on matters contemplated in subparagraphs (i) and (ii) in accordance with its delegated powers.

(2) (a) The budget and finance committee of the council consists of -

- (i) the members contemplated in subparagraph 1(a)(i) to (v); and
- (ii) two members of the council elected by the council on account of their financial expertise and experience;
- (iii) the internal auditor; and
- (iv) the registrar, who is the secretary.

(b) The budget and finance committee -

- (i) makes recommendations to the council on matters relating to the financial management of the Technikon;
- (ii) may advise the council on any matter which the budget and finance committee deems expedient for the efficient financial management of the Technikon, and must, at the request of the council, advise the council on any matter within the mandate of the budget and finance committee;
- (iii) makes decisions on matters contemplated in subparagraphs (i) and (ii), in accordance with its delegated powers.

(3) (a) The audit committee of the council consists of -

- (i) the chairperson of the council, who is the chairperson;
- (ii) the principal;
- (iii) the chief director: finance and services;
- (iv) the senior director: financial planning;
- (v) the internal auditor;
- (vi) three members of the council elected by the council;
- (vii) two representatives of the external auditors of the Technikon; and
- (viii) the registrar, who is the secretary.

(b) The audit committee -

- (i) assists the council to fulfil its financial responsibilities;
- (ii) strengthens the objectivity and credibility of financial reporting;
- (iii) assures the council of the independence of the audit function and the effectiveness of internal control systems;
- (iv) provides an avenue for communication between internal and external auditors and members of the council;
- (v) makes decisions on matters within the mandate of the audit committee in

accordance with its delegated powers.

(4) (a) The building committee of the council consists of -

- (i) the principal;
- (ii) the chief director: finance and services;
- (iii) five members of the council elected by the council; and
- (iv) the registrar, who is the secretary.

(b) The members of the building committee elect from amongst themselves a chairperson on condition that such person is not employed by the Technikon.

(c) The building committee -

- (i) makes recommendations to the council on matters relating to the management of the physical infrastructure of the Technikon;
- (ii) may advise the council on any matter which the building committee deems expedient for the efficient management of the Technikon's physical infrastructure, and must, at the request of the council, advise the council on any matter within the mandate of the building committee;
- (iii) makes decisions on matters contemplated in subparagraphs (i) and (ii), in accordance with its delegated powers.

(5) (a) The board of trustees consists of -

- (i) the chairperson of the council, who is the chairperson;
- (ii) the vice-chairperson of the council;
- (iii) the principal;
- (iv) the chief director: finance and services;
- (v) the two members of the council representing donors on the council;

- (vi) one member of the council representing the employees on the council;
- (vii) one member of the council representing students on the council; and
- (viii) the registrar, who is the secretary.

- (b) The board of trustees executes the powers and performs the functions as set out in the deed of trust of the board of trustees.

(6) The committees of council contemplated in subparagraph (1) to (5) may invite persons who are not members to attend the meetings of the committees on the understanding that such persons may take part in the discussions but may not vote.

Election of members of council to committees of council

17. The members of the council contemplated in paragraph 16 (1)(a)(v), 16(2)(a)(ii), 16(3)(a)(vi), 16 (4)(a)(iii), 16(5)(a)(vi) and (vii) are elected by means of a secret ballot and a majority of the members present at an ordinary meeting of the council.

Meetings procedure of committees of council

18. (1) The meetings procedure of the council, as contained in the Rules of the Technikon, apply with the necessary changes to the meetings of the committees of council.

Dissolution of committees of council

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

Rectorate

20. (1) The rectorate consists of -

- (a) The principal;
- (b) the vice-principal (research and institutional planning);
- (c) the vice-principal (academic);
- (d) the chief director: finance and services; and
- (e) the registrar.

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

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

(4) The rectorate, by means of a secret ballot and a majority vote, elects one of its members as vice-chairperson of the rectorate who holds office for a period of four years.

(5) The registrar acts as secretary of the rectorate; on condition that the principal may assign any other member of staff to assist him or her or to act in his or her place.

SENATE

Membership of senate

21. (1) The members of the senate, contemplated in section 28(2)(b), (c), (d), (e), (f) and (g) of the Act, are the following -

- (a) the vice-principal (academic)
- (b) the vice-principal (research and institutional planning);
- (c) the chief director: finance and services;
- (d) the deans of faculties;
- (e) the dean of students;

- (f) the director of library services;
- (g) the director of the bureau for educational support;
- (h) the director of the unit for research development;
- (i) the director: organisational development;
- (j) the director of the bureau for industrial liaison;
- (k) the directors of administrative departments as the senate may from time to time determine;
- (l) the heads of academic departments;
- (m) two representatives of the council who are not employed by the Technikon;
- (n) two representatives of the students' representative council;
- (o) a representative or representatives of each of the employee organisations and other interest groups as the senate may from time to time determine; and
- (p) the registrar, who is the secretary.

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

Appointment and election of members of senate

22. (1) The persons contemplated in paragraph 21(1)(a) - (l) are appointed in their official capacity as members of the senate.

(2) Whenever it is necessary for the council to elect its representatives to the senate, as contemplated in section 28(2)(e) of the Act, such representatives are elected by means of a secret ballot and a majority of the members present at an ordinary meeting of the council.

(3) The persons contemplated in paragraph 21(1)(o) are appointed to the senate by their respective constituencies, and the names of such persons are submitted to the secretary of the senate.

(4) (a) Whenever it is necessary for members of the students' representative council to be

elected to the senate, as contemplated in section 28(2)(f) of the Act, the secretary of the senate notifies the president of the students' representative council accordingly.

- (b) The students' representative council elects two of its members to the senate by means of a secret ballot and a simple majority of the members present at an ordinary meeting of the students' representative council.
- (c) The president of the students' representative council submits the names of the members elected to the secretary of the senate.

Terms of office of senate members

23. (1) The senate members contemplated in paragraph 21(1)(m) and (o) hold office for a period of three years.

(2) The senate members contemplated in paragraph 21(1)(n) hold office for a period of one year.

(3) Vacancies on the senate due to death, resignation or other causes, must be filled as prescribed in paragraph 22 and for the unexpired term of office of such predecessor.

Appointment and election of chairperson and vice-chairperson of senate

24. (1) The principal, as the chief executive officer of the Technikon, acts as chairperson of the senate.

(2) The senate, by means of a secret ballot and a majority of the members present at an ordinary meeting of the senate, from amongst its members elects a vice-chairperson of the senate

who holds office for a period of four years.

Committees of senate

25. (1) (a) The executive committee of the senate consists of -

- (i) the principal, who is the chairperson;
- (ii) the vice-principals;
- (iii) the registrar;
- (iv) the deans of faculties;
- (v) the dean of students;
- (vi) the director of the unit for research development;
- (vii) the director of the bureau for educational support;
- (viii) the director of the bureau of industrial liaison;
- (ix) the head of department: student counselling

(b) The executive committee -

- (i) co-ordinates and regulates overall academic and academically related matters;
- (ii) makes recommendations concerning academic policy to the senate;
- (iii) ensures that policy decisions of the senate are implemented;
- (iv) ensures that academic standards, as prescribed by the senate, are maintained;
- (v) considers matters referred by boards of faculty or faculty committees and makes decisions in accordance with its delegated powers;
- (vi) advises the senate on academic and academically related matters at the request of the senate.

(c) The executive committee of the senate has plenary powers to act on behalf of the senate; provided that any decision made by the executive committee is ratified and

may be amended by the senate at the next meeting of the senate.

(2) (a) The research committee of the senate consists of -

- (i) the vice-principal (research and institutional planning), who is the chairperson;
- (ii) the vice-principal (academic);
- (iii) the director of the unit for research development;
- (iv) deans of faculties or their representatives;
- (v) the director of the bureau for educational support;
- (vi) the director of library services;
- (vii) the director of the bureau of industrial liaison; and
- (viii) the dean of students or his or her representative.

(b) The research committee -

- (i) promotes research by allocating resources for research projects and administering and controlling such research projects;
- (ii) makes recommendations to the senate on research policy;
- (iii) ensures that policy decisions of the senate are implemented;
- (iv) considers matters referred by faculty committees or research committees of faculties and makes decisions in accordance with its delegated powers;
- (v) advises the senate on research matters at the request of the senate.

(3) (a) The library services committee of the senate consists of -

- (i) the vice-principal (research and institutional planning), who is the chairperson;
- (ii) the vice-principal (academic);
- (iii) the director of library services;

- (iv) deans of faculties or their representatives;
- (v) the director of the bureau for educational support;
- (vi) the director of the bureau of industrial liaison;
- (vii) one representative of the bureau of student affairs;
- (viii) one representative of the students' representative council.

(b) The library services committee -

- (i) makes recommendations to the senate on policy matters concerning library services;
- (ii) ensures that policy decisions of the senate are implemented;
- (iii) considers matters referred by boards of faculty or faculty committees and makes decisions in accordance with its delegated powers;
- (iv) advises the senate on matters concerning library services at the request of the senate.

(4) (a) The educational support committee of the senate consists of -

- (i) the vice-principal (academic), who is the chairperson;
- (ii) the director of the bureau for educational support;
- (iii) deans of faculties or their representatives;
- (iv) the director of library services;
- (v) the head of department: continuing education;
- (vi) one representative of the bureau of student affairs; and
- (vii) one representative of the bureau for educational support.

(b) The educational support committee -

- (i) strives to promote excellence in the academic activities of academics;
- (ii) makes recommendations to the senate on policy matters concerning

educational support;

- (iii) ensures that policy decisions of the senate are implemented;
- (iv) considers matters referred by boards of faculty or faculty committees and makes decisions in accordance with its delegated powers;
- (v) advises the senate on matters concerning educational support at the request of the senate.

(5) (a) The industrial liaison committee of the senate consists of -

- (i) the vice-principal (research and institutional planning), who shall be the chairperson;
- (ii) the vice-principal (academic);
- (iii) the director of the bureau for industrial liaison;
- (iv) deans of faculties or their representatives;
- (v) the director: corporate affairs;
- (vi) the director of the bureau for educational support;
- (vii) one representative of the student counselling department;
- (viii) two representatives of the bureau of industrial liaison; and
- (ix) one representative of the South African Society for Co-operative Education.

(b) The industrial liaison committee -

- (i) advises the bureau of Industrial Liaison on job-related training, research, innovation and transfer of technology as well as on community service;
- (ii) makes recommendations to the senate on policy matters relating to co-operative education and continuing education;
- (iii) ensures that policy decisions of the senate are implemented;
- (iv) considers matters referred by boards of faculty or faculty committees and makes decisions in accordance with its delegated powers;
- (v) advises the senate on matters concerning co-operative education and continuing

education at the request of the senate.

Appointment and election of persons to committees of senate

26. (1) Members of the rectorate, deans of faculties, including the dean of students, and directors of bureaux and units, as contemplated in subparagraph 25(1)(a), 25(2)(a), 25(3)(a), 25(4)(a) and 25(5)(a), are in their official capacity members of the respective committees of senate.

(2) Notwithstanding subparagraph (1), when it is necessary to elect a representative in lieu of a dean, a director or other representatives, where applicable, such representatives are elected by secret ballot and a majority vote of members present at a meeting of the Faculty committee or the management committee of the bureau or unit concerned.

(3) Whenever it becomes necessary for a member of the students' representative council to be elected to the library services committee, as contemplated in subparagraph 26(3)(a)(viii), the students' representative council elects one of its members by means of a secret ballot and a majority of members present at an ordinary meeting of the students' representative council.

(4) The committees of the senate contemplated in paragraph 19(1) to (5) may invite persons who are not members to attend meetings of the committees on condition that such persons may take part in discussions, but may not vote.

Joint committees of council and senate

27. (1) (a) The professorial selection committee consists of -

- (i) the principal, who is the chairperson;
- (ii) one vice-principal;
- (iii) one representative of the council; and
- (iv) three representatives of the senate.

- (b) The professorial selection committee considers applications or nominations for awarding professorships in accordance with prescribed criteria.
 - (c) In the event that -
 - (i) the professorial selection committee does not include an authority in a specific discipline in which a candidate must be evaluated, the professorial selection committee must co-opt an authority in such discipline as an advisory member;
 - (ii) one of the members of the professorial selection committee is a candidate for a professorship, the professorial selection committee consists of the remaining members only.
 - (d) Whenever it is necessary for the rectorate to elect a vice-principal to the professorial selection committee, such election takes place by means of a secret ballot and a majority vote of the members present at a meeting of the rectorate.
 - (e) At the election of a representative of council to the professorial selection committee as contemplated in paragraph 27(a)(iii) the provisions of paragraph 22(2) apply with the necessary changes.
 - (f) At the election of the three representatives of the senate to the professorial selection committee contemplated in paragraph 28(i)(a)(iv) the provisions of paragraph 7 apply with the necessary changes.
 - (g) The members of the professorial selection committee, excluding the principal, are elected for a term of office of three years.
- (2) (a) The honorary degrees committee consists of -

- (i) the principal, who shall be the chairperson;
 - (ii) the chairperson of the council;
 - (iii) the vice-principals; and
 - (iv) four representatives of the senate.
- (b) The honorary degrees committee considers a proposal to confer an honorary doctorate on a person in accordance with the criteria prescribed by the Rules of the Technikon, and makes a recommendation in this regard to the senate and the council.
- (c) At the election of the four representatives of the senate to the honorary degrees committee contemplated in subparagraph (2)(a)(iv) the provisions of paragraph 7 apply with the necessary changes.
- (d) The four representatives of the senate to the honorary degrees committee contemplated in subparagraph (2)(a)(iv) are elected for a term of office of three years.
- (e) The honorary degrees committee must in each case consult with the dean of the faculty in which it is proposed that the degree be conferred.

Meetings procedure of committees of senate and joint committees of council and senate

28. The meetings procedure of council, as contained in the Rules of the Technikon, apply with the necessary changes to the meetings of the committees contemplated in paragraph 27(1) and (2).

Dissolution of committees of senate and joint committees of council and senate

29. (1) Committees of the senate contemplated in paragraph 25(1) to (5) may be dissolved by the senate only.
- (2) Joint committees of the council and senate contemplated in paragraph 27(1) and (2) may be dissolved by the council with the concurrence of the senate.

INSTITUTIONAL FORUM

Membership of institutional forum

30. (1) The institutional forum as contemplated in section 31 of the Act consists of -
- (a) two representatives of the council;
 - (b) two representatives of the rectorate;
 - (c) two representatives of the senate;
 - (d) two representatives of academic employees, elected by such employees;
 - (e) two representatives of employees other than academic employees, one representing service employees, elected by such employees;
 - (f) four representatives of the students' representative council of whom one must be a representative of the Saasveld students' representative council;
 - (g) the dean of students;
 - (h) one representative of the black staff forum;
 - (i) one representative of the women's forum;
 - (j) two representatives of NUTESA;
 - (k) two representatives of NEHAWU;
 - (l) four representatives of such recognised student societies as the institutional forum

may from time to time determine;

- (m) one representative of the convocation, who is not an employee of the Technikon;
- (n) one representative of the Port Elizabeth City council;
- (o) one representative of PERCCI;
- (p) one representative of the PE Sakekamer;
- (q) one representative of ECACOC; and
- (r) the transformation and equity officer.

(2) The meetings officer acts as minuting secretary of the institutional forum.

(3) The transformation and equity officer, as an assessor member, acts as executive secretary of the institutional forum.

Appointment and election of representatives on institutional forum

31. (1) The representatives of the council, rectorate, senate, students' representative council and convocation contemplated in paragraph 30(a), (b), (c), (f) and (m) are elected by secret ballot and a majority of the members present at a meeting of the body concerned.

(2) At the election of the representatives contemplated in paragraph 30(d) and (e), the provisions of paragraph 8 apply with the necessary changes.

(3) The dean of students and the transformation and equity officer contemplated in paragraph 30(g) and (r) are in their official capacity members of the institutional forum.

(4) The representatives contemplated in paragraph 30(h) to (k) and (n) to (q) are appointed or elected as members of the institutional forum by their respective constituencies.

(5) The four representatives of recognised student societies contemplated in paragraph 30(l)

are elected by secret ballot and a majority of members present at a meeting of the student general council.

Term of office of members

32. (1) The term of office of members of the institutional forum contemplated in paragraph 30(a), (b), (c), (d), (e), (g), (h), (i), (j), (k), (m), (n), (o), (p) and (q) is as determined by their respective constituencies.

(2) The term of office of members of the institutional forum contemplated in paragraph 30(f) and (l) is one year.

Election of chairperson and vice-chairperson of institutional forum

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

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

(3) Each nomination must be signed by at least 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 is 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 must be held.
- (7) In each successive round of voting the candidate receiving the least number of votes in the previous round of voting is 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) apply to the filling of such vacancy.
- (9) The person elected in terms of subparagraph (8) holds office for the unexpired period of office of his or her predecessor.
- (10) The principal acts for the duration of the election of a chairperson as acting chairperson.
- (11) The chairperson and the vice-chairperson are eligible for re-election for one further term of office.
- (12) The chairperson and the vice-chairperson 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.

STUDENTS' REPRESENTATIVE COUNCIL

Composition

34. (1) The students' representative council contemplated in section 35 of the Act consists of -
- (a) the president;
 - (b) the deputy-president;
 - (c) the secretary;
 - (d) the treasurer;
 - (e) the public relations officer;

- (f) the education and transformation officer;
- (g) the sport and culture officer;
- (h) the student affairs officer (College Campus);
- (i) the student affairs officer (Summerstrand Campus);
- (j) the faculty representative co-ordinator;
- (k) the accommodation and catering co-ordinator; and
- (l) the gender officer.

(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 president and the deputy president of the students' representative council act as chairperson and vice-chairperson respectively at meetings of the students' representative council.

(4) The secretary of the students' representative council acts as secretary at meetings of the students' representative council.

(5) The meeting procedures of the student's representative council and the manner of election of the president and the deputy president are as prescribed in the constitution of the students' representative council.

Functions

35. The students' representative council -

- (a) preserves and promotes the interests of the student community and of the Technikon;
- (b) carries out all duties and responsibilities as agreed upon in meetings of the students' representative council;
- (c) respects and upholds the constitution and the code of conduct of the students'

representative council;

- (d) protects and promotes the good image of the students' representative council at all times;
- (e) enhances unity and co-operation among students;
- (f) affiliates to any external non-partisan structure whose operations are in the interest of students of the Technikon and Technikon education in general;
- (g) manages society life on campus and renders any assistance necessary;
- (h) convenes all student general meetings on campus; and
- (i) co-opts 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

36. The term of office of the students' representative council is twelve months.

Election of members

37. (1) The students' representative council in office appoints an independent electoral commission to administer students' representative council elections.

- (2) The electoral commission appoints a chief electoral commissioner from its members.

- (3) The chief electoral commissioner compiles a voters roll on the condition that -

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

- (e) any objections in terms of subparagraph (d) are considered by the chief electoral commissioner, whose decision is final.

Nominations

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

- (2) Nominations must be submitted within two weeks of the date of the notice.

- (3) A nomination is valid 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 ensures that a nominee is a registered student at the Technikon.

- (5) The chief electoral commissioner considers all nominations and determines whether nominations are accepted or not and his or her decision is final.

- (6) After this decision as contemplated in subparagraph (5) has been taken, notice is given to the persons nominated as candidates for the election.

- (7) The election of the students' representative council takes place as follows -

- (a) The students' representative council and the students' general council determine the election programme in consultation with the electoral commission.
- (b) The electoral commission gives notice of the day, time and venue of the election.
- (c) The election takes place on the appointed day, time and place by means of a secret ballot, under the supervision of the electoral commission and its workers.
- (d) The chief electoral commissioner is in full control of the election process and is empowered to deal with any irregularities that arise.
- (e) Only ballot papers supplied by the electoral commission may be used.
- (f) Each voter must vote in person.
- (g) No voter may vote for more than one candidate per portfolio, and any such voting renders the ballot spoilt and the vote is thus disqualified.
- (h) The chief electoral commissioner may request that a photograph of every candidate, a summary of the candidate's curriculum vitae and a summary of the candidate's policy appear on the notice boards indicated by him or her for that purpose.
- (i) The students' representative council as well as any recognised Technikon student society may appoint one monitor each to observe the counting of votes.
- (j) A notice with the names of elected candidates is posted on notice boards as soon as possible after the votes have been counted.
- (k) In the case of a by-election to fill a vacant position on the students' representative council, the above stipulations with the necessary changes are applicable.
- (l) A by-election contemplated in subparagraph (k) may take place only during the first semester of the academic year.
- (m) After the election of the students' representative council, the chief electoral commissioner convenes a meeting of all the elected members at a determined date, time and place and declares the students' representative council as properly constituted and empowered to function in accordance with the provisions of the constitution of the students' representative council.
- (n) The president of the students' representative council convenes a meeting of the

elected faculty representatives to elect a faculty representative co-ordinator.

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

(p) The president of the students' representative council convenes a meeting of house committee executive committees to elect an accommodation and catering co-ordinator from their number.

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

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

(9) 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

39. The privileges of members of the students' representative council shall be determined by the council after consultation with the students' representative council.

CONVOCATION

40. The convocation of the Technikon is known as the convocation of the Port Elizabeth Technikon.

Membership of convocation

41. The convocation consists of -

- (a) persons to whom the Technikon has awarded a diploma or a degree;
- (b) members of the academic staff permanently appointed to posts on the establishment of the Technikon; and
- (c) such other persons and employees of the Technikon as the council may determine.

Functions of convocation

42. 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

43. (1) The president of the convocation, who is elected by the convocation from amongst its own members, holds office for a period of four years.

(2) The president is elected at a meeting of the convocation by secret ballot and a majority of the members present.

(3) The principal acts for the duration of the election of a president as acting president.

(4) Should the president for any reason vacate his or her office prior to the expiring of his or her term of office, the convocation elects a successor for the unexpired portion of such term of office in accordance with the provisions of subparagraphs (2) and (3).

ADMINISTRATIVE MANAGEMENT BOARD

Membership of administrative management board

44. (1) The Administrative Management Board consists of -

- (a) the principal;
- (b) the vice-principals;
- (c) the chief director: finance and services;
- (d) the registrar;
- (e) the deans of faculties;
- (f) the dean of students;
- (g) the senior director: financial planning;
- (h) the director: finance;
- (i) the director: academic administration;
- (j) the director: technical services;
- (k) the director: computer services;
- (l) the director: human resources;
- (m) the director: accommodation and catering services;
- (n) the director: corporate services;
- (o) the head: campus control;
- (p) the director of library services;
- (q) the director of the unit for research development;
- (r) the director of the bureau for educational support;
- (s) the director of the bureau of industrial liaison;
- (t) the director: organisational development;
- (u) the internal auditor;
- (v) two representatives of the students' representative council;
- (w) chairpersons of standing committees of the administrative management board;
- (x) a representative or representatives of each of the employee organisations and other interest groups as the administrative management board may from time to time determine.

(2) The Administrative Management Board may invite persons who are not members to attend meetings of the Administrative Management Board on condition that such persons may take part in discussions but may not vote.

Appointment and term of office of members of administrative management board

45. (1) The members of the administrative management board contemplated in paragraph 44(1)(a) to (u) are in their official capacity members of the administrative management board and hold office for the duration of their appointment.

(2) The two members contemplated in paragraph 44(1)(v) are appointed to the administrative management board by the students' representative council for a period of one year.

(3) The members of the administrative management board contemplated in paragraph 44(1)(w) are appointed to the administrative management board for a period equivalent to their time of office as chairperson of a standing committee of the administrative management board.

(4) The members of the administrative management board contemplated in paragraph 44(1)(x) are appointed by their respective constituencies for a term of office as determined by such constituencies.

Functions of administrative management board

46. The administrative management board must -

- (a) consider administrative matters of a general nature and make recommendations to council in this regard;
- (b) make decisions on matters contemplated in subparagraph (a) in terms of its delegated powers;
- (c) advise the council on matters contemplated in subparagraph (a) at the request of the council;
- (d) appoint committees of the administrative management board to perform functions within

the mandate of the administrative management board.

Appointment and election of chairperson and vice-chairperson

47. (1) The principal, as the chief executive officer of the Technikon, acts as chairperson of the administrative management board.

(2) The administrative management board, by secret ballot and a majority of the members present at an ordinary meeting, elects a vice-chairperson of the administrative management board who holds office for a period of four years from amongst its members.

DISCIPLINARY MEASURES AND PROCEDURES APPLICABLE TO STUDENTS

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

ACADEMIC FUNCTIONS OF THE TECHNIKON

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

CONFERRING OF HONORARY DOCTORATES

50. (1) The Technikon may, without examination, confer an honorary doctorate on any 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 are as determined by

the Rules of the Technikon.

REPEAL OF PREVIOUS STATUTE

51. (1) The Statute applicable to the Port Elizabeth Technikon, published by Government Gazette No. 16005, Notice No. 1652 of 27 October 1994, 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 Higher Education Act, 1997.



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