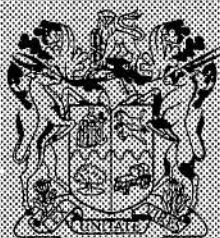


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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF EDUCATION
DEPARTEMENT VAN ONDERWYS

No. 1651

11 December 1998

HIGHER EDUCATION ACT, 1997
(ACT No. 101 OF 1997)

STATUTE OF THE TECHNIKON SA

The council of the Technikon SA 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 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 SA 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

The vision of Technikon SA is to be a world-class flexible learning higher education institution responsive to human resources development needs in Southern Africa.

The mission of Technikon SA is to be a career-focused co-operative education institution within a flexible higher learning system that will, in collaboration with its partners,

- provide broad affordable access to quality flexible learning opportunities to lifelong learners;
- make effective use of appropriate technology for open and distance learning, delivery and service provision;
- engage in research and community outreach programmes;
- play a qualitative-based transformative role in higher education in South Africa;
- provide decentralised learner support systems.

ARRANGEMENT OF PARAGRAPHS

Paragraph	Page
PREAMBLE	
1. DEFINITIONS	6
COUNCIL	7
2. Function	7
3. Composition of council	7
4. Term of office of members of council	8
5. Chairperson and vice-chairperson	9
6. Secretary	10
7. Meetings	10
8. Extraordinary meetings	11
9. Emergency meetings of council	11
10. Number of meetings of council	11
11. Discussion of motions	12
12. Voting	12
13. Ruling by chairperson	13
14. Minutes of council and executive committee meetings	13
15. Register of resolutions of council	14
16. Drafting, amending or rescinding statute or rule	14
17. Financial and other interests of members	14
18. Executive committee	15
19. Other committees	15
SENATE	16
20. Functions of senate	16
21. Composition of senate	16
22. Term of office of members of senate	17
23. Chairperson	17
24. Vice-chairperson	17
25. Procedure at meetings	18
26. Executive committee	18
27. Other committees	18

28.	Divisional academic board	18
	INSTITUTIONAL FORUM	19
29.	Functions	19
30.	Composition of institutional forum	19
31.	Term of office of members of institutional forum	20
32.	Chairperson and vice-chairperson	20
33.	Procedure at meetings	21
34.	Recommendations	22
35.	Regional advisory committees	22
36.	Executive committee	22
37.	Committees of institutional forum	22
	CHANCELLOR	22
38.	Powers, privileges and functions	22
39.	Term of office	23
40.	Election	23
41.	Vacancy	24
	PRINCIPAL	24
42.	Powers, privileges and functions	24
43.	Term of office	24
44.	Election and appointment	25
45.	Acting principal	26
	VICE-PRINCIPAL OR VICE-PRINCIPALS AND REGISTRAR OR REGISTRARS	27
46.	Election and appointment	27
47.	Powers, privileges and functions	27
48.	Acting vice-principal or registrar	27
49.	Term of office	27
	SENIOR MANAGEMENT	28
50.	Election and appointment	28
	STUDENTS' REPRESENTATIVE COUNCIL	28
51.	Constitution	28
52.	Students' representative council	28
53.	National executive committee	29
54.	Elections	29
55.	Term of office	30
56.	Functions and privileges	30

	STUDENT DISCIPLINE	30
57.	Disciplinary code	30
58.	Misconduct	30
59.	Disciplinary hearing	32
60.	Appeal	33
61.	CO-OPERATION	34
62.	TECHNIKON SA FOUNDATION	34
63.	REPEAL OF STATUTE	34

DEFINITIONS

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

"academic employee" means any person appointed by the Technikon to teach or to do research or who provides academic task support to such teaching and research;

"day" means calendar day;

"divisional academic board" also means faculty board;

"employee" means any person employed by the Technikon and who can be defined as such in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995);

"joint committee" means a committee referred to in section 29(3) of the Act;

"non-academic employee" means any person who is not an academic employee;

"presenter" in respect of student discipline also means prosecutor;

"principal" also means vice chancellor;

"rectorate" in respect of the appointment of such rectorate means principal, vice principal or vice-principals and registrar or registrars;

"region" means a region as determined by the Technikon;

"representative employees' organisation" means any organisation of employees which has the required sufficient representivity;

"senior management" in respect of the selection of such management by the rectorate means management at post-level 3 to post-level 4;

"sufficiently representative" in terms of a representative employees' organisation means representation which is sufficient as determined by either the council, the senate or the institutional forum, whatever the case may be;

"Technikon" in the application of this Statute means the Technikon SA;

"technikon certificate" means any formal technikon qualification, including any certificate, diploma, degree or honorary degree;

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

"vice principal" also means deputy vice chancellor.

COUNCIL

Function

2. The function of the council is to govern the Technikon.

Composition of council

3. The council, subject to the provisions of the Act, consists of the following members -
 - (a) the principal;
 - (b) the vice principal or vice-principals;
 - (c) the registrar or registrars;
 - (d) five persons appointed by the Minister;
 - (e) two members of the senate elected by the senate;
 - (f) one academic employee elected by such employees, provided that the election of such employee is not restricted to the election of an employee belonging to or not belonging to a representative employees' organisation or organisations;
 - (g) one non-academic employee elected by such employees, provided that the election of such employee is not restricted to the election of an employee belonging to or not belonging to a representative employees' organisation or organisations;
 - (h) two members elected by the students' representative council;
 - (i) one member nominated by each sufficiently representative employees' organisation;

- (j) four members representing commercial, technological, services, or professional employment sectors of students of the Technikon, nominated and elected by the council;
- (k) three members with specific expertise nominated and elected by the council;
- (l) one member appointed by the advisory committee of each region and which appointee may not be an employee.

Term of office of members of council

4. (1) The term of office of members of the council is four years, except -
- (a) members referred to in paragraphs 3(a) to 3(c) who serve by virtue of their offices;
 - (b) members referred to in paragraphs 3(e), 3(f), 3(g), 3(i) and 3(l) whose term of office is two years; and
 - (c) members elected by the students' representative council in terms of paragraph 3(h) whose term of office is one year and six months.
- (2) If a vacancy arises in the council, it must be filled in the same manner in which it was filled originally.
- (3) A person nominated, appointed or elected in terms of subparagraph (2) to fill a casual vacancy holds office for the unexpired portion of his or her predecessor's term of office.
- (4) A member of the council, other than members who are employees of the Technikon, vacates office if -
- (a) he or she resigns in writing from the council;
 - (b) the Minister or the organisation or body who appointed or elected him or her to the council terminates in writing his or her membership at any time before the expiry of his or her term of office;
 - (c) he or she is absent from three consecutive meetings without leave of the council;
 - (d) he or she becomes insolvent and the council demands such vacating of office;
 - (e) he or she is found guilty of an offence which in the opinion of the council renders such member unfit;
 - (f) he or she, in the opinion of the council, becomes incapacitated; or

(g) he or she is appointed as an employee of the Technikon.

(5) The council is entitled to suspend any member if it deem such suspension appropriate under the circumstances.

Chairperson and vice-chairperson

5. (1) The members of the council, at the first meeting of the council and thereafter whenever it becomes necessary, elects from the members referred to in paragraphs 3(d), 3(j), 3(k) and 3(l), a chairperson and a vice-chairperson who each holds office for a period of two years, or for such shorter period as the chairperson or vice-chairperson may be a member of the council.

(2) The chairperson and vice-chairperson is eligible for re-election.

(3) Nominations for the office of chairperson and vice-chairperson of the council must be in writing to the secretary of the council.

(4) If more than one candidate for each position is nominated, voting is by secret ballot.

(5) A chairperson or vice-chairperson of the council must be elected by a majority of at least 75 per cent of all the members present at the meeting of the council.

(6) Each member of the council has only one vote during a ballot.

(7) There must be a series of ballots if no candidate gains a majority in the first ballot.

(8) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as candidate.

(9) (a) Whenever a vacancy occurs in the office of chairperson or vice-chairperson, the provisions of subparagraphs (3) to (8) apply with the necessary changes to the filling of such vacancy.

(b) A person elected in terms of subparagraph (a) to fill a casual vacancy holds office for the unexpired portion of his or her predecessor's term of office.

Secretary

6. (1) The secretary of the council is the registrar responsible for committee work, provided that the principal may assign any other employee to assist the secretary or to act in his or her place.

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

(3) The secretary attends all meetings of the council.

Meetings

7. (1) A quorum consists of at least 50 per cent of the total number of members of the council, provided that if there is no quorum, the meeting adjourns for 15 minutes, after which the members reconvene and the members then present constitute a quorum.

(2) Notwithstanding subparagraph (1) the members then present only constitute a quorum if they constitute at least 30 per cent of the total number of members, and at least 50 per cent of those present are not employees.

(3) An agenda must be submitted to the members of the council at least 14 days prior to the meeting, provided that a member may raise matters of an urgent nature at the meeting without previous notice if he or she should procure the consent of at least 75 per cent of the members present.

(4) The council may from time to time invite any person or persons to attend a council meeting to provide such inputs as may be required.

(5) Any employee, or student representative, who desires to attend a council meeting may only be allowed to attend such meeting with the prior permission of the secretary of the council and such employee, or student representative, only has observer status.

(6) Each member must at the beginning of each term nominate a alternate whose name shall be enclosed in a list of alternate members.

(7) An alternate members contemplated in subpargaraph (6) is entitled to attend meetings of the council in the event of a member not being able to attend.

Extraordinary meetings

8. (1) The chairperson of the council may call an extraordinary meeting of the council after at least seven days' notice, and the chairperson must call such meeting when requested in writing to do so by any ten members of council, provided that at least three of such members are non-employees, the object of the meeting being stated clearly in the request.

(2) No matters other than those appearing on the agenda of the meeting may be dealt with at such a meeting, except with the unanimous consent of the meeting.

Emergency meetings of council

9. (1) An emergency meeting may be called by the chairperson at any time, provided that members, if possible, be given not less than 24 hours' notice of such a meeting.

(2) Notice of a meeting contemplated in subparagraph (1) may be given in any manner deemed expedient in the circumstances.

(3) Members must be notified of the object of an emergency meeting and no business other than that of which members have been notified may be transacted at such meeting.

(4) An emergency meeting may also be convened by the chairperson at any time by means of electronic technology, provided that -

- (a) at least 75 per cent of the members agree to such meeting; and
- (b) at least 75 per cent of participating members agree to any resolution taken; and
- (c) the council minutes such resolution.

Number of meetings of council

10. The chairperson must during each calendar year convene at least three meetings of the council at the seat of the Technikon unless otherwise determined.

Discussion of motions

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

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

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

Voting

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

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

(3) The council decides by a simple majority of all members present when a secret ballot must be conducted, provided that if there is no simple majority, the chairperson has the casting vote.

(4) In the event of a tie of votes, the chairperson has a casting vote.

(5) If members present during any vote on a motion abstain from voting, their abstentions may be minuted if required by such members.

(6) If it is so decided by the meeting, the number of members voting for or against or abstaining in respect of any motion must be recorded.

(7) Where no less than 75 per cent of all the members of the council have reached agreement on a matter referred to them by letter, telegram or by electronic mail by the chairperson without convening a meeting, and have conveyed their resolution by letter, telegram or electronic mail, such resolution is deemed to be a resolution of the council and must be recorded in the minutes of the next ordinary meeting.

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

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

(10) If a member of the council participates without the council's permission in proceedings of the council in connection with a matter in which the member has a financial or other material interest, voting by the council on such a matter is invalid.

Ruling by chairperson

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

Minutes of council and executive committee meetings

14. (1) The secretary of the council keeps the minutes of each meeting of the council and includes such minutes in the agenda of the next council meeting when an agenda is sent out in terms of paragraph 7(3).

(2) At each meeting of the council, the minutes of the last preceding meeting and of any extraordinary meeting held subsequently are read and must be approved by the signature of the chairperson.

(3) An objection to the minutes must be raised and dealt with before approval thereof.

(4) The meeting may take the minutes as read if a copy thereof was sent to each member in accordance with subparagraph (1).

(5) The minutes of the executive committee meeting must be disclosed at such council meeting.

Register of resolutions of council

15. The secretary of the council keeps a complete register of the resolutions of the council and of its executive committee, and any stakeholders, with the written permission of the principal, have access to inspect such resolutions, upon reasonable grounds.

Drafting, amending or rescinding statute or rule

16. (1) No motion to draft, amend or rescind a statute or a rule is of force and effect unless adopted by at least 75 per cent of the members present at the meeting, provided that such meeting is constituted of not less than 50 per cent of the total number of members.

(2) Any motion to draft, amend or rescind a statute or a rule must be in accordance with the provisions of section 32(2) of the Act,

Financial and other interests of members

17. (1) Any member of the council or a committee who has a direct financial or personal interest in any matter to be discussed at the meeting must, before or during such meeting, declare such an interest when becoming aware of such interest.

(2) Any member of the technikon community 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) After such declaration or finding that such an interest exists, such member of the council or a committee must excuse himself or herself from the meeting before such issue is discussed.

Executive committee

18. (1) The council appoints an executive committee, which consists of the following members -
- (a) the chairperson of the council;
 - (b) the principal;
 - (c) the vice-principal or vice-principals;
 - (d) the registrar or registrars;
 - (e) at least four council members appointed as members in terms of paragraphs 3(d), 3(j), 3(k) and 4(l).
- (2) The functions of the executive committee are determined by the council.

Other committees

19. (1) The council appoints such other committees as may be required and such committees include the following -
- (a) a finance committee;
 - (b) an audit committee;
 - (c) a physical planning committee;
 - (d) a disciplinary committee;
 - (e) an employment equity committee;
 - (f) regional advisory committees;
 - (g) an institutional collaborative committee;
 - (h) a selection committee for senior management;
 - (i) a human resources committee.
- (2) The composition and functions of the committees are determined by the council.
- (3) The chairperson of a committee may not be an employee.

SENATE

Functions of senate

20. The senate is responsible for the academic and research functions within the Technikon and is accountable to the council.

Composition of senate

21. The senate, subject to the provisions of the Act, consists of the following members -
- (a) the principal;
 - (b) the vice-principal or vice-principals;
 - (c) the registrar or registrars;
 - (d) the dean of each academic division;
 - (e) the dean of students;
 - (f) the executive director of each programme group;
 - (g) the chief lecturer in respect of each programme group or, in the event of no such functionary, the deputy chief lecturer;
 - (h) the deputy chief lecturer in respect of each programme group or, in the event of no such functionary, then two senior lecturers;
 - (i) the director: academic development unit;
 - (j) the regional directors;
 - (k) the director: library and information services;
 - (l) the senior director: courseware, origination and production;
 - (m) the director: centre for courseware design and development;
 - (n) the director: professional educational services;
 - (o) the director: research;
 - (p) directors of institutes or centres;
 - (q) one non-academic employee elected by such employees provided that the election of such employee is not be restricted to the election of an employee belonging to or not belonging to a representative employees' organisation or organisations;
 - (r) two members of the council, who are not employed by the Technikon, elected by the council;
 - (s) two members of the student representative council, elected by such council;

- (t) one member nominated by each sufficiently representative employees' organisation;
- (u) one academic employee elected by such employees for each division.

Term of office of members of senate

22. (1) The term of office of members of the senate is two years, except -
- (a) members referred to in paragraph 21(a) to 21(p) who serve as by virtue of their offices;
 - (b) members elected by the students' representative council in terms of paragraph 21(s) whose term of office is one year and six months.
- (2) The procedures of the council in respect of filling the vacancies, the vacating of office and the suspension of a member apply with the necessary changes to the senate;
- (3) There must be at least three meetings per annum.

Chairperson

23. The principal or his or her representative is the chairperson of the senate.

Vice-chairperson

24. (1) A vice-principal is the vice-chairperson of the senate, provided that, should there be more than one vice-principal, the senate elects from among its members a vice-principal as vice-chairperson.

(2) A vice-chairperson elected in terms of subparagraph (1) holds office for a period of one year, after which he or she is eligible for re-election.

(3) If the chairperson as well as the vice-chairperson are absent from any meeting of the senate, the chairperson or vice-chairperson appoints a person to act as chairperson at the meeting.

(4) If no person has been appointed acting chairperson in terms of subparagraph (3), the members present at such a meeting elect one of their number to preside.

Procedure at meetings

25. The procedures in respect of the manner in which the meetings of the council are to be conducted apply with the necessary changes to the meetings of the senate.

Executive committee

26. (1) The senate appoints an executive committee, which consists of the following members -

- (a) the principal;
- (b) the vice principal or vice-principals;
- (c) the registrar or registrars;
- (d) the deans of academic divisions;
- (e) two representatives elected by the senate;
- (f) one representative from a sufficiently represented employees' organisation.

(2) The functions of the executive committee are determined by the senate.

Other committees

27. The senate appoints such other committees as may be required.

Divisional academic board

28. (1) The senate establishes a divisional academic board for each division, which provides assistance to the senate.

(2) A divisional academic board must -

- (a) ensure broader representation from academic programme groups in respect of academic issues;
- (b) consider academic issues and policies at operational level;
- (c) make recommendations to and obtain approval from the senate.

(3) A divisional academic board is constituted as follows -

- (a) the dean;
- (b) a secretary;

- (c) the executive director of each programme group within the division;
- (d) all full-time academic employees within the division;
- (e) a representative nominated by the student representative council;
- (f) such other persons as may be co-opted by the divisional academic board for a particular purpose.

(4) There must be at least three meetings per annum.

(5) The procedures in respect of the manner in which the meetings of the council are to be conducted apply with the necessary changes to the meetings of a divisional academic board.

INSTITUTIONAL FORUM

Functions

29. The institutional forum must -

- (a) advise the council on issues affecting the institution, including -
 - (i) the implementation of the Act and the national policy on higher education;
 - (ii) race and gender equity policies;
 - (iii) the selection of candidates for rectorate and senior management positions;
 - (iv) codes of conduct, mediation and dispute resolution procedures; and
 - (v) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate enabling environment for teaching, research and learning; and
- (b) perform such functions as determined by the council.

Composition of institutional forum

30. The institutional forum, subject to the Act, consists of the following representatives -

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) the registrar or registrars;
- (d) the dean of each academic division;
- (e) the dean: students;
- (f) the senior director: human resources;

- (g) the senior director: finance;
- (h) two members of the council, who are not Technikon employees, elected by the council;
- (i) two members of the senate, elected by the senate;
- (j) two regional directors elected by the regional directors' forum;
- (k) one academic employee elected by such employees, provided that the election of such employee is not restricted to the election of an employee belonging to or not belonging to a representative employees' organisation or organisations;
- (l) one non-academic employee elected by such employees, provided that the election of such employee is not restricted to the election of an employee belonging to or not belonging to a representative employees' organisation or organisations;
- (m) four student members of the student representative council elected by such council;
- (n) one member nominated by each sufficiently representative employees' organisation;
- (o) one or more members co-opted by the institutional forum for the specific purpose of assisting the institutional forum in respect of any specific project or projects.

Term of office of members of institutional forum

31. (1) The term of office of members of the institutional forum is two years, except -
- (a) members referred to in paragraph 30(a) to 30(g) who serve by virtue of their offices;
 - (b) members of the student representative council elected in terms of paragraph 30(m) whose term of office is one year and six months.

(2) The procedures of the council in respect of filling the vacancies, the vacating of office and the suspension of a member apply with the necessary changes to the institutional forum.

Chairperson and vice-chairperson

32. (1) The members of the institutional forum, at the first meeting of the institutional forum and thereafter whenever it becomes necessary, elect from their number a chairperson and a vice-chairperson who each holds office for a period of two years, or for such shorter period as the chairperson or vice-chairperson may be a member of the institutional forum.

- (2) The chairperson and vice-chairperson are eligible for re-election.
- (3) Nominations for the office of chairperson and vice-chairperson of the institutional forum must be given in writing to the secretary to the institutional forum.
- (4) If more than one candidate for each position is nominated, voting is by secret ballot.
- (5) A candidate must be elected chairperson or vice-chairperson of the institutional forum by a majority of at least 75 per cent of all the members present at the meeting of the institutional forum.
- (6) Each member of the institutional forum has only one vote during a ballot.
- (7) There is a series of ballots if no candidate gains at least a majority with the first ballot.
- (8) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as candidate.
- (9)
 - (a) Whenever a vacancy occurs in the office of chairperson or vice-chairperson, the provisions of subparagraphs (3) to (8) apply with the necessary changes to the filling of such vacancy.
 - (b) A person elected in terms of subparagraph (a) to fill a casual vacancy holds office for the unexpired portion of his or her predecessor's term of office.

Procedure at meetings

33. The procedures in respect of the manner in which the meetings of the council are to be conducted apply with the necessary changes to the meetings of the institutional forum.

Recommendations

34. In the event of the council not accepting a recommendation proposed by the institutional forum to the council, the council must furnish the institutional forum with written reasons why such recommendation was not accepted by the council.

Regional advisory committees

35. (1) A regional advisory committee may be established in each region.

(2) A regional advisory committee is concerned with regional matters and advises the council and the institutional forum in respect of any specific matters which may assist the council and the institutional forum in the performance of their functions.

Executive committee

36. (1) The institutional forum appoints an executive committee, which consists of the following members -

- (a) the principal;
- (b) the vice principal or vice-principals;
- (c) the registrar or registrars;
- (d) one member of the student representative council;
- (e) one member of the representative employees' organisation;
- (f) one member of the council;
- (g) one member of the senate.

Committees of institutional forum

37. The institutional forum appoints such officials and committees as may be required.

CHANCELLOR

Powers, privileges and functions

38. The chancellor is the ceremonial head of the Technikon and confer all technikon certificates on behalf of the Technikon.

Term of office

39. (1) The chancellor holds office for a period of four years unless he or she tenders his or her resignation or vacates his or her office for any other reason before the expiry of his or her term of office.

(2) The chancellor may be removed from office by a resolution of at least 75 per cent of all members of the council on account of misconduct, incapacity or incompetency to execute his or her official duties, or any other reason that the council deems adequate.

(3) The chancellor is eligible for re-election.

Election

40. (1) (a) The chairperson of the council or the secretary to the council authorised by him or her determines the date on which a meeting of the council is to be held for the purpose of electing a chancellor, provided that such meeting is held within ninety days after the office of the chancellor becomes vacant.
- (b) The secretary to the council, at least two months but not more than four months prior to the expiry of the term of office of the chancellor, gives notice to each member of the council of the date, place and time of the meeting referred to in subparagraph (a) and invites members of the council to submit nominations for the office of chancellor on the form approved by the principal, provided that any member is at liberty to supplement the information on the approved form by the submission of additional information.
- (c) The completed documents for the nomination of candidates must reach the secretary to the council at least twenty-one days before the date of the meeting referred to in subparagraph (a).
- (d) The secretary to the council must, within three days after the closing date for nominations, give proper notice to every member of the council of nominations received.
- (e) The council elects a chancellor by secret ballot.
- (f) A candidate must be elected to the office of chancellor by a majority of at least 75 per cent of all the members of the council present.
- (g) Each member of the council has only one vote during a ballot.
- (h) There is a series of ballots if no candidate gains a majority with the first ballot.
- (i) In each successive round of balloting the candidate with the least support in the previous ballot is eliminated as candidate.

- (j) After the council has elected a chancellor, the name of such chancellor is announced by the chairperson of the council.

Vacancy

41. If the office of chancellor becomes vacant, a new chancellor is elected as set out in paragraph 40 and for the period as set out in paragraph 39(1).

PRINCIPAL

Powers, privileges and functions

42. (1) The principal is the chief executive officer of the Technikon.
- (2) The principal is responsible for the day-to-day management of the Technikon.
- (3) The principal reports to the council.
- (4) By virtue of his or her office, the principal may be requested by the council to become a member of particular council committees, joint committees of the council and senate and committees of the senate.
- (5) The council may grant additional duties, powers and privileges to the principal to enable him or her to perform his or her functions.

Term of office

43. (1) The principal is appointed for a period of five years, but is eligible for re-election after the expiration of such period.
- (2) The term of office of the principal may be terminated in the following circumstances -
- (a) upon reaching the retirement age applicable to him or her;
 - (b) when his or her term of office expires, as agreed upon with the council;
 - (c) when he or she resigns from office;
 - (d) by agreement with the council;

- (e) when he or she, in the opinion of the council, becomes incapacitated;
- (f) when he or she becomes insolvent, provided that the council demands such termination;
- (g) if he or she is found guilty of an offence which in the opinion of the council renders the principal unfit;
- (h) if he or she is dismissed on reasonable grounds by the council.

(3) If the term of office of the principal is terminated in terms of subparagraph (2)(a), the council may extend the appointment by a period not exceeding one year at a time, with a maximum of three such extensions of term of office.

(4) If the term of office of the principal is terminated in terms of subparagraphs (2)(e) to (h) it must be by a resolution of at least 75 per cent of all members of the council.

Election and appointment

44. (1) The secretary of the council must, at least three months before the retirement of the principal or, if the office becomes vacant for any reason, within fourteen days of the occurrence of the vacancy, give notice to every member of the council and to the chairperson of the institutional forum of the vacancy.

(2) The council must instruct its selection committee to liaise with the institutional forum for advice on the filling of the position.

(3) The selection committee of the council, after consultation with the institutional forum, places an advertisement for the post of principal in such manner as may be decided.

(4) The selection committee of the council, within five days after the closing date of the advertisement referred to in subparagraph (3), provides the institutional forum with a list of applicants for the office of principal in order to enable the institutional forum to conduct personal interviews with the aspirant candidates.

(5) The institutional forum, after having conducted such interviews with all the candidates, submits a short list of candidates, together with a recommendation of a candidate for appointment to the office of principal, to the selection committee of the council, provided that the

names of all applicants including the names of the short-listed candidates, are also submitted to the selection committee of the council.

(6) The selection committee of the council, after having conducted interviews with whichever candidates it may wish, submits a short list of candidates together with a recommendation of a candidate for appointment to the council, provided that the names of all applicants are also submitted to the council.

- (7) (a) The council at a meeting, attended by at least 75 per cent of all members, vote by secret ballot on the appointment of the recommended candidate to the office of principal, and a simple majority carries the recommendation.
 - (b) If the recommended candidate does not obtain a simple majority, the council must vote by secret ballot on all the short-listed candidates.
 - (c) If no candidate gains a simple majority, there must be a series of ballots.
 - (d) In each successive round of balloting, the candidate with the least support in the previous ballot is eliminated as candidate.
- (8) The successful candidate is appointed in writing by the chairperson of the council.

Acting principal

45. (1) When the principal is absent or unable to carry out his or her duties, the council appoints a vice-principal as acting principal.

(2) An acting principal has all the powers, duties and functions of a principal on the understanding that he or she may not change existing policy unless with the approval of the executive committee of the council.

VICE-PRINCIPAL OR VICE-PRINCIPALS AND REGISTRAR OR REGISTRARS

Election and appointment

46. (1) The council may appoint a vice-principal or vice-principals and a registrar or registrars.

(2) The election procedure as set out in paragraph 44 applies with the necessary changes to the appointment of a vice-principal and a registrar.

Powers, privileges and functions

47. (1) The vice-principal or registrar are responsible for assisting the principal in the management and supervision of the Technikon.

(2) A vice-principal performs the function of acting chairperson of the senate and chief executive officer in the event of the principal not being able to fulfil such function.

Acting vice-principal or registrar

48. An acting vice-principal or registrar is appointed by the council if deemed necessary and for the period during which a vice-principal or registrar may be absent or acting in another capacity, and an acting vice-principal or registrar has the powers, privileges and functions of the vice-principal or registrar.

Term of office

49. The term of office of a vice-principal or registrar is up to the normal retirement age of academic staff of the technikon, provided that the council may extend the appointment beyond such age limit by not more than one year at a time, with a maximum of three such extensions of term of office.

SENIOR MANAGEMENT

Election and appointment

50. (1) The rectorate, on delegation by the council, appoints senior management, as defined.

(2) The rectorate, in the event of a vacancy in respect of senior management, liaises with the institutional forum for advice on the filling of the position.

(3) The rectorate, after consultation with the institutional forum, places an advertisement for the post of the respective senior manager in such manner as may be decided.

(4) The rectorate, within five days after the closing date of the advertisement referred to in subparagraph (3), provides the institutional forum with a list of applicants for the senior management position in order to enable the institutional forum to conduct personal interviews with the aspirant candidates.

(5) The institutional forum, after having conducted such interviews with all the candidates, submits a short list of candidates, together with a recommendation of a candidate for appointment to the senior management position, to the rectorate, provided that the names of all applicants including the names of the short-listed candidates, are also be submitted to the rectorate.

(6) The successful candidate is appointed in writing by the rectorate.

STUDENTS' REPRESENTATIVE COUNCIL

Constitution

51. The students' representative council is governed by its constitution, the salient aspects of which are dealt with hereunder.

Students' representative council

52. The students' representative council consists of -

- (a) nine provincial students' representative councils each constituted within a specific region of the technikon;
- (b) a provincial executive committee for each provincial students' representative council as well as specific functionaries of such provincial students' representative council;
- (c) three standing committees of the students' representative council namely: the governance committee, the students' services council committee and the financial committee; and
- (d) a national executive committee of the students' representative council as well as specific functionaries of such national executive committee.

National executive committee

53. (1) The national executive committee is the executive authority of the student representative council and acts as such on behalf of the students' representative council.

(2) The national executive committee consists of -

- (a)** the chairperson of each provincial students' representative council;
- (b)** nine other members elected from the members of the provincial students' representative councils at the students' representative council congress.

(3) The national executive committee elects the following functionaries:

- (a)** a president;
- (b)** a deputy president;
- (c)** a general secretary;
- (d)** a treasurer;
- (e)** an information and publicity secretary;
- (f)** an education and transformation officer;
- (g)** a gender officer;
- (h)** a sport and culture officer;
- (i)** a project and campaign officer.

(4) Each of the above functionaries is elected by the members of the national executive committee by a majority vote.

Elections

54. (1) A national election organising committee must be constituted to co-ordinate and oversee elections.

(2) A provincial election organising committee must be constituted to administer elections at a provincial level.

(3) An independent election monitoring agency monitors the election process from its inception to its finalisation.

Term of office

55. The term of office of the students' representative council is one year and six months.

Functions and privileges

56. The students' representative council must –
- (a) promote the interests of the technikon as a distance learning higher education institution;
 - (b) represent all students, whatever their organisational affiliations may be, as their democratically elected highest representative body;
 - (c) represent and promote the interests of students in respect of all student activities at the technikon;
 - (d) perform its activities within the unique parameters of a decentralised distance learning higher education institution;
 - (e) focus primarily on the enhancement of the formal learning experience of all Technikon SA students.

STUDENT DISCIPLINE**Disciplinary code**

57. The discipline of students is dealt with in terms of the Technikon's disciplinary code for students.

Misconduct

58. (1) A student may not –
- (a) threaten, coerce or intimidate any other person;
 - (b) threaten another student with injury, damage or reprisal in order to induce such other student to act or refrain from acting in any particular manner;
 - (c) possess or bring onto Technikon premises any firearm or dangerous weapon, except for students bound by the call of duty to carry service weapons;

- (d) obstruct or attempt to obstruct members of staff or visitors in the performance of their duties;
 - (e) disrupt or prevent the process of education;
 - (f) sexually harass any other person; or
 - (g) act in any racist manner towards any other person;
 - (h) refuse to obey a valid instruction given by a person in authority.
- (2) A student may not -
- (a) damage, deface or destroy any building, furniture, equipment, books or other property owned or controlled by the Technikon, or the property of staff, other students or visitors; or
 - (b) occupy or be present upon any property or premises owned or controlled by the technikon after being requested to leave such property or premises by a member of staff acting in the course and scope of his or her duties.
- (3) A student may not -
- (a) engage in behaviour which may bring the Technikon into disrepute; or
 - (b) make a false declaration concerning the Technikon;
 - (c) contravene any examination rules.
- (4) A student may not -
- (a) consume, possess or distribute alcohol upon any property or premises owned or controlled by the technikon without due authorisation; or
 - (b) consume, possess or distribute any legally prohibited dependence-producing substance upon any property or premises owned or controlled by the Technikon.
- (5) A student may not -
- (a) encourage a fellow student or any other person, to conspire with another person to contravene any of the rules of the Technikon;
 - (b) identify himself or herself to the Technikon authorities as a registered student if he or she is not so registered;
 - (c) use Technikon property without due permission;
 - (d) financially mismanage or misappropriate funds of the technikon, or funds under the control of the Technikon, and must account for expenditures in terms of the Technikon's financial policy; or
 - (e) commit any statutory or common law offence.

Disciplinary hearing

- 59.** (1) The dean of students informs the principal of an alleged offence.
- (2) The principal or any designated member of the rectorate must authorise the investigation of the allegations.
- (3) Should the investigation indicate that profound evidence exists to justify a disciplinary hearing, a presenter, who must be a Technikon employee, is appointed by the principal or any designated member of the rectorate in consultation with the dean of students.
- (4) The dean of students is responsible for the preparation of a statement of an alleged misconduct which must set out -
- (a) the alleged misconduct in sufficient detail to enable the accused student to prepare for the hearing;
 - (b) the rights which the student may have in respect of a fair hearing including the right to be assisted by a fellow student, to call witnesses, to cross-examine, to utilise an interpreter, and to present mitigating factors if found guilty;
 - (c) the date, time and venue of the hearing;
 - (d) the constitution of the disciplinary committee.
- (5) The disciplinary committee, adjudicating the matter, is appointed by the dean of students and consists of -
- (a) a presiding officer; and,
 - (b) two assessors, one of whom a member of the students' representative council.
- (6) The disciplinary committee must -
- (a) adjudicate on a balance of probabilities;
 - (b) consider aggravating and mitigating factors, before imposing a sanction;
 - (c) impose a sanction which is substantively fair.
- (7) The sanction may entail any of the following:
- (a) a written warning;

- (b) a final written warning;
- (c) suspension;
- (d) expulsion;
- (e) any other sanction deemed appropriate.

Appeal

60. (1) Any student who is found guilty is entitled to appeal, within ten days, against the finding of guilty or the sanction imposed.

(2) In the event of an appeal being lodged, the proceedings at the disciplinary hearing will be transcribed and a copy made available to the student in order to assist the student in the preparation of the student's appeal.

(3) The appealing student must, within ten days after having received the transcript referred to above, lodge a written submission to the dean of students, setting out the reasons why the appeal should succeed.

(4) The dean of students must then constitute an appeal committee to consider the appeal.

(5) The appeal committee consists of -

- (a) a chairman who is a member of the rectorate;
- (b) two assessors of whom one is a member of the students' representative council.

(6) No member of the disciplinary committee is allowed to serve as a member of the appeal committee.

(7) The appeal is not a re-hearing but the student, assisted by a fellow student and the presenter, may be given the opportunity, if requested, to argue the matter on the documentation before the appeal committee.

(8) The decision of the appeal committee is final.

CO-OPERATION

Co-operation

61. The Technikon may, in order to achieve the optimal utilisation of resources and performance of its functions:

- (a) co-operate with other education institutions;
- (b) co-operate with private sector institutions;
- (c) establish regional or national structures to assist and facilitate such co-operation.

TECHNIKON SA FOUNDATION

Technikon SA Foundation

62. (1) The Technikon SA Foundation is a trust created by the Technikon for the purpose of fund-raising.

(2) The foundation presents a report of its activities at every meeting of the council in the manner prescribed by the council.

REPEAL OF STATUTE

Repeal of Statute

63. (1) The Statute pertaining to the Technikon SA, as published under Government Notice Number 17545 of 8 November 1996 is hereby repealed.

(2) Anything done under any provision of the Statute repealed by subparagraph (1) is deemed to have been done under the corresponding provision of this Statute.

No. 1651

11 Desember 1998

WET OP HOËR ONDERWYS, 1997**(WET No. 101 VAN 1997)****STATUUT VAN DIE TECHNIKON SA**

Die raad van die Technikon SA het hierdie statuut soos in die Bylae hierby uiteengesit, uitgevaardig ingevolge artikel 32 van die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997), en dit word hierby ingevolge artikel 33 van genoemde Wet met die goedkeuring van die Minister van Onderwys gepubliseer en dit word van krag op die datum van hierdie publikasie.



BYLAE

Om 'n nuwe Statuut vir die Technikon SA in te stel om uitvoering te gee aan enige wet wat op die Technikon betrekking het; en om die doeltreffende bestuur van die Technikon ten opsigte van enige aangeleentheid wat nie uitdruklik deur enige wet bepaal word nie, te bevorder

AANHEF

Die visie van die Technikon SA is om 'n aanpasbare inrigting vir hoër onderwys van wêreldklas te wees, wat reageer teenoor die behoeftes van die ontwikkeling van menslike hulpbronne in Suidelike Afrika.

Die missie van die Technikon SA is om 'n loopbaangerigte, koöperatiewe onderwysinrigting met 'n buigsame leerstelsel vir hoër onderwys te wees wat, in samewerking met sy vennote,

- breë, bekostigbare toegang tot buigsame leergeleenthede vir lewenslange leerders sal voorsien;
- doeltreffend gebruik sal maak van toepaslike tegnologie vir ope en afstandsonderrig, lewering en diensverskaffing;
- navorsing en gemeenskapsuitreikprogramme sal onderneem;
- 'n kwalitatief-gebaseerde transformatoriese rol in hoër onderwys in Suid-Afrika sal speel; en
- gedesentraliseerde leerder-ondersteuningstelsels sal voorsien.

RANGSKIKKING VAN PARAGRAWE

Paragraaf	Bladsy
1. WOORDOMSKRYWINGS	40
RAAD	41
2. Werkzaamheid	41
3. Samestelling van raad	41
4. Ampstermyn van lede van raad	42
5. Voorsitter en onder-voorsitter	43
6. Sekretaris	44
7. Vergaderings	44
8. Buitengewone vergaderings	45
9. Noodvergaderings van raad	45
10. Aantal vergaderings van raad	46
11. Bespreking van mosies	46
12. Stemming	47
13. Beslissings deur die voorsitter	48
14. Notule van vergaderings en vergaderings van uitvoerende komitee	48
15. Register van besluite van raad	49
16. Opstelling, wysiging of herroeping van statuut of reël	49
17. Finansiële en ander belange van lede	49
18. Uitvoerende komitee	50
19. Ander komitees	50
SENAAT	51
20. Werksaamhede van senaat	51
21. Samestelling van senaat	51
22. Ampstermyn van lede van senaat	52
23. Voorsitter	52
24. Onder-voorsitter	52
25. Prosedure tydens vergaderings	53
26. Uitvoerende komitee	53
27. Ander komitees	53
28. Divisionele-akademiese raad	54
INSTITUSIONELE FORUM	54
29. Werksaamhede	54

30.	Samestelling van institusionele forum	55
31.	Ampstermyn van institusionele forum	56
32.	Voorsitter en onder-voorsitter	56
33.	Prosedure tydens vergaderings	57
34.	Aanbevelings	57
35.	Streeks-advies komitees	58
36.	Uitvoerende komitee	58
37.	Komitees van institusionele forum	58
	KANSELIER	58
38.	Bevoegdhede, voorregte en werksaamhede	58
39.	Ampstermyn	59
40.	Verkiesing	59
41.	Vakature	60
	REKTOR	60
42.	Bevoegdhede, voorregte en werksaamhede	60
43.	Ampstermyn	61
44.	Verkiesing en aanstelling	61
45.	Waarnemende rektor	63
	WISE-REKTOR OF WISE-REKTORE EN REGISTRATEUR OF REGISTRATEURS	63
46.	Verkiesing en aanstelling	63
47.	Bevoegdhede, voorregte en werksaamhede	63
48.	Waarnemende vise-rektor registrateur	64
49.	Ampstermyn	64
	SENIOR BESTUUR	64
50.	Verkiesing en aanstelling	64
	VERTEENWOORDIGENDE STUDENTERAAD	65
51.	Grondwet	65
52.	Verteenwoordigende studenteraad	65
53.	Nasionale uitvoerende komitee	65
54.	Verkiesing	66
55.	Ampstermyn	66
56.	Werksaamhede en voorregte	67
	STUDENTEDISSIPLINE	67
57.	Dissiplinêre kode	67
58.	Wangedrag	67

59.	Dissiplinêre verhoor	69
60.	Appél	70
61.	SAMEWERKING	71
62.	TECHNIKON SA-STIGTING	71
63.	HERROEPING VAN STATUUT	71

WOORDOMSKRYWINGS

1. In hierdie Statuut het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997) toegewys is, die betekenis só toegewys en, tensy uit die samehang anders blyk, beteken-

"aanbieder" ten opsigte van studentedissipline ook aanklaer;

"akademiese werknemer" enige persoon deur die Technikon aangestel om onderrig te gee of om navorsing te doen of wat akademiese taakondersteuning aan sodanige onderrig of navorsing verleen;

"dag" 'n kalenderdag;

"die Wet" die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997);

"divisionele-akademiese raad" ook fakulteitsraad;

"gesamentlike komitee" 'n komitee bedoel in artikel 29(3) van die Wet;

"nie-akademiese werknemer" enige persoon wat nie 'n akademiese werknemer is nie;

"rektor" ook vise-kanselier;

"rektoraat" ten opsigte van die aanstelling van sodanige rektoraat rektor, vise-rektor of vise-rektore en registrateur of registrateurs;

"senior bestuur" ten opsigte van die aanwysing van sodanige bestuur deur die rektoraat, bestuur op posvlak 3 tot posvlak 4;

"streek" 'n streek soos deur die technikon bepaal;

"Technikon" in die toepassing van hierdie Statuut die Technikon SA;

"technikonsertifikaat" enige formele technikonkwalifikasie, met inbegrip van enige sertifikaat, diploma, graad of eregraad;

"verteenwoordigende werknemersorganisasie" enige organisasie van werknemers wat oor die vereiste voldoende verteenwoordigendheid beskik;

"vise-rektor" ook adjunk-vise-kanselier;

"voldoende verteenwoordigendheid" ten aansien van 'n verteenwoordigende werknemersorganisasie verteenwoordiging wat voldoende is soos bepaal deur die raad, die senaat of die institusionele forum, na gelang van die geval;

"werknemer" enige persoon deur die Technikon in diens geneem en wat as sodanig omskryf kan word ingevolge die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995).

RAAD

Werkzaamheid

2. Die werkzaamheid van die raad is om die Technikon te bestuur.

Samestelling van raad

3. Behoudens die bepalings van die Wet bestaan die raad uit die volgende lede -
- (a) die rektor;
 - (b) die vise-rektor of vise-rektore;
 - (c) die registrateur of registrateurs;
 - (d) vyf persone deur die Minister aangestel;
 - (e) twee lede van die senaat deur die senaat verkies;
 - (f) een akademiese werknemer deur sodanige werknemers verkies, met dien verstande dat die verkiesing van sodanige werknemer nie beperk word tot die verkiesing van 'n werknemer wat aan 'n verteenwoordigende werknemersorganisasie of organisasies behoort of nie behoort nie;
 - (g) een nie-akademiese werknemer deur sodanige werknemers verkies, met dien verstande dat die verkiesing van sodanige werknemer nie beperk word tot die verkiesing van 'n werknemer wat aan 'n verteenwoordigende werknemersorganisasie of organisasies behoort of nie behoort nie;

- (h) twee lede deur die verteenwoordigende studenteraad verkies;
- (i) een lid deur elkeen van die voldoende verteenwoordigende werknemersorganisasies genomineer;
- (j) vier lede wat die kommersiële, tegnologiese, dienste- of professionele indiensnemingssektore van studente van die Technikon verteenwoordig, deur die raad genomineer en verkies;
- (k) drie lede met bepaalde kundigheid deur die raad genomineer en verkies;
- (l) een lid deur die advies komitee van elke streek aangestel, welke aangestelde nie 'n werknemer mag wees nie.

Ampstermyn van lede van raad

4. (1) Die ampstermyn van die lede van die raad is vier jaar, met uitsondering van -

- (a) lede bedoel in paragrawe 3(a) tot 3(c), wat uit hoofde van hulle ampte dien;
- (b) lede bedoel in paragrawe 3(e), 3(f), 3(g), 3(i) en 3(l), wie se ampstermyn twee jaar is;
- (c) lede deur die verteenwoordigende studenteraad ingevolge paragraaf 3(h) verkies, wie se ampstermyn een jaar en ses maande is.

(2) Indien 'n vakature op die raad ontstaan, moet dit gevul word op dieselfde wyse waarop dit oorspronklik gevul is.

(3) 'n Persoon wat ingevolge subparagraaf (2) genomineer, aangestel of verkies word om 'n toevallige vakature te vul, beklee die amp vir die onverstrykte gedeelte van sy of haar voorganger se ampstermyn.

(4) 'n Lid van die raad anders as lede wat werknemers van die technikon is, ontruim die amp indien-

- (a) hy of sy skriftelik as lid van die raad bedank;
- (b) die Minister of die organisasie of liggaam wat hom of haar as lid van die raad aangestel of verkies het, sy of haar lidmaatskap op enige tydstip voor die verstryking van sy of haar ampstermyn skriftelik beëindig;

- (c) hy of sy van drie opeenvolgende vergaderings afwesig is sonder die verlof van die raad;
- (d) hy of sy insolvent raak en die raad die ontruiming van die amp eis;
- (e) hy of sy skuldig bevind word aan 'n misdryf wat na die mening van die raad die lid onbevoeg maak;
- (f) hy of sy na die mening van die raad ongeskik raak; of
- (g) hy of sy as 'n werknemer van die Technikon aangestel word.

(5) Die raad het die bevoegdheid om enige lid te skors indien die raad sodanige skorsing onder die omstandighede dienstig ag.

Voorsitter en onder-voorsitter

5. (1) Tydens die eerste vergadering van die raad en wanneer dit mag nodig wees daarna, verkies die lede van die raad uit die lede bedoel in paragrawe 3(d), 3(j), 3(k) en 3(l) 'n voorsitter en 'n onder-voorsitter, wat elk die amp beklee vir 'n tydperk van twee jaar, of vir sodanige korter tydperk as wat die voorsitter of onder-voorsitter 'n lid van die raad mag wees.

(2) Die voorsitter en die onder-voorsitter is herkiesbaar.

(3) Nominasies vir die ampte van voorsitter en onder-voorsitter van die raad moet skriftelik wees aan die sekretaris van die raad.

(4) Indien meer as een kandidaat genomineer word, geskied die stemming by wyse van geheime stemming.

(5) 'n Voorsitter of 'n onder-voorsitter van die raad moet met 'n meerderheid van minstens 75 persent van al die lede teenwoordig by die vergadering van die raad verkies word.

(6) Elke lid van die raad het slegs een stem tydens 'n stemming.

(7) Daar moet 'n opeenvolging van stemmings wees indien geen kandidaat met die eerste stemming 'n meerderheid behaal nie.

(8) Met elke opeenvolgende rondte van stemming word die kandidaat met die minste ondersteuning in die vorige stemming as kandidaat uitgeskakel.

(9) (a) Wanneer 'n vakature in die amp van voorsitter of onder-voorsitter ontstaan, geld die bepalings van subparagraawe (3) tot (8) met die nodige wysigings vir die vul van die vakature.

(b) 'n Persoon wat ingevolge subparagraaf (a) verkies word om 'n toevallige vakature te vul, beklee die amp vir die onverstrykte gedeelte van sy of haar voorganger se ampstermyn.

Sekretaris

6. (1) Die sekretaris van die raad is die registrateur verantwoordelik vir komiteewerk, met dien verstande dat die rektor enige ander werknemer kan aanwys om die sekretaris by te staan of in sy of haar plek waar te neem.

(2) Die sekretaris tree as kiesbeampte op by alle vergaderings van die raad.

(3) Die sekretaris woon alle vergaderings van die raad by.

Vergaderings

7. (1) 'n Kworum bestaan uit minstens 50 persent van die totale aantal lede van die raad, met dien verstande dat, indien daar geen kworum is nie, die vergadering vir 15 minute verdaag, waarna die lede weer byeenkom en die lede wat dan teenwoordig is, 'n kworum vorm.

(2) Ondanks subparagraaf (1) vorm die lede wat dan teenwoordig is 'n kworum slegs indien hulle minstens 30 persent van die totale aantal lede van die raad uitmaak, en minstens 50 persent van die teenwoordiges nie werknemers is nie.

(3) 'n Sakelys moet minstens 14 dae voor die vergadering aan die lede van die raad voorsien word, met dien verstande dat 'n lid sake van dringende aard sonder vooraf kennisgewing by die vergadering kan aanhangig maak indien hy of sy die goedkeuring van minstens 75 persent van die teenwoordige lede kan verkry.

(4) Die raad kan van tyd tot tyd enige persoon of persone uitnoodig om 'n raadsvergadering by te woon om sodanige insette as wat vereis word, te lewer.

(5) Enige werknemer, of 'n studenteverteenwoordiger, wat 'n vergadering wil bywoon kan slegs toegelaat word om 'n vergadering by te woon met die vooraf toestemming van die sekretaris van die raad en sodanige werknemer, of studenteverteenwoordiger, het slegs waarnemerstatus.

(6) Elke lid moet met die aanvang van die eerste termyn 'n plaasvervanger, wie se naam in die lys van alternatiewe lede opgeneem moet word, aanwys.

(7) 'n Alternatiewe lid beoog in subparagraaf (6) is daarop geregtig om vergaderings van die raad by te woon indien 'n lid nie in staat is om die vergadering by te woon nie.

Buitengewone vergaderings

8. (1) Die voorsitter van die raad kan 'n buitengewone vergadering van die raad belê na minstens sewe dae kennisgewing, en die voorsitter moet sodanige vergadering belê wanneer hy of sy skriftelik daartoe versoek word deur enige tien lede van die raad, met dien verstande dat minstens drie van die lede nie-werknemers is, en dat die doel van die vergadering duidelik in die versoek gestel word.

(2) Geen sake anders as dié wat op die sakelyst van die vergadering verskyn, mag op die vergadering behandel word nie, tensy dit met die eenparige instemming van die vergadering geskied.

Noodvergaderings van raad

9. (1) 'n Noodvergadering kan te enige tyd deur die voorsitter belê word, met dien verstande dat lede indien moontlik nie minder nie as 24 uur kennisgewing van die vergadering ontvang.

(2) Kennisgewing van 'n vergadering in subparagraaf (1) beoog kan op enige wyse wat onder die omstandighede dienstig geag word, geskied.

(3) Lede moet in kennis gestel word van die doel van die noodvergadering en geen ander sake as dié waarvan lede in kennis gestel is, word by sodanige vergadering behandel nie.

(4) 'n Noodvergadering kan ook te enige tyd deur die voorsitter belê word deur middel van elektroniese tegnologie, met dien verstande dat-

- (a) minstens 75 persent van die lede tot sodanige vergadering instem;
- (b) minstens 75 persent van die deelnemende lede enige besluit wat geneem word, goedkeur; en
- (c) die raad sodanige besluit notuleer.

Aantal vergaderings van raad

10. Die voorsitter moet gedurende elke kalenderjaar minstens drie vergaderings van die raad by die setel van die Technikon belê, tensy anders bepaal.

Bespreking van mosies

11. (1) Geen lid van die raad kan, sonder die verlof van die vergadering, meer as een keer oor 'n mosie of 'n wysiging praat nie, maar die voorsteller van 'n mosie of 'n wysiging het die reg van repliek, met dien verstande dat 'n lid kan voorstel dat die aangeleentheid onder bespreking in komitee behandel word.

(2) Indien die mosie beoog in subparagraaf (1) gesekondeer word, moet daarvoor gestem word sonder verdere bespreking en, indien die mosie aanvaar word, moet die raad onmiddellik in komitee gaan, waarna 'n lid meer as een keer oor die aangeleentheid onder bespreking kan praat.

(3) 'n Mosie of 'n wysiging moet gesekondeer word en moet, indien die voorsitter dit gelas, op skrif wees, met dien verstande dat geen mosie of wysiging teruggetrek kan word sonder die toestemming van die voorsteller, die sekondant en die vergadering nie.

Stemming

12. (1) Tensy soos anders bepaal in hierdie Statuut, word alle sake beslis deur 'n gewone meerderheid van die teenwoordige lede.

(2) Die voorsitter het 'n gewone stem en 'n beslissende stem, met dien verstande dat hy of sy in die geval van 'n geheime stemming, geen beslissende stem het nie.

(3) Die raad besluit by wyse van 'n gewone meerderheid van al die teenwoordige lede wanneer 'n geheime stemming gehou moet word, met dien verstande dat die voorsitter 'n beslissende stem het in die geval dat daar geen gewone meerderheid is nie.

(4) In die geval van 'n staking van stemme het die voorsitter 'n beslissende stem.

(5) Indien lede wat tydens die stemming oor 'n mosie of 'n wysiging teenwoordig is, buite stemming bly, moet hulle weerhouding van stemme genotuleer word indien hulle dit versoek.

(6) Indien die vergadering so besluit, kan die aantal lede wat ten gunste van en teen 'n mosie stem of buite stemming bly ten opsigte van enige mosie, genotuleer word.

(7) Wanneer nie minder nie as 75 persent van al die lede van die raad ooreenstem oor 'n saak wat per brief, telegram of elektroniese pos na hulle verwys is deur die voorsitter, sonder dat 'n vergadering belê is, en hulle besluit per brief, telegram of elektroniese pos oorgedra het, word sodanige besluit geag 'n besluit van die raad te wees en moet dit in die notule van die volgende gewone vergadering opgeteken word.

(8) Indien 'n lid van die raad nie in staat is om 'n vergadering by te woon nie, kan sy of haar mening oor enige saak op die betrokke sakelys skriftelik aan die vergadering bekend gemaak word, maar kan dit nie as 'n stem deur sodanige lid getel word nie.

(9) Geen lid van die raad mag aan die bespreking van 'n saak waarin hy of sy direkte finansiële of ander materiële belang het, deelneem, of enige ander lede in verband daarmee beïnvloed, of daaroor stem nie, tensy hy of sy eers die omvang van sy of haar belang bekend maak en die toestemming van die vergadering verkry om aan die bespreking of die stemming of albei deel te neem.

(10) Indien die lid sonder die raad se toestemming aan verrigtinge in verband met 'n saak waarin die lid 'n finansiële of ander materiële belang het, deelneem, is 'n stemming deur die raad oor sodanige saak ongeldig.

Beslissing deur voorsitter

13. Die beslissing van die voorsitter oor enige punt van orde of prosedure is bindend, tensy dit onmiddellik deur 'n lid betwis word, in welke geval sodanige beslissing sonder bespreking aan die vergadering voorgelê word, en dié se beslissing is finaal.

Notule van vergaderings van raad en uitvoerende komitee

14. (1) Die sekretaris van die raad hou die notule van elke vergadering van die raad en sluit die notule by die sakelys van die volgende vergadering in wanneer die sakelys uitgestuur word ingevolge paragraaf 7(3).

(2) Tydens elke vergadering van die raad word die notule van die vorige vergadering en van enige buitengewone vergadering wat intussen gehou is, gelees en met die handtekening van die voorsitter goedgekeur.

(3) Enige beswaar teen die notule moet geopper en afgehandel word voor die goedkeuring daarvan.

(4) Die vergadering kan die notule as gelees beskou indien 'n afskrif daarvan aan elke lid gestuur is ooreenkomstig subparagraaf (1).

(5) Die notule van die vergadering van die uitvoerende komitee moet by sodanige raadvergadering bekend gemaak word.

Register van besluite van raad

15. Die sekretaris van die raad hou 'n volledige register van die besluite van die raad en van sy uitvoerende komitee, en enige belanghebbendes het, met die skriftelike toestemming van die rektor, toegang om sodanige besluite, op redelike gronde, te inspekteer.

Opstelling, wysiging of herroeping van statuut of reël

16. (1) 'n Mosie om 'n statuut of 'n reël op te stel, te wysig of te herroep is van nul en gener waarde tensy dit deur minstens 75 persent van die lede wat by die vergadering teenwoordig is, aanvaar word, met dien verstande dat sodanige vergadering saamgestel is uit minstens 50 persent van al die lede.

- (2) Enige mosie om 'n statuut of 'n reël op te stel, te wysig of te herroep moet ooreenkomstig die voorwaardes van artikel 32(2) van die Wet geskied.

Finansiële en ander belange van lede

17. (1) Enige lid van die raad of 'n komitee van die raad wat 'n direkte finansiële of persoonlike belang het in enige saak wat by 'n vergadering bespreek staan te word, moet, voor of tydens sodanige vergadering, sodanige belang verklaar by bewuswording van sodanige belang.

- (2) Enige lid van die teknikongemeenskap het die reg om die voorsitter voor enige vergadering skriftelik in te lig van enige moontlike botsing van belange ten opsigte van enige lid van die raad of 'n komitee.

- (3) Na sodanige verklaring of bevinding dat sodanige belang bestaan, moet sodanige lid van die raad of 'n komitee homself of haarself van die vergadering onttrek voordat sodanige saak bespreek word.

Uitvoerende komitee

18. (1) Die raad stel 'n uitvoerende komitee wat uit die volgende lede bestaan, aan -

- (a) die voorsitter van die raad;
- (b) die rektor;
- (c) die vise-rektor of vise-rektore;
- (d) die registrateur of registrateurs;
- (e) minstens vier lede van die raad wat as lede aangestel is ingevolge paragrawe 3(d), 3(j), 3(k) en 3(l).

(2) Die werksaamhede van die uitvoerende komitee word deur die raad bepaal.

Ander komitees

19. (1) Die raad stel sodanige ander komitees aan as wat benodig mag word en sodanige komitees sluit die volgende in-

- (a) 'n finansiële komitee;
- (b) 'n ouditkomitee;
- (c) 'n fisiese beplanningskomitee;
- (d) 'n dissiplinêre komitee;
- (e) 'n komitee vir gelykheid in indiensneming;
- (f) streeksadvieskomitees;
- (g) 'n institusionele samewerkingskomitee;
- (h) 'n keurkomitee vir senior bestuur;
- (i) 'n menslike hulpbronnekomitee.

(2) Die samestelling en werksaamhede van die komitees word deur die raad bepaal.

(3) Die voorsitter van 'n komitee mag nie 'n werknemer wees nie.

SENAAT

Wersaamhede van senaat

20. Die senaat is verantwoordelik vir die akademiese en navorsingswersaamhede binne die Technikon en is aan die raad verantwoordbaar.

Samestelling van senaat

21. Behoudens die bepalings van die Wet bestaan die senaat uit die volgende lede -

- (a) die rektor;
- (b) die vise-rektor of vise-rektore;
- (c) die registrateur of registrateurs;
- (d) die dekaan van elke akademiese divisie;
- (e) die studentedekaan;
- (f) die uitvoerende direkteur van elke programgroep;
- (g) die hooflektor of hooflektore ten opsigte van elke programgroep; of, in die geval dat daar nie sodanige ampsdraers is nie, die adjunk-hooflektor of adjunk-hooflektore;
- (h) die adjunk-hooflektor of adjunk-hooflektore ten opsigte van elke programgroep; of, in die geval dat daar nie sodanige ampsdraers is nie, twee senior lektore;
- (i) die direkteur: akademiese ontwikkelingseenheid;
- (j) die streekdirekteure;
- (k) die direkteur: biblioteek- en inligtingsdienste;
- (l) die senior direkteur: studiemateriaal beplanningsafdeling;
- (m) die direkteur: studiepakketontwerp en -ontwikkeling;
- (n) die direkteur: professionele opvoedkundige dienste;
- (o) die direkteur: navorsing;
- (p) die direkteure van institute of sentrums;
- (q) een nie-akademiese werknemer verkies deur die werknemers, met dien verstande dat die verkiesing van sodanige werknemer nie beperk word tot die verkiesing van 'n werknemer wat aan 'n verteenwoordigende werknemersorganisasie of organisasies behoort of nie behoort nie;

- (r) twee lede van die raad, wat nie in die diens van die Technikon is nie, deur die raad verkies;
- (s) twee lede van die verteenwoordigende studenteraad deur sodanige raad verkies;
- (t) een lid genomineer deur elke voldoende verteenwoordigende werknemersorganisasie;
- (u) een akademiese werknemer deur sodanige werknemers vir elke divisie verkies.

Ampstermyn van lede van senaat

- 22.** (1) Die ampstermyn van lede van die senaat is twee jaar, behalwe-
- (a) lede bedoel in paragraaf 21(a) tot 21(p) wat uit hoofde van hulle ampte dien;
 - (b) lede deur die verteenwoordigende studenteraad verkiesingevolge paragraaf 21(s), wie se ampstermyn een jaar en ses maande is.
- (2) Die prosedures van die raad ten opsigte van die vul van vakatures, die ontruiming van 'n amp en die skorsing van 'n lid geld, met die nodige veranderinge, vir die senaat.
- (3) Daar moet minstens drie vergaderings per jaar gehou word.

Voorsitter

- 23.** Die rektor of sy of haar verteenwoordiger is die voorsitter van die senaat.

Onder-voorsitter

- 24.** (1) 'n Vise-rektor is die onder-voorsitter van die senaat, met die verstande dat, indien daar meer as een vise-rektor is, die senaat uit sy geledere 'n vise-rektor as onder-voorsitter verkies.
- (2) 'n Vise-rektor wat ingevolge subparagraaf (1) verkies is, beklee die amp vir 'n tydperk van een jaar, waarna hy of sy herkiesbaar is.

(3) Indien die voorsitter sowel as die onder-voorsitter afwesig is van enige vergadering van die senaat, benoem die voorsitter of onder-voorsitter 'n persoon om as voorsitter van die vergadering op te tree.

(4) Indien geen persoon ingevolge subparagraaf (3) as waarnemende voorsitter aangestel is nie, verkies die teenwoordige lede uit hulle geledere 'n persoon om as voorsitter op te tree.

Prosedure tydens vergaderings

25. Die prosedures ten opsigte van die wyse waarop vergaderings van die raad bedryf moet word, is met die nodige veranderings van toepassing op vergaderings van die senaat.

Uitvoerende komitee

26. (1) Die senaat stel 'n uitvoerende komitee, wat uit die volgende lede bestaan, aan -

- (a) die rektor;
- (b) die vise-rektor of vise-rektore;
- (c) die registrateur of registrateurs;
- (d) die dekane van die akademiese divisies;
- (e) twee verteenwoordigers deur die senaat verkies;
- (f) een verteenwoordiger van 'n voldoende verteenwoordigende werknemersorganisasie.

(2) Die werksaamhede van die uitvoerende komitee word deur die senaat bepaal.

Ander komitees

27. Die senaat stel sodanige ander komitees aan as wat benodig mag word.

Divisionele-akademiese raad

28. (1) Die senaat stig 'n divisionele-akademiese raad, wat ondersteuning aan die senaat bied, vir elke divisie.

(2) 'n Divisionele-akademiese raad moet-

- (a) die breër verteenwoordiging uit akademiese programgroepe ten opsigte van akademiese aangeleenthede verseker;
- (b) akademiese aangeleenthede en beleid op die operasionele vlak oorweeg;
- (c) aanbevelings aan die senaat maak en goedkeuring daarvoor verkry.

(3) 'n Divisionele-akademiese raad word soos volg saamgestel:

- (a) die dekaan;
- (b) 'n sekretaris;
- (c) die uitvoerende direkteur van elke programgroep binne die divisie;
- (d) alle voltydse akademiese werknemers in die divisie;
- (e) 'n verteenwoordiger deur die verteenwoordigende studenteraad genomineer;
- (f) sodanige ander lede as wat die divisionele-akademiese raad vir 'n spesifiek rede mag benoem.

(4) Daar moet minstens drie vergaderings per jaar gehou word.

(5) Die prosedures ten opsigte van die wyse waarop die vergaderings van die raad bedryf word, is met die nodige wysigings van toepassing op die vergaderings van die divisionele-akademiese raad.

INSTITUSIONELE FORUM**Werksaamhede**

29. Die institusionele forum moet -

- (a) die raad adviseer oor aangeleenthede wat die inrigting affekteer, met inbegrip van:
 - (i) die implementering van die Wet en die nasionale beleid oor hoër onderwys;
 - (ii) beleid oor ras- en geslagsgelykheid;
 - (iii) die keuring van kandidate vir rektoraats- en senior bestuursposisies;
 - (iv) gedragskodes, versoening en prosedures vir dispuut-oplossing; en
 - (v) die kweek van 'n institusionele kultuur wat verdraagsaamheid en respek vir fundamentele menseregte bevorder en 'n toepaslike omgewing vir leer, navorsing en onderrig skep; en
- (b) funksies wat deur die raad bepaal word, uitvoer.

Samestelling van institusionele forum

30. Die institusionele forum bestaan, behoudens die Wet, uit die volgende verteenwoordigers -

- (a) die rektor;
- (b) die vise-rektor of vise-rektore;
- (c) die registrateur of registrateurs;
- (d) die dekaan van elke akademiese divisie;
- (e) die studentedekaan;
- (f) die senior direkteur: menslike hulpbronne;
- (g) die senior direkteur: finansies;
- (h) twee lede van die raad, wat nie werknemers van die Technikon is nie, deur die raad verkies;
- (i) twee lede van die senaat, deur die senaat verkies;
- (j) twee streekdirekteure deur die streekdirekteursforum verkies;
- (k) een akademiese werknemer deur sodanige werknemers verkies, met dien verstande dat die verkiesing van sodanige werknemer nie beperk word tot die verkiesing van 'n werknemer wat aan 'n verteenwoordigende werknemersorganisasie of organisasies behoort of nie behoort nie;
- (l) een nie-akademiese wernemer deur sodanige werknemers verkies, met dien verstande dat die verkiesing van sodanige werknemer nie beperk word tot die verkiesing van 'n werknemer wat aan 'n verteenwoordigende werknemersorganisasie of organisasies behoort of nie behoort nie;

- (m) vier studenteledes van die verteenwoordigende studenteraad deur sodanige raad verkies;
- (n) een lid deur elke voldoende verteenwoordigende werknemersorganisasie genomineer;
- (o) een of meer lede deur die institusionele forum spesifiek gekoöpteer met die doel om die institusionele forum by te staan ten opsigte van enige spesifieke projek of projekte.

Ampstermyn van lede van institusionele forum

31. (1) Die ampstermyn van lede van die institusionele forum is twee jaar, behalwe-

- (a) lede bedoel in paragraaf 30(a) tot 30(g) wat uit hoofde van hulle ampte dien;
- (b) lede deur die verteenwoordigende studenteraad verkies ingevolge paragraaf 30(m), wie se ampstermyn een jaar en ses maande is.

(2) Die prosedures van die raad ten opsigte van die vul van vakatures, die ontruiming van 'n amp en die skorsing van 'n lid geld, met die nodige veranderinge, vir die institusionele forum.

Voorsitter en onder-voorsitter

32. (1) Tydens die eerste vergadering van die institusionele forum en wanneer dit mag nodig wees daarna, verkies die lede van die institusionele forum uit eie geledere 'n voorsitter en 'n onder-voorsitter, wat elk die amp beklee vir 'n tydperk van twee jaar, of vir sodanige korter tydperk as wat die voorsitter of onder-voorsitter 'n lid van die institusionele forum mag wees.

(2) Die voorsitter en die onder-voorsitter is herkiesbaar.

(3) Nominasies vir die ampte van voorsitter en onder-voorsitter van die institusionele forum moet skriftelik wees aan die sekretaris van die institusionele forum.

(4) Indien meer as een kandidaat vir elke amp genomineer word, geskied die stemming by wyse van geheime stemming.

(5) 'n Kandidaat moet as voorsitter of onder-voorsitter van die institusionele forum verkies word met 'n meerderheid van minstens 75 persent van al die lede teenwoordig by die vergadering van die institusionele forum.

(6) Elke lid van die institusionele forum het slegs een stem tydens 'n stemming.

(7) Daar moet 'n opeenvolging van stemmings wees indien geen kandidaat met die eerste stemming 'n meerderheid behaal nie.

(8) Met elke opeenvolgende rondte van stemming word die kandidaat met die minste ondersteuning in die vorige stemming as kandidaat uitgeskakel.

(9) (a) Wanneer 'n vakature in die amp van voorsitter of onder-voorsitter ontstaan, geld die bepalings van subparagrafe (3) tot (8) met die nodige wysigings vir die vul van die vakature.

(b) 'n Persoon wat ingevolge subparagraaf (a) verkies word om 'n toevallige vakature te vul, beklee die amp vir die onverstrykte gedeelte van sy of haar voorganger se ampstermyn.

Prosedure tydens vergaderings

33. Die prosedures ten opsigte van die wyse waarop vergaderings van die raad bedryf moet word, is met die nodige veranderings van toepassing op vergaderings van die institusionele forum.

Aanbevelings

34. In die geval waar die raad nie 'n aanbeveling deur die institusionele forum aan die raad aanvaar nie, moet die raad aan die institusionele forum skriftelike redes verskaf waarom sodanige aanbeveling nie deur die raad aanvaar is nie.

Streeks-advies komitees

35. (1) 'n Streeks-advies komitee kan in elke streek ingestel word.

(2) 'n Streeks-advies komitee handel met streeksaangeleenthede en adviseer die raad en die institusionele forum ten opsigte van enige spesifieke aangeleenthede wat die raad en die institusionele forum van hulp kan wees in die uitvoering van hulle werksaamhede.

Uitvoerende komitee

36. (1) Die institusionele forum stel 'n uitvoerende komitee bestaande uit die volgende lede aan -

- (a) die rektor;
- (b) die vise-rektor of vise-rektore;
- (c) die registrateur of registrateurs;
- (d) een lid van die verteenwoordigende studenteraad;
- (e) een lid van die verteenwoordigende werknemersorganisasie;
- (f) een lid van die raad;
- (g) een lid van die senaat.

Komitees van institusionele forum

37. Die institusionele forum stel sodanige amptenare en komitees as wat benodig word, aan.

KANSELIER

Bevoegdhede, voorregte en werksaamhede

38. Die kanselier is die seremoniële hoof van die Technikon en ken alle technikonsertifikate namens die Technikon toe.

Ampstermyn

39. (1) Die kanselier beklee die amp vir 'n tydperk van vier jaar, tensy hy of sy sy of haar bedanking indien of sy of haar amp ontruim om enige rede behalwe die verstryking van sy of haar ampstermyn.

(2) Die kanselier kan uit die amp verwyder word by wyse van 'n besluit van minstens 75 persent van al die lede van die raad op grond van wangedrag, onvermoë of onbevoegdheid om sy of haar pligte uit te voer, of om enige rede wat die raad voldoende ag.

(3) Die kanselier is herkiesbaar.

Verkiesing

40. (1) (a) Die voorsitter van die raad of die sekretaris van die raad deur hom of haar gemagtig bepaal die datum waarop 'n vergadering van die raad gehou sal word met die doel om 'n kanselier te verkies, met dien verstande dat sodanige vergadering gehou word binne negentig dae nadat die amp van kanselier vakant geraak het.
- (b) Minstens twee maande, maar nie meer as vier maande nie, voor die verstryking van die ampstermyn van die kanselier, gee die sekretaris van die raad aan elke lid van die raad kennis van die datum, plek en tyd van die vergadering bedoel in subparagraaf (a) en nooi die lede van die raad om nominasies vir die amp van kanselier in te dien op die vorm wat deur die rektor goedgekeur is, met dien verstande dat dit enige lid vry staan om die inligting op die goedgekeurde vorm aan te vul by wyse van die voorlegging van bykomende inligting.
- (c) Die voltooide dokumente vir die nominasie van kandidate moet die sekretaris van die raad minstens een en twintig dae voor die datum van die vergadering bedoel in subparagraaf (a) bereik.
- (d) Die sekretaris van die raad moet binne drie dae na die sluitingsdatum vir nominasies aan elke lid van die raad behoorlik kennis gee van die nominasies wat ontvang is.
- (e) Die raad verkies 'n kanselier by wyse van geheime stemming.

- (f) 'n Kandidaat moet tot die amp van kanselier verkies word met 'n meerderheid van minstens 75 persent van al die lede van die raad wat teenwoordig is.
- (g) Elke lid van die raad het slegs een stem tydens 'n stemming.
- (h) Daar moet 'n opeenvolging van stemmings wees indien geenkandidaat met die eerste stemming 'n meerderheid behaal nie.
- (i) Met elke opeenvolgende rondte van stemming word die kandidaat met die minste ondersteuning in die vorige stemming as kandidaat uitgeskakel.
- (j) Nadat die raad 'n kanselier verkies het, word die naam van die kanselier deur die voorsitter van die raad aangekondig.

Vakature

41. Indien die amp van kanselier vakant raak, word 'n nuwe kanselier verkies soos in paragraaf 40 uiteengesit en vir die tydperk soos in paragraaf 39(1) uiteengesit.

REKTOR

Bevoegdhede, voorregte en werksaamhede

42. (1) Die rektor is die hoof-uitvoerende beampste van die Teknikon.

(2) Die rektor is verantwoordelik vir die dag-tot-dag bestuur van die Teknikon.

(3) Die rektor doen aan die raad verslag.

(4) Uit hoofde van sy of haar amp kan die rektor deur die raad versoek word om lid te word van bepaalde raadskomitees, gesamentlike komitees van die raad en die senaat en komitees van die senaat.

(5) Die raad kan bykomstige pligte, bevoegdhede en voorregte aan die rektor opdra om hom of haar in staat te stel om sy of haar werksaamhede te verrig.

Ampstermyn

43. (1) Die rektor word vir 'n tydperk van vyf jaar aangestel, maar is herkiesbaar na verstryking van sodanige tydperk.

(2) Die ampstermyn van die rektor kan onder die volgende omstandighede beëindig word -

- (a) by bereiking van die aftree-ouderdom wat op hom of haar van toepassing is;
- (b) wanneer sy of haar ampstermyn verstryk, soos met die raad ooreengekom;
- (c) wanneer hy of sy uit die amp bedank;
- (d) by wyse van ooreenkoms met die raad;
- (e) wanneer hy of sy na die mening van die raad onbevoeg raak;
- (f) wanneer hy of sy insolvent raak, met dien verstande dat die raad sodanige beëindiging van diens eis;
- (g) indien hy of sy skuldig bevind word aan 'n misdryf wat na die mening van die raad die rektor ongeskik vir diens maak; of
- (h) indien hy of sy op redelike gronde deur die raad ontslaan word.

(3) Indien die ampstermyn van die rektor ingevolge subparagraaf (2)(a) beëindig word, kan die raad sy of haar ampstermyn verleng met 'n tydperk wat nie een jaar op 'n slag oorskrei nie verleng, met 'n maksimum van drie sodanige verlengings van die ampstermyn.

(4) Indien die ampstermyn van die rektor ingevolge subparagraaf (2)(e) beëindig word, moet dit 'n besluit van ten minste 75 persent van al die lede van die raad wees.

Verkiesing en aanstelling

44. (1) Die sekretaris van die raad moet, minstens drie maande voor die aftrede van die rektor of, indien die amp om enige rede vakant raak, binne veertien dae nadat die amp vakant geraak het, aan elke lid van die raad en die voorsitter van die institusionele forum kennis gee van die vakature.

(2) Die raad moet aan sy keurkomitee opdrag gee om met die institusionele forum te skakel vir advies oor die vulling van die posisie.

(3) Die keurkomitee van die raad plaas, na oorlegpleging met die institusionele forum, 'n advertensie vir die pos van rektor op die wyse waarop besluit mag word.

(4) Die keurkomitee van die raad voorsien binne vyf dae na die sluitingsdatum van die advertensie bedoel in subparagraaf (3) die institusionele forum van 'n lys van aansoekers vir die amp ten einde die institusionele forum in staat te stel om persoonlike onderhoude met die aspirant-kandidate te voer.

(5) Nadat sodanige onderhoude met al die kandidate gevoer is, lê die institusionele forum 'n kortlys van kandidate, met 'n aanbeveling van 'n kandidaat vir aanstelling in die amp van rektor, aan die keurkomitee van die raad voor, met dien verstande dat die name van al die kandidate, met inbegrip van die name van die kandidate op die kortlys, aan die keurkomitee van die raad voorgelê word.

(6) Nadat die keurkomitee van die raad onderhoude met enige kandidate op wie hulle besluit het, gevoer het, lê die keurkomitee van die raad 'n kortlys van kandidate met 'n aanbeveling van 'n kandidaat vir aanstelling in die amp van rektor aan die raad voor, met dien verstande dat die name van alle kandidate, met inbegrip van die kandidate op die kortlys, aan die raad voorgelê word.

- (7) (a) Tydens 'n vergadering waar minstens 75 persent van alle lede teenwoordig is, stem die raad by wyse van geheime stemming oor die aanstelling van die aanbevole kandidaat in die amp van rektor, en die aanbeveling word met 'n gewone meerderheid goedgekeur.
- (b) Indien die aanbevole kandidaat nie 'n gewone meerderheid behaal nie, moet die raad by wyse van geheime stemming oor al die kandidate op die kortlys stem.
- (c) Indien geen kandidaat 'n gewone meerderheid behaal nie, moet daar 'n opeenvolging van stemmings wees.
- (d) Met elke opeenvolgende rondte van stemming word die kandidaat met die minste ondersteuning in die vorige stemming as kandidaat uitgeskakel.

(8) Die suksesvolle kandidaat word skriftelik deur die voorsitter van die raad aangestel.

Waarnemende rektor

45. (1) Wanneer die rektor afwesig is of nie in staat is om sy of haar pligte te vervul nie, stel die raad 'n vise-rektor aan as waarnemende rektor.

(2) 'n Waarnemende rektor het al die bevoegdhede, pligte en werksaamhede van 'n rektor met dien verstande dat hy of sy nie bestaande beleid kan verander sonder die goedkeuring van die uitvoerende komitee van die raad nie.

WISE-REKTOR OF VISE-REKTORE EN REGISTRATEUR OF REGISTRATEURS

Verkiesing en aanstelling

46. (1) Die raad kan 'n vise-rektor of vise-rektore en 'n registrateur of registrateurs aanstel.

(2) Die verkiesingsprosedure soos in paragraaf 44 uiteengesit, is met die nodige veranderinge van toepassing op die aanstelling van 'n vise-rektor en 'n registrateur.

Bevoegdhede, voorregte en werksaamhede

47. (1) 'n Vise-rektor of 'n registrateur is verantwoordelik vir ondersteuning aan die rektor in die bestuur van en toesig oor die Technikon.

(2) 'n Vise-rektor verrig die werksaamheid van waarnemende voorsitter van die senaat en hoof-uitvoerende beampste in die geval dat die rektor nie in staat is om die werksaamheid te verrig nie.

Waarnemende vise-rektor of registrateur

48. 'n Waarnemende vise-rektor of registrateur word deur die raad aangestel indien dit nodig geag word en vir die tydperk dat 'n vise-rektor of registrateur mag afwesig wees of in 'n ander hoedanigheid waarneem, en 'n waarnemende vise-rektor of registrateur het die bevoegdhede, voorregte en werksaamhede van die vise-rektor of registrateur.

Ampstermyn

49. Die ampstermyn van 'n vise-rektor en 'n registrateur is tot by bereiking van die normale aftree-ouderdom van akademiese personeel van die Technikon, met dien verstande dat die raad die aanstelling kan verleng ná bereiking van sodanige ouderdomsgrens met hoogstens een jaar op 'n keer, met 'n maksimum van drie sodanige verlengings van die ampstermyn.

SENIOR BESTUUR

Verkiesing en aanstelling

50. (1) Die rektoraat, by delegasie van die raad, stel senior bestuur aan soos omskryf.

(2) In die geval van 'n vakature ten opsigte van senior bestuur skakel die rektoraat met die institusionele forum vir advies oor die vul van die posisie.

(3) Na oorlegpleging met die institusionele forum plaas die rektoraat 'n advertensie vir die pos van die betrokke senior bestuurder op 'n wyse soos wat besluit mag word.

(4) Die rektoraat voorsien binne vyf dae na die sluitingsdatum van die advertensie bedoel in subparagraaf (3) die institusionele forum van 'n lys van aansoekers vir die senior bestuurspos ten einde die institusionele forum in staat te stel om persoonlike onderhoude met die aspirant-kandidate te voer.

(5) Nadat sodanige onderhoude met al die kandidate gevoer is, lê die institusionele forum 'n kortlys van kandidate, met 'n aanbeveling van 'n kandidaat vir aanstelling in die senior bestuurspos, aan die rektoraat voor, met dien verstande dat die name van al die kandidate, met inbegrip van die name van die kandidate op die kortlys, aan die rektoraat voorgelê word.

(6) Die suksesvolle kandidaat word skriftelik deur die rektoraat aangestel.

VERTEENWOORDIGENDE STUDENTERAAD

Grondwet

51. Die verteenwoordigende studenteraad word deur sy grondwet, waarvan die belangrikste bepalings hieronder behandel word, beheer.

Verteenwoordigende studenteraad

52. Die verteenwoordigende studenteraad bestaan uit -

- (a) nege provinsiale verteenwoordigende studenterade, elk binne 'n spesifieke streek van die Technikon saamgestel;
- (b) 'n provinsiale uitvoerende komitee vir elke provinsiale verteenwoordigende studenteraad sowel as spesifieke ampsdraers van sodanige provinsiale verteenwoordigende studenterade;
- (c) drie staande komitees van die verteenwoordigende studenteraad, naamlik: die bestuurskomitee, die studentediens-raadskomitee en die finansiële komitee; en
- (d) 'n nasionale uitvoerende komitee van die verteenwoordigende studenteraad sowel as spesifieke ampsdraers van sodanige nasionale uitvoerende komitee.

Nasionale uitvoerende komitee

53. (1) Die nasionale uitvoerende komitee is die uitvoerende gesag van die verteenwoordigende studenteraad en tree as sodanig op ten behoeve van die verteenwoordigende studenteraad.

- (2) Die nasionale uitvoerende komitee bestaan uit-
 - (a) die voorsitter van elke provinsiale verteenwoordigende studenteraad;
 - (b) nege ander lede deur die lede van die provinsiale verteenwoordigende studenterade verkies tydens die nasionale kongres van verteenwoordigende studenterade.
- (3) Die nasionale uitvoerende komitee verkies die volgende ampsdraers -
 - (a) 'n president;
 - (b) 'n adjunk-president;
 - (c) 'n algemene sekretaris;
 - (d) 'n tesourier;
 - (e) 'n inligtings- en publisiteitsekreteraris;
 - (f) 'n beampte vir orderrig en transformasie;
 - (g) 'n beampte vir geslagsgelykheid;
 - (h) 'n sport- en kultuurbeampte;
 - (i) 'n projek- en veldtogbeampte.

(4) Elk van die bogenoemde ampsdraers word deur die lede van die nasionale uitvoerende komitee verkies by wyse van meerderheid van stemme.

Verkiesings

54. (1) 'n Nasionale verkiesingsorganiseringskomitee moet saamgestel word om die verkiesings te koördineer en daarvoor toesig te hou.

(2) 'n Provinsiale verkiesingsorganiseringskomitee moet saamgestel word om verkiesings op 'n provinsiale vlak te administreer.

(3) 'n Onafhanklike verkiesingsmoniteringsagentskap monitor die verkiesingsproses van die instellingsfase tot die finalisering daarvan.

Ampstermyn

55. Die ampstermyn van die verteenwoordigende studenteraad is een jaar en ses maande.

Werkzaamhede en voorregte

56. Die verteenwoordigende studenteraad moet -

- (a) die belange van die Technikon as 'n hoër onderwysinrigting vir afstandsonderrig bevorder;
- (b) alle studente verteenwoordig, wat hulle organisatoriese verbintenisse ook al mag wees, as hulle demokraties verkose hoogste verteenwoordigende liggaam;
- (c) die belange van studente ten aansien van alle studente-aktiwiteite by die technikon verteenwoordig en bevorder;
- (d) sy aktiwiteite binne die unieke parameters van 'n gedesentraliseerde inrigting vir hoër afstandsonderrig verrig;
- (e) in die eerste plek op die verbetering van die formele leerervaring van alle Technikon SA-studente ingestel wees.

STUDENTEDISSIPLINE

Dissiplinêre kode

57. Die dissipline van studente word ingevolge die Technikon se dissiplinêre kode vir studente gehanteer.

Wangedrag

58. (1) 'n Student mag nie-

- (a) enige ander persoon dreig, onder dwang plaas of intimideer nie;
- (b) 'n ander student met besering, skade of vergelding dreig ten einde sodanige ander student daartoe te beweeg om op enige spesifieke wyse op te tree of nie op te tree nie;
- (c) 'n vuurwapen of 'n gevaarlike wapen in sy of haar besit hê of in die technikonperseel inbring nie, met uitsondering van studente van wie ampshalwe verwag word om dienswapens te dra;
- (d) lede van die personeel of besoekers in die uitvoering van hulle pligte dwarsboom of poog om hulle te dwarsboom nie;
- (e) die onderwysproses ontwig of verhoinder nie;

- (f) enige ander persoon seksueel teiste nie;
 - (g) teenoor enige ander persoon op rassistiese wyse optree nie;
 - (h) weier om 'n regmatige opdrag deur 'n persoon in 'n gesagsposisie gegee, uit te voer nie.
- (2) 'n Student mag nie -
- (a) enige gebou, meubels, toerusting, boeke of ander eiendom in die besit van of onder die beheer van die Technikon of die eiendom van personeel, ander studente of besoekers beskadig, skend of vernietig nie; of
 - (b) op die eiendom of perseel in die besit van of onder die beheer van die Technikon teenwoordig wees nadat hy of sy deur 'n personeellid in die uitvoering van sy of haar pligte versoek is om sodanige eiendom of perseel te verlaat nie.
- (3) 'n Student mag nie -
- (a) op 'n wyse wat die Technikon in diskrediet mag bring, optree nie;
 - (b) 'n valse verklaring aangaande die technikon maak nie; of
 - (c) enige eksamenreëls oortree nie.
- (4) 'n Student mag nie -
- (a) sonder behoorlike toestemming alkohol gebruik, besit of versprei op enige eiendom of perseel in die besit van of onder die beheer van die Technikon nie; of
 - (b) enige afhanklikheidsvormende middel wat by wetgewing verbode is op enige eiendom of perseel in die besit van of onder die beheer van die Technikon gebruik, besit of versprei nie.
- (5) 'n Student mag nie -
- (a) 'n medestudent of enige ander persoon aanmoedig om met 'n ander persoon saam te sweer om enige reël van die Technikon te oortree nie;
 - (b) homself of haarself aan die technikon-owerhede identifiseer as 'n geregistreerde student indien hy of sy nie aldus geregistreer is nie;
 - (c) eiendom van die Technikon sonder behoorlike toestemming gebruik nie;

- (d) fondse van die Technikon, of fondse onder die beheer van die technikon, finansieel wanbestuur of wanbestee nie, en moet verslag doen oor uitgawes ingevolge die Technikon se finansiële beleid; of
- (e) enige statutêre oortreding of 'n oortreding van die gemene reg pleeg nie.

Dissiplinêre verhoor

59. (1) Die studentedekaan lig die rektor in oor 'n beweerde oortreding.

(2) Die rektor of enige aangewese lid van die rektoraat moet die ondersoek van die bewerings magtig.

(3) Sou die ondersoek dui op die bestaan van grondige getuienis wat 'n dissiplinêre verhoor regverdig, word 'n aanbieder, wat 'n werknemer van die Technikon moet wees, deur die rektor of enige aangewese lid van die rektoraat in oorleg met die studentedekaan aangestel.

(4) Die studentedekaan is verantwoordelik vir die voorbereiding van 'n verklaring van beweerde wangedrag wat die volgende moet uiteensit-

- (a) die beweerde wangedrag in voldoende besonderhede om die beskuldigde student in staat te stel om vir die verhoor voor te berei;
- (b) die regte wat die student mag hê ten opsigte van 'n regverdige verhoor, met inbegrip van die reg om deur 'n medestudent bygestaan te word, getuies te roep, kruisverhoor te doen, van 'n tolk gebruik te maak en versagtende omstandighede aan te voer by skuldigbevinding;
- (c) die datum, tyd en plek van die verhoor; en
- (d) die samestelling van die dissiplinêre komitee.

(5) Die dissiplinêre komitee wat die saak moet beoordeel, word deur die studentedekaan aangestel en bestaan uit-

- (a) 'n voorsittende beampte; en
- (b) twee assessore, een waarvan 'n lid van die verteenwoordigende studenteraad is.

- (6) Die dissiplinêre komitee moet -
 - (a) uitspraak lewer op grond van 'n oorwig van waarskynlikhede;
 - (b) verswarende en versagende omstandighede oorweeg, alvorens 'n sanksie opgelê word; en
 - (c) 'n sanksie wat wesenlik regverdig is, opelê.
- (7) Die sanksie kan uit die volgende bestaan -
 - (a) 'n skriftelike waarskuwing;
 - (b) 'n finale skriftelike waarskuwing;
 - (c) skorsing;
 - (d) uitsetting; of
 - (e) enige ander sanksie wat toepaslik geag word.

Appél

60. (1) Enige student wat skuldig bevind word, het die reg tot appél, binne tien dae, teen die skuldigbevinding of die sanksie wat opgelê is.

(2) In die geval dat appél aangeteken word, word die handeling tydens die dissiplinêre verhoor op skrif gestel en 'n afskrif aan die student beskikbaar gestel om die student te help met die student se appél.

(3) Die appelerende student moet binne tien dae na ontvangs van die kopie van die verslag hierbo bedoel, 'n skriftelike voorlegging aan die studentedekaan rig, met uiteensetting van die redes waarom die appél behoort te slaag.

(4) Die studentedekaan moet dan 'n appélkomitee saamstel om die appél te oorweeg.

- (5) Die appélkomitee bestaan uit-
 - (a) 'n voorsitter wat 'n lid van die rektorat is; en
 - (b) twee assessore, een waarvan 'n lid van die verteenwoordigende studenteraad is.

(6) Geen lid van die dissiplinêre komitee word toegelaat om as lid van die appélkomitee te dien nie.

(7) Die appél is nie 'n herverhoor nie, maar die student, met die hulp van 'n medestudent en die aanbieder, kan die geleentheid gebied word, indien versoek, om die saak op die dokumentasie voor die appélkomitee te beredeneer.

(8) Die beslissing van die appélkomitee is finaal.

SAMEWERKING

Samewerking

61. Die Technikon kan, ten einde die optimale aanwending van hulpbronne en die uitvoering van sy werksaamhede te bewerkstellig -

- (a) met ander opvoedkundige inrigtings saamwerk;
- (b) met inrigtings in die private sektor saamwerk;
- (c) streeks- en nasionale strukture instel om sodanige samewerking te bevorder en te vergemaklik.

TECHNIKON SA-STIGTING

Technikon SA-stigting

62. (1) Die Technikon SA-stigting is 'n trust wat deur die Technikon geskep is vir doeleindes van fondsinsameling.

(2) Die stigting doen by elke vergadering van die raad verslag oor sy bedrywighede op 'n wyse deur die raad voorgeskryf.

HERROEPING VAN STATUUT

Herroeping van Statuut

63. (1) Die Statuut wat betrekking het op die Technikon SA, soos gepubliseer kragtens Goewermentskennisgewing Nommer 17545 van 8 November 1996, word hierby herroep.

(2) Enigiets wat gedoen is kragtens enige bepaling van die Statuut by subparagraaf (1) herroep, word geag gedoen te wees kragtens die ooreenstemmende bepaling van hierdie Statuut.

CONTENTS**INHOUD**

No.	Page No.	Gazette No.	No.	Bladsy No.	Koerant No.
GOVERNMENT NOTICE			GOEWERMENTSKENNISGEWING		
Education, Department of			Onderwys, Departement van		
<i>Government Notice</i>			<i>Goewermentskennisgewing</i>		
1651 Higher Education Act (101/1997): Statute of the Technikon SA.....	1	19602	1651 Wet op Hoër Onderwys (101/1997): Statuut van die Technikon SA.....	35	19602

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