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## GOVERNMENT NOTICE

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DEPARTMENT OF EDUCATION

No. 716

4 June 1999

### HIGHER EDUCATION ACT, 1997

#### STATUTE OF THE CAPE TECHNIKON

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

## SCHEDULE

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

## PREAMBLE

**WHEREAS** the Cape Technikon is committed to achieving the national objectives of higher education transformation by -

- contributing to the advancement of all forms of knowledge and scholarship;
- setting standards of expected behaviour for the entire campus community;
- promoting a campus environment which is sensitive to gender, racial and cultural diversity;
- developing an institutional culture which promotes a democratic ethos and a culture of human rights;
- nurturing respect for difference; and
- upholding rigorous standards of academic quality;

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

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# CHAPTER 1

## DEFINITIONS, OFFICES AND STRUCTURES

### 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 same meaning so assigned to it, and unless it is inconsistent with the context-

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

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

**"administrative and technical employee"** means any employee other than an academic employee employed by the Technikon in grades four to thirteen;

**"appoint"** means either to employ a person or to assign to a person tasks, functions or an office;

**"donor"** means any body or person who donates an amount to be determined by the council from time to time in cash or in kind or has undertaken to donate an amount to be determined by the council from time to time to the Technikon in regular instalments over a period of not more than four years and who is not in arrears with his or her instalments;

**"executive management"** means the principal, the vice-principals and the registrar of the Technikon;

**"nominate"** and **"nomination"** mean the act of submitting names for election;

**"past student"** means the past students of the Technikon, including the past students of the Cape Technical College or College for Advanced Technical Education of which the Technikon is the successor, who obtained a tertiary qualification at the Cape Technikon;

**"principal"** means the rector and vice-chancellor of the Technikon;

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

**"service employee"** means any employee other than an academic employee employed by the Technikon in grades fourteen to eighteen;

**"Technikon"** means the Cape Technikon;

**"vice-principal"** means the vice-rector or vice-rectors of the Technikon.

### **Offices and structures**

2. In order to carry out its academic, management and control functions, the Technikon has the following offices and structures-

- (a) the chancellor;
- (b) the principal;
- (c) the vice-principals;
- (d) the registrar;
- (e) the executive management;
- (f) the council;
- (g) the senate;
- (h) the institutional forum;
- (i) the convocation; and
- (j) the students' representative council.

## **CHAPTER 2**

### **CHANCELLOR**

#### **Functions**

3. (1) The Technikon has a chancellor who is the titular head of the Technikon and who confers all diplomas and degrees on behalf of the Technikon.

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

#### **Term of office**

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

(2) The chancellor may be removed from office by a resolution of seventy-five per cent of all the members of the council on account of misconduct, incapacity to carry out his or her official functions or any other reason that the council deems adequate.

**Election**

5. (1) The chairperson of the council or his or her proxy determines the date on which a meeting of the council must be held for the purpose of electing the chancellor, provided that such a meeting must be held within 90 days after the office of the chancellor becomes vacant.

(2) The secretary to the council must, at least two months but not more than four months prior to the expiry of the term of office of the chancellor, give due notice to every member of the council of the date, place and time of the meeting referred to in subparagraph (1) and invites members of the council to submit nominations for the office of chancellor on a 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.

(3) The completed nominations must reach the secretary to the council at least 21 days before the date of the meeting referred to in subparagraph (1).

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

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

(6) The council must elect the chancellor by secret ballot.

(7) A candidate must be elected to the office of chancellor by a majority of seventy-five per cent of all the members of the council present, at a meeting referred to in subparagraph (1).

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

(9) In each successive round of voting the candidate with the least support in the previous ballot is eliminated as candidate.

(10) The chairperson of the council must announce the name of the person elected as chancellor immediately after such election.

**Vacancy**

6. If the office of chancellor becomes vacant the provisions of paragraph 5 are applicable to the filling of such vacancy and the provisions of paragraph 4 are applicable to the term of office of such successor.

## CHAPTER 3

### PRINCIPAL AND VICE-PRINCIPALS

#### PRINCIPAL

##### Functions

7. (1) The principal is the vice-chancellor and is responsible for the management and administration of the Technikon.
- (2) The principal is by virtue of his or her office a member of each committee of the council, the senate and of each joint committee.

##### Appointment

8. (1) The secretary to the council must at least six months before the retirement or termination of the contract of the principal, or, if the office becomes vacant for any other reason, within 14 days of the occurrence of the vacancy, give due notice to every member of the council of such vacancy.
- (2) The principal must be appointed by the council after consultation with the senate and the institutional forum and through a process agreed upon by all stakeholders.
- (3) The procedure for appointment must be transparent and fair and must form part of the Rules of the Technikon.

##### Term of office

9. The term of office of the principal must be determined by the council at the time of the appointment of the principal.

##### Acting principal

10. (1) If the office of the principal becomes vacant, the council must after consulting the senate and the institutional forum appoint an acting principal to hold office until such time as a successor takes up his or her appointment.
- (2) If the principal is to be absent for any reason, the principal may appoint a vice-principal or a member of the teaching staff to act as principal for the period of absence. If the principal is to be absent for a period exceeding 14 days, the council must appoint an acting principal for the period of absence.

## VICE-PRINCIPAL

### Appointment

11. If the office of a vice-principal becomes vacant the same procedure as set out in paragraph 8 for the appointment of the principal applies.

### Term of office

12. The term of office of a vice-principal must be determined by the council at the time of the appointment of the vice-principal.

## CHAPTER 4

### COUNCIL

#### Governing principles

13. (1) Governance of the Technikon is vested in its council and this process must reflect values about the distribution and exercise of authority, responsibility and accountability.
- (2) The council as governance structure of the Technikon must -
- (a) reflect the application of the principle of equity and redress;
  - (b) support a democratic ethos and a culture of human rights through educational programmes and practices conducive to critical discourse and creative thinking;
  - (c) be participatory to ensure that those affected by decisions have a say in making them;
  - (d) have transparent decision-making processes and those taking and implementing decisions should be accountable;
  - (e) protect academic freedom and the advancement of knowledge; and
  - (f) maintain institutional autonomy and administrative independence within the framework of public accountability.
- (3) The council must take ultimate responsibility for the institutional mission, the financial position of the Technikon and for issues of public integrity.

**Members of council**

14. (1) The council consists of the following members-
- (a) the principal;
  - (b) the vice-principals of the Technikon;
  - (c) five persons appointed by the Minister;
  - (d) two members of the senate elected by the senate in accordance with paragraph 49;
  - (e) one academic employee elected by the academic employees, which includes instruction and research professionals;
  - (f) one employee of the administrative and technical employees elected by such employees;
  - (g) one employee of the service employees elected by such employees; and
  - (h) two students of the Technikon, elected by the students' representative council.
- (2) The members of the council contemplated in section 27(4)(h) of the Act are-
- (a) a maximum of eight persons after inviting such bodies or authorities as council may deem necessary to nominate persons for appointment by the council;
  - (b) a maximum of two persons elected by the donors in the manner contemplated in paragraph 61;
  - (c) one member of the convocation elected by the convocation in the manner contemplated in paragraph 60; and
  - (d) a maximum of five members appointed by the council as the council deems necessary with due regard to representivity in terms of expertise and equity.

**Appointment or election of vice-principals as members of council**

15. Whenever it is necessary to appoint or elect vice-principals as members of the council as contemplated in section 27 (4)(b) of the Act, the chairperson of the council must designate a maximum of three vice-principals on the advice of the principal who must be informed of their appointment in writing, provided that at the first selection a system of fair rotation be decided upon for subsequent cycles of membership.

**Manner of election of academic employee on council**

16. (1) Whenever it is necessary for the academic employees to elect a member of the council as contemplated in paragraph 14(1)(e) the secretary to the council must by written notice mailed at least 60 days before the date determined by him or her for the election, invite members of the academic employees to submit nominations for election to council on a form prescribed by him or her, signed by five members of the academic employees and countersigned by the nominee as acceptance of the nomination.

(2) Nominations referred to in subparagraph (1) must be lodged with the secretary to the council at least 30 days before the date determined for the election.

(3) If only one candidate has been nominated, the secretary to the council must forthwith declare such candidate to be duly elected.

(4) If more than one candidate is nominated, the secretary to the council must -

- (a) at least 15 days before the date for the election, mail to the members of the academic employees a notice listing in alphabetical order the names and an abbreviated curriculum vitae of all the candidates together with an indication of the place and time of the election as well as instructions of how voting will take place;
- (b) appoint two scrutineers to assist him or her in his or her functions as returning officer; and
- (c) declare the person obtaining the highest number of votes duly elected and in the event of an equality of votes the result must be determined by him or her by lot in the presence of the two scrutineers.

(5) The result of any election may not be invalidated on the ground of any infringement of the provision of subparagraph (4) if the principal is satisfied that such infringement did not influence the result in a material way.

**Manner of election of employees other than academic employees on council**

17. Whenever it is necessary for the employees, other than members of the academic employees, to elect a member of the council as contemplated in paragraph 14(1)(f) and paragraph 14(1)(g) the same procedure as for the election of a member of the council by the academic employees in paragraph 16, applies with the necessary changes.

**Manner of election of students on council**

18. (1) The election of students as members of the council as contemplated in paragraph 14(1)(h) must take place annually at a special meeting of the students' representative council convened by the chairperson of the students' representative council within 30 days of the election of the office bearers of the students' representative council.

(2) A student elected to the council is deemed to have vacated his or her office as a member of the council if he or she ceases to be a student of the Technikon.

(3) Nominations of candidates must be made in writing, signed by two members of the students' representative council and countersigned by the nominee and such nomination must reach the secretary to the students' representative council at least seven days before the date of the meeting referred to in subparagraph (1).

(4) Voting must be by secret ballot.

(5) A candidate must be elected by a majority of at least seventy-five per cent of all the members of the students' representative council present.

(6) Each member of the students' representative council has only one vote per vacancy, provided that there must be a series of ballots if the vacancies are not filled by candidates gaining a seventy-five per cent majority in the first ballot.

(7) In each successive round of voting the candidate with the least support in the immediately preceding round of voting must be eliminated as a candidate.

**Term of office of members of council**

19. A member of the council, other than the principal, the vice-principal and the members elected by the senate, holds office for a period of four years unless, before the expiry of such period, he or she submits his or her resignation to the council in writing or vacates his or her office for any other reason, provided that the members elected by the senate hold office for a period of two years, provided further that students elected by the students' representative council must hold office for a period of one year.

**Chairperson and vice-chairperson**

20. The members of the council must at the first meeting of the council and thereafter when it becomes necessary, elect at an ordinary meeting of the council either by ballot or a show of hands from among their number who are not employees or students of the Technikon, a chairperson and a vice-chairperson who each holds office for a period of two years or for such shorter period as he or she may be a member of the council, provided that

such chairperson and the vice-chairperson, as the case may be, may be re-elected at the expiration of their term of office and may not be an employee or a student of the Technikon.

### **Secretary**

21. (1) The members of the council at the first meeting of the council and thereafter when it becomes necessary elect from among its members a secretary as required by section 26(3) of the Act, provided that the council may appoint any employee to assist the secretary or to act in his or her place.

(2) The secretary is elected by secret ballot and a majority of the members of the council present at an ordinary meeting of the council.

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

(4) The secretary holds office for a period of two years or for such shorter period as he or she may be a member of the council.

(5) The secretary acts as electoral officer at all meetings of the council and performs such other functions as determined by the council.

### **Meetings**

22. (1) A quorum for the holding of a meeting of the council is of that number of members which is the smallest whole number greater than half of the total number of members.

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

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

(4) An extraordinary meeting of the council may be convened by the chairperson of the council whenever he or she deems it necessary, and must be convened by him or her when requested in writing to do so by any five members, clearly stating the object of the meeting in such request.

(5) At an extraordinary meeting no matters other than those for which the

extraordinary meeting was convened may be discussed, except with the consent of the meeting granted on an unopposed motion.

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

### **Minutes of council meetings**

23. (1) The secretary to the council must keep minutes of each meeting of the council and must include such minutes with the agenda of the next council meeting, a copy of which must be sent to each member before the next meeting.

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

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

### **Register of resolutions of council**

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

### **Discussion of motions**

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

(2) A motion or an amendment contemplated in subparagraph (1) must be seconded and, if so directed by the chairperson, must be in writing; and no motion or amendment may be withdrawn without the consent of the proposer, the seconder and the meeting.

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

**Review and rescinding of motion**

26. A motion which has been adopted by the council may not be reviewed or rescinded unless at least ten days written notice of such proposal to review or rescind is given.

**Ruling by chairperson**

27. The ruling of the chairperson on a question of order or procedure or on the conduct of a member, is binding, unless immediately challenged by a member, in which event it must be submitted without discussion to the meeting and the decision of the meeting is final.

**Drafting, amending or repealing Statute or Rule**

28. (1) No motion to draft, amend or repeal any Statute or Rule is of force and effect unless adopted by at least seventy-five per cent of the members present at the meeting, provided that such meeting is constituted of not less than fifty per cent of all members.

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

**Casual vacancies on council**

29. (1) If a casual vacancy occurs in the membership of the council, such vacancy must be filled in the same manner in which the member who previously held the office was appointed, elected or designated.

(2) A person appointed, elected or designated in terms of subparagraph (1) holds office for the unexpired portion of the term of office of his or her predecessor.

**Code of conduct**

30. There must be a code of conduct for members of the council which must be accepted by the council and form part of the Rules of the Technikon.

**Executive committee of council**

31. Council must appoint an executive committee of the council.

**Composition of executive committee**

32. (1) The executive committee of the council must be constituted as follows-

(a) the chairperson of the council;

- (b) the immediate past chairperson of the council, provided he or she is still a member of the council;
- (c) the vice-chairperson of the council;
- (d) the principal;
- (e) three vice-principals; and
- (f) a maximum of three members or their alternates as appointed by the council.

(2) The chairperson of the council is the chairperson of the executive committee of the council.

(3) The secretary to the council is the secretary to the executive committee of the council.

#### **Manner of election of members of council to executive committee**

33. Members of the executive committee of the council contemplated in paragraph 32(1)(f) must be elected annually at an ordinary meeting of the council by ballot or a show of hands.

#### **Functions of executive committee**

34. (1) The council is not divested of responsibility for the performance of any function delegated to the executive committee.

(2) The executive committee of the council has executive powers to act on behalf of the council on matters delegated to it.

(3) The executive committee of the council must attend to urgent matters which arise between determined dates for council meetings and during periods of recess.

#### **Meetings of executive committee**

35. (1) The procedure for meetings of the council applies with the necessary changes to the meetings of the executive committee.

(2) Recommendations from and decisions made by the executive committee are submitted to council either in the form of a report or as minutes at the following meeting of the council.

#### **Standing committees and ad hoc-committees of council**

36. (1) Council may at its discretion appoint standing and ad hoc-committees.

(2) The composition, manner of election, functions, procedure at meetings and dissolution of a committee are determined by the council taking into account the function delegated or assigned to that particular committee.

#### **Joint committees of council and senate**

37. Council and senate may at their discretion jointly nominate committees, to be known as joint committees, to perform functions that are common to the council and senate.

#### **Dissolution of standing committee or joint committee**

38. (1) Council may dissolve a standing committee when the need for such a committee no longer exists.

(2) Council may dissolve a joint committee once the function delegated or assigned to that particular committee has been completed.

## **CHAPTER 5**

### **SENATE**

#### **Members of senate**

39. The majority of members of the senate must be academic employees.

#### **Composition of senate**

40. The senate consists of the following members-

- (a) the principal;
- (b) the vice-principals;
- (c) two members of the council, not employed by the Technikon, appointed by the council;
- (d) the directors or deans of academic units and other representatives elected on the basis of student numbers per academic unit as determined by the council from time to time;
- (e) the directors or heads of academic support and student support services as determined by the council from time to time;
- (f) the directors or heads of administrative support units as determined by the council from time to time;

- (g) two assistant-registrars as determined by the council from time to time;
- (h) representatives from the staff unions as determined by the council from time to time;
- (i) representatives from the institutional forum as determined by the council from time to time;
- (j) two members of the students' representative council elected by the students' representative council.

### **Chairperson and vice-chairperson**

41. The members of the senate must elect from among their number by ballot or a show of hands at an ordinary meeting of the senate a chairperson and a vice-chairperson who must each hold office for a period of two years or for such shorter period as he or she may be a member of the senate, provided that such chairperson and vice-chairperson, as the case may be, may be re-elected at the expiration of their term of office.

### **Election of secretary and meeting procedures**

42. The election of the secretary and the meeting procedures of the council in paragraphs 21 and 22 apply with the necessary change.

### **Executive committee of senate**

43. The senate must appoint an executive committee of the senate.

### **Composition of executive committee**

44. (1) The executive committee of the senate must consist of the following seven members-
- (a) the chairperson of the senate;
  - (b) the principal;
  - (c) the vice-principal: academic; and
  - (d) four directors or deans representing four disciplines designated from time to time by the members of the senate at an ordinary meeting of the senate.

(2) If the chairperson of the senate is any one of the persons contemplated in subparagraphs (b), (c) or (d), then one additional member of the senate must be elected at an ordinary meeting of the senate.

(3) The chairperson of the senate must also be the chairperson of the executive committee of the senate.

(4) The principal must appoint the secretary to the senate to act as secretary to the executive committee of the senate.

#### **Committee functions and procedures**

45. (1) The executive committee of the senate must meet when necessary to attend to matters assigned to it by the senate.

(2) The provisions relating to the procedure for meetings of the council referred to in paragraph 22 apply with the necessary changes.

(3) The minutes of the executive committee are to be submitted to the subsequent ordinary meeting of the senate.

#### **Standing committees and ad hoc-committees of senate**

46. (1) The senate may at its discretion appoint standing and ad hoc-committees.

(2) The composition, manner of election, functions, procedure at meetings and dissolution of a committee must be determined by the senate taking into account the function delegated or assigned to that particular committee.

#### **Representatives of council on senate**

47. The two members of the council referred to in paragraph 40(c) must be elected annually at an ordinary meeting of the council by ballot or a show of hands and must be appointed by the chairperson of the council for a period of one year.

#### **Representatives of students on senate**

48. (1) The election of students' representative council members as members of the senate as contemplated in paragraph 40(j) must take place annually at a special meeting of the students' representative council convened by the chairperson of the students' representative council within 30 days of the election of the office bearers of the students' representative council.

(2) A students' representative council member elected to senate is deemed to have vacated his or her office as a member of the senate if he or she ceases to be a member of the students' representative council.

(3) Nominations of candidates must be made in writing, signed by two members of the students' representative council and countersigned by the nominee to denote his or her acceptance of the nomination and such nomination must reach the secretary to the students' representative council at least seven days before the date of the meeting referred to in subparagraph (1).

(4) Voting must be by secret ballot.

(5) A candidate must be elected by a majority of at least seventy-five per cent of all the members of the students' representative council present.

(6) Each member of the students' representative council has only one vote per vacancy, provided that there must be a series of ballots if the vacancies are not filled by candidates gaining a seventy-five per cent majority in the first ballot.

(7) In each successive round of voting the candidate with the least support in the immediately preceding round of voting is eliminated as a candidate.

#### **Representatives of senate on council**

49. (1) Whenever it is necessary for the senate to elect of its members as members of the council as contemplated in paragraph 14(1)(d) members must be elected at an ordinary meeting of the senate.

(2) Nominations of candidates must be made in writing, signed by two members of the senate and countersigned by the nominee to denote his or her acceptance of the nomination and such nomination must reach the secretary to the senate at least seven days before the date of the meeting referred to in subparagraph (1).

(3) If more than one candidate per vacancy is nominated, voting must be by secret ballot.

(4) A candidate must be elected by a majority of at least seventy-five per cent of all the members of the senate present.

(5) Each member of the senate has only one vote per vacancy, provided that there must be a series of ballots if no candidate gains a seventy-five per cent majority in the first ballot.

(6) In each successive round of voting the candidate with the least support in the immediately preceding round of voting must be eliminated as a candidate.

(7) At least one of the elected candidates has to be a member of the academic personnel.

## CHAPTER 6

### INSTITUTIONAL FORUM

#### Name

50. The institutional forum of the Technikon as contemplated in section 31 of the Higher Education Act is hereinafter referred to as the IF.

#### Composition

51. The IF must comprise of not more than two representatives and two alternate members of each constituency who must be elected annually from the following constituencies -

- (a) the council;
- (b) the executive management;
- (c) the senate;
- (d) the academic employees;
- (e) the administrative and technical employees;
- (f) the service employees;
- (g) the recognised student bodies after presentation of a manifesto and 50 signatories to the IF;
- (h) the recognised staff bodies after presentation of a manifesto and 20 signatories to the IF; and
- (i) such additional bodies as approved by the IF.

#### Chairperson and vice-chairperson

52. (1) The members of the IF must elect from among their number by ballot or a show of hands at an ordinary meeting of the IF a chairperson and a vice-chairperson who each holds office for one year, provided that such chairperson and vice-chairperson may be re-elected at the expiration of their term of office.

(2) In the absence of the chairperson and the vice-chairperson any other member chosen by those present presides.

**Meetings and register of resolutions of institutional forum**

53. All the provisions relating to the meetings of the council with regard to the quorum of a meeting, notice of a meeting, minutes of meetings, and register of resolutions apply with the necessary changes to the meetings of the IF.

## CHAPTER 7

### CONVOCATION

**Name**

54. There is a convocation which is known as the convocation of the Cape Technikon.

**Composition**

55. The convocation consist of -

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

**Secretary**

56. (1) The convocation must elect a secretary to the convocation from among its members by means of a secret ballot and a majority of the members present at an annual meeting of the convocation.

(2) The secretary holds office for two years.

(3) The council may appoint an employee of the Technikon to assist the secretary or to act in his or her place.

**Convocation roll**

57. (1) The secretary to the convocation must keep a roll of the convocation.

(2) It is incumbent upon every member of the convocation to register his or her name and address with the secretary and to notify him or her from time to time of any change of address.

(3) Any person whose name does not appear on the roll of the convocation is not entitled to vote.

### **Chairperson of convocation**

58. (1) There must be a chairperson of the convocation who-

- (a) is elected by the convocation from its members at an annual general meeting;
- (b) holds office for a period of two years; and
- (c) presides at all meetings of the convocation at which he or she is present.

(2) If the chairperson for any reason vacates his or her office prior to the expiry of his or her term of office, the convocation must elect a new chairperson from amongst its members for the unexpired portion of such term of office.

(3) In the absence of the chairperson the members present must under the guidance of the secretary elect a chairperson for that meeting from among their number.

### **Meetings of convocation**

59. (1) All meetings of the convocation must take place at the seat of the Technikon.

(2) The convocation must meet at least once a year.

(3) A meeting of the convocation may be convened by the chairperson whenever he or she deems it necessary, and must be convened by the secretary within 60 days after a written request signed by at least 50 members is lodged with the chairperson, provided that the matters for consideration at such meeting must be stated in the form of a special motion and that no matters other than those stated in such request may be discussed at such meeting.

(4) Notice of a meeting of the convocation, together with an agenda, must be sent to each member of the convocation at least 14 days before the meeting.

(5) Fifty members of the convocation constitute a quorum at meetings.

(6) The minutes of all meetings of the convocation must be sent to the council and the senate.

**Election of member of council by convocation**

60. (1) Whenever it is necessary for the convocation to elect one of its members as a member of the council, the secretary to the convocation must, by written notice or by any other form of public notice, posted or published at least 90 days before the date determined by the secretary for the election of members of the council, invite members of the convocation to nominate in writing a candidate to be elected as a member of the council.

(2) A nomination referred to in subparagraph (1) must reach the secretary at least 60 days before the date determined for the election.

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

(4) If only one candidate is nominated the secretary must forthwith declare such candidate to be duly elected.

(5) If more than one candidate is nominated the secretary must, at least thirty days before the date determined for the election, post to the members of the convocation ballot papers containing in alphabetical order the names of all the candidates.

(6) A member of the convocation is entitled to one vote.

(7) All completed ballot papers must be returned to the secretary so as to reach him or her not later than the date determined for the election.

(8) A ballot paper which is received by the secretary after the election date is invalid.

(9) The secretary, assisted by two scrutineers appointed by the principal, must count the votes cast for each candidate.

(10) The secretary must declare the person who obtains the highest number of votes to have been duly elected, and in the event of an equality of votes the result must be determined by him or her by lot in the presence of the two scrutineers.

(11) The result of any election is not invalidated on the ground of any infringement of the provisions of this paragraph if the principal is satisfied that such infringement did not influence the result in any material way.

## CHAPTER 8

### DONORS

#### **Election of members of council by donors**

61. (1) Whenever it is necessary for donors to elect persons as members of the council as contemplated in paragraph 14(2)(b) the secretary to the council must, by written notice posted at least 90 days before the date determined by him or her for the election of members of the council, request such donors to nominate in writing persons to be elected as members of the council.

(2) A nomination referred to in subparagraph (1) must be signed by the nominee to denote his or her acceptance of the nomination and must reach the secretary to the council at least 60 days before the date determined for the election.

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

(4) If more candidates are nominated than there are members to be elected, the secretary to the council must, not less than 30 days before the date determined for the election, post to the donors ballot papers containing the names of all the candidates in alphabetical order.

(5) A donor is entitled to one vote for every amount as determined by the council from time to time plus an additional vote for every multiple of such amount donated to the Technikon or the donation of which to the Technikon has been undertaken in regular instalments over a period of not more than four years, provided that such period of four years must commence from the date of receipt of the first instalment of the payment of the donation and the maximum number of votes so gained must be limited to fifty per donor, provided further that a donor's number of votes must be calculated on only those donations made during the four-year period immediately preceding an election.

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

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

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

(9) The secretary to the council must declare the person who obtains the highest number of votes to have been duly elected, and in the event of an equality of votes the result is determined by him or her by lot in the presence of the two scrutineers referred to in subparagraph (8).

## CHAPTER 9

### STUDENTS' REPRESENTATIVE COUNCIL

#### Composition

62. The students' representative council contemplated in section 35 of the Higher Education Act, hereinafter referred to as the SRC, must consist of not more than 20 and not fewer than 12 members.

#### Manner of election

63. (1) Only registered Technikon students are eligible to vote.

(2) Nominations must be made on the prescribed nomination form and must be signed by the nominee, the proposer and not fewer than five seconders.

(3) A student has the right to vote if and for as long as he or she is registered for a course at the Technikon as a year or semester student and has paid the required fees.

(4) An election must be conducted by secret ballot.

(5) A vice-principal must after consultation with the existing SRC nominate a person to officiate as electoral officer for the election of members of the SRC.

#### Term of office

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

#### Functions and privileges

65. (1) The SRC must serve the students of the Technikon and the community and its purpose must be the promotion of student interests and the development of student potential.

(2) The SRC is the highest body representing students.

## CHAPTER 10

### **Disciplinary measures and procedures applicable to students**

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

## CHAPTER 11

### **Disciplinary measures and procedures applicable to employees**

67. Subject to section 34(3) of the Act, disciplinary measures and procedures applicable to employees are as determined by the Rules of the Technikon.

## CHAPTER 12

### **Conferring of honorary doctorates**

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

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

## CHAPTER 13

### **Repeal of previous Statute**

69. (1) The Statute applicable to the Cape Technikon, published under Government Notice No. 1755 of 14 October 1994, as amended by Government Notice No. 1059 of 21 July 1996, is hereby repealed with effect from the date on which this Statute comes into operation.

(2) Notwithstanding subparagraph (1) anything done, any body established and any person appointed to an office under a provision of the Statute repealed by subparagraph (1) is deemed to have been done, established or appointed under the corresponding provision of this Statute, provided that such provisions are not inconsistent with any provision of the Act.

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