

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

Vol. 408

PRETORIA, 9 JUNE 1999  
JUNIE

No. 20183

## GOVERNMENT NOTICE

### DEPARTMENT OF EDUCATION

No. 754

9 June 1999

### HIGHER EDUCATION ACT, 1997 STATUTE OF TECHNIKON NATAL

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

### SCHEDULE

To introduce a new Statute for the Technikon Natal 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.

## **ARRANGEMENT OF STATUTE**

### **CHAPTER 1**

#### **DEFINITIONS AND LANGUAGE MEDIUM**

##### **Paragraph**

1. Definitions
2. Language medium

### **CHAPTER 2**

#### **GOVERNANCE OF TECHNIKON**

3. Council

### **CHAPTER 3**

#### **ACADEMIC FUNCTIONING OF TECHNIKON**

4. Senate

### **CHAPTER 4**

#### **MANAGEMENT OF TECHNIKON**

5. Principal and vice-chancellor
6. Vice-principals

### **CHAPTER 5**

#### **ADVISORY AND OTHER STRUCTURES OF TECHNIKON**

7. Institutional forum
8. Students' representative council
9. Convocation
10. Chancellor

### **CHAPTER 6**

#### **STUDENT DISCIPLINE**

11. Disciplinary measures and disciplinary procedures

### **CHAPTER 7**

#### **REPEAL OF STATUTE**

12. Repeal of previous Statute

## CHAPTER 1

### DEFINITIONS AND LANGUAGE MEDIUM

#### 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 the context indicates otherwise-

**"academic employee"** means any person appointed to teach students or to do research or to supervise and promote research students at the Technikon and any other employee designated as such by the Council;

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

**"council"** means the governing body of the Technikon;

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

**"employer"** means the council;

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

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

**"management"** for the purposes of paragraph 7(1)(a) of this Statute means all employees at Peromnes Grades 1, 2, 3 and 4;

**"Minister"** means the Minister of Education;

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

**"representative employees' organisation"** means any organisation of employees recognised by the council which is sufficiently representative as is required by the Labour Relations Act, 1995 (Act No. 66 of 1955), or any two such organisations which jointly have the required representation;

**"senate"** means the body contemplated in section 28 of the Act, and includes an academic board;

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

**"students' representative council"** means the body contemplated in section 35 of the Act;

**"Technikon"** means Technikon Natal;

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

### **Language medium**

2. The council, in terms of section 27(2) of the Act, determines that the language medium of the Technikon is English.

## **CHAPTER 2 GOVERNANCE OF TECHNIKON COUNCIL**

### **Council**

3. (1) The council governs the Technikon subject to the Act, any other law and this Statute.

(2) The council, with the view to the effective administration and governance of the Technikon, has the power, after consultation with relevant bodies within the Technikon and as and when determined by the Act, to -

- (a) make decisions;
- (b) draft the Statute and the Rules of the Technikon;
- (c) determine the Technikon's student admission policy;
- (d) confer qualifications, including honorary degrees;
- (e) establish and dissolve committees;
- (f) appoint and dismiss employees; and
- (g) determine the conditions of service, disciplinary measures, procedures, privileges and functions of the employees.

(3) Mindful of -

- the career orientation of the Technikon's mission and philosophy;
- the intellectual nature of the Technikon's functions as prescribed by the Act;
- the composition, needs and preferences of the communities that supply students to the Technikon;

- the business and industrial environment served by the Technikon;
- the technological, business and industrial needs of the country;
- the role played by the local and regional authorities;
- the co-operation and co-ordination necessary within the educational sector of the region;
- the managerial expertise required by the country;
- the needs of labour;
- the race and gender profiles of the country;
- the roles played by the Technikon graduates; and
- the roles played by the donor community; and

in compliance with section 27(4) of the Act, the composition of the council is as follows-

- (a) the principal;
- (b) three vice-principals;
- (c) not more than five persons appointed by the Minister;
- (d) two members of the senate elected by the senate in the manner prescribed by the Rules;
- (e) one academic employee elected by such employees in the manner prescribed by the Rules;
- (f) two students elected by the students' representative council in the manner determined by the students' representative council;
- (g) one employee other than an academic employee, elected by such employees in the manner prescribed by the Rules; and
- (h) not more than sixteen additional persons appointed by the council in the manner prescribed by the Rules.

(4) The members of the council, who all have voting powers, must not exceed thirty in total.

(5) At least 60 per cent of the members of the council must be persons who are not employees or students.

(6) The members of the council must-

(a) be persons with knowledge and experience relevant to the objects and governance of the Technikon;

(b) participate in the deliberations of the council in the best interests of the Technikon; and

(c) take office in their personal capacities.

(7) Members of the council, with the exception of those referred to in subparagraphs (3)(a), (b), (d) and (f), must hold office for four years, provided that at the first election and appointment of members of the council, half of such members as decided by lot must hold office for two years.

(8) The principal and vice-principals referred to in subparagraphs (3)(a) and (b) hold office for the duration of their appointments.

(9) Members of the council referred to in subparagraph (3)(d) hold office for two years, provided that at the first election and appointment of members of the council, one such member as decided by lot must hold office for a period of one year, provided further than when such members cease to be members of the senate, they must cease to be members of the council.

(10) Members of the council referred to in subparagraph (3)(f) must hold office for as long as they remain registered students at the Technikon, are elected members of the students' representative council and are mandated by the students' representative council to serve on the council.

(11) A member of the council, must vacate his or her office if-

(a) he or she resigns in writing from the council;

(b) his or her term of office expires;

(c) the Minister, 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;

(d) he or she is absent from two consecutive meetings without leave of the council;



- (e) he or she is declared insolvent by a court of law;
- (f) he or she is found guilty of an offence for which he or she is sentenced to imprisonment without the option of a fine;
- (g) he or she becomes a patient or a State patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973); or
- (h) in the case of a council member who is not in receipt of a salary or wage from the Technikon, he or she is appointed as an employee of the Technikon.

(12) 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 or elected.

(13) A person appointed or elected in terms of subparagraph (12) holds office for the unexpired portion of the terms of office of his or her predecessor.

(14) The office-bearers of the council are the chairperson, the vice-chairperson, an honorary treasurer and the executive officer of the council.

(15) Only council members not in receipt of a salary or wage from the Technikon must be elected as office-bearers.

(16) The election of office-bearers from among the members of the council must be by a majority of members of the council present at the first ordinary meeting of the council and every two years thereafter during the first ordinary meeting of the council of the relevant year.

(17) The quorum for meetings of the council is at least one-half of the members of the council.

(18) The number of meetings of the council, the place of meetings, the manner of notification, the meeting procedures and other related matters are as determined by the council from time to time.

(19) The council's year commences on 1 January and terminates on 31 December.

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

(21) The council must establish the following committees -

- (a) executive committee;
- (b) finance committee;
- (c) audit committee; and
- (d) such other committees as may be deemed necessary.

(22) The establishment, composition, manner of election of members, procedure at meetings and the dissolution of the committees contemplated in subparagraph (21) are determined by the council from time to time.

### CHAPTER 3

#### ACADEMIC FUNCTIONING OF TECHNIKON

#### SENATE

#### Senate

4. (1) The senate, in terms of section 28(1) of the Act, is accountable to the council for the academic and research functions of the Technikon and performs such other functions as may be delegated or assigned to it by the council.

(2) The senate may, in terms of section 29 of the Act, establish committees to perform any of its functions, but is not thereby divested of any responsibility.

(3) The composition of the senate is as follows-

- (a) the principal, who may vote;
- (b) the vice-principals, who may vote;
- (c) both assistant vice-principals: academic, who may vote;
- (d) the deans of the faculties, who may vote;
- (e) the heads of such academic departments by virtue of their offices as determined by the council on the recommendation of the senate, who may vote or alternate representatives elected by the relevant departments in the event that a head of department is unable to attend any particular meeting, who must only have voting powers for such meeting;



- (f) besides the academic staff referred to in subparagraphs (3)(d) and (3)(e), all academic staff who are full-time employees and hold posts at an associate director level or higher who may vote, provided that it be required from such persons to indicate at the beginning of each academic year whether or not they will be active members of the senate for the duration of the year, provided further that those persons answering in the negative will not be entitled to attend the senate meetings and may therefore not be included when assessing the quorum;
- (g) on application to and approval by the senate, a programme representative from a department offering more than one programme at a level as determined by the senate, and where the senior academic of one or other of these programmes is not yet a member of the senate and such person may vote;
- (h) one member from each faculty elected by the respective faculties from amongst the ranks of lecturers and senior lecturers, who may vote;
- (i) academic staff with a declared interest in an academic item or items to be discussed by the senate, provided that such non-voting attendance must be agreed to by the chairperson at least two Technikon working days prior to the relevant meeting;
- (j) all staff who have been awarded the title of professor or associate professor by the Technikon, who may vote;
- (k) all heads of academic support departments or alternatives as approved by the senate, on the recommendation of the relevant heads of department and the professional staff of the relevant academic support departments, who may vote;
- (l) one member of council, who may vote;

- (m) two members of the students' representative council, who may vote;
- (n) the chief librarian, who may vote;
- (o) the deputy registrar: student affairs of the Pietermaritzburg campus and the deputy registrar: student affairs of the Durban campus, who may vote;
- (p) one representative from each representative employees' organisation recognised by the council, who may vote;
- (q) research co-ordinators who may not vote; and
- (r) the head: public relations, who may not vote.

(4) The election of members to the senate referred to in subparagraph (3) is determined by the Rules.

(5) The term of office of members of the senate is two years except members who serve by virtue of their office who hold office for the period while they are in the specific position and student members who hold office as long as they remain registered students at the Technikon, are elected members of the students' representative council and are mandated by the students' representative council to serve on the senate.

(6) The member of the senate, at the first meeting of the senate and thereafter whenever it becomes necessary, elect from among themselves a chairperson, a vice-chairperson and an executive officer while keeping in mind the specific nature of such offices in terms of the academic and research functions of the senate.

(7) The number of meetings, places of meetings, meeting procedures are as determined by the senate from time to time.

## CHAPTER 4

### MANAGEMENT OF TECHNIKON

#### Principal and vice-chancellor

5. (1) The principal is the vice-chancellor.
- (2) The principal is the chief executive and accounting officer of the Technikon.
- (3) The principal is directly responsible to the council.

- (4) (a) When the office of principal is to be filled, the executive officer of the council must at least three (3) months before the retirement of the principal, or if the office becomes vacant for any other reason, within fourteen (14) days of the occurrence of the vacancy give due notice to every member of the council of such vacancy;
- (b) The council must, at an extraordinary meeting of the council called for that purpose, appoint a committee as contemplated in section 29 of the Act, for the specific purpose of forming a panel to compile the advertisement for the post of principal and for selecting a candidate and after consultation with the senate recommending his or her appointment to the council;
- (c) The council must, after considering the recommendation by the committee referred to in subparagraph (4)(b) and the advice of the institutional forum as contemplated in section 31 of the Act, at an ordinary meeting vote by secret ballot, and by simple majority accept or reject the recommendation of the committee, provided that if the council rejects the recommendation of the committee, such committee must be requested either to re-evaluate the candidates who applied for the post or to call for a new round of advertising;
- (d) The successful candidate must be appointed, in writing, by the chairperson of the council.
- (5) The principal holds office until he or she has reached the age determined for the retirement of the academic staff of the Technikon, provided that council may extend the appointment beyond such age limit by not more than five years, provided further that such extension must be reviewed annually.
- (6) Whenever for any reason the office of principal becomes vacant the council must appoint an acting principal until the office of the principal is filled in accordance with subparagraph (5).

(7) An appointment referred to in subparagraph (6) must be done after consultation with the senate and on the advice of the institutional forum.

(8) The acting principal has the same functions as the principal.

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

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

### **Vice-principals**

6. (1) The offices of three vice-principals are hereby established in terms of section 26(2)(d) of the Act.

(2) When the office of a vice-principal becomes vacant, such vacancy must be advertised in a manner determined by the council on the advice of the institutional forum, provided that at least one advertisement must appear in a national newspaper not less than one month prior to the selection procedure determined by the council.

(3) A vice-principal must be appointed by the council after consultation with the senate as determined in section 34 of the Act.

## **CHAPTER 5**

### **ADVISORY AND OTHER STRUCTURES OF TECHNIKON**

#### **Institutional forum**

7. (1) The institutional forum consists of-
- (a) two representatives from management;
  - (b) two representatives from the council who are not employees;
  - (c) four representatives from the senate;
  - (d) two representatives from academic employees elected by such employees;
  - (e) four representatives from employees other than academic employees elected by such employees;
  - (f) eight representatives from the students;

- (g) two representatives from NUTESA;
- (h) two representatives from NEHAWU;
- (i) the head: public relations; and
- (j) the equity manager.

(2) The manner of election of members, their term of office and the filling of vacancies are as determined by the Rules.

(3) The institutional forum elects at its first meeting and thereafter whenever necessary office-bearers from among its members in the manner determined by the institutional forum from time to time.

(4) The number of meetings of the institutional forum, the places of meetings, the manner of notification of meetings and the meeting procedures are as determined by the institutional forum from time to time.

#### **Students' representative council**

8. (1) A students' representative council as contemplated in section 35 of the Act must be elected by the students of the Technikon.

(2) The constitution, manner of election, term of office, functions and privileges of the students' representative council are determined by the Rules of the Technikon.

#### **Convocation**

9. (1) The convocation consists of-

- (a) persons to whom a certificate of the Technikon has been awarded;
- (b) academic employees who have been permanently appointed; and
- (c) such other persons and employees of the Technikon as the council may determine.

(2) The convocation of the Technikon Natal is known as the Alumni Association of Technikon Natal.

- (3) (a) An employee of the Technikon designated by the council must compile and keep up to date a convocation roll, upon which must appear the names and addresses of all persons who are members of the convocation;

- (b) The convocation roll is conclusive evidence that any person whose name appears thereon at the time of his or her claiming to vote as a member of the Alumni Association of Technikon Natal is entitled so to vote, and that any person whose name does not appear thereon is not so entitled, provided that the names of the persons referred to in subparagraph (1) must be considered to be automatically included on the convocation roll, provided further that such automatic enrolment does not relieve the member of the duty of registering his or her address with the employee referred to in subparagraph (3)(a) and keeping him or her informed of any subsequent change of address.
- (4) The Alumni Association of Technikon Natal may discuss and state its opinion on any matter relating to the Technikon including matters which may be referred to it by the council.
- (5)
  - (a) The chairperson must be elected by the Alumni Association of Technikon Natal in the manner prescribed by the Rules;
  - (b) The powers, privileges, functions and the period of office of the chairperson must be as prescribed by the Rules.
- (6) Meetings of the Alumni Association of Technikon Natal must be convened and held in the manner, at the times and places and for the purposes prescribed by the Rules.

### **Chancellor**

10. (1) The chancellor is the titular head of the Technikon and must confer all degrees, diplomas and certificates on behalf of the Technikon.

(2) The chancellor holds office for four years, unless he or she tenders his or her resignation in writing to the executive officer of the council or until he or she vacates his or her office for any reason before the expiry of his or her term of office.

(3) When the office of chancellor becomes vacant the executive officer of the council must give notice of such vacancy to every member of the



council at least two months before a meeting of the council called for the specific purpose of electing a chancellor.

(4) No person is eligible for election as chancellor unless he or she has been nominated in writing, with his or her written consent, by two members of the council.

(5) Nominations must reach the executive officer of the council at least three weeks before the date of the meeting contemplated in subparagraph (3).

(6) The executive officer of the council must notify every member of the council of any nomination received within three days after the closing date for nominations.

(7) The chancellor must be elected by secret ballot and by a majority of the total number of the members of the council present at the meeting contemplated in subparagraph (3), provided that if no candidate receives a majority vote in the first ballot, successive rounds of voting must be held, with the candidate receiving the least votes being eliminated at every round.

(8) Each member of council has only one vote during each ballot.

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

(10) The chancellor may be removed from office by a resolution of at least two thirds of all the members of the council on account of misconduct, incapacity to carry out his or her official duties or on account of any other reason which the council might, after seeking the opinions of senior legal council, deem justifiable.

## CHAPTER 6

### STUDENT DISCIPLINE

#### **Disciplinary measures and disciplinary procedures**

11. Every student is subject to the disciplinary measures and disciplinary procedures as determined by council, after consultation with the senate and students' representative council which measures and procedures must be published in the Technikon's annual general handbook.

## CHAPTER 7

### REPEAL OF STATUTE

#### Repeal of previous Statute

12. (1) The Statute applicable to the Technikon Natal, published by Government Notice No. 1166 of 1 July 1994, as amended by Government Notices Nos. 620 of 19 April 1996 and 909 of 31 May 1996 and as corrected by Government Notice No. 994 of 14 June 1996 and further amended by Government Notices Nos. 2036 of 13 December 1996, 522 of 4 April 1997, 1078 of 8 August 1997 is hereby repealed with effect from the date on which this Statute comes into operation.

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

---

## CONTENTS

No.

 Page  
No.      Gazette  
No.

### GOVERNMENT NOTICE

Education, Department of

Government Notice

754 Higher Education Act (101/1997): Statute of Technikon Natal .....	1	20183
---	---	-------

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
 Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515  
 Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001  
 Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515