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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 817

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

STATUTE OF THE TECHNIKON WITWATERSRAND

The council of the Technikon Witwatersrand 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 Witwatersrand 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 the Technikon Witwatersrand is to be the preferred choice for excellence by -

- providing quality career and technology-oriented education and research;
- creating an environment which empowers stakeholders to realise their full potential and goals;
- serving the community;
- forging partnerships based on sound business principles, thereby contributing to national goals.

The Technikon Witwatersrand adheres to the following values -

- cohesion - to support common endeavour, and at all times to strive to build cohesiveness and unity throughout the Technikon Witwatersrand - above all, unity in action;
- innovation - to commit itself to continuous improvement and to remain sensitive to the need for constant monitoring of activities in order to ensure progress in all fields;
- integrity - to be completely sincere, ethical, accountable, open and transparent in pursuing its goals and adhering to its norms and standards.

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DEFINITIONS

1. In this Statute, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, 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 management task support to such teaching and research as designated by council;

"day" means calendar day;

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

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

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

"student" means a registered student at the Technikon;

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

"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).

COUNCIL

Function of council

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

Composition of council

3. (1) Subject to the provisions of the Act, the council 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;
- (g) one employee representing employees other than academic employees elected by such employees;
- (h) two members elected by the students' representative council;
- (i) one member elected by the convocation;
- (j) six members representing the commercial sector, the technological sector, the services sector, and the professional employment sector, nominated and elected by the council;
- (k) four members with specific expertise nominated and elected by the council; and
- (l) two members elected by the donors of the Technikon who shall not be Technikon employees.

(2) No employee and no student of the Technikon may hold an appointment under subparagraph (1)(i) to (l).

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 paragraph 3(1)(a) to 3(1)(c) who serve by virtue of their offices;
 - (b) members referred to in paragraph 3(1)(e), 3(1)(f), and 3(1)(g) whose term of office is two years; and
 - (c) members elected by the students' representative council in terms of paragraph 3(1)(h) whose term of office is one year.
- (2) If a vacancy occurs in the council, it must be filled in the same manner in which it was originally filled as indicated in paragraph 3.1.
- (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, 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 ordinary 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 deems such suspension appropriate under the circumstances.

Secretary

5. (1) At the first meeting of the council and thereafter whenever it becomes necessary, the council elects a secretary to the council, from among its members, provided that the council may assign any 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.

Chairperson and vice-chairperson

6. (1) The members of the council, at the first meeting of the council and thereafter whenever it becomes necessary, elect from the members referred to in paragraphs 3(1)(d), 3(1)(i), 3(1)(j), 3(1)(k) and 3(1)(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 the vice-chairperson are eligible for re-election, provided that such re-election is only for one further term of office.

(3) Nominations for the office of chairperson and vice-chairperson of the council must be in writing to the secretary to 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) If the chairperson as well as the vice-chairperson is absent from any meeting of the council, the chairperson or the vice-chairperson must appoint a person to act as chairperson at such meeting.

(10) If no person has been appointed acting chairperson in terms of subparagraph (9), the members present at such a meeting must elect one of their number to preside.

(11) (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.

Meetings

7. (1) A quorum consists of at least 50 per cent of the total number of members of the council.

(2) When there is no quorum, the meeting must adjourn for 15 minutes, after which the members reconvene, and the members then present 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 procures the consent of at least 75 per cent of the members present.

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

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 the council, if at least three of such members are non-employees and the object of the meeting is stated clearly in the request.

(2) No matters other than those appearing on the agenda of the meeting must 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, if members are given not less than 24 hours' notice of such 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 if -

- (a) at least 75 per cent of the members agree to such meeting; and
- (b) at least 75 per cent of the 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.

(2) A member may request that a matter under discussion be dealt with in committee.

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

(4) A motion or amendment must be seconded and, if it is so directed by the chairperson, must be in writing.

(5) 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 in the event of a tie of votes.

(3) The council decides by a simple majority of all members present when a secret ballot must be conducted.

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

(5) 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.

(6) 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.

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

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 must be submitted without discussion to the meeting, whose decision is final.

Minutes of council and executive committee meetings

14. (1) The secretary to the council keeps minutes of each meeting of the council and must forward such minutes to members within one month after such meeting, but must also include 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 as in accordance with subparagraph (1).

(5) The minutes of all preceding executive committee meetings must be disclosed at the subsequent council meeting.

Register of resolutions of council

15. The secretary to the council keeps a complete register of 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 a meeting,

provided that they constitute at least 50 per cent of the total number of members and at least 50 per cent of those present are not employees.

(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 a meeting must, before or during such meeting, declare such 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 of the council members who have been appointed as members in terms of paragraph 3(1)(d), 3(1)(i), 3(1)(j), 3(1)(k) and 3(1)(l);
- (f) the member elected by the students' representative council in terms of paragraph 3(1)(h).

(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 may include the following -

- (a) a finance and audit committee;
 - (b) a facilities planning committee;
 - (c) a human resources committee; and
 - (d) a senior management selection committee.
- (2) The composition and functions of the committees are determined by the council.
- (3) Each committee must have at least one elected employee council member on such committee.
- (4) The chairperson of the council may not be the chairperson of a committee unless otherwise decided by the council and 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 faculty;
- (e) the dean of student affairs;
- (f) the dean of the centre for career development;
- (g) the head of the academic support unit;
- (h) the head of the flexible learning unit;
- (i) the director of the library and information services;
- (j) the director of research;
- (k) the director of marketing and communication;
- (l) two members of the council, who are not employed by the Technikon, elected by the council;

- (m) two members of the students' representative council, elected by the students' representative council;
- (n) one academic employee elected by such academic employees for each faculty;
- (o) the academic employee referred to in paragraph 3(1)(f);
- (p) the director of institutional development;
- (q) the director of human resources; and
- (r) the deputy registrar: finance.

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 (k) and (p) to (r) who serve by virtue of their offices; and
 - (b) the members elected by the students' representative council in terms of paragraph 21(m), whose term of office is one year.
- (2) The procedures of the council in respect of filling vacancies, the vacating of office and the suspension of a member, apply with the necessary changes to the senate.

Number of meetings of senate

23. There must be at least four meetings per annum.

Chairperson, vice-chairperson and secretary

24. (1) The members of the senate, at the first meeting of the senate and thereafter whenever it becomes necessary, elect from among its members a chairperson, a vice-chairperson and a secretary whilst keeping in mind the specific academic nature of the functions of such offices.
- (2) The office-bearers elected in terms of subparagraph (1) hold office for a period of two years and are eligible for re-election.
- (3) If the chairperson as well as the vice-chairperson is absent from any meeting of the senate, the chairperson or the 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 meetings of the council are to be conducted apply with the necessary changes to meetings of the senate.

Executive committee

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

- (a) the chairperson of the senate;
- (b) the principal and the vice-principal or vice-principals;
- (c) the registrar or registrars; and
- (d) three representatives of the senate elected by the senate.

(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.

Faculty board

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

(2) A faculty board must -

- (a) ensure broad representation of academic departments, schools or programme groups;
- (b) consider academic issues and policies at operational level; and
- (c) make recommendations to and obtain approval from the senate.

(3) A faculty board is constituted as follows -

- (a) the dean;
- (b) the heads of each school and such heads of departments and programme groups as decided on by the dean in consultation with the heads of schools within the faculty;

- (c) two representatives nominated by the students' representative council; and
 - (d) such other members as may be co-opted from time to time by the faculty board.
- (4) There must be at least four 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 faculty 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 senior management positions;
 - (iv) codes of conduct, mediation and dispute resolution procedures;
 - (v) the fostering of an institutional culture that promotes tolerance and respect for fundamental human rights and creates an appropriate enabling environment for teaching, research and learning; and
 - (vi) any other transformation issues; and
- (b) perform such functions as may be determined by the council.

Composition of institutional forum

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

- (a) the vice-principal or vice-principals;
- (b) the dean of student affairs;
- (c) the director of human resources;
- (d) the director of institutional development;

- (e) two members of the council, who are not Technikon employees, elected by the council;
- (f) three members of the senate, elected by the senate;
- (g) two academic employees, who are not members of the senate, elected by the academic employees;
- (h) two non-academic employees, elected by the non-academic employees;
- (i) four members of the students' representative council nominated by the students' representative council;
- (j) two members of the representative employees' organisation;
- (k) a member or members co-opted from time to time by the institutional forum for the 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(d), who serve by virtue of their offices; and
- (b) members of the students' representative council elected in terms of paragraph 30(i) whose term of office is one year.

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

Chairperson, vice-chairperson and secretary

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, a vice-chairperson and a secretary who each holds office for a period of two years, or for such shorter period as the chairperson, vice-chairperson or secretary may be a member of the institutional forum.

(2) The chairperson, the vice-chairperson and the secretary are eligible for re-election.

(3) Nominations for the offices of chairperson, vice-chairperson and secretary of the institutional forum must be given in writing to the secretary to the council who acts as election officer.

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

(5) A candidate may be elected chairperson, vice-chairperson or secretary of the institutional forum only 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 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) If the chairperson as well as the vice-chairperson is absent from any meeting of the institutional forum, the chairperson or the vice-chairperson appoints a person to act as chairperson at the meeting.

(10) If no person has been appointed acting chairperson as contemplated in subparagraph (9), the members present at such a meeting elect one of their number to preside.

(11) (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 procedure in respect of the manner in which meetings of the council are to be conducted, apply with the necessary changes to 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.

Executive committee

35. The institutional forum appoints an executive committee, which consists of the following members -

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

Other committees of institutional forum

36. The institutional forum appoints such committees as may be required.

CHANCELLOR

Functions

37. The chancellor is the ceremonial head of the Technikon and confers all technikon certificates on behalf of the Technikon.

Term of office

38. (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 incompetence to execute his or her official duties, or any other reason that the council deems appropriate.

(3) The chancellor is eligible for re-election, provided that such re-election is only for one further term of office.

Election and appointment

39. (1) The chairperson of the council or the secretary to the council if so authorised by the chairperson determines the date on which a meeting of the council is to be held for the purpose of electing a chancellor.

(2) The meeting contemplated in subparagraph (1) must be held within 90 days after the office of the chancellor becomes vacant.

(3) 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 (1) and invites members of the council to submit nominations for the office of chancellor on the form approved by the principal.

(4) Notwithstanding subparagraph (3), any member is at liberty to supplement the information on the approved form by the submission of additional information.

(5) The completed documents for the nomination of candidates must reach the secretary to the council at least 21 days before the date of the meeting referred to in subparagraph (1).

(6) 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.

(7) The council elects a chancellor by secret ballot.

(8) A candidate is elected to the office of chancellor by a majority of at least 75 per cent of all the members of the council present.

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

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

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

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

Vacancy

40. If the office of chancellor becomes vacant, a new chancellor must be elected as set out in paragraph 39 and for the period as set out in paragraph 38(1).

PRINCIPAL**Functions**

41. (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 a particular council committee, joint committees of the council and senate, and committees of the senate.
- (5) The council may assign additional functions, and grant additional powers and privileges to the principal to enable him or her to perform his or her functions.

Term of office

42. (1) The principal is appointed by the council and holds office until such appointment terminates in the event of any of the following -
- (a) upon retirement;
 - (b) when his or her agreed term of office expires;
 - (c) if he or she resigns from office;
 - (d) by agreement with the council;
 - (e) if he or she, in the opinion of the council, becomes incapacitated;
 - (f) if 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 him or her unfit; or
 - (h) if he or she is dismissed on reasonable grounds by the council.

Election and appointment

43. (1) The secretary to the council, at least six months before the retirement of the principal or, if the office becomes vacant for any reason, within 14 days of the

occurrence of the vacancy, gives notice to every member of the council and to the chairperson of the institutional forum of the vacancy.

(2) The council instructs 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 14 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 whichever candidates it wishes, submits the names of all candidates, a short-list of candidates, and a recommendation of a candidate for appointment to the office of principal 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 the names of all applicants, a short-list of candidates and a recommendation of a candidate for appointment to the office of principal to the council.

(7) (a) The council at a meeting, attended by at least 75 per cent of all members, votes 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

44. (1) When the principal is absent or unable to carry out his or her duties, the council appoints an acting principal.

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

VICE-PRINCIPALS AND REGISTRARS**Election and appointment**

45. (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 43 applies with the necessary changes to the appointment of a vice-principal and a registrar.

Functions

46. A vice-principal or a registrar is responsible for assisting the principal in the management and administration of the Technikon.

Acting vice-principal or registrar

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

Term of office

48. (1) The term of office of a vice-principal or a registrar is up to the normal retirement age of academic staff of the Technikon.

(2) Notwithstanding subparagraph (1), 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.

STUDENTS' REPRESENTATIVE COUNCIL AND OTHER STRUCTURES

Constitution of students' representative council

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

Students' representative council

50. (1) The students' representative council may not exceed ten members who are elected directly by the students.

(2) The students' representative council consists of the following functionaries and portfolios -

- (a) the president;
- (b) the vice-president;
- (c) finance;
- (d) social and culture;
- (e) public relations;
- (f) student affairs;
- (g) general secretary;
- (h) academic officer;
- (i) campus co-ordinator; and
- (j) sports representative.

Term of office

51. The term of office of a member of the students' representative council is one year.

Functions and privileges

52. (1) The students' representative council must -

- (a) promote the interest of the Technikon as a higher education institution;
- (b) represent all students, whatever their organisational affiliations may be, as their democratically elected highest representative structure; and

- (c) represent and promote the interest of students in respect of all student activities at the Technikon.

Student general council

- 53.** (1) A student general council is constituted which -
- (a) serves as a guiding and advisory structure for the students' representative council, its programme of action, activities and the implementation thereof; and
 - (b) makes recommendations to the students' representative council in respect of the withdrawal or acceptance of recognition of student structures.

Students' representative council disciplinary committee

54. The disciplinary committee of the students' representative council, is responsible for the discipline of any members of the students' representative council and members of other student structures affiliated to the students' representative council.

Review panel

- 55.** (1) There is a review panel, which is chaired by the dean of student affairs.
- (2) The review panel must -
- (a) review any actions or decisions of the students' representative council and the student general council, and evaluate the validity of students' representative council elections, referenda and any mass meeting decisions;
 - (b) evaluate the eligibility of candidates for the students' representative council elections; and
 - (c) provide general assistance and advise to the students' representative council.

General meetings

- 56.** (1) The students' representative council must convene at least one general meeting of students per semester.

(2) A general meeting may also be convened should ten per cent of all the students request such meeting.

Referenda

57. (1) A referendum shall be held in the event of -

- (a) the students' representative council or the students at a general meeting deciding to conduct such a referendum; or
- (b) not fewer than one thousand students requesting such referendum.

(2) A referendum can be held in respect of any student related matter or concern.

STUDENT DISCIPLINE

Disciplinary code

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

Misconduct

59. (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) bring onto Technikon premises any firearm, or dangerous weapon;
- (d) obstruct or attempt to obstruct employees or visitors in the performance of their duties;
- (e) disrupt or prevent the process of education;
- (f) sexually harass any other person;
- (g) act in any racist manner towards any other person; or
- (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 employees, 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 an employee 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;
 - (b) make a false declaration concerning the Technikon; or
 - (c) contravene any Technikon rule.
- (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) use Technikon property without due permission;
 - (c) financially mismanage or misappropriate funds of the Technikon, or funds under the control of the Technikon, and may not spend such funds without accounting for such expenditure in terms of the Technikon's financial policy; or
 - (d) commit any statutory or common law offence.

Disciplinary structures

60. (1) The dean of students must take note of any student misconduct and refer the matter to any of the following forums or committees for adjudication -

- (a) an informal adjudication forum;

- (b) a residence disciplinary committee;
- (c) the students' representative council disciplinary committee and the review panel referred to in paragraphs 54 and 55; or
- (d) the student disciplinary committee.

(2) In referring a matter to a specific forum or committee, the dean of students must take the nature and seriousness of the alleged offence into account, and may suspend any student.

Informal adjudication forum

61. (1) An informal adjudication forum is established from time to time, when required by the dean of student affairs, should he or she be of the opinion that a particular problem could be resolved by means of such forum.

(2) The dean of student affairs determines the procedure of such informal adjudication.

Residence disciplinary committee

62. (1) A residence disciplinary committee is responsible for enforcing residence rules and discipline.

(2) A residence disciplinary committee consists of the head of such residence, together with any other person or persons whom the head desires to co-opt onto such committee.

(3) The head of residence determines the procedure by which the disciplinary committee will adjudicate the matter.

Student disciplinary committee

63. The statement of alleged misconduct, the establishment of a student disciplinary committee, the procedure to be followed at such disciplinary hearing, possible sanctions and the appeal are dealt with hereunder.

Statement of alleged misconduct

64. (1) A statement of alleged misconduct must -

- (a) give due notice to the accused of a disciplinary hearing to be held against him or her;

- (b) indicate the alleged misconduct with sufficient information to enable the accused to prepare a defence;
- (c) indicate whether a conviction may lead to the accused's expulsion;
- (d) inform the accused that he or she may choose a fellow member of the student body to assist him or her during the hearing;
- (e) inform the accused that he or she may call any witnesses, may cross-examine them and may submit documentary evidence; and
- (f) indicate the time and venue of the hearing.

(2) The statement of alleged misconduct must be handed to the student, who must be granted not less than seven days to prepare for the hearing.

Disciplinary hearing

65. (1) The student disciplinary committee consists of a chairperson and one or more assessors if so required.

(2) The chairperson and the assessors must act objectively and may not previously have been involved in the case before them.

(3) A presenter, who must be a Technikon employee, conducts the case against the accused and leads such evidence as he or she may deem necessary.

(4) The accused and his or her assistant, who may only be a fellow student, conducts his or her case and lead such evidence as may be required.

(5) Both the presenter and the accused or his or her assistant have the right to cross-examine each other's witnesses.

(6) Members of the student disciplinary committee may ask questions for the purpose of clarification.

(7) The student disciplinary committee will deliberate after the hearing and decide whether the accused is guilty or not.

(8) In the event of a finding of guilty, the accused has the right to plead in mitigation, and the presenter has the right to bring to the attention of the student disciplinary committee any previous findings of guilty against the accused pursuant to previous disciplinary hearings against him or her.

(9) The sanction of the student disciplinary committee is conveyed verbally to the accused and must thereafter be confirmed in writing by such committee.

Disciplinary sanctions

66. (1) If a student is found guilty of an offence, any of the following sanctions may be imposed -

- (a) first written warning;
- (b) final written warning;
- (c) imposition of a fine;
- (d) suspension;
- (e) expulsion; or
- (f) any other sanction deemed appropriate.

(2) The sanction which is imposed must be in accordance with the seriousness of the nature of the misconduct and the circumstances in which the misconduct occurred.

Appeal

67. (1) If a student is dissatisfied with a finding of or sanction imposed by the disciplinary committee, he or she has the right to appeal to a student disciplinary appeal committee against such finding or sanction, or both.

(2) A notice of appeal must be completed on the prescribed form, and must be lodged at the office of the dean of student affairs not later than five days after the sanction has been imposed by the student disciplinary committee.

(3) The notice of appeal must set out the reasons why the appeal ought to succeed.

Disciplinary appeal hearing

68. (1) A student disciplinary appeal committee consists of a chairperson and one or more assessors if required.

(2) The chairperson and the assessor or assessors referred to in subparagraph (1) must adjudicate objectively and may not previously have been involved in the case.

(3) A record of the proceedings and the finding of the disciplinary hearing must be made available -

- (a) to members of the student disciplinary appeal committee;
- (b) to the appellant and the presenter;

not less than fourteen days before the appeal hearing.

(4) At the appeal hearing, the appellant must be given the opportunity to argue his or her case and the presenter must likewise be given the opportunity to argue his or her case.

(5) The appeal hearing is not a rehearing of the matter, but an adjudication whether the disciplinary hearing was substantively and procedurally fair.

(6) The student disciplinary appeal committee may, after hearing the appeal -

- (a) uphold the finding and the sanction;
- (b) uphold the finding but impose another sanction; or
- (c) set the finding and consequently also the sanction aside.

(7) The finding of the student disciplinary appeal committee is final.

(8) The decision of the student disciplinary appeal committee is conveyed verbally to the accused and must thereafter be confirmed in writing.

CO-OPERATION

Co-operation

69. 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; and
- (c) establish regional or national structures to assist and facilitate such co-operation.

CONVOCATION

Name

70. There is a convocation of the Technikon which is known as the Convocation of the Technikon Witwatersrand.

Secretary

71. The convocation elects a secretary from among its members in the manner determined by the convocation from time to time, provided that the convocation may request the council to appoint an employee to assist the secretary to the convocation.

Roll of convocation

72. (1) The secretary to the convocation keeps the roll of the convocation in which is recorded the names and addresses of all the persons who are members of the convocation, and an address recorded in the roll is deemed to be the registered address of the person concerned.

(2) It is the duty of every member of the convocation to notify the secretary of any change of address.

(3) The roll is proof on the face of it that any person whose name appears thereon at the time of an election by the convocation, is entitled to vote at such election and that any person whose name does not appear thereon is not so entitled.

Chairperson of convocation

73. (1) The chairperson of the convocation is elected by the convocation from among its members and holds office for a period of two years with effect from the date of his or her election.

(2) The procedure for the election of the chairperson is as follows -

- (a) the chairperson is elected at the general meeting of the convocation for a term of office of two years;
- (b) whenever it is necessary for the convocation to elect a chairperson, the secretary to the convocation by written notice posted at least ninety days before the general meeting, invites members of the convocation to nominate in writing a candidate to be elected as chairperson;
- (c) nominations in writing must be lodged with the secretary to the convocation at least sixty days before the general meeting, and such nomination must be signed by at least five members of the convocation as well as the nominee;
- (d) if there is only one nominee, the secretary declares such nominee to be duly elected;
- (e) if more than one nomination is received, the secretary notifies all members of the convocation of the names of the nominees and informs them that the election of the chairperson takes place at the general meeting as contemplated in paragraph 73(2)(a); and

(f) the chairperson is elected by secret ballot by a simple majority of votes cast at the general meeting.

(3) If the chairperson for any reason vacates his or her office prior to the expiry of his or her office, the convocation must elect a new chairperson in accordance with the procedure prescribed in paragraph 73(2) for the unexpired portion of such term of office.

(4) The chairperson of the convocation presides at all meetings of the convocation, provided that, in his or her absence, the members present must under the guidance of the secretary elect a chairperson for that meeting.

(5) Whenever it is necessary to elect a member of the council as contemplated in paragraph 3(1)(i), the provisions of paragraph 73(2) apply with the necessary changes to such election.

Meetings of convocation

74. (1) The convocation meets at least once every two years.

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

(3) Twenty members of the convocation constitute a quorum at meetings.

(4) If no quorum exists the meeting must adjourn for 15 minutes after which the members reconvene and the members then present constitutes a quorum.

(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 the convocation.

(6) The minutes of all meetings of the convocation must be sent to the council, the senate and the institutional forum for information.

TECHNIKON WITWATERSRAND TRUST

Technikon Witwatersrand Trust

75. The Technikon Witwatersrand Trust is a trust created for the purpose of fund-raising for the Technikon.

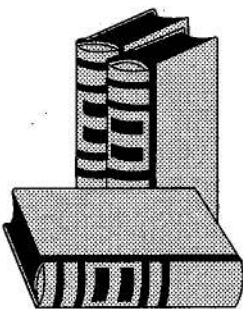
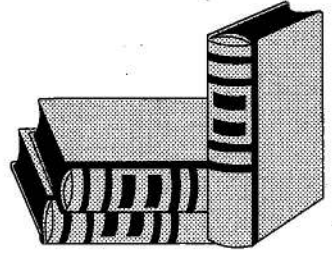
REPEAL OF STATUTE

Repeal of Statute

76. (1) The Statute pertaining to the Technikon Witwatersrand as published under Government Notice Number 2161 of 9 December 1994 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.

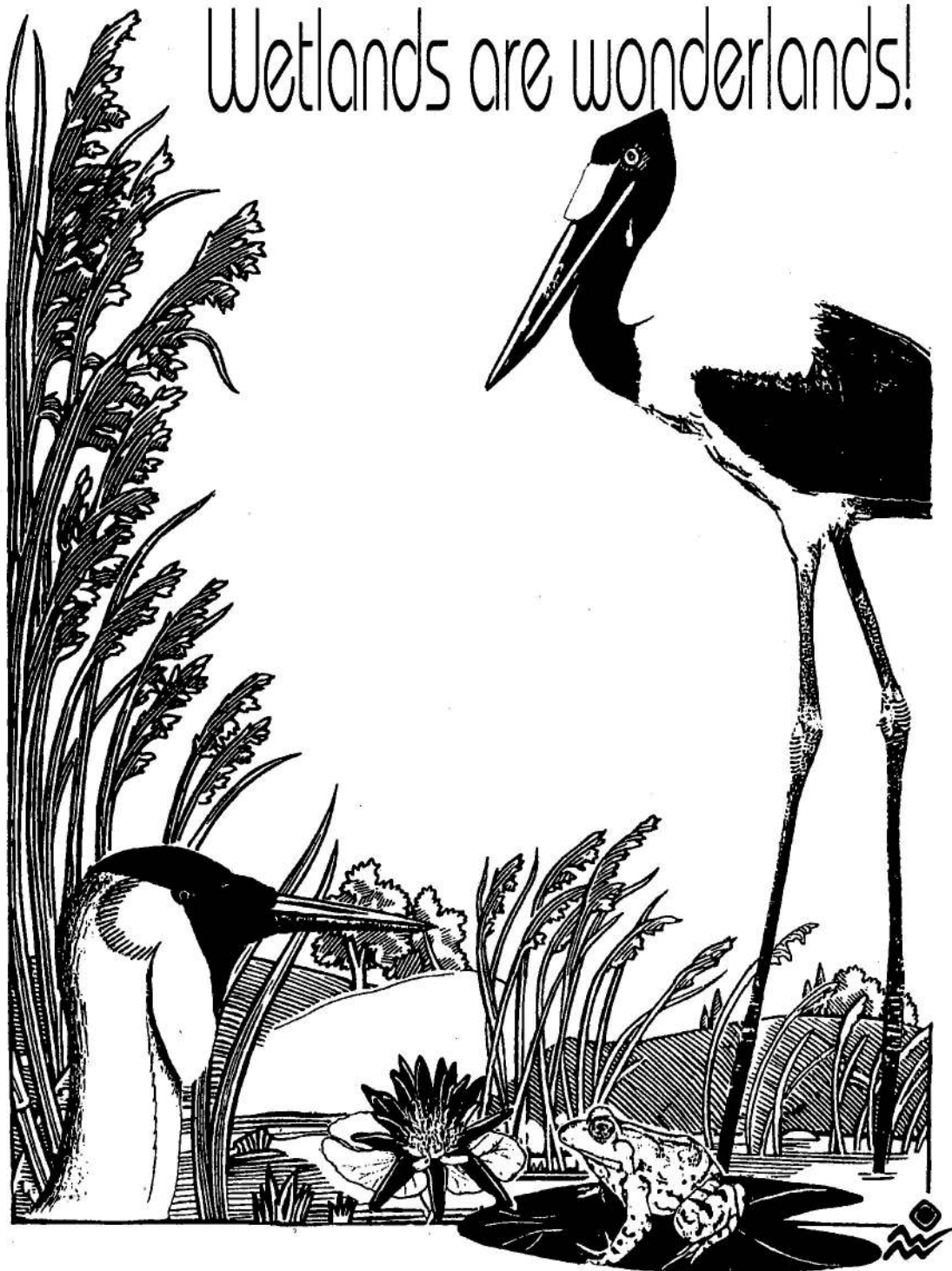
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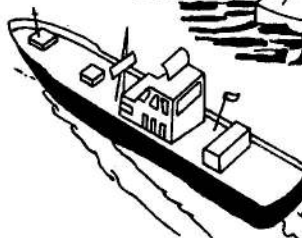
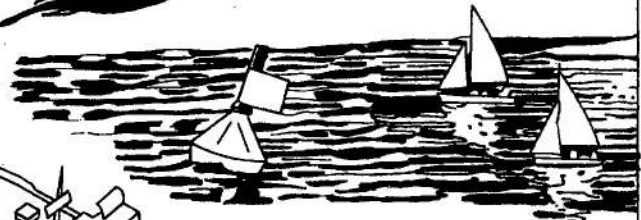
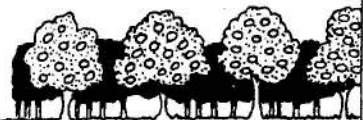
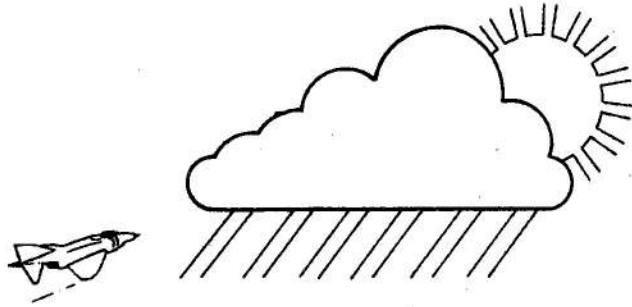
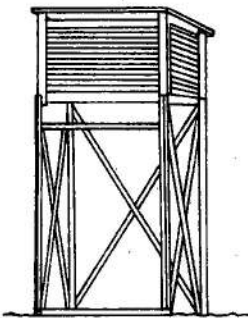
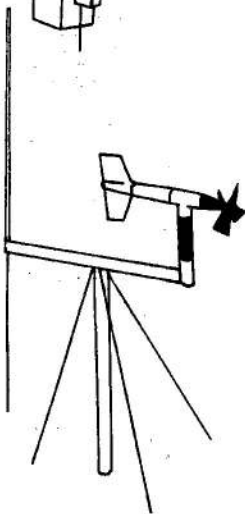
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