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## GOVERNMENT NOTICE

### DEPARTMENT OF EDUCATION

No. 818

24 June 1999

### HIGHER EDUCATION ACT, 1997

(ACT No. 101 OF 1997)

### STATUTE OF THE M L SULTAN TECHNIKON

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

## **SCHEDULE**

**To introduce a new Statute for the M L Sultan 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 VISION of the M L Sultan Technikon is to be a world class higher education institution of technology for entrepreneurial leadership, and is committed to -**

- **decisive, accountable, transparent leadership that fosters the process of transformation and the fulfilment of the VISION;**
- **a curriculum that encourages academic excellence and focuses on transformational leadership through co-operation with business and communities;**
- **the provision of effective and efficient student support services and to the establishment of a vibrant student development programme;**
- **achieving a representative institution and to offering holistic support and development to its staff;**
- **ensuring that the institution makes optimal use of all available resources to ensure quality services with a minimum of wastage;**
- **a clean, safe and secure environment conducive to a learning and working institution;**

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

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## DEFINITIONS

### Definitions

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

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

**"appointment"** means employing, or assigning, or designating a task or functions to a person;

**"chancellor"** means the chancellor of the M L Sultan Technikon;

**"convocation"** means the convocation of the M L Sultan Technikon;

**"council"** means the council of the M L Sultan Technikon;

**"donor"** means any structure, organisation or person that donates a minimum amount of R50 000 in cash or kind to the Technikon, or who has undertaken to donate this amount to the Technikon, in regular instalments over a period of not more than four years and who is not in arrears with the instalments;

**"employee"** means a person employed full-time or part-time in a permanent or temporary capacity at the Technikon and who receives, or is entitled to receive, any remuneration;

**"employee organisation"** means an organisation which consists of employees, excluding members of the executive management of the Technikon, formally associated together and organised in a staff association or trade union for the purpose of regulating relations between themselves and the Technikon, and which is recognised by the council on such conditions as have been negotiated between the council and the employee organisation, which has been reduced to writing in the collective agreement;

**"executive management"** of the Technikon consists of -

- (a) the principal;
- (b) the deputy vice-chancellor (academic);
- (c) the deputy vice-chancellor (resources, planning and communication);
- (d) the deputy vice-chancellor (administration);
- (e) the assistant deputy vice-chancellor (student services); and
- (f) the assistant vice-chancellor (campus affairs);

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

**"principal"** means the principal and vice-chancellor of the M L Sultan Technikon;

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

**"Technikon"** means the M L Sultan Technikon.

## GENERAL PROVISIONS

### General provisions

2. (1) If a quorum or required majority of votes is expressed as a mathematical fraction and it happens that the consequent quorum or majority is not an integral number, the next greater integral number is the quorum or majority of votes.

(2) Due notice is deemed to have been given if written notice is sent to the last known address of the person concerned at the commencement of the required period of notice.

## CHANCELLOR

### Functions

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

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

### Manner of election, term of office and vacation of office

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

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

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

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

(5) The resolution contemplated in subparagraph (4) may not be passed without



providing the chancellor a reasonable opportunity to speak in his or her defence.

## **PRINCIPAL**

### **Functions**

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

(2) The principal is directly responsible to the council.

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

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

### **Manner of appointment, term of office and filling of vacancy**

6. (1) The secretary to the council must, at least six months before the term of office of the principal expires or as soon as possible after a vacancy in the office of principal occurs for a reason other than effluxion of time, inform the council of such expiry or vacancy.

(2) A special committee is appointed by the council on the advice of the institutional forum for purposes of nominating a candidate and recommending his or her appointment to the council.

(3) The special committee must have no more than nine members and no fewer than five members -

(a) with the proviso that at least five of them must be external members of the council; and

(b) provided that candidates for the vacancy are not members of the special committee.

(4) The composition of the special committee is as the council may from time to time determine.

(5) The secretary to the council must, on the instruction of the special committee, place an advertisement for the position of principal in a national newspaper.

(6) As soon as possible after the closing date of the application as mentioned in the advertisement, a meeting of the special committee must be called for the purpose of compiling a short list of candidates for the office of principal, after consultation with the senate, and to arrange for personal interviews with the shortlisted candidates.

(7) The special committee must, after having held personal interviews with all such candidates, recommend one candidate to the council for appointment to the office of principal, provided that the names of all applicants must also be submitted to the council.

(8) The council votes by secret ballot on the appointment of the recommended candidate to the office of the principal and a simple majority of votes carries the proposal.

(9) If the recommended candidate does not receive a simple majority vote, council must either vote by secret ballot on all the shortlisted candidates or direct that the post of principal be re-advertised.

(10) The chairperson of the council must appoint the successful candidate in writing.

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

(12) If the principal is absent or unable to perform the duties of his or her office for any other reason, a vice-principal must be appointed by the council as acting principal for that period.

(13) If the office of the principal becomes vacant, the council must appoint an acting principal until a successor appointed in terms of this paragraph assumes office.

## COUNCIL

### Membership of council

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

- (a) three deputy vice-chancellors;
  - (b) two representatives of the senate;
  - (c) one representative of academic employees;
  - (d) two representatives of students; and
  - (e) one representative of employees other than academic employees.
- (2) The number of persons contemplated in section 27(4)(c) of the Act must be four.
- (3) The members of the council contemplated in section 27(4)(h) of the Act are -
- (a) one person, who may not be an employee of the Technikon elected in the manner contemplated in paragraph 11 by the convocation;
  - (b) one person elected in the manner contemplated in paragraph 12 by the donors;
  - (c) one person designated by the National Federated Chamber of Commerce;
  - (d) one person designated by the Engineering Council of South Africa;
  - (e) one person designated by the Durban Metro Council;



- (f) one person designated by Congress of South African Trade Unions;
- (g) one person designated by the M L Sultan Charitable and Educational Trust;
- (h) one person designated by the University of Durban-Westville;
- (i) one person designated by the South African National Civic Organisation;
- (j) one person designated by the Natal Society of Chartered Accountants; and
- (k) one person designated by an employee organisation.

(4) The number of persons contemplated in section 27(4)(h) of the Act may not be more than 15.

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

#### **Election of representatives of senate on council**

8. (1) When it becomes necessary for the senate to elect its representatives to the council as contemplated in section 27(4)(d) of the Act, such representatives are elected by secret ballot and by a majority of the members present at an ordinary meeting of the senate.

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

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

#### **Election of representatives of employees on council**

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

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

(3) Each nomination contemplated in subparagraph (1) must be signed by either -

- (a) at least twenty employees and countersigned by the nominee to denote his or her acceptance of the nomination; or
- (b) the chairperson and the secretary to an employee organisation.

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

(5) If more than one candidate is nominated in accordance with subparagraph (1), the secretary to the council determines a date for the election, and posts to employees a notice of such election including the names of all such candidates.

(6) Each employee is entitled to one vote.

(7) Elections must be conducted by secret ballot.

(8) The secretary to the council must take steps to ensure that employees cast only one vote each.

(9) The secretary to the council is the returning officer and must be assisted by two scrutineers nominated by the principal.

(10) The secretary to the council declares the person obtaining the highest number of votes to have been elected and, in the event of an equality of votes, a further election must be held in accordance with subparagraphs (5) to (9).

#### **Election of representatives of students on council**

10. (1) Whenever it is necessary for students to be elected to the council as contemplated in section 27(4)(f) of the Act, the secretary to the council notifies the president of the students' representative council accordingly.

(2) The students' representative council must elect two of its members to the council by means of a secret ballot and a majority of the members present at an ordinary meeting of the students' representative council.

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

#### **Election of representative of convocation on council**

11. Whenever it is necessary for the convocation to elect a member as a member of the council as contemplated in paragraph 7(3)(a), such person must be elected by means of a secret ballot and a majority of the members present at an ordinary meeting of the convocation or in terms of the constitution of the convocation.

#### **Election of representatives of donors on council**

12. (1) Whenever it is necessary for donors to elect a person as a member of the council as

contemplated in paragraph 7(3)(b) the secretary to the council, by written notice, posted at least 90 days before the date determined by him or her for the election of members of the council, invites such donors to nominate in writing one candidate to be elected as a member of the council.

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

(3) If only one candidate is nominated in terms of subparagraph (1), the secretary to the council forthwith declares the candidate to be duly elected.

(4) If more than one candidate is nominated, the secretary to the council must, at least 30 days before the date contemplated in subparagraph (1), post to the donors ballot papers containing the names of all such candidates in alphabetical order.

(5) A donor is entitled to one vote plus an additional vote for every completed amount of R10 000 over and above R50 000 donated to the Technikon or the donation of which to the Technikon in regular instalments over a period of not more than four years has been undertaken, provided that such period of four years commences from the date of the receipt of the first instalment of the payment or the donation, and the number of votes so gained is limited to 10 per donor and that a donor's number of votes is calculated on only those donations made during the four-year period immediately preceding the election.

(6) A ballot paper must be returned to the secretary in a manner prescribed by him or her.

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

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

(9) The secretary to the council declares the person obtaining the highest number of votes to have been duly elected, and, in the event of an equality of votes, the result is determined by lot by the secretary to the council in the presence of the scrutineers contemplated in subparagraph (8).

### **Election of chairperson, vice-chairperson and secretary**

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

(2) The chairperson and the vice-chairperson must be persons who are neither employees nor students of the Technikon.

(3) The principal must act for the duration of the election of a chairperson as acting chairperson.

(4) If more than one candidate is nominated for one of the offices, voting is by secret ballot.

(5) A candidate must be elected to the office of chairperson, vice-chairperson or secretary by a majority of the members present.

(6) If no candidate receives a majority of votes, successive rounds of voting are held.

(7) In each successive round of voting the candidate receiving the fewest votes in the previous round of voting is eliminated as a candidate.

(8) If a vacancy occurs in the office of chairperson, vice-chairperson or secretary for any reason, the provisions of subparagraphs (1) to (7) apply with the necessary changes to the filling of such vacancy.

(9) The person elected in terms of subparagraph (8) holds office for the unexpired period of office of his or her predecessor.

(10) The council may assign any employee of the Technikon to assist the secretary or to act in his or her place.

(11) The secretary must act as electoral officer of the council.

#### **Term of office of members of council**

14. (1) The members of the council contemplated in section 27(4)(c),(e),(g) and (h) of the Act, hold office for four years.

(2) The members of the council contemplated in section 27(4)(d) of the Act, hold office for two years.

(3) The members of the council contemplated in section 27(4)(f) of the Act, hold office for one year.

#### **Termination of membership and filling of vacancies**

15. (1) A person ceases to be a member of the council if he or she -

(a) resigns by giving written notice to the secretary to the council;

(b) is absent from three consecutive meetings of the council without the leave of the chairperson or, in the case of the chairperson, the leave of the executive committee of the council;

- (c) is declared insolvent by a court of law, is removed from an office of trust by a court of law or is convicted of an offence involving dishonesty or an offence for which the sentence is imprisonment without the option of a fine;
- (d) is declared unable to attend to his or her personal affairs by a court of law; or
- (e) is appointed as an employee of the Technikon, with the exception of the members of the council appointed in terms of section 27(4)(a), (b), (d), (e) and (g) of the Act.

(2) Vacancies on the council as a result of death, resignation or other causes as contemplated in subparagraph (1) are filled as prescribed in paragraphs 8, 9, 10, 11 and 12 for the unexpired term of office of such predecessor.

### **Meetings of council**

16. (1) The number of meetings, the notice of dates and venues of meetings and matters to be dealt with are as determined by the council from time to time.

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

### **Committees of council**

17. (1) The executive committee of the council consists of -

- (a) the chairperson of the council, who is the chairperson;
- (b) the vice-chairperson of the council;
- (c) the principal;
- (d) the chairperson of the finance committee of the council;
- (e) two external members of the council elected by the council;
- (f) one representative who must be a member of the council from each of the following-
  - (i) the senate;
  - (ii) the institutional forum;
  - (iii) the students' representative council;
  - (iv) the majority trade union recognised in terms of the collective agreement, provided that where appropriate, the chairperson of the council is entitled

to restrict meetings or portions of meetings of the executive committee, to external members and the principal;

- (g) the secretary to the council, who must act as secretary; and
  - (h) other members of the executive management and the council who may attend meetings of the executive committee in an advisory capacity, at the discretion of the chairperson.
- (2) The executive committee must -
- (a) act on behalf of the council in urgent matters with subsequent reporting to council;
  - (b) consider and make recommendations to the council on matters referred to the council by committees of the council, the senate and its committees, the executive management, and the joint committees of the council and the senate, thus serving as a clearing house for the council;
  - (c) make recommendations on appeals by staff members who have been found guilty of misconduct and have been sentenced by the principal;
  - (d) appoint legal and other professional consultants to act on the council's behalf;
  - (e) approve staff appointments, dismissals, transfers, promotions and demotions;
  - (f) determine the conditions of service, salaries and job gradings of executive management;
  - (g) investigate and finalise any matter as delegated by the council;
  - (h) make recommendations to the council on policy issues.
  - (i) refer any matter which it deems necessary in the interest of the Technikon to the senate or any committee; and
  - (j) act on behalf of the council with full powers during recess periods.
- (3) The finance committee of the council consists of -
- (a) the chairperson of the council;
  - (b) the vice-chairperson of the council;
  - (c) the principal;
  - (d) deputy vice-chancellors;
  - (e) four external members of council, one of whom with financial expertise must be appointed as chairperson of the finance committee;
  - (f) the member designated by the employee organisation;
  - (g) one representative from the student's representative council who is a member of the council; and



- (h) the administrative head of finance in an advisory capacity.
- (4) The finance committee must -
  - (a) formulate, develop, maintain and approve policy in respect of all matters pertaining to the financial management and administration of the Technikon;
  - (b) engage the services of consultants and other parties to perform specific functions;
  - (c) appoint sub-committees consisting of members of the committee and other persons;
  - (d) approve matters of a financial nature;
  - (e) appoint and mandate signatories to all documents, cheques and agreements of approved transactions of a financial nature and the opening of bank accounts;
  - (f) recommend to the audit committee any amendments to the financial Rules with a view to enhancing financial control and administrative efficiency;
  - (g) approve the budget in respect of the Technikon's financial, human and physical resources, including student residence for each year for submission to the annual general meeting of the council for adoption;
  - (h) approve the annual financial statements of the Technikon for each year for submission to the annual general meeting of the council for adoption;
  - (i) ratify all tenders approved by the tender committee; and
  - (j) ratify payments over R100 000 that are not subject to tender.
- (5) The audit committee of the council consists of -
  - (a) voting members -
    - (i) the chairperson of the council, who is the chairperson;
    - (ii) the vice-chairperson of the council; and
    - (iii) three external members of the council;
  - (b) advisory members -
    - (i) members of the executive management;
    - (ii) the administrative head of finance;
    - (iii) a representative of the external auditors; and
    - (iv) a representative of the internal auditors.
- (6) The audit committee must -
  - (a) assist in the evaluation of the adequacy and effectiveness of systems of all

- internal controls, accounting practices, human resources practices, information systems and auditing processes applied in the day to day management of the Technikon and approve any policies and procedures to give effect thereto;
- (b) review the scope and focus of the external audit and reports emanating from the external audit process;
  - (c) engage the services of consultants and other parties to perform specific functions;
  - (d) review the scope, focus and effectiveness of internal audit and reports emanating from the audit process;
  - (e) ensure compliance with all relevant legislation, statutory requirements, council directives and code of ethics of the Technikon;
  - (f) approve the appointment of the internal auditors of the Technikon for a three year period;
  - (g) approve the criteria for the appointment and remuneration of the external auditors and internal auditors; and
  - (h) recommend the appointment of external auditors to the council.

#### **Election of members of council to committees of council**

18. The members of the council contemplated in paragraphs 17(1), (3), and (5) are elected by a majority of the members present at an annual general meeting or ordinary meeting of the council.

#### **Meetings procedure of committees of council**

19. The meetings procedure of the council, as contained in the Rules, apply with the necessary changes to meetings of committees of the council.

#### **Dissolution of committees of council**

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

### **SENATE**

#### **Membership of senate**

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

- (a) principal;
- (b) the deputy vice-chancellor (academic);
- (c) two other deputy vice-chancellors;
- (d) two assistant vice-chancellors;
- (e) the registrar (academic);
- (f) the director (student administration);
- (g) the deans of faculties;
- (h) the vice-deans of faculties (as faculty representatives);
- (i) the heads of academic departments;
- (j) the following directors or heads or deans of academic support departments-
  - (i) library and media services;
  - (ii) academic development and;
  - (iii) research and development;
- (k) three employees, one from the academic sector, one from the administrative sector and one from the academic support sector to be elected in a manner determined by the Rules;
- (l) two members of the council not in the employ of the Technikon;
- (m) two members of the students' representative council;
- (n) two office-bearers or officials of an employee organisation;
- (o) academics with T4 or equivalent post level and above;
- (p) the head: co-operative education;
- (q) the head: quality assurance;
- (r) the head: curriculum development;
- (s) the head: educational development;
- (t) the head: student counselling;
- (u) the head: staff development; and
- (v) the head: professional higher education programmes development.

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

(3) Any person officially appointed in an acting capacity in any one of the positions has full voting rights.

**Appointment and election of members of senate**

22. (1) The persons contemplated in paragraph 21(1), other than the members referred to in paragraph 21 (1)(k) to (n) are appointed in their official capacity as members of the senate.

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

(3) Whenever it is necessary for members of the students' representative council to be elected to the senate as contemplated in section 28(2)(f) of the Act, the secretary to the senate notifies the president of the students' representative council accordingly.

(4) The students' representative council elects two of its members to the senate by a simple majority of the members present at an ordinary meeting of the students' representative council.

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

**Term of office of senate members**

23. (1) Senate members contemplated in paragraph 21(1)(k) hold office for a period of one year.

(2) Senate members contemplated in paragraph 21(1)(l) and (m) hold office for a period of one year.

(3) Senate members contemplated in paragraph 21(1)(n) hold office for a period of two years.

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

**Chairperson, vice-chairperson and secretary**

24. (1) The senate elects a chairperson, a vice-chairperson and a secretary from among its members by a secret ballot and a majority of the members of the senate at an ordinary meeting.

(2) No member is elected as chairperson, vice-chairperson or secretary unless he or she has been nominated for the office in writing, with his or her written consent, at least 14 days prior to the date of the election by at least two members of the senate.

(3) If the chairperson as well as the vice-chairperson are absent from any meeting of the senate, the members present at such a meeting elect one of their number to preside at such meeting.

(4) The chairperson, the vice-chairperson and the secretary hold their respective offices for a period of two years, or for such shorter period they are members of the senate.

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

(6) If the office of chairperson, vice-chairperson or secretary for any reason becomes vacant before the expiry of the term of office, the senate must at its next ensuing meeting elect a successor in accordance with subparagraphs (1) and (2).

(7) A person elected in terms of subparagraph (6) holds office for the unexpired portion of his or her predecessor's term of office, or for such shorter period he or she is a member of the senate.

(8) Whenever the office of chairperson, vice-chairperson or secretary is about to become vacant by effluxion of time, a successor must be elected by the senate in accordance with subparagraphs (1) and (2) at its ordinary meeting immediately preceding the date of expiry of the term of office of the retiring chairperson, vice-chairperson or secretary to the senate.

#### **Executive committee of senate (senex)**

25. (1) The executive committee of senate, hereinafter referred to as senex, consists of -

- (a) the principal, who is the chairperson;
- (b) the deputy vice-chancellor (academic);
- (c) the deputy vice-chancellor (administration);
- (d) the deputy vice-chancellor (resources, planning and communication);
- (e) the assistant vice-chancellor (student services);
- (f) the assistant vice-chancellor (campus affairs);
- (g) the dean: faculty of engineering;
- (h) the dean: faculty of science;
- (i) the dean: faculty of arts;
- (j) the dean: faculty of commerce;
- (k) the vice-dean: commerce, as the faculty representative;
- (l) the vice-dean: science, as the faculty representative;
- (m) the vice-dean: engineering, as the faculty representative;
- (n) the vice-dean: arts, as the faculty representative;
- (o) the director: student administration;
- (p) the president of the students' representative council;

- (q) the general secretary of the students' representative council;
  - (r) the senate representative on the council;
  - (s) the director: research;
  - (t) the director: academic development;
  - (u) the director: library and media services; and
  - (v) the registrar (academic).
- (2) The senex must -
- (a) co-ordinate and regulate functions of action and source committees;
  - (b) deal with urgent matters that fall within the senate's ambit on behalf of the senate;
  - (c) act on behalf of the senate in cases of urgency with subsequent reporting to the senate;
  - (d) decide on, inter alia, the following matters as formally delegated by the senate-
    - (i) applications for study leave; and
    - (ii) ratification of academic appointments for council approval; and
  - (e) confirm the agendas of senate meetings.

#### **Meeting procedure of committees of senate and joint committees of council and senate**

26. The meeting procedure of the council, as contained in the Rules, applies to meetings of all committees of the senate and joint committees of the senate and the council.

#### **Dissolution of committees of senate and joint committees of council and senate**

27. (1) Committees of the senate may be dissolved only by the senate.
- (2) Joint committees of the council and senate may be dissolved by the council with the concurrence of the senate.

### **INSTITUTIONAL FORUM**

#### **Membership of institutional forum**

28. (1) The institutional forum as contemplated in section 31 of the Act consists of -
- (a) the principal;
  - (b) one other member of the executive management;
  - (c) one member of the council;
  - (d) one member of the senate;



- (e) two members of the academic employees, one representative to be nominated jointly from the faculties of science and engineering and the other jointly from the faculties of arts and commerce;
- (f) one member of the employees other than academic employees;
- (g) five members appointed by the students' representative council;
- (h) one representative from an employee organisation;
- (i) one member of the gender forum;
- (j) one member of the convocation; and
- (k) two members of the civic society.

(2) Alternative representatives must act as substitutes in the absence of elected members.

(3) Constituencies must submit names of alternative representatives with their nominations.

(4) The candidate who obtained the second highest vote serves as the alternative representative if an elected representative is unable to attend any meeting of the institutional forum.

#### **Appointment and election of representatives on institutional forum**

29. (1) The representatives of the council, the executive management and the senate, contemplated in paragraph 28(1)(b), (c) and (d) are elected by a majority of the members present at a meeting of the structure concerned.

(2) At the election of the representatives contemplated in paragraph 28(1)(e) and (f), the provisions of paragraph 8 apply with the necessary changes.

(3) The representatives contemplated in paragraph 28(1)(g), (i) and (j) are appointed or elected as members of the institutional forum by their respective constituencies or organisations.

(4) The representatives contemplated in 28(1)(k) are nominated and elected by the institutional forum in a manner prescribed by the Rules.

#### **Term of office of members**

30. (1) The term of office of members of the institutional forum contemplated in paragraph 28(c), (d) and (g) is as determined by their respective constituencies.

(2) The term of office of members of the institutional forum contemplated in paragraph 28(e), 28(f) and 28(k) is two years.

**Chairperson, vice-chairperson and secretary**

31. The provisions of paragraph 24 apply with the necessary changes.

**STUDENTS' REPRESENTATIVE COUNCIL****Composition**

32. (1) The students' representative council contemplated in section 35 of the Act consists of -

- (a) the executive councillors -
  - (i) the president;
  - (ii) the deputy president, internal;
  - (iii) the deputy president, external;
  - (iv) the general secretary;
  - (v) the deputy general secretary;
  - (vi) the treasurer;
  - (vii) the public relations officer; and
  - (viii) the transformation officer; and
- (b) the general councillors -
  - (i) the community and projects officer;
  - (ii) the recreation and cultural officer;
  - (iii) the gender officer; and
  - (iv) the part-time officer; and
- (c) councillors by virtue of their office -
  - (i) the sports officer, who is chairperson of all sports councils;
  - (ii) the housing officer who is chairperson of the central house committee;  
and
  - (iii) the chairpersons of all faculty councils.

**Functions**

33. The students' representative council must -

- (a) govern student affairs at the Technikon;
- (b) be the parent and governing structure governing all student structures which are entitled to be recognised;
- (c) elect standing committees and officials;

- (d) appoint such student committees and student officials from the students not otherwise specified in the constitution whom it may desire to appoint in order to assist in the fulfilment of its objectives;
- (e) convene a mass meeting of students once every term, provided that notice of other meetings be sent to the Technikon management for information;
- (f) represent the students on and affiliate to any organisation not forbidden by law;
- (g) carry out resolutions passed by the structure in a manner that enhances the general objectives of the structure;
- (h) represent students in disciplinary hearings conducted by the Technikon; and
- (i) ensure that the code of conduct is adhered to by students and student organisations.

### **Term of office**

34. (1) Except as provided below, members of the students' representative council hold office for a period of one year.

(2) If a member ceases to be a student of the Technikon, he or she automatically ceases to be a member of the students' representative council.

(3) A member forfeits membership if he or she is absent from three consecutive meetings of the students' representative council without any acceptable reason, subject to appeal to the mass meeting.

(4) A member has the right to resign from the students' representative council.

(5) If a member ceases to be a member of the students' representative council, he or she must simultaneously forfeit any office in connection therewith.

(6) By-elections must be held if any vacancy occurs.

(7) A single by-election must be held in event of more than one vacancy in the students' representative council occurring within four academic weeks.

### **Election of members**

35. (1) All students who have been registered for at least one semester are eligible to nominate, be nominated and vote for the students' representative council.

(2) Elections must take place in the third quarter of each academic year.

(3) All elections must be by a secret ballot and must be free, fair and democratic.

(4) Elections are only declared valid if at least 20% of the student community has voted.

(5) All elections must be conducted and supervised by an independent electoral

commissioner appointed by the students' representative council after consultation with the student parliament.

(6) The independent electoral commissioner must -

- (a) supervise the running and administration of the election process;
- (b) be accountable to the student parliament, who has the final say;
- (c) draw up one voters' list from the register of the Technikon of all students who are eligible to vote;
- (d) make available to all eligible students nomination forms at central and convenient places at least ten days before the election date;
- (e) draw up a ballot list of the nominated candidates and make it available to all students; and
- (f) be responsible for the counting of ballot papers and the publishing of election results.

(7) A ballot paper is deemed spoiled if -

- (a) a student has voted more than once;
- (b) a student has voted for more than the required number of candidates; or
- (c) the election officers considers the paper to be spoilt for any other sufficient reason.

(8) The newly elected students' representative council determines the portfolios of its members after the elections.

(9) Any objection related to the elections must be in writing and must reach the independent electoral commissioner within a day of the announcement of the results.

(10) A by-election is held if -

- (a) any member of the students' representative council has resigned; or
- (b) the students' representative council or mass meeting terminates the membership of an officer for disciplinary purposes as guided by the code of conduct.

(11) A by-election is conducted in the same manner and subject to the same rules as the general elections.

**Privileges**

36. The privileges of members of the students' representative council are determined by the council after consultation with the students' representative council.

**CONVOCATION****Name**

37. The convocation of the Technikon is known as the convocation of the M L Sultan Technikon.

**Membership of convocation**

38. The convocation consists of -

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

**Functions of convocation**

39. The convocation may discuss and state its opinion on any matter relating to the Technikon, including matters which may be referred to it by the council.

**Election of president of convocation**

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

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

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

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

## **DISCIPLINARY MEASURES AND PROCEDURES APPLICABLE TO STUDENTS**

### **Disciplinary measures and procedures**

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

## **ACADEMIC FUNCTIONS OF TECHNIKON**

### **Academic functions**

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

## **HONORARY DOCTORATES**

### **Conferring of honorary doctorates**

43. (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.

## **REPEAL OF PREVIOUS STATUTE**

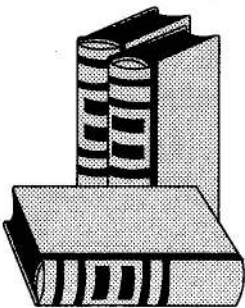
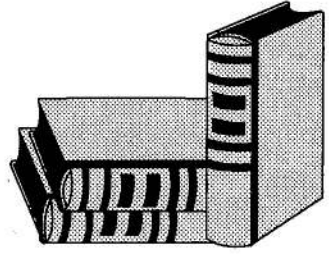
### **Repeal of previous statute**

44. (1) The Statute applicable to the M L Sultan Technikon, published by Government Notice No. 262 of 17 February 1995, is hereby repealed with effect from the date on which this Statute comes into operation.

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



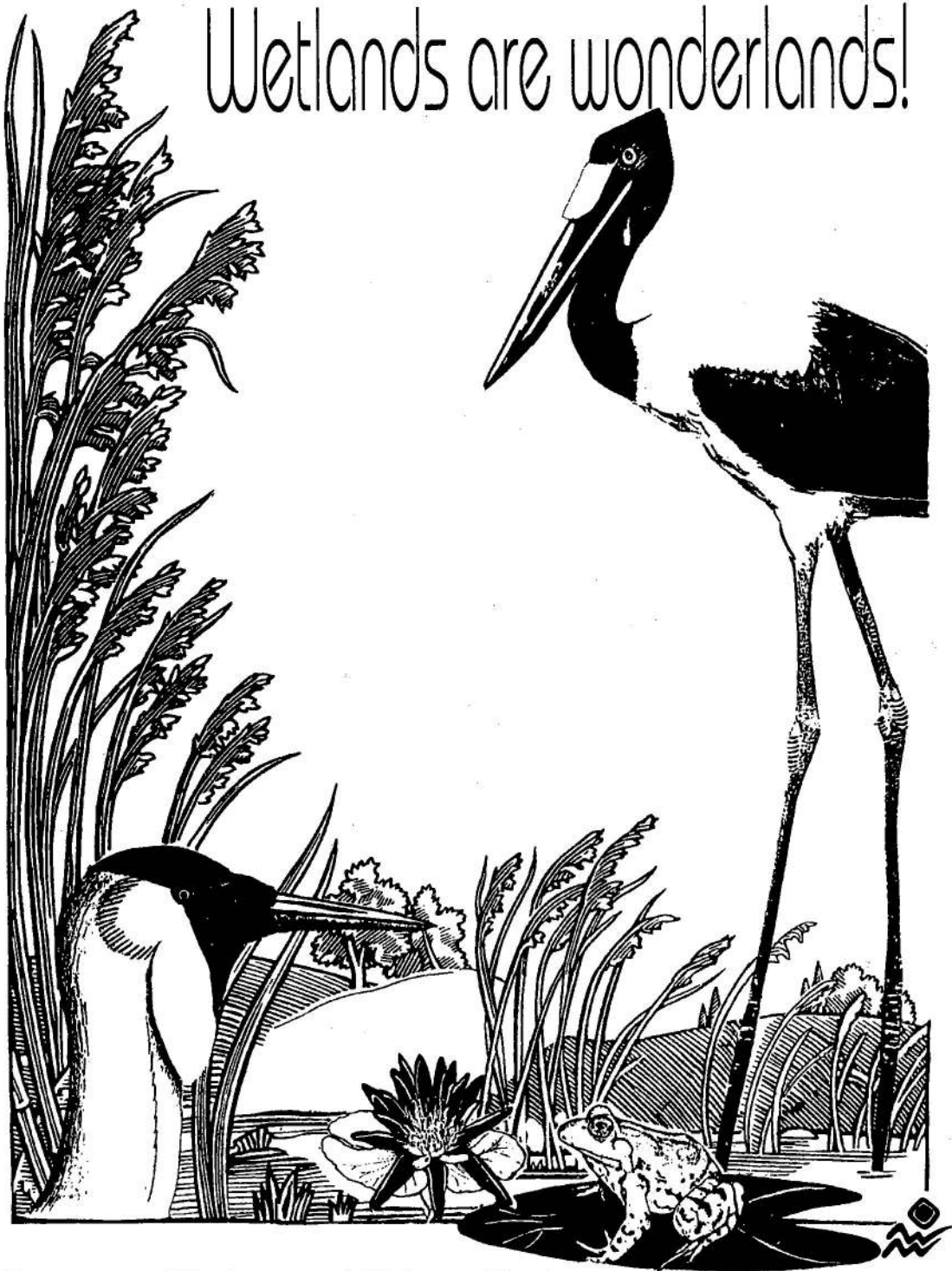
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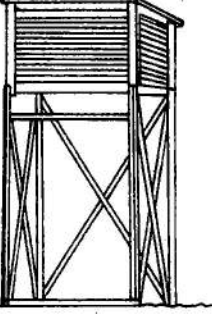
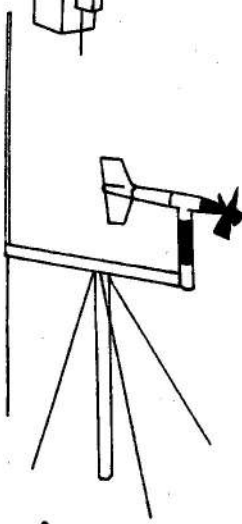
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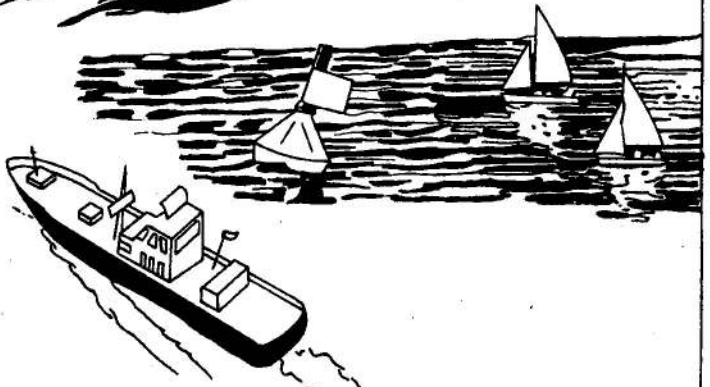
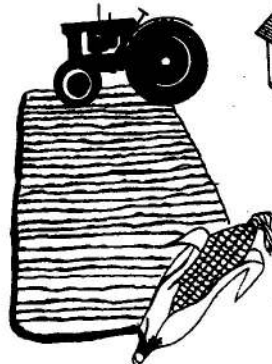
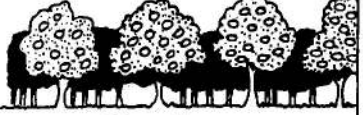
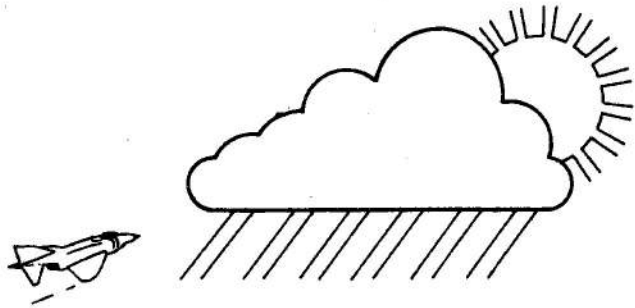


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