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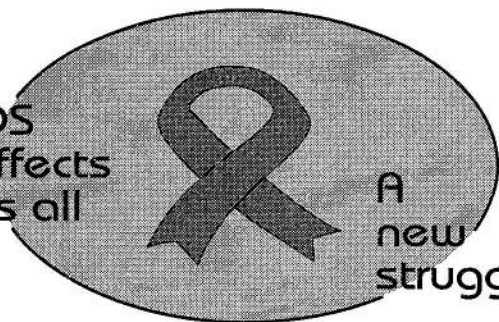
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PRETORIA, 3 SEPTEMBER 1999

No. 20455

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION**No. 1069****3 September 1999****HIGHER EDUCATION ACT, 1997****(ACT No. 101 OF 1997)****STATUTE OF PENINSULA TECHNIKON**

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

SCHEDULE

To introduce a new Statute for the Peninsula 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 it is desirable that the Peninsula Technikon applies and extends knowledge, competencies and skills by means of teaching, research and community service in accordance with internationally recognised standards in order to -

EDUCATE and train students for high-level careers to meet the needs of South Africa;

BE in the forefront of the innovation and transfer of technology; and

PROMOTE economic growth and the technological and social advancement of the nation;

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

DEFINITIONS

Definitions

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

"academic board" means the body contemplated in section 28 of the Act and referred to as the senate in the Act;

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

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

"academic term" means any quarter of an academic year when academic functions are operating at the Technikon between scheduled vacations;

"auditor" means any person registered as such in terms of the Public Accountants and Auditors' Act, 1991 (Act No. 80 of 1991);

"calendar day" means any day in a year;

"calendar month" means a period extending from the first to the last day, both days inclusive, of any one of the twelve months of the year;

"calendar year" means a twelve month period extending from the first of January to the thirty-first day of December, both inclusive;

"casting vote" means the additional vote that a chairperson has as a member of the institutional forum of the Technikon, to enable him or her to determine a question when the votes cast for and against a motion are equal;

"certificate" means a certificate of the Technikon awarded to a student on completion of the work prescribed by the senate;

"chairperson" means the chairperson of the council, the institutional forum or the academic board of the Technikon and includes any person acting in his or her place in terms of this Statute and in respect of any committee means the chairperson appointed or elected in terms of this Statute and includes any person acting in his or her place;

"chancellor" means the chancellor of the Technikon as contemplated in section 26(1) of the Act;

"convocation" means the convocation of the Technikon as contemplated in paragraph 64(1) and constituted in terms of paragraph 64(2);

"council" means the governing body of the Technikon contemplated in paragraph 16;

"deputy vice-chancellor" means the vice-principal and includes the vice-rector;

"donor" means any body, entity or person who donates -

- (a) an aggregated amount of cash or kind of not less than five thousand rand, or
- (b) who undertakes to donate such an amount to the Peninsula Technikon in regular instalments over a period of not more than four years and who is not in arrears with his or her instalments;

"employee" means either an academic employee or a non-academic employee excluding an independent contractor, employed full-time or part-time in a permanent or temporary capacity at the Technikon and who receives any remuneration from the Technikon, which must include the principal;

"employer" means the council of the Peninsula Technikon;

"financial year" means a year commencing on the first day of January and ending on the thirty-first day of December of the same year;

"institutional forum" means the structure as contemplated in section 31 of the Act;

"Minister" means the Minister of Education;

"month" means a period extending from a date in any one particular calendar month to the date preceding the corresponding date in the following calendar month, both days inclusive;

"non-academic employee" means any person appointed to a post other than a teaching or research post at the Technikon and includes an administrative employee and a support services employee;

"nominate" means the act of submitting names for election or for a position in terms of the procedures prescribed in the Rules;

"notice" means the serving of any notification as contemplated in paragraph 2 of this Statute;

"part-time employee" means an employee who is required in partial fulfilment of a particular position or to fulfil duties that do not require a full-time employee and who receives either a fixed rate per hour or a portion of the salary normally paid in terms of the relevant scale;

"permanent employee" means a person appointed permanently at the Technikon by the council and a person who is deemed to have been so appointed even though he or she may have been appointed -

- (a) on probation, or
- (b) in a post intended for a person of a rank higher or lower than his or her own rank;

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

"proxy" means the authorised person to bring out the vote on behalf of the authorising party or it means to refer to the document which stipulates the authorisation to the authorised person to bring out the vote on behalf of the authorising party, where the vote of the authorising party must be issued in his or her absence;

"rector" means the principal and vice-chancellor;

"rectorate" means the principal and the vice-principals of the Technikon;

"representative employees' union" 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;

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

"staff members" means both a permanent and a temporary employee employed in a full-time or part-time capacity at the Technikon;

"Statute" means the institutional statute of the Technikon approved in terms of section 33 of the Act;

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

"students' representative council" means the body of students elected by the general body of students to represent them;

"teaching and research staff" means any person who occupies a post that the council regards as a post with academic status at the Technikon;

"Technikon" means the Peninsula Technikon;

"temporary employee" means an employee who is appointed –

- (a) for a fixed period or term in a position that is assumed will cease to exist at the end of such a fixed period or term; or
- (b) for an uncertain period or term in a position that is assumed will cease to exist at the end of the event, activity or project that initiated the appointment;

"termination of employment" means all forms of termination as described in the Rules;

"vice-chancellor" means the principal and includes the rector;

"working day" means those days other than those days designated as a day of rest in a period of seven consecutive days; and

"year" means the same as calendar year.

Serving of notification

2. (1) Notification means written notice and notify means to notify in writing.

(2) Where notice is required and executed in terms of subparagraphs

(3) to (5), then receipt stands as proof of notification by the sender of the notification concerned.

(3) Notice may be given through delivery by –

- (a) effecting personal service of the notification on any party concerned, or
- (b) handing the notification to any representative authorised in writing to accept service on behalf of the parties concerned; or
- (c) leaving it at the place of residence or business of the person concerned or leaving the notification with the person apparently in charge of the premises at the time of delivery

being a person who is apparently not less than sixteen years of age; or

- (d) leaving it at the place of employment of the person concerned or leaving the notification with any person who is apparently not less than sixteen years of age and who is apparently in authority over the person concerned; or
- (e) where the person concerned has chosen a domicilium citandi, by leaving the notification at such address; or
- (f) in the case of a company or other juristic person by handing the notification to a responsible employee of such company or other juristic person at its registered office or its principal or main place of business within the Republic, or if there is no such employee willing to accept service by affixing the notification to the main door of such office or place of business.

(4) Notice may be given through the postal service by posting a registered letter containing the notification to the last known postal address of the person concerned and unless the contrary is proven it must be presumed that service was effected on the fifth day following the day upon which the document was posted.

(5) Notice may be electronically given by -

- (a) sending a telegram or telex to the last known postal address of the party concerned, provided that the telegram or telex receipt shows that the notice has been transmitted to and received by the addressee; or
- (b) telefaxing the notification to the last known felefax number of the party concerned, provided that the telefax receipt shows that the notice has been transmitted to and received by the addressee; or
- (c) electronically mailing the notification to the last known e-mail address of the party concerned, provided that the e-mail receipt shows that the notice has been transmitted to and received by the addressee.

Quorums and majority votes

3. (1) Where a quorum or a required majority of votes is expressed as a mathematical fraction and the consequent quorum or majority is not an integral number, the next greater integral number is the quorum or majority of votes.

(2) A quorum consists of that number of members which is the smallest whole number greater than half of the total number of members.

(3) For voting purposes a simple majority means 50 per cent plus one of the total number of votes cast by way of a show of hands, ballot or proxy on a particular issue.

CHANCELLOR

Functions

4. (1) The chancellor is the titular head of the Technikon.
- (2) The chancellor confers all Technikon certificates on behalf of the Technikon and performs such other functions as may be assigned to him or her by the council.
- (3) In the absence of the chancellor, the principal in his or her capacity as vice-chancellor must perform the functions of the chancellor.
- (4) In providing and rendering the service to the Technikon, the chancellor is not deemed in any respect whatsoever to be an employee of the Technikon.

Election and term of office

5. (1) The council must ensure that the principles of democracy and transparency are complied with through the criteria for eligibility to the position and the election process in terms of the Rules of the Technikon.
- (2) The chancellor holds his or her office for a period of four years after his or her election and acceptance of the terms of the position of chancellor, and is eligible for re-election when his or her term expires.

Vacation of office

6. The chancellor vacates his or her office on the last day of his or her term of office unless -
 - (a) he or she tenders his or her resignation in writing to the council; or
 - (b) he or she is removed from office by a resolution of at least seventy-five percent of all members of the council on account of any reason that the council deems adequate; or
 - (c) he or she vacates his or her office for any reason before the expiration of his or her term of office.

PRINCIPAL

Functions

7. (1) The principal of the Technikon is responsible for the management and administration of the Technikon as chief executive and academic officer of the Technikon.
- (2) The principal must execute such functions as the council may delegate to the principal from time to time in addition to those powers delegated in paragraph 35(3).
- (3) The principal is by virtue of his or her office a member of all committees of the council and the academic board and of all joint committees of the council and the academic board.

(4) In the absence of the chancellor, the principal in his or her capacity as vice-chancellor is empowered to perform the functions of the chancellor as stipulated in paragraph 4.

(5) An acting principal must be appointed by the executive committee of the council for periods of absence of the principal exceeding five consecutive working days and such acting principal has the functions of the principal on the understanding that he or she may not change existing policy unless with the approval of the executive committee of the council.

Appointment

8. The council must ensure that the principles of fairness are complied with through the appointment procedure in terms of the Rules for the appointment of the principal.

Term of office

9. (1) The principal of the Technikon occupies his or her office for a period of time determined by the council as stated in the contract of employment in conjunction with the Rules of the retirement fund applicable to the principal concerned.

(2) Notwithstanding subparagraph (1) the council may extend the appointment of the principal by not more than five years at a time subject to an absolute barring of any extension of the appointment beyond the age of 65 of the principal.

Vacation of office

10. The principal vacates his or her office on the last day of his or her term of office referred to in paragraph 9(1) unless-

- (a) he or she tenders his or her resignation in writing to the council;
- (b) he or she is removed from office by the Technikon council for reasons sufficient in law; or
- (c) he or she vacates his or her office for any other reason before the expiration of his or her term of office.

VICE-PRINCIPAL

Functions

11. (1) The principal and the council determine the functions of the vice-principal from time to time.

(2) The vice-principal must execute the functions of the principal as set out in paragraph 7 as and when the principal is on leave of absence for any reason whatsoever.

Appointment

12. The council must ensure that the principles of fairness are complied with through the appointment procedure in terms of the Rules for the appointment of the vice-principal.

Term of office

13. (1) The vice-principal of the Technikon occupies his or her office for a period determined by the council as stated in his or her contract of employment in conjunction with the Rules of the retirement fund applicable to the vice-principal concerned.

(2) Notwithstanding subparagraph (1) the council may extend the appointment of the vice-principal by not more than five years at a time subject to an absolute barring of any extension of the appointment beyond the age of 65 of the vice-principal.

Vacation of office

14. The vice-principal vacates his or her office on the last day of his or her term of office referred to in paragraph 13(1) unless -

- (a) he or she tenders his or her resignation in writing to the council; or
- (b) he or she is removed from office by the council for reasons sufficient in law; or
- (c) he or she vacates his or her office for any other reason before the expiration of his or her term of office.

COUNCIL**Functions**

15. (1) The council governs the Technikon subject to the Act and this Statute.

(2) The council receives and considers written advice from the institutional forum before taking decisions on the following matters -

- (a) the implementation of national policy on higher education;
- (b) policies on racial and gender equity;
- (c) the selection of candidates for senior management positions;
- (d) codes of conduct as well as procedures for mediation and dispute resolution; and
- (e) the fostering of an institutional culture to promote human rights.

(3) The council must keep comprehensive records of all its proceedings as well as complete accounting records of the assets, liabilities, income, expenditure and other financial transactions of the Technikon and its substructures and other bodies operating under its auspices.

(4) The council must submit the prescribed reports, financial and otherwise, in terms of section 41(2) of the Act.

Composition of council

16. (1) In terms of section 27(6) of the Act the council consists of persons at least 60 per cent of whom are not employed by nor students of the Technikon, and who are elected or appointed from amongst the following -

- (a) four persons appointed by the Minister;

- (b) one person from the convocation;
- (c) one person from the religious community;
- (d) one person from the local community;
- (e) one person from organised labour;
- (f) two persons from commerce and industry;
- (g) two persons from the donors of the Technikon;
- (h) one person from the local authority;
- (i) two persons from professional bodies that serve the interests of the educational programmes of the Technikon; and
- (j) one person from a body that represents the educational interests of Technikon students.

(2) The other members must be elected or appointed to the council from amongst the following group of persons in terms of section 27(4) of the Act -

- (a) the principal;
- (b) the vice-principals to a maximum of three;
- (c) two members of the academic board;
- (d) two members from the students' representative council;
- (e) one member from the academic employees of the Technikon; and
- (f) one member from the employees of the Technikon other than academic employees.

Election of chairperson and vice-chairperson

17. (1) The members of the council must, in terms of section 26(3) of the Act, at the first meeting of the council and thereafter when it becomes necessary, elect from amongst their number a chairperson and a vice-chairperson, who shall each hold office for a period of four years, or for such shorter period as he or she may be a member of the council.

(2) The chairperson or the vice-chairperson of the council must not be an employee or a student of the Technikon.

(3) Nominations for the office of chairperson or vice-chairperson of the council must, with the consent of the nominees, be submitted in writing to the secretary to the council on a date determined by him or her.

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

(5) A candidate may be elected to the office of chairperson or vice-chairperson only by a majority of the members present at the meeting of the council.

(6) Each member of the council has only one (1) vote during each round of voting, provided that there must be a series of ballots if no candidate gains a majority in the first ballot.

(7) In each successive round of voting the candidate who gained the least support from the previous ballot is eliminated as candidate.

(8) Whenever a vacancy occurs in the office of chairperson or vice-chairperson, the provisions of subparagraph (3) to (7) are applicable to the filling of the vacancy.

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

(10) The chairperson and the vice-chairperson are eligible for re-election if they are still members of the council.

Secretary to council

18. (1) The council elects a secretary to the council.

(2) No person is elected as secretary unless he or she has been nominated in writing by at least three members of the council and the nomination is countersigned by the nominee to denote his or her acceptance.

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

(4) The secretary may be re-elected at the expiration of his or her term of office.

(5) The secretary must -

(a) act as secretary to all committees and joint committees of the council;

(b) act as electoral officer at all meetings of the council and its committees;

(c) keep the minutes of meetings of the council and its committees and distribute copies of the minutes together with the agenda and notices of the next meeting of the council and its committees, as the case may be;

(d) keep a register of resolutions adopted by the council and another of resolutions adopted by its executive committee; and

(e) perform such other functions as are determined by the council.

(6) The council may designate any employee to assist the secretary or to act in his or her place.

(7) The secretary must attend all meetings of the council and may take part in the discussions and may vote.

Meetings of council

19. (1) The quorum of a meeting of the council consists of that number of members which is the smallest whole number greater than half of the total number of members.

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

(3) Notice of matters for consideration must be submitted to the secretary to the council at least five days prior to the date on which he or she is required to give notice of such meeting, provided that a member may raise matters of an urgent nature at a meeting without prior notice if he or she procures the consent of at least 75 per cent of the members present.

(4) The chairperson may convene an extraordinary meeting whenever he or she may deem it necessary, and he or she must convene such a meeting at the written request of any five members clearly stating the purpose of the meeting in such request.

(5) No matters other than those for which the extraordinary meeting was convened, must be discussed at such meeting, except when the consent of the meeting is granted on an unopposed motion.

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

Emergency meeting of council

20. (1) An emergency meeting may be called by the chairperson at any time, provided that members must be given at least 24 hours' notice of such meeting.

(2) The notice contemplated in subparagraph (1) may be given in any manner deemed expedient by the chairperson in the circumstances.

(3) Members must be notified of the purpose of an emergency meeting, and no business other than that of which notice has been given to the members must be transacted at such meeting.

Number of council meetings

21. The chairperson of the council must convene at least one ordinary meeting of the council in each academic term at the seat of the Technikon.

Minutes of council meetings

22. (1) The secretary to the council must keep minutes of each meeting of the council and must include such minutes with the agenda of the next council meeting.

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

(3) The meeting may take the minutes as read if a copy thereof was sent to each member in accordance with paragraph 19(2).

Register of resolutions of council

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

Discussion of motions

24. (1) No member of the council may, without the leave of the meeting, speak more than once on a specific motion or amendment, but the proposer of a

motion or amendment has a right to reply, provided that the member may propose that the matter under discussion be dealt with in committee.

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

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

Voting

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

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

(3) In the event of a tie of votes in a secret ballot, the issue must be decided by lot.

(4) In the event of a tie of votes excluding the secret ballot as contemplated in subparagraph (3), a motion shall be rejected.

(5) If members present during any vote on a motion abstain from voting, their abstentions must be noted as such.

(6) If it is so decided by the meeting, the number of members voting for or against any motion must be recorded and, at the request of any member, the chairperson must direct that the vote of such member be recorded.

(7) Where at least 75 per cent of the members of council have reached agreement on a matter referred to them by letter or telefax by the chairperson of the council without convening a meeting, and have conveyed their resolutions by letter or telefax, such resolution shall be deemed to be a resolution of the council and shall be recorded in the minutes of the next ordinary meeting.

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

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

(10) If a member of the council without the council's permission, participates in the proceedings of the council in connection with a matter in which the member does have a direct or indirect pecuniary or financial or other material interest, voting by members of the council is invalid.

Ruling by chairperson

26. 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 to the meeting without discussion and the decision of the meeting is final.

Making, amending or repealing of Rule or Statute

27. (1) No motion to make, amend or repeal any Statute or any Rule may be adopted unless agreed to by at least 75 per cent of the members.

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

Vacancies on council by effluxion of time

28. Not less than 90 days before the expiry of the term of office of a member of the council, the secretary to the council must in writing give notice of such expiry to the body or person that elected, appointed or designated such member and request such body or person to elect, appoint or designate a successor immediately.

Casual vacancies on council

29. If a member of the council dies, resigns or vacates his or her office for any reason other than the effluxion of time, the secretary to the council, must, within 30 days from the date on which such vacancy arose, in writing give notice of such vacancy to the body or person that elected, appointed or designated such member and request such body or person to elect, appoint or designate a successor for the unexpired term of office of such member within 30 days.

Filling of vacancies

30. (1) Any vacancy on the council is filled in the same manner as that in which the member who previously held office was elected, appointed or designated.

(2) A person elected, appointed or designated as contemplated in subparagraph (1) to fill a casual vacancy must hold office for the unexpired portion of his or her predecessor's term of office.

Term of office

31. (1) The term of office of members of the council is four years, except -
(a) members referred to in paragraph 16(2)(a) and (b), who serve by virtue of their offices and remain members of the council as long as they occupy their posts, and
(b) members elected by the students' representative council in terms of paragraph 16(2)(d), whose term of office is one year.

(2) Should a member cease to be a member of the constituency which the person represents, his or her membership of council must also cease.

Vacation of office by members of council

32. (1) The office of a member of council becomes vacant if a member -
(a) dies;

- (b) resigns from office by writing under his or her hand addressed to the chairperson of council;
- (c) is absent from three consecutive meetings of the council without leave of the council;
- (d) is found guilty of an offence and sentenced to imprisonment without the option of a fine;
- (e) is declared insolvent by a court of law;
- (f) becomes a temporary patient or a continued treatment patient in an institution for mental health;
- (g) becomes incapable of performing the functions of a member of the council by reason of disease, or mental or bodily infirmity; or
- (h) ceases to be a member of the body which elected, appointed or designated him or her.

(2) The membership of a council member who is not an employee or a student of the Technikon must immediately terminate should such a member be appointed as an employee of the Technikon.

(3) Subject to the disciplinary procedure of the Technikon, if an employee or a student member is dismissed, suspended, expelled, demoted or his or her service is terminated for whatever reason by the Technikon, the membership of such member must automatically terminate.

Code of conduct

33. As the conduct of a member of the council at the Technikon and in public should be beyond reproach, a council member must treat all business of the council with the diligence, efficiency and impartiality that befit the dignity of the council and therefore, a member must -

- (a) act in good faith towards the council and the Technikon;
- (b) attend council meetings well prepared;
- (c) accept membership of council committees;
- (d) support official activities of the Technikon;
- (e) treat confidential council affairs with appropriate confidentiality;
- (f) be committed and loyal to the Technikon;
- (g) positively promote the broader interests of the Technikon within the community and amongst various stakeholders;
- (h) not issue any statement to the media, without authorisation and clearing with the office of the chairperson of the council; and
- (i) act without being prejudiced towards any member or protocol.

Appointment, election and designation of council members

34. (1) All members of the council must be appointed, elected or designated in accordance with the criteria specified in section 27(7) of the Act.

(2) The principal and the vice-principal of Technikon are appointed in their official capacity as members of the council, provided that where more than three vice-principals have been appointed to the staff of the Technikon, a choice

must be made by the rectorate as to which three of the vice-principals must serve on the council.

(3) The following persons are nominated and elected for appointment to the council in terms of their respective procedures contained in the Rules -

- (a) the person from the convocation;
- (b) the person from the local authority;
- (c) two members of the students' representative council;
- (d) two persons from the donors of the Technikon;
- (e) one member representing the academic employees of the Technikon; and
- (f) one member representing the employees of the Technikon other than academic employees.

(4) The academic board designates for appointment to the council in terms of the procedures contained in the Rules -

- (a) two members of the academic board;
- (b) two persons from commerce and industry; and
- (c) two persons from professional bodies that serve the interests of the educational programmes of the Technikon.

(5) The institutional forum designates for appointment to the council in terms of the procedures contained in the Rules -

- (a) one person from the religious community;
- (b) one person from the local community;
- (c) one person from organised labour; and
- (d) one person from a body that represents the education interests of Technikon students.

(6) All council members must undertake to serve the interests of the Technikon on the council for their respective terms of office referred to in paragraph 31.

Delegation by council

35. (1) The council must govern the Technikon in terms of section 27(1) of the Act, by administering the property of the Technikon subject to the Act and this Statute as well as take fiduciary responsibility for the Technikon and all its affairs and activities.

(2) The council may from time to time delegate any of its powers and duties under the Act on such conditions as it may under the circumstances find appropriate in terms of section 68(2) of the Act, provided that the council may not delegate its power to make an institutional Statute.

(3) The council hereby delegates its powers and duties -

- (a) in terms of the employment relationship with the employees of the Technikon to the principal in consultation with any or all of the appointed vice-principals; and
- (b) with regard to the academic functioning of the operations of the Technikon to the academic board.

Joint decision making

36. (1) The council may not without the consent of the academic board -
- (a) determine the language policy of the Technikon in terms of section 27(2) of the Act;
 - (b) make, amend or abolish any aspect of the academic function of the Technikon in terms of section 32(2)(b) of the Act; or
 - (c) determine any of the academic functions of the Technikon in terms of section 37(4) of the Act.
- (2) The council must consult with the respective structures referred to in subparagraphs (3), (4) and (5) with the aim of reaching consensus on the item it is consulting the structure concerned, provided that, should the council be satisfied that no agreement can be reached after consultation, it may adopt any resolution it deems appropriate to the circumstances.
- (3) The council must consult the academic board on the following issues in terms of subparagraph (2) -
- (a) the amendment or abolition of the academic board in terms of section 32(2)(a) of the Act; and
 - (b) the disciplinary measures and procedures relating to students in terms of section 32(2)(d) of the Act.
- (4) The council must consult the students' representative council on the following issues in terms of subparagraph (2) -
- (a) concerning a suitable structure to advise on the policy for student support services within the Technikon in terms of section 27(3) of the Act;
 - (b) concerning the amendment or repeal of the composition of the students' representative council in terms of section 32(2)(c) of the Act; and
 - (c) concerning the disciplinary measures and procedures relating to students in terms of section 32(2)(d) of the Act.
- (5) Notwithstanding the provisions of this paragraph, the council may consult any person, structure or entity, as it may deem appropriate in the circumstances.

Executive committee of council

37. (1) The council must appoint an executive committee of the council consisting of the following -
- (a) the chairperson of the council elected in terms of paragraph 17;
 - (b) the vice-chairperson of the council elected in terms of paragraph 17;
 - (c) the appointed principal of the Technikon; and
 - (d) the elected chairpersons of all standing committees of the council.
- (2) The secretary to the council elected in terms of paragraph 18 is by virtue of his or her office the secretary of the executive committee of the council.

Other committees of council

38. (1) The council may establish standing or *ad hoc* committees to perform any of its functions.

(2) An established standing committee must dissolve on completion of the term of office of the committee members and an established *ad hoc* committee automatically dissolves on completion of its task in hand.

(3) The council is not divested of responsibility for the performance of any function delegated or assigned to a committee in terms of section 29(2) of the Act.

(4) No chairperson of any standing committee of the council must be an employee or a student of the Technikon.

(5) Notwithstanding the provisions of subparagraph (4), the chairperson of any committee must be a member of the council, although the council may appoint any number of persons who are not members of the council, as members of such committee as deemed necessary by the council.

(6) The provisions relating to the meeting procedures of the council apply, with the necessary changes, to committees of the council.

(7) In the event of the council and the academic board appointing a joint committee in terms of section 29(3) of the Act, subparagraphs (1) to (6) apply, with the necessary changes, provided that members appointed in terms of subparagraph (5) must be nominated in equal numbers by the council and the academic board.

ACADEMIC BOARD**Functions of academic board**

39. (1) The academic board of the Technikon is accountable to the council for the academic and research functions of the Technikon.

(2) The academic board performs such other functions as may be delegated or assigned to it by the council.

Composition of academic board

40. (1) In terms of section 28(4) of the Act the academic board consists mainly of academic employees of the Technikon.

(2) The following persons are elected or appointed to the academic board -

- (a) the principal;
- (b) all the vice-principals;
- (c) the deans of faculties;
- (d) the associate deans of faculties;
- (e) the academic departmental heads;
- (f) the head of the library;
- (g) two members of the council;
- (h) two members of the students' representative council;
- (i) a maximum of five heads of academic support services;
- (j) a maximum of five heads of administrative departments;

- (k) one member from the academic employees of the Technikon; and
- (l) one member from the employees of the Technikon other than academic employees.

Appointment and election of members of academic board

41. (1) All members of the academic board are elected or appointed based on the following -

- (a) a member of the academic board must be a person with knowledge and experience relevant to the academic objectives of the Technikon; and
- (b) a member of the academic board must participate in the deliberations of the academic board in the best interests of the Technikon.

(2) The persons contemplated in paragraph 40(2)(a) to (f) are appointed in their official capacity as members of the academic board.

(3) The members of the academic board contemplated in paragraph 40(2)(g) and (h) are elected and appointed in terms of the respective procedures as contained in the Rules.

(4) The academic board members contemplated in paragraph 40(2)(i) to (k) are elected and appointed in terms of the procedures as contained in the Rules.

Term of office of members of academic board

42. The term of office of members to the academic board is -

- (a) concurrent with the respective periods of employment in the particular positions for members appointed in terms of paragraph 40(2)(a) to (f);
- (b) concurrent with the respective term of office of the council for members elected and appointed in terms of paragraph 40(2)(g);
- (c) a maximum of two years for members elected and appointed in terms of paragraph 40(2)(i) and (j); and
- (d) a maximum of one year for members appointed in terms of paragraph 40(2)(h), (k) and (l).

Meetings of academic board

43. (1) The number and types of meetings, notice of the dates and venues and matters to be dealt with at meetings are as determined by the academic board.

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

Vacation of office by members of academic board

44. The vacation of office by members of the academic board takes place according to the provisions as prescribed by the Rules.

Filling of vacancies on academic board

45. Vacancies on the academic board as a result of any cause are filled in accordance with the procedure prescribed by the Rules.

Academic board executive committee

46. (1) The academic board must appoint an executive committee consisting of the following persons -

- (a) the vice-chancellor, who is the chairperson;
- (b) the deputy vice-chancellors;
- (c) the deans of faculties; and
- (d) the administrative head: examinations and registrations.

(2) The secretary of the academic board elected in terms of the Rules, is by virtue of his or her office the secretary of the executive committee of the academic board.

INSTITUTIONAL FORUM**Functions of institutional forum**

47. (1) The institutional forum of the Technikon is an advisory body and must advise the council on issues affecting the Technikon, including but not limited to, the following -

- (a) the implementation of the Act and the national policy on higher education;
- (b) race and gender equity policies;
- (c) the selection of candidates for senior management positions;
- (d) codes of conduct, mediation and dispute resolution procedures; and
- (e) the fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning.

(2) The institutional forum must perform such other functions as may be delegated or assigned to it by the council in terms of section 31(1)(b) of the Act.

Composition of institutional forum

48. The institutional forum of the Technikon as contemplated in section 31(2) of the Act consists of -

- (a) the principal;
- (b) all vice-principals;
- (c) all deans of faculties;
- (d) two representatives of the council;

- (e) two representatives of the academic board;
- (f) four representatives of the students' representative council;
- (g) two representatives from an employees union representing the interests of academic employees of the Technikon;
- (h) two representatives from an employees union representing the interests of employees of the Technikon other than academic employees;
- (i) a maximum of ten student representatives drawn from the affiliates of the students' representatives council, provided that no more than two representatives are from a specific affiliate; and
- (j) two representatives of the Technikon equity committee.

Appointment and election of members of the institutional forum

49. (1) All members of the institutional forum are elected or appointed subject to the following criteria -

- (a) a member of the institutional forum must be a person with knowledge and experience relevant to the objectives of the Technikon; and
- (b) a member of the institutional forum must participate in the deliberations of the institutional forum in the best interests of the Technikon.

(2) The persons contemplated in paragraph 48(a), (b) and (c) are appointed in their official capacity as members of the institutional forum.

(3) The members of the institutional forum contemplated in paragraph 48(d) to (h) are elected and appointed in terms of the procedures as contained in the Rules.

(4) The members of the institutional forum contemplated in paragraph 48(i) and (j) are nominated, elected and appointed in terms of the respective procedures as contained in the Rules.

Term of office of members of institutional forum

50. The term of office of members of the institutional forum is -

- (a) concurrent with the respective periods of employment in the particular positions for members appointed in terms of paragraph 48(a), (b), and (c);
- (b) concurrent with the respective terms of office of the council, academic board and students' representative council for members elected and appointed in terms of paragraph 48(d), (e) and (f);
- (c) a maximum of three years for members elected and appointed in terms of paragraph 48(g) and (h); and
- (d) a maximum of one year for members elected and appointed in terms of paragraph 48(i) and (j).

Chairperson, vice-chairperson and secretary

51. The chairperson, the vice-chairperson and the secretary of the institutional forum are nominated and elected by the institutional forum in the manner determined by the Rules.

Meetings of institutional forum

52. All the provisions relating to the meetings of the council with regard to the number and type of meetings, notice of the dates and venues of meetings, matters to be dealt with at meetings, meeting procedures, the quorum of meetings, discussion of motions at meetings, voting procedures, ruling by the chairperson, recording of votes, minutes of meetings, register of resolutions, financial or other interests of members and attendance of meetings by non-members apply with the necessary changes to the meetings of the institutional forum.

Vacation of office by members of institutional forum

53. The vacation of office by members of the institutional forum is as determined by the Rules.

Filling of vacancies on institutional forum

54. Vacancies on the institutional forum as a result of any cause are filled in accordance with the procedure prescribed by the Rules.

STUDENTS' REPRESENTATIVE COUNCIL**Functions of students' representative council**

55. The students' representative council must -

- (a) promote student unity;
- (b) work towards developing and maintaining a healthy relationship between students and faculty councils at the Technikon;
- (c) endeavour to forge links with structures both on and off the Technikon campus;
- (d) endeavour to become the most effective representative of the Technikon students in all matters affecting them;
- (e) promote non-racism, non-sexism and democracy on the Technikon campus;
- (f) consult with the council on those issues listed in paragraph 36(4);
- (g) perform any such other function as may be described in its constitution; and
- (h) perform such other functions as may be delegated or assigned to it by the council.

Powers and privileges of students' representative council

56. (1) The students' representative council of the Technikon is not a legal entity and has no legal contractual competence with legal entities.

(2) Subject to subparagraph (1) the students' representative council is able to enter into binding agreements within the realm of the Technikon.

(3) The students' representative council is accountable to students and the council for funds it acquires.

(4) The privileges of members of the students' representative council are determined by council.

Composition of students' representative council

57. (1) In terms of section 35 of the Act the students' representative council consists of a general council and an executive committee.

(2) The students' representative general council consists of five permanent representatives from each academic faculty and registered student structure.

(3) The students' representative executive committee consists of up to sixteen members as follows -

- (a) the chairperson of the sports council;
- (b) the chairperson of the arts and culture council;
- (c) the chairperson of the central residence committee;
- (d) the chairperson of the respective faculty councils at the Technikon; and
- (e) all other elected members to conclude a number of sixteen members.

Election of general council of students' representative council

58. (1) All members of the students' representative general council are elected or appointed based on the following criteria -

- (a) only bona fide students who are registered with the Technikon for academic studies are eligible; and
- (b) any student registered for in-service training or co-operative training while not registered for any academic classroom studies must be excluded.

(2) The members of the students' representative general council contemplated in paragraph 57(2) are elected and appointed in terms of the procedures contained in the Rules.

Election or appointment of executive committee of students' representative council

59. (1) All members of the students' representative executive committee are elected or appointed based on the following criteria -

- (a) only persons who are registered as *bona fide* students on the day of nominations as determined in terms of the electoral procedures in the Rules are eligible; and
- (b) any candidate standing for election must declare in his or her nomination, past as well as present, involvement in student structures and any positions held in such structures.

(2) The members of the students' representative executive committee contemplated in paragraph 57(3)(a) to (d) are appointed in their official capacity.

(3) The other members of the students' representative executive committee in terms of paragraph 57(3)(e) are elected and appointed in terms of the procedures of the Rules.

Term of office of members of students' representative council

60. (1) The members of the students' representative council hold office for a single academic year.

(2) The membership of a member of the students' representative council automatically expires, should that member cease to be a registered student of the Technikon.

(3) Any member of the students' representative council may elect to resign from the students' representative council.

(4) A member of the students' representative executive council who is absent from two consecutive meetings of the students' representative executive committee or general council without reasonable excuse accepted by the students' representative council, ceases to be a member subject to appeal to the students' representative general council.

(5) The membership of a students' representative council member may be terminated at the discretion of the students' representative general council, in compliance with the *audi alteram partem*-rule in the following circumstances –

- (a) where such member has been found guilty in a court of law of any criminal offence which could place the students' representative council or the Technikon in disrepute; or
- (b) where such member is found guilty of gross misconduct which constitutes a breach of the students' representative council's code of conduct as contained in the constitution of the students' representative council.

Attendance of meetings of students' representative council by non-members

61. The students' representative council may invite persons who are not members of the students' representative council to attend meetings of the students' representative council on condition that such persons may take part in the discussions, but may not vote.

Election of chairperson, vice-chairperson and secretary of students' representative council

62. The chairperson, the vice-chairperson and the secretary of the students' representative council must be elected from among the members of the students' representative council as prescribed in the constitution of the students' representative council.

Meeting procedures of the students' representative council

63. The meeting procedures of the students' representative council are as prescribed in the constitution of the students' representative council.

Convocation

64. (1) The name of the convocation is the convocation of the Peninsula Technikon.

(2) The convocation consists of the following persons -

- (a) all persons on whom the Technikon has conferred a degree or awarded a diploma or certificate;
- (b) all permanently appointed academic staff of the Technikon;
- (c) the staff member responsible for the alumni of the Technikon; and
- (d) such other persons as the council may determine at its sole discretion.

(3) The meetings of the convocation of the Technikon take place in accordance with procedures set out in the Rules.

(4) The convocation must keep records of its proceedings.

(5) The chairperson of the convocation is elected in accordance with the procedures contained in the Rules.

APPOINTMENT AND CONDITIONS OF SERVICE OF EMPLOYEES**Appointment of employees**

65. (1) The council of the Technikon appoints its employees in terms of section 34(1) of the Act, through the delegated powers of the principal in terms of paragraph 35(3)(a).

(2) Notwithstanding subparagraph (1) an academic employee of the Technikon must be appointed after consultation with the academic board in terms of section 34(2) of the Act.

Conditions of service of employees of Technikon

66. (1) The negotiated conditions of service of employees, disciplinary provisions, privileges and functions of the Technikon employees are at all times subject to applicable labour law.

(2) The terms and conditions of service of all employees of the Technikon are contained in their individual contracts of employment, collective agreements and in the Rules.

Termination of service of employees

67. (1) The termination of the services of any Technikon employee by the Technikon must comply with the grounds for dismissal as contained in the Rules and the Labour Relations Act, 1995 (Act No. 66 of 1995), provided that there is no agreement between the Technikon and the employee concerned concerning the termination of his or her service.

(2) The Technikon has the discretion to compensate an employee in lieu of any prescribed notice period.

(3) An employee has the right voluntarily to terminate his or her services with the Technikon at any time he or she decides to do so, provided that he or she complies with the prescribed notice periods.

(4) Should the employee fail to comply with the prescribed notice period referred to in subparagraph (3), the Technikon has the discretion to claim and deduct monies in lieu of such notice period.

Conferring of honorary doctorate

68. (1) The Technikon may, without examination, confer an honorary doctorate on a person who has rendered distinguished services 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.

Disciplinary measures and procedures applicable to students

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

Academic functions of Technikon

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

Repeal of previous Statute

71. (1) The Statute applicable to the Peninsula Technikon published by Government Notice No. 1 of 6 January 1995, is hereby repealed with effect from the date on which this Statute comes into operation.

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

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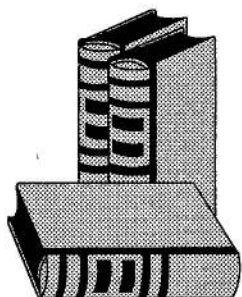
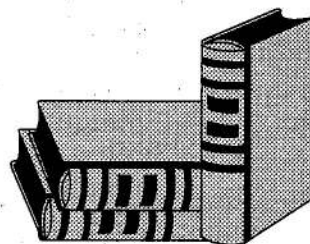
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