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## GOVERNMENT NOTICE

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### DEPARTMENT OF EDUCATION

No. 457

28 March 2003

### HIGHER EDUCATION ACT 101 OF 1997

#### TECHNIKON FREE STATE AMENDMENT TO THE STATUTE

The Council of the Technikon Free State has, with the approval of the Minister of Education, under section 32 of the Higher Education Act, 1997 (Act No. 101 of 1997), made the amendments of the Statute set out in the Schedule hereto.

#### SCHEDULE

1. *General explanatory note:*  
[       ]       Words in bold type in square brackets indicate omissions from existing enactments.  
\_\_\_\_\_       Words underlined with a solid line indicate insertions in existing enactments.
2. In the Schedule, unless the context otherwise indicates, the expression "the Statute" means the Statute of the Technikon Free State promulgated by Government Notice No. R.715 of 04 June 1999, as amended by Government Notice No. R.74 of 22 January 2001 and Government Notice No. R 167 of 15 February 2002.
3. The schedule is amended by the substitution of the schedule by the following schedule:

#### "SCHEDULE

To introduce a new Statute for the Technikon Free State to give effect to **[any law]** the Higher Education Act, 1997 relating to the Technikon: to ensure academic freedom: and to promote the effective and responsible management and governance of the Technikon in respect of matters not expressly prescribed by **[any law]** the Higher Education Act."

4. The preamble is amended by the substitution of the preamble by the following preamble:

#### "PREAMBLE

WHEREAS the Technikon Free State concerns itself with technologically based higher education, teaching, learning, research and community service activities in the Free State and nationally:

AND WHEREAS the Technikon fulfils its global role of technologically based teaching, learning, research and technological advancement for all South Africans in accordance with internationally recognised standards;

NOW THEREFORE and by virtue of the authority vested in the council of the Technikon and the Minister of Education, under the Higher Education Act, 1997 (Act No. 101 of 1997), [and all relevant laws,] to ensure academic freedom and to provide responsible management and government of the affairs, including academic control of the instructional programmes of the Technikon, within a single co-ordinated higher education system, a new Statute for the Technikon is hereby introduced and made known.”.

5. Paragraph 10 is amended by substitution for subparagraph (1) of the following subparagraph:

“10. (1) If the principal is absent or is unable to perform the duties of his or her office for any other reason, the principal may designate [the] a deputy vice-chancellor as acting principal for that period.”.

6. Paragraph 13 is amended by substitution for paragraph 13 of the following paragraph:

“13. The deputy vice-chancellors [is] are by virtue of [his or her] their office [a] members of the council as contemplated in section 27(4) (b) of the Act.”.

7. Paragraph 14 is amended by substitution for paragraph 14 of the following paragraph:

“14. [The] A deputy vice-chancellor is appointed by the council for such period as decided by the council.”.

8. Paragraph 15 is amended by substitution for paragraph 15 of the following paragraph:

“15. The conditions of service of [the] a deputy vice-chancellor are determined by the council.”.

9. Paragraph 16 is amended by substitution of paragraph 16 of the following:

“16. (1) The members of the council contemplated in section 27 (4)(a), (b), (e), (f) and (g) of the Act are as follows-

- (a) the principal;
- (b) the three deputy vice-[principal] chancellors ;
- (c) [three] four persons appointed by the Minister;
- (d) one member of the senate elected by the senate;
- (e) one academic employee elected by such employees;

- (f) the president of the SRC and one [student] member of the SRC elected by the SRC; and
- (g) one person elected by the support services employees.

(2) The members of the council contemplated in section 27(-)(h) of the Act are as follows-

- (a) the registrar as secretary to the council;
- (b) two persons with expertise in technology;
- (c) one person with legal expertise;
- (d) [one] two persons with financial expertise;
- (e) one person from Trade and Industry;
- (f) one person from organised agriculture;
- (g) one person from chamber of mines; **[and]**
- (h) one person elected by the convocation;
- (i) one person with expertise in human resources; and
- (j) one person from a national women's organisation.

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

13. Paragraph 28 is amended by substitution of paragraph 28 of the following paragraph and the correct renumbering of the following subparagraphs:

“[28 (1) As required by section 26(3) of the Act the council from among its members elect a secretary to the council by means of a secret ballot and a majority of the members present at a duly constituted ordinary meeting of the council.]

28 (1) The council may appoint any employee to assist the secretary [or to act in his or her place]

(2) The secretary **[must]** holds office as long as he or she holds the office of registrar to which he or she was appointed and by virtue of which he or she is the secretary to council. **[for one year, or such shorter period as he or she may be a member of the council]**

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

**(5) Whenever a vacancy occurs in the office of the secretary, such vacancy must be filled in accordance with subparagraph (1).**

**(6) The secretary elected in terms of subparagraph (5) holds office for the unexpired portion of the term of office of his or her predecessor].**

**[7] (3) The secretary is the electoral officer at all meetings.”.**

14. Paragraph 34(1) is amended by the substitution of paragraph 34 (1) of the following paragraph:

“34. (1) The members of the senate contemplated in section 28(2) of the Act are the following-

- (a) the principal as the chairperson of the senate;
- (b) the executive assistant of the principal;
- (c) the three deputy vice- [principal] chancellors;
- (d) one member of the council not employed by the Technikon;
- (e) two members of the SRC;
- (f) the academic employee representative elected by the academic employees;
- (g) the support staff representative elected by the support staff;
- (h) the deans of faculties;
- (i) the dean: student affairs;
- (j) the heads of department of the academic departments;
- (k) the heads of the library and information centre;
- (l) the chairperson of the student support services council;
- (m) the head of the student guidance services department;
- (n) the chairperson of the central research committee;
- (o) all other professors in the academic structures of the Technikon;
- (p) the head of academic administration; and
- (q) any other employee as determined by the council.”.

15. Paragraph 37 is amended by substitution of paragraph 37 of the following paragraph:

**“Election of [chairperson and] vice-chairperson**

37. (1) Nominations for the **[chairperson and the]** vice-chairperson of the senate must, with **[their] his or her [respective]** consent, be submitted in writing to the secretary to the senate on a date determined by him or her.
- (2) The **[chairperson or the]** vice-chairperson of the senate may not be a student of the Technikon.
- (3) If more than one candidate is nominated for **[one of] the office[s]**, voting must be by secret ballot.
- (4) A candidate may only be elected to office of the **[chairperson or]** vice-chairperson by an absolute majority of the members present at a duly constituted meeting of the senate.
- (5) Each member of the senate has only one vote during each round of voting, provided that there must be a series of ballots if no candidate gains an absolute majority in the first ballot.
- (6) In each successive round of voting the candidate who gained the least support in the previous ballot is eliminated as candidate.

- (7) The [chairperson and] vice-chairperson [occupy] occupies [their] his or her [respective] office[s] for a term of one year, or for such shorter period as the [chairperson or] vice-chairperson may be a member of the senate.
- (8) The [chairperson and the] vice-chairperson [are] is eligible for re-election.
- (9) Whenever a vacancy occurs in the office of [chairperson or] vice-chairperson, the provisions of subparagraphs (1), (2), (3), (4) (5) and (6) are applicable to the filling of the vacancy.
- (10) If the chairperson and the vice-chairperson are not available for any senate meeting, members of the senate must elect an acting chairperson from its members to preside at the meeting.”.

16. Paragraph 47 is amended by substitution of paragraph 47 of the following paragraph:

“47. The institutional forum of the Technikon comprises of the following numbers per category-

- (a) [one person representing the principal’s office] four persons representing management: namely:
- (i) principal :  
(ii) senior director: general administration as the secretary:  
(iii) chief director: institutional policy and compliance; and  
(iv) director: institutional equity.
- (b) [one person representing the vice-principal’s office] one external council member;
- (c) [one person representing operations] one person from the members of the senate;
- (d) [one person representing financial administration] one person representing academic employees;
- (e) [one person representing institutional administration] one person representing support services employees;
- (f) [two persons representing the council] two persons representing the SRC;
- (g) [four persons representing the senate, a member from each faculty] two persons representing the two recognised employee unions;
- (h) [one person representing support services employees] one person representing the convocation;
- (i) [two persons representing students] one person representing the student services council(SSC);and
- (j) [one person representing the budget, planning and operations committee] one person representing the support services board (SSB):”.
- (k) two persons representing employee unions recognised by the Technikon:”.

17. Paragraph 48 is amended by substitution of paragraph 48 of the following paragraph:

“48. Whenever it is necessary for the council to elect and appoint **[two] one** of its members as a representative[s] on the institutional forum as contemplated in section 31(2)(b) of the Act, such member[s] must **[comprise the chairperson of the council, and such other representative as]** be elected by the council from amongst its external members and appointed to the institutional forum by the chairperson of the council and the following procedure must be followed-

- (a) nominations of candidates must be made by letter signed by two members as well as the nominee and addressed to the secretary to the council;
- (b) if more than one candidates are nominated, voting must be by secret ballot;
- (c) the candidate obtaining the most votes, must be elected to the institutional forum;
- (d) every member of the council has one vote;
- (e) in the case of a tie of votes, the result must be determined by the drawing of lots by the secretary to the council.”.

18. Paragraph 49 is amended by substitution of paragraph 49 of the following paragraph:

“49. Whenever it is necessary for the senate to elect from among its members **[four] one** representative[s, **one per faculty,**] to the institutional forum as contemplated in section 31(2)(c) of the Act, the following procedure must be followed-

- (a) nominations of candidates must be made by letter signed by two members as well as the nominee and addressed to the secretary to the senate;
- (b) if more than one candidate is nominated**[per faculty,]** voting must be by secret ballot;
- (c) the candidate obtaining the most votes**[per faculty,]** must be elected to the institutional forum;
- (d) every member of the senate has one vote **[for each faculty representative];**
- (e) in the case of a tie of votes, the result must be determined by the drawing of lots by the secretary to the senate.”.

19. Paragraph 54 is amended by substitution of paragraph 54 of the following paragraph:

“54. (1) **[The representative to be appointed in accordance with paragraph 47(k) to (x) are designated by council on recommendation of the principal]** The authorities contemplated in section 31 (2) (g) of the Act and in the Statute of the Technikon Free State, are requested, under signature of the secretary of the institutional forum to nominate a person as full representative of the particular authority to serve on the institutional forum.

(2) The official receipt of the name of the particular representative by the secretary of the institutional forum will constitute formal appointment in accordance with section 31(2)(g) of the Act."

20. Paragraph 55 is amended by substitution of subparagraphs (1);(2) and (3) of the following subparagraphs:

"55. (1) The members of the institutional forum, at the first meeting of the institutional forum, elect from their number in a manner decided upon beforehand a chairperson [,] and a vice-chairperson [and a secretary] who each holds office for a period of [one] two years and who may be re-elected for a further term of office.

(2) The principal and vice-chancellor act for the duration of the election of a chairperson as acting chairperson.

(3) The senior director: general administration (secretariat) acts as the secretary of the institutional forum."

20. Paragraph 56 is amended by the substitution of paragraph 56 of the following paragraph:

"56. (1) [The term of office of members of the institutional forum is as determined by their respective constituencies] Unless otherwise decided by the respective constituencies, the term of office of members of the institutional forum is for a period of two years.

(2) Members may be re-appointed or re-elected."

21. Paragraph 57 is amended by the substitution of paragraph 57 of the following paragraph:

"57. (1) All the provisions relating to the meetings of the council with regard to the quorum of a meeting, notice of a meeting, minutes of meetings and register of resolutions apply to the meetings of the institutional forum.

(2) Decision is deemed to have been taken by the institutional forum if, in the opinion of the chairperson, sufficient consensus has been reached.

(3) Decision-making is, as a point of departure by consensus or failing that an attempt is made to reach a decision by a two third majority, in which case the majority and minority opinions are both reported, or failing that all the viewpoints are reported.

(4) The quorum for an institutional forum meeting is 50 per cent plus one.

(5) The institutional forum and task group meetings are open to observers.

(6) All institutional forum documents are in accordance with the language policy of the Technikon :

(7) Members may speak in any official language with the understanding that translation is provided by the executive committee of the institutional forum or secretariat as required."