



**South West Gauteng College
Education of Distinction**

COLLEGE STATUTE

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DEFINITIONS AND APPLICATION

Definitions

1. In this Statute, unless the context indicates otherwise—

“academic board” means the body contemplated in section 11 of the Act;

“auditor” means any person registered in terms of the Auditing Professions Act, 2005 (Act No. 26 of 2005);

“college” means the college referred to in section 3;

“council” means the governing structure of the college;

“Department” means the government department responsible for education at national level;

“Director-General” means the Director-General of the Department;

“external person” means a person referred to in section 10(8) of the Act;

“financial year” in respect of the college means a year commencing on the first day of January and ending on the 31st day of December of the same year;

“foreign juristic person” means a person—

(i) registered or established as a juristic person in terms of a law of a foreign country; and

(ii) recognised or registered as an external company in terms of the Companies Act, 1973 (Act No. 61 of 1973);

“further education and training” means all learning and training programmes leading to qualifications from levels 2 to 4 of the National Qualifications Framework as contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), which levels are above general education but below higher education;

“further education and training college” means any college that provides further education and training on a full-time, part-time or distance basis and which is—

(a) established or regarded as having been established as a public further education and training college under the Act;

(b) declared as a public further education and training college under the Act; or

(c) registered or provisionally registered as a private further education and training college under the Act;

“general education” means the compulsory school attendance phase referred to in section 3 of the South African Schools Act;

“Head of Department” means the head of a provincial department of education;

“higher education” means higher education as defined in the Higher Education Act, 1997 (Act No. 101 of 1997);

“institutional statute” means policy, a code of ethics and any rules developed by the council consistent with the Act;

“Labour Relations Act” means the Labour Relations Act, 1995 (Act No. 66 of 1995);

“lecturer” means any person who teaches, educates or trains other persons or who provides professional educational services at the college and who is appointed in a post on a lecturer establishment under the Act;

“local juristic person” means a person established as a juristic person in South Africa in terms of the Companies Act, 1973 (Act No. 61 of 1973);

“management” means the principal and vice-principal of the college;

“MEC” means the Member of the Executive Council of a province who is responsible for education in that province;

“Minister” means the Minister of Education;

“National Qualifications Framework” means the National Qualifications Framework as defined in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

“NBFET” means the National Board for Further Education and Training, established by regulations in terms of section 11 of the National Education Policy Act, 1996 (Act No. 27 of 1996);

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

“policy” means—

(a) policy determined by the Minister in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996); or

(b) policy determined by the Member of the Executive Council in terms of a provincial law;

“prescribed” means prescribed by regulation;

“principal” means the chief executive and accounting officer of the college, and includes a rector;

“programmes” means a list of education programmes approved and promulgated by the Minister in the Gazette;

“public college” means any further education and training college that is established, deemed to be established or declared as a public further education and training college under the Act;

“Public Service Act” means the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“rules” means rules made by the council in terms of section 5(2)(a);

“SAQA” means the South African Qualifications Authority established by section 3 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

“school” means a school as defined in the South African Schools Act;

“South African Schools Act” means the South African Schools Act, 1996 (Act No. 84 of 1996);

“staff” means persons employed at a public college;

“statute” means the standard college statute, which includes policy, code of conduct and any other rules developed by the council which are consistent with the Act;

“student” means any person registered as a student at the college;

“SRC” means the student representative council of the college;

“the Act” means the Further Education and Training Colleges Act, 2006;

“to provide further education and training” means—

(a) to register students for all learning and training programmes leading to qualifications from levels 2 to 4 of the National Qualifications Framework or such further education and training levels as determined by SAQA and

contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), which levels are above general education but below higher education; and

(b) to take responsibility for the registration of students, the provision and delivery of the curriculum and the assessment of students;

“vice-principal” includes a vice-rector.

Application

2. This statute applies to the college until a statute is developed in terms of section 10 of the Act.

INSTITUTION

Name, seat and powers

3. (1) The name of the college is: **South West Gauteng College**

(2) The seat of the college is at: **Molapo, Soweto**

(3) Every public college is a juristic person with legal capacity to perform its functions in terms of this Statute and the Act.

Constitution of college

4. (1) The college consists of—

(a) the council;

(b) the academic board;

(c) the management staff;

(d) the SRC;

(e) the lecturers and support staff of the college;

(f) the students of the college; and

(g) such other offices, bodies or structures as may be established by the council.

(2) No vacancy in any of the offices contemplated in subsection (1) nor any deficiency in the numbers or defect in the composition of the bodies or structures contemplated in subsection (1) impairs or affects the existence of the college as a juristic person or any function conferred by the Act or this Statute upon the college.

COUNCIL

Functions of council

5. (1) Subject to the Act and this statute the council governs the college.

(2) Without derogating from the generality of subsection (1), the council—

(a) makes rules for the college;

(b) establishes the council committees and determines the composition and functions of each committee;

- (c) establishes, in consultation with the academic board, joint committees of the council and the academic board to perform functions which are common to the council and the academic board;
 - (d) subject to applicable policy and the approval of the Head of Department, determines the student admission policy of the college, after consultation with the academic board;
 - (e) determines and provides student support services after consultation with the SRC;
 - (f) subject to the approval of the Head of Department, determines the language policy of the college, after consultation with the academic board;
 - (g) determines tuition fees, accommodation fees and any other fees payable by students as well as accommodation fees payable by employees;
 - (h) approves the annual budget of the college; and
 - (i) may conclude a loan or overdraft agreement, with the approval of the MEC.
- (3) Without derogating from the generality of subsection (1), the council—
- (a) determines conditions of service, code of conduct and privileges and functions of its employees and may, in the manner set out in the code of conduct, suspend or dismiss employees of the college; and
 - (b) may order an employee of the college who has been suspended to refrain from being on any premises under the control of the college and to refrain from participating in any of the activities of the college, or issue such other conditions as it may consider necessary.

Composition of council

6. (1) The council, as contemplated in section 10(4) of the Act, consists of—
- (a) the principal;
 - (b) five external persons appointed by the MEC;
 - (c) one member of the academic board elected by the academic board;
 - (d) one lecturer elected by the lecturers at the college;
 - (e) two students of the college elected by the SRC;
 - (f) one member of the support staff elected by the support staff of the college;
 - (g) one external member representing donors; and
 - (h) four members contemplated in section 10(6) of the Act with a broad spectrum of competencies in the fields of education, business, finance, law, marketing, information technology and human resource management appointed by the council in consultation with the MEC.
- (2) At least 60 per cent of the members of the council must be external persons who are not employed by the MEC or council, or are not students of the college.
- (3) The council members contemplated in section 10(8) and (9) of the Act must have knowledge and experience relevant to the objects and governance of the college.

Termination of membership and filling of vacancies

7. (1) A member of the council's term of office terminates if—
- (a) he or she tenders a written resignation;

- (b) the MEC or entity who appointed or elected the member to the council terminates the membership in writing;
 - (c) he or she is absent from three consecutive meetings without leave of the council;
 - (d) he or she is declared insolvent;
 - (e) he or she is removed from an office of trust by a court of law or is convicted of an offence for which the sentence is imprisonment without the option of a fine; or
 - (f) he or she is incapacitated to perform his or her functions.
- (2) The council has the power to suspend and take disciplinary action against a member.
- (3) If 75 per cent or more of the members of the council resign, the council is deemed to have resigned.
- (4) If the council resigns as contemplated in subsection (3) a new council must be constituted in terms of this statute and the Act.
- (5) Whenever any vacancy occurs, section 10 of the Act must apply with the necessary changes thereto.
- (6) Any member appointed in terms of subsection (5) must serve only the remainder of the term of office.

Election and term of office of chairperson, vice-chairperson and secretary of Council

8. (1) The chairperson and vice-chairperson of the council must not be elected from members contemplated in section 6(1)(a), (c), (d), (e) and (f) of the statute.
- (2) The chairperson, vice-chairperson and secretary of the council are elected for a period not exceeding three years.
- (3) The chairperson, vice-chairperson and secretary are eligible for re-election.
- (4) Nominations for the office of the chairperson, vice-chairperson and secretary of the council must be in writing and directed to the electoral officer.
- (5) If more than one candidate is nominated, voting is by secret ballot.
- (6) Each member of the council has only one vote during a ballot and no proxy is allowed.
- (7) Whenever a vacancy occurs in the office of the chairperson, vice-chairperson or secretary, subsections (4) to (6) apply with the necessary changes to the filling of such vacancy.
- (8) A person who fills a vacancy in terms of subsection (7) holds office until the end of the term of his or her predecessor.

Meetings of council

9. (1) The council has at least four ordinary meetings during each academic year.
- (2) Notice of any motion for consideration at the next ordinary meeting must be in writing and must be lodged with the secretary at least 21 days before the date determined by the council for such meeting, provided that any matter of an urgent

nature may, without prior notice, by consent of the chairperson and a majority of the members present, be considered at such meeting.

(3) At least 14 days prior to the date of an ordinary meeting, the secretary gives due notice to each member of all the matters to be dealt with at such meeting and states the time and place of such meeting.

(4) A special meeting may be called at any time by the chairperson.

(5) A special meeting must be called by the chairperson at the request in writing of at least five members, if the objective of such meeting is clearly stated in the request, provided that at least seven days' notice of a special meeting is given.

(6) No business other than that for which the special meeting was called may be transacted at such meeting.

(7) An emergency meeting may be called by the chairperson or, in his or her absence, by the principal at any time.

(8) Notice of an emergency meeting may be given in any manner convenient under the circumstances.

(9) The objective of an emergency meeting must be stated to members and no business other than that stated may be transacted at such meeting.

Council meeting procedures

10. (1) The council members must participate in the deliberations of the council in the best interest of the college.

(2) Except where otherwise provided in this statute, all acts or matters authorised or required to be done or decided by the council or its committees and all questions that may come before it are done or decided by the majority of the members present at any meeting, provided that the number present at any meeting is at least half plus one of the total number of members of the council or its committees holding office on the date of such meeting.

(3) In the absence of the chairperson and the vice-chairperson of the council, the members present must elect one of their members to preside at such meeting.

(4) The first act of an ordinary meeting, after being constituted, is to read and confirm by the signature of the chairperson the minutes of the last preceding ordinary meeting and of any special meeting subsequently held, provided that the meeting may consider the minutes as read if a copy thereof was previously sent to every member of the council, provided further that objections to the minutes of a meeting are raised and decided before confirmation of the minutes.

(5) A member of the council may not, without the consent of the meeting, speak more than once to a motion or to any amendment and the mover of any motion or any amendment has the right of reply.

(6) Every motion or amendment must be seconded and, if so directed by the chairperson, must be in writing.

(7) A motion or an amendment seconded as contemplated in subsection (6) may not be withdrawn except with the consent of the meeting.

(8) The chairperson has a deliberative vote on any matter and, in the event of an equality of votes, also a casting vote.

(9) If so decided by the meeting, the number of members voting for or against any

motion must be recorded in the minutes or, if so requested by any member, the chairperson must direct that such votes be recorded.

(10) When a majority of the members of the council reach agreement on a matter referred to them by the chairperson by letter or electronic means, without a meeting having been convened, and convey such resolution by letter or electronic means, such resolution is equivalent to a resolution of the council and must be recorded in the minutes of the next succeeding ordinary meeting.

(11) The views of a member of the council who is unable to attend a meeting may be submitted to the meeting in writing but may not count as a vote of such member.

(12) The ruling of the chairperson on a point of order or procedure is binding unless immediately challenged by a member, in which event such ruling must be submitted without discussion to the meeting whose decision is final.

Conflict of interest of council members

11. (1) A member of the council may not have a conflict of interest with the college.

(2) A member of the council who has a direct or indirect financial, personal or other interest in any matter which is to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest must, before or during such meeting, declare the interest.

(3) Any person may, in writing, inform the chairperson of a meeting, before a meeting, of a conflict or possible conflict of interest of a member of the council of which such person may be aware.

(4) The council member referred to in subsections (2) and (3) is obliged to recuse himself or herself from the meeting during the discussion of the matter and the voting thereon.

Committees of council

12. (1) The council appoints—

- (a) an executive committee;
- (b) an audit committee;
- (c) a finance committee;
- (d) a conditions of employment committee;
- (e) a planning and resource committee; and
- (f) such other committees as may be required.

(2) The composition and functions of the committees are determined by the council.

(3) At least 50 per cent of the members of a committee must be external persons who are members of the council.

(4) The chairperson of a committee must be a member of the council.

Minutes of council and committee meetings

13. (1) The secretary of the council keeps the minutes of each meeting of the council and includes such minutes in the agenda of the next council meeting when the agenda is sent out in terms of section 9(3).

(2) The minutes of all committee meetings must be included in the agenda of the next ordinary meeting of the council following the respective committee meetings.

(3) The members of the council must be provided with copies of the minutes referred to in subsection (2).

Drafting, amending or rescinding statute

14. No motion to draft, amend or rescind a statute or a rule is of force and effect unless adopted by at least 75 per cent of all members of the council present at the meeting, provided that a quorum is present at such meeting.

ACADEMIC BOARD

Functions of academic board

15. (1) Subject to the Act, the academic board of the college—

(a) is accountable to the council for—

(i) all the teaching, learning, research and academic functions of the college;

(ii) the academic functions of the college and the promotion of the participation of women and the disabled in its learning programmes;

(iii) establishing internal academic monitoring and quality promotion mechanisms;

(iv) ensuring that the requirements of accreditation to provide learning against standards and qualifications registered in the National Qualifications Framework are met; and

(v) performing such other functions as may be delegated or assigned to it by the council;

(b) must—

(i) advise the council on a code of conduct and rules concerning students;

(ii) determine, in accordance with any relevant deed or gift and after consultation with the principal, the conditions applicable to any scholarships and other academic prizes;

(iii) determine the persons to whom scholarships and academic prizes are awarded;

(iv) determine the functions of its committees as well as the procedure of meetings of these committees; and

(v) take note of any action taken by a committee in exercising its delegated powers or functions when such committee reports its actions to the next meeting of the academic board; and

(c) may—

(i) establish committees to perform any of its functions, and may for this purpose deem a single person to be a committee;

(ii) make standing orders on procedures and delegation of powers; and

(iii) delegate its functions to a committee.

(2) Without derogating from the generality of subsection (1) the organisation and supervision of instruction and examinations, and of lectures and classes, vest in the academic board.

(3) The academic board submits to the council—

- (a) such reports upon its work as may be required by the council;
- (b) recommendations on matters referred to it by the council; and
- (c) recommendations on any other matter affecting the college that the academic board considers useful.

Termination of membership of academic board

16. (1) Members of the academic board must participate in the deliberations of the academic board in the best interest of the college.

(2) Failure to act in the best interest of the college or behaviour that brings the college into disrepute may result in the removal of a member from the academic board by the council following due process.

Composition of academic board

17. (1) The academic board of the college must consist of—

- (a) the principal;
- (b) the vice-principal or vice-principals;
- (c) lecturers at the college;
- (d) members of the council;
- (e) members of the SRC; and
- (f) such additional persons as may be determined by the council.

(2) The majority of members of the academic board must be lecturers.

(3) The manner of election and appointment of members must be determined by the council.

(4) The number of persons contemplated in subsection (1)(c) to (f) must be determined by the council.

Term of office of members of academic board

18. (1) Members appointed in terms of section 17(1)(a), (b) and (c) may hold office for as long as they are employed by the college in that capacity.

(2) The term of office for student members automatically lapses when a student ceases to be a registered student or a member of the SRC.

Chairperson, vice-chairperson and secretary of academic board

19. (1) The principal is the chairperson of the academic board and shall preside at meetings of the academic board.

(2) The vice-principal is the vice-chairperson of the academic board and shall preside at meetings of the academic board in the absence of the chairperson.

(3) The secretary of the academic board is elected by the academic board and he or she must perform functions as the board may decide.

(4) The chairperson presides at the meetings of the subcommittees of the academic board if the academic board considers it appropriate for him or her to do so.

(5) The chairperson and vice-chairperson shall perform such other functions as the academic board may determine.

(6) If both the chairperson and the vice-chairperson are absent, the academic board must elect from among its members a chairperson for the meeting concerned.

Meeting procedure of academic board

20. The procedure applicable to council meetings is applicable with the necessary changes to meetings of the academic board.

Committees of the academic board

21. (1) The academic board appoints—

(a) an executive committee; and

(b) such other committees as may be required.

(2) The composition and functions of the committees are determined by the academic board.

Joint committees of council and academic board

22. The council, in consultation with the academic board, appoints such joint committees of the council and the academic board as may be necessary for the performance of particular tasks.

STUDENT REPRESENTATIVE COUNCIL

Functions of SRC

23. (1) The students of the college are represented by the SRC in all matters that may affect them.

(2) The matters contemplated in subsection (1) include—

(a) liaison with management, the general public, other colleges, student representative councils of other colleges, national or international student organisations, unions and news media;

(b) being the umbrella organisation for all student committees, clubs, councils and societies, granting or withdrawing recognition of such student committees, clubs, councils and societies as it considers appropriate;

(c) coordination and supervision of the use of students' facilities and all matters pertaining thereto, in conjunction with management;

- (d) convening and conducting of all authorised meetings of the student body and being the managing body in all general referenda and petitions organised by the students within the rules;
- (e) the election of office-bearers and establishing committees as the SRC considers necessary;
- (f) the organisation and promotion of extramural activities among students;
- (g) keeping account of all moneys allocated to the SRC by the council and any other moneys which may accrue to the SRC in its capacity as representative of the students;
- (h) allocating or disbursing such funds for use by students, and making grants to approved student clubs, committees, societies and councils;
- (i) the responsibility for preserving order at student functions and ensuring good conduct at other approved meetings of students;
- (j) coordination of student involvement in all community projects initiated by the SRC;
- (k) responsibility for all student publications;
- (l) final decision making in all matters falling within the jurisdiction of the SRC; and
- (m) such additional functions and privileges as may be specifically conferred upon the SRC in writing by the council.

Composition of SRC

- 24. (1) Only registered students are eligible to serve on the SRC.
- (2) The SRC must be representative of the student body.
- (3) The election of SRC members must be democratic and transparent.
- (4) The SRCs of colleges that are to be merged must have a meeting before the merger to constitute a single interim SRC comprising all members of the SRC concerned for a period not exceeding six months.

Office-bearers of SRC

- 25. (1) The SRC elects from among its members a president to act as chairperson and a deputy president to act as deputy chairperson.
- (2) The functions of other office-bearers and the election of such office-bearers are determined by the SRC.

Term of office of SRC members

- 26. (1) The term of office of the members of the SRC must be one academic year.
- (2) A member of the SRC may serve more than one term of office.

Meetings of SRC

27. The number of meetings, the quorum at a meeting and the meeting procedures are determined by the constitution of the SRC as approved by the council, provided that four ordinary meetings are held during an academic year.

SRC committees

28. (1) The SRC must establish a disciplinary committee responsible for the discipline of any members of the SRC and members of the student structures affiliated to the SRC.

(2) The SRC may establish such other committees as may be required.

General meeting

29. (1) The SRC must convene at least one general meeting of students per semester.

(2) If a majority of students sign a petition to the SRC requesting a general meeting, the SRC must comply with such a request.

(3) Meetings of the SRC may not disrupt academic activities.

MANAGEMENT

Management

30. (1) Management consists of the principal, vice-principal or vice-principals of the college, as contemplated in section 19(1) of the Act.

(2) The principal is the chief executive and accounting officer of the college.

Functions of principal

31. (1) The principal is responsible for the day-to-day management and administration of the college and has all the powers necessary to perform these functions.

(2) By virtue of his or her office the principal is a member of all the committees of the council and the academic board.

(3) Subject to section 19(1) and (4) the council may assign additional functions and grant additional powers to the principal.

(4) When the principal is absent or unable to carry out his or her duties, the vice-principal must act as principal, or the Member of the Executive Council may appoint an acting principal.

Vice-principal and financial officer

32. (1) The vice-principal or vice-principals are responsible for assisting the principal in the management and administration of the college.

(2) The council of a public college must appoint a financial officer.

Appointment of lecturers, support staff and financial officers

33. The advertising of the post, the invitation for nomination of candidates, the search for suitable candidates, the criteria for the short-listing of candidates and the

interviewing and appointment processes for lecturers, support staff and financial officers must be in the manner determined by the council.

Conditions of employment

34. The council must approve conditions of employment, including the determination and review of salaries of lecturers and support staff and all other forms of remuneration in accordance with the rules.

Evaluation

35. (1) The management of the college are subject to evaluation by the MEC in the performance of their duties.

(2) The lecturers and support staff are subject to continuous evaluation in the performance of their duties.

Disciplinary code of lecturers and support staff

36. Every lecturer and member of the support staff is subject to a code of conduct and disciplinary procedures, as approved by the council and determined in the rules, which serve as an integral part of their conditions of service.

Representative organisation of employees

37. Agreements with representative organisations of employees may, with reference to salary and related negotiations and according to the relevant labour legislation, be entered into by the representatives of lecturers and support staff and recommended to the council for approval.

STUDENTS

Admission and registration of students

38. A person may register as a student only if he or she satisfies the legal requirements for admission to study at the college and satisfies any other requirements for admission that may be determined by the council and laid down in the rules.

Student disciplinary code

39. The disciplinary measures and disciplinary provisions applicable to students are set out in the disciplinary code determined by the council after consultation with the SRC.

DONORS

Donors

40. (1) The college may receive moneys and equipment of any sort from donors to assist the college in providing quality education.
- (2) The college may recognise and register certain donors as determined in the rules.