

PROVINCIAL NOTICE

NO. 20
13 May 2002

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF EDUCATION

FURTHER EDUCATION AND TRAINING ACT, 1998 (ACT No. 98 OF 1998)

DETERMINATION IN RESPECT OF COUNCILS, ACADEMIC BOARDS AND STUDENT REPRESENTATIVE COUNCILS AT PUBLIC FURTHER EDUCATION AND TRAINING INSTITUTIONS

I, Stone Sizani, member of the Executive Council responsible for Education in the Province of the Eastern Cape, acting in terms of sections 8 and 9 of the Further Education and Training Act, 1998 (Act No. 98 of 1998), hereby make a determination in respect of councils, academic boards and student representative councils at Public Further Education and Training Institutions, as set out in the Schedule hereto.

S. SIZANI

Member of Executive Council Responsible for Education

SCHEDULE

Definitions

1. In the Schedule unless the contents indicates otherwise, expressions defined in the Further Education and Training Act, 1998 (Act No. 98 of 1998), shall bear that meaning, and-

"Act" means the Further Education and Training Act, 1998 (Act No. 98 of 1998);

"MEC" means the Member of the Executive Council responsible for Education in the Province of the Eastern Cape.

Establishment of Councils, Academic Boards and Student Representative Councils and election of their members

2. (1) When two or more public further education and training institutions, are merged into one the existing councils shall be dissolved and a new single council shall be established in terms of section 8 of the Act.

(2) A council or academic board must be established or reconstituted in terms of section 9 or 11 of the Act, within six months of the date of promulgation hereof.

(3) The principal must-

- (a) ensure that an academic board and student representative council elect a representative to the council concerned whenever it is necessary;
 - (b) call separate meetings of educators and staff to elect a representative to the council or academic board, as the case may be, whenever it is necessary;
 - (c) inform the MEC whenever a vacancy arises among council members appointed in terms of section 9 (4) (c) of the Act;
 - (d) ensure that the council determines persons in consultation with the MEC in terms of section 9 (4) (h) of the Act whenever it is necessary.
- (4) Election of members of the council must be by secret ballot.

Terms of office

3. (1) The term of office of elected or appointed members is-

- (a) three years in the case of members appointed by the MEC in terms of section 9 (4) (c) of the Act or members determined by the council in terms of section 9 (4) (h) of the Act; and
- (b) one year in the case of members elected to serve on the council and academic board.

(2) The council must, subject to the approval of the MEC, determine the establishment, composition, manner of election, term of office, function and privileges of the student representative council in consultation with the students and educators.

(3) Subject to the provisions of section 11 of the Act, and approval of the MEC, the council must determine the number of persons to serve on the academic board and the manner in which they are appointed or elected as the case may be.

(4) After the expiry of an elected or appointed member's term of office, he or she remains in office until the election or appointment of a new member.

(5) Subject to the provision of paragraph 6 (1) (a) and (b), a member whose term of office has expired, is eligible for re-election.

Constitution and meetings of institutional governance structures

4. (1) The principal must convene the first meetings of the council and academic board for the purpose of electing office bearers.

(2) The principal must convene the first meeting of an incoming student representative council for the purpose of electing office bearers.

(3) A council must elect at its first meeting of a fully constituted council-

- (a) a chairperson;
- (b) a vice-chairperson;
- (c) an honorary treasurer; and
- (d) a secretary.

4. (a) The chairperson of an academic board shall be the principal, or his or her nominee.

- (b) An academic board must elect, at its meeting-
- (i) a vice-chairperson; and
 - (ii) a secretary.

(5) A student representative council must elect, at its first meeting-

- (a) a chairperson;
- (b) a vice-chairperson;
- (c) a treasurer; and
- (d) a secretary.

(6) If the person elected as secretary to a council is not a staff member of a public further education and training institution, the principal may nominate a staff member to assist the elected secretary in the execution of his or her duties.

(7) The chairperson must be elected by a majority of all the members of a council, academic board and student representative council as the case may be.

(8) The chairperson of a council or an academic board of a public

further education and training institution, as the case may be, must call a meeting for the purpose of electing new office bearers before the expiry of his or her term of office.

(9) An office bearer holds an office for one year.

(10) If an office bearer vacates his or her office before the expiry of his or her term of office, the council, academic board or student representative council, as the case may be, must elect a new office bearer for the unexpired term of office.

(11) The council must consist of-

- (i) two vice-principals for the institution concerned;
- (ii) one member elected by the academic board;
- (iii) three members elected by the educator staff of the institution concerned;
- (iv) three students elected by the student representative council of an institution; and
- (v) three members elected by the staff other than the educator staff of an institution;
- (vi) fifteen additional persons drawn from members of the public, organized business and organized labour in accordance with section 9 (9) of the Act.

Disqualification and removal of members

5. (1) A person may not be a council member of a Public Further Education and Training institution if he or she-

- (a) resides outside the Province of the Eastern Cape unless he or she is a council member in terms of 9 (4) (f) of the Act;
- (b) has been convicted of an offence and sentenced to more than twelve months imprisonment without the option of a fine either in the Republic or outside the Republic if the conduct constituting such offence would have been an offence in the Republic but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired; provided that a disqualification under this paragraph and five years after the sentence has been completed;

(c) is of unsound mind and has been declared so by a competent court.

(2) A member vacates his or her office as council member if he or she-

(a) is disqualified by the provisions of paragraph 6 (1) from being a member;

(b) resigns;

(c) has been absent from two consecutive meetings of a council without the council's leave;

(d) is no longer employed at the public further education and training institution concerned if he or she holds an appointment in terms of section 9 (4) (a), (b), (d), (e) or (9) of the Act; or

(e) is no longer a student at the public further education and training institution concerned if he or she holds an appointment in terms of section 9 (4) (f) of the Act.

(3) A person vacates his or her office as an elected academic board member or a student representative council member if he or she-

(a) resigns;

(b) has been absent for two consecutive meetings of an academic board or student representative council, as the case may be without the council's leave;

(c) is no longer employed at the public further education and training institution concerned or is no longer a student of the public further education and training institution concerned, as the case may be; or

(d) if a principal, vice-principal or senior manager, educator, employee or student of an institution is suspended from his or her employment or from the institution as the case may be he or she cannot act as a member or attend council meetings until his or her suspension has been withdrawn.

Filling vacancies

6. (1) Whenever a vacancy arises on a council, academic, board or student representative council, the member who fills the vacancy must hold

the office for the remainder of the term of office of the departing member.

(2) If a vacancy arises as a result of the departure of an elected or appointed member of a council, academic board or a student representative council, the vacancy must be filled by the election or appointment of a new representative by the body or group so represented.

(4) If a vacancy arises as a result of the departure of a council member-

(i) appointed by the MEC in terms of section 9 (4) (c) of the Act, the MEC must appoint a person from those nominated with the departing members in terms of section 9 (9) of the Act at the commencement of the term of office of the departing member in terms of the Act;

(ii) determined by the council in consultation with the MEC in terms of section 9 (4) (h) of the Act, the council must determine a person in consultation with the MEC from the person nominated with the departing member in terms of section (iii) of the Act at the commencement of the term of office of the departing member.

7. (3) (b) If no person nominated with the departing member in terms of section 9 (9) of the Act at the commencement of the term of office of the departing member is available or regarded as suitable for office, the MEC may invite further nomination in terms of section 9 (9) of the Act from whom-

(i) he or she may appoint a member to a council in terms of section 9 (4) (c) of the Act;

(ii) the council may determine, in consultation with the MEC, a member in terms of section 9 (4) (h) of the Act.

Transitional arrangements

8. Any council which is the subject of a notice in terms of section 10 continues to exist until the first meeting of the council constituted in terms of this provision.