



**HEDSA SECRETARIAT**  
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*Accepted as a community of practice by Universities South Africa.  
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## **CONSTITUTION OF THE HIGHER AND FURTHER EDUCATION DISABILITY SERVICES ASSOCIATION (HEDSA)**

**(Amendments to the 2012 Constitution have been accepted in this document on 25 November 2016 and September 2018)**

### **PREAMBLE**

WHEREAS students with disabilities have the right to full and equal access to institutions of Higher and Technical, Vocational Education and Training (TVET); and  
WHEREAS mutual cooperation between institutions of Higher and TVET is necessary to meet the pressing education and training needs of students with disabilities; and  
WHEREAS educational development depends not only on commitment to academic traditions, but also on collaboration between organisations that share similar educational goals; and  
WHEREAS cooperation can facilitate optimal resource utilization, which will improve efficiency and effectiveness, and ensure quality education; and  
WHEREAS cooperation redresses imbalances and facilitates equity, access, quality, governance and financial sustainability; and  
WHEREAS collaboration among institutions of Higher and TVET provides opportunities for exchange of views among members;

Therefore, the parties agree to collaborate through an Association that offers opportunities for meaningful cooperation, articulation and utilization of resources through a team approach among institutions of Higher and TVET, together with civil society organizations, to meet the future educational and training needs of students with disabilities on a national level.

### **1. NAME**

- 1.1 There is hereby established an Association, which shall be known as the Higher and Further Education Disability Services Association, hereinafter referred to as HEDSA;
- 1.2 HEDSA is a voluntary, non-profit organisation, comprising institutions of Higher and TVET who agree to collaborate to attain the objectives set out in clause 3, and to ensure the continued existence and effective functioning of HEDSA;
- 1.3 All decisions of HEDSA are made within the parameters of existing national Acts, Statutes, Rules and Policies regarding autonomy of institutions;

- 1.4 Each member institution shall obtain the necessary mandate to participate in the affairs of HEDSA, to perform the functions assigned to it, and to incur costs resulting from such actions;
- 1.5 For the purposes of this Constitution, institutions of Higher and TVET shall be regarded as public providers of education;
- 1.6 As an Association, HEDSA shall:
  - Exist in its own right, separately from its members.
  - Continue to exist, even when its membership changes and there are different office-bearers.
  - Be able to own property and other possessions.
  - Be able to sue and be sued in its own name.

## **2. AREA OF OPERATION**

In furthering its objectives as set out in clause 3, the area of operation of HEDSA shall be within the Republic of South Africa.

## **3. OBJECTIVES**

The objectives of HEDSA are:

- 3.1 To work towards ensuring equal opportunities for all students with disabilities by:
  - stimulating and facilitating dialogue and critical reflection;
  - promoting equity, diversity and inclusivity within all institutions of Higher and TVET;
  - networking and cooperating with national bodies, such as Universities South Africa, Council on Higher Education (CHE), Department of Higher Education and Training (DHET), and Non-Governmental Organisations (NGOs);
  - facilitating collaboration at a national level, and promoting the creation of an inclusive environment in all HEDSA activities.
- 3.2 To assist institutions of Higher and TVET by:
  - supporting them in advocacy and disability-related areas of change management;
  - identifying current issues and areas of need, with specific reference to students with disabilities in institutions of Higher and TVET;
  - undertaking various projects or programmes that are achievable, affordable and appropriate; and
  - encouraging research, collaboration and development.

## **4. FUNCTIONS**

The functions of HEDSA are to promote and/or undertake the following:

- 4.1 The identification and involvement of all participating institutions of Higher and TVET who can contribute to the realization of the objectives of HEDSA;

- 4.2 The identification and cooperative development of relevant educational, training, research and community development programmes and projects related to issues of disability in institutions of Higher and TVET;
- 4.3 The facilitation of joint ventures;
- 4.4 The facilitation of needs-driven utilization of resources;
- 4.5 Networking and communication between member institutions by inter alia: organising workshops, discussions and conferences; creating a forum for debate; disseminating information amongst member institutions; and participating in similar events on a national, regional or international level;
- 4.6 In provinces where regional collaboration occurs, feedback will be provided at the meeting of the general assembly;
- 4.7 Any other functions that may promote the objectives of HEDSA.

## **5. MEMBERSHIP**

- 5.1 All public institutions of Higher and TVET in the Republic of South Africa are eligible for full membership of HEDSA with voting rights;
- 5.2 Associate membership (without voting rights) may be admitted to organizations involved in institutions of Higher and TVET, and who support the aims of HEDSA;
- 5.3 Each participating institution of Higher and TVET shall pay an annual MEMBERSHIP FEE as determined by the HEDSA General Assembly;
- 5.4 Only paid up members are eligible to vote.

## **6. STRUCTURE AND COMPOSITION**

### **6.1 The HEDSA General Assembly**

#### **6.1.1 Composition**

The HEDSA General Assembly shall consist of the following:

- a) One representative from each of the institutions of Higher and TVET in the Republic of South Africa, with voting rights. Institutions with multiple campuses shall only have one vote;
- b) One representative from each organization involved in higher education that supports the aims of HEDSA, as an associate member without voting rights;
- c) Two student representatives nominated by the South African Union of Students (SAUS), as OBSERVERS, with voting rights.

## **6.2 Meetings of the HEDSA General Assembly**

- 6.2.1 The HEDSA General Assembly shall meet biennially at a place and time determined by the HEDSA Executive Committee (hence Exco), for the purpose of:
- Electing the members of the HEDSA Exco for the ensuing biennial period, provided that no member shall be re-elected for more than two consecutive terms of office;
  - Presenting the biennial report of the HEDSA Exco for discussion and adoption;
  - Presenting the audited financial statements for adoption;
  - Considering proposed amendments to the Constitution; and
  - Conducting any other business necessary at, or generally associated with a biennial general meeting.
- 6.2.2 Secretariat services for the biennial general meetings of the HEDSA General Assembly shall be provided by the elected HEDSA Exco secretary/administrator;
- 6.2.3 One half plus one of the full members present and voting at the HEDSA General Assembly shall form a quorum;
- 6.2.4 The secretary/administrator shall, at least 21 days before a biennial meeting of the HEDSA General Assembly, notify the representative of each member institution in writing of the time and place of the meeting, and the business to be considered thereat;
- 6.2.5. The chairperson shall preside at all meetings of the HEDSA General Assembly. In the absence of the chairperson, the deputy-chairperson shall preside at the meeting. In the absence of both the chairperson and the deputy-chairperson, the meeting shall elect a chairperson, who shall serve as chairperson for that meeting;
- 6.2.6 A proper record shall be kept of all meetings, and minutes shall be confirmed at the following meeting by the signature of the chairperson of the meeting, provided that the meeting may consider such minutes as read if a copy thereof has been sent to each member at least 21 days prior to the meeting;
- 6.2.7 The ruling of the chairperson on any question of order or procedure at the meeting shall be binding, unless immediately challenged by a voting member, in which event, it shall be submitted without discussion to the meeting, and the decision of the meeting shall be final;
- 6.2.8 Associate members and observers may, with the approval of the chairperson, be invited to meetings of the HEDSA General Assembly, provided that the meeting may decide to discuss any matter in committee, where-upon only full members with voting rights shall be entitled to be present; provided further that the meeting may permit any other person to be present;

6.2.9 The HEDSA General Assembly may, in its discretion, delegate any or all its powers and functions to the Executive Committee, provided that the General Assembly retains the right to exercise such functions as well.

### 6.3 Voting at the HEDSA General Assembly

6.3.1 Each decision of the meeting shall be taken by a majority vote of those present and eligible to vote, provided that in the event of a tie of votes, the chairperson shall, in addition to his/her deliberative vote, also have a casting vote;

6.3.2 A member institution who is entitled through its representative to attend and vote at a meeting, but is unable to do so, may appoint a proxy to attend, speak and vote on behalf of such member institution, provided that the appointment of the proxy shall be in writing; provided further that the appointment of a proxy shall not preclude the relevant member from attending the meeting and speaking and voting in person thereat to the exclusion of any such appointed proxy;

6.3.3 If a member has been nominated for a position on the Exco, the member has to be present on the day of voting. Illness will be the only reason for absence;

6.3.4 Voting shall be by show of hands, except when the meeting decides that the voting on a matter shall be by secret ballot.

### 6.4 The HEDSA Executive Committee

#### 6.4.1 Composition and Roles

The HEDSA Exco elected at the biennial meeting of the HEDSA General Assembly, shall consist of the following:

a) Chairperson

<b>Roles</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• The focused driver of the vision for HEDSA</li> <li>• To devise yearly strategic- and operational plans for HEDSA</li> <li>• Identifies the drivers of the SP/OP collaboratively</li> <li>• Ensures the representation of HEDSA at all relevant bodies</li> <li>• Ensuring SOUND governance (meetings/financials/making statements)</li> <li>• To act as a representative of HEDSA with national and governmental departments and relevant stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• To drive the HEDSA vision through identification of clear strategic goals by providing adequate planning opportunities</li> <li>• To delegate and disseminate identified prioritized tasks and procedures to members of the exco and to decide which would be best suited to co-opted members</li> <li>• The monitoring of functions of the rest of exco and ensuring follow up and task completion</li> <li>• To chair meetings and be in a position to make decisions if these cannot be collaboratively decided upon</li> </ul>

b) Deputy-Chairperson

<b>Roles</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• To act as a secundus to the chairperson</li> </ul>	<ul style="list-style-type: none"> <li>• To implement the operational vision of prioritized goals of HEDSA</li> </ul>

	<ul style="list-style-type: none"> <li>• To be positioned to advise and collaboratively work with various members to achieve goals</li> <li>• To advise, monitor and report back to chairperson around issues of HEDSA</li> <li>• To support other Exco members in their execution and achievement of tasks</li> <li>• To disseminate information to the various member institutions regarding the activities of HEDSA</li> </ul>
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c) Secretary/Administrator

<b>Roles</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• To ensure the strong administrative function of the organization</li> <li>• To collaborate strongly with the rest of Exco, especially the treasurer around financial aspects</li> </ul>	<ul style="list-style-type: none"> <li>• To have demonstrated strong administrative and clerical skills required to drive HEDSA operational goals</li> <li>• To act as the contact person of HEDSA and to be in an position to actively act on the requests sent through</li> <li>• To assist administratively where required – this could be applicable to HEDSA proposals or related documentation</li> <li>• To update member institutions contact details and to have a current and accurate updated data base of associated bodies and stakeholders with the sector</li> <li>• To ensure quality communication and dialogue between Exco and the HEDSA community.</li> <li>• To prepare and distribute agendas and related documentation together with the chairperson for all HEDSA meetings, including taking accurate and professional minutes for meetings</li> <li>• Ensuring that a copy is filed appropriately, keeping all minutes together in HEDSA Dropbox and Email for reference</li> <li>• To prepare and send invoices for payment in collaboration with the Treasurer</li> <li>• To work closely with the Publicity and Communication member in an effort to market HEDSA and associated projects</li> </ul>

d) Treasurer

<b>Roles</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• To provide sound financial tracking and budgeting of HEDSA activities.</li> <li>• To ensure sound financial planning and administrative activities</li> <li>• Coordinates the needed audits required from funding bodies or other reporting structures such as the Dept. of Social Development</li> <li>• To provide financial support when drafting funding proposals to prospective donors</li> </ul>	<ul style="list-style-type: none"> <li>• To adequately be able to report back on HEDSA financial activities at quarterly Exco meetings</li> <li>• To ensure enough capital through adequate planning and budget allocation</li> <li>• To assist with the implementation of the operational vision of HEDSA through supporting the preparation (financial aspects) of funding proposals/opportunities</li> </ul>

<ul style="list-style-type: none"> <li>• To provide financial support to the Biennial Symposium organising committee</li> <li>• To work with selected banking institution e.g. FNB, to ensure compliance and that accounts are in good standing</li> <li>• To report on financial matters at the biennial symposia and respond to queries</li> <li>• To liaise with Accounting Firm to ensure annual financial statements are drawn up</li> <li>• To liaise with Auditing Firm to ensure that annual financial statements are audited</li> </ul>	<ul style="list-style-type: none"> <li>• To process appropriate claims/payments in accordance with HEDSA due financial processes</li> <li>• To generate invoices for annual subscriptions of institutions together with the Secretary</li> <li>• To support the Exco member whose portfolio includes fundraising, from a financial/budgeting perspective</li> </ul>
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e) One additional member, who will be responsible for Publicity and Communications

<b>Roles</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• To disseminate information regarding HEDSA</li> <li>• To coordinate promotional material for HEDSA: electronic and hard copy</li> <li>• To ensure the quality control of marketing material</li> <li>• To facilitate the branding of HEDSA</li> </ul>	<ul style="list-style-type: none"> <li>• To advise HEDSA around the best marketing and publicity strategies required to amplify HEDSA's visibility within the sector</li> <li>• To ensure website is functional, regularly updated and is a resource for members through actively requesting useful materials</li> <li>• To finalize the logistical arrangements for tele-/video conference meetings</li> </ul>

f) The Past-Chairperson (for a period of one year for continuity);

g) Two student representatives;

h) Ex-officio without a voting right (organisational memory transfer position);

i) There shall be at least 2 (two) members from institutions of Higher Education and 2 (two) members from TVETs to ensure representation from all sectors;

j) No institution of Higher or TVET shall have more than one representative on the HEDSA Exco;

## **6.5 Powers of the HEDSA Executive Committee**

6.5.1 The HEDSA Exco shall:

- coordinate the activities and projects of HEDSA, in line with the objectives as set out in clause 3;
- report to the HEDSA General Assembly;

6.5.2 The HEDSA Exco may, at any time, appoint such other committees, project teams or working groups as it may deem necessary to assist it in the performance of its functions, and to define their terms of reference and determine their powers;

## **6.6 Meetings of the HEDSA Executive Committee**

6.6.1 The HEDSA Exco shall meet at least three times a year, provided that the Chairperson may, with reasonable notice, call a meeting of the Committee to deal with urgent matters;

- 6.6.2 Secretariat services for the meetings of the HEDSA Exco shall be provided by the elected HEDSA secretary/administrator;
- 6.6.3 One half plus one of the full members present and voting shall form a quorum at the meetings of the HEDSA Exco;
- 6.6.4 The secretary/administrator shall, at least 14 days before a meeting, notify the HEDSA Exco in writing of the time and place of the meeting and the business to be considered thereat;
- 6.6.5 The chairperson shall preside at all meetings of the HEDSA Exco. In the absence of the chairperson, the deputy-chairperson shall preside at the meeting. In the absence of both the chairperson and the deputy-chairperson, the meeting shall elect a chairperson, who shall serve as chairperson for that meeting only;
- 6.6.6 Notice of a matter which a member desires to be considered at a meeting shall be in writing and shall be lodged with the secretary/administrator at least 10 days before the date of a meeting, provided that a member may submit an urgent matter at a meeting without notice;
- 6.6.7 A proper record shall be kept of all meetings. Minutes shall be confirmed at the following meeting by the signature of the chairperson of the meeting, provided that the meeting may consider such minutes as read if a copy thereof has been sent to each member at least 14 days prior to the meeting;
- 6.6.8 The ruling of the chairperson on any question of order or procedure at the meeting shall be binding, unless immediately challenged by a voting member, in which event, it shall be submitted without discussion to the meeting and the decision of the meeting shall be final;
- 6.6.9 Each decision of the meeting shall be taken by a majority vote of those present and eligible to vote, provided that in the event of a tie of votes, the chairperson shall, in addition to his/her deliberative vote, also have a casting vote;
- 6.6.10 Voting shall be by show of hands, except when the meeting decides that the voting on a matter shall be by secret ballot;
- 6.6.11 Members of the HEDSA Exco shall at all times act in the best interest of all the member institutions.

## **6.7 Resignations**

A vacancy resulting from the resignation of a member of the Exco shall be filled by:

- 6.7.1 If the chairperson resigns, the deputy-chairperson shall serve as chairperson until the next biennial general meeting;



- 6.7.2 At the first meeting of the Executive Committee following the resignation of the member, to occupy the vacant position in the interim; or
- 6.7.3 Forwarding a request to the institutions of Higher and TVET for a volunteer to fill the vacant position in the interim, provided that, in terms of clause 6.4.3, namely:
  - a) No institution of Higher and TVET shall have more than one representative serving on the HEDSA Exco.

## **6.8 HEDSA regional structures**

- 6.8.1 Regional collaborations that reflect the objectives and functions of HEDSA, as noted in paragraph 4 under FUNCTIONS OF HEDSA, should be formalised with a Chairperson and Secretary after the election of the new exco each second year. Feedback of the past two years activities will be reported on at the HEDSA General Assembly with a written report. Regional institutions alternate hosting the meetings with a theme and topics decided on by the members, as well as a walk-about to take place at the institution.

## **7. LANGUAGE OF RECORDS**

The language of the records of HEDSA shall be English.

## **8. TERMINATION OF MEMBERSHIP**

Any member institution wishing to withdraw from HEDSA shall give written notice to the HEDSA Exco. The Exco shall communicate any termination of membership to the rest of the members.

## **9. INCOME AND PROPERTY**

- 9.1 HEDSA shall maintain proper records of all its assets;
- 9.2 HEDSA shall not distribute any of its money or property to its members or office-bearers, except to pay for services rendered to the organization by a member or office-bearer, provided that the payment is duly authorized through a decision at a meeting of the HEDSA Exco, and provided also that the payment is a reasonable amount for the work undertaken;
- 9.3 A member of HEDSA shall only be reimbursed for expenses incurred on behalf of the Organization;
- 9.4 Members or office-bearers of HEDSA do not have rights over the assets of the organization.

## **10. FINANCES**

- 10.1 HEDSA shall operate as a Non-Profit Organisation (NPO);

- 10.2 All monies required to run the affairs of HEDSA shall be acquired through membership fees, by donations, or through market-driven fundraising ventures;
- 10.3 All monies collected shall be paid into a bank account in the name of the organisation. The treasurer shall keep proper records of all finances, and shall submit an annual audited financial report to the Exco;
- 10.4 The Exco shall appoint signatories for all bank and investment accounts, which decisions shall be communicated to such Institutions. Two signatories shall be required for any withdrawals, which shall be the Treasurer and one other member of the Exco, who has been authorized through a decision taken at a meeting of the Exco;
- 10.5 The financial year of the organization shall commence on 1 March and end on the last day of February of the following calendar year;
- 10.6 The organisation's accounting records and reports shall be ready and be submitted to the Director of Non-Profit Organisations within six months after the financial year end.

## **11. AMENDMENTS TO THE CONSTITUTION**

This Constitution may be amended by a decision of any meeting of the HEDSA General Assembly, provided that:

- 11.1 Thirty (30) days' notice in writing of the proposed amendment shall have been given to all member institutions;
- 11.2 The HEDSA Exco shall have submitted to member institutions prior to or at the meeting concerned, a report on the proposed amendment; and
- 11.3 At least two thirds of the representatives of member institutions present in person or by proxy at the biennial meeting of the HEDSA General Assembly support the proposed amendment.

## **12. DISSOLUTION OF HEDSA**

- 12.1 HEDSA may be dissolved in terms of the provisions of this constitution by a resolution of not less than two-thirds of the voting members who are present in person or by proxy at a duly convened and constituted biennial meeting of the HEDSA General Assembly;

- 12.2 No motion for the dissolution of HEDSA shall be considered unless all member institutions were advised thereof at least 90 (ninety) days prior to the voting on the motion;
- 12.3 On the dissolution of the organization, all its debts shall be fully paid;
- 12.4 The remaining assets of the organization shall not be transferred to its members, but shall be given to another non-profit organization that has similar objectives. The organisation's General Assembly shall decide what organisation this should be.