

UNIVERSITY OF CAPE TOWN ACADEMICS' UNION

CONSTITUTION

1. NAME

The name of the Union shall be 'the University of Cape Town Academics' Union' (also referred to hereinafter as 'UCTAU' or 'the Union.')

2. DEFINITIONS AND CONSTRUCTION

2.1 In this constitution, unless the context indicates otherwise, the following words and expressions shall have the meanings assigned to them below:

"Academic staff" in relation to UCT shall mean all staff engaged primarily in academic teaching or research, or both academic teaching and research.

"Annual General Meeting" or **"AGM"** shall mean a general meeting convened annually in accordance with this constitution.

"General Meeting" shall mean a meeting of members convened in accordance with this constitution.

"Member" shall mean a paid-up member of the Union, also referred to as a member in good standing.

"Office-bearers" shall mean the President, Vice-president, Treasurer and Secretary elected in terms of this constitution.

"Official" shall mean an employee of the Union other than a person employed in an administrative capacity only, and shall include the Secretary if employed by the Union.

"Special General Meeting" shall mean a general meeting convened in accordance with this constitution to discuss any urgent matter, or upon a requisition of the members.

"Staff" shall mean, in relation to UCT, all persons employed by UCT, whether on a full-time, part time or temporary basis.

"UCT" shall mean the University of Cape Town

"UCTAU" shall mean the University of Cape Town Academics' Union

"The Act" shall mean the Labour Relations Act, 1995 (Act No. 66 of

1995) as amended

“**The Union**” shall mean the University of Cape Town Academics’ Union

“**Writing**” shall include written, printed, lithographed and other modes of representing or producing words in visible form including combinations of such modes.

- 2.2 Save as provided above any words or expressions defined in the Act or any statutory modification thereof in force at the date on which this constitution becomes binding on the Union shall, if not inconsistent with the subject or context, bear the same meaning in this constitution.

3. REGISTERED OFFICE

The registered office and *domicilium citandi et executandi* for the service of all legal documents of the Union shall be:

The Secretary: UCTAU
Room 2.02.2
Humanities’ Graduate School Building
University Avenue
Upper Campus
UNIVERSITY OF CAPE TOWN

or such other place as a general meeting may decide.

4. OBJECTIVES

The objectives of the Union shall be to:

- 4.1 advance and protect the interests of academic staff;
- 4.2 seek improvements in the conditions of employment, benefits and working conditions of all its members;
- 4.3 promote and develop collective bargaining and adherence to fair labour practices at UCT;
- 4.4 strive for the development of an educational system that embodies the values of human rights and accords with the principles of democracy, and which rejects all forms of unfair discrimination;
- 4.5 defend academic freedom and the institutional autonomy of universities;
- 4.6 use every legitimate means to encourage employees who are eligible for membership to become members;

4.7 endeavour to settle disputes affecting its members as individuals or as an organized group.

5. LEGAL STATUS

5.1 The Union shall be a body corporate with perpetual succession capable of entering into contractual and other relations and of suing and being sued in its own name.

5.2 The Union is an independent organisation that is not under the control of any employer and is free from any interference or influence of any kind from any employer;

5.3 The Union is an organisation not for gain or profit.

6. MEMBERSHIP

Eligibility

6.1 Any member of the academic staff of UCT shall be eligible for membership, provided she or he is not a member of another trade union or association representing UCT employees.

Applications

6.2 Applications for membership shall be in writing on the Union's application form and submitted to the Secretary.

6.3 The Executive Committee shall approve or reject any application for membership and notify the applicant accordingly. If an applicant is refused membership, she or he must be advised that she or he is entitled to appeal against such refusal. Such grounds for refusal of membership are included in Annexure A hereto.

6.4 An appeal against a refusal of membership lies to the next General Meeting, whose decision will be final.

Rights and obligations of members

6.5 Upon being admitted to membership, a member shall be entitled to any rights and benefits flowing from this constitution, and shall be bound by any obligations imposed by the constitution, as well as any Code of Conduct adopted by the Union from time to time.

Cessation of membership rights

6.6 A member shall cease to be entitled to any of the benefits of membership, including the right to vote:

6.6.1 if the membership fees or other charges due by her/him to the trade

- union are more than three (3) months in arrears;
- 6.6.2 during any period he/she is under suspension in terms of this constitution;
- 6.6.3 if she/he ceases to be employed as an academic staff member at the University of Cape Town.

Termination of membership

- 6.7 Membership of the Union terminates if a member:
 - 6.6.1 ceases to be eligible for membership;
 - 6.6.2 resigns in writing to the Secretary, upon her or his resignation becoming effective;
 - 6.6.3 is expelled in terms of 13.6 below.
- 6.8 A member who resigns or is expelled shall have no claim on funds of the Union.

Notice of resignation

- 6.9 A member who resigns shall be required to give one calendar month's notice, after which her or his resignation becomes effective.

7. SUBSCRIPTIONS

- 7.1 All members shall pay a monthly subscription to the Union. The amount of the subscription is specified in Annexure B of this constitution.
- 7.2 The subscription shall be paid monthly in advance by stop order on each member's salary, or by such other means as may be authorised by the Executive Committee.
- 7.3 In addition to the aforementioned subscriptions a member shall also pay in the same manner such other fees as may be prescribed in terms of the constitution.

8. GENERAL MEETINGS

- 8.1 The supreme authority of the Union shall vest in the Annual General Meeting.
- 8.2 The Union shall hold its first Annual General Meeting within eighteen (18) months after the date of its registration, and thereafter annually, during the first half of the academic year, on a date fixed by the Executive Committee.
- 8.3 General Meetings shall be held as and when considered necessary by the Executive Committee.

- 8.4 Special General Meetings shall be held as and when considered necessary by the Executive Committee, or upon receipt of a requisition by the members in terms of 8.9 below.

Notices

- 8.5 The Secretary shall give two week's written notice to members of all General Meetings, except in the circumstances envisaged in 8.6 below. Such notice must stipulate the time, date and place of the meeting, and be accompanied by an agenda.
- 8.6 The period of notice in the case of a Special General Meeting or an adjourned meeting shall be not less than five days prior to the date of the meeting.

Provisions relating to the AGM

- 8.7. The business of an Annual General Meeting shall be to:
- 8.7.1 consider and adopt reports from the President, Treasurer, Secretary or any special report that may be presented;
 - 8.7.2 approve the annual financial statements of the Union and the auditor's remuneration;
 - 8.7.3 elect the President, Vice-President and Treasurer from amongst the members, and the Secretary;
 - 8.7.4 elect the additional members of the Executive Committee from amongst the members;
 - 8.7.5 consider any resolutions submitted by member(s);
 - 8.7.6 consider any other matter, with the approval of a majority of members present.
- 8.8 Resolutions for discussion at the AGM must be submitted to the Secretary no later than one week before the date of such a meeting, and shall be placed on the agenda by the Secretary.

Provisions relating to Special General Meetings

- 8.9 Special General Meetings shall be called by the Executive Committee, or when no less than twenty (20) members sign a requisition requesting such a meeting.
- 8.10 In the case of members signing a requisition, such requisition must specify the issue such meeting is called upon to decide, and may be accompanied by a brief motivation.

- 8.11 No business other than that specified in the notice convening the meeting shall be dealt with at such Special General Meetings.

Quorum

- 8.12 The quorum at a General Meetings shall be twenty (20) members of the Union entitled to vote.
- 8.13 If a quorum is not present the meeting shall be adjourned to the same day in the following week as the adjourned meeting, or if that date is not feasible, to a date within thirty days of the date of the meeting. However, if there is no quorum in the case of a meeting convened upon a requisition of the members, the requisition shall lapse.
- 8.14 The members attending such an adjourned meeting shall constitute quorum.

Voting

- 8.15 Decisions at a General Meeting shall be taken on a motion, duly proposed and seconded, and voted upon by show of hands.
- 8.16 Notwithstanding the provisions of 8.15, a vote must be by ballot if requested by more than ten percent of the members present.
- 8.17 Every member present in person or by proxy at meetings shall have the right to vote at meetings, and a motion shall be adopted if approved by a majority of members present.
- 8.18 In the event of an equality of votes, the chairperson of the meeting shall have a second or casting vote.

Proxies

- 8.19 Any instrument appointing a proxy shall be in writing under the hand of the grantor, or her or his attorney duly authorised in writing. A person appointed as proxy need not be a member of the Union.
- 8.20 Such instrument shall be in the form set out in Annexure C hereto, or as near thereto as circumstances will permit. For the avoidance of doubt, this instrument shall be deemed to confer authority to demand or join in demanding a ballot.
- 8.21 Such instrument must be deposited in the office of the Union not less than forty-eight (48) hours before the time for holding the meeting at which the person named in the instrument proposes to vote, failing which it will not be valid. No instrument appointing a proxy shall be valid after the expiration of six (6) months from the date when it was signed, unless so specifically stated in the instrument itself, and no

proxy shall be used at an adjourned meeting which could not have been used at the original meeting.

Minutes

- 8.22 Minutes of all General Meetings shall be kept by the Secretary and circulated to the members within two weeks after the meeting has taken place.
- 8.20 Minutes of an AGM must be approved at the next AGM, and minutes of General Meetings must be approved at the succeeding General Meeting.

9. EXECUTIVE COMMITTEE

- 9.1 The management of the affairs of the Union between General Meetings shall be vested in an Executive Committee.

Composition

- 9.2 The Executive Committee shall comprise the office bearers plus not less than four (4) and not more than ten (10) additional members, elected at the AGM.
- 9.3 The composition of the Executive Committee is intended so far as possible to reflect the different Faculties within UCT as well as the different levels at which academic staff are appointed.
- 9.4 The additional members shall hold office until the next Annual General Meeting, but shall be eligible for re-election.

Powers

- 9.6 The Executive Committee shall have the following powers to:
- (a) recommend the Union's participation in the establishment of a bargaining council under the provisions of the Act, and subject to the constitution of any bargaining council, to determine the Union's representation thereon;
 - (b) employ, manage and dismiss, except where otherwise provided in this constitution, any officials or other employees of the Union, to fix their remuneration and other conditions of employment, and to define their duties;
 - (c) appoint, from time to time, such committees as it may deem fit for the purpose of investigating and reporting on any matter referred to them by the Executive Committee;
 - (d) review decisions of sub-committees, and to confirm, alter or reverse

such decisions;

- (e) enter into relationships, formal or informal, with any other associations or bodies, operating on or off the campus of UCT, whose aims and objectives are similar to those of the Union or where the interests of the members of the Union will benefit from such relationship;
- (f) institute legal or other proceedings on behalf of or to defend proceedings against the Union;
- (g) institute legal or other proceedings on behalf of, or to provide legal assistance to, members on matters affecting their employment, and to institute legal proceedings against individual members;
- (h) acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the Union, and to sell, let, mortgage, or otherwise deal with or dispose of any movable or immovable property belonging to the Union;
- (i) open and operate on a banking account and other investment accounts in the name of the Union, and to invest money on behalf of the Union;
- (j) make and enforce by-laws relating to procedural, administrative and disciplinary matters which are not inconsistent with the provisions of this constitution, the Act, or any other law;
- (k) decide all matters of procedure on which the constitution is silent;
- (l) do such other lawful things as, in the opinion of the Executive Committee, appear to be in the interests of the Union or its member and which are not inconsistent with this constitution.

Meetings

- 9.7 The Executive Committee shall ordinarily meet at least once every month on a date to be fixed by the President.
- 9.8 Special meetings of the Executive Committee shall be called by the President if she or he deems it advisable or upon a written request signed by not less than three (3) members of the Committee, in which event the meeting shall be called by the President within seven (7) working days of receipt of the written request.

Notice

- 9.9 The Secretary shall give one week's written notice of a meeting to members of the Executive Committee stating the date, time and place of meetings, provided that shorter notice of not less than 24 hours may, in the discretion of the President, be given in respect of special meetings. An agenda shall be attached to every notice of a meeting;

Quorum

- 9.10 The quorum for meetings of the Executive Committee shall be half the number of the members of the Committee plus one.
- 9.11 If within 20 minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day in the week following (and if that day is a holiday, then the next succeeding working day) at the same time and place, and at such adjourned meeting the members present shall form a quorum. Written notice of such adjourned meeting shall be given to committee members who were absent.

Voting

- 9.12 Unless otherwise provided herein, all matters for consideration by the Executive Committee shall be decided on by motion duly seconded and voted upon by show of hands.
- 9.13 Notwithstanding the provisions of 9.12, a vote must be by ballot if requested by more than ten percent of the members present.

Minutes

- 9.14 The Secretary shall keep minutes of the Executive Committee meetings, which must be circulated within one week after the meeting has taken place.

Vacancies

- 9.15 A member of the Executive Committee shall vacate her or his position if she or he:
- (a) ceases to be a member in good standing, for any reason;
 - (b) absents her or himself without permission of the Executive Committee from three consecutive meetings of the Committee;
 - (c) resigns in writing to the Executive Committee.
- 9.16 Vacancies on the Executive Committee may be filled by election at a General Meeting. The Committee shall in terms of the provisions of 9.2 also have the power to co-opt additional members onto the Executive in the interim period between General Meetings when the need arises.

10. OFFICE BEARERS

The following shall be the duties of the Office Bearers of the Union:

10.1 President

The President shall:

- 10.1.1 preside at all Annual, General and Executive Committee meetings;
- 10.1.2 enforce observance of the constitution and any by-laws of the Union;
- 10.1.3 sign minutes of meetings, after confirmation thereof;
- 10.1.4 endorse all accounts for payment after approval by the Executive Committee;
- 10.1.5 sign all cheques on the banking account of the Union;
- 10.1.6 generally exercise supervision over the affairs of the Union and perform such other duties as by usage and custom pertain to the office;
- 10.1.7 when present and presiding at meetings, have a deliberative vote and, in the event of an equality of votes, have a casting vote;
- 10.1.8 represent members' rights and interests at any meeting at which they are permitted to attend in terms of any collective agreement or law.

10.2 **Vice-President**

The Vice-President shall assist the President in the exercise of her or his duties and exercise the powers and perform the duties of the President in absence of the latter.

10.3 **Acting-President**

In the event of both the President and the Vice-President being unable, either temporarily or permanently, to perform their duties, the Executive Committee shall appoint a member of the Committee as the Acting President, who shall hold office until either one of the President or the Vice-President is able to resume duty, or, in the event of the President and Vice-President being permanently unable to perform their duties, until a new President or Vice-President has been co-opted in accordance with the provisions of the constitution.

10.4 **Treasurer**

The Treasurer shall:

- 10.4.1 sign all cheques on the banking account of the Union;

- 10.4.2 issue official receipts for all moneys received;
- 10.4.3 submit reports in regard to the financial position of the Union to the Executive Committee every 3 (three) months;
- 10.4.4 perform such other duties as are imposed by the constitution or as the Executive Committee may direct;
- 10.4.5 do all that is necessary to comply with the provisions of the Act especially where such relates to the keeping of proper books of account, the auditing of such books and the preparation of a balance sheet and a statement of income and expenditure and the submission or making available thereof to members.

10.5 **Secretary**

The Secretary, who need not be a member of the union, shall:

- 10.5.1 receive requisitions for meetings of the Executive Committee or special general meetings of the members;
- 10.5.2 issue notices of Executive Committee, Annual and Special General meetings;
- 10.5.3 conduct all Registered Office correspondence of the Union;
- 10.5.4 keep hardcopy originals of all letters and other correspondence received and hardcopy copies of those dispatched;
- 10.5.5 at each meeting of the Executive Committee lay on the table correspondence which has taken place since the previous meeting;
- 10.5.6 attend without any voting rights all Executive Committee, Annual and other General meetings of the Union and record minutes of the proceedings;
- 10.5.7 perform the duties and submit all returns as required by the Act;
- 10.5.8 maintain a register of members;
- 10.5.9 sign all cheques on the banking account of the Union;
- 10.5.10 sign any certificates as required by the Act;
- 10.5.11 advise and support members as to their rights and interests in any grievance, disciplinary action, consultation or dispute, or on

any other matter affecting their relationship to the University as employer;

- 10.5.12 set up and maintain a regular communication channel and programme of communication with members of the Union;
- 10.5.13 represent members' rights and interests at any meeting at which they are permitted to attend in terms of any collective agreement or law;
- 10.5.14 create and maintain administrative systems for the monitoring and management of members' cases;
- 10.5.15 represent the Union and its members at the Commission (CCMA);
- 10.5.16 implement member recruitment and retention strategies;
- 10.5.17 keep abreast of trends and decisions affecting the rights and interests of members whether such be at UCT, NEDLAC, CCMA, the law courts, or anywhere else;
- 10.5.18 arrange and/or conduct educational and training sessions for members as to their rights;
- 10.5.19 undertake research into policies, procedures and/or issues related to members' interests and rights;
- 10.5.20 liaise with sister organisations and institutions, both at UCT and beyond in matters of mutual interest to members of the Union;
- 10.5.21 perform such duties as are imposed by this constitution or as the Executive Committee may direct.

11. OFFICIALS

- 11.1 The officials of the Union may comprise the Secretary, an Assistant Secretary or other employees appointed by the Executive Committee to assist the Secretary in carrying out her or his duties.
- 11.2 The terms and conditions of employment of any official must be determined by the Executive Committee.
- 11.3 An official shall be bound by the constitution, code of conduct, standing rules and resolutions of the Union.
- 11.4 An official may be summoned to appear before a Disciplinary Committee established by the Executive Committee in terms of 13 below, and may be discharged by such Committee with or without

notice for any reason related to her or his conduct or capacity that is recognised in law as sufficient to warrant dismissal.

- 11.5 In the event of the office of Secretary becoming vacant, the Executive Committee shall appoint a temporary incumbent until a Secretary is elected at the AGM.

12. UNION REPRESENTATIVES

- 12.1 For the purpose of ensuring adequate representation of Union members across the various faculties, schools and campuses of UCT, the Executive Committee shall designate constituencies in which there shall be one or more union representative.

- 12.2 A union representative may either be a member of the Executive Committee or a member elected by members within that constituency, at a meeting convened for this purpose under the auspices of the Executive Committee.

- 12.3 The duties of Union representatives shall be to:

- 12.3.1 implement and give effect to decisions of the Executive Committee and/or such decisions taken at General and/or Special meetings of the Union;

- 12.3.2 assist the Executive Committee in the work of the Union and promote the objects of the Union, including the recruitment of members, representing a member in grievance and disciplinary proceedings, monitoring the employer's compliance with any law regulating terms and conditions of employment, report an alleged contravention of any law regulating terms and conditions of employment to the Executive Committee, employer or any responsible authority or agency, and,

- 12.3.3 perform such duties as the Executive Committee may direct from time to time.

13. DISCIPLINE

- 13.1 The Executive Committee may institute disciplinary proceedings against any office-bearer, official, member of the Executive Committee, union representative or member for contravening the constitution or failing to comply with any lawful decision or policy of the Union or, in the case of an official, for any reason related to her or his conduct or capacity that, in the opinion of Committee, warrants such proceeding.

Disciplinary committee

- 13.2 The Executive Committee shall cause a Disciplinary Committee to be established comprising three members of the Union, at least one of whom is a member of the Executive Committee, which is tasked to

convene an enquiry in order to determine all such disciplinary proceedings.

Notice of enquiry

13.3 The Disciplinary Committee shall ensure that any person against whom disciplinary proceeding are instituted is given not less than three days written notice of any such enquiry, specifying the nature of the allegations against him or her.

Proceedings

13.4 Any person against whom disciplinary proceedings are instituted shall be entitled to be represented by a fellow member, to answer any allegations against herself or himself and to present evidence in rebuttal of such allegations.

13.5 After the Disciplinary Committee have made known its finding, the person against whom disciplinary proceeding were instituted, where applicable, shall be entitled to address it regarding the sanction.

Sanction

13.6 In the case of a member, the Disciplinary Committee may impose the sanction of a written warning, suspension from membership for a period not exceeding six months, or expulsion.

13.7 In the case of a union representative, in addition to the sanctions applicable to a member, the Disciplinary Committee may remove the person from his or her office.

13.8 In the case of an office-bearer or an additional member of the Executive Committee, the Disciplinary Committee may suspend such person from her or his office pending the convening of a special Executive Committee meeting at which such person may be removed from office by majority vote.

13.9 In the case of an official, the Disciplinary Committee may impose the sanction of a written warning, final written warning or dismissal.

Appeal by a member or union representative

13.10 If a member or union representative or official is aggrieved by the outcome of disciplinary proceedings she or he may appeal in writing to the Executive Committee, within one week of being notified of the outcome of the disciplinary proceedings.

13.11 The Executive Committee shall consider and decide such appeal at the next Executive meeting and shall, within seven (7) days thereafter, inform the appealing member of their decision in writing.

13.12 Any member who has been expelled from the Union may be readmitted to membership on such conditions as the Executive Committee may determine.

Appeal by office bearers

13.13 Any office bearer who is aggrieved by her or his removal from office may appeal in writing against such decision to a General Meeting, within two weeks of being notified of the outcome of the disciplinary proceedings.

13.14 An appeal envisaged in 13.10 above must be addressed to the President of the Union, or the Vice President in the event that the office bearer appealing is the President.

13.15 The appeal shall be determined by the next General Meeting or a Special General Meeting convened for this purpose.

14 BALLOTS

14.1 In addition to those cases in respect of which the taking of a ballot of members of the whole Union is compulsory in terms of this constitution or by any law, a ballot on any question shall be taken if the Executive Committee so decides, and shall also be taken on any proposal to declare or take part in any strike.

14.2 Ballots shall be conducted in the following manner:-

14.2.1 Notice of a ballot shall be given to each member in writing by the Secretary, at least 3 (three) days before the ballot is to be taken, provided that a ballot may be taken without notice at any special meeting of the Union on the decision of a majority of the members present;

14.2.2 Two scrutinisers shall be appointed by the Executive Committee or by the members in a Special General Meeting to supervise any ballot and to ascertain the result thereof;

14.2.3 Except in the case of postal ballots and ballots taken at Special General Meetings on the decision of the majority of the members present, ballots shall be conducted at the Union's registered office or at such other place(s) as may be specified in the notice referred to in paragraph 14.2.1 on the date and during the hours specified in this said notice;

14.2.4 Ballot papers shall be obtained by the Secretary. The issue to be voted upon shall be set forth clearly on the ballot paper and such papers shall not contain any information by means of which it shall be possible to identify the voter;

- 14.2.5 One ballot paper only shall be issued on demand at the place and during the hours fixed for the taking of the ballot to each member of the Union who is entitled to vote;
- 14.2.6 Each voter shall, in the presence of the scrutinisers, be issued with one ballot paper when she or he shall thereupon complete, fold and deposit in a container provided for the purpose;
- 14.2.7 Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording her vote. Papers bearing any other mark shall be regarded as spoilt and shall not be counted;
- 14.2.8 Ballot boxes shall be inspected by the scrutinisers and sealed by the Secretary in their presence prior to the issue of ballot papers;
- 14.2.9 On completion of a ballot or as soon as possible thereafter, the result thereof shall be ascertained by the scrutinisers in the presence of the Secretary and made known to the Executive Committee or the members in the Special General Meeting;
- 14.2.10 Ballot papers, including spoilt papers, shall be placed in a container that shall be sealed after they have been counted and retained by the Secretary for not less than 3 (three) years. Thereafter, the sealed box shall be destroyed by resolution of the Executive Committee.
- 14.3 The Executive Committee may decide that a postal ballot of members shall be taken, in which event the ballot shall be conducted in the following manner:
- 14.3.1 The Secretary shall send by registered post to each member of the Union a ballot paper and a stamped and addressed envelope marked 'Ballot'. The ballot paper shall on completion be inserted in the envelope provided for the purpose that shall be sealed and posted so as to reach the Secretary within two weeks from the date of despatch from the Registered Office of the Union to such member. On receipt of such envelopes, the Secretary shall immediately place such envelopes in a sealed ballot box;
- 14.3.2 Two scrutinisers shall be appointed by the Executive Committee to ascertain the result of the ballot. The ballot box shall be opened and the ballot papers counted by the scrutinisers in the presence of the Secretary who shall immediately advise the Executive Committee of the result of the ballot;
- 14.3.3 The provision of paragraphs 14.2.4, 14.2.7, 14.2.9 and 14.2.10

shall *mutatis mutandis* apply in the case of postal ballots;

14.3.4 The same procedure shall *mutatis mutandis* apply to a postal ballot confined to members of the Executive Committee.

14.4 Except as provided by the Act, the Executive Committee shall be bound to take action according to the decision of the majority of the members voting in a ballot.

14.5 No ballot involving the declaration of or participating in a strike shall be taken unless the provisions of the Act confer a right to strike over the matter in dispute.

14.6 Notwithstanding anything to the contrary contained in this constitution, no member of the Union shall be disciplined or have her or his membership terminated for failure or refusal to participate in a strike if:-

14.6.1 no ballot was held about the strike; or

14.6.2 a ballot was held but the majority of the members who voted did not vote in favour of the strike, or

14.6.3 she or he, as determined by the Executive Committee, refused in good conscience to participate in strike action.

15. REPRESENTATION AT CONCILIATION, ARBITRATION AND LABOUR COURTS AND OTHER MEETINGS

15.1 In the event of the Union being involved, in its own right or on behalf of any member, in any dispute, the Executive Committee shall, on the facts being reported to it, take such steps, as it deems advisable to bring about a settlement of the dispute.

15.2 Should the Executive Committee decide to invoke any of the provisions of the Act, or any other law, it shall cause the necessary application to be made, and it shall appoint such office bearers, officials or legal representatives it sees fit to represent the Union and/or its members at such proceedings.

15.3 Representatives at such proceedings shall have the full power to enter into agreements on behalf of the Union or individual members, where they have been mandated to do so by the Executive Committee or the individual member or members concerned.

16 FINANCE

16.1 The funds of the Union shall be applied to pay expenses of the Union, to acquire property, towards the attainment of the objectives as set out in this constitution and for such other lawful purposes as may be decided upon by the Executive Committee or by members at General

Meetings.

Bank account

- 16.2 Any funds received on behalf of the Union shall be deposited to its credit, within three (3) days of receipt, in a bank account decided upon by the Executive Committee.

Payments

- 16.3 Payments shall require the prior approval of the Executive Committee and shall be made by cheque signed by two of the following: the President, the Vice-President, the Treasurer, the Secretary.

Petty cash

- 16.4 Notwithstanding 16.3 above, if the amount of any payment is less than an amount determined from time to time by the Executive Committee, payment may be made from the petty cash.
- 16.5 Funds required for a petty cash account shall be kept in such form as the Executive Committee may from time to time determine.

Quarterly statements

- 16.5 Statements of income and expenditure and financial position of the Union shall be prepared quarterly by the Treasurer and submitted to the Executive Committee for interim approval.

Audited financial statements

- 16.6 In accordance with the provisions of the Act, the Treasurer shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending on the 31 December. Such statements and balance sheets shall be audited and dealt with as required by the said section of the said Act.

Investments

- 16.7 The Executive Committee may invest any funds in excess of the normal operating requirements of the Union with appropriate registered financial institutions.

17 WINDING-UP

- 17.1 The Union shall be wound up if:

- 17.1.1 at a ballot conducted in the manner prescribed in this constitution not less than three fourths of the total number of members of the Union in good standing vote in favour of a

resolution that the Union be wound up, or

17.1.2 for any reason, the Union is unable to continue to function.

17.2 If a resolution for the winding-up of the Union has been passed as provided in sub-clause 17.2.1 or if for any reason the Union is unable to continue to function the following provisions shall apply:-

17.2.1 The last-appointed President of the Union, or if the last appointed President is not available, the available members of the last-appointed Executive Committee of the Union shall forthwith transmit to the Labour Court a statement signed by them setting forth the resolution adopted of the reasons for the Union's inability to continue to function, as the case may be, and request the Labour Court to grant an order giving effect to that resolution in terms of the relevant section of the Act;

17.2.2 The Labour Court shall appoint a liquidator to carry out the winding-up. The liquidator shall not be a member of the Union and shall be paid such fees as may be determined by the Registrar;

17.2.3 The liquidator so appointed shall call upon the last-appointed office-bearers and officials of the Union to deliver to said liquidator the Union's books of account showing:

17.2.3.1 the Union's assets and liabilities;

17.2.3.2 the register of members showing for the 12 months prior to the date on which the resolution for winding-up was passed or the date as from which the Union was unable to continue to function, as the case may be, hereinafter referred to as the date of dissolution, the subscriptions paid only by each member and their address as at the said date;

17.2.4 The liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpected funds and any other monies realised from any other assets of the Union;

17.2.5 If the said funds and monies are insufficient to pay all creditors after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors shall be paid, subject to provisions of paragraph 17.3, shall be the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the liquidator's fees and the expenses of winding-up shall rank in order as that of an insolvent estate and as though the expenses were costs of sequestration of an insolvent estate;

17.2.6 After the payment of all debts in accordance with paragraph 17.2.4, the remaining funds, if any, shall be distributed by the liquidator amongst the members of the Union who were in good standing as at the date of dissolution and each member shall be awarded a share in proportion to the subscriptions actually paid by the member in respect of the twelve months immediately preceding the said date.

17.3 The liability of members shall, for purposes of the above clause, be limited to the amount of subscriptions due by them to the Union, in terms of this constitution as at the date of dissolution.

18 AMENDMENTS TO THIS CONSTITUTION

18.1 This constitution may be amended by resolution of the AGM or a General Meeting provided the Secretary has given not less than one month's notice of the proposed amendment to all members. The constitution may only be amended if two thirds of the paid up members present vote in favour of the amendment.

18.2 Notwithstanding the provisions of 18.1 above, in the case of an amendment to the amount of the subscription as set out in Annexure B, the Secretary may give not less than two week's notice.

19. INDEMNITY OF OFFICE BEARERS AND OFFICIALS

19.1 Office bearers, Executive Committee members or officials of the Union, provided that they have not acted in a manner which would constitute misconduct, shall be indemnified by the Union against all proceedings, costs and expenses by reason of any omission or other act done in the performance of their duties on behalf of the Union, and shall not be liable for any debts or liabilities of the Union.

ANNEXURE A: Grounds for refusal to membership of the Union

Refusal to grant membership of the Union may be based on any one or more of the following reasons:

1. She or he is not a member of academic staff as defined in provision 2 of the constitution.
2. She or he is a member of another union or staff association at UCT and has not yet terminated such membership.
3. She or he is at the time of application to membership to the Union the subject of a legal or disciplinary action that may bring the Union into disrepute.

ANNEXURE B: Subscription

The amount of the subscription referred to in 7.1 of constitution shall be R15 per month.

ANNEXURE C : Proxy form

“XXX (Name of Union)

I, **[NB: Insert Name]**, of **[NB: Insert Physical Address]**, a Member of the Union known as “XXX (Name of Union)”, hereby appoint **[NB: Insert Name]** [or, in the alternative **[NB: Insert Name]**] as my proxy:

- 1 to vote for me and on my behalf; or
- 2 to abstain from voting for me,

at the annual general meeting / general meeting / (delete whichever not applicable) of the Union (as the case may be) to be held on the **[NB: Insert Number]** day of **[NB: Insert Month and Year]** and at every adjournment thereof as follows:

Vote	in favour of	against	abstain
Resolution to [NB: Insert Details]			
Resolution to [NB: Insert Details]			

Resolution to [NB: Insert Details]			
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(indicate instructions to proxy by way of a cross in space provided above).

Unless otherwise instructed, my proxy may vote or abstain from voting as he thinks fit.

Signed this **[NB: Insert Number]** day of **[NB: Insert Month and Year]**.

Signature of Member

(Note: A Member entitled to attend and vote is entitled to appoint a proxy to attend, speak and on a poll vote in his stead, and such proxy need not also be a Member of the Union)."

Signature of Adoption:

Dr Ulrike Rivett
President, UCTAU

Date

Mr Roger Arendse
Secretary, UCTAU

Date