



# HEDDSA

Higher Education Disability Services Association South Africa

NPO no: 078-484

National Central Suppliers Database CSD: MAAA1333606

Public Benefit Organisation PBO: 9878468181



## Constitution of the Higher Education Disability Services Association of South Africa 2026 - 2027

## CONSTITUTION OF THE HIGHER EDUCATION DISABILITY SERVICES ASSOCIATION SOUTH AFRICA (HEDSA)

(Amendments to the 2012 Constitution have been accepted in this document on 25 November 2016, 21 September 2018, 22 September 2021, 21 September 2023 and 24 June 2025)

### PREAMBLE

**Recognizing** that students with disabilities have the right to full, equal, and meaningful access to the Post-School Education and Training (PSET) system - including universities, TVET colleges, and CET institutions— as a matter of justice, equity, and human dignity;

**Acknowledging** the persistent systemic barriers that limit participation, success, and pathways to employability for students with disabilities, and affirming that true inclusion demands deliberate action, collaborative leadership, and systems designed for diversity;

**Committed** to advancing disability justice by promoting inclusive excellence, universal design, and compliance with national and international rights frameworks;

**Dedicated** to strengthening the capacity of institutions through advocacy, research, innovation, and the professional development of disability service providers;

**Believing** in the power of collective action - uniting institutions, students, civil society, and government to transform policies, practices, and mindsets across the PSET landscape;

**We, the members of the Higher Education Disability Services Association South Africa (HEDSA), establish this organization to:**

- **Champion systemic change** that dismantles barriers and empowers students with disabilities to thrive academically, professionally, and personally.
- **Elevate inclusive practices** through evidence-based research, digital innovation, and cross-sector collaboration.
- **Amplify the voices** of students with disabilities and ensure their leadership in shaping accessible, equitable education.
- **Foster sector-wide resilience** by building institutional capacity, sustainable partnerships, and a unified advocacy agenda.

Together, we commit to realizing an education system where no student is left behind - where diversity is valued, access is guaranteed, and disability inclusion is a cornerstone of transformative education.



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## 1. TERMS & ABBREVIATIONS

Term / Abbreviation	Definition
<b>AGM</b>	Annual General Meeting – the annual meeting of the HEDSA General Assembly where strategic decisions, reports, and elections (where applicable) are presented.
<b>Advisory Board</b>	A strategic governance structure comprising NEC members, external experts, and provincial representatives, responsible for oversight and ratification of key decisions.
<b>Advocacy</b>	The political act or process of supporting a cause, idea or policy by individuals or a group/s with an aim to influence the outcome. Advocacy should ensure that affected people’s voices are heard, their rights are promoted and that their views are considered when decisions that impact directly on their lives are being made.
<b>CET</b>	Community Education and Training - part of the Post-School Education and Training (PSET) sector serving adult and community learners.
<b>Disability</b>	The UNCRPD does not attempt to define disability per se but rather recognises disability as an evolving concept. Disability is imposed by society when a person with a physical, psychosocial, intellectual, neurological and/or sensory impairment is denied access to full participation in all aspects of life, and when society fails to uphold the rights and specific needs of individuals with impairments. Persons with disabilities experience three main types of interrelated barriers: social (including high cost, lack of disability awareness, and communication difficulties); psychological (such as fear for personal safety); and structural (including infrastructure, operations and information).
<b>DRU</b>	Disability Rights Unit - An office within a PSET institution that provides strategic guidance, capacity building, and advocacy on disability inclusion, often working across academic, governance, and operational areas. DRUs engage with transformation, policy, and student support services to uphold the rights of students and staff with disabilities.
<b>DSD</b>	Department of Social Development - the South African government department responsible for the registration and oversight of non-profit organisations.
<b>DSS</b>	Disability Support Services - A department or unit within a PSET institution responsible for the direct provision of academic and campus support services to students with disabilities. This includes needs assessments, assistive technologies, academic accommodations, exam support, and liaison with faculty to ensure accessibility and inclusion in teaching and learning.
<b>ENEC</b>	Extended National Executive Committee - a platform bringing together the NEC and Provincial Chairpersons to support alignment between national and provincial activities.
<b>Exco</b>	Former term used for the Executive Committee of HEDSA (replaced by NEC).
<b>Full Member</b>	A public or private institution in the PSET sector that is in good standing and has full voting rights within HEDSA. As such, full members may nominate candidates to HEDSA

<b>Term / Abbreviation</b>	<b>Definition</b>
	structures and are eligible to participate fully in governance and decision-making processes.
<b>General Assembly</b>	The highest decision-making body of HEDSA, comprising representatives of member institutions, student structures, and observers.
<b>Good Standing</b>	A membership status that reflects full compliance with the Constitution, including payment of subscriptions and participation in HEDSA activities.
<b>HEDSA</b>	Higher Education Disability Services Association South Africa – the name of the association governed by this Constitution.
<b>NEC</b>	National Executive Committee – the primary governance and leadership structure of HEDSA, elected by the General Assembly.
<b>NPO</b>	Non-Profit Organisation – a legally recognised organisation operating for a public benefit, not for personal or private gain.
<b>PEC</b>	Provincial Executive Committee – a regional governance structure established to coordinate HEDSA activities within a province.
<b>PSET</b>	Post-School Education and Training – includes all public and private Higher Education Institutions (HEIs), Technical and Vocational Education and Training (TVET) Colleges, and Community Education and Training Colleges (CETs).
<b>PBO</b>	Public Benefit Organisation – a SARS-recognised NPO eligible for tax exemptions under Section 30 of the Income Tax Act.
<b>Practice Notes</b>	Non-binding documents adopted by HEDSA to guide implementation, compliance, and internal procedures aligned to the Constitution.
<b>Proxy</b>	A written authorisation allowing a representative to attend and vote on behalf of a full member institution at a General Assembly.
<b>Quorum</b>	The minimum number of members required to be present at a meeting for decisions to be validly taken.
<b>RFQ</b>	Request for Quotations – a formal procurement process used to solicit bids from service providers, including for auditor appointments.
<b>SARS</b>	South African Revenue Service – the national authority responsible for tax administration, including approval of tax-exempt PBOs.
<b>SGM</b>	Special General Meeting – a meeting of the General Assembly convened for urgent or extraordinary matters outside the normal AGM schedule.
<b>Student Representative</b>	A registered student with a disability nominated to represent student interests at provincial or national level within HEDSA.

<b>Term / Abbreviation</b>	<b>Definition</b>
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<b>Subscription Fee</b>	An annual membership fee payable by full member institutions by 30 April each year.
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<b>Term of Office</b>	The official duration of service for elected office bearers within HEDSA structures.
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<b>Transformation</b>	A systemic process aimed at creating equitable, inclusive, and socially just institutions by removing structural barriers, challenging discriminatory practices, and promoting diversity. In the context of this Constitution, transformation includes advancing disability inclusion as a core component of institutional change within the PSET system.
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<b>Voting Rights</b>	The entitlement to vote on matters presented to the General Assembly, available only to full members in good standing.
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## **2. FOUNDER INSTITUTIONS**

The founding institutions of the Higher Education Disability Services Association South Africa (HEDSA) are the public institutions represented by Disability Services Units (DSUs), Disability Rights Units (DRUs), and Disability Support Services (DSS) within the Post-School Education and Training (PSET) system in South Africa. These institutions played a formative role in establishing HEDSA as a collaborative platform for promoting access, inclusion, and success for students with disabilities.

## **3. NAME**

3.1 There is hereby established an Association, which shall be known as the Higher Education Disability Services Association South Africa, hereinafter referred to as HEDSA.

3.2 HEDSA is a voluntary, non-profit organisation, comprising institutions of the PSET System who agree to collaborate to attain the objectives set out in clause 3, and to ensure the continued existence and effective functioning of HEDSA.

3.3 All decisions of HEDSA are made within the parameters of existing national Acts, Statutes, Rules and Policies regarding autonomy of institutions.

3.4 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.

3.5 For the purposes of this Constitution, Higher institutions, TVET and CET shall be regarded as public providers of education.

## **4. OBJECTIVES**

4.1 HEDSA's core purpose is to promote access and success for students with disabilities in the Post-School Education and Training (PSET) system by advancing inclusive excellence and enabling pathways to employability and entrepreneurship. This includes creating environments where students can participate fully, thrive academically, and transition into meaningful economic opportunity.

4.2 In pursuit of this purpose, the objectives of HEDSA shall be:

#### **4.2.1 Advocacy and Raising Awareness:**

4.2.1.1 Advocate for the rights and inclusion of students with disabilities within the Post-School Education and Training (PSET) system.

4.2.1.2 Raise awareness of structural barriers, opportunities, and good practices that support institutional transformation.

#### **4.2.2 Strengthening Sector Capacity**

4.2.2.1 Build the knowledge, skills, and systems within institutions to provide inclusive, effective support to students with disabilities.

4.2.2.2 Support work-readiness, entrepreneurship, and professional development as part of inclusive support services.

#### **4.2.3 Fostering Collaboration and Partnerships**

4.2.3.1 Enable coordinated action through cross-sector collaboration and institutional networks.

4.2.3.2 Engage constructively with government, civil society, and strategic stakeholders at national and regional levels.

#### **4.2.4 Advancing Research and Innovation**

4.2.4.1 Promote evidence-based practice through sector-relevant research, evaluation, and the use of data.

4.2.4.2 Foster innovation in inclusive service design, accessibility, and learning technologies.

#### **4.2.5 Providing Sector Leadership**

4.2.5.1 Represent the collective voice of the sector in strategic forums on disability inclusion.

4.2.5.2 Shape national dialogue and contribute to policy development across the PSET landscape.

#### **4.2.6 Driving Digital Inclusion**

4.2.6.1 Promote the use of accessible and assistive technologies across learning and support environments.

4.2.6.2 Encourage digital innovation that enhances inclusion, engagement, and service delivery.

#### **4.2.7 Ensuring Organisational Sustainability**

4.2.7.1 Maintain robust governance, resource mobilisation, and operational continuity.

4.2.7.2 Secure the long-term viability and credibility of HEDSA as a member-driven organisation.

## **5. BRAND AND LOGO**

5.1 Higher Education Disability Services Association, the name may be abbreviated as HEDSA.

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5.2 HEDSA Brand embodies the unified commitment to advancing the fundamental right of all individuals to equitable access to higher education, and affirming the value of diversity, inclusion, and universal design in academic environments. It represents the collective voice of students with disabilities, disability support professionals, advocates and the diverse disability communities we serve within member institutions.

5.3 The official logo is a visual declaration of HEDSA's mission. The central motif reflects the convergence of all disability categories within the PSET sector through abstract, interconnect forms and explicitly ties the logo meaning to academia.

5.4 The logo is the exclusive emblem of HEDSA. Its use signifies endorsement by or affiliation with the Association. Unauthorized replication, modification or commercial use is prohibited.

5.5 Member institutions may display the logo under the HEDSA publicity and communication practice note.

5.5 HEDSA NEC holds ultimate authority over the logo's interpretation, usage policies, and visual integrity. All branding guidelines (colours, typography, spacing) shall be maintained in the HEDSA publicity and communication practice note.

## **6. AREAS OF JURISDICTION AND HEADQUARTERS**

6.1 In furthering its objectives as set out in Clause 3, HEDSA shall operate within the Republic of South Africa and may extend its reach beyond its borders, as appropriate, to advance its purpose and strategic priorities.

6.2 HEDSA shall be headquartered in the province of Gauteng. The physical address, landline, and other official contact details shall be recorded and maintained by the Secretariat and reflected in official correspondence and organisational records.

## **7. LEGAL STATUS AND INDEMNITY**

7.1 HEDSA is established as a voluntary association with legal personality. As such, it shall:

- a) Exist in its own right, independent of its individual members;
- b) Continue to exist notwithstanding changes in its membership or office bearers;
- c) Have the capacity to acquire, hold, and dispose of movable and immovable property in its own name;
- d) Be capable of instituting and defending legal proceedings in its own name.

7.2 Members and office bearers of HEDSA shall not be personally liable for any debts, liabilities, or obligations incurred by the Association in the execution of its approved functions, provided that such functions are performed in good faith and in accordance with this Constitution.

## **8. TAXATION**

8.1 HEDSA shall apply its funds and resources solely in the furtherance of its objectives as outlined in this Constitution and shall not carry on any profit-making activities.

8.2 No portion of HEDSA's income or assets shall be distributed directly or indirectly to any person, except as fair compensation for services rendered or reimbursement of expenses duly authorised.

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8.3 HEDSA shall comply with all relevant provisions of the Income Tax Act, 1962, including those applicable to non-profit organisations or public benefit organisations, where applicable.

8.4 HEDSA is an approved Public Benefit Organisation (PBO) under section 30 of the Income Tax Act and shall at all times adhere to the conditions, limitations, and reporting obligations applicable to that designation.

8.5 Guidance on maintaining PBO compliance and any updates to applicable tax regulations shall be set out in the HEDSA Practice Notes and reviewed periodically in line with SARS requirements.

## **9. POWERS OF HEDSA**

9.1 In order to fulfil its objectives, HEDSA shall have the legal capacity and powers to:

- a) Enter into contracts, agreements, and partnerships;
- b) Raise, receive, and administer funds from membership fees, donations, grants, or other lawful sources;
- c) Own, lease, or dispose of movable and immovable property;
- d) Employ or engage persons to carry out the work of HEDSA, including temporary and ad hoc staff;
- e) Establish committees, working groups, and advisory bodies;
- f) Institute or defend legal proceedings in its own name;
- g) Open and operate bank and investment accounts;
- h) Develop policies, guidelines, and practice notes in support of its mandate;
- i) Do all such lawful things as may be necessary to carry out its objectives and activities as outlined in this Constitution.

## **10. COMPOSITION AND MEMBERSHIP**

10.1 Composition of HEDSA

10.1.1 HEDSA shall be constituted by its full member institutions, each represented by a duly nominated delegate.

10.1.2 Member institutions may nominate one primary representative and, where necessary, an alternate, to participate in HEDSA activities and governance processes.

10.1.3 Membership shall be institutional and not individual, except in cases expressly provided for in this Constitution.

10.2 Eligibility for Membership

10.2.1 Full membership shall be open to public institutions within the Post-School Education and Training (PSET) sector, including institutions operating outside of the Republic of South Africa, that support the objectives of HEDSA.

10.2.2 To qualify for membership, an institution must:

- a) Be recognised within its national education framework as part of the PSET system.
- b) Demonstrate a commitment to advancing disability inclusion in post-school education and training; and
- c) Comply with this Constitution, including the payment of the annual membership fee as determined by the General Assembly.

10.3 Rights and Responsibilities of Members

10.3.1 Members in good standing shall have the right to:

- a) Vote at General and Special Meetings of HEDSA;
- b) Participate in governance structures and leadership processes;
- c) Access HEDSA's electronic platforms, resources, and tools; and
- d) Engage in capacity-building initiatives, communities of practice, and collaborative programmes.

10.3.2 Members shall be responsible for:

- a) Upholding the values and objectives of HEDSA;
- b) Paying the annual membership fee as determined; and
- c) Participating actively in HEDSA's programmes and structures.

10.4 Good Standing

10.4.1 A member shall be deemed to be in good standing if it has paid its membership fee for the current year and has not otherwise breached the provisions of this Constitution.

10.4.2 Only members in good standing shall be eligible to vote or participate in formal decision-making processes.

## **11. STRUCTURES**

### **11.1 National Executive Committee**

#### **11.1.1 Establishment and Purpose**

The National Executive Committee (NEC) shall serve as the principal governance and leadership body of HEDSA. It shall have full and complete control over all strategic activities of HEDSA, subject to the limits and restrictions imposed by this Constitution or by resolutions of the General Assembly and the Advisory Board. The NEC shall be responsible for advising the CEO or Office Manager on matters relating to:

- a) The strategic leadership and management of HEDSA's affairs in accordance with resolutions of the General Assembly and Advisory Board;
- b) The appointment of ad hoc staff or members for specific projects as determined during strategic planning processes.

#### **11.1.2 Composition**

The NEC shall consist of the following members elected by the General Assembly:

- a) President
- b) Deputy President
- c) General Secretary
- d) Treasurer
- e) Publicity and Communications Officer
- f) One student representative elected from among the nine provincial student representatives
- g) The immediate past President, who shall serve in an ex-officio capacity for a period of one year for purposes of continuity

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h) One member from each of the following institutional sectors: Higher Education, Technical and Vocational Education and Training (TVET), and Community Education and Training (CET), provided that the CET representative requirement shall be applied with flexibility, subject to availability.

i) Project-Based Co-opted Members - Additional members may be co-opted by the NEC on a time-bound, project-specific basis, to support the delivery of clearly defined tasks or initiatives aligned with HEDSA's strategic objectives.

Such co-option:

- shall not constitute full membership of the NEC;
- shall be limited to the duration of the specific project or need;
- shall not carry voting rights unless expressly granted by a two-thirds majority of the NEC and ratified by the Advisory Board;
- must be recorded in NEC minutes with a clearly stated scope, duration, and purpose.

j) Provincial Chairpersons may be co-opted on an ad hoc basis with voting rights, subject to the provisions of this Constitution.

k) The NEC may appoint an Administrator or Office Bearer to provide dedicated logistical, operational, and administrative support to the Executive. The role shall be non-voting unless otherwise determined by the NEC and shall be accountable to the General Secretary for day-to-day functions. The Administrator shall not hold an institutional representative role and may be appointed on a part-time or contracted basis

l) No institution may have more than one representative serving on the NEC at any given time.

### **11.1.3 Roles and Responsibilities of Office Bearers**

Detailed portfolios, roles, and responsibilities of each NEC member shall be set out in a separate governance schedule, annexed to this Constitution. These shall include, but not be limited to, functions related to strategic leadership, administration, financial management, communications, and stakeholder engagement.

### **11.1.4 Term of Office and Eligibility**

a) NEC members shall serve for a term of four (4) years and may be re-elected for one additional consecutive term.

b) Nominees must be duly nominated by a full member institution in good standing.

c) A member who no longer represents a member institution shall vacate their NEC position.

d) The student representative shall serve for a term of one (1) year and may be re-nominated for an additional term, provided they remain a registered student.

### **11.1.5 Meetings and Quorum**

a) The NEC shall meet at least three (3) times per year, or as otherwise determined by the President.

b) A quorum for NEC meetings shall consist of one half plus one of the total NEC members entitled to vote.

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- c) The President shall preside at all meetings. In their absence, the Deputy President shall preside. If neither is present, the meeting shall elect a Chairperson for that meeting.
- d) The General Secretary shall issue written notice and an agenda at least fourteen (14) days prior to the meeting.
- e) Proper records of meetings shall be kept, and minutes shall be circulated within fourteen (14) days post-meeting and adopted at the next meeting.
- f) In the absence of the General Secretary, the Deputy President, or another NEC member appointed by the President, shall assume responsibility for minute-taking at that meeting.

#### **11.1.6 Decision-Making and Voting**

- a) Decisions shall be taken by majority vote of members present and voting. In the event of a tie, the President shall have a casting vote in addition to their deliberative vote.
- b) Voting shall ordinarily be by show of hands, except where a secret ballot is requested by a majority of members present.
- c) Proxy voting shall be permitted if submitted in writing, but the member may still attend and vote in person, superseding the proxy.
- d) Nominations for NEC positions must be confirmed in person on the day of the election. Absence due to illness shall be the only exception.

##### **11.1.6 a) Elections to the NEC**

- a) All elections to the National Executive Committee (NEC) shall be conducted by secret ballot, unless the General Assembly resolves by a two-thirds majority that a show of hands is appropriate for a particular election.
- b) A nominee shall be deemed duly elected to the NEC only if they receive a simple majority of the valid votes cast by members present and voting, i.e., more than 50%.
- c) Where a nominee is uncontested (i.e., the only candidate for the position), their election shall still be subject to a vote of affirmation by the General Assembly. To be elected, the nominee must receive more than 50% of the valid votes cast.
- d) Where an uncontested nominee fails to receive the required majority, the position shall be declared vacant and:
  - (i) a call for new nominations shall be made from the floor, if practical; or
  - (ii) the matter shall be referred to the NEC for an interim appointment, subject to ratification at the next General Assembly.
- e) In the event of a tie between two or more nominees, a run-off election shall be held between the tied candidates.
- f) Abstentions and spoilt ballots shall not count toward the total number of valid votes cast.
- g) Voting shall be conducted and supervised by an independent electoral officer or a person appointed by the President, who shall not be a nominee for any position being contested.

##### **11.1.7 Powers of the NEC**

- a) To coordinate the strategic and operational activities of HEDSA in line with Clause 3 of this Constitution.

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- b) To report to the General Assembly and Advisory Board on all significant decisions and developments.
- c) To appoint sub-committees, working groups or project teams as needed, and to define their mandates, subject to ratification by the Advisory Board.
- d) To oversee the appointment of ad hoc support personnel where required for specific organisational functions.
- e) To oversee financial planning, fundraising, and administrative oversight of HEDSA projects and operations.
- f) To suspend a member institution or representative for serious violations of the Constitution or Code of Conduct, subject to ratification by the General Assembly or Advisory Board.
- g) To submit funding proposals, accept donations and grants, and manage HEDSA's property and resources in accordance with the Constitution.
- h) To appoint a registered accountant and auditor to serve for a four-year term aligned with the NEC cycle, with the option to renew or re-advertise the position through a request for quotations (RFQ) process;
- i) To ensure that the terms of appointment of the accountant and auditor include a formal handover obligation, as set out in the auditor's Service Level Agreement (SLA);
- j) To oversee the maintenance of institutional and governance records, including records of meetings, resolutions, and member correspondence;
- k) To monitor and ensure the maintenance of an up-to-date asset register, and to exercise oversight over the management, custody, and use of organisational assets.

#### **11.1.9 Resignations, Vacancies and Termination of Office**

- a) Any member of the NEC may resign by submitting a three-month written notice to the President. In the case of the President, the notice shall be submitted to the Deputy President.
- b) A vacancy arising from resignation, removal, or termination shall be filled by the NEC through either:
  - i) Appointment of a suitably qualified representative from a full member institution; or
  - ii) Requesting nominations from the general membership, if deemed appropriate.
- c) If the President resigns or is removed, the Deputy President shall assume the role of President until the next General Assembly.
- d) Any interim appointments shall be ratified at the next General Assembly or Special General Meeting.
- e) No replacement shall be made that violates the provision preventing more than one representative per institution from serving on the NEC at any given time.
- f) An NEC member may be removed from office for misconduct, persistent non-performance, or conduct that brings HEDSA into disrepute. Such removal shall follow a fair process, including written notice and an opportunity to respond, and shall require a majority decision of the NEC and ratification by the Advisory Board.

## **11.2 Provincial Committees**

### **11.2.1 Establishment and Purpose**

Provincial Committees shall serve as the operational and coordination structures of HEDSA at the regional level. Operating under the strategic guidance of the National Executive Committee (NEC), These committees

shall promote the objectives of HEDSA at the provincial level, facilitate collaboration between institutions within each province, and provide feedback and recommendations to the National Executive Committee (NEC).

#### **11.2.2 Composition**

Each Provincial Committee shall, as far as possible, mirror the structure of the NEC and shall consist of the following elected members:

- a) Chairperson
- b) Deputy Chairperson
- c) Secretary
- d) Treasurer
- e) Publicity and Communications Officer
- f) Two (2) Student Representatives

The term of office for all Provincial Committee members shall be four (4) years, aligned to the NEC cycle.

#### **11.2.3 Roles and Responsibilities**

- a) Coordinate and implement HEDSA's activities at the provincial level in alignment with national objectives;
- b) Facilitate regional meetings, workshops, and information-sharing forums;
- c) Maintain regular communication with the NEC and submit written reports on provincial activities every four (4) years for tabling at the General Assembly;
- d) Support the identification of regional needs, priorities, and innovations for national consideration;
- e) Promote inter-institutional collaboration and inclusion-focused initiatives;
- f) Nominate one student representative collectively, from among the nine provincial representatives, to serve on the NEC.

#### **11.2.4 Functioning**

- a) After the election of a new NEC, each Provincial Committee shall be formalised with an elected Chairperson and Secretary, and shall resume or initiate operations within three (3) months;
- b) Provincial meetings shall be hosted in rotation by member institutions within the province, with themes and agendas set collaboratively by participating members;
- c) A walkabout or institutional site visit may be arranged as part of each meeting to promote knowledge exchange;
- d) Each Provincial Committee shall be responsible for submitting a consolidated four-year report to the NEC in advance of the General Assembly;
- e) Where a province does not have sufficient institutional representation to fulfil this structure, the NEC may authorise a simplified or interim structure to be reviewed annually.

### **11.2.5 Resignations and Vacancies**

- a) A member of a Provincial Committee may resign by submitting written notice to the Chairperson of the Committee.
- b) A vacancy arising from resignation or removal shall be filled by nomination from within the provincial membership, subject to confirmation by the NEC.
- c) If the Chairperson resigns, the Deputy Chairperson shall assume the role in an acting capacity until a replacement is elected.

### **11.2.6 Meetings and Quorum**

- a) Each Provincial Committee shall meet at least three (3) times per year.
- b) A quorum shall consist of one half plus one of the voting members of the Committee.
- c) Decisions shall be taken by consensus or, if necessary, by a majority vote of members present.
- d) The Chairperson, or in their absence, the Deputy Chairperson, shall preside.
- e) Minutes shall be kept and shared with the NEC within fourteen (14) days of the meeting.

### **11.2.7 Voting Rights**

- a) Each elected member of a Provincial Committee, as outlined in clause 11.2.2, shall have one (1) vote in decision-making processes at Provincial Committee meetings.
- b) Voting rights are restricted to duly elected members of the Provincial Committee and do not extend to observers, institutional representatives, or ex officio attendees unless otherwise specified.
- c) Decisions requiring a vote shall be adopted by a simple majority of the members present and voting, provided quorum is met in accordance with clause 11.2.6(b).
- d) In the event of a tie, the Chairperson shall have a casting vote in addition to their deliberative vote.
- e) The process for electing members to the Provincial Committee shall be determined by the provincial membership and approved by the NEC, ensuring equitable participation by all recognised institutions in the province.
- f) The nomination of a student representative to the NEC (in terms of clause 11.2.3(f)) shall be subject to a vote among the student representatives from the nine Provincial Committees, conducted through a process facilitated by the NEC.

## **11.3 Extended National Executive Committee**

### **11.3.1 Establishment and Purpose**

The Extended National Executive Committee (ENEC) shall serve as a platform for coordination, alignment, and shared decision-making between the National Executive Committee (NEC) and the Provincial Committees. It shall provide space for two-way engagement, operational harmonisation, and the elevation of regional priorities to the national level.

### **11.3.2 Composition**

The ENEC shall consist of the following:

- a) All members of the NEC;
- b) The Chairpersons of each Provincial Committee;
- c) The National Student Representative serving on the NEC;
- d) Any additional members co-opted by the NEC for specific purposes, subject to ratification by the Advisory Board.

### **11.3.3 Roles and Responsibilities**

- a) Facilitate structured engagement between national and provincial governance levels;
- b) Review and discuss matters of shared operational concern or national relevance;
- c) Support national coordination of campaigns, programmes, and capacity-building initiatives;
- d) Elevate insights, innovations, and concerns from Provincial Committees to the NEC for consideration;
- e) Provide strategic support and guidance on implementation matters referred by the NEC.

### **11.3.4 Meetings and Reporting**

- a) The ENEC shall meet at least twice (2) per year, and additional meetings may be convened as necessary by the President of the NEC;
- b) A quorum shall consist of one half plus one of the total members eligible to vote;
- c) The President of the NEC shall preside over ENEC meetings;
- d) The General Secretary shall circulate meeting notices and agendas at least fourteen (14) days in advance, and minutes shall be shared within fourteen (14) days following the meeting;
- e) A summary of each ENEC meeting shall be submitted to the NEC and made available to Provincial Committees.

### **11.3.5 Decision-Making**

- a) ENEC decisions shall be advisory in nature unless delegated authority has been explicitly provided by the NEC;
- b) Recommendations of the ENEC may be submitted to the NEC for endorsement or further action.

## **11.4 Advisory Board**

### **11.4.1 Establishment and Purpose**

The Advisory Board shall provide strategic oversight, governance support, and expert guidance to HEDSA. It shall act as a strategic advisory mechanism to the NEC, ensuring alignment with HEDSA's constitutional mandate and long-term objectives.

#### **11.4.2 Composition**

The Advisory Board shall consist of the following members:

- a) All members of the NEC (ex officio);
- b) Two (2) institutional representatives per province, nominated by their respective Provincial Committees;
- c) Up to four (4) external representatives, drawn from the following sectors where possible:

Audit and Risk

Legal Affairs

Civil Society (with expertise in disability rights or education)

Industry or Business Sector (with a vested interest in disability inclusion)

The NEC shall prioritise these sectors when seeking nominations but may consider alternative expertise aligned to HEDSA's objectives if necessary

- d) The Office Manager and the General Secretary, serving in an ex officio, non-voting capacity.

#### **11.4.3 Roles and Responsibilities**

The Advisory Board shall be responsible for:

- a) Approving HEDSA's strategic plan;
- b) Approving the annual budget and financial strategy;
- c) Ratifying decisions of the NEC as required under this Constitution;
- d) Delegating or assigning powers and responsibilities to the NEC as appropriate;
- e) Ratifying the appointment of relevant subcommittees and special advisory groups to support the implementation of HEDSA's objectives.

#### **11.4.4 Meetings and Functioning**

- a) The Advisory Board shall meet at least once (1) per year, or more frequently if requested by the NEC;
- b) Meetings shall be convened by the President of the NEC with at least twenty-one (21) days' notice provided in writing;
- c) A quorum shall consist of one half plus one of all voting members of the Advisory Board;
- d) The President of the NEC shall preside at meetings of the Advisory Board;
- e) Proper minutes shall be kept of all meetings and confirmed at the following Advisory Board meeting.

#### **11.4.5 Decision-Making**

- a) Decisions shall be made by consensus where possible, or by a simple majority of voting members present;
- b) In the event of a tie, the President shall have a casting vote in addition to their deliberative vote;

c) Advisory Board decisions may be binding where delegated authority exists under this Constitution or by resolution of the General Assembly.

#### **11.4.6 Transitional Clarification**

Until such time that all Provincial Committees are fully constituted, the NEC may appoint interim representatives to the Advisory Board from underrepresented provinces, subject to ratification at the next General Assembly.

## **12. GENERAL ASSEMBLY**

### **12.1 Composition**

The General Assembly shall comprise the following:

- a) One (1) representative from each full member institution of HEDSA, with voting rights. Institutions with multiple campuses shall have one vote.
- b) One (1) representative from each organisation involved in higher education that supports the aims of HEDSA, as an associate member without voting rights.
- c) One (1) student representative nominated by the South African Union of Students (SAUS), as an observer with voting rights.
- d) One (1) student representative nominated by the South African Technical Vocational Education and Training Student Association (SATVETSA), as an observer with voting rights.
- e) Members of the NEC, who shall participate in the General Assembly by virtue of their office.
- f) Observers and guests may be invited by the NEC to attend General Assembly sessions but shall not have voting rights.

### **12.2 Functions and Powers**

The General Assembly shall be the highest decision-making body of HEDSA. Its functions shall include:

- a) Electing members of the NEC;
- b) Receiving and adopting the annual report of the NEC;
- c) Receiving and adopting the audited financial statements;
- d) Considering and adopting proposed amendments to the Constitution;
- e) Deliberating on strategic matters affecting the organisation;
- f) Ratifying key decisions, policies, and appointments as required by this Constitution.

### **12.3 Annual General Meeting (AGM)**

12.3.1 The AGM shall be held annually during the conference at a place and time determined by the National Executive Committee (NEC) for the purpose of transacting such business as may be required of the General Assembly, including the consideration of financial statements and the adoption of resolutions requiring its approval.

12.3.2 The elections of the NEC shall be held quadrennially at a place and a time determined by the current NEC.

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12.3.3 The General Secretary shall, at least 30 days before the AGM, notify the representative of each member institution in writing of the time and place of the meeting, and the business to be considered thereat.

12.3.4 The General Secretary shall circulate the AGM pack which consists of the agenda, minutes of the previous meeting, audited financial statement and the audited annual report to all member institutions not less than 21 days prior to the AGM.

12.3.5 Attendance at the AGM shall include:

- a) Members of the NEC and PECs;
- b) Delegates from full member institutions.

12.3.6 The following matters shall be tabled at each AGM for consideration:

- a) Minutes of previous meeting(s);
- b) Matters arising;
- c) Report of the President;
- d) Financial reports (AAR and AFS).

12.3.7 The following matters shall be ratified at each AGM:

- a) Amendments to the Constitution;
- b) Amendments to the Practice Note Guidelines, where applicable.

12.3.8 The NEC President shall preside at all meetings of the AGM.

12.3.9 In the absence of the President, the Deputy President shall preside at the meeting.

12.3.10 In the absence of both the President and the Deputy President, the meeting shall elect a Chairperson, who shall serve as Chairperson for that AGM.

12.3.11 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.

## **12.4 Special General Meetings (SGM)**

12.4.1 A Special General Meeting (SGM) of HEDSA shall be convened for a specific purpose:

- a) Upon written request of at least one third (1/3) of full member institutions in good standing; or
- b) At the request of the NEC or the Advisory Board.

12.4.2 The NEC President shall convene an SGM within thirty (30) days of receipt of such a request.

12.4.3 The notice of the SGM shall include the reason(s) for convening the meeting and the items for discussion.

12.4.4 The General Secretary shall circulate a copy of the notice to all member institutions at least twenty-one (21) days prior to the meeting.

## **12.5 Quorum**

- a) A quorum for the General Assembly shall consist of two-thirds (2/3) of the total number of full member institutions in good standing.
- b) If a quorum is not achieved within thirty (30) minutes of the scheduled start time, the meeting may proceed for discussion purposes but may not adopt any binding resolutions.

## **12.6 Voting**

- a) Each full member institution present shall have one (1) vote.
- b) Decisions shall be taken by simple majority unless otherwise specified in this Constitution.
- c) In the event of a tie, the President shall cast the deciding vote in addition to their deliberative vote.
- d) Voting shall ordinarily be by show of hands, unless a secret ballot is requested and approved by the meeting.
- e) A member institution may appoint a proxy to attend, speak, and vote on its behalf, provided that the proxy is submitted in writing prior to the meeting.

## **12.7 Meeting Procedures**

- a) The President of HEDSA shall preside at all General Assembly meetings. In their absence, the Deputy President shall preside. If both are absent, a Chairperson for the meeting shall be elected from among those present.
- b) Any matter of procedural dispute shall be resolved by ruling of the Chairperson, subject to immediate challenge and vote by the Assembly if contested.
- c) Minutes of all meetings shall be recorded, approved at the subsequent meeting, and signed by the presiding Chairperson. Copies shall be circulated at least fourteen (14) days in advance of the next meeting.
- d) The General Assembly may go into closed session or "in committee" discussions, with only voting members present, if agreed upon by a majority of members present.

## **13. FINANCES**

### **13.1 Non-Profit Status**

HEDSA shall operate as a non-profit organisation (NPO) and shall not carry on any business, trade, or activity for profit.

### **13.2 Sources of Funding**

All monies required to run the affairs of HEDSA shall be acquired through:

- a) Membership fees;
- b) Donations and grants from individuals, institutions, or funding bodies;
- c) Approved fundraising initiatives, income-generating projects, or donor-supported programmes that align with HEDSA's mission.

### **13.3 Financial Management and Recordkeeping**

- a) All monies received by HEDSA shall be deposited into a bank account opened in the name of the organisation.

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- b) The Treasurer shall keep proper and up-to-date records of all income, expenditure, and assets of the organisation.
- c) HEDSA shall maintain accurate accounting records and prepare annual financial statements in accordance with accepted accounting standards.
- d) HEDSA shall not distribute any of its funds or assets to its members or office bearers, except as fair remuneration for services rendered to the organisation and duly authorised by resolution of the NEC.
- e) Members or office bearers shall only be reimbursed for reasonable expenses incurred on behalf of HEDSA. Claims must be accompanied by valid proof of expenditure.
- f) Claims may include travel, accommodation, communication, and meeting-related costs, provided these have been pre-approved by the NEC or are in accordance with the finance practice note.
- g) Reimbursement shall not be made for personal costs, fines, entertainment, or unapproved expenses.
- h) No member or office bearer shall have any individual right or entitlement over the assets of the organisation.
- i) HEDSA shall maintain a comprehensive asset register to record and track all assets owned or controlled by the organisation.

#### **13.4 Appointment of Auditor and Auditing Requirements**

- a) HEDSA shall appoint a registered auditor or independent accountant to audit the annual financial statements.
- b) The appointment shall be made by the NEC and ratified at the AGM.
- c) With every new National Executive Committee (NEC) term, the incoming NEC shall initiate a request for quotations (RFQ) process to appoint a new auditor or reappoint the existing one.
- d) Where a new auditor is appointed, the outgoing auditor shall submit a formal and comprehensive handover report to the incoming auditor.
- e) A full audited financial report shall be submitted annually to the AGM and included in the AGM pack.
- f) The organisation's accounting records, and audit reports shall be submitted to the Director of Non-Profit Organisations within six (6) months of the end of the financial year.
- g) The NEC shall be responsible for ensuring the development and maintenance of the asset register referenced in clause 13.3
- (i). A transitional provision shall require that this register be developed and adopted within six (6) months of the approval of this Constitution.

#### **13.5 Signatories and Banking Controls**

- a) The NEC shall appoint authorised signatories for all HEDSA bank and investment accounts and shall communicate these appointments to the relevant institutions.
- b) Any withdrawal or transaction shall require two signatories: the Treasurer and one other NEC member who has been formally authorised by resolution.
- c) Organisational Credit Card:

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- i. HEDSA may maintain one organisational credit card for the purpose of facilitating authorised operational expenses, provided such use is consistent with the approved budget and financial policies of the organisation.
- ii. The credit card shall be issued in the name of the organisation and shall be under the custodianship of the Treasurer, who shall be the designated cardholder.
- iii. No personal expenses shall be permitted on the organisational credit card under any circumstances.
- iv. All credit card transactions shall be subject to the same dual-authorisation requirements as set out in clause 13.5(b), and must be:
  - (a) supported by original documentation or receipts;
  - (b) recorded in the organisation's accounting records; and
  - (c) reported to the NEC on a quarterly basis as part of financial oversight.

13.6 Financial Year: The financial year of HEDSA shall commence on 1 March and end on the last day of February of the following calendar year.

## **14. SUBSCRIPTIONS**

14.1 All full member institutions of HEDSA shall pay an annual subscription fee, the amount of which shall be determined by resolution of the General Assembly on recommendation of the NEC.

14.2 Annual subscriptions shall be payable by no later than 30 April each year, unless otherwise determined by the NEC under exceptional circumstances.

14.3 A member institution that fails to pay its subscription by the due date shall be deemed to be not in good standing and may forfeit voting rights and access to member benefits until such payment is received.

14.4 The General Secretary, in collaboration with the Treasurer, shall ensure that subscription invoices are issued by 1 March each year and that records of payments are properly maintained.

## **15. TERMINATION OF MEMBERSHIP**

### **15.1 Grounds for Termination**

Membership of HEDSA may be terminated in the following circumstances:

- a) Voluntary withdrawal by a member institution or individual;
- b) Repeated non-compliance with the provisions of this Constitution;
- c) Conduct by a member deemed damaging to the reputation, objectives, or functioning of HEDSA;
- d) Failure by an institution to respond to formal recommendations issued by the NEC;
- e) Verified incidents of deliberate discrimination against students with disabilities, subject to a fair process of investigation.

#### **15.1.1 Grounds for Suspension**

Membership of HEDSA may be suspended on a temporary basis where:

- a) There are pending investigations into alleged misconduct or non-compliance;

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- b) An institution or individual has acted in a manner that may prejudice HEDSA's reputation or operations, pending clarification;
- c) There is evidence of non-cooperation with HEDSA policies or resolutions, and attempts at engagement have not succeeded;
- d) Suspension is necessary as a precautionary measure to protect the interests of HEDSA or its members, pending further action.

### **15.2 Process of Termination**

- a) Any member (institution or individual) wishing to withdraw shall provide written notice to the NEC
- b) The NEC shall acknowledge the termination and communicate it as follows:
  - i) National terminations: via NEC and the official HEDSA membership communication platform;
  - ii) Regional terminations: via the relevant Provincial Committee and the NEC.
- c) In disciplinary matters, the NEC shall:
  - i) Issue written notice of intent to suspend or terminate, stating the grounds;
  - ii) Provide the member with an opportunity to respond in writing or in person;
  - iii) Where appropriate, explore supportive interventions such as mentorship or institutional capacity-building prior to finalising termination.
- d) A recommendation to terminate membership must be ratified by the Advisory Board or the General Assembly.

### **15.3 Consequences of Termination**

- a) Terminated members shall lose all membership rights and privileges, including participation in HEDSA platforms, structures, and decision-making processes.
- b) Reapplication for membership may be considered after a period of twelve (12) months, subject to conditions determined by the NEC.

## **16. AMENDMENTS TO THE CONSTITUTION**

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

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

## **17. DISSOLUTION OF HEDSA**

17.1 HEDSA may be dissolved by resolution supported by at least two-thirds (2/3) of full member institutions in good standing, present in person or by proxy at a duly convened and constituted General Assembly.

17.2 Only paid-up members with voting rights may submit a formal motion for dissolution.

17.3 No motion for dissolution shall be considered unless all member institutions have been given written notice at least ninety (90) days prior to the meeting where the motion will be voted on.

17.4 In the event of dissolution, all outstanding debts and liabilities of the organisation shall be settled in full prior to any asset distribution.

17.5 The remaining assets of the organisation shall not be distributed to its members or office-bearers, but shall:

a) Be transferred to another non-profit organisation with similar objectives, as determined by resolution of the General Assembly; or

b) In the case where HEDSA is dissolved in order to transition into a new organisation with a similar mandate, the assets may be retained and transferred to that new entity, subject to the approval of the General Assembly.

17.6 Any transfer or disposal of assets shall comply with the applicable legal and regulatory framework governing non-profit organisations in South Africa.

## ANNEXURE

### National Executive Committee - Roles and Responsibilities

#### a) President

Roles	Responsibilities
<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 President

Roles	Responsibilities
<ul style="list-style-type: none"> <li>To act as a Secundus to the President</li> </ul>	<ul style="list-style-type: none"> <li>To implement the operational vision of prioritized goals of HEDSA</li> <li>To be positioned to advise and collaboratively work with various members to achieve goals</li> <li>To advise, monitor and report back to the President 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>

#### c) General Secretary

Roles	Responsibilities
<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 a 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 within the sector</li> <li>To ensure quality communication and dialogue between the NEC and the HEDSA community.</li> </ul>

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	<ul style="list-style-type: none"> <li>To prepare and distribute agendas and related documentation together with the President 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 to market HEDSA and associated projects</li> </ul>
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d) Treasurer

Roles	Responsibilities
<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> <li>To provide financial support to the biennial conference 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 conference 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 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> <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>

e) Publicity and Communications Officer

Roles	Responsibilities
<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 support the finalisation of logistical arrangements for publicity-related events, campaigns, and communications initiatives in collaboration with relevant Exco members</li> </ul>

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f) One student representative elected from among the five provincial student representatives

Roles	Responsibilities
<ul style="list-style-type: none"> <li>To serve as the national voice for students with disabilities in the PSET sector</li> <li>To represent the interests of students with disabilities within HEDSA and its structures</li> <li>To promote inclusion and equity as fundamental principles in higher education</li> <li>To act as a consultative body on disability-related student matters</li> <li>To foster collaboration between students with disabilities across institutions and provinces</li> </ul>	<ul style="list-style-type: none"> <li>To advise on inclusive policy development and capacity-building programmes</li> <li>To lead disability awareness and education initiatives across institutions</li> <li>To identify and report on challenges and needs faced by students with disabilities nationally</li> <li>To promote and support mentorship and peer-led inclusion initiatives</li> <li>To work with Provincial Committees to implement inclusive practices and strategies</li> </ul>

g) Administrator / Office Bearer

Roles	Responsibilities
<ul style="list-style-type: none"> <li>Provide operational and logistical coordination for HEDSA's internal functions.</li> <li>Serve as administrative support to the NEC.</li> </ul>	<ul style="list-style-type: none"> <li>To coordinate and finalise logistical arrangements for HEDSA meetings and internal events, including scheduling, venue or platform setup, invitations, and administrative support, in collaboration with relevant Exco members</li> <li>Maintain central filing of NEC minutes and records.</li> <li>Manage and update institutional contact and stakeholder databases.</li> <li>Support administrative components of documentation preparation.</li> <li>Ensure accurate record-keeping (Dropbox, Email).</li> </ul>

Approved: 03 October 2025

NEC President: Dr Nosiphiwo Delubom



Signature: