

CONSTITUTION OF THE DULLAH OMAR INSTITUTE FOR CONSTITUTIONAL LAW, GOVERNANCE AND HUMAN RIGHTS OF THE UNIVERSITY OF THE WESTERN CAPE

1. NAME AND STATUS

- 1.1 The name of the Institute is “Dullah Omar Institute for Constitutional Law, Governance and Human Rights” (hereinafter referred to as “the Institute”).
- 1.2 The Institute is not a legal person but forms part of the Faculty of Law of the University of the Western Cape (hereinafter referred to as “the University”) and operates under the auspices of the Council of the University.

2. AIMS AND OBJECTIVES

- 2.1 The Institute recognises the need to pursue the transformation of society and the empowerment of women.
- 2.2 The Institute has the following aims and objectives:
 - 2.1.1 monitor, conduct research and publish in various disciplines related to constitutional law, governance and human rights;
 - 2.1.2 provide assistance and support to persons, communities and institutions pertaining to issues related to law, governance and human rights;
 - 2.1.3 teach and conduct postgraduate supervision in disciplines related to constitutional law, governance and human rights;
 - 2.1.4 conduct litigation in constitutional, governance and human rights matters of a public interest nature;
 - 2.1.5 engage in public education through seminars, conferences and publications on constitutional law, governance as well as human rights and related disciplines;
 - 2.1.6 collaborate with academic, civil society, government and international institutions in order to pursue comparative research and international and local advocacy around constitutional law, governance and human rights.

3. **SUPERVISION BY DIRECTOR**

- 3.1 The Director of the Institute (hereinafter referred to as “the Director”) is appointed by the Council of the University.
- 3.2 The Director:
 - 3.2.1 is accountable, within the University, for the management of the Institute;
 - 3.2.2 provides academic leadership to the members of the Institute;
 - 3.2.3 delegates responsibilities to members of the Institute;
 - 3.2.4 oversees the activities and the day-to-day running of the Institute;
 - 3.2.5 carries out those duties and performs those functions imposed upon him or her in terms of this Constitution;
 - 3.2.6 acts upon the advice of the Advisory Board within the framework of the University’s rules and policies; and
 - 3.2.7 in general, performs those duties and functions necessary to give effect to the aims and objectives of the Institute.

4. **ADVISORY BOARD**

- 4.1 The Advisory Board (hereinafter referred to as “the Board”) consists of:
 - 4.1.1 the Rector;
 - 4.1.2 the Deputy Vice-Chancellor responsible for research
 - 4.1.3 the Dean of the Faculty of Law;
 - 4.1.4 two further members of the teaching staff of the Faculty of Law nominated for a period of three years by the Board of the Faculty of Law of the University;
 - 4.1.5 the Chairperson of the Law Students Council of the University;
 - 4.1.6 the Director; and
 - 4.1.7 four members of the public who are elected at a meeting of the persons referred to in paragraph 4.1.1 to 4.1.7 for a period of three years.

- 4.2 In accepting nominations for the election of the members, contemplated in paragraph 4.1.8, the Board must consider the need for a diversity of academic disciplines and sectors in society to be represented on the Board.
- 4.3 Notwithstanding paragraphs 4.1 and 4.2, the term of any Board member who, at the time when this Constitution took effect, was elected in terms of paragraphs 4.1.5, 4.1.8 or 4.1.9 of the Constitution of the “Community Law Centre”, continues until it expires.
- 4.4 The Board is chaired by the Deputy Vice-Chancellor responsible for research, or someone designated by him or her.
- 4.5 The Board appoints, from its Members, a Vice-Chairperson who will chair Board meetings when the Chairperson, contemplated in paragraph 4.4 is not available.
- 4.6 If both the Chairperson and the Vice-Chairperson are not available to Chair a Board meeting, the members present must elect an acting chairperson from among themselves.
- 4.7 The Director is the Secretary of the Board.
- 4.8 The Board meets at least twice a year at a time and place determined by the Secretary who gives ten days written notice of such a meeting to all members of the Board, provided that written notice of seven days will suffice in respect of an extraordinary meeting as envisaged in paragraph 4.10 below.
- 4.9 A quorum at meetings of the Advisory Board will be constituted by 50% plus 1 of its members.
- 4.10 The Board takes decisions by a majority of the votes cast with ties in voting decided by the casting vote of the Chairperson.
- 4.11 The role of the Board will be to -
 - 4.11.1 provide overall guidance and advice on the activities of the Institute;
 - 4.11.2 annually recommend a budget for the Institute to the University.
- 4.12 The Chairperson must cause an extraordinary meeting to be convened upon receipt of a written request signed by at least one quarter of the members of the Board

- 4.13 Each member of the Board is entitled to appoint an alternate to represent him or her and to exercise the right to vote on his or her behalf at any meeting of the Board.
- 4.14 The Board oversees the functioning of the Management Committee.

5. **MANAGEMENT COMMITTEE**

- 5.1 A Management Committee is constituted and consists of:
 - 5.1.1 the Director;
 - 5.1.2 the Dean of the Faculty of Law;
 - 5.1.3 two members appointed by the Board from the Members of the Board, one of whom will be elected by the Board as the Chairperson; and
- 5.2 The following persons may attend meetings of the Management Committee:
 - 5.2.1 the Head of each Project, Programme or Initiative in the Institute;
 - 5.2.2 a representative of the Institute's research staff; and
 - 5.2.3 a representative of the Institute's support staff.
- 5.3 The Management Committee meets at least two times a year and when requested by any of its members.
- 5.4 The Management Committee
 - 5.4.1 decides on the addition, merger or removal of projects, programmes or initiatives as enduring features of the Institute;
 - 5.4.2 guides and assists the Director in the performance of his or her duties; and
 - 5.4.3 provides oversight over the performance by the Director of his or her duties.

6. FINANCIAL AFFAIRS

The financial affairs of the Institute are administratively handled by the central administration of the University.

7. ANNUAL REPORT

- 7.1 The Director compiles an annual report on the activities and finances of the Institute.
- 7.2 The annual report is completed within the first half of each year following upon the previous calendar year
- 7.3 The annual report is submitted to:
 - 7.3.1 the Council of the University;
 - 7.3.2 the Advisory Board; and
 - 7.3.3 the Senate through the Board of the Faculty of Law.

8. AMENDMENTS TO THE CONSTITUTION

Amendments to this Constitution are effected by a decision of the Board, provided that no amendment shall have any force or effect unless it is ratified by the Council of the University.

9. COMMENCEMENT

This Constitution comes into operation on a date fixed by the Rector in writing.