



Constitution *of the*
National Association
of Distance Education and Open
Learning in
South Africa
(NADEOSA)

(As adopted by the Founding Meeting on 2 August 1996 and including all amendments up until 6th October 2017.

Preamble

NADEOSA is an inclusive civil society association that provides a forum for South African organisations and individuals who are interested and/or involved in Open and/or Distance Learning (ODL).

NADEOSA focuses on the promotion and support of quality open and/or distance learning (ODL) in South Africa.

Any organisation, institution, individual or body directly involved in using or promoting the use of distance education and/or other flexible methods to open access to quality learning is eligible for membership. Consequently, the membership of NADEOSA includes traditional contact-based institutions as well as organisations and individuals with an interest in ODL approaches in addition to dedicated distance education providers.

NADEOSA supports the National Education policy position that: -

"The over-arching goal of policy must be to enable all individuals to value, have access to and succeed in lifelong education and training of good quality. Education and management processes must therefore put the learners first, recognising and building on their knowledge and experience, and responding to their needs. An integrated approach to education will increase access, mobility and quality in the national system (which) must provide an increasing range of learning possibilities, offering learners greater flexibility in choosing what, where, how and at what pace they learn."

Definitions

Nadeosa understands Open Learning as a set of guiding **principles** that could inform any mode of educational provision while Distance Education/ Distance Learning refers to a set of **methods** for providing access to meaningful learning opportunities without necessarily requiring teachers and learners to be in the same place at the same time. Different organisations and institutions will place different amounts of emphasis on the open and distance components in line with their particular context and mission as illustrated in the examples cited in the Addendum.

The White Paper on Education and Training of 1995 understood Open Learning Principles as a set of principles that should apply to **any** educational programme:

Open Learning Principles is an approach which combines the principles of learner-centredness, lifelong learning, flexibility of learning provision, the removal of barriers to access learning, the recognition for credit of prior learning experience, the provision of learner support, the construction of learning programmes in the expectation that learners can succeed, and the maintenance of rigorous quality assurance over the design of learning materials and support systems. (Department of Education, 1995).

This understanding was subsequently carried over into the 2013 White Paper on Post School Education and Training which identifies an expanded role for quality open and distance learning provision and which is supported in the case of Universities by the 2014 Policy for the Provision of Distance Education in South African Universities in the Context of an Integrated Post School System which provides a discrete point in the continua of possible practices at which the term "distance" education will apply for funding and quality assurance purposes:

the term 'distance education' therefore refers to provision in which students spend 30% or less of the stated Notional Learning hours in undergraduate courses at NQF Levels 5 and 6, and 25% or less in courses at NQF Level and initial post-graduate courses at NQF Level 8, in staff-led, face-to-face, campus-based structured learning activities. (DHET, 2014: 9).

1. Name and Nature

- 1.1 The name of the association shall be THE NATIONAL ASSOCIATION OF DISTANCE EDUCATION AND OPEN LEARNING IN SOUTH AFRICA (hereinafter referred to as NADEOSA)
- 1.2 NADEOSA commits itself to the values and principles underlying the basic human right to lifelong education, namely: quality, freedom of choice, democracy, liberty, equality, justice, peace, accountability and mutual respect for people's diverse religions, cultural and language traditions.
- 1.3 NADEOSA is a voluntary organisation of bodies (legal personae), capable in its own name of suing and being sued, and of holding, owning and/or disposing of any rights or interests in or over movable or immovable property.
- 1.4 Members undertake to participate constructively and actively in the affairs of NADEOSA.
- 1.5 The liability of any member towards NADEOSA shall be limited to the member's annual contribution.
- 1.6 NADEOSA is not an accrediting agency and may therefore only act as a conduit for grievances to be passed on to the appropriate regulatory body.

2. Objectives

The objectives of NADEOSA are to -

- 2.1 facilitate collaboration among organisations and individuals involved or interested in distance education methods and/or open learning principles in South Africa;
- 2.2 advocate awareness, understanding and application of distance education methods and open learning principles amongst policy makers, practitioners and learners;
- 2.3 promote research and evaluation on all aspects of distance education, open learning and related topics in South Africa;
- 2.4 exert influence with regard to adequate policy (including financial support) for distance education;
- 2.5 advance the professional interests of distance education practitioners; and
- 2.6 promote and enhance quality assurance in distance education;
- 2.7 support professional development for distance education and open learning as far as is possible within the constraints of its nature as a voluntary association.

3. Functions

NADEOSA strives to attain its objectives by -

- 3.1 encouraging networking and communication between relevant individuals, organisations and programmes;
- 3.2 organising workshops, discussions and conferences and creating a forum for debate;
- 3.3 disseminating information among members and appropriate parties;
- 3.4 encouraging the sharing of expertise amongst members and appropriate parties;
- 3.5 making joint submissions regarding distance education, open learning and related topics;
- 3.6 promoting and coordinating joint research projects among members and appropriate parties;
- 3.7 cooperating with governmental and other bodies concerned with distance education and open learning;
- 3.8 promoting the rationalisation and consolidation, where appropriate, of educational, academic and administrative activities, while promoting the optimum use of both private and public resources in distance education, open learning and related activities;
- 3.9 seeking assistance in South Africa and abroad for the promotion of distance education methods and open learning principles;
- 3.10 acting, where appropriate, as a representative of distance education organisations to regional and international associations; and
- 3.11 performing any other task which may enhance distance education and open learning in South Africa excluding the function of accreditation.

4. Membership and subscriptions

- 4.1 Any organisation, institution, individual or body directly involved in using distance education and/or other flexible methods to open access to quality learning is eligible for membership in one of the following categories -
 - 4.1.1 Institutions, consortia or programmes which are involved, or intend to be involved in the use of distance education methods and/or the application of open learning principles;
 - 4.1.2 Associations of individuals, institutions or programmes which are involved, or intend to be involved in the use of distance education methods and/or the application of open learning principles;
 - 4.1.3 Professional bodies which are involved or intend to be involved in the use of

distance education methods and/or the application of open learning principles;

- 4.1.4 Governmental bodies involved in the implementation of programmes using distance education methods and/or applying open learning principles.
- 4.1.5 Institutions which support the aims and objectives of NADEOSA, but are not eligible for ordinary membership, may be admitted as associate members
- 4.1.6 Individuals, who support the aims and objectives of NADEOSA, may be admitted as non-voting individual members of the association.
- 4.2 At any **Council** meeting of NADEOSA each member organisation in good standing shall be represented by its duly authorised voting delegate(s), who may each be accompanied by an alternate delegate who shall be entitled to speak but not to vote.
- 4.3 Member organisations with more than 100 staff involved in distance education shall be entitled to three votes, organisations with 50 – 99 staff involved in distance education shall be entitled to two votes, and organisations with 49 or fewer staff involved in distance education or due to the nature of their work have no students shall be entitled to one vote at the AGM.
 - 4.3.1 One representative of an associate member or one alternate may attend the meetings and partake in the activities of NADEOSA. Such an associate member shall not have the right to vote, nor be elected to the Executive Committee, but such a member may be co-opted to the Executive Committee. This applies also to individual members.
- 4.4 Applications for membership or associate membership should be done in the way prescribed by the Council of NADEOSA.
- 4.5 The Executive Committee may accept or reject any application or refer it back to the applicant for further particulars.
- 4.6 Membership requires payment of subscriptions. Membership subscriptions shall be determined by the Council and will differ for categories of members and associate members subject to the general stipulations in Section 8.
- 4.7 Membership fees will automatically be increased by 10% on an annual basis. However, the Executive Committee reserves the right to propose additional increases to Council at an annual general meeting when deemed necessary.
- 4.8 Resignation of a member or associate member from NADEOSA shall be by way of a letter addressed to the President.

Membership of NADEOSA may be terminated by the Executive Committee when a member or associate member is in arrears with its subscriptions or when a member or associate member, in the opinion of the Council, acts in a way that is not in the interests of NADEOSA.

5. Composition of Council and Executive Committee

- 5.1 The Council of NADEOSA shall be a General Meeting of members to be held annually or when deemed necessary by the Executive Committee.

- 5.2 The Council shall consist of all voting delegates referred to in clause 4.2 above.
- 5.3 At a general meeting the Council shall elect:
- 5.3.1 a President, who is elected for a two-year period and is eligible to be elected for one further term of office. The member organisation whose delegate serves as President may nominate another delegate to represent it for that period;
- 5.3.2 a Vice-President, who shall perform the functions of president when he/she is unable to do so; and
- 5.3.3 an executive committee for a period of two years. Members may subsequently be re-elected.
- 5.4 The Executive Committee of the Council shall consist of:
- 5.4.1 the President and the Vice-President.
- 5.4.2 eight persons elected as members of the Executive Committee by the Annual General Meeting. In electing such members, the Council should make every effort to ensure a reasonable representation among the categories of membership (see clauses 4.1, 4.6.1) and among the different kinds of providing institutions. The Secretary and Treasurer will then be chosen by the Executive Committee Members elected in terms of clause 5.4.1, 5.4.2 and 5.4.3;
- 5.4.3 not more than three persons appointed by the elected members of the Executive Committee referred to in sub-clauses 5.4.1 to 5.4.2 on the ground of their expertise or experience in matters regarding NADEOSA. Member organisations with more than 30 000 students shall be entitled to have representation of up to three persons on the executive committee during any one year, organisations with 10 000 to 30 000 students shall be entitled to have two persons serving on the executive during any one year, and organisations with less than 10 000 students or due to the nature of their work have no students will be entitled to have one representative on the Executive Committee during any one year.
- 5.5 The Executive Committee shall have the right to co-opt other members (without voting rights on to the executive) for specific purposes as and when the need arises.
- 5.6 The Council may at its discretion delegate any or all its powers and functions to the Executive Committee appointed in terms of clause 5.4.
- 5.7 Members of the Executive Committee should at all times act in the best interests of all the members of NADEOSA.
- 5.8 The Council may at any time appoint such other committees or working groups as it may deem necessary to assist it in the performance of its functions, and to define their terms of reference and determine their powers.
- 5.9 The headquarters of NADEOSA shall be at a place determined by the Council at such time as it is appropriate and feasible.

6. Meetings

- 6.1 The Council shall meet at least once per year at a place and time determined by the Executive Committee; provided that mechanisms should be put in place to enable all members to attend; provided further that one of the meetings shall be the annual general meeting which shall be held within 90 days of the end of the NADEOSA financial year (currently July to June) for the purpose of:
- electing office bearers;
 - considering the President's report;
 - accepting the financial statements; and
 - transacting any other business necessary at or generally associated with an annual general meeting.
- 6.2 The Executive Committee shall meet as often as the business of NADEOSA so requires at a place and time determined by the Committee; provided that the President may, with reasonable notice, call a meeting of the Committee to deal with urgent matters.
- 6.3 An executive committee meeting shall be considered quorate if 50% plus one members are present subject to the provision that if one third of executive committee members are able to participate, the minutes of such a meeting will be circulated to all members and will be considered as binding unless an objection is lodged within 5 working days of the issuing thereof. If less than one third of members are able to participate in an executive committee meeting, it should be cancelled and re-scheduled.
- 6.4 Notice of a matter which a member desires to be considered at a meeting shall be in writing and shall be lodged with the Secretariat of the Council at least 30 days before the date of a meeting; provided that, subject to other provisions in this constitution, a member may with the consent of two-thirds of the voting delegates present, submit an urgent matter at a meeting without notice.
- 6.5 At least 21 days before a meeting the Secretary shall notify each member in writing of the time and place of the meeting and the business to be considered thereat.

7. Procedure at Council Meetings

- 7.1 One third of the members shall form a quorum at the AGM. Designated institutional representatives who are unable to attend may delegate another member to vote on their behalf by completing the approved NADEOSA proxy voting form. The proxy voters will be included as part of the quorum.
- 7.2 At any meeting, the President shall take the chair or, in her/his absence, the Vice-President.
- 7.3 In the absence of both the President and the Vice-President the meeting shall elect a chairperson. The chairperson thus elected shall act as chairperson at that meeting and only during the absence of the President and the Vice-President.

- 7.4 A proper record shall be kept of all meetings and be confirmed at the following meeting by the signature of the chairperson; provided that the meeting may consider such minutes as read if a copy thereof has previously been sent to each member.
- 7.5 The ruling of the chairperson on any question of order or procedure shall be binding unless immediately challenged by a voting delegate, in which event it shall be submitted without discussion to the meeting and the decision of the meeting shall be final.
- 7.6 Each decision of the meeting shall be taken by a majority vote of authorised voting persons, including proxies; provided that in the event of a tie of votes, the chairperson shall in addition to his/her deliberative vote, also have a casting vote.
- 7.7 Voting shall be by show of hands, save when the meeting decides that the voting on a matter shall be by secret ballot.
- 7.8 Where unanimity has been reached within reasonable time by at least two thirds of all the possible votes by means of fax, letter, telegram, or other reasonable means and without convening a meeting, this shall be deemed a resolution of the Council.
- 7.9 Observers may, with the approval of the chairperson, be invited; provided that the meeting may decide to discuss any matter in committee, whereupon only delegates with voting rights shall be entitled to be present; provided further that the meeting may permit any other person to be present.

8. Financial Provisions

- 8.1 The Treasurer shall keep such accounting records as are necessary to reflect the income and expenditure as well as the transactions and financial state of affairs of NADEOSA.
- 8.2 The Executive Committee shall open an account for NADEOSA at a registered financial institution.
- 8.3 All payments from such account shall be authorised by the Executive Committee and be paid by cheque; provided that such cheque shall be signed by the Treasurer and one other member of the Executive Committee.
- 8.4 The financial statements of NADEOSA shall be audited by an auditor registered with the Public Accountants and Auditors Board and the report of the auditor shall be presented by the Treasurer with his/her financial report at the annual general meeting.
- 8.5 The financial year of NADEOSA shall commence on the 1st July each year.
- 8.6 Membership subscriptions for the following year shall be tabled and agreed by the Council at the AGM.

9. Language

The language of record of NADEOSA shall be English.

10. Amendment of Constitution

This Constitution may be amended by a decision of any Council meeting of NADEOSA provided that:

- 10.1 thirty days' notice in writing shall have been given to all members;
- 10.2 full details of the proposed amendment shall have been contained in the notice thus given;
- 10.3 the Executive Committee shall have submitted to members prior to or at the meeting concerned, a report on the proposed amendment; and
- 10.4 two thirds of voting delegates present at the meeting support the proposed amendment.

11. Dissolution of NADEOSA

NADEOSA may be dissolved if at least 75% of all possible votes at the Council meeting are in favour of such dissolution at a special general meeting called for this purpose. Proxy votes will be acceptable.

No motion for the dissolution of NADEOSA shall be considered unless all members were advised thereof at least three months prior to the voting on the motion.

If upon dissolution of NADEOSA there remains after the satisfaction of all debts and liabilities any property whatsoever, the same shall not be paid to or distributed among members of NADEOSA, but shall be given or transferred to some other institution or institutions having objects similar to NADEOSA, to be determined by the members of NADEOSA at or before the time of dissolution, and in default thereof by the Minister under whose control distance education falls in the Republic of South Africa.