

STANDARD CONSTITUTION FOR E-COMMUNITY FORUMS

1. PREAMBLE

WHEREAS the Provincial Government of the Western Cape, in its Department of the Premier has committed itself to the principle of e-inclusiveness by being a party to the drafting of the Declaration of Principles and Plan of Action at the World Summit on Information Society (WSIS);

AND WHEREAS e-inclusiveness is a philosophy that recognises the interdependence and sharing of responsibility of all members of government, business community and local communities for improved service delivery and ease of access to information (government and non-government) through the use of Information Communications Technology (“ICT”) for all people of the Western Cape;

AND WHEREAS the Provincial Government of the Western Cape in its Department of the Premier has embarked on a project to realise the main principles of e-inclusiveness by establishing the e-Community Forums in local communities;

NOW, THEREFORE, WE ADOPT THIS CONSTITUTION.

2. DEFINITIONS:

In this document, the following words or phrases bear the meaning as indicated, except if the context indicates otherwise:

2.1 “days” means all the days of the week, excluding Saturdays, Sundays and Public Holidays;

2.2 “Department” means the Provincial Government of the Western Cape: Department of the Premier, Centre for E-Innovation;

2.3 “Forum” means the _____ e-Community Forum, established as a voluntary community organisation in terms of an establishment/founding meeting of the Forum;

2.4 “ICT” means Information Communications Technology;

2.5 “accreditation” means the accreditation of the Forum in terms of paragraph 17 of this Constitution;

3. ASSOCIATION AND LEGAL PERSONALITY

3.1 The name of the forum is the e-Community Forum (hereinafter, referred to as “*the Forum*”).

3.2 This Forum is a community based, non profit, non racial and non-political voluntary association, that implement and promote all matters relating to ICT at a local community level.

3.3 The Forum has no separate legal personality and may not own property, such property being movable or immovable, accept donations, gifts or bequests, hold bank accounts, conclude loan agreements or provide security.

4. AIMS AND OBJECTIVES

4.1 The Forum has the following aims and objectives:

4.1.1 To promote and mobilise the use of ICT at a local community level;

4.1.2 To determine the need for ICT amongst the local community within the municipal area it functions;

4.1.3 To facilitate, in collaboration with the Department, the training of members of the local community in the use of ICT;

4.1.4 To co-operate with other similar organizations in order to promote ICT;

4.1.5 To develop suitable ICT projects for implementation at the e-centre within the Forum’s municipal area;

4.1.6 To promote the use of the Department's Cape Gateway project as a single access point to government information and services; and

4.1.7 To promote the Ikapa Elihlumayo framework.

4.2 All activities and resources of the Forum will only be utilised in respect of the promotion of the aims and objectives as described in paragraph 4.1.

5. MEMBERSHIP

5.1 Any person, body, organisation or institution may apply for membership of the Forum irrespective of race or gender, provided that such a person has an interest in ICT and is living or is situated within the geographical area of the Municipality where the Forum is situated.

5.2 Membership of the Forum can be obtained by:

5.2.1 lodging an application for membership to the Chairperson of the Executive Committee;

5.2.3 being offered membership by the Executive Committee, of the Forum; or

5.2.4 being co-opted to the Forum.

5.3 Notwithstanding the provisions of clause 5.2, a representative from the Department, Local government and the Centre manger will serve as an ex officio-members of the Forum.

5.4 Applications for membership must be in writing.

5.5 A body, organisation or institution applying for membership of the Forum must include in their application the following:

5.5.1 details relating to the composition and profile of management, members and its staff compliment;

5.5.2 the aim and objectives of the entity;

5.5.3 a motivation dealing with the value that the applicant will add to the Forum; and

5.5.4 the designated person who will represent and vote for the entity at the Forum's proceedings, should the application be approved.

5.6 Invitations by the Executive Committee to offer membership to a person or a body, organisation or institution must be in writing, stating the reason for such invitation. An acceptance of the offer must be in writing.

5.7 An applicant may request reasons from the Executive Committee for the rejection of his or her application.

5.8 No membership fees shall be payable.

5.9 Membership to the Forum will be for such a period as determined by the Executive Committee at the time of the member joining the Forum, but not exceeding three years, provided that a member may be re-considered for membership at the expiry of the initial or subsequent membership period.

6. RIGHTS, DUTIES AND OBLIGATIONS OF MEMBERS

6.1 Every member shall have the following rights:

6.1.1 To participate in all the activities of the Forum;

6.1.2 To present matter on meetings, to participate in discussions, to make recommendations, to second and vote on matters presented at the Forum, except for person co-opted to the Forum that shall not be able to vote at any meeting of the Forum.

6.1.3. To elect or be elected as a member of the Executive Committee or any other committee or representative position;

6.1.4. To have access to the records, books and minutes of all meetings of the Forum; and

6.1.5 To vote during meetings of the Forum, provided that in respect member organisations or institutions, such right may only be exercised by the designated representative.

- 6.2 Every member shall have the following obligations:
- 6.2.1 To subscribe to and to promote the aims and objectives of the Forum as described in this Constitution;
 - 6.2.2 To realise the aims and objectives of the Forum;
 - 6.2.3 To be punctual and to attend meetings regularly;
 - 6.2.4 To comply with the general procedure for meetings; and
 - 6.2.5 To comply with the provisions of this Constitution and the Code of Conduct.
- 6.3 The ex-officio members appointed in terms of clause 5.3, must comply with all the obligations referred to in sub-clause 6.2 and have all the rights as referred to in clause 6.1, except the right referred to in sub-clause 6.1.3.
- 6.4 If a member is absent from three (3) consecutive meetings without a written apology, the Executive Committee may suspend such member's membership for a period as determined by the Executive Committee.

7. MANAGEMENT

- 7.1 The Forum is managed by an Executive Committee, the members of which are elected at the Bi-Annual General Meeting and which comprises of:
- 7.1.1 a Chairperson;
 - 7.1.2 a deputy-Chairperson;
 - 7.1.3 a Secretary;
 - 7.1.4. a Non –Governmental Organisational Co-ordinator;
 - 7.1.5. a Public Relations and/or Community Liaisons Officer;
 - 7.1.6. a Training co-ordinator;
 - 7.1.7 an Administrative Officer;
 - 7.1.8 a Marketing Officer;
 - 7.1.9. an Events Co-ordinator;
 - 7.1.10 a Disciplinary Officer; and

7.1.11 Any additional members, as decided by the Forum at an Annual General Meeting.

7.2 The Executive Committee of the Forum shall, in executing its managerial functions, have the following powers and duties:

7.2.1 To approve or reject applications for membership;

7.2.2 To set up at its discretion geographical sub-forums which shall be bound by this Constitution;

7.2.3 To appoint a disciplinary body as provided for in clause 12 of this Constitution;

7.2.4 To appoint at its discretion committees or sub-committees and to allocate issues and tasks to these committees and co-opt members from the Forum to serve on these committees;

7.2.5 To maintain and supervise efficient control over members and the administration of the Forum;

7.2.6 To ensure that proper minutes and records are kept and that it is represented at the following meeting for acceptance;

7.2.7 To prepare an annual report, indicating the extent to which the Forum has achieved its objectives for that year; and

7.2.8 To accept, investigate, consider and rule on grievances or conflicts received regarding the activities of the Forum.

7.3 Executive Committee members shall be elected for a period determined at the time of their appointment, but not exceeding 2 (two) years. Office-bearers will be eligible for re-election with regard to the same position for a maximum of 2 (two) years. After such periods, the office-bearers will not be eligible for re-election.

7.4 If any office-bearer of the Executive Committee is absent from 3 (three) consecutive meetings of the Executive Committee without a valid, written apology,

the Executive Committee may expel such office-bearer from the Executive Committee.

7.5 The Executive Committee may co-opt any person, if necessary.

8. MEETINGS

8.1 ORDINARY MEMBERSHIP MEETINGS

8.1.1 Membership meetings shall be held at least once every three months, which may be attended by all members of the Forum and members of the local community in order to, but not limited to-

8.1.1.1 adopt campaigns and programs initiated by the Forum;

8.1.1.2 receive and consider reports from the Executive Committee;

8.1.1.3 implement directives and feedback from the Department;

8.1.1.4 make submissions to the Department; and

8.1.1.5 receive reports of the state of ICT affairs within the local community.

8.1.2 Written notice of meetings will be given by the Secretary at least seven (7) days prior to such meeting to all members of the Forum, indicating the date, place, time and most important matters on the agenda of such meeting.

8.1.3 A quorum will consist of 51% of the Forum members.

8.1.4 All matters are decided on by majority vote.

8.1.5 If a quorum is not attained at the convening of a scheduled meeting, the meeting will be postponed for at least 14 (fourteen) days or for such a period as decided by the Executive Committee.

8.1.6 The Chairperson, or in the Chairperson's absence, the deputy-Chairperson acts as presiding officer at the meeting. When both the Chairperson and deputy-Chairperson are absent or unable to act as chairperson, the members must elect, by majority vote, a member to preside at the meeting.

8.2. BI-ANNUAL GENERAL MEETINGS

- 8.2.1 An Bi-Annual General Meeting must be called for between 1 October and 30 November every second year, which may be attended by any member, members of the member-organisations, institutions or bodies, government representatives, other interested parties and members of the community.
- 8.2.2 Written notice of the Bi-Annual General Meeting will be given by the Secretary at least twenty-one (21) days prior to such meeting to all members of the Forum.
- 8.2.3 A quorum will consist of 51% of the Forum members.
- 8.2.4 If no quorum is present, the meeting may be postponed by 14 days or such a period as decided by the Executive Committee.
- 8.2.5 At an Bi-Annual General Meeting the Forum shall-
- 8.2.5.1 consider and make proposals to the Forum and the Department on the aims and objectives of the Forum;
 - 8.2.5.2 receive, discuss and adopt the Executive Committee's report on the work of the Forum, which will include the Chairperson's report;
 - 8.2.5.3 discuss and accept resolutions on local matters pertaining to overall policy objectives of the Forum with regard to ICT;
 - 8.2.5.4 review the activities of the Forum for the past year; and
 - 8.2.5.5 elect Executive Committee members to Executive Committee vacancies, if any.
- 8.2.8 All matters are decided on by majority vote, by the show of hands, except the election of Executive Members that is decided on by way of written ballot.
- 8.2.9 The Chairperson, or in the Chairperson's absence, the deputy-Chairperson acts as presiding officer at the meeting. When both the Chairperson and deputy-Chairperson are absent or unable to act as chairperson, the members must elect, by majority vote, a member to preside at the meeting.

8.3. SPECIAL GENERAL MEETINGS

- 8.3.1 The Secretary may on written request of at least five (5) members of the Forum, convene a Special General Meeting to discuss and rule on special matters.
- 8.3.2 Requests for a Special General Meeting must reach the Secretary at least thirty (30) days prior to the envisaged meeting.
- 8.3.3 The Secretary must in writing notify all members of the Forum of an intended Special General Meeting at least 21 (twenty-one) days in advance.
- 8.3.4 Notice of such a Special General Meeting must specify the purpose, date, time, venue and agenda of the proposed Special General Meeting.
- 8.3.5 Only matters on the agenda may be considered and voted on at the Special General Meeting.
- 8.3.6 51 % of the members of the Forum will constitute a quorum.
- 8.3.7 If a quorum is not attained at the convening of a scheduled meeting, the meeting will be postponed for at least 14 (fourteen) days or for such a period as decided by the Executive Committee.
- 8.3.8 The Chairperson, or in the Chairperson's absence, the deputy-Chairperson acts as presiding officer at the meeting. When both the Chairperson and deputy-Chairperson are absent or unable to act as chairperson, the members must elect, by majority vote, a member to preside at the meeting.
- 8.3.9 All matters are decided on by majority vote, by the show of hands, except the election of Executive Members that is decided on by way of written ballot.

8.4 EXECUTIVE COMMITTEE MEETINGS

- 8.4.1 The Executive Committee of the Forum convenes at least twice a month, and more often if necessary, to discuss and rule on matters relating to the management of the Forum.
- 8.4.2 51 % of the members of the Executive Committee will constitute a quorum.
- 8.4.3 If a quorum is not attained at the convening of a scheduled meeting, the meeting will be postponed for at least 14 (fourteen) days or for such a period as decided by the presiding officer.
- 8.4.4 All matters are decided on by majority vote, by the show of hands.
- 8.4.5 The Chairperson, or in the Chairperson's absence, the deputy-Chairperson acts as presiding officer at the meeting. When both the Chairperson and deputy-Chairperson are absent or unable to act as chairperson, the remaining members of the Executive Committee must elect, by majority vote, a member to preside at the meeting.

8.5 MEETINGS BETWEEN THE EXECUTIVE AND THE EX-OFFICIO MEMBER

- 8.5.1 The executive will meet with the ex officio-member of the Forum at least once a month to discuss ICT matters.
- 8.5.2 The ex-officio Forum Member will conduct at least a quarterly review of the activities of the Forum.

9. ACCREDITATION AND CERTIFICATION

- 9.1 The Forum shall not qualify for any benefits in terms of the policy of the Department and its Centre for E-Innovation if it not accredited with the Department.
- 9.2 The application of the Forum to qualify for accreditation has to be accompanied by:

9.2.1 a letter of support from the local authorities within which jurisdiction the Forum is situated;

9.2.2. letter of support form the management of the relevant e-centre who supplies the ICT to the Forum;

9.2.3. a copy of the minutes and attendance register of the founding meeting of the Forum;

9.2.4. a signed copy of this Constitution and Code of Conduct.

9.3 Upon accreditation the Forum shall be presented with a certificate signed by the Department's Provincial Chief Information Officer and the Premier or his representative, stating that such Forum is deemed to be established as a representative e-Community forum of the geographical area within which it exists.

9.2 The Centre for E-Innovation will monitor and evaluate the activities of the Forum.

10. CODE OF CONDUCT

10.1 All members must exercise mutual understanding on a cross-cultural level, in its dealings with ICT, act maturely, diplomatically and in a civilised way;

10.2 All members must behave in a controlled and dignified manner when dealing with members of the community, NGO's, donors and the Department;

10.3 Members must refrain from promoting secular views on party politics when dealing with ICT matters;

10.4 Members must refrain from using abusive language and passing racist or sexist remarks during meetings;

10.5 No member shall misuse the resources of the Forum;

10.6 No member shall abuse his/her position or the name of the Forum for personal gain;

- 10.7 No member shall contravene the provisions of the Code of Conduct or this Constitution;
- 10.8 No member shall be allowed to participate in the activities of the Forum if found to be under the influence of an illegal substance or alcohol, while performing a function of the Forum;
- 10.9 Any member found to have contravened the Constitution and/or the Code of Conduct may be suspended pending a disciplinary hearing.

11. DISCIPLINARY AND DISPUTE RESOLUTION PROCEEDINGS

11.1 The objects of disciplinary and dispute resolution proceedings are to –

11.1.2 address instances of unacceptable conduct by members of the Forum;

11.1.2 resolve and manage conflict and grievances in the Forum; and

11.1.3 ensure that before disciplinary steps are taken-

11.1.3.1a member has a reasonable opportunity to state his/her case, with or without representation; and

11.1.3.2 all relevant circumstances are fully and objectively considered before a decision is taken.

12 DISCIPLINARY PROCEDURES

12.1 A disciplinary committee will consist of 4 (four) members:

12.1.2 The Chairperson of the Executive Committee;

12.1.3 The Secretary of the Executive Committee;

12.1.4 The Disciplinary officer appointed in terms of clause 8.1.10 of the Forum; and

12.1.5 The e-centre manager, if such manager is not the Chairperson.

12.2 The disciplinary committee may make the following orders:

12.2.1 reprimand a member, person or representative of a member;

12.2.2 suspension of membership; and/or

12.2.3 expulsion from the Forum.

12.2 In the event that an affected member is not satisfied with the decision of the disciplinary committee at the disciplinary hearing, he or she has the right to appeal in writing within 14 (fourteen) days of the decision to the Department's Chief Informational Officer, forwarding in writing the following:

12.2.1 A copy of the written record and of the disciplinary committee's proceedings, that must include a copy of the disciplinary committee's findings; and

12.2.2 A submission, clearly indicating the grounds for appeal.

12.3 The Department's Chief Informational Officer may:

12.3.1.1 confirm the decision of the disciplinary committee;

12.3.1.2 set aside the decision of the disciplinary committee;

12.3.1.3 amend the decision of the disciplinary committee; or

12.3.1.4 refer the matter back to the disciplinary committee for reconsideration.

12.4 The Chief Informational Officer's must decide the appeal within 30-days after receiving the written request for appeal.

13. CLASSIFICATION OF OFFENCES

13.1 A grave offence shall be committed by a person who damages or destroys the integrity of the Forum, its personnel, or property by doing the following:

13.1.1 sabotages the activities of the Forum;

13.1.2 creates division within the ranks of the Forum;

13.1.3 impedes the proper functioning of the Forum;

13.1.4 commits any other act calculated to undermine its effectiveness as a Forum;

13.1.5 acts for other organization(s) or group hostile to the Forum's policy and principles;

13.1.6 acts for any group or person who wishes to destroy the Forum or prevent it from fulfilling its set aims and objectives.

13.2 A serious offence shall be committed by a person, member or representative of a member, who, *inter alia*:

13.2.1 acts in a way that exposes the members of the Forum or members of the public to serious danger, physical harm or death;

13.2.2 behaves dishonestly in relation to the property of the Forum;

13.2.3 passes on information carelessly that might be harmful to the activities of the Forum;

13.2.4 abuses an office by using his or her position to obtain material or other undue advantages from members or others;

13.2.5 fights or behaves in a grossly disorderly and unruly manner; and/or

13.2.6 commits a serious criminal act.

14 AMENDING THE CONSTITUTION

14.1 Proposed amendments to the Forum constitution must be circulated to members of the Forum and the Department in writing 14 (fourteen) days before the Bi-Annual General Meeting or a Special General Meeting of the Forum.

14.2 Amendments of the Forum Constitution may only be made by a 2/3 (two-thirds) majority at the Bi-Annual General Meeting or a Special General Meeting of the Forum and after consultation with the Department.

14.3 It is recorded that the Department reserves its right to, after reasonable written notice to the Forum, withdraw the Forum's accreditation if the amendment(s) to the Forum Constitution, in the opinion of the Department, is contrary to any statutory provisions, the Constitution of the Republic of South Africa, or in any way detracts from the spirit or intention of the e-inclusiveness drive.

15. DISSOLUTION OF THE FORUM

15.1 After thorough consultation with all relevant parties, the members may dissolve the Forum, subject to a 2/3 (two-thirds) majority of the votes at the Bi-Annual General Meeting or a Special General Meeting of the Forum.

15.2 Upon the dissolution of the Forum, the Chief Information Officer of the Department may identify a community organization that will carry out the duties of the dissolved Forum.

We, the _____ e Community Forum here present firmly commit ourselves to the vision, the aims and objectives of this constitution. We confirm our commitment in building and information society in our community. We commit ourselves in ensuring the appropriate use of ICTs for the betterment of our community, and declare this constitution as binding to all members of our e-Community Forum

CHAIPERSON
Xxxxxxx e-COMMUNITY FORUM

LOCAL AUTHORITY REPRESENTATIVE
Xxxxxxxxxx MUNICIPALITY

CHIEF INFORMATION OFFICER
PROVINCIAL GOVERNMENT OF THE WESTERN CAPE