



GAELIC CONSTITUTION

1. NAME AND STATUS

- 1.1 The Gauteng and Environs Library Consortium (hereinafter referred to as GAELIC), is a Programme which was supported by the **Foundation of Tertiary Institutions of the Northern Metropolis** (hereinafter referred to as FOTIM) in terms of clause 5.4.5 of the FOTIM constitution.
- 1.2 GAELIC fosters regional library collaboration and to support an integrated library system and related services for the libraries of public higher education institutions in the FOTIM region and such other institutions and bodies accepted as members of GAELIC in terms of the Constitution of FOTIM.
- 1.3 GAELIC shall be managed by the structures indicated in this constitution to whom FOTIM delegates the authority in respect of this programme provided that the Board of FOTIM is not divested of exercising such powers and duties itself; provided further that major policy decisions shall be referred to the FOTIM Board for ratification.
- 1.4 GAELIC is not a separate legal persona, but functions under the auspices of FOTIM which is a not-for-profit academic consortium.
- 1.5 The liability of any member institution of GAELIC shall be limited to the institution's annual contribution and any contractual obligations undertaken by such institution; provided that persons serving on the governance structures of GAELIC are exempt from any personal liability for any debt or liability of GAELIC.
- 1.6 The institutional autonomy and academic freedom of each member shall be maintained, respected and upheld. Within this framework the members undertake to co-operate and support one another, be of service to one another, and honour the obligations they have agreed to.

2. VISION OF GAELIC

The vision of GAELIC is to create a virtual library with local service interfaces, forming part of a global information community. This shall be achieved by a group of autonomous academic and research libraries, utilising technology and linked by networks, which accept the need to explore co-operation and

collaboration by consensus as a response to the educational, training and information needs of the region and nationally.

3. MISSION OF GAELIC

The mission of GAELIC is to fully utilise and develop the information resources of the FOTIM region for the purpose of promoting education, research and lifelong learning amongst its members, as a contribution to development.

4. OBJECTIVES OF GAELIC

The objectives of GAELIC are to –

- 4.1 arrive at decisions on the basis of consensus
- 4.2 establish a formal relationship between members in order to foster co-operation, collaboration and contact;
- 4.3 support the information needs of members through regional collaboration while encouraging each member to provide basic and relevant information;
- 4.4 promote resource sharing and enhance access to information;
- 4.5 formulate appropriate collection development and acquisitions policies among members and to explore ways of saving costs;
- 4.6 facilitate access to information through shared computer systems and networks;
- 4.7 foster innovation and research, utilise appropriate and up-to-date technology and keep abreast of new technological developments;
- 4.8 improve information literacy among clients and share training resources and expertise where appropriate;
- 4.9 provide tangible benefits to all members;
- 4.10 build links with other types of libraries, as appropriate;
- 4.11 explore sources of finance for the enhancement of information provision within GAELIC;
- 4.12 involve all Operational Committees and team members through contact and collaboration;
- 4.13 contribute towards the provision of information for the development of South Africa;
- 4.14 investigate and report on matters it deems appropriate or which are referred to it by FOTIM.

5. PERFORMANCE OF SERVICES

5.1 Commitment by member institutions

To accomplish the objectives and in fulfilment of the mission of GAELIC, members of GAELIC shall take reasonable steps to ensure the successful performance of services through *inter alia*:

- a commitment of each member institution and its staff to GAELIC;
- funding by member institutions for their libraries within reasonable financial means, including the appointment of a sufficient number of competent and well-trained library staff to ensure an acceptable level of service;
- an electronic communications and networking infrastructure of sufficient capability to meet the needs of GAELIC;
- co-operation amongst members as required by GAELIC for the benefit of its members;
- regular updating of library holdings to the National Union Database, SACat; and
- reports of management information to GAELIC as required;
- participation in GAELIC governance through representation on GAELIC committees at all levels;
- provision of information resources through document supply services and reasonable access to libraries for teaching staff, Master's and Doctoral students

5.2 Effective service

Members of GAELIC undertake to render a regular and effective service to one another as agreed upon through GAELIC. Such service and co-operation should be rendered in accordance with the normal work hours, internal policy, rules and procedures in force within each library.

5.3 Interruption of services

If an inevitable or unavoidable interruption of service during scheduled working hours is known prior to its occurrence or could reasonably be foreseen, the affected library should inform all other members in good time in advance of the interruption. If it could not reasonably have been foreseen, it should be communicated to all members of GAELIC as soon as possible after the occurrence.

6. MEMBERSHIP OF GAELIC

6.1 Membership

A member of GAELIC is -

- 6.1.1 the library of any South African public higher education institution in terms of the Higher Education Act, No. 101 of 1997, as amended, which is a member in good standing of FOTIM and supports the aims of GAELIC; or
- 6.1.2 the library of any South African public higher education institution in terms of the said Higher Education Act which is not a member of FOTIM, but to whom membership of GAELIC has been accorded by the Board of FOTIM on conditions that the Board deems appropriate; or

- 6.1.3 the library of any public higher education institution in a country which is a member of the Southern African Development Community (SADC) who supports the aims of GAELIC to whom membership of GAELIC has been accorded by the Board of FOTIM on conditions that the Board may deem appropriate ; or
- 6.1.4 the library of any independent body or institution of a public nature which supports the aims of GAELIC, to whom membership of GAELIC has been accorded by the Board of FOTIM on conditions that the Board may deem appropriate and whose sole or principal object is to conduct or promote scientific, technical, industrial or social research; provided that -
- 6.1.4.1 the activities of such body or institution are wholly or mainly directed to the furtherance of its sole or principal object;
 - 6.1.4.2 such body or institution is not permitted to distribute any of its profits (if any) or other income to any person (except payment of remuneration to any worker of the institution or body for services rendered) or pay any dividend to its members, and is required to utilise its funds solely for investment or the objects for which it has been established;
 - 6.1.4.3 such body or institution shall upon its winding up or liquidation be obliged to give its assets remaining after the satisfaction of its liabilities to a similar body or institution; and
 - 6.1.4.4 such body or institution is exempted from paying income tax.
- 6.1.5 When a non-GAELIC library collaborates or forms a partnership with a GAELIC member, only the latter has membership. The non-GAELIC library should apply for membership to obtain access to GAELIC resources.

6.2 Voting rights

- 6.2.1 where a member institution has more than one campus each member institution shall nominate one representative to vote on its behalf.
- 6.2.2 If a vote is required on operational matters, members of GAELIC have one vote each. If a vote is required on policy matters, only the members whose institutions are members of FOTIM shall have one vote each.
- 6.2.3 Participants in programmes and/or projects of GAELIC have equal input in the decision – making of that specific programme and/or project, regardless of the membership status.

6.3 Prohibition of further availability of services

Any member referred to in clause 6.1 above may not make any of the services or benefits it gains from its membership of GAELIC available to any other institution, body, organisation or client which exists independently from such member. (Note: This means that any 'outside' institution which qualifies for membership of GAELIC should apply for such independent membership, or if such 'outside' institution does not qualify for membership, no GAELIC services

or benefits should be made available to it by the GAELIC member as this could infringe upon the rights of vendors or suppliers or the provisions of financial grants to FOTIM for use by GAELIC or jeopardise the tax exemptions that FOTIM (GAELIC) enjoys.)

6.4 Criteria for membership of GAELIC

6.4.1 In order for a library to become a member of GAELIC they have to meet the criteria as stated in Addendum A

6.4.2 Criteria are set by the GGB and reviewed from time to time. See Addendum A.

7 GOVERNANCE OF GAELIC

7.1 Programme of FOTIM

GAELIC is a programme of FOTIM and functions in terms of a mandate given to GAELIC in terms of clause 5.4.5 of the FOTIM constitution.

7.2 Powers of the GAELIC Governing Board (GGB)

7.2.1 The GAELIC Governing Board (GGB) shall be the highest decision making body within GAELIC that shall determine policy, strategy, planning and development. The GGB controls and coordinates all the activities of GAELIC and ensures that GAELIC achieves its objectives and performs its functions in the most effective way; provided that major decisions, including those on policy matters should be referred to the Board of FOTIM for approval.

7.2.2 The GAELIC Chair attends the FOTIM Board and Exco meetings, but has no voting rights.

7.3 The FOTIM Director

The FOTIM Director is responsible for the overall leadership and governance of FOTIM as well as providing leadership and strategic direction to the GAELIC Programme.

7.4 Composition of the GGB

7.4.1 The GGB shall consist of the following voting members -

7.4.1.1 The Library Director, or a nominee from each member institution, or where a member institution has two or more campus library representatives, each member institution shall nominate one representative to vote on its behalf.

7.4.1.2 The FOTIM Director

7.4.2 The GGB shall consist of the following non-voting members-

7.4.2.1 The GAELIC Operational Managers for projects approved by GAELIC.

7.4.2.2 Persons co-opted because of their particular knowledge or experience of matters related to the business of GAELIC

7.4.2.3 The GAELIC Programme Manager

7.5 Advisers on the GGB

- 7.5.1 The GGB may invite other persons to attend meetings as advisers.
- 7.5.2 Each member institution may have not more than one adviser (in addition to the representative) attending GGB meetings.
- 7.5.3 Advisers do not have the right to vote at meetings of the GGB but may speak after obtaining the permission of the chairperson.

7.6 Office bearers and committees of GAELIC

- 7.6.1 The term of office for the Chairperson is two years. A Chair-Elect shall be elected bi-annually.
- 7.6.2 The Executive Committee of the GGB is responsible for the day-to-day business of GAELIC and shall consist of the Chairperson, the Chair-Elect, the FOTIM Director, the GAELIC Programme Manager, the Convenors of the Strategic Objectives and the Operational Managers of the Strategic Objectives. For the purpose of strategic or other planning, the Exco has the power to co-opt persons because of their particular expertise or knowledge of matters related to the business of GAELIC.
- 7.6.3 The term of office of Convenors and Operational Managers shall be two years.
- 7.6.4 The GGB may in its discretion delegate any or all its powers and functions to the Executive Committee; provided that the GGB is not divested of the responsibility to exercise such functions as well.
- 7.6.5 Members of the Executive Committee should at all times act in the best interest of all the member institutions.
- 7.6.6 The GGB may at any time appoint such other sub-committees, project teams 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.

7.7 Meetings

- 7.7.1 The GGB shall meet at least three times per year at a place and time determined by the GGB; provided that the following functions should, *inter alia* be performed at the first meeting in each calendar year (AGM):
- Considering an annual report for inclusion in the FOTIM annual report; and
 - Noting the FOTIM financial statements for submission to the Board of FOTIM.
- 7.7.2 The Chair-Elect shall be elected bi-annually at the first meeting in the year (AGM).
- 7.7.3 The Executive Committee shall meet as often as the business of GAELIC so requires at a place and time determined by the Committees; provided that the chairperson may, with reasonable notice, call a meeting of the Committee to deal with urgent matters.

7.7.4 Notice of a matter which a member desires to be considered at a meeting shall be in writing and shall be lodged with the FOTIM Office (as determined by the GGB and communicated to all member institutions) at least 21 days before the date of a meeting; provided that a member may with the consent of two-thirds of the voting delegates submit an urgent matter at a meeting without notice.

7.7.5 At least 14 days before a meeting the FOTIM Office shall notify each member in writing of the time and place of the meeting and the business to be considered thereat.

7.8 Quorum and procedure at meetings of the GGB

7.8.1 A simple majority of voting members shall form a quorum.

7.8.2 In the absence of the Chairperson the meeting shall be chaired by the Chair-Elect.

7.8.3 A proper record shall be kept of all meetings and be confirmed at the following meeting by the signature of the chairperson of the meeting.

7.8.4 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.

7.8.5 Each decision of the meeting shall be taken by a majority vote of those present and entitled to vote; 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.

7.8.6 A member institution that is entitled to attend and vote at a meeting but is unable to do so may appoint a proxy to attend, speak and vote on behalf of such member institution; provided that the appointment of the proxy shall be in writing; provided further that the appointment of a proxy shall not preclude the relevant member from attending the meeting and speaking and voting in person thereat to the exclusion of any such appointed proxy.

7.8.7 Voting on policy and operational matters shall be by show of hands, save when the meeting decides that the voting on a matter shall be by secret ballot.

7.8.8 All decisions shall be taken at meetings; provided that in exceptional circumstances the GGB may decide to obtain a decision by means of letter, telegram, telefax or other electronic means and without convening a meeting. In such event when agreement has been reached within a reasonable time by at least two-thirds of all possible votes this shall be deemed a resolution of the GGB.

7.8.9 Observers may, with the approval of the chairperson, be invited to meetings of the GGB; provided that the meeting may decide to discuss any matter in committee, whereupon only members with voting rights shall be entitled to be present; provided further that the meeting may permit any other person to be present.

8. NOMINATIONS

- 8.1 A call for nominations shall be distributed to members who are eligible to nominate candidates, one month before the Annual General Meeting. Acceptance of the nominations and the consent of the nominee(s) for the position of Chair-Elect of the GGB shall reach the FOTIM Office seven working days before the date of the Annual General Meeting. The FOTIM Office is the returning office unless otherwise stated.

9. ELECTIONS

- 9.1 The election for the Chair-Elect shall take place at every second Annual General Meeting
- 9.2 The Chair-Elect may be nominated by any member of a GAELIC team or by any employee of a member institution's library that is in good standing.
- 9.3 In the event of an office-bearer resigning from his/her position, the GGB shall nominate and elect a new office-bearer either at the next GGB meeting or electronically.
- 9.4 Voting for office-bearers will be a written secret ballot. A voting member who cannot attend may vote by proxy lodged with the returning office
- 9.5 Leaders of the GAELIC Teams shall be elected in accordance with the approved Guidelines and electoral procedures.
- 9.6 Only members in good standing are entitled to vote.

10. FINANCIAL PROVISIONS

- 10.1 The GAELIC finances are administered directly by FOTIM and reported in one financial report and audited statement.
- 10.2 The membership fees of GAELIC members whose institutions are members of FOTIM shall be included in the FOTIM membership fees. Other members of GAELIC shall annually pay such membership fees as are from time to time determined by the Board of FOTIM.
- 10.3 The financial year of FOTIM shall run from 1 January to 31 December.
- 10.4 Payments up to an amount pre-determined by the FOTIM Board can be approved by the FOTIM Director. Payments exceeding this amount are authorised by a signatory of the FOTIM Board and the FOTIM Director. All payments are required to be within an approved budget.
- 10.5 GAELIC is funded through inter alia:
- 10.5.1 membership fees paid to FOTIM
 - 10.5.2 allocations from FOTIM;
 - 10.5.3 donations, voting of money, grants by members, or any other person or source supporting the functions of GAELIC, which shall be paid to FOTIM for channelling to GAELIC projects;
 - 10.5.4 grants from any institution or source granting money for educational purposes; whereby a separate account will be maintained for the purposes of accurate accounting, auditing and reporting to the grant-maker

- 10.5.5 income or accruals for any services rendered;
- 10.6 The net income, including donations, which have not been expended as envisaged in paragraph (a) of the definition of “educational or training purposes” in the Income Tax Act 58 of 1962 and which is available for investment as envisaged in paragraph (b) of this definition may only be invested with one or more financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act 1984.
- 10.7 GAELIC shall be administered in such a manner as to preclude any donor from deriving any monetary advantage from monies donated to FOTIM for use by GAELIC except the benefit provided for in section 18A of the Income Tax Act 58 of 1962 where applicable, the reason being that GAELIC is a committee of FOTIM, which is a not-for-profit organisation.
- 11. STAFF**
The Board of FOTIM may appoint such staff for GAELIC as it deems necessary and determine the remuneration, duties, responsibilities and conditions of service of staff members.
- 12. DISPUTE RESOLUTION**
Any dispute arising between member institutions which cannot be solved by the GGB or between the GGB and a member shall be referred to the Board of FOTIM.
- 13. LANGUAGE**
The language of record of GAELIC shall be English.
- 14. TERMINATION OF MEMBERSHIP**
- 14.1 Any member wishing to withdraw from GAELIC shall give twelve (12) month's written notice to the Board of FOTIM.
- 14.2 Membership of GAELIC members, whose institutions are members of FOTIM, may be terminated by the Board of FOTIM when a member is in arrears with its membership fees or when such member, in the opinion of the Board of FOTIM, acts in a way that is not in the interests of GAELIC or FOTIM; provided that such member has been afforded an opportunity to make oral or written representations to the Board of FOTIM.
- 14.3 The Board of FOTIM may determine reasonable conditions for the withdrawal or termination of membership of a member in respect of the fulfilment of financial obligations or any other matter.
- 15. AMENDMENT OF THIS CONSTITUTION**
- 15.1 Changes to this Constitution can be recommended by the Governing Board of GAELIC provided that:
- 15.1.1 fifteen working days notice in writing before approval of the proposed amendment shall be given to the GGB in order to comment

- 15.1.2 changes to the Constitution are referred to the Board of FOTIM for approval.
- 15.2 This constitution may be amended by the Board of FOTIM, provided that:
 - 15.2.1 if the proposed amendment originates from the Board of FOTIM, thirty days' notice in writing shall have been given to the GGB in order to comment on the proposed amendment; or
 - 15.2.2 if the proposed amendment originates from the GGB the amendment may be approved at any meeting of the Board of FOTIM.

16. DISSOLUTION OF GAELIC

- 16.1 GAELIC may be dissolved if at least 60% of all possible votes of the Board of FOTIM are in favour of such dissolution; provided that proxy votes shall be acceptable.
- 16.2 No motion for the dissolution of GAELIC shall be considered unless all member institutions of GAELIC and FOTIM as well as substantial donor organisations were advised thereof at least 90 (ninety) days prior to the voting on the motion.
- 16.3 If upon dissolution of GAELIC there remains after the satisfaction of all debts and liabilities any property whatsoever, the same shall become the property of FOTIM.

HE, JH, JS 18/10/2001

SMT inputs 20 November 2001

SC inputs 31 January 2002

FOTIM Exco inputs 19 February 2002

FOTIM Board inputs 15 April 2002

Approved SC AGM 9 May 2002

Accepted GGB A August 2002

Amendments approved by GGB April 2003

Amendments approved by GGB July 2003

Approved GGB 28 July 2004

FOTIM EXCO inputs 27 Sept 2004

Amendments for discussion by GGB – 22 Feb 2006

Amendments for discussion by FOTIM Exco 2 March 2006

Amendments recommended by GGB to FOTIM Board –approved 22 March 2006.

Amendments for discussion by GGB Nov 2008

Addendum A

The following criteria should be taken into account in the consideration of an application for membership of GAELIC –

1 Library collection

- 1.1 Size of collection to adequately support needs of institutional users
- 1.2 Size and character of circulating collection.
- 1.3 Collections of unique or specialised materials.
- 1.4 Adequacy of the core collection to support basic institutional needs. Evidence that the institution shall not have a negative impact on the inter library loans systems.
- 1.5 Evidence of institutional commitment to maintaining a core collection at an appropriate level. The collection development policy should reflect a commitment to future collection development.
- 1.6 Regular updating of library holdings to the South African National Union Database, SACat.

2 Information technology

- 2.1 Internet connectivity.
- 2.2 Availability of local area networks infrastructure.
- 2.3 Appropriate workstation infrastructure.
- 2.4 Availability of adequate information technology support.
- 2.5 Evidence of compatibility with the GAELIC systems.

3 Budget

- 3.1 Continuing commitment to supporting the financial obligations of GAELIC membership.
- 3.2 Appropriate acquisitions budget.
- 3.3 Sufficient funding and infrastructure to enable participation in GAELIC projects.
- 3.4 Continuing commitment to ensuring payment of invoices within sixty (60) days unless otherwise stipulated by GAELIC or a vendor.

4 Institutional characteristics

- 4.1 Institutional mission.
- 4.2 Location and size of population to be served.

5 Library staff

- 5.1 Willingness and ability to participate in GAELIC governance, projects, teams and/or work groups.
- 5.2 Willingness and ability to support the technical requirements of GAELIC.

6 Materials delivery

- 6.1 Interlibrary loans, document supply and participation in the GAELIC courier service.