



UNIVERSITEIT  
STELLENBOSCH  
UNIVERSITY

## Student Constitution

<b>Type of Document:</b>	Constitution
<b>Purpose:</b>	To ensure the protection and promotion of students' rights and regulate student leadership structures
<b>Date Approved</b>	02/12/2021
<b>Date of Implementation:</b>	02/12/2022
<b>Date of Next Revision:</b>	Every five years, or as needed
<b>Date of Previous Revision(s):</b>	2018
<b>Constitution Owner<sup>1</sup>:</b>	Students' Representative Council
<b>Constitution Curator<sup>2</sup></b>	Policy Officer: Students' Representative Council
<b>Keywords:</b>	Student's Bill of Rights, Student Constitution
<b>Validity:</b>	The English version of this regulation is the operative version, and the Afrikaans version is the translation.

SU Governance and Management Documents are available at [www.sun.ac.za/policies](http://www.sun.ac.za/policies)

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<sup>1</sup> Constitution Owner: Head(s) of Responsibility Centre(s) in which the constitution functions.

<sup>2</sup> Constitution Curator: Administrative head of the division responsible for the implementation and maintenance of the constitution

# **Stellenbosch University**

# **Student Constitution**

2021 Revision

Final version (4.4)

The English version of this document will take precedence in case of any interpretation disputes.

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## PREAMBLE

We, the students at Stellenbosch University, conscious of our diverse cultural heritage and the historical context of Stellenbosch University and our country, the Republic of South Africa, unite to build a multicultural and democratic community that is free from discrimination, in conformity with the Bill of Student Rights in Chapter 2 of this Constitution and the Constitution of the Republic of South Africa.

We acknowledge our responsibility to participate in the democratic structures recognised by this Constitution.

Subject to the provisions of the Constitution of the Republic of South Africa, the Higher Education Act, the Statute of Stellenbosch University, and University regulations, we accept this as our binding Constitution.

## CHAPTER 1: BASIC PROVISIONS

### 1. Definitions

In this Constitution, unless the context indicates otherwise –

- (1) **“Accept”, “decide”, or “elect”** means a decision taken with a simple majority of votes.
- (2) **“Day”** means a calendar day.
- (3) **“Ex officio member of the SRC”** means a member serving on the SRC by holding another position such as the SRC members indicated under s25(2) – s25(7).
- (4) **“Executive Committee”** means the Executive Committee of the SRC in terms of Part 4.3 of this Constitution.
- (5) **“Positive vote”** means the following process:
  - (a) When one candidate receives a simple majority of the vote, they are elected.
  - (b) If no candidate receives a simple majority of the vote, the following steps are followed:
    - (I) A new election takes place.
    - (II) For this election, the candidates who received the smallest number of votes in the previous election are removed, but the sum of the removed candidate’s votes may not exceed 50% of the total number of votes in the previous election.
    - (III) This process is repeated until one candidate receives a simple majority of the votes.
- (6) **“Positional Student Leader”** means a student elected or appointed to the following structures: structures established by this constitution, Faculty Committees, House Committees, Society Executive Committees, Cluster Convenors.
- (7) **“PSO”** means a Private Student Organisation.
- (8) **“Senior Residence”** means a Senior Residence as contemplated in the Policy for Placement in Residences of the University and the management guidelines for the placement policy.
- (9) **“Simple majority vote”** means a 50% plus one (1) vote.
- (10) **“SRC”** means the Students’ Representative Council.
- (11) **“Student body”** means an organised group of students formally associated with the University.
- (12) **“Student”** means a student registered at the University.
- (13) **“University authorities”** means any employee, or structure consisting of, University employees including Faculties, the Rector’s Management Team, and the University’s Council.
- (14) **“University day”** means a weekday (Monday to Friday) during the academic year which is not a public holiday.
- (15) **“University”** means Stellenbosch University.

### 2. Status of this Constitution

- (1) All constitutions, regulations, rules, codes, documents, motions, and decisions adopted by any student structure are subject to this Constitution and are invalidated by this Constitution should there be any discrepancies.
- (2) This Constitution is called the **“Student Constitution of Stellenbosch University”**.

### **3. Bodies constituted by this Constitution**

The following student bodies are constituted by this Constitution:

- (1) The Students' Representative Council.
- (2) The Evaluation Panel.
- (3) The Student Parliament.
- (4) The Student Court.
- (5) The Appeal Court.
- (6) The Academic Affairs Council.
- (7) The Prim Committee.
- (8) The Senior Prim Committee.
- (9) The Societies Council.
- (10) The Military Academy Student Council.
- (11) The Tygerberg Student Council.
- (12) The Electoral Commission.

## CHAPTER 2: BILL OF STUDENT RIGHTS

### **4. Application**

- (1) The rights in the Bill of Student Rights bind all student structures of the University and all such structures have the duty to respect, protect and promote these rights.
- (2) The student structures constituted by s3 of this Constitution must take reasonable steps to ensure the protection and promotion of these rights, including through engagement, where necessary, with the University authorities.

### **5. Equality**

No student shall be unfairly discriminated against.

### **6. Human dignity**

Every student has inherent human dignity and the right to have their dignity respected and protected.

### **7. Confidentiality of student records**

- (1) Every student has the right to the confidentiality of their University records.
- (2) No information contained in such records may be disclosed without the consent of the student in question.

### **8. Student success**

- (1) Every student has the right to an enabling environment in which student success and academic excellence are encouraged and pursued.
- (2) Every student has the right to quality education, academic support, and transparent and justifiable assessment procedures.
- (3) The bodies constituted by s3 of this Constitution have a duty to identify and work towards the eradication of barriers to the exercise of these rights.

### **9. Freedom of religion, belief, and opinion**

Every student has the right to freedom of religion, belief, and opinion.

### **10. Freedom of expression**

- (1) Every student has the right to freedom of expression, which does not extend to hate speech, and which includes –
  - (a) Freedom of academic expression and scientific research.
  - (b) Freedom of the student media.
  - (c) Freedom to receive and impart information and ideas.

### **11. Assembly, demonstration, and petition**

- (1) Every student has the right to assemble and demonstrate on campus peacefully and unarmed.
- (2) Every student has the right to present petitions to the SRC and the University management, according to the relevant approved procedures of the University and/or Municipality.

### **12. Freedom of association**

Every student has the right to freedom of association on campus, including the right to form any student group, association, or society.

### **13. Participation in Students' Representative Council elections**

- (1) Every student has the right to vote in the election for the SRC and to do so in secret.
- (2) Every student has the right to stand for election to the SRC, subject to fair and relevant eligibility requirements and subject to the provisions of this Constitution.

### **14. Administrative action**

- (1) Every student whose rights or legitimate expectations are materially and adversely affected by any decision taken by a student body or member of a student body has the right to –
  - (a) Be notified of the nature and purpose of the proposed action.
  - (b) A reasonable opportunity to make representations and a provide written response.
  - (c) Adequate notice of any applicable right of review or internal appeal.
  - (d) Request reasons for the decision and to be furnished with written reasons within a reasonable time.

### **15. Limitation**

- (1) The rights in this chapter may only be limited in terms of legal rules of general application, which, for the purposes of this section, are deemed to include University regulations, rules, and policies.
- (2) Limitations must be designed to achieve objectives that are consistent with the values of an open and democratic community based on human dignity, equality, and freedom.
- (3) Limitations may not limit the rights in this chapter more than necessary, and the impact they have on the rights of students must be proportionate to their objectives.



## **16. Enforcement**

- (1) Any student, student structure, or any group of students, whether acting in their own interest or the interest of a group or class of students, may approach the Student Court for appropriate relief in the event of an alleged violation of their rights under this Constitution.
- (2) The SRC must take reasonable steps to aid the enforcement of an order of the Student Court.

## **17. Interpretation**

The Bill of Student Rights must be interpreted in conformity with the Bill of Rights of the Constitution of the Republic of South Africa, 1996, the Higher Education Act 108 of 1999, the Statute of Stellenbosch University, University policy and regulations, and the Military Discipline Code, where applicable.

## CHAPTER 3: ELECTIONS

### **18. Students' Representative Council Elections**

- (1) The nine (9) general SRC members referred to in s25(1) are elected once every calendar year in a free and fair general election in which all students may vote, with due observance of the provisions of SCHEDULE 2.
- (2) Each student may cast one vote for every position available and each student's vote carries the same weight.
- (3) The SRC election must –
  - (a) Take place during the third academic term.
  - (b) Be held over a maximum of one (1) week.
- (4) The election of the representatives of the Academic Affairs Council, Prim Committee, Senior Prim Committee, Military Academy Students' Council, Tygerberg Student Council, and Societies Council on the SRC must precede the SRC elections.
- (5) The Electoral Commission must ensure that SRC elections are free, fair, and credible.
- (6) The Executive Committee of the SRC must appoint Electoral Commissioners in terms of s41(2)(d).

### **19. Election of the Students' Representative Council Chairperson**

- (1) After the validity of the SRC election results are confirmed, the Electoral Commission must convene the first meeting of the newly elected SRC.
- (2) The members of the newly elected SRC, including the general SRC members and the ex officio members, elect a new SRC Chairperson through means of a positive vote under the chairpersonship of one (1) of the Electoral Commissioners.
- (3) Any member of the newly elected general SRC members may make themselves available for election to the position of SRC Chairperson.
- (4) The Presiding Officer of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.
- (5) If only two candidates remain, and there is a tie after the 4<sup>th</sup> round of voting, the Election of the Chairperson shall be decided by the Student Imbizo at a special meeting of the Student Imbizo Chaired by the Chief Justice of the Student Court.

### **20. Election of the rest of the Students' Representative Council Executive Committee**

- (1) After the election of the newly elected SRC Chairperson, under the chairpersonship of the SRC Chairperson, the newly elected members of the SRC elect the compulsory members of the Executive Committee, followed by the other members of the Executive Committee through a positive vote.
- (2) Any newly elected member of the SRC may, subject to s30, make themselves available for election for any of the remaining positions on the Executive Committee.
- (3) Should the newly elected SRC so choose, the Executive Committee may also be elected during a later SRC meeting, on condition that the Executive Committee is elected not more than one (1) month after the SRC results are confirmed.
- (4) The chair of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.

**21. Election of the representatives of the Students' Representative Council on statutory bodies of the University**

- (1) The election of the representatives of the SRC on the University Council, Senate, and Institutional Forum must take place –
  - (a) At an SRC meeting.
  - (b) Not later than one (1) month after the results of the SRC election is announced.
  - (c) Under the chairpersonship of the newly elected SRC Chairperson.
  - (d) Through a positive vote.
- (2) Any member of the newly elected SRC, including members of the Executive Committee, but subject to s30, can make themselves available for one or more of these positions.
- (3) The Chairperson must allow candidates reasonable time to address the meeting and answer questions before voting begins.

**22. Election of the Chairpersons of *ex-officio* structures**

- (1) The Electoral Commission presides over the election of the Chairpersons and elected Executive Committee members of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, Tygerberg Student Council, and the Societies Council.
- (2) The election date and time are scheduled by the Electoral Commission in consultation with the incumbent Chairpersons.
- (3) The Electoral Commission must allow candidates reasonable time to address the meeting and answer questions before voting begins.

**23. Student Leadership elections**

- (1) The Electoral Commission must manage the elections of the SRC and may monitor, audit, and investigate any complaint(s) related to the elections of the Academic Affairs Council, Prim Committee, Societies Council, Faculty Student Committees, Society Committees, House Committees and Tygerberg Student Council and its constituent bodies.

## CHAPTER 4: THE STUDENTS' REPRESENTATIVE COUNCIL

### *Part 4.1: General*

#### **24. Status of the Students' Representative Council**

The SRC is the highest representative student structure at the University and is under the authority of the University Council.

#### **25. Composition of the Students' Representative Council**

The Students' Representative Council consists of the following members:

- (1) Nine (9) members are elected by the students in terms of the provisions of CHAPTER 3 of this Constitution.
- (2) The Chairperson of the Academic Affairs Council.
- (3) The Chairperson and vice-Chairperson of the Prim Committee.
- (4) The Chairperson of the Societies Council.
- (5) The Chairperson of the Senior Prim Committee.
- (6) The Student Captain of the Military Academy Student Council.
- (7) The Chair of the Tygerberg Student Council.

#### **26. Terms of office of the Students' Representative Council**

The term of office of the Students' Representative Council starts on the first day of the fourth term of the academic year and continues up to the day before the start of the fourth term of the following academic year.

#### **27. Core functions of the Students' Representative Council**

The core functions of the Students' Representative Council include –

- (1) To act in the best interest of students and to actively promote students' rights under CHAPTER 2.
- (2) To represent students at –
  - (a) The University Council.
  - (b) The Senate.
  - (c) The Institutional Forum.
  - (d) Other committees, structures, and functionaries of the University.
  - (e) National and international student structures.
- (3) To evaluate the University policy and give input in the formulation thereof.
- (4) To formulate and maintain policy to ensure that the SRC performs its functions and duties effectively.
- (5) To facilitate projects and initiatives to the benefit of students.
- (6) To inform students continuously, and obtain feedback, about its activities.

## **28. Compulsory portfolios**

The SRC must maintain at least the following portfolios:

- (1) The Chairperson –
  - (a) Serves as the Chairperson at meetings of the SRC and SRC Executive Committee.
  - (b) Acts as spokesperson for the SRC, in consultation with the Communications Officer.
  - (c) Is responsible for the finances of the SRC alongside the SRC Executive Committee.
  - (d) Ensures that the SRC fulfils its mandate.
  - (e) Is responsible for oversight over the activities of the SRC.
- (2) The Vice-Chairperson –
  - (a) Is responsible for supporting the Chairperson in all administrative roles and fulfilling any or all the duties of the Chairperson should the Chairperson be incapacitated or unavailable.
  - (b) Is responsible for the internal monitoring and evaluation of the SRC.
  - (c) Is responsible for the internal relations and discipline of the SRC.
  - (d) Appoints the SRC managers, with the consent of the SRC.
- (3) The Secretary –
  - (a) Is responsible for maintaining internal communication within the SRC.
  - (b) Is responsible for managing knowledge and institutional memory within the SRC.
  - (c) Is responsible for ensuring that SRC meetings, and any other meetings or consultations where the SRC require record-keeping, are properly recorded.
  - (d) Is responsible for updating, safekeeping, and making available records, recordings, policies, and other documents of the SRC, subject to the internal rules of the SRC.
  - (e) Is responsible for providing the Student Imbizo Convener and Speaker of the Students' Assembly with a regularly updated document detailing which SRC members serve on which specific University committees.
- (4) The Treasurer –
  - (a) Is responsible for ensuring that the financial resources of the SRC are used in a transparent, responsible, and sustainable manner.
  - (b) Is responsible for formulating policies that ensure the transparent, responsible, and sustainable use of the SRC's financial resources, and ensuring the implementation of such policies after they are approved by the SRC.
  - (c) Is responsible for preparing the draft SRC budget for consideration by the SRC Executive Committee.
  - (d) Is responsible for providing a financial report at the end of their term.

(5) The following portfolios must be maintained within the SRC but may be run by an SRC Manager should it not be taken up by an elected SRC Member.

(a) The Policy Officer –

Is responsible for:

(I) Ensuring that any policy formulated within the SRC is formulated and revised in accordance with s27(4).

(II) Assisting the other SRC members in evaluating and giving input in the formulation of University policy in accordance with s27(3).

(III) Ensuring that a resolution passed by the Students' Assembly to amend this Constitution is considered by the SRC for assent.

(IV) Providing opinions to the SRC on the interpretation of this Constitution and other policies of the University, such opinions are not binding.

(V) The safekeeping of all student-related constitutions.

(b) The Communication Officer –

Is responsible for:

(I) ensuring that students are continuously and fully informed of the activities of the SRC in accordance with s27(6).

(II) Obtaining feedback from students in accordance with s27(6).

(III) Ensuring that the advice of Student Parliament reaches the SRC.

(c) The Arts & Culture Committee Chairperson.

## **29. Fulfilment of duties**

(1) SRC members must comply with the provisions of this Constitution and the policies and regulations of the SRC.

(2) If an SRC member contravenes s29(1), or if reasonable grounds exist to believe that a member will contravene s29(1), then –

(a) The Student Court may grant an appropriate order at the request of any student, and if that order is not complied with, the member concerned can be discharged from office in terms s31(1)(h).

(b) The Evaluation Panel can take this into account in its decision whether to decrease the honorarium of the member in terms of s53.

## **30. Ex officio members**

An ex officio member of the SRC –

(1) May, in addition to their ex officio position, only accept one other portfolio on the SRC, whether that portfolio is compulsory or not.

(2) May not accept any other portfolios if they serve on the Executive Committee of the SRC.

(3) May not hold the position of Chairperson, Vice-Chairperson, Secretary, or Treasurer of the SRC.

### **31. Ending membership of the Students' Representative Council**

- (1) The membership of an SRC member comes to an end when –
  - (a) The member's term of office expires.
  - (b) The member presents a written resignation from the SRC to the Secretary of the SRC.
  - (c) The member ceases to be a member of the student body that they represent ex officio on the SRC.
  - (d) The member ceases to be a registered student.
  - (e) The member dies.
  - (f) The member is absent without reason from three consecutive SRC meetings.
  - (g) The Student Court finds on application that the member has intentionally or negligently not complied with an order of the Court.
  - (h) The Students' Assembly adopts a motion of no confidence in the member and the Student Imbizo accordingly resolves to impeach the member.
  - (i) The Student Imbizo adopts a resolution to impeach a member, for failure to fulfil their constitutional duties.
  - (j) The member is sentenced to imprisonment without the option of a fine in the Republic of South Africa or elsewhere.
  - (k) The member is sentenced by the Central Disciplinary Committee to –
    - (I) Permanent suspension from the SRC.
    - (II) Suspensions from the University for a fixed or unfixed period.
- (2) If an ex officio member of the SRC ceases to be a member of the SRC during their term of office, then –
  - (a) The student structure which they represent on the SRC must be informed of the cessation of SRC membership of their representative.
  - (b) That student structure must appoint a new interim representative for the SRC, within five (5) days.
    - (I) The interim representative takes over all the duties and privileges of the ex officio member.
    - (II) The interim representative has all the power of the ex officio member noted in s39.
  - (c) The student structure which they represent must adopt a resolution to impeach the member from the chairpersonship or vice-chairpersonship, whichever is applicable, of the student body they were representing on the SRC, within ten (10) days.
  - (d) The student structure which they represent must elect a new chairperson or vice-chairperson within ten (10) days or subject to their own constitution.
- (3) If any general member of the SRC ceases to be a member of the SRC during their term of office, then the SRC must decide whether that member's position is to be filled, and if the SRC decides that the position is to be filled and –
  - (a) Less than sixty (60) University days have passed between the election of the member in question and the day they ceased to be a member, then the available candidate who received the most votes in the election (in which the outgoing SRC member was elected), but was not elected to the SRC, must fill the position.

- (b) Sixty (60) or more have passed between the election of the member in question and the day they ceased to be a member, or there is no available candidate in terms of s31(3)(a), the SRC must call a by-election to fill the position.

#### *Part 4.2 Other duties and powers of the Students' Representative Council*

##### **32. Reporting**

- (1) Each SRC member must submit a complete report regarding their representative responsibilities and other activities to the Secretary after every academic term, not later than one (1) week after the start of the next term, and the Secretary must, upon receiving them–
  - (a) Submit the reports to the Student Imbizo.
  - (b) Liaise with the Student Imbizo to ensure that SRC members present themselves at an accountability meeting to testify on the reports submitted if required.
  - (c) make these reports available to all students.
- (2) Each SRC member must present a complete report regarding their representative responsibilities and other activities to their successor within fourteen (14) days of the end of their term of office, and these reports must also be stored centrally and be made available to future SRC members.

##### **33. Announcement of programme and budget**

- (1) The newly elected Students' Representative Council must, within a month of the commencement of their term in office, make a document available to all students, which includes at least –
  - (a) The Students' Representative Council's vision and mission document.
  - (b) A budget.
  - (c) An updated portfolio document stating which portfolios are assigned to which Students' Representative Council member or manager.
- (2) The Students' Representative Council must make a reasonable attempt to make students aware of the document's availability.
- (3) s33(1) may be suspended for a specific period by the Student Imbizo should the SRC submit a request for its suspension on the grounds of extraordinary circumstances which have arisen.

##### **34. Representatives of the Students' Representative Council on other bodies**

Representatives of the SRC on other bodies must present the position of the SRC at said bodies and must consult the SRC on any important decisions to be taken by said bodies.

##### **35. Code of conduct**

The SRC must adopt a code of conduct to lay down the rules of conduct and a disciplinary procedure for its members.



### **36. Students' Representative Council managers**

- (1) The SRC may appoint students as SRC Managers to, on behalf of the SRC, run portfolios that entail mainly organisational or administrative functions.
- (2) The minimum number of SRC Managers appointed must comply with s28(5) and the maximum appointable number of students is ten (10).
- (3) SRC Managers are not SRC members.
- (4) Each SRC Manager must be accountable to a specific SRC member and the whole SRC.
- (5) SRC Managers enjoy access to the same facilities as the SRC and may appoint their own committees.
- (6) The remuneration of each SRC Manager must be determined before they are appointed, after which the amount in question can be adjusted downwards by both the SRC and the Evaluation Panel on the grounds that the SRC manager did not perform their duties.
- (7) SRC Managers are subject to evaluation by the Evaluation Panel.
- (8) SRC Managers must attend at least one (1) SRC meeting per academic term to report back to the SRC regarding their activities.
  - (a) An SRC Manager must attend an SRC meeting if asked to do so by a written request from the Executive Committee.
  - (b) Must provide valid reasoning for their absence at the mandatory meeting.

### **37. Task teams**

- (1) The SRC can appoint task teams from among its own members to address ad hoc or continuous issues.
  - (a) The SRC must consent to the establishment of a task team through a simple majority vote.
- (2) In addition to SRC members, any student can be appointed to a task team.
- (3) Unless the urgency of the issue demands otherwise, any student with the necessary skills must have the opportunity to apply to serve on a task team.
- (4) The SRC can delegate the authority to finalise an issue to a task team.

### **38. Mass meetings**

- (1) The Students' Representative Council can hold mass engagements with students and other stakeholders to consolidate its mandate through debate and consultation.
- (2) Students must be made aware of the mass engagement two (2) days in advance.
- (3) Discussions will be chaired by the Chairperson of the SRC, or a student delegated the authority by the SRC Chairperson.
- (4) These engagements can be in the form of:
  - (a) Mass Meetings –
    - (I) Each student has an equal vote in all matters brought before the group.
    - (II) The agenda must stipulate precisely which point/s will be voted on.
    - (III) Voting will be administered by the SRC through any reasonable procedure decided upon before the commencement of the meeting.

- (b) Mass Discussions –
  - (I) Students should be allowed to make submissions to the agenda prior to the start of the discussion, which is to be accepted by the Executive Committee.
  - (II) No voting may occur at a mass discussion.
- (5) Students can request a mass meeting through a petition that has been signed by at least fifty (50) students, in which case the SRC must arrange that the mass meeting takes place within two (2) weeks after the petition has been filed.

### **39. Other duties and privileges**

- (1) SRC members may –
  - (a) Appoint portfolio subcommittees.
  - (b) Appoint a personal assistant, subject to approval by the Executive Committee.
  - (c) Initiate portfolio-specific projects.
  - (d) Adjust the spending of their allocated budget, subject to the financial guidelines of the SRC.
- (2) The SRC has the duty to –
  - (a) Make this Constitution available to students and make them aware of its availability.
  - (b) Fulfil any other duties required of it by this Constitution.

## *Part 4.3 Executive Committee of the Students' Representative Council*

### **40. Composition**

The Executive Committee consists of –

- (1) The Chairperson of the SRC.
- (2) The Vice-Chairperson of the SRC.
- (3) The Treasurer of the SRC.
- (4) The Secretary of the SRC.
- (5) Two (2) additional members of the SRC

### **41. Duties and powers**

- (1) The Executive Committee has the duty and power to –
  - (a) Set the agenda for SRC meetings.
  - (b) Manage the day-to-day matters of the SRC.
    - (I) Excluding any power or duty granted to the SRC by this Constitution.
  - (c) Fulfil any duty that the SRC delegates to it.
  - (d) Fulfil any other function that this Constitution assigns to it.
- (2) The Executive Committee, subject to s41(3), also has the duty and power to –
  - (a) Compile and amend thereafter, the SRC budget.

- (b) Make important decisions in urgent cases where it is not practically feasible to convene the SRC.
    - (I) The SRC must be immediately notified of decisions in terms of s41(2)(b); and
    - (II) Such decisions must be tabled at the next possible SRC Meeting for final determination.
  - (c) Decide on the portfolio allocation of the SRC, excluding the compulsory portfolios.
  - (d) Appoints the Election Commissioners in terms of s18(6).
- (3) Decisions taken by the Executive Committee in terms of s41(2) will be in full effect unless set aside by the SRC at a later meeting through the process outlined in s42(3).

#### **42. Meetings and minutes**

- (1) The Executive Committee meets at least once per week but is not obligated to meet during examination and holiday periods.
- (2) All decisions of the Executive Committee must be noted, and the minutes of an Executive Committee meeting must be made available to the SRC three (3) University days after the meeting.
- (3) If at least three (3) members of the SRC put a request in writing to the Chairperson within one (1) University day after the minutes are made available, the following must occur –
  - (a) The Chairperson must, within two (2) University days of the submission of the request, convene a special SRC meeting.
  - (b) Where the only item(s) on the agenda will be the issues in question from the minutes of the Executive Committee meeting.
  - (c) A simple majority of the membership of the SRC is required to set aside the decisions of the Executive Committee.
- (4) The Executive Committee may invite any person that is relevant to any number of agenda points to simplify the discussions.

#### **43. Quorum**

Four (4) members of the Executive Committee constitute a quorum at meetings of the Executive Committee.

#### *Part 4.4 Students' Representative Council meetings*

#### **44. Frequency**

The SRC meets at least once every two (2) weeks but is not obligated to meet during the official examination and holiday periods.

#### **45. Notice of meetings**

Written notice of an ordinary SRC meeting is given to members at least two (2) University days before the meeting and states at least –

- (1) The date, time, and place of the meeting.
- (2) The complete agenda.

#### **46. Quorum and voting**

- (1) Eleven (11) SRC members constitute a quorum at SRC meetings.
- (2) No decision of the SRC will be valid if at least eleven (11) members were not present at the meeting where the decision was taken.
- (3) If a vote results in a tie, the SRC must deliberate meaningfully around the issue and vote again. If the vote still results in a tie, the vote of the Chairperson will be decisive.

#### **47. Transparency**

- (1) SRC ordinary meetings:
  - (a) An abbreviated agenda, which states at least all the points on the agenda, as well as the date, time, and place of the meeting must be made available to all students at least two (2) University days before each SRC meeting.
  - (b) Any student, or any other person invited by the Students' Representative Council, may attend Students' Representative Council meetings.
  - (c) A person who is not a member or manager of the Students' Representative Council may only get an opportunity to speak, the duration of which is determined by the Chairperson, at a Students' Representative Council meeting if –
    - (I) The Chairperson determines that their input will be valuable to the discussion; or
    - (II) At least one (1) University day before the meeting they give written notice to the Secretary of their intention to speak, and the Chairperson approves the request to speak.
  - (d) The Chairperson can rule the discussion of a specific point on the agenda in camera if they believe it to be in the best interests of students, provided that –
    - (I) The Chairperson must do it before the agenda is set.
    - (II) The point must still appear in the agenda and abbreviated agenda.
    - (III) The discussion of the point still be noted, the record of which need only be made available internally to the Students' Representative Council.
    - (IV) The Students' Representative Council can decide to overturn the decision of the Chairperson.
- (2) SRC special meetings:
  - (a) An abbreviated agenda, which states at least all the points on the agenda, as well as the date, time and, place of the meeting, must be made available to all students at least two (2) hours before the meeting.
  - (b) The special meeting allows the SRC to meet when necessary to discuss immediate or pertinent issues without delay.

- (c) The SRC executive can rule that the meeting be a closed meeting provided that:
  - (I) It is necessary for the discussion, in the best interest of students, or necessary for the SRC to agree on an issue.
  - (II) The minutes of the discussion be released to students within five (5) university days.
  - (III) If at least three (3) members of the Students' Representative Council put a request in writing to the Chair within two (2) University days after the minutes are made available, the discussion point is tabled at the next possible ordinary SRC meeting.

#### **48. Minutes**

- (1) All decisions of the SRC must be noted.
- (2) The Secretary must ensure that the complete minutes of each SRC meeting are made available to all students electronically, not later than five (5) University days after the meeting.

#### **49. Seconds for ex officio members**

- (1) If ex officio members cannot attend an SRC meeting, they may appoint a member of their committee, in writing as a second to attend the meeting.
  - (a) This must be sent to the Secretary of the SRC.
- (2) Said second may exercise all the rights and powers at the meeting that the person that they represent would have been able to exercise had they been present.
- (3) The right to appoint a second may not be exercised consecutively for more than two (2) SRC meetings.
- (4) Seconds from ex officio members count towards quorum.

#### **50. Proxies for general SRC members.**

- (1) Any SRC member who may be absent from a meeting may beforehand appoint a proxy vote.
- (2) The member must inform the Secretary of the SRC, in writing of the proxy vote.
- (3) The right to appoint a proxy vote may not be exercised consecutively for more than two (2) SRC meetings.
- (4) Proxy votes do not count towards quorum.

### *Part 4.5 Evaluation of Students' Representative Council members by the Evaluation Panel*

#### **51. Nature and convening of the Evaluation Panel**

- (1) The Evaluation Panel is convened by the Director of the Centre for Student Leadership, Experiential Education, and Citizenship or their nominated alternate to evaluate how the SRC members performed their duties and in doing so holds them accountable.
- (2) The Evaluation Panel must convene within two (2) weeks of the end of an SRC's term.

## **52. Composition of the Evaluation Panel**

- (1) The Evaluation Panel consists of the following members:
  - (a) The Director of the Centre for Student Leadership, Experiential Education, and Citizenship or their nominated alternate will act as the Chairperson of the Evaluation Panel.
  - (b) The Chief Justice of the Student Court or a member of the Court appointed by them.
  - (c) The Students' Assembly Speaker.
  - (d) The Convenor of the Student Imbizo.
  - (e) Two (2) persons, whether students, University members of staff, or other persons, who are not SRC members, appointed by the SRC, considering their knowledge of the duties of the SRC.
- (2) The Vice-Rector (Teaching & Learning) may appoint one (1) University members of staff, who have no voting rights on the Evaluation Panel, to serve on the Evaluation Panel in an advisory capacity.

## **53. Duties and powers of the Evaluation Panel**

- (1) The Evaluation Panel can decide to –
  - (a) Withhold up to 20% of the customary honorarium of an SRC member if that member's annual report is, in the opinion of the Evaluation Panel, not adequate and complete; and
  - (b) Withhold up to 40% of the customary honorarium of an SRC member if the Evaluation Panel is of the opinion that that member did not perform their duties properly and competently.
- (2) The Evaluation Panel can conduct a short interview with each SRC member and manager about the performance of their duties and the performance of the other SRC members.
- (3) When deciding in terms of s53(1)(b), the Evaluation Panel must also take the following into account:
  - (a) The provisions of this Constitution.
  - (b) The code of conduct and other regulations of the SRC.
  - (c) Any representations that any person may direct in writing to the Chair of the Evaluation Panel.
  - (d) The reports of SRC members, copies of which must be supplied to the Evaluation Panel.
  - (e) The principles of procedural fairness.

## **54. Review**

The decisions of the Evaluation Panel can be reviewed by the Appeal Court, but not by the Student Court.

## **55. Procedure**

The Evaluation Panel determines its own procedure.

**56. Notice and reasons**

Should it be decided to withhold any portion of an SRC member's honorarium, the Evaluation Panel must inform such member of the SRC as soon as possible of its decision and, in writing, of the reasons for that decision.

**57. Timeframe**

The Evaluation Panel is constituted annually to perform its duties and powers between 1 March and 31 December of the year concerned.

## CHAPTER 5: STUDENT PARLIAMENT

### *Part 5.1: General*

#### **58. Nature of Student Parliament**

- (1) Student Parliament is an independent forum that seeks to facilitate discussion on student issues between student leaders and other students and can take the form of public feedback or consultation.
- (2) Student Parliament serves to ensure that the SRC, Prim Committee, Academic Affairs Council, Senior Prim Committee, the Tygerberg Student Council, and Societies Council fulfil their constitutional mandate and act in an accountable and transparent manner.
- (3) Student Parliament facilitates cooperation in student leadership at Stellenbosch University and focuses on policy revision and creation as it pertains to student leadership.
- (4) Student Parliament is the forum at which amendments to this Constitution are discussed and approved.
- (5) The Stellenbosch University Student Parliament is bicameral, consisting of the Students' Assembly, and the Student Imbizo.

### *Part 5.2: The Students' Assembly*

#### **59. The Students' Assembly**

- (1) The Students' Assembly is established as an independent body, subject only to this Constitution and the institutional rules applicable to its functions.
- (2) The Students' Assembly serves as a discussion forum for student issues between student leaders and other students and can take the form of public feedback or consultation.

#### **60. Responsibilities of the Students' Assembly**

The Students' Assembly must –

- (1) Promote the values of the University and promote cooperative governance amongst student structures.
- (2) Participate in the legislative process as outlined in this Constitution.
- (3) Monitor, lobby, educate and advise on issues related to the adherence to the provisions of this Constitution.
- (4) Facilitate discussions on matters of importance to the Student Body.

#### **61. Jurisdiction of the Students' Assembly**

The jurisdiction of the Students' Assembly's powers is limited to the Structures established by this Constitution.



## **62. Functions and Powers of the Students' Assembly**

The Students' Assembly has the power, as regulated by this Constitution and the rules of the Students' Assembly to–

- (1) Amend this Constitution through the processes outlined in this constitution.
- (2) Summon any member of the structures established by this Constitution to appear before it to explain any of their actions, activities, or lack thereof in person at a sitting of the Students' Assembly.
- (3) Receive petitions, representations, or submissions from any person or Student structure.
- (4) Make any binding resolutions that unless otherwise provided for in this Constitution, do bind the SRC, Academic Affairs Council, Societies Council, Prim Committee, Tygerberg Student's Representative Council, and Senior Prim Committee, if it is passed with an 80% majority of a minimum of 100 votes cast.
- (5) Request one or more SRC members to explain any of their actions, activities, or lack thereof in person at a sitting of the Students' Assembly.
- (6) Institute a motion of no confidence in one or more SRC members, subject to review by the Student Imbizo which shall determine whether to impeach said SRC member(s) within 7 days of the motion being passed.
- (7) Determine a list of broad priorities, before the incoming SRC is elected, which the SRC must adhere to in compiling their budget and planning their activities.
- (8) Hold extraordinary meetings.
- (9) Appoint task teams to discuss and investigate specific matters and to report back and make recommendations to the Students' Assembly.
- (10) Adopt any other measures to ensure that it fulfils its mandate effectively.
- (11) To recommend policy changes to the bodies constituted by this constitution who must present a report to the Students' Assembly if the recommendations are not implemented, and reasons, therefore.
- (12) The powers described above are subject to the Students' Assembly establishing and adopting rules which –
  - (a) Set out the procedures to be followed in exercising these powers.
  - (b) are to be approved by the Student Court before it comes into force.

## **63. Membership of the Students' Assembly**

- (1) The Students' Assembly consists of –
  - (a) All SRC members.
  - (b) Eight (8) members of the Academic Affairs Council.
  - (c) Eight (8) members of the Prim Committee.
  - (d) Eight (8) members of the Societies Council.
  - (e) Two (2) House Committee members from each cluster.
  - (f) Two (2) House Committee members from Senior Prim Committee.
  - (g) One (1) member from the Cluster Executive.
  - (h) One (1) member of the Tygerberg Student Parliament.
  - (i) One (1) member from each faculty committee.
  - (j) Ten (10) members of society committees appointed by the Societies Council.
  - (k) All students who attend a sitting of the Student' Assembly.

- (2) A list of the members described in section 63(1)(a) to (j) must be submitted to the Students' Assembly Speaker a week after the commencement of the Students' Assembly Committee's term by the relevant ex officio structure.
- (3) The Students' Assembly must take reasonable steps to ensure the members described in section 63(1)(a) to (j) attend sittings of the Students' Assembly.
- (4) No person can fill more than one seat at any time.
- (5) If a member of the Students' Assembly can no longer fulfil their duties, the Students' Assembly Committee must ensure the vacancy is filled.

#### **64. Speaker of the Students' Assembly**

A Speaker is elected annually by the Students' Assembly, and their duties include –

- (1) Ensuring that plenary sessions take place.
- (2) Ensuring that an agenda is compiled and is made available to all students at least one week before a plenary session takes place.
- (3) Ensuring that the minutes of plenary sessions are made available no later than two (2) weeks after each meeting.
- (4) To preside over meetings of the Students' Assembly impartially and in such a manner as to promote orderly and democratic debate.
- (5) To act as Chairperson of the Students' Assembly Committee.

#### **65. Students' Assembly Committee**

- (1) The Students' Assembly Committee consists of the Speaker, and a minimum of four (4) other members elected or appointed according to a procedure laid out by the Students' Assembly.
- (2) The Convenor of the Student Imbizo must be an ex-officio member.
- (3) The Students' Assembly Committee is responsible for ensuring that the Students' Assembly fulfils its mandate, which includes taking reasonable steps to ensure participation by compulsory members and students.

#### **66. Constitutions, rules, and regulations**

- (1) The Students' Assembly may adopt any constitutions, rules, or regulations to organise its activities.
- (2) Such constitutions, rules, or regulations are subject to approval by the Student Court, and can be referred back to the Students' Assembly by the Court on the grounds of –
  - (a) Procedural unfairness.
  - (b) Incompatibility with Student Parliament's constitutional mandate or the constitutional framework of student leadership within the University.

### *Part 5.3: The Student Imbizo*

#### **67. The Student Imbizo**

- (1) The Student Imbizo is established as an independent body, subject only to this Constitution and the institutional rules applicable to its functions.
- (2) The Student Imbizo must be impartial and must exercise its powers and perform its responsibilities without fear, favour, or prejudice.
- (3) All the structures established by this Constitution must; through legislation and other measures; assist and protect the Student Imbizo to ensure its independence, impartiality, dignity, and effectiveness.

#### **68. Responsibilities of the Student Imbizo**

The Student Imbizo must –

- (1) Promote the values of the University and promote cooperative governance amongst student structures.
- (2) Participate in the legislative process as outlined in this Constitution.
- (3) Monitor, lobby, educate and advise on issues related to the adherence to the provisions of this Constitution.
- (4) Monitor and assess the observance of University rules and guidelines and adherence to this Constitution.
- (5) Meet at least once a month.

#### **69. Jurisdiction of the Student Imbizo**

The Student Imbizo–

- (1) Has a limited jurisdiction to the Structures established by this Constitution.
- (2) May not investigate Student Court decisions.
- (3) May only investigate conduct related to the performance or the lack thereof, of the duties of Student leaders of the Structures established by this Constitution.
- (4) May only discuss and make resolutions on conduct related to the performance or the lack thereof, of the duties of Student leaders or structures established by this Constitution.

#### **70. Functions and Powers of the Student Imbizo**

- (1) Unless otherwise provided for in this Constitution, remedial action of the Student Imbizo binds the SRC, Academic Affairs Council, Societies Council, Prim Committee and Senior Prim Committee, Tygerberg Student Council, subject to the following –
  - (a) There must have been an investigation into alleged misconduct, incompetence, and/or negligence.
  - (b) The remedial action must relate to misconduct, incompetence, and/or negligence.
  - (c) The remedial action must be agreed upon by 75% of the Student Imbizo.

- (2) To summon any student to appear before it to explain any of their actions, activities, or lack thereof in person at a meeting of the Student Imbizo. Students subject to this power are limited to –
  - (a) Members of the structures established by this Constitution.
  - (b) Any student performing a public function, this includes all committees and forums where students are represented by students.
  - (c) Any student holding an office that confers positional authority or representation.
- (3) To investigate any conduct relating to the performance of the functions of positional Student leader(s), that is alleged or suspected to be improper or result in any impropriety or prejudice and report on that conduct.
- (4) To investigate any conduct by positional Student leaders that is alleged or suspected to be a breach of the relevant internal policies, rules, or the Student Constitution and report on that conduct.
- (5) To act as a mediator or arbitrator within or between the structures established by this Constitution if the relevant parties agree. An arbitration award will be binding on the parties.
- (6) Review motions of no Confidence in an SRC member(s) and determine whether or not to remove that member(s) from office.
- (7) To impeach members of the SRC, Academic Affairs Council, Societies Council, Prim Committee, Senior Prim Committee, and Tygerberg Student Council, on the grounds that they are not fulfilling their constitutional obligations, subject to review by the Student Court.
- (8) To hold regular public accountability hearings at which members of the SRC, Academic Affairs Council, Societies Council, Prim Committee, Senior Prim Committee, and Tygerberg Student Council present reports and give evidence on the performance of their structures.
- (9) Receive and consider all proposed amendments to the Student Constitution and submit them to the Students' Assembly for adoption within seven (7) days after receiving it.
- (10) Adopt any other measures to ensure that it fulfils its mandate effectively.
- (11)The powers described above are subject to the Student Imbizo establishing and adopting rules which –
  - (a) Set out the procedures to be followed in exercising these powers.
  - (b) Is to be approved by the Student Court before it comes into force.

### **71. Membership of the Student Imbizo**

- (1) The Student Imbizo consists of delegates, appointed (at their own discretion) from the following Structures –
  - (a) One (1) student appointed by the SRC.
  - (b) One (1) student appointed by the Academic Affairs Council.
  - (c) One (1) student appointed by the Prim Committee.
  - (d) One (1) student appointed by the Societies Council.
  - (e) One (1) student appointed by the Senior Prim Committee.
  - (f) One (1) student appointed by the Tygerberg Student Parliament.
  - (g) One (1) student appointed by the Tygerberg Student Council.
  - (h) One (1) student appointed by the Students' Assembly.

- (2) The following members will be special delegates of the Student Imbizo and all their powers are subject to their attendance –
  - (a) Two (2) students from faculty committees, appointed by the Academic Affairs Council, but are not part of the Academic Affairs Council.
  - (b) Two (2) students from house committees, appointed by the Prim Committee and Senior Prim Committee, but are not part of the Prim Committee and Senior Prim Committee.
  - (c) Two (2) students from societies executive committees appointed by the Societies Council but are not part of the Societies Council.
- (3) No person can fill more than one seat at any time.
- (4) If a member of the Student Imbizo can no longer fulfil their duties, the Student Imbizo Committee must ensure the vacancy is filled.

## **72. The Convenor of the Student Imbizo**

A Convenor is elected annually by the Student Imbizo, and their duties include –

- (1) Ensuring that Student Imbizo meetings take place.
- (2) Ensuring that an agenda is compiled and is made available to all Student Imbizo delegates at least one week before a Student Imbizo meeting takes place.
- (3) Ensuring that the minutes of Student Imbizo meetings are made available no later than two (2) weeks after each meeting.
- (4) Presiding over meetings of the Student Imbizo impartially and in such a manner as to promote orderly and democratic debate.
- (5) Acting as Chairperson of the Student Imbizo Committee.
- (6) Being an ex-officio member of the Students' Assembly Committee.

## **73. Student Imbizo Committee**

- (1) The Student Imbizo Committee consists of the Convenor, and a minimum of two (2) other members appointed by the Convenor from the delegates of the Student Imbizo, according to a procedure laid out by the rules of the Student Imbizo.
- (2) A deputy Speaker of the Students' Assembly must serve as an ex-officio member.
- (3) The Student Imbizo Committee is responsible for ensuring that the Student Imbizo fulfils its mandate, which includes taking reasonable steps to ensure participation by delegates.

## **74. Constitutions, rules, and regulations**

- (1) The Student Imbizo may adopt any constitutions, rules, or regulations to organise its activities.
- (2) Such constitutions, rules, or regulations are subject to approval by the Student Court, and can be referred back to the Student Imbizo by the Court on the grounds of –
  - (a) Procedural unfairness.
  - (b) Incompatibility with Student Parliament's constitutional mandate or the constitutional framework of student leadership within the University.

## CHAPTER 6: STUDENT COURT

### **75. Nature and functioning of the Student Court**

- (1) The Student Court –
  - (a) Functions as an administrative tribunal.
  - (b) Is independent and subject only to this Constitution, which the Student Court must apply impartially and without fear, favour, or prejudice.
- (2) All student bodies must cooperate to ensure the independence, impartiality, dignity, and accessibility of the Student Court.

### **76. Nomination and appointment of members of the Student Court**

- (1) The Chief Justice must request nominations for the members of the Student Court from all students and law lecturers three weeks prior to the end of the third academic term.
- (2) The opening of nominations must be advertised clearly to all eligible students, whether through electronic communication or otherwise.
- (3) Nominations must be open for at least seven (7) days.
- (4) Members of the Student Court are appointed by a committee, appointed by the Dean of the Law Faculty. The Appointment Committee must consist of:
  - (a) The Dean of the Law Faculty or their appointed designate.
  - (b) The incumbent Chief Justice provided they are not nominated again.
  - (c) Two (2) members of the Faculty Board of the Law Faculty.
  - (d) Two (2) students designated by the SRC.
- (5) The Chief Justice must submit the nominations to the Dean of the Law Faculty before the beginning of the fourth academic term.

### **77. Composition and membership**

- (1) The Student Court consists of five (5) LLB students or LLB graduate, provided that –
  - (a) A minimum of one (1) to a maximum of two (2) LLB students in their penultimate year (in the year following their appointments) serve on the Student Court.
  - (b) A minimum of two (2) to a maximum of four (4) LLB students in their final year (in the year following their appointments) serve on the Student Court.
  - (c) A maximum of one (1) LLB graduate, who is currently a student at Stellenbosch University.
- (2) No member of the Student Court may be a positional student leader, subject to positions permitted by this constitution.
- (3) The membership of a Student Court member terminates when –
  - (a) The member's term of office expires.
  - (b) The member dies.
  - (c) The member presents a written resignation to the Chief Justice of the Student Court and the Dean of the Law Faculty.
  - (d) The member ceases to be a registered student at the University.
  - (e) The member is removed in terms of s78.

## **78. Removal**

- (1) A member may be impeached by the Student Imbizo by a resolution supported by two-thirds of its members, should they –
  - (a) Contravene a rule or code set out in the Disciplinary Code of Stellenbosch University.
  - (b) Fail to perform their duties as a member of the Student Court on more than two (2) occasions and are unable to provide a valid excuse for such failure.
- (2) An impeachment in terms of s78(1) only comes into effect after it has been approved by the Dean of the Law Faculty.

## **79. Appointment of a new member**

- (1) Should a member's membership terminate before the end of their term, the Chief Justice must request nominations for a replacement within five (5) university days after receiving the resignation.
- (2) The nominations must be open for at least seven (7) days to at most ten (10) days.
- (3) The Chief Justice must submit the nominations to the Dean of the Law Faculty –
  - (a) Who will present it to the Appointment Committee within seven (7) days after receiving it.
- (4) The Appointment Committee must appoint a new member within seven (7) days, after being convened.
- (5) Should the Chief Justice resign, the Dean of the Law Faculty will appoint an interim Chief Justice until a new Chief Justice is elected.
- (6) The interim Chief Justice will open nominations for a new member and the procedure in terms of s79(1) – s79(4) shall apply.
- (7) The Chief Justice is elected within ten (10) days after the appointment of the new member of the Student Court at a meeting that is convened by the interim Chief Justice.

## **80. Student Court Committee**

- (1) The Student Court Committee is elected by members of the Student Court from amongst themselves and consists of –
  - (a) The Chief Justice of the Student Court.
  - (b) The Deputy Chief Justice of the Student Court.
  - (c) The Secretary of the Student Court.
  - (d) Two (2) additional members, subject to portfolios outlined in their Code of Conduct.
- (2) The Student Court Committee must be elected within ten (10) university days after the appointment of the members of the Student Court at a meeting that is convened by the former Chief Justice of the Student Court.
- (3) The Student Court Committee must adopt a code of conduct within ten (10) university days after the appointment of the Chief Justice.
  - (a) Which must prescribe the powers, duties, functions, and privileges of members of the Student Court.

### **81. Term of office**

The term of office of the Student Court commences upon appointment by the Appointment Committee and terminates when the Appointment Committee appoints the new members, subject to s82.

### **82. Current Student Court Roll**

- (1) Should there be outstanding judgements or cases, the outgoing Student Court must finalise these outstanding judgments or cases before leaving office; or
- (2) The Student Court rules must provide contingency plans for cases still pending during the transition of Student Court.

### **83. Responsibilities**

In addition to resolving disputes falling within their jurisdiction, Student Court also has the responsibility to:

- (1) Subject to the Student Constitution, approve constitutions, rules, regulations, and amendments thereto.
  - (a) Constitutions, rules, regulations, and amendments must be reviewed by the Court within one (1) month after receiving the documents.
- (2) Provide training as prescribed by the Student Constitution.

### **84. Jurisdiction of the Student Court**

The Student Court has the power to –

- (1) Give an interpretation, or to confirm the interpretation of a party before the Student Court, regarding –
  - (a) This Constitution.
  - (b) Any empowering provision in terms of which a student body or a member of a student body exercises power.
- (2) Decide on the constitutionality of any action or omission of a student body or a member thereof.
- (3) Review any decision of a student body or a member thereof whereby the rights or legitimate expectations of a student or group of students are materially and adversely affected.
- (4) Make a final decision regarding any matter where the parties' consent to the jurisdiction of the Student Court.
- (5) Decide on all other matters which this Constitution places under the jurisdiction of the Student Court.



## **85. Remedies**

The Student Court can –

- (1) Grant an interdict or any other interim relief if material injustice would otherwise result.
- (2) Grant a declaratory order.
- (3) Set aside any decision or action that is inconsistent with this Constitution, or a constitution, policy, regulation or any empowering provision of a student body, in so far as it is inconsistent with it, provided that in case of setting aside –
  - (a) The retroactive effect of the order must be limited as far as possible; and
  - (b) The order can be suspended for a fixed time or on any conditions to allow the person or body in question to rectify the fault; or
- (4) Grant any order, including a combination of the abovementioned remedies, that is fair and equitable.

## **86. Applications to and standing before the Student Court**

All students and student bodies can bring cases before the Student Court, and only students and student structures can bring cases, unless –

- (1) This Constitution gives standing to another person or structure.
- (2) All the parties before the Court consent to giving another person or body standing.

## **87. Procedure of the Student Court**

- (1) The Student Court determines its own procedure with due consideration of –
  - (a) Procedural fairness.
  - (b) The need for the Student Court to be accessible.
- (2) The Student Court must, after consultation with the SRC and subject to approval by the Appeal Court, adopt rules that set out its procedure, which must at least provide that –
  - (a) After the Student Court receives an application, the Chief Justice must ensure that any person who may have a material interest in the proceedings is notified.
  - (b) Notice of any hearing will be advertised timeously.
- (3) The rules contemplated in s87(2) and the identity and contact details of the Chair of the Student Court, must be readily available electronically and in hard copy to all students.

## **88. Representation at the Student Court**

- (1) Any party before the Student Court may appear before the Student Court with or without representation.
- (2) Only students may act as representatives before the Student Court.

### **89. Decisions of the Student Court**

- (1) The decisions of the Student Court are binding.
- (2) The Student Court must provide, in writing, reasons for its decisions, which must be signed by all the members of the Student Court.
- (3) Where a minority of members of the Student Court do not concur with the majority, the minority must in writing provide reasons for the deviation.
- (4) All decisions of the Student Court must be made available electronically to all students as soon as possible after they have been handed down.
- (5) The Chief Justice must ensure that all decisions of the Student Court are stored on an electronic database and that all students can readily access the previous decisions of the Student Court.

## CHAPTER 7: THE APPEAL COURT

### **90. Composition of the Appeal Court**

The Appeal Court consists of two (2) lecturers of the Law Faculty, who are appointed by the Dean of the Law Faculty.

### **91. Jurisdiction of the Appeal Court**

The Appeal Court –

- (1) Hears appeals against the decisions of the Student Court.
- (2) Can review any decision or omission of the Student Court.
- (3) Can review decisions of the Evaluation Panel.
- (4) Can decide on any other matters that are placed under its jurisdiction by this Constitution.

### **92. Lodging Appeals or applications for review by the Appeal Court**

- (1) An appeal or an application for review at the Appeal Court is lodged with the Dean of the Law Faculty, who will appoint the Appeal Court.
- (2) The appeal must be lodged within five (5) days after the decision against which is being appealed or which is reviewed was taken unless the Constitution provides otherwise.

### **93. Procedure of the Appeal Court**

The procedure of the Appeal Court is the same as that of the Student Court, with the necessary adjustment.

## CHAPTER 8: THE ACADEMIC AFFAIRS COUNCIL

### 94. Composition

- (1) The Academic Affairs Council consists of:
  - (a) The chairperson and the executive committee of the Academic Affairs Council with rights as granted to them by the Academic Affairs Council constitution.
  - (b) Two (2) students from each faculty.
  - (c) Any additional members that are provided for in the Academic Affairs Council constitution.
- (2) The chairperson of the Academic Affairs Council is elected in the way prescribed in the Academic Affairs Council constitution and the election of the chairperson is run by the Electoral Commission in accordance with s22.
- (3) Members of the Academic Affairs Council are elected in the way prescribed in the Academic Affairs Council constitution.

### 95. Duties and powers

- (1) The Academic Affairs Council represents the academic interests of the students at the SRC and the University management.
- (2) The Academic Affairs Council is an autonomous student representational structure and has the powers necessary for the performance of its duties.
- (3) Decisions of the Academic Affairs Council are binding on all faculty committees, subject to the Academic Affairs Council constitution.

### 96. Constitutional mandate

The Academic Affairs Council has a constitutional mandate to:

- (1) Actively promote the rights of students contained in CHAPTER 2, and specifically the right, under s8(2) to quality education, academic support, and transparent and justifiable assessment procedures.
- (2) Serve as a forum of faculty committee leaders that strives to protect and further the interests of all students, by advising the SRC via the Academic Affairs Council chairperson.

### 97. Constitutions, rules, and regulations

- (1) The Academic Affairs Council constitution is binding on all faculty committee constitutions.
- (2) The Academic Affairs Council may, upon approval by the Student Court, accept any constitutions, rules, or regulations, or amendments thereto, that organises its activities.
- (3) The Student Court may refuse to approve new constitutions, rules, regulations, or amendments submitted by the Academic Affairs Council on the grounds of –
  - (a) Procedural fairness.
  - (b) Incompatibility with the Academic Affairs Council's constitutional mandate or the constitutional framework of student leadership at the University.

- (4) The Academic Affairs Council may appeal to the Appeal Court against a refusal by the Student Court under s97(2).
- (5) The Academic Affairs Council must establish a committee for the purpose of approving any constitutions, rules, or regulations, or amendments thereto, by faculty committees.
  - (a) All constitutions, rules, or regulations, or amendments of faculty committee constitutions must be approved by this committee.
  - (b) The committee must receive mandatory training facilitated by the Student Court to equip them with the skills necessary for the execution of its duties.
  - (c) Appeals of the decisions of the committee must be in accordance with the procedure set out in the Academic Affairs Council constitution.

## CHAPTER 9: THE PRIM COMMITTEE

### **98. Composition**

- (1) The Prim Committee consists of:
  - (a) The chairperson and the executive committee of the Prim Committee with rights as granted to them by the Prim Committee constitution.
  - (b) The Prim, or their nominee, of each residence and PSO.
  - (c) Any additional members provided for in the Prim Committee constitution.
- (2) The chairperson and vice-chairperson of the Prim Committee are elected in the way prescribed in the Prim Committee constitution and the elections are run by the Electoral Commission in accordance with s22.

### **99. Duties and powers**

- (1) The Prim Committee represents the interests of the residents of residences and members of PSOs, in that capacity, at the SRC and the University management.
- (2) The Prim Committee is an autonomous student representational structure and has the powers necessary for the performance of its duties.
- (3) Decisions of the Prim Committee are binding on all House Committees of Houses that form part of the Prim Committee.

### **100. Constitutional mandate**

The Prim Committee has a constitutional mandate to:

- (1) Actively promote the rights of students contained in CHAPTER 2, and specifically the right, under s8(1), to an enabling campus environment in which student success and academic excellence are encouraged and pursued.
- (2) Serve as a forum of house committee leaders that strives to protect and further the interests of all students, by advising the SRC via the Prim Committee chairperson and vice-chairperson.

### **101. Constitutions, rules, and regulations**

- (1) The Prim Committee constitution is binding on all House constitutions, of Houses that form part of the Prim Committee.
- (2) The Prim Committee may, upon approval by the Student Court, accept any constitutions, rules, or regulations, or amendments thereto, that organises its activities.
- (3) The Student Court may refuse to approve new constitutions, rules, regulations, or amendments submitted by the Prim Committee on the grounds of –
  - (a) Procedural fairness.
  - (b) Incompatibility with the Prim Committee’s constitutional mandate or the constitutional framework of student leadership at the University.
- (4) The Prim Committee may appeal to the Appeal Court against a refusal by the Student Court under s101(2).

- (5) The Prim Committee must establish a committee for the purpose of approving any constitutions, rules, or regulations, or amendments thereto, by house committees.
  - (a) All constitutions, rules, or regulations, or amendments of house committee constitutions must be approved by this committee.
  - (b) The committee must receive mandatory training facilitated by the Student Court to equip them with the skills necessary for the execution of its duties.
  - (c) Appeals of the decisions of the committee must be in accordance with the procedure set out in the Prim Committee constitution.

## CHAPTER 10: THE SENIOR PRIM COMMITTEE

### **102. Composition**

- (1) The Senior Prim Committee consists of
  - (a) The chairperson and the executive committee of the Senior Prim Committee with rights as granted to them by the Senior Prim Committee constitution.
  - (b) The Prim, or their nominee, of each senior residence.
  - (c) Any additional members provided for in the Senior Prim Committee constitution.
- (2) The chairperson of the Senior Prim Committee is elected in the way prescribed in the Senior Prim Committee constitution and the election of the chairperson is run by the Electoral Commission in accordance with s22.
- (3) The chairperson must have been a resident in a senior residence for at least one year and be elected from within the Senior Prim Committee.

### **103. Duties and powers**

- (1) The Senior Prim Committee represents the interests of the residents of senior residences, in that capacity, at the SRC and the University management.
- (2) The Senior Prim Committee is an autonomous student representational structure and has the powers necessary for the performance of its duties.
- (3) Decisions of the Senior Prim Committee are binding on all House Committees of Houses that form part of the Senior Prim Committee.

### **104. Constitutional mandate**

The Senior Prim Committee has a constitutional mandate to:

- (1) Actively promote the rights of students contained in CHAPTER 2, and specifically the right, under s8(1), to an enabling campus environment in which student success and academic excellence are encouraged and pursued.
- (2) Serve as a forum of House Committee leaders that strives to protect and further the interests of all students, by advising the SRC via the Senior Prim Committee chairperson.

### **105. Constitutions, rules, and regulations**

- (1) The Senior Prim Committee constitution is binding on all House constitutions, of Houses that form part of the Senior Prim Committee.
- (2) The Senior Prim Committee may, upon approval by the Student Court, accept any constitutions, rules, or regulations, or amendments thereto, that organises its activities.
- (3) The Student Court may refuse to approve new constitutions, rules, regulations, or amendments submitted by the Senior Prim Committee on the grounds of –
  - (a) Procedural fairness.
  - (b) Incompatibility with the Senior Prim Committee’s constitutional mandate or the constitutional framework of student leadership at the University.



- (4) The Senior Prim Committee may appeal to the Appeal Court against a refusal by the Student Court under s105(2).
- (5) The Senior Prim Committee must establish a committee for the purpose of approving any constitutions, rules, or regulations, or amendments thereto, by house committees.
  - (a) All constitutions, rules, or regulations, or amendments of house committee constitutions must be approved by this committee.
  - (b) The committee must receive mandatory training facilitated by the Student Court to equip them with the skills necessary for the execution of its duties.
  - (c) Appeals of the decisions of the committee must be in accordance with the procedure set out in the Senior Prim Committee constitution.

## CHAPTER 11: THE SOCIETIES COUNCIL

### **106. Composition**

- (1) The Societies Council consists of:
  - (a) The chairperson and the executive committee of the Societies Council with rights as granted to them by the Societies Council constitution.
  - (b) The chairperson of every registered society.
  - (c) Any other members that are provided for in the Societies Council constitution.
- (2) The chairperson of the Societies Council is elected in the way prescribed in the Societies Council constitution and the election of the chairperson is run by the Electoral Commission in accordance with s22.

### **107. Duties and powers**

- (1) The Societies Council represents the interests of all recognised student societies and that of the members of all recognised student societies of the University, in that capacity, at the SRC and the University management.
- (2) The Societies Council is an autonomous student representational structure and has the powers necessary for the performance of its duties.
- (3) Decisions of the Societies Council are binding on all societies, subject to the Societies Council constitution.

### **108. Constitutional mandate**

The Societies Council has a constitutional mandate to:

- (1) Actively promote the rights of students contained in CHAPTER 2, and specifically the right to freedom of religion, belief, and opinion under s9 and the right to freedom of association under s12.
- (2) Serve as a forum of societies' leaders that strives to protect and further the interests of all students, by advising the SRC via the Societies Council chairperson.

### **109. Constitutions, rules, and regulations**

- (1) The Societies Council constitution is binding on all society constitutions.
- (2) The Societies Council may accept any constitutions, rules, and regulations, or amendments thereto, that organise its activities, subject to ratification by Student Court.
  - (a) All constitutional amendments, rules, or regulations that are adopted by the Societies Council will be in full force and effect, subject to being set aside in accordance with s109(2).
- (3) The Student Court may refuse to approve new constitutions, rules, regulations, or amendments submitted by the Societies Council on the grounds of –
  - (a) Procedural fairness.
  - (b) Incompatibility with the Societies Council's constitutional mandate or the constitutional framework of student leadership at the University.

- (4) The Societies Council may appeal to the Appeal Court against a refusal by the Student Court under s109(2).
- (5) The Societies Council must establish a committee for the purpose of approving any constitutions, rules, or regulations, or amendments thereto, by registered societies.
  - (a) All constitutions, rules, or regulations, or amendments of society constitutions must be approved by this committee.
  - (b) The committee must receive mandatory training facilitated by the Student Court to equip them with the skills necessary for the execution of its duties.
  - (c) Appeals of the decisions of the committee must be in accordance with the procedure set out in the Societies Council constitution.

## CHAPTER 12: THE MILITARY ACADEMY STUDENT COUNCIL

### **110. Composition**

- (1) The Military Academy Student Council consists of:
  - (a) The Student Captain
  - (b) Any other members that are provided for in the Military Academy Student Council constitution.
- (2) The number of members that make up the Military Academy Student Council and the ways in which its members and Student Captain are elected is determined in the constitution of the Military Academy Student Council.
- (3) The election of the Military Academy Student Council must, unless extraordinary circumstances make this impossible, coincide with the SRC election on Stellenbosch University.

### **111. Duties and powers**

- (1) The Military Academy Student Council represents the interests of all students who receive their training at the University's Faculty of Military Sciences, in that capacity, at the SRC, and the University management.
- (2) The Military Academy Student Council has the powers necessary for the performance of its duties.

### **112. Constitutional mandate**

The Military Academy Student Council has a constitutional mandate to actively promote the rights of students contained in CHAPTER 2.

### **113. Constitutions, rules, and regulations**

- (1) The Military Academy Student Council may, upon approval by the Student Court, accept any constitutions, rules, or regulations, or amendments thereto, that organises its activities.
- (2) The Student Court may refuse to approve new constitutions, rules, regulations, or amendments submitted by the Military Academy Student Council on the grounds of –
  - (a) Procedural fairness.
  - (b) Incompatibility with the Military Academy Student Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Military Academy Student Council may appeal to the Appeal Court against a refusal by the SRC under s113(2).

## CHAPTER 13: TYGERBERG STUDENT COUNCIL

### **114. Composition**

- (1) The Tygerberg Student Council consists of:
  - (a) The chairperson and the executive committee of the Tygerberg Student Council with rights as granted to them by the Tygerberg Student Council constitution.
  - (b) Any other members provided for in the Tygerberg Student Council constitution.
- (2) The chairperson of the Tygerberg Student Council is appointed in the way prescribed in the Tygerberg Student Council constitution and the election of the chairperson is run by the Electoral Commission in accordance with s22.
- (3) Members of the Tygerberg Student Council are elected in the way prescribed in the Tygerberg Student Council constitution.

### **115. Duties and powers**

- (1) The Tygerberg Student Council represents the interests of all students of the Faculty of Medicine and Health Sciences, in that capacity, at the SRC and the University management.
- (2) The Tygerberg Student Council is an autonomous student representational structure and has the powers necessary for the performance of its duties.
- (3) Decisions of the Tygerberg Student Council are binding on all structures constituted by the Tygerberg Student constitution, subject to the Tygerberg Student constitution.

### **116. Constitutional mandate**

The Tygerberg Student Council has a constitutional mandate to:

- (1) Actively promote the rights of students contained in CHAPTER 2.
- (2) Serve as a forum of student leaders on the Tygerberg campus that strives to protect and further the interests of all students, by advising the SRC via the Tygerberg Student Council chairperson.

### **117. Constitutions, rules, and regulations**

- (1) The Tygerberg Student Council and its constituent structures may, upon approval by the Student Court, accept any constitutions, rules, or regulations, or amendments thereto, that organises its activities.
- (2) The Student Court may refuse to approve new constitutions, rules, regulations, or amendments submitted by the Tygerberg Student Council on the grounds of –
  - (a) Procedural fairness; or
  - (b) Incompatibility with the Tygerberg Student Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Tygerberg Student Council may appeal to the Appeal Court against a refusal by the Student Court under s117(2).

## CHAPTER 14: ELECTORAL COMMISSION

### *Part 14.1: Electoral Commission*

#### **118. Duties and powers of the Electoral Commission**

- (1) The Electoral Commission has all the duties and powers that this Constitution ascribes to them.
- (2) The Electoral Commission must ensure that every student who votes does so only once in a particular election and that each student who makes reasonable attempts will be able to vote if it is practically feasible.
- (3) The Electoral Commission may in addition to the Student Electoral Act, write additional rules to ensure proper conduct during elections.

#### **119. Appointment and duties of the Electoral Commission**

- (1) The Electoral Commission must appoint at least five (5) persons every year before the end of the second academic term as Assistants of the Electoral Commission after this position has been advertised for at least two (2) weeks.
- (2) The Electoral Commission Assistants, in cooperation with and under the supervision of the Electoral Commissioners, must ensure that all student leadership elections run smoothly.

#### **120. Term of office**

The term of office of the Electoral Commission extends from the time of the appointment of the Electoral Commissioners until a final Electoral Commission report on all Student Leadership elections is submitted to all the parties concerned but ends no later than the end of the fourth term of the year in which the elections concerned take place.

#### **121. Independence**

- (1) The Electoral Commission is an independent body that is not under the authority of any student organisation or University management.
- (2) The Electoral Commission must perform their duties impartially and without prejudice.
- (3) Neither the Electoral Commissioners nor any of the Electoral Commission Assistants may run for election in the year of their appointment, even if they stop acting in these positions or are replaced before the election takes place.

#### **122. Report**

The Electoral Commission does not receive remuneration unless they have submitted a complete report on their activities to the Chairperson of the SRC, the Chairperson of the newly elected SRC, the Convenor of the Student Imbizo, and the Speaker of the Students' Assembly before the end of the fourth term of the year in which the elections concerned take place.

**123. Remuneration**

- (1) The Electoral Commissioners and Electoral Commission Assistants are remunerated in accordance with the guidelines available at the Division of Student Affairs.
- (2) The Student Court may upon application decrease the remuneration of the Electoral Commission with an amount that is fair and reasonable in the circumstance if they have materially neglected one or more of their duties as described by this Constitution.

**124. Convenor for Tygerberg campus**

- (1) The Executive Committee of the Tygerberg Student Council must with the advice and consent of the Electoral Commission appoint an Election Convenor for the Tygerberg campus every year before the end of March after this position has been advertised for two (2) weeks on Tygerberg campus.
- (2) The Electoral Commission must ratify the appointed Convenor for Tygerberg before they will have all the powers that this Constitution ascribes to them.
- (3) The Convenor for the Tygerberg campus, in cooperation with and under the supervision of the Electoral Commission, must ensure that the SRC election runs smoothly on the Tygerberg campus.

**125. Election Committees of other Structures**

The governing structures of the Academic Affairs Council, Prim Committee, Societies Council, Faculty Student Committees, Societies, and House Committees must appoint Election Committees/Convenor(s) to conduct their Elections, and allow the Electoral Commission full access to monitor, audit, and receive & investigate complaints relating to the election process concerned.

- (1) The Election Committee(s)/Convenor(s) of these structures shall manage and facilitate the election of their respective structure.
- (2) The Electoral Commission will perform an oversight role in this process and may only intervene in an election process when –
  - (a) Consequential irregularities have been noted with the Election process.
  - (b) There is prima facie evidence of electoral misconduct.
  - (c) When a complaint alleges electoral fraud.
  - (d) When the respective Election Committee(s)/Convenor(s) fail to comply with election regulations.

**126. Student Leadership elections**

- (1) The Electoral Commission must manage the elections of the SRC and may monitor, audit, and investigate any complaint(s) related to the elections of the Academic Affairs Council, Prim Committee, Senior Prim Committee, Societies Council, Faculty Student Committees, Societies, House Committees, and Tygerberg Student Council and its constituent bodies.

**127. Complaints procedure for all elections**

- (1) A complaint about the campaign of a specific candidate must be lodged with the Electoral Commission, who must properly investigate the complaint and must announce their decisions within twenty-four (24) hours after the complaint was lodged.
- (2) Any complaint relating to any student leadership election, including any aspect that may jeopardise the freedom or fairness of the election, and any decision or failure to make a decision by an Electoral Commissioner or respective Election Committee(s)/Convenor(s), must be lodged with the Electoral Commission.
- (3) Any unresolved complaint under subsection (2) about the running of any student leadership election and any decision or failure to make a decision by the Electoral Commission or respective Election Committee(s)/Convenor(s), must be lodged with the Student Court –
  - (a) Within a reasonable time.
  - (b) Before the third University day (inclusive) after the announcement of the results.
  - (c) In accordance with the rules of the Student Court.
- (4) If a complaint is lodged with the Student Court, the Court –
  - (a) Must handle the complaint with the necessary speed if harm will otherwise result.
  - (b) Must consider the complaint against the principles of a free and fair election that promotes representativity and participation.
  - (c) May follow an investigate approach – which may include the recounting or revaluation of ballots – if it appears to be necessary in the specific case.
  - (d) May grant any remedy that is fair and equitable in the circumstances and will ensure the freeness and fairness of the election, which may include –
    - (1) Setting aside a decision by the Electoral Commission or respective Election Convenor(s)/official.
    - (2) The invalidation of the results regarding a specific candidate.
    - (3) The invalidation or allowance of ballots.
    - (4) The invalidation of the entire election.
- (5) An appeal against the decision of the Student Court in terms of subsection (4) must be lodged within two (2) University days after the decision was announced with the Appeal Court, otherwise, the ruling of the Student Court will be final.

**128. Validity of the election results**

The validity of the full election results is confirmed if no complaint about the validity of the election is lodged with the Electoral Commission or the Student Court within three (3) University days after the Electoral Commission or relevant election official has announced the election results.



## CHAPTER 15: COMMENCEMENT, REPEAL, AND AMENDMENT

### **129. Commencement and repeal**

- (1) CHAPTER 5 and sections relating to Student Parliament come into effect once the Student Court approves the constitution, rules, and/or regulations for both the Students' Assembly and Student Imbizo as contemplated in s66 and s74, respectively.
  - (a) The incumbent Student Parliament committee is responsible for developing the constitutions, rules, and/or regulations for both the Students' Assembly and the Student Imbizo.
  - (b) The incumbent Student Parliament committee must take reasonable steps to ensure that the constitutions, rules, and/or regulations for both the Students' Assembly and the Student Imbizo are developed and submitted to the Student Court for approval by the 1<sup>st</sup> of September 2021.
  - (c) If the constitutions, rules, and/or regulations are not submitted to Student Court for approval by 1<sup>st</sup> September 2021 the SRC Policy Officer and/or the SRC must establish a task team that will assume the responsibility of developing the constitutions, rules, and/or regulations of the Students' Assembly and the Student Imbizo.
  - (d) Once the Student Court approves the constitutions, rules, and/or regulations of the Students' Assembly and Student Imbizo –
    - (I) The first sitting of the Students' Assembly must take place at a time and a date determined by the Chief Justice of the Student Court, but not more than 14 days after the approval of the constitution, rules, and/or regulations.
    - (II) At the first sitting of the Students' Assembly, the Chief Justice of the Student Court must preside over the elections of the Speaker of the Students' Assembly and the Convenor of the Student Imbizo.
    - (III) The Chief Justice of the Student Court must request nominations for the Speaker of the Students' Assembly and the Convenor of the Student Imbizo at least five (5) days prior to the first sitting.
- (2) CHAPTER 10 and sections relating to the Senior Prim Committee come into effect once the Student Court approves their constitution as contemplated in s105.
- (3) The remaining provisions of this Constitution come into effect on 1<sup>st</sup> of July 2021 or a week after approval by the Stellenbosch University Council, whichever comes last, and thereby repeal all previous student constitutions.
- (4) No part of the Constitution will have effect retroactively.

### *Part 15.1 Legislative Process*

### **130. Amending the Student Constitution**

- (1) This Constitution may be amended by a resolution passed by –
  - (a) The Student Imbizo with a supporting vote of at least 60% of its members; and
  - (b) The Students' Assembly with a supporting vote of at least 80% of the vote, with a quorum of at least 100 votes.

- (2) Any student may submit a petition to the Student Imbizo proposing an amendment to the Student Constitution.
- (a) The petition must be submitted to the Convenor of the Student Imbizo, who must table the petition at the next Student Imbizo meeting as a resolution for consideration.
  - (b) The Student Imbizo must within seven (7) days of the resolution being tabled –
    - (I) Pass the resolution; or
    - (II) Pass the resolution subject to amendments proposed by it; or
    - (III) Reject the resolution.
  - (c) If the Student Imbizo passes the resolution, the Convenor of the Student Imbizo must submit it to the Speaker of the Students' Assembly within seven (7) days.
  - (d) When a resolution amending the Constitution is introduced, the Speaker of the Students' Assembly must –
    - (I) Publish all the particulars of the proposed amendments and call for public comment on the resolution within seven (7) days of receiving the resolution.
    - (II) Call a Students' Assembly sitting within seven (7) days of publishing the particulars of the resolution for public comment.
    - (III) Submit, in accordance with the rules and orders of the Students' Assembly, any written comments received from the student body and members of the Student Imbizo for a public debate in a Students' Assembly sitting.
  - (e) The resolution for the amendment of the Student Constitution must be put to a vote in the first Students' Assembly sitting after the public debate contemplated in s130(2)(d), which must –
    - (I) Pass the resolution with a supporting vote of at least 80% of the vote, with a quorum of at least 100 votes; or
    - (II) Reject the resolution; or
    - (III) Refer the resolution back to the Student Imbizo for reconsideration.
  - (f) If a resolution is referred back to the Student Imbizo, then –
    - (I) The Speaker of the Students' Assembly must send back the resolution with all the particulars of the resolution collected from the student body and the debate.
    - (II) The Student Imbizo must reconsider the resolution considering the amendments suggested by the Students' Assembly and may –
      - (1) Pass the resolution with amendments and resubmit it to the Students' Assembly for reconsideration; or
      - (2) Decide not to proceed with the resolution.
  - (g) If the resolution is passed by the Students' Assembly, then –
    - (I) The Speaker of the Students' Assembly must submit the resolution to the Chairperson of the SRC, within two (2) days of the resolution being passed.
    - (II) The Chairperson of the SRC must call for a special meeting of the SRC, to assent to the resolution, within five (5) days of receiving the resolution.

- (h) The resolution must be introduced to the SRC as a motion to assent to a resolution to amend the Student Constitution, the SRC may –
  - (I) Pass the resolution with a supporting vote of 60% of its members; or
  - (II) Refer the resolution to the Student Court for a decision on the constitutionality of the amendment process.
- (i) If the Student Court finds that the amendment process is constitutional the SRC must –
  - (I) Assent to the resolution.
  - (II) Table it to the Stellenbosch University Council for approval.

**131. Publication of amended Student Constitution**

- (1) An amendment to the Student Constitution that has been approved by the Stellenbosch University Council must be published promptly and takes effect when published or on the date determined in terms of the constitution.
- (2) An updated copy of the Student Constitution must be entrusted to the Policy Officer of the SRC for safekeeping.

**132. Revision of the Student Constitution**

- (1) The Student Imbizo must every three (3) years establish a task team that will –
  - (a) Evaluate the relevance of the Student Constitution as it stands.
  - (b) Advise the Student Imbizo on whether amending the Student Constitution is necessary.

## SCHEDULE 1: STUDENT ELECTORAL ACT

### *Part S1.1: Values and Standards*

This Electoral Act aims to promote the following values and standards for student leadership structure elections:

1. Ensuring an election process which:
  - (1) Allows maximum accessibility to information regarding candidates and the election process.
  - (2) Allows maximum participation and engagement from the student body.
  - (3) Is democratic, non-discriminatory, and inclusive.
  - (4) Is free and fair.
  - (5) Is relevant and transparent.
  - (6) Promotes the interests of the structure and/or campus.
  - (7) Stimulates quality debate and dialogue with candidates.

### *Part S1.2: Rights*

The following rights apply to the entire student body, including all candidates of student leadership structures.

2. All students have the right to:
  - (1) Cast their vote independently and in secret for candidates.
  - (2) Legally conduct election campaigns.
  - (3) Distribute the election and campaign materials designed and authorised by the relevant election authority.
  - (4) Freedom of language.
  - (5) Freedom of speech
  - (6) Hold public meetings.
  - (7) Put up the posters designed and provided by the relevant election authority.
  - (8) Recruit support from voters.
  - (9) Use social media platforms to advertise their campaign.

### *Part S1.3: Infringements*

3. All persons bound by the Student Electoral Act must, during the election period:
  - (1) Comply with any instructions from the Electoral Commission and implement any just decisions of the Electoral Commission.
  - (2) Avoid language or any kind of action that could lead to violence or intimidation.
  - (3) Refrain from action or practices that discriminate unfairly or are aimed at humiliating someone on the grounds of race, gender, sexual orientation, ethnicity, class, or religion with respect to the election.
  - (4) Do nothing that would impede the right of anyone to gain reasonable access to voters for the sake of recruiting support.
  - (5) Refrain from unlawfully removing or damaging or destroying any voting material or electoral material in any way.
  - (6) Refrain from removing, damaging, or destroying any candidate's campaign material.

- (7) Spend no money on any marketing.
  - (a) As a candidate cannot use their own money, this includes Facebook, Instagram, Twitter sponsored pages, any sponsorship cannot be utilised.
- (8) Refrain from any attempt at misusing power or resorting to privileges or influence or using any form of coercion intended to persuade someone to vote for any candidate.
- (9) Refrain from making misrepresentations about themselves in any election material.
- (10) Refrain from making, publishing, or repeating any racist, sexist, homophobic, false, libellous, or any other allegations of this sort that would infringe on a person's human dignity with respect to the election.
- (11) Refrain from offering any form of enticement or remuneration to any person for the purpose of such person's vote or non-vote in the election.
- (12) Refrain from voting in a way in which they know they are not entitled to vote.
- (13) Refrain from doing anything that violates the privacy of the students or the right to a secret vote.

#### 4. Responsibilities for candidates

Even though a candidate has the freedom to post their posters, as given by the Electoral Commission, wherever they want to post them, the following is the candidates' responsibility:

- (1) Ensuring that where they post their posters does not violate any rules of the platform where they post their posters.
- (2) Violation of this rule will result in disciplinary action being taken.

### *Part S1.4: Social media and posters*

#### **5. Posters**

The Electoral Commission or the relevant election authority is responsible for the photography, design, and distribution of all marketing posters.

#### **6. Social media**

Maximum usage of social media platforms like Facebook, Instagram, and Twitter are encouraged.

Please note that there still needs to be stringent adherence to the rules above and it will be strictly enforced.

#### **7. Additional rules**

- (1) Only social media platforms may be used for additional marketing.
  - (a) This implies that no candidate is allowed to use mass communication (SMS, email, or any similar media) for marketing purposes.
  - (b) Such methods are in contravention of the Stellenbosch University Electronic Communications Policy paragraph 2.2.1.

- (2) A candidate is allowed to communicate with a closed group of friends electronically or otherwise but must then include a statement explicitly prohibiting the resending of that message as mass communication.

*Part S1.5: Enforcement*

8. Any infringement of these rules will render the perpetrator liable for an investigation by the Electoral Commission and if found guilty, will be disqualified.
  - (1) A candidate will be held liable for any mass communication that violates this act if such means were to endorse them or to help them with their campaign.
    - (a) Unless a candidate can prove that they had nothing to do with such violation.

## SCHEDULE 2: STUDENTS' REPRESENTATIVE COUNCIL ELECTIONS

### *Part S2.1: Nominations and criteria for Students' Representative Council candidature*

#### **1. Nomination period**

- (1) The nomination period must last for a period of ten (10) days unless extended in accordance with this constitution.
- (2) All voting and nomination dates must, unless made impossible by extraordinary circumstances, coincide with those of the election of the Tygerberg Student Council.
- (3) If the Electoral Commission is of the opinion that it would be in the interest of representativity and participation, they may decide to postpone the last day for nominations for a period of one (1) week.

#### **2. Procedure where too few nominations are received**

If, by the last day for nominations, the number of suitable nominations received is equal to or less than the number of members to be elected to the SRC at that election, then –

- (1) The Electoral Commission must re-open nominations for a period of one (1) week.
- (2) Should the number of nominations still be equal to or less than the number of available positions after the re-opening of nominations, the Electoral Commission must declare the following students to be duly elected SRC members:
  - (a) The nominated candidates.
  - (b) As many additional members as the newly elected candidates wish to appoint, limited to the number of available positions.

#### **3. Availability of nomination form**

The prescribed nomination forms must be available at the SRC office, the Tygerberg Student Council office and, electronically for the duration of the nomination period.

#### **4. Prescribed nomination form**

The Electoral Commission must prescribe nomination forms that contain at least the following information:

- (1) The criteria according to which academic selection takes place and the right to appeal against the academic selection, as well as the place where such an appeal can be lodged.
- (2) The rules on the placement of, distribution of, and other restrictions regarding campaign material.
- (3) The time and place of the first meeting of the candidates.
- (4) The deadline for submitting nomination forms.

## **5. Completion of nomination forms**

The Electoral Commission must reject the nomination of a candidate if it does not contain at least the following:

- (1) The full name of the candidate.
- (2) The signature of the candidate.
- (3) The signature of the nominator.
- (4) The signatures of at least two hundred (200) students who second the nomination unless special circumstances arise.
- (5) A typed manifesto of no more than 300 words.
- (6) A list of the candidate's relevant experience.
- (7) The candidate's University student number.

## **6. Academic requirements for candidature in the Students' Representative Council election**

- (1) The academic requirements for candidature in the SRC election exist to prevent situations where a member of the SRC resigns during their term of office for academic reasons.
- (2) To qualify on academic grounds a candidate must comply with the minimum residence HEMIS requirements based on their academic record of previous years and the June examination results of the year concerned.
- (3) If a candidate is at risk of non-compliance with the readmission requirements of the University, they will not be granted candidature in the SRC election.
- (4) A candidate's official academic record can be accessed by the Electoral Commission to determine whether the requirements under sub-item (2) and (3) have been met.

## **7. Academic disqualification**

- (1) Candidates who do not comply with the academic requirements stipulated in item 6 are not eligible for election to the SRC either generally or through ex-officio bodies.
- (2) The Electoral Commission must obtain the academic record of the candidates from the Registrar's office and submit any cases where the candidate does not appear to comply with the provisions above to the committee contemplated in subsection (3).
- (3) The decision to reject the candidature of a candidate on academic grounds must be taken by a committee consisting of:
  - (a) The Director of the Centre for Student Leadership, Experiential Education and Citizenship or their nominated alternate.
  - (b) The Chairperson of the SRC.
  - (c) One (1) of the Electoral Commissioners.
  - (d) The Dean of the candidate's faculty.
  - (e) The Convenor of the Student Imbizo.
- (4) The committee contemplated in subsection (3) must make its decision based on the criteria in item 6, but can also take the following factors into account in making its decision:
  - (a) The existence of special reasons, such as illness, injury, disability, et cetera, for the candidate's poor academic performance.
  - (b) Whether the candidate changes to a different programme and performed well in the new programme.



- (c) Whether the candidate's results over the past three (3) years indicate a rising trend.
- (d) Whether the candidate followed a programme in which failing a module meant that various other modules could not be followed or where failing a module necessitates that the year of study is repeated.

## **8. Other grounds for disqualification of candidates**

Apart from compliance with the provisions above, the Electoral Commission must also reject the nomination of a candidate if the candidate –

- (1) Has not been a student for at least one (1) semester.
- (2) Has been sentenced to imprisonment in the Republic of South Africa or elsewhere for any misdemeanour without the option of paying a fine.
- (3) Has been found guilty of any offence by the Central Disciplinary Committee or the Disciplinary Appeal Committee of the University, after an unsuccessful appeal.

### *Part S2.2: Format and marketing of the election*

## **9. Format of the election**

The SRC election takes place as follows:

- (1) Votes are cast electronically or by paper ballot.
- (2) If it is practically feasible, will promote representativity and participation, and does not impact negatively on the freeness or fairness of the election, the Election Convenor(s) may decide that –
  - (a) The voting will take place in a combination of ways.
  - (b) Certain ways of voting are only available to certain categories of students.

## **10. Electronic voting**

Electronic voting takes place by means through a secure, confidential, and anonymous election ballot on which the names and photographs of all the candidates appear.

## **11. Voting by paper ballot**

Voting by paper ballot takes place at designated polling stations through a closed ballot on which the names and photographs of all the candidates appear.

## **12. Placement of polling stations**

- (1) If all or certain categories of students cast their votes by paper ballot, the Electoral Commission must allocate at least ten (10) polling stations on the Stellenbosch campus and at least one (1) polling station each on the Tygerberg campus and at the Military Academy.

- (2) Polling stations must be accessible, and the placement thereof must ensure a free and fair election and promote participation and representativity.

### **13. Organisation of polling stations**

- (1) Polling stations are managed by competent and impartial persons who are appointed by the Electoral Commission.
- (2) Polling stations must be demarcated and ensure the confidentiality of votes.
- (3) No campaign material, apart from the election edition of Die Matie and the official election poster(s) of the Electoral Commission, may be posted within an area, as determined by the Electoral Commission, around the polling stations.

### **14. Notice and marketing of the election**

- (1) The Electoral Commission must inform all student through the publication of an election edition of Die Matie, electronic marketing, posters, and in any other way, of the following aspects of the election:
  - (a) The period for which nominations are open and where the nomination forms are available.
  - (b) The voting day(s).
  - (c) The way(s) in which votes will be cast, including (if applicable) where polling stations will be located and the times when polling stations will open and close.
  - (d) The date, time, and place of the public presentation meeting(s).
  - (e) The names, manifestos, and experience of candidates.
  - (f) The document containing the rules and procedures (determined by the Electoral Commission) regarding the nomination forms and campaigning.
  - (g) Any other material decisions that the Electoral Commission makes about any aspect of the election.
  - (h) The manner in which a complaint can be lodged before, during, or after the election about the Electoral Commission, a specific election campaign, or any other aspect of the election process.
- (2) The information required by sub-item (1) must also be made available electronically, on a single website, to all students before the start of the election.

### **15. Campaigns**

- (1) Candidates may campaign in any way that does not violate the law, University rules, this Constitution, SRC regulations, or such rules as may be laid down by the Electoral Commission.
- (2) If a candidate or the helpers or supporters of a candidate act in violation of subsection (1), the Electoral Commission may instruct said candidate to remove or destroy election material or to abandon the activities in question, or, where the conduct constitutes a misdemeanour or is seriously detrimental to another candidate(s), declare the candidature of said candidate invalid.

## **16. Presentation meetings**

- (1) The Electoral Commission must organise at least seven (7) presentation meetings, of which at least one (1) must take place on the Tygerberg campus and one (1) must take place at the Military Academy, during which candidates have the opportunity to present themselves to students and students may ask the candidates questions unless extraordinary circumstances prevent the physical presentation meetings from taking place.
- (2) An Election Commissioner or their appointee acts as chair of a presentation meeting.
- (3) The conduct of students at a presentation meeting must comply with the code of conduct for presentation meetings.
- (4) If the chair of a presentation meeting is of the opinion that a person at the meeting is violating the code of conduct or is asking questions that are irrelevant or that violate a candidate's rights, the chair may –
  - (a) Rule a question out of order.
  - (b) Interrupt a question and instruct the questioner to be silent.
  - (c) Instruct such a person to leave the room.
- (5) The duration of a presentation meeting is determined at the discretion of the chair, who may end the meeting at any time, provided that all candidates have had a fair and reasonable opportunity to state their manifestos and answer questions.

### *Part S2.3: Results and complaints*

## **17. Results of the election**

- (1) All votes must be counted by the Electoral Commission Assistants and the Electoral Commissioners as soon as possible after the last opportunity for voting.
- (2) Ballots may not be destroyed before the validity of the election has been confirmed.
- (3) The Electoral Commission may institute rules regarding and give a decision on the validity of ballots if they comply with the principle of a free and fair election.
- (4) The full results of the election must be announced in public as soon as possible after all the votes have been counted and the full written results must be published electronically and sent to all the candidates.

## **18. Role of the Director of the Centre for Student Leadership, Experiential Education, and Citizenship.**

- (1) The Director of the Centre for Student Leadership, Experiential Education, and Citizenship or their nominated alternate play a monitoring role during the SRC election.
- (2) The Director of the Centre for Student Leadership, Experiential Education, and Citizenship or their nominated alternate has this status without any prejudice to the independence or autonomy of the Electoral Commission.
- (3) For the purposes of this item, the Centre for Student Leadership, Experiential Education, and Citizenship or their nominated alternate has standing before the Student Court and can bring complaints as described in section 127.
- (4) Such a complaint is lodged, but the Student Court decides that the election results, or an election result as amended by the Court, are valid and no appeal has been lodged within two (2) University days after the decision.

- (5) Such an appeal was lodged, but the Appeal Court decides that the election results, or an election result as amended by the Appeal Court, are valid.