**The Constitution of The Republic of Helderberg**



**Preamble**

We, the citizens of the Republic of Helderberg,

Are brothers, not in blood, but through compassion and respect for one another.

We honour the brave soldiers who returned from war to establish our dear Republic.

We respect those who have worked to build and develop our home; and

Believe that the Republic belongs to all who live in it, united in our diversity.

We, therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to: ­

Promote the spirit and purport of our BRAVE values.

Lay the foundations for a welcoming environment in which each Swarra has the capacity to thrive and develop, regardless of where they come from.

Give opportunity to every Swarra to partake in a field in which he excels; and to

Build a united citizenry which is proud to call the Republic of Helderberg its home.

May we always be BRAVE.

The Helderbergs are happy.

The Helderbergs are free.

**Chapter 1: Founding Provisions**

Republic of Helderberg

1. This house, officially recognised by Stellenbosch University as “Helderberg Mens’ Residence,” is known as the “Republic of Helderberg” pursuant to a decision made at an official house meeting held on 28 August 1957.
2. The Republic is a democratic society based on the following values, as further described in Schedule 1 paragraph 1:
	1. Brotherhood
	2. Respect
	3. Accountability
	4. Friendship (Vriendskap)
	5. Enthusiasm
3. The Republic, due to its status as a Republic, makes use of alternative terminology with regards to the general leadership and administrative structure of the Republic, as described in Schedule 1 paragraph 2.

Authority of this Constitution

1. This Constitution governs all conduct and decisions made within the borders of the Republic; any decision or conduct inconsistent with it is invalid and the obligations imposed by it must be fulfilled.
2. This Constitution and its application must always be in line with the following:
	1. The Constitution of the Republic of South Africa 1996.
	2. All laws and regulations of the Republic of South Africa applicable to the jurisdiction in which the Republic of Helderberg is situated.
	3. All rules and regulations of the University of Stellenbosch applicable to the Republic of Helderberg.
3. The provisions of this Constitution may only be changed through a motion validly passed through a two-thirds majority vote at a State Conference unless a provision expressly states a different majority.

Citizenship

1. From the moment that a person is officially placed in the Republic by the University of Stellenbosch, they automatically become a citizen of the Republic.
2. All citizens are equally entitled to the rights and privileges as contained in this Constitution with due regard to any year-group specific limitations placed on the enjoyment of any right or privilege by the provisions of this Constitution.
3. Citizenship is terminated from the moment that a person is de-registered as a resident of the Republic of Helderberg, for whatever reason, by the University of Stellenbosch.
4. The following distinction is made between citizens of the Republic based on their historical years as citizens of the Republic, notwithstanding their age or number of historical academic years completed at the University of Stellenbosch:
	1. A citizen is regarded as a first year from the day on which they acquire citizenship until either the day that they are re-registered by the University of Stellenbosch for their second year as a citizen of the Republic, or the day that they are de-registered as a citizen of the Republic by the University of Stellenbosch.
	2. A citizen who is registered as a resident of the Republic for any second or further year will be regarded as a senior as well as either a second year, third year, fourth year, etc, as corresponds with the number of years which they were a registered resident of the Republic; provided that:
		1. Historical years as a citizen are not in any way affected by a period of deregistration, if: that citizen lost their right to be a registered resident of the Republic due to failure to meet the applicable HEMIS requirements as set out by the University of Stellenbosch and was subsequently placed back in the Republic by the Resident Head.

Bergklim

1. On an annual basis, the second-year group shall embark on the journey to the summit of Helderberg.
2. Each second year who finishes the journey successfully will, from the moment of signing the book, be regarded as a Berghaan.
3. Seniors who did not have the opportunity to climb the mountain as a second year will also be eligible to climb the mountain.

Anthem

1. The anthem of the Republic is contained in Schedule 1 paragraph 3.

Flag

1. The flag of the Republic is black, red and white, as described in Schedule 1 paragraph 4.
2. The flag will be raised each morning and lowered each evening, before sunset, during the academic term by a Cabinet member, who is to be selected by the President on whichever basis he deems fit.

Symbols

1. The symbols of the Republic are protected by this Constitution and always require a two thirds majority vote in a State Conference to be changed in any way.
2. The symbols, namely: the Crest, the HB-symbol, and the Bateleur-symbol are described in Schedule 1 paragraphs 5, 6, and 7, respectively.
3. The symbols described in section 12 may not be traded or sold without the permission of the Cabinet, provided that: Such permission may only be so granted by the Cabinet if it would be in the interests of the Republic to do so.
4. The colour in which the any symbol is represented may only deviate from the standard Republic colours of black, white and red if the Cabinet authorises such deviation.

**Chapter 2: Corporate body**

1. The Republic is a non-profit entity; the income and property of the Republic, derived from any source whatsoever, is to be used exclusively for the promotion of the interests of the Republic as a whole.
2. No part of the income generated by the Republic may be paid or directly or indirectly transferred to any citizen, unless such payment or transfer is in the form of:
	1. Bona fide remuneration to any citizen for real services rendered to the Republic; such remuneration must be approved by the President as well as the Resident Head; or
	2. Income transferred as a donation pursuant to the promotion of the goals of Swarra Care, as described in Schedule 1 paragraph 5.
3. All assets attributable to the Republic is to be registered and held, by the University of Stellenbosch, in the name of the Republic.

**Chapter 3: Executive Leadership**

1. President
	1. Duties – The President:
		1. acts as chief executive officer of the University authority within the residence, the President is responsible for all disciplinary matters of the Republic, in accordance with the provisions Chapter 4 of this Constitution.
		2. is the leader of the Republic and is therefore responsible for general oversight of all decisions and conduct by the executive and organisational leaders of the Republic.
		3. is the *ex officio* chairman of the Cabinet as well as all State Conferences which take place during their term of office.
		4. represents the Republic on the Prim-committee.
		5. serves as the coordinating link between the Republic, the resident head, and the University authorities.
		6. assigns portfolios to Cabinet members at the start of their term of office.
2. Election
	1. The President is democratically elected by the citizens of the Republic in accordance with the election procedures as set out in paragraphs 25 to 30 of Schedule 2.
3. Removal and Vacancies
	1. The President ceases to be the President if, during his term of office, he ceases to be a voting citizen of the Republic for whatever reason.
	2. The President’s term comes to an end on the day that a new President is elected; or
	3. they submit a resignation letter in writing to the resident head; or
	4. they are removed from office by the resident head due to substantial failure to perform their duties.
	5. In case of a vacancy in the office of the President, the Vice-President will immediately become the President.
	6. Any necessary redistribution of portfolios will be determined by the new President.
4. Vice-President
	1. Election
		1. The Vice-President is democratically elected by the citizens of the Republic in accordance with the election procedures as set out in paragraphs 25 to 30 of Schedule 2.
	2. Duties – The Vice-President:
		1. Is assigned all or some of the duties described in section 12 (1) (a) to (f) either in the case that:
			1. the President is temporarily unavailable; or
			2. the President assigns any of the duties specifically to the Vice-President.
		2. acts as vice-chairman on all committees and meetings in which the President acts as Chairman.
		3. is *ex officio* appointed by the University authorities as the safety representative of the residence.
		4. may be assigned any portfolios and other duties as the President deems fit and reasonable.
	3. Removal and Vacancies
		1. The Vice-President ceases to be Vice-President if, during his term, he ceases to be a voting citizen of the Republic for whatever reason.
		2. The Vice-President’s term comes to an end on the day that a new Vice-President is elected; or
		3. they submit a resignation letter in writing to the resident head; or
		4. they are removed from office by the resident head due to substantial failure to perform their duties.
		5. In case of a vacancy in the office of the Vice-President: The Cabinet member who received the highest number of votes in their election to the Cabinet will automatically become the Vice-President.
		6. Any redistribution of portfolios may be determined by the President.
5. Cabinet
	1. Composition
		1. The Cabinet will consist of the President, the Vice-President, Head Mentor and 12 other democratically elected citizens of the Republic.
	2. Election
		1. Each individual Cabinet member is to be democratically elected by the citizens of the Republic in terms of the election procedures as set out in paragraph 31 to 36 of Schedule 2.
	3. Duties
		1. General
			1. Enforcement of this Constitution as well as the relevant rules and regulations put forward by the University of Stellenbosch.
			2. Proper management of the portfolios assigned to them by the President.
			3. General maintenance of peace and order within the Republic.
			4. Act as supervisory officials at all events hosted by the Republic or events in which the Republic takes part.
			5. Act as a support structure for each other as well as the President, Vice-President, and resident head.
		2. Fixed Portfolio - The Treasurer:
			1. must prepare the financial budget of the Republic at the beginning of their term as treasurer.
			2. prepare the financial report at the end of their term, which is to be presented at the final state conference.
			3. must supervise and process all transactions entered by any citizen on behalf of the Republic.
		3. Fixed Portfolio - The Secretary:
			1. is responsible for the general administration of the Republic as well as the Cabinet.
			2. must take proper minutes of each State Conference
			3. must take proper minutes of each Cabinet meeting as well as each Disciplinary Committee meeting.
			4. Ensures the Cabinet Room is neat and prepared for meetings.
		4. Fixed portfolio - The Head Advisor:
			1. The Head Advisor must co-ordinate all the Advisors to ensure that all the Advisors are satisfactorily fulfilling their duties.
			2. The Head Advisor acts as the representative for the body of Advisors.
			3. The Head Advisor serves as the communication link between the Cabinet and the Advisors.
			4. The Head Advisor has the role of Head of Academics. This role involves the organizing of mentuts and updating the Swarra academic drive.
		5. Modification of Portfolios
			1. The current President may re-assign, rename, reformulate, or in any other way modify the portfolios created and assigned by any President who was in office at any time before him.
	4. Removals and Vacancies
		1. A Cabinet member’s membership expires when they:
			1. Stop being a voting citizen of the Republic
			2. Submit their resignation in writing to the resident head.
			3. Are absent from two Cabinet meetings without permission from the President.
			4. Are removed from office by the resident head due to substantial failure to perform duties.
6. Service term
	1. The term of service of the President, Vice-President and Cabinet members will officially commence at the first Cabinet meeting in the fourth academic term.
	2. The term of service of the President, Vice-President and Cabinet members will officially come to an end at the last Cabinet meeting of third term of the following year.
7. Meetings and confidentiality
	1. Cabinet meetings:
		1. The President is the *ex officio* chairman of all Cabinet meetings.
		2. During the Cabinet meeting, the President has a normal as well as a deciding vote.
		3. The Cabinet will meet at least once a week, unless uncontrollable circumstances, reasonably viewed, dictate otherwise.
		4. Attendance of Cabinet meetings is compulsory for all Cabinet members unless permission was granted by the President before the commencement of the meeting.
		5. Eight Cabinet members represent a voting quorum.
		6. The resident head has an *ex officio* right to sit in on the Cabinet meetings.

**Chapter 4: Organisational Leadership**

1. General
	1. Every committee, whether permanent (expressly mentioned in this Chapter), special, or extraordinary in nature, which is created in the Republic is responsible for its own actions and is subject to the authority of the Republic in general and the Cabinet.
	2. The appointment of any citizen to a position of any committee (whether permanent, special, or extraordinary) is subject to the approval of the Cabinet.
	3. The creation of any special committee is subject to the approval of the Cabinet.
	4. Committees of any nature may only transact on behalf of the Republic with express permission from the President and the Treasurer.
	5. Non-citizens may only be appointed to any committee with the express written permission from the Cabinet.
	6. Committees that want to claim a subsidy from the account of the Republic must hand in their application accompanied by a suitable budget to the Treasurer at the beginning of the financial year.
2. First-years committee
	1. Composition
		1. The first-year committee is made up of twelve first year citizens of the Republic.
		2. The President and the Cabinet member to whom the first-year committee was assigned as a portfolio (practice dictates that the management of the first-year committee forms part of the “Welcoming Leader”/“Spyker” portfolio – this is subject to the discretion of the President) are granted an *ex officio* right to take part in the decisions and general management of the first-year committee and are thereby granted a normal voting right in all first-year committee matters.
		3. The committee must democratically elect a chairman from the twelve committee members.
		4. The committee may choose to democratically elect a vice-chairman.
	2. Election
		1. The first-year committee members must be elected within 2 weeks after the welcoming period has ended.
		2. Six members must be democratically elected by the first-year group.
		3. One first year from each entrance will then be democratically elected to the committee by the first years residing in that entrance, bringing the total elected members to twelve.
	3. Duties
		1. The first-year committee:
			1. Must work to further its main goal of maintaining solid and positive relationships amongst the first years throughout the year.
			2. Must, in its attempt to achieve the goal as set out above, organise events, whether social or otherwise, to create a platform for meaningful, inclusive, and positive interaction between the first-year citizens of the Republic.
			3. Must aid the Cabinet in any administrative objectives relating directly to the first years.
			4. Must ensure that the interests of the first years are always represented during relevant Republic processes, such as, *inter alia,* Parliament and State Conference.
	4. Term
		1. The term of office of the first-year committee starts on the day that the last committee member is officially elected and ends on the last calendar day of the year in which their term started.
	5. Removal and Vacancies
		1. A first-year committee member ceases to be a member if:
			1. They hand in their letter of resignation to the President.
			2. They are removed from their position by the President due to substantial failure to perform their duties.
			3. They cease to be a voting citizen of the Republic at any point during their term.
3. Youth League
	1. Composition
		1. The Youth League is comprised of 12 second year citizens, including the chairman of the Youth League.
	2. Election
		1. The 12 members of the Youth League are elected by majority vote.
		2. Only the second-year citizens and the Cabinet have a voting right in the election of Youth League members.
		3. The Youth League members decide on their chairperson amongst themselves by any procedure they deem suitable.
	3. Duties
		1. The Youth League serves as the representative body of all second-year citizens in the Republic.
		2. The Youth league must co-ordinate the climbing of the Helderberg Mountain and organise the Helderberg ties for all second years who successfully climbed the mountain.
		3. The Youth League must organise social events for the second-year citizens of the Republic, including the Second-years Dance.
		4. The Youth League members will be allocated to Cabinet members to aid the Cabinet members in completing their desired aims in their respective portfolios.
		5. Any other duties which the Cabinet deems reasonably suitable to be delegated to the Youth League.
	4. Term
		1. The term of the Youth League starts on the day that they are elected and ends on the last calendar day of the year in which they were elected.
	5. Removal and Vacancies
		1. Where a vacancy arises, a new second-year citizen may be appointed to the Youth League where the Cabinet, in consultation with the Youth League, deems it reasonably necessary.
4. Advisors
	1. Composition
		1. The Advisors of the Republic consists of up to 19 citizens,
		2. The group must be diverse in terms of the degree courses which the Advisors are enrolled.
	2. Election
		1. The Advisors appointed by the Advisor Appointment Panel (“The Panel”)
		2. The Panel is made up of the following persons:
			1. The retiring President.
			2. The incoming President.
			3. The incoming Vice-President.
			4. The Resident Head.
			5. The incoming Head Advisor.
			6. The retiring Head Advisor and any other person whom the incoming President or Resident Head deems suitable.
		3. The application procedure for candidates is to be determined by the Panel and all citizens must be informed of this procedure at least 1 week before interviews are to take place.
		4. The Panel must conduct adequate interviews with all prospective Advisors.
		5. The Panel will then vote on the candidates and then appoint the new Head Advisor and Advisors accordingly.
	3. Duties
		1. Advisors
			1. The Advisors provide both structured and non-structured support to first-year citizens.
			2. Such support includes but is not limited to:
				1. Academic wellbeing.
				2. Physical wellbeing.
				3. Social wellbeing.
				4. Emotional wellbeing.
				5. Spiritual wellbeing.
			3. The supporting role played by the Advisors is focused on the Welcoming Period of every year but must be maintained at a satisfactory level throughout the Academic year.
	4. Term
		1. The term of the Advisors starts on the day that they are elected by the Panel and ends on the day that new Head Advisors and Advisors are elected.
	5. Removal and Vacancies
		1. Where an Advisor substantially fails in performing their duties, such citizen may be removed from their position by the Resident Head in consultation with the Cabinet.
		2. Where a vacancy in the office of Head Advisor occurs, such position must be filled by any of the elected Advisors.
		3. A vacancy in the office of Advisor must be filled with a new candidate if it is deemed necessary by the Head Advisor.
5. House Disciplinary Committee
	1. Composition
		1. The House Disciplinary Committee is comprised of the following members:
			1. The President – *ex officio*
			2. Resident Head – *ex officio* head of the Committee
			3. Two Cabinet members – appointed by the President
			4. Two senior citizens of the Republic
		2. A requirement for this Committee is that one member (apart from the Resident Head) must have a reasonable knowledge of the law.
			1. There cannot be a quorum without the presence of this member.
	2. Duties
		1. The overarching duty of the Disciplinary Committee is to further its goal of acting as the disciplinary body against citizens who commit an offense in terms of the rules of the University of Stellenbosch or this Constitution.
		2. The Disciplinary Committee will function in terms of Chapter 4 of this Constitution.
	3. Term
		1. The members of the Disciplinary Committee’s term start on the day that they are elected to the committee and ends on the last calendar day of the year in which they served on the committee.
	4. Removal and Vacancies
		1. In the case that a member ceases to be a member, for whatever reason, the President must duly appoint another member to fill the vacancy.
		2. Where a person who is an *ex officio* member of the committee ceases to hold the relevant position of office, the person who replaces them in that relevant position of office will automatically become a member of the Disciplinary Committee.
6. Special and extraordinary committees
	1. Special committees are committees which are appointed by a Cabinet member to aid them in the execution of their duties, for example, the Jack Wells Committee.
	2. An extraordinary committee is a committee which is appointed by the Republic or by the Cabinet to investigate or manage a specific event, for example, the Constitution Committee.
	3. The President and Vice-President have an *ex officio* right to sit in on special and extraordinary committees, but do not have a voting right.
	4. The creation and composition of all special and extraordinary committees must be authorised by the President.
	5. An extraordinary committee is dissolved once its duty is completed.
	6. After authorisation by the President, special and extraordinary committees may manage themselves as they deem fit, provided that:
		1. The President has the right to dissolve the special or extraordinary committee at any time if the committee is guilty of substantially failing to perform its duties.

**Chapter 5: Discipline**

1. Discipline in the Republic is governed by the Disciplinary Code for Students of Stellenbosch University (“the Code”).
2. This Constitution serves as a contextualizing reference document for the relevant provisions of the Code.
3. Where any provision of this Constitution or any other rule or policy of the Republic overlaps irreconcilably with any substantive or procedural provision of the Code, the Code prevails and any matter to which such conflicting provision is applicable automatically becomes a Disciplinary Matter in terms of section 17.4.2 of the Code and must, therefore, be referred to the Residence Disciplinary Committee or the Central Disciplinary Committee.
4. The House Rules of the Republic, in terms of the definition of ‘House Rules’ in section 1 of the code as well as the provisions of section 17 of the code is contained in the Regulations attached to this Constitution as well as in the relevant Section Codes of Conduct.
5. All duties and powers within the Republic of the House Disciplinary Committee as well as the resident head are granted by and in line with the provisions of the Code.
6. The relevant sections of the Code are attached to this Constitution as Annexure A.

**Chapter 6: General Assembly**

1. State Conference
	1. Purpose
		1. The purpose of the State Conference is to allow for participation by all citizens in the decision-making process of the Republic as well as to allow an opportunity for relevant information to be conveyed to all citizens at once.
	2. Meeting
		1. The State Conference must occur at least once per academic term.
		2. Notice of the date and time of the meeting must be given to the entire Republic two weeks or more before the chosen date of the State Conference, to allow for citizens to manage their academic responsibilities to accommodate their State Conference attendance.
		3. The State Conference is compulsory for all citizens of the Republic.
		4. All citizens have the right to speak in the State Conference:
			1. This right includes the right to put forward any motion or agenda point.
		5. All citizens have a normal voting right in the State Conference, except first-year citizens who’s voting rights are limited to issues which affect them directly:
			1. Such direct effect is to be determined by the President.
		6. A quorum in the State Conference is represented by one third of the voting citizens being present.
		7. The Cabinet must ensure adequate recording of attendance.
		8. Room points are awarded to citizens for attendance of the State Conference.
		9. If a citizen is absent due Republic-related obligations, room-points will still be rewarded regardless of such absence, provided that the President is aware of the situation.
		10. If a citizen is absent with a valid excuse given to President, no room points will be awarded to that citizen.
		11. Being absent without an excuse, results in such citizen being penalised by the deduction room points.
	3. State Conference structure
		1. The structure and procedure of the State Conference is up to the discretion of the Cabinet, provided that the exercise of such discretion is done in such a way as to render the State Conference a meaningful event which is efficient and effective in achieving its purpose.
		2. Exceptions to the wide discretion granted in subsection (a) is contained in section 38(4).
	4. Mandatory procedures
		1. The third State Conference of every year has a limited purpose in that it should be used as the presentation meeting for purposes of the election procedures for executive leadership, provided that the Cabinet has decided that such a presentation meeting forms part of its election procedure policy in terms of Schedule 2.
		2. The fourth State Conference of every year must serve as the public handing-over of office to the new Cabinet.
		3. The report of the Audit Committee must be presented at the fourth State Conference.
	5. Extraordinary State Conferences
		1. An extraordinary State Conference may only be held under the following circumstances:
			1. The Cabinet deems it necessary.
			2. In any case where this Constitution requires it.
			3. Upon written request authorised by at least one third of the voting citizens:
				1. In which case the State Conference must be held within 5 working days.
		2. Notice of an extraordinary State Conference must be given at least 48 hours before such State Conference is to be held.
		3. All the rules applicable to normal State Conferences apply to extraordinary State Conferences.
2. Parliament
	1. Purpose
		1. The overarching purpose of the sitting of Parliament is to bring together all executive and organisational leaders and general citizens of the Republic to discuss prevalent issues in the Republic in a less formal setting, to include as much public participation as possible in the problem-solving efforts of the Cabinet and other leadership structures.
	2. Meeting
		1. Parliament sitting may be held as many times per year as the Cabinet deems reasonably necessary but must be held at least once per academic term.
		2. A Parliament sitting should be held before every State Conference, however, the Cabinet may decide, on reasonable grounds, that a Parliament sitting is unnecessary.
		3. Adequate notice should be given to the house before a Parliament sitting (one week minimum) and the meeting must be reasonably advertised.
	3. Attendance
		1. Attendance at the sitting of Parliament is compulsory for all Executive and Organisational Leadership structure members unless such person provides a valid excuse to a Cabinet member.
		2. All citizens of the Republic must be encouraged to attend.
		3. All citizens attending a Parliament sitting must be granted the allocated number of room points, if there is reasonable proof of their attendance.
	4. Procedure
		1. The procedure to be followed at any Parliament sitting is flexible by nature and can therefore be determined by the relevant facilitator/s of that sitting of Parliament.
		2. The facilitator/s for a sitting of Parliament is to be chosen by the Cabinet.
		3. A general atmosphere of respect is to be always maintained, which mandates orderly and mature voicing of opinions and carrying on of debates.
3. Red Table
	1. Purpose
		1. The Red Table is a society within the Republic with the overarching purpose of serving as a platform which allows citizens to voice their opinions, in an informal setting, on issues relevant to their personal experience within the Republic as well as issues relevant to the Republic as a whole.
		2. The Red Table serves to bring prevalent issues to light for the issues to be taken further through the formal structures of the Republic and to consequently be resolved.
	2. Leadership and formal procedures
		1. The leadership structure as well as all formal procedures of the Red Table are to be managed by the Red Table itself.
4. Entrance Meetings
	1. Purpose
		1. To bring together all citizens of each entrance on a weekly basis to ensure effective transmission of administrative and other announcements from the Cabinet to the Republic.
		2. Entrance meetings also serve to maintain good relationships between the citizens sharing an entrance.
	2. Meeting and Procedure
		1. The entrance meeting must be held after every Cabinet meeting, unless the Cabinet decides, on reasonable grounds, that an entrance meeting is unnecessary.
		2. The entrance meeting will be led by the Cabinet members who reside in that entrance.
		3. The format employed and procedures followed are up to the discretion of the Cabinet members leading the entrance meeting.

**Chapter 7: Residency**

1. Room Placements
	1. First-years
		1. First-year citizens will be allocated a room in the Republic by the President before they move in.
		2. Any queries regarding the room allocated to a first year must go directly to the President, who has full discretion to change first-year room allocations at any stage during the year.
	2. Seniors
		1. Senior citizens are given the opportunity to select their own room for the following year before the following years’ first years are allocated rooms by the President.
		2. Senior citizens will select their rooms in order of number of room-points earned by that senior citizen based on the room-point system employed during that year.
		3. There will be separate lists for those who are aiming to select double rooms and those who are aiming to select single rooms.
		4. Two senior citizens who intend on sharing a double room will be allowed to combine their room-points to make a total, which will determine their place in the room selecting order.
		5. These arrangements are subject to the Hunger Games process in operation at the Cabinet’s discretion.
	3. Cabinet members
		1. The President allocates rooms to the Cabinet members in a manner which he deems fit, provided that the results are objectively reasonable and fair.
2. Section names
	1. Every section in the Republic must have name.
	2. Names for sections may only be selected or changed in accordance with the process set out in Schedule 4.
3. Section codes of conduct
	1. Before the end of the first term of every year, each section must validly complete the process to finalize their Section Code of Conduct.
	2. Each section has a choice whether to:
		1. Create its own custom Section Code of Conduct
		2. Modify the standard Section Code of Conduct
		3. Accept the standard Section Code of Conduct as applicable to their section.
	3. The finished Section Code of Conduct, regardless of which option in subsection 2 was chosen, must be handed in to and approved by the President or any Cabinet member to which they have delegated such authority.
	4. The authorised Section Code of Conduct must then be printed and clearly displayed in the communal area of the section.
	5. A copy of each Section Code of Conduct must be safely stored by the relevant Cabinet member.
	6. The standard Section Code of Conduct is attached to this Constitution as Annexure C.

**Chapter 8: Finances**

1. The Republic is governed as a non-profit organisation with a financial year running from 1 October to 30 September.
2. The Treasurer is the manager of the finances of the Republic and is responsible for the authorisation, execution, supervision, and recording of financial transactions entered on behalf of the Republic by any authorised citizen.
3. The Resident Head plays a supervisory role in the management of the Republic’s finances.
4. An Audit Committee must be appointed at the third State Conference of every year.
5. The Audit Committee has the main purpose of auditing the financial records kept by the Treasurer and must, to allow this purpose to be fulfilled, be granted full access to all necessary documentation and other information relevant to the financials of the Republic, including physical interviews with relevant persons.
6. The Audit Committee must be comprised of 3 members democratically selected by the Republic at the relevant State Conference from 4 candidates (who are *bona fide* and have a reasonable knowledge of accounting):
	1. Two candidates nominated by the Cabinet
	2. Two candidates nominated by the Republic at the relevant State Conference

**Schedule 1: Descriptions**

Values

1. The values according to which the Republic is enjoyed, governed, and developed, collectively known as the BRAVE values, are as follows:
2. Brotherhood
3. Respect
4. Accountability
5. Friendship (Vriendskap)
6. Enthusiasm

Terminology

1. Due to the Republic of Helderberg’s status as a republic, it has elected to make use of alternative, and more suitable, versions of terminology common to the University of Stellenbosch residences:

|  |  |
| --- | --- |
| *Common terminology* | *Republic version* |
| Primarius | President |
| Vice-Primarius | Vice-President |
| House committee | Cabinet |
| Mentors | Advisors |
| House Meeting | State Conference |
| Second years’ committee | Youth League |
| First years’ committee | Bergkuikens’ Committee  |

Anthem

1. The anthem of the Republic of Helderberg is as follows:

*The Helderberg’s are happy and the Helderberg’s are free;*

*They never, never quarrel and they never disagree;*

*They’re always, always sober and they’re always on the spree;*

*For the motto of the Helderberg is:*

*“Come and drink with me!”*

*All the Helderberg’s are happy;*

*All the Helderberg’s are free;*

*All the Helderberg’s are happy;*

*For the motto of the Helderberg is:*

*“Come and drink with me!”*

*Hey!*

*Boys!*

*Put one down!*

*Helderberg!*

Flag

1. The flag of the Republic is to be represented, always, as follows:



Symbols

1. Crest
	1. The Republic crest consists only of the official colours: black and white, and is divided into four quadrants, with a smaller central shield-shaped overlay.
	2. The white castle on a black background appears on the bottom left and top right quadrants.
		1. These castles represent the old and new buildings of the Republic and at the same time symbolises a strong, unconquerable fortress.
	3. A profile image of a bateleur is situated in the bottom right quadrant.
		1. The bateleur is a bird of prey native to the Helderberg region and symbolises aristocracy, power, and wisdom.
	4. The symbolic representation of the homecoming of soldiers after the Second World War is placed in the top left quadrant.
		1. The hand on the left represents the returning solider and the hand on the right shows how he is welcomed by a Stellenbosch student.
	5. The central shield consists of the letters “US” (University of Stellenbosch).
	6. Below the crest there may appear a ribbon containing the text: “HELDERBERG,” under which there also may appear the text: “EST. 1946”



1. HB-symbol
	1. The HB-symbol appears in the official colours of black and white (which may be inverted), as follows:



1. Bateleur-symbol
	1. The Bateleur-symbol appears in the official colours black and white and must always face to the left (from the point of view of the observer of the image), as it appears on the Crest shown in paragraph 5.

Swarra Care

1. Swarra Care is a structure which exists in the Republic which creates and manages a pool of funds as a separate account of the Republic for the sole purpose of making charitable donations to citizens of the Republic to allow such citizens to attend Republic-organised events.
2. Swarra Care funds may also be donated to citizens for any other purpose that the President deems reasonable and suitable.
3. Swarra Care is to be managed jointly by the President and the Treasurer, who must create and advertise the process by which applications for such donations are to be made by citizens within the Republic.
4. Swarra Care extends to the wellbeing of the Republic and the relationships with staff and students must be balanced to promote the interests of the Republic.

**Schedule 2: Election procedures: executive leadership**

General

1. In the case of discretion being granted to any party by any of the provisions of this schedule, such discretion is to be always exercised in line with the BRAVE values and in a reasonably manner.
2. The resident head is to supervise the use of such discretion and must raise his/her concerns where he/she deems it necessary.

Election Committee

1. The Election Committee is appointed by the President, exclusively for the task of administration and supervision of the annual executive leadership elections.
2. If the President is taking part in the elections, the Vice-President will take over the appointment duties mention in paragraph 1.
3. The Election Committee consists of a convenor and two senior citizens of the Republic, of which one must be the President (unless he is participating in the election)
4. The members as described in paragraph 3 is democratically elected at a State Conference (normal or extraordinary) and may not, under any circumstances, participate as a nominee in the elections.
5. The Election Committee is *ipso facto* dissolved 12 hours after the last Cabinet member is announced and no objections have been filed against the result.
6. Failure by the Election Committee to satisfactorily perform its duties can render the election invalid if it is so decided by the House with a normal majority vote and will result in the Election Committee being appropriately held accountable.

Nomination and Presentation

1. The procedure for the nomination and presentation of candidates is within the discretion of the Cabinet each year.
2. Before the end of the second academic term of each year, the Cabinet must review the election procedure policy document used by the Cabinet of the previous year and determine the suitability of this policy for the current year’s election.
3. The revised election procedure policy document must be presented to the Red Table and a sitting of Parliament before the end of the second academic term.
4. All feedback from the Red Table and sitting of Parliament must be reasonably considered.
5. When the document has been finalized, it must be distributed electronically or otherwise to all the citizens of the Republic.
6. A copy of the document must be always attached to this Constitution as Annexure A.

Voting

1. The Election Committee is given the discretion to decide as to the means of voting to be followed, for example, *inter alia*:
	1. Electronic ballot voting
	2. Pen and paper voting
2. Whatever means is decided upon, it must be ensured that the process remains anonymous and democratic.
3. The voting procedure must commence within 24 hours after the close of the presentation of candidates, whether for the position of President, Vice-President, or Cabinet.
4. All citizens’ vote count as a full vote, regardless of any leadership or other positions they currently hold.
5. There is no minimum number of votes that must be cast by any citizen in the election for any position (e.g., they may, if they so choose, vote only for one out of a hypothetical thirteen candidates).
6. The maximum number of votes to be cast by any one citizen in any one Cabinet member election round is thirteen, in total.
7. In the election of the President and Vice-President, the total number of votes to be cast by any one citizen is limited to the total number of candidates standing less one.
8. All votes must remain strictly confidential.
9. All members of the Election Committee must agree as to the count of the votes, the results of which must be reviewed by the resident head before announcement.

Election requirements: President and Vice-President

1. Where more than two candidates have been nominated for either position, that number must be reduced to two by means of an elimination voting round before the final round of voting takes place.
2. When only two candidates are left, the candidate with the highest number of votes in the second voting round is elected to the position.
3. The winning candidate must have more than 50% of the total votes for the results to be valid.
4. A candidate who is unsuccessful in the Presidential election will automatically become a candidate for the Vice-Presidential election.
5. A candidate who is unsuccessful in the Vice-Presidential election will automatically become a candidate in the Cabinet election.
6. A quorum for the election of President and Vice-President will be represented by 75 percent of the voting citizens.
7. A quorum for the election

Election requirements: Cabinet

1. To be elected to the Cabinet, a candidate must receive 40% or more of the total votes cast.
2. If all the vacant positions on the Cabinet (the number of which is within the discretion of the President), are not filled after the first or further rounds of voting, then another round must commence.
3. Only candidates who received more than 20% but less than 40% of the votes cast may take part in the second round or further rounds of voting
4. In any round of voting, the number of candidates must always be more than the number of positions available.
5. There may not be more than two rounds of voting without a complete outcome (all vacancies have been filled).
6. If the requirements in paragraphs 31 and 32 are not met, the election process with be halted until they are met; and the Election Committee must immediately request further nominations; or the President may decrease the number of vacant positions.

Withdrawal from election

1. Any candidate may withdraw as a candidate from the election procedures for any position at any stage before the first round of votes have been cast.

Election requirements: Head Advisor

1. The Head Advisor position is added to the Cabinet to enlarge the Cabinet to 15 members as of April 2022.
2. That the position is called the Minister for Academic Affairs and Head Advisor.
3. That the nominations for the position should include the endorsement of at least 4 current Cabinet members and 4 current advisors; and
4. That the Minister of Academic Affairs and Head Advisor be interviewed and elected by the members of Parliament at a special meeting convened for this purpose after the election of the President and Vice-President and before the election of the rest of the Cabinet.

Objections

1. Objections concerning any element of the election must be made directly to the convenor within twelve hours after the announcement of the election results.
2. The convenor must reasonably investigate all objections in consultation with the retiring President to decide on the necessary actions to take in line with the objection.
3. Where an objection to the decision of the convenor is filed with the retiring President in writing by at least one third of all voting citizens (first years and seniors), the retiring President is obliged to call and Exceptional State Conference in terms of section 38(5) of this Constitution to investigate the matter.
	1. The burden of proof lies with those who field the objection.

**Schedule 3: Section Names**

This schedule serves as the substantive and procedural processes that need to be followed to change the name of a section. The procedures as set out here in need to be followed for a section name to be changed.

Definitions:

**Section names**: the name that each section in the Republic of Helderberg is given and is officially documented as such.

Context

The Republic of Helderberg (here in referred to as ‘the Republic’) is made up out of 36 sections each with their own individual section name. The Republic and the Constitution of the Republic recognise the need to make the spaces of the Republic accessible and relatable to all. The names given to sections play an important role in the symbolic reflection of the Republic and give meaning and value to the spaces that we reside in. Ultimately section names reflect in an abstract way the way in which our living spaces are occupied. It is in this that our section names need to remain current with the transformation as experienced in the Republic and thus need to be reviewed and updated per some form of procedure. To allow the section names to actively reflect the diversity of the Republic it needs to allow for section names to be updated and recreated, whilst ensuring that the longevity and tradition that comes with a section name is not lost. Therefore, the need arises to formulate a procedure per which residents of the Republic can review and rename their section names. This document will seek to place a shared responsibility on the individuals living in each section as well as the house to partake in the process of establishing a new name for each section.

Any actions taken or decisions made in terms of this document, whether by the section proposing to change its name, the Cabinet, or the entirety of the Republic, must be so taken, or made in light of the values as contained in the Constitution of the Republic of Helderberg.

1. **Procedural requirements**
2. The section proposing to change its name (hence forth ‘the section’) needs to hand in a typed and printed proposal (hence forth ‘proposal’) to the President containing the following information:
3. The current name of the section
4. The current members of the section
5. The proposed new name of the section
6. Adequate substantive reasoning as to why the section name should be changed
7. Adequate substantive reasoning to motivate the granting of the new proposed name
8. Each member of the section must be involved in the process of discussing the proposed change and the drawing up of the proposal.
9. All members of the section must sign (by means of a written signature) the document to prove their meaningful participation and approval of the proposal.
10. Signatures must appear at the end of the document and must be written in ink.
11. The name and surname of each signatory must accompany each signature.
12. The President, in consultation with the Cabinet, will review the proposal to ensure procedural compliance (this review procedure must be completed four days (including weekends and public holidays) before the next scheduled sitting of Parliament)
13. If the President is dissatisfied with the procedural compliance of the proposal, the section will be given 3 days in which to rectify the document.
14. If the President is satisfied with the procedural compliance of the document, he will approve the document by means of a handwritten signature.
15. The proposal must then to be presented at the next scheduled sitting of Parliament (as referred to in section 1(f)) as a formal agenda point.
	* 1. The views expressed at Parliament must be recorded sufficiently by means of typed minutes (hence forth ‘minutes’) by the Secretary of the Cabinet.
16. The Cabinet must formalise the minutes referred to in section 1(g) into an understandable and presentable document (hence forth ‘finalised minutes’).
17. At the next scheduled State Conference, the Cabinet must present the proposal drafted by the section as well as the finalised minutes to the house, whereafter the section captain of the section will be given an opportunity, if he so wishes, to further elaborate on the proposal.
18. The President will then call a vote in terms of the regulations contained in the Constitution of the Republic of Helderberg (hence forth ‘Constitution’).
19. The motion, as regulated in the Constitution, needs a two-thirds majority vote to be passed.
20. If a section name change is approved by a vote at the State Conference it may not be changed for the next 4 years, with the current year counting as the first year, regardless of it not being a full year (as regulated in section 3).

*Example*

*If a section name is changed at the second State Conference of 2018, it can only be changed again, earliest, at the first of second State Conference of 2022.*

1. **Time restrictions**
2. A section name can only be voted in at the first or second state conference of any given year
3. Due to the procedural time lapse a section name may be voted in at any of the State Conferences for the year 2017, this exception is limited to the year 2017.

**Regulations**

General

1. Regulations stand as the general rules to be respected by all citizens daily.
2. Regulations may be altered with a valid, normal majority vote in a State Conference.

Prohibited substances

1. The possession and use of any illegal substances, including marijuana is strictly prohibited within the Republic.

Quiet times

1. Quiet times in the Republic are as follows:
	1. Monday to Thursday: 23:00 until 07:00
	2. Friday and Saturday: 00:00 until 07:00
	3. Sunday – general quiet and calm atmosphere through the day and night
2. Quiet times entail the following:
	1. No music is audible to anyone outside of any room in which the music is being played.
	2. No music to be played in shared areas.
	3. No shouting.
	4. No generally disruptive behaviour.
3. Transgressing of the quiet times will lead to appropriate punishment by the Cabinet and/or Disciplinary Committee.

Dining Hall

1. Shoes (of any kind) are to be always worn inside the dining hall as well as presentable attire, which excludes sleepwear.
2. Citizens are to be respectful towards catering staff and each other.
3. Citizens must clean up after themselves.

SWARGA

1. Citizens are to use the computers and printer in a manner which does not damage or destroy any of the equipment.
2. Where one citizen wants to use the equipment for academic purposes, any other citizen who is using the equipment for recreational purposes must allow such academically focussed citizen to use the equipment first.
3. Any issues with the equipment must be reported to the relevant Cabinet member as soon as reasonable possible.

Notice Boards

1. The notice boards at the entrance are for the official use of the Cabinet only, unless the Cabinet has granted permission to a certain citizen to put something (which has been reviewed by the Cabinet) on the entrance notice boards.
2. The notice board outside of the Dining Hall may be used by any citizen to put anything up, provided that the Cabinet has the discretion to remove anything it deems unnecessary or unsuitable.

Jack Wells

1. The Jack Wells is only to be used if specific permission is granted by the Cabinet member in charge of managing the Jack Wells.
2. No citizen may go behind the bar of the Jack Wells without the permission of the Cabinet member in charge of managing the Jack Wells.
3. When the Jack Wells bar is open, no alcoholic drinks which were not bought at the Jack Wells bar may be brought into the Jack Wells. The sale of alcohol is also regulated by the relevant code of conduct of the house.

The Robert Kotzé Annex (The Robert)

1. The Pool table and surrounding equipment must be used in a manner which does not cause any damage.
2. Any issues with the pool table or its surrounding equipment must be reported to the Cabinet as soon as reasonably possible.
3. The system of management of the pool table (cues, balls, tokens, etc.) is to be determined by the Cabinet at the start of their term and communicated to the Republic.
4. The Youth League takes responsibility in the wellbeing of the area.

Parking

1. No citizen may park on another citizen’s officially registered parking spot without proper permission from that person.
2. The Cabinet will determine the appropriate sanction for parking offences, including clamping and/or a monetary fine if deemed fit.
3. Vehicles may only be parked in designated and properly registered spots.

Braai areas

1. The braai areas in front of the Vice-President flat and at the “Plesierskuur” may be used by any resident for recreational purposes.
2. The braai areas must be used in a responsible and respectful manner.
3. Citizens must clean up after themselves.
4. If any official social event where guests will be invited is to be held at one of the braai areas, permission must be acquired from the Cabinet.

Gates

1. The big gates (one in front of the Jack Wells, and the other adjacent to the Dining Hall) are to be used for vehicles only, not for pedestrians.
2. Pedestrians are to use the small gates next to the big gates.
3. The security gates at the back of entrances 1, 2, 3, and 4 are to be kept closed and always activated.
4. No hooting at any gate is allowed.
5. All gates must be opened with a student card.

**Annexure A**

Discipline

The purpose of this disciplinary code is to provide a framework for good decision-making within which the University exercises discipline over students. In this way, it aims to foster and to maintain an environment which supports the University’s values.

For that purpose, this disciplinary code provides clear rules for acceptable Student conduct and sets out disciplinary measures and procedures which ensure that disciplinary action by the University is taken efficiently and in a manner that is reasonable, lawful, and procedurally fair.

The disciplinary code recognises that the restoration and healing of the University Community as a whole and the relationships amongst individual members are at the heart of its purpose. Therefore sanctions imposed in terms of this code will take cognisance of the efforts made to restore relationships and will, in addition to the established aims of punishment and deterrence, serve to rehabilitate and educate offenders and where persons found guilty of misconduct and where appropriate, sanctions will contribute to the restoration and healing of the University Community as a whole, the relationships amongst its Student Communities and individual members of the Student Community.

Severe Cases of Misconduct
Severe cases of misconduct, which includes but is not limited to the following instances:
Sexual Harassment; Violence; Academic Misconduct; Dishonesty and Misrepresentation. These cases of severe misconduct will be attempted to resolve internally, but severe cases which are deemed serious will be referred to the University for adequate consideration.

* Academic misconduct will generally be heard by the Head of the relevant Department of Stellenbosch University.
* Discriminatory Misconduct and Sexual Misconduct will generally be dealt with by the Equality Unit of Stellenbosch University.
* Otherwise, severe cases in general will be heard by the Central Discipline Committee.
* Students may be referred to the External disciplinary panel when circumstances demand to do so and is subject to the reference by the Rector on advice of the Director of Legal Services.

Powers of Disciplinary Wards
The Cabinet and more specifically the Chief Justice, Resident Head and disciplinary committee does have the power to set out their own procedures to safeguard the disciplinary process and deal with the matter fairly and regard the substantial merits of the disciplinary case.

The Resident Head

All suspected Residence Misconduct shall be dealt with in the first instance by the Residence Head in authority over the Residence where the incident arose. The relevant Residence Head must consider whether, on the facts available at that time:

1. Residence Misconduct is reasonably suspected.
2. if so, whether the misconduct is to be dealt with as a Residence matter or as a Disciplinary Matter, considering the seriousness of the misconduct, the importance of issues raised, the evidentiary or conceptual complexity of the matter, and the broader interest which the University or other Residences may have in its outcome, and any other relevant consideration.
3. The Residence Head may furthermore temporarily suspend a student from the Residence with immediate effect if, on the facts available at that time
4. The Residence Head reasonably fears that the student may pose an imminent threat,
5. The student poses danger to the mental or physical well-being of other students.
6. The continued presence of the Student in the Residence poses a real and urgent risk of serious damage being done to the University’s property; or

The Disciplinary and House Committee
The Disciplinary Committee and House Committee does have the authority to hear Disciplinary Matters arising from Residence Misconduct, which nevertheless does not involve a serious threat to the physical or mental wellbeing of Students or serious damage to university property, which includes the Republic.

Such matters include, but is not limited to Theft, Disobeying Quiet Times, Substance misuse and general matters that disrupt the peace in the Republic.

Restorative Justice

Helderberg as established as a residence enshrined in values. Members who have committed wrongs are able to state their case to the Resident Head and the Cabinet. Upon the decision taken at the Cabinet meeting, resident members who have committed wrongs are allegeable to lessen their punishment, for doing good deeds or to establish their reconciliation in some or other manner deemed appropriate. The appropriate lesser alternative is deemed to the decisions of the Cabinet and Residence Head.