



UNIVERSITEIT  
STELLENBOSCH  
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# Stellenbosch University Student Constitution

2018 Revision

Final version (3.2)

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

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## **PREAMBLE‡**

We, the students of 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 which 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*” refers to a decision taken with an ordinary majority of votes;
- (2) “*Ex officio member of the SRC*” means a member serving on the SRC by virtue of holding another position such as the SRC members indicated under section 19 (2)-19 (7);
- (3) “*Executive Committee*” means the Executive Committee of the SRC in terms of *Part 3.3* of this Constitution.
- (4) “*Positive vote*” refers to the following process:
  - (a) when one candidate receives a majority (50% + 1) of the vote, they are elected;
  - (b) if no candidate receives a majority (50% + 1) 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 fifty percent (50%) of the total number of votes in the previous election;
    - (iii) This process is repeated until one candidate received a majority (50% + 1) of the vote.
- (5) “*PSO*” means a Private Student Organisation;
- (6) “*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;
- (7) “*SRC*” means the Student Representative Council;
- (8) “*Student*” means a student registered at the University;
- (9) “*Student body*” means an organised group of students formally associated with the University;
- (10) “*University*” means Stellenbosch University;
- (11) “*University authorities*” means any employee, or body consisting of employees, of the University including faculties, the Rector’s Management Team, and the University’s Council; and
- (12) “*University day*” means a weekday (Monday to Friday) during the academic year which is not a public holiday.

## 2 Status of this Constitution

- (1) All constitutions, regulations, rules, codes, documents, motions and decisions adopted by any student body are subject to this Constitution and are invalid as far as they are inconsistent with it.
- (2) This Constitution is called the “Student Constitution of Stellenbosch University”, provided any references in other documents to the “Student Union Constitution of Stellenbosch University” refer to this document.

## 3 Bodies Constituted by this Constitution

The following student bodies are constituted by this Constitution:

- (1) the Student Representative Council;

- (2) Student Parliament;
- (3) the Student Court;
- (4) the Evaluation Panel;
- (5) the Academic Affairs Council;
- (6) the Prim Committee;
- (7) the Senior Prim Committee;
- (8) the Societies Council;
- (9) the Military Academy Student Council;
- (10) the Tygerberg Student Council; and
- (11) the Election Committee.

## **CHAPTER 2 BILL OF STUDENT RIGHTS‡**

### **4 Application**

- (1) The rights in the Bill of Student Rights bind all student bodies of the University and all such bodies have the duty to respect, protect and promote these rights.
- (2) The student bodies constituted by section 3 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 section 3 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**

Every student has the right to freedom of expression, which does not extend to hate speech, and which includes –

- (1) freedom of academic expression and scientific research;
- (2) freedom of the student media; and
- (3) 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 to 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 Student Representative Council elections**

- (1) Every student has the right to vote in 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**

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 –

- (1) be notified of the nature and purpose of the proposed action;
- (2) a reasonable opportunity to make representations;
- (3) adequate notice of any applicable right of review or internal appeal; and
- (4) 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 objective 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 body or any group of student, whether acting in their own interest or in 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.

## **CHAPTER 3 THE STUDENT REPRESENTATIVE COUNCIL**

### **Part 3.1      General**

#### **18      Status of the Student Representative Council‡**

The SRC is the highest representative and policy-making student body at the University and is under the authority of the University Council.

#### **19      Composition of the Student Representative Council‡**

The Student Representative Council consists of the following members:

- (1) nine members elected by the students in terms of the provisions of CHAPTER 12 of this Constitution;
- (2) the Chair of the Academic Affairs Council;
- (3) the Chair and Vice-Chair of the Prim Committee;
- (4) the Chair of the Societies Council;
- (5) the Chair of the Senior Prim Committee;
- (6) the Student Captain of the Military Academy Student Council; and
- (7) the Chair of the Tygerberg Student Representative Council.

#### **20      Terms of office of the Student Representative Council**

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

#### **21      Core functions of the Student Representative Council‡**

The core functions of the Student Representative Council include –

- (1) to act in the best interest of students and to actively promote students' rights under (11).
- (2) to represent students at –
  - (a) the University Council;
  - (b) the Senate;
  - (c) the Institutional Forum;
  - (d) other committees, bodies and functionaries of the University; and
  - (e) national and international student bodies;
- (3) to evaluate the University policy and give input in the formulation thereof;
- (4) to consider the advice of Student Parliament;
- (5) to facilitate projects and initiatives to the benefit of students;
- (6) to inform students continuously, and obtain feedback, about its activities; and
- (7) to formulate and maintain policy in order to ensure that the SRC performs its functions and duties effectively.

#### **22      Compulsory portfolios**

The SRC must maintain at least the following portfolios:

- (1) The Chairperson –
  - (a) is the chief executive officer of the SRC;
  - (b) acts as spokesperson for the SRC;



- (c) is ultimately responsible for the finances of the SRC; and
  - (d) ensures that the SRC fulfil their mandate.
- (2) The Vice-Chairperson –
- (a) shares the responsibility of the Chairperson of overseeing the SRC; and
  - (b) is responsible for the internal relations and discipline of the SRC.
- (3) The Secretary is at least responsible for –
- (a) maintaining internal communication within the SRC;
  - (b) managing knowledge and institutional memory within the SRC;
  - (c) ensuring that SRC meetings, and any other meetings or consultations where the SRC desired record keeping, are properly recorded; and
  - (d) updating, safekeeping and making available records, policies and other documents of the SRC.
- (4) The Treasurer is the chief financial officer of the SRC and is at least responsible for –
- (a) ensuring that the financial resources of the SRC are used in a transparent, responsible and sustainable manner; and
  - (b) formulating and implementing policies that ensure transparent, responsible and sustainable use of the SRC's financial resources.
- (5) The Policy Officer is at least responsible for –
- (a) ensuring that policy of the SRC and the students is formulated and revised in accordance with section 21 (7);
  - (b) assisting the other SRC members in evaluating and giving input in the formulation of University policy in accordance with section 21 (3); and
  - (c) ensuring that this Constitution is revised and updated when required by this Constitution or when necessary.
- (6) The Communication Officer is at least responsible for –
- (a) ensuring that students are continuously and fully informed of the activities of the SRC in accordance with section 21 (6);
  - (b) obtaining feedback from students in accordance with section 21 (6); and
  - (c) ensuring that the advice of Student Parliament reaches the SRC.

## **23 Fulfilment of duties‡**

- (1) SRC members must comply with the provisions of this Constitution and policy and regulation of the SRC.
- (2) If an SRC member contravenes subsection (1), or if reasonable grounds exist to believe that a member will contravene subsection (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 section 25 (1)(h); and
  - (b) the Evaluation Panel can take this into account in its decision whether or not to decrease the honorarium of the member in terms of section 47 .

## **24 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; and

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

## **25 Ending membership of the Student Representative Council**

- (1) The membership of a SRC member comes to an end when –
- (a) the member's term of office expires;
  - (b) the member presents a written resignation 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 SRC meetings;
  - (g) the Student Court finds on application that the member has not complied with an order of the Court;
  - (h) Student Parliament adopts a motion of no confidence in the member;
  - (i) the member is sentenced to imprisonment without the option of a fine in the Republic of South Africa or elsewhere; or
  - (j) the member is sentenced by the Central Disciplinary Committee to –
    - (i) permanent suspension from the SRC; or
    - (ii) suspensions from the University for a fixed or unfixed period of time.
- (2) If an *ex officio* member of the SRC ceases to be the member of the SRC during their term of office, then –
- (a) that member loses chairpersonship or vice-chairpersonship, whichever is applicable, of the student body they were representing on the SRC; and
  - (b) that student body must elect a new chairperson or vice-chairperson.
- (3) If any other 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 forty (40) 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) forty (40) or more have passed between the election of the member in question and the day they ceased to be member, or there is no available candidate in terms of paragraph (a), the SRC must call a by-election to fill the position.

## **Part 3.2 Other duties and powers of the Student Representative Council**

### **26 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, 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.

## **27 Announcement of programme and budget†**

- (1) The newly elected Student Representative Council must, within a month of the commencement of their term in office, make a document available to all students, unless extraordinary circumstances arise, which includes at least –
  - (a) the Student Representative Council's vision and mission document;
  - (b) a budget; and
  - (c) an updated portfolio document stating which portfolios are assigned to which Student Representative Council member or manager.
- (2) The Student Representative Council must make a reasonable attempt to make students aware of the document's availability.

## **28 Representatives of the Student 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.

## **29 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.

## **30 Student Representative Council managers**

- (1) The SRC must appoint a minimum of two (2) and up to a maximum of ten (10) students as SRC Managers to, on behalf of the SRC, run portfolios that entail mainly organisational or administrative functions.
- (2) Unless the following portfolios are selected by an SRC member, there must be an SRC Manager responsible for:
  - (a) KUKO; and
  - (b) Sport
- (3) Each SRC Manager must be accountable to a specific SRC member and to the SRC as a whole.
- (4) SRC Managers enjoy access to the same facilities as the SRC and may appoint their own committees.
- (5) 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.
- (6) SRC Managers are subject to evaluation by the Evaluation Panel.
- (7) SRC Managers do not have the right to vote at and are not compelled to attend SRC meetings, with the exception that –
  - (a) SRC Managers must attend at least one (1) SRC meeting per academic term in order to report back to the SRC regarding their activities; and
  - (b) an SRC Manager must attend a SRC meeting if asked to do so by a written request from the Executive Committee.

## **31 Task teams**

- (1) The SRC can appoint task teams from among its own members to address *ad hoc* or continuous issues.
- (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.

### **32 Mass meetings**

- (1) The Student Representative Council can hold mass engagements with students and other stakeholders as a means to consolidate its mandate through debate and consultation.
- (2) Students must be made aware of the mass engagement 2 (two) University 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 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 by means of a petition that has been signed by at least one hundred (100) students, in which case the SRC must arrange that the mass meeting takes place within two (2) weeks after the petition has been filed.

### **33 Other duties**

The SRC has the duty to –

- (1) make this Constitution available to students and to make them aware of its availability; and
- (2) fulfil any other duties required of it by this Constitution.

### ***Part 3.3 Executive Committee of the Student Representative Council***

### **34 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; and
- (5) two (2) additional members of the SRC.

### **35 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;

- (c) fulfil any duty that the SRC delegates to it; and
  - (d) fulfil any other function that this Constitution assigned to it.
- (2) The Executive Committee, subject to subsection (3), also has the duty and power to –
- (a) compile the SRC budget;
  - (b) make important decisions in urgent cases where it is not practically feasible to convene the SRC;
  - (c) decide on the portfolio allocation of the SRC, excluding the compulsory portfolios; and
  - (d) appoints one (1) or more Election Convenor(s) in terms of section 99 (6);
- (3) Decisions taken by the Executive Committee in terms of subsection (2) will be of full force and effect unless set aside by the SRC at a later meeting.

### **36 Meetings and minutes**

- (1) The Executive Committee meets at least once per week.
- (2) All decisions of the Executive Committee must be minuted 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 Chair must, within two (2) University days of the submission of the request, convene an SRC meeting, where the only items on the agenda will be the issues in question from the minutes of the Executive Committee meeting.
- (4) The Executive Committee may invite SRC members that are relevant to any number of agenda points in order to simplify the discussions.

### **37 Quorum‡**

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

## ***Part 3.4 Student Representative Council meetings***

### **38 Frequency**

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

### **39 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; and
- (2) the complete agenda

### **40 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) In the event that 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 Chair will be decisive.

#### **41 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 Student Representative Council, may attend Student Representative Council meetings.
  - (c) A person who is not a member of the Student Representative Council may only get an opportunity to speak, the duration of which is determined by the Chair, at a Student Representative Council meeting if –
    - (i) at least one (1) University day before the meeting they give written notice to the Secretary of their intention to speak; and
    - (ii) the Chair approves it.
  - (d) The Chair 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 Chair 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 minuted, the record of which need only be made available internally to the Student Representative Council; and
    - (iv) the Student Representative Council can decide to overturn the decision of the Chair.
- (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 as soon as possible 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 come to agreement 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 Student Representative Council put a request in writing to the Chair within two (2) University days after the minutes are made available, the discussion point be tabled at the next possible ordinary SRC meeting.

#### **42 Minutes‡**

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

#### **43 Seconds from Tygerberg and the Military Academy**

- (1) If the Chair of the Tygerberg SRC or the Student Captain of the Military Academy Student Council cannot attend an SRC meeting, they may appoint a member of the Tygerberg SRC or the Military Academy SRC, whichever is applicable, in writing as a second to attend the meeting.
- (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.

#### **44 Representatives for other Student Representative Council members**

- (1) Other than the SRC members referred to in section 43 , *ex officio* SRC members may send a representative from the executive committee of their respective body.
- (2) Said representative 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, except for the power to vote.
- (3) The rights to appoint a representative may not be exercised consecutively for more than two (2) SRC meetings.
- (4) A representative as contemplated in this section will not be counted for quorum.

#### **Part 3.5 Evaluation of Student Representative Council members by the Evaluation Panel‡**

#### **45 Nature and convening of the Evaluation Panel**

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

#### **46 Composition of the Evaluation Panel**

- (1) The Evaluation Panel consists of the following members:
  - (a) The Director of the Centre for Student Leadership and Structures or their nominated alternate who will act as the Chair of the Evaluation Panel;
  - (b) the Chief Justice of the Student Court or a member of the Court appointed by them;
  - (c) the Student Parliament Speaker;
  - (d) one (1) student who attended Student Parliament during the year concerned, selected at random by the Speaker of Parliament from Student Parliament attendance lists;
  - (e) two (2) persons, whether student, University members of staff or other persons, who are not SRC members, appoint by the SRC, taking into account their knowledge of the duties of the SRC.
- (2) The Vice-Rector (Teaching & Learning) may appoint two (2) University members of staff, who have no voting rights on the Evaluation Panel, to serve on the Evaluation Panel in an advisory capacity.

#### **47 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 making a decision in terms of subsection (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; and
  - (e) the principles of procedural fairness.

#### **48 Review**

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

#### **49 Procedure**

The Evaluation Panel determines its own procedure.

#### **50 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.

#### **51 Timeframe**

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



## **CHAPTER 4 STUDENT PARLIAMENT‡**

### **52 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 also serves to ensure that the SRC, Prim Committee, Academic Affairs Council, Senior Prim Committee and Societies Council fulfil their constitutional mandate and to keep them accountable and transparent.
- (3) Student Parliament facilitates cooperation in student leadership at Stellenbosch University and focuses on policy revision and creation as it pertains to student leadership.

### **53 Speaker**

A Speaker is elected annually by Student Parliament, and their duties include –

- (1) ensuring that Student Parliament takes place;
- (2) ensuring that an agenda is compiled and is made available to all students at least one (1) week before Student Parliament takes place;
- (3) ensuring that the minutes of Student Parliament are made available no later than two (2) weeks after each meeting;
- (4) to preside over meetings of Student Parliament impartially and in such a manner as to promote orderly and democratic debate; and
- (5) to chair the Student Parliament Committee.

### **54 Student Parliament Committee**

- (1) The Student Parliament Committee consists of the Speaker, and a minimum of 4 other members elected/appointed according to a procedure laid out by Student Parliament and ratified by Student Court.
- (2) The Student Parliament Committee is responsible for ensuring that Student Parliament fulfils its mandate, which includes taking reasonable steps to ensure participation by compulsory members and students.

### **55 Constitutions, rules and regulations**

- (1) Student Parliament 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 Student Parliament by the Court on the grounds of –
  - (a) procedural unfairness; or
  - (b) incompatibility with Student Parliament's constitutional mandate or the constitutional framework of student leadership within the University.

### **56 Powers**

- (1) Unless other provided for in this Constitution, decisions of Student Parliament do bind the SRC, Academic Affairs Council, Societies Council, Prim Committee and Senior Prim Committee, with at least 80% majority of at least 100 votes.
- (2) Student Parliament has the power to –

- (a) request one or more SRC members to explain any of their actions, activities, or lack thereof in person at Student Parliament;
  - (b) institute a motion of no confidence in one or more SRC members, on the grounds that they are not fulfilling their constitutional obligations, subject to review by the Student Court;
  - (c) determine a list of broad priorities which the SRC must adhere to in compiling their budget and planning their activities;
  - (d) hold extraordinary meetings;
  - (e) appoint task teams to discuss and investigate specific matters and to report back and make recommendations to the plenary session and other bodies and representatives, including those of the University;
  - (f) adopt any other measures to ensure that it fulfils its mandate effectively; and
  - (g) to recommend policy changes to the bodies constituted by this constitution (excluding the Tygerberg Student Representative Council and the Military Academy Student Council), who must present a report to Student Parliament if the recommendations are not implemented, and reasons therefore.
- (3) The powers described in subsections (1), (2)(b) to (2)(d) are subject to Student Parliament accepting a Student Constitution which –
- (a) sets out the procedures to be followed in exercising these powers; and
  - (b) is to be approved by the Student Court before it comes into force.

## **57 Members of Student Parliament**

- (1) Student Parliament 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; and
  - (k) all students who attend a meeting of Student Parliament.
- (2) No person can fill more than one seat at any time.
- (3) If a member of Student Parliament can no longer fulfil their duties, the Student Parliament Committee must ensure the vacancy is filled.

## **CHAPTER 5 STUDENT COURT AND THE APPEAL COURT‡**

### **58 Nature and functioning of the Student Court**

- (1) The Student Court –
  - (a) functions as an administrative tribunal; and
  - (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.

### **59 Nomination and appointment of members of the Student Court**

- (1) The Chief Justice must request nominations for the members of the Student Court from law students and lecturers three weeks prior to the last Law Faculty Board Meeting of the year.
- (2) The opening of nominations must be advertised clearly to all eligible students, whether by means of electronic communication or otherwise.
- (3) Nominations must be open for at least seven (7) days.
- (4) The Chief Justice must submit the nominations to the Faculty Board of the Faculty of Law, which appoints the members of the Student Court at the last Faculty Board Meeting of the year in consultation with the lecturers of the law students who will be in their penultimate or final year of study for an LLB, or studying for an LLM, in the following year.

### **60 Composition and membership**

- (1) The Student Court consists of five (5) LLB or LLM students, 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; and
  - (c) a maximum of one (1) LLM student in their penultimate year (in the year following their appointments) serve on the Student Court.
- (2) No member of the Student Court may be –
  - (a) an SRC member or manager;
  - (b) Speaker of Student Parliament; or
  - (c) a member of any Student Parliament task team or committee.
- (3) The membership of the 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 of the Dean of the Law Faculty;
  - (d) the member ceases to be a registered student of the University; or
  - (e) the member was removed in terms of section 61 .

### **61 Removal**

A member may be removed by the Dean of the Law Faculty should they –

- (1) contravene a rule or code set out in the Disciplinary Code of Stellenbosch University; or

- (2) 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.

## **62 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.
- (3) The Chief Justice must submit the nominations to the Dean of the Law Faculty who will present it to the Faculty Board, which will appoint a new member within seven (7) days.
- (4) Should the Chief Justice resign, the Dean of the Law Faculty will appoint an interim Chief Justice until a new Chief Justice is elected.
- (5) The interim Chief Justice will the open nominations for a new member and the procedure in terms of subsections (1) to (3) of this sections shall apply.
- (6) The Chief Justice is elected within ten (10) days after the appointment of the new member of the Student Court at a meeting which is convened by the interim Chief Justice.

## **63 Chair**

The Chair of the Student Court is elected within ten (10) days after the appointment of the members of the Student Court at a meeting which is convened by the former Chair of the Student Court.

## **64 Term of office**

The term of office of the Student Court commences upon appointment by the last Law Faculty Board Meeting of the calendar year, and terminates when Law Faculty Board appoints the new members.

## **65 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; or
  - (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 student are materially and adversely affected;
- (4) make a final decision regarding any matter where the parties consent to the jurisdiction of the Student Court; and
- (5) decide on all other matters which this Constitution places under the jurisdiction of the Student Court.

## **66 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 so as 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.

## **67 Applications to and standing before the Student Court**

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

- (1) this Constitution gives standing to another person or body; or
- (2) all the parties before the Court consent to giving another person or body standing.

## **68 Procedure of the Student Court**

- (1) The Student Court determines its own procedure with due consideration of –
  - (a) procedural fairness; and
  - (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; and
  - (b) notice of any hearing will be advertised timeously.
- (3) The rules contemplated in subsection (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.

## **69 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.

## **70 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.

### **71 Composition of the Appeal Court**

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

### **72 Jurisdiction of the Appeal Court**

The Appeal Court –

- (a) hears appeals against the decisions of the Student Court;
- (b) can review any decision or omission of the Student Court;
- (c) can review decisions of the Evaluation Panel; and
- (d) can decide on any other matters that are placed under its jurisdiction by this Constitution.

### **73 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 Faculty of Law, 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.

### **74 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 6 THE ACADEMIC AFFAIRS COUNCIL**

### **75 Composition**

- (1) The Academic Affairs Council consists of a Chair, a Vice-Chair, two (2) students from each faculty, as well as any additional members that are provided for in the constitution of the Academic Affairs Council.
- (2) Members of the Academic Affairs Council are elected in the way prescribed in the constitution of the Academic Affairs Council and the election of the Chair is run by the Election Convenor(s) in accordance with section 103 .

### **76 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 has the powers necessary for the performance of its duties.

### **77 Constitutional mandate**

The Academic Affairs Council has a constitutional mandate to actively promote the rights of students contained in CHAPTER 2, and specifically the right, under section 8 (2), to quality education, academic support and transparent and justifiable assessment procedures.

### **78 Constitutions, rules and regulations**

- (1) The Academic Affairs Council may, upon approval by the Student Court, accept any constitutions, rules of regulations, or amendments thereto, that organise its activities.
- (2) The Student Court may refuse to approved new constitutions, rules, regulations or amendments submitted by the Academic Affairs Council on the grounds of –
  - (a) procedural fairness; or
  - (b) incompatibility with the Academic Affairs Council’s constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Academic Affairs Council may appeal to the Appeal Court against a refusal by the SRC under subsection (2).

## **CHAPTER 7 THE PRIM COMMITTEE**

### **79 Composition**

- (1) The Prim Committee consists of a Chair, a Vice-Chair, and the Prim, or their nominee, of each residence and PSO, as well as any other members that are provided for in the constitution of the Prim Committee.
- (2) The election of the Chair and Vice-Chair of the Prim Committee is subject to the following conditions:
  - (a) either the Chair or the Vice-Chair must represent PSOs and PSO students on the SRC, and must be the former or outgoing Prim of a PSO; and
  - (b) either the Chair or Vice-Chair must represent residences and student who reside in residences on the SRC, and must be the former or outgoing Prim of a residence.
- (3) The election of the Prim Committee Chair and Vice-Chair is run by the Election Convenor(s) in accordance with section 103 .
- (4) Any former or outgoing Prim will be eligible to stand for the vacant position should/if –
  - (a) No PSO Prim in terms of subsection (2)(a) or no residence Prim in terms of (2)(b) avails him-/herself for election; or
  - (b) the PSO Prim in terms of subsection (2)(a) or residence Prim in terms of subsection (2)(b) is not elected in terms of subsection (2).

### **80 Duties and powers**

- (5) 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.
- (6) The Prim Committee has the powers necessary for the performance of its duties.

### **81 Constitutional mandate**

The Prim Committee has a constitutional mandate to actively promote the rights of students contained in CHAPTER 2, and specifically the right, under section 8 (1), to an enabling campus environment in which student success and academic excellence are encouraged and pursued.

### **82 Constitutions, rules and regulations**

- (1) The Prim Committee may, upon approval by the Student Court, accept any constitutions, rules of regulations, or amendments thereto, that organise its activities.
- (2) The Student Court may refuse to approved new constitutions, rules, regulations or amendments submitted by the Prim Committee on the grounds of –
  - (a) procedural fairness; or
  - (b) incompatibility with the Prim Committee's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Prim Committee may appeal to the Appeal Court against a refusal by the SRC under subsection (2).



## **CHAPTER 8 THE SENIOR PRIM COMMITTEE**

### **83 Composition**

- (1) The Senior Prim Committee consists of a Chair, a Vice-Chair, and the Prim, or their nominee, of each senior residence, as well as any other members that are provided for in the constitution of the Senior Prim Committee.
- (2) The Chair must have been a resident in a senior residence for at least one year, and be elected from within the Senior Prim Committee.
- (3) The election of the Senior Prim Committee Chair and Vice-Chair is run by the Election Convenor(s) in accordance with section 103 .

### **84 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 has the powers necessary for the performance of its duties.

### **85 Constitutional mandate**

The Senior Prim Committee has a constitutional mandate to actively promote the rights of students contained in CHAPTER 2, and specifically the right, under section 8 (1), to an enabling campus environment in which student success and academic excellence are encouraged and pursued.

### **86 Constitutions, rules and regulations**

- (1) The Senior Prim Committee may, upon approval by the Student Court, accept any constitutions, rules of regulations, or amendments thereto, that organise its activities.
- (2) The Student Court may refuse to approved new constitutions, rules, regulations or amendments submitted by the Senior Prim Committee on the grounds of –
  - (a) procedural fairness; or
  - (b) incompatibility with the Senior Prim Committee’s constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Senior Prim Committee may appeal to the Appeal Court against a refusal by the SRC under subsection (2).

## **CHAPTER 9 THE SOCIETIES COUNCIL**

### **87 Composition**

- (1) The Societies Council consists of a Chair, and the Chair, or their nominee, of each of the societies recognised in terms of the constitution of the Societies Council, as well as any other members that are provided for in the constitution of the Societies Council.
- (2) The Chair of the Societies Council is appointed in the way prescribed in the constitution of the Societies Council and the election of the Chair is run by the Election Convenor(s) in accordance with section 103 .

### **88 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 has the powers necessary for the performance of its duties.

### **89 Constitutional mandate**

The Societies Council has a constitutional mandate to actively promote the rights of students contained in CHAPTER 2, and specifically the right to freedom of religion, belief and opinion under section 9 and the right to freedom of association under section 12 .

### **90 Constitutions, rules and regulations**

- (1) The Societies Council may, upon approval by the Student Court, accept any constitutions, rules of regulations, or amendments thereto, that organise its activities.
- (2) The Student Court may refuse to approved new constitutions, rules, regulations or amendments submitted by the Societies Council on the grounds of –
  - (a) procedural fairness; or
  - (b) incompatibility with the Societies Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Societies Council may appeal to the Appeal Court against a refusal by the SRC under subsection (2).

## **CHAPTER 10 THE MILITARY ACADEMY STUDENT COUNCIL**

### **91 Composition**

- (1) The Military Academy Student Council consists of a Student Captain and additional members
- (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, are 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.

### **92 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.

### **93 Constitutional mandate**

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

### **94 Constitutions, rules and regulations**

- (1) The Military Academy Student Council may, upon approval by the Student Court, accept any constitutions, rules of regulations, or amendments thereto, that organise its activities.
- (2) The Student Court may refuse to approved new constitutions, rules, regulations or amendments submitted by the Military Academy Student Council on the grounds of –
  - (a) procedural fairness; or
  - (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 subsection (2).

## **CHAPTER 11 TYGERBERG STUDENT REPRESENTATIVE COUNCIL**

### **95 Composition**

- (1) The Tygerberg Student Representative Council consists of a Chair and additional members
- (2) The number of members that make up the Tygerberg Student Representative Council and the ways in which its members and Chairperson are elected, are determined in the constitution of the Tygerberg Student Representative Council.
- (3) The election of the Tygerberg Student Representative Council must, unless extraordinary circumstances make this impossible, coincide with the SRC election on Stellenbosch University.

### **96 Duties and powers**

- (1) The Tygerberg Student Representative Council represents the interests of all student of the Faculty of Medicine and Health Sciences, in that capacity, at the SRC and the University management.
- (2) The Tygerberg Student Representative Council has the powers necessary for the performance of its duties.

### **97 Constitutional mandate**

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

### **98 Constitutions, rules and regulations**

- (1) The Tygerberg Student Representative Council may, upon approval by the Student Court, accept any constitutions, rules of regulations, or amendments thereto, that organise its activities.
- (2) The Student Court may refuse to approved new constitutions, rules, regulations or amendments submitted by the Tygerberg Student Representative Council on the grounds of –
  - (a) procedural fairness; or
  - (b) incompatibility with the Tygerberg Student Representative Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Tygerberg Student Representative Council may appeal to the Appeal Court against a refusal by the SRC under subsection (2).

## CHAPTER 12 ELECTIONS

### 99 Student Representative Council general election†

- (1) The nine (9) SRC members referred to in section 19 (1) are elected once every calendar year in a free and fair general election in which all student may vote, with due observance of the provisions of SCHEDULE 1.
- (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; and
  - (b) be held over a maximum of one (1) week.
- (4) The election of the representative of the Academic Affairs Council, Prim Committee and Societies Council on the SRC must precede the SRC elections.
- (5) The election of any of the direct or indirect constituent bodies and members of the Academic Affairs Council, Prim Committee, Societies Council, Faculty Student Committees and House Committees must take place before the end of the third term.
- (6) The Executive Committee of the SRC must, in consultation with the Office of the Director of the Centre for Student Leadership and Structures, or their nominated alternate –
  - (a) advertise the position(s) of Election Convenor(s) for at least two (2) weeks on Stellenbosch campus;
  - (b) appoint, every year before the end of March, on or more independent, autonomous, neutral and competent Election Convenors(s), who at no time is or was a member of the SRC in office at the time, to run the election; and
  - (c) determine the election dates in consultation with the Election Convenor(s) and the Office of the Director of the Centre for Student Leadership and Structures or their nominated alternate, before the end of June every year, with due consideration of subsection (3).
- (7) The format of the election, who qualifies to run for the SRC, the duties and powers of the Election Convenor(s), the election complaints procedure and the announcement of results are determined in SCHEDULE 1.

### 100 Election of the Student Representative Council Chair

- (1) After the validity of the election results is confirmed in terms of Schedule 1, the Election Convenor(s) convene the first meeting of the newly elected SRC.
- (2) The members of the newly elected SRC, including the *ex officio* members, elect a new SRC Chair by means of a positive vote under the chairpersonship of one (1) of the Election Convenor(s).
- (3) If there are only two candidates remaining, and there is a tie (that is irreconcilable) in the election for the SRC Chair, the votes of the elected SRC members will be decisive.
- (4) Any member of the newly elected SRC, excluding the *ex officio* members, may make themselves available for election to the position of SRC Chair.
- (5) The Chair of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.

**101 Election of the rest of the Student Representative Council Executive Committee**

- (1) After the election of the newly elected SRC Chair, under the chairpersonship of the SRC Chair, the newly elected members of the SRC elect the compulsory members of the Executive Committee, followed by the other members of the Executive Committee by means of a positive vote.
- (2) Any newly elected member of the SRC may, subject to section 24 , 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.

**102 Election of the Policy Officer, Communication Officer and the representatives of the Student Representative Council on statutory bodies of the University**

- (1) The election of the Policy Officer, Communications Officer and representative 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 are announced;
  - (c) under the chairpersonship of the newly elected SRC Chair; and
  - (d) by means of a positive vote.
- (2) Any member of the newly elected SRC, including member of the Executive Committee, but subject to section 24 , can make themselves available for one or more of these positions.
- (3) The Chair must allow candidates reasonable time to address the meeting and answer questions before voting begins.

**103 Election of the Chairs of the Academic Affairs Council, the Societies Council, the Senior Prim Committee and the Chair and Vice-Chair of the Prim Committee**

- (1) The Election Convenor(s) convenes the election of the Chairs of the Academic Affairs Council, the Societies Council, Senior Prim Committee, and the Chair and Vice-Chair of the Prim Committee.
- (2) The election date and time is schedules by the Election Convenor(s) in consultation with the Chairs in office at the time.
- (3) The Election Convenor(s) must allow candidates reasonable time to address the meeting and answer questions before voting begins.

## **CHAPTER 13 COMMENCEMENT, REPEAL AND AMENDMENT‡**

### **104 Commencement and repeal**

- (1) CHAPTER 12 and SCHEDULE 1 of this Constitution come into effect on 1 January 2019.
- (2) CHAPTER 8 and sections relating to the Senior Prim Committee come into effect once the Student Court approves their constitution as contemplated in section 86 .
- (3) CHAPTER 4 comes into effect on the first day of the fourth term of 2019.
- (4) The remaining provisions of this Constitution come into effect on 17 September 2018 and thereby repeal all previous student constitutions.
- (5) No part of the Constitution will have effect retroactively.

### **105 Normal amendment process**

- (1) The following provisions are fundamental and may only be amended in a referendum:
  - (a) the Preamble;
  - (b) CHAPTER 1;
  - (c) CHAPTER 2;
  - (d) sections 18 , 19 , 21 , 23 , 26 , 40 , 41 , 42 ;
  - (e) (1);
  - (f) CHAPTER 4;
  - (g) CHAPTER 5;
  - (h) section 99 ; and
  - (i) CHAPTER 13.
- (2) A proposed amendment to the fundamental provisions must be accepted by ten (10) members of the SRC voting for the proposed amendment during an SRC meeting before a referendum will be held.
- (3) All provisions not mentioned in subsection (1) can be amended by ten (10) members of the SRC voting for the proposed amendment during an SRC meeting.
- (4) The fundamental provisions listed in subsection (1) take precedence over any other provision of this Constitution.

### **106 Special amendment process**

Notwithstanding section 104 , any proposed amendment to any part of this Constitution will be put to a referendum if –

- (1) the signatures of at least one hundred (100) student have been obtained in favour of the proposed amendment; and
- (2) Student Parliament has voted in favour of the proposed amendment.

### **107 Referendum**

- (1) The fundamental provisions of this Constitution listed in section 105 (1), as well as any provision in terms of section 106 , can only amended by acceptance of the proposed amendment by the students in a referendum.
- (2) A referendum is organised by the Election Convenor(s).
- (3) Each student must get a reasonable opportunity to vote in a referendum.

## **108 Mandatory referendum**

- (1) At least every 3 years, starting in 2021, a mandatory referendum must be held in which students vote on whether this Constitution is to be revised.
- (2) If a majority of votes for revision is obtained in terms section 106 , the following procedure must be followed:
  - (a) The Student Court must order the SRC to ensure that his Constitution is revised by means of a transparent and participative process.
  - (b) If, by the middle of its term the SRC has not taken reasonable steps to revise this Constitution, the Student Court must take steps it deems necessary to ensure that this Constitution is revised.
  - (c) The revised Constitution must be put to referendum again during the following SRC election.



# **SCHEDULE 1 STUDENT REPRESENTATIVE COUNCIL GENERAL ELECTION**

## ***Part S1 Election Convenor(s) and Election Committee***

### **1 Duties and powers of the Election Convenor(s)**

- (1) The Election Convenor(s) has all the duties and powers that this Constitution ascribed to them.
- (2) The Election Convenor(s) 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.

### **2 Appointment and duties of Election Committee**

- (1) The Election Convenor(s) must appoint at least five (5) persons every year before the end of June as members of the Election Committee, after this position has been advertised for at least two (2) weeks on Stellenbosch Campus.
- (2) The Election Committee, in cooperation with and under supervision of the Election Convenor(s), must ensure that the SRC election runs smoothly.

### **3 Term of office**

The term of office of the Election Convenor(s) and Election Committee extends from appointment until the report of item 5 of this Schedule is submitted to all the parties concerned, but ends no later than 31 October of the year in which the SRC election concerned takes place.

### **4 Independence**

- (1) The Election Convenor(s) are independent and is not under the authority of any student organisation or University management.
- (2) The Election Convenor(s) must perform their duties impartially and without prejudice.
- (3) Neither the Election Convenor(s), nor any members of the Election Committee, may run in the SRC election in the year of their appointment, even if they stop acting in these positions of are replace before the election takes place.

### **5 Report**

The Election Convenor(s) does not receive their remuneration unless they have submitted a complete report on their activities to the Chair of the SRC, the Chair of the newly elected SRC, and the Division of Student Affairs before 31 October of the year in which the election concerned takes place.

### **6 Remuneration**

- (1) The Election Convenor(s) and Election Committee 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 Election Convenor(s) 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.

## **7 Convenor for Tygerberg campus**

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

## **Part S2 Nominations and criteria for candidature**

### **8 Nomination period**

- (1) The nomination period must last for a period of ten (10) calendar days, unless extended in accordance with sub-item (3) or item 9.
- (2) All voting and nomination dates must, unless made impossible by extraordinary circumstances, coincide with those of the election of the Tygerberg SRC.
- (3) If the Election Convenor(s) are of the opinion that it would be in the interest of representivity and participation, they may decide to postpone the last day for nominations for a period of one (1) week.

### **9 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 Election Convenor(s) must re-open nominations for a period of one (1) week; and
- (2) should the number of nominations still be equal to or less than the number of available positions after the re-opening of nominations contemplated in item (1), the Election Convenor(s) must declare the following students to be duly elected SRC members:
  - (a) the nominated candidates; and
  - (b) as many additional members as the newly elected candidates wish to appoint, limited to the number of available positions.

### **10 Availability of nomination form**

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

### **11 Prescribed nomination form**

The Election Convenor(s) 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; and
- (4) the deadline for submitting nomination forms.

## **12 Completion of nomination forms**

The Election Convenor(s) 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;
- (5) a typed manifesto of no more than 300 words;
- (6) a list of the candidate's relevant experience; and
- (7) the candidate's University student number.

## **13 Academic requirements for candidature in the Student 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) In order to qualify on academic grounds a candidate must comply with the minimum residence HEMIS requirements on the basis of 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 Election Convenor(s) in order to determine whether the requirements under sub-item (2) and (3) have been met.

## **14 Academic disqualification**

- (1) Candidates who do not comply with the academic requirements stipulated in item 13, may be not eligible for election to the SRC.
- (2) The Election Convenor(s) 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 of item 13 to the committee contemplated in sub-item (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 and Structures or their nominated alternate;
  - (b) the Chair of the SRC;
  - (c) (one (1) of) the Election Convenor(s);
  - (d) the Dean of the candidate's faculty; and
  - (e) one (1) additional member of the Election Committee, as delegated by the Election Committee.
- (4) The committee contemplated in sub-item (3) must make its decision based on the criteria in item 13, 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 (in other words, whether the candidate performed better and failed fewer modules, or did not fail any module in the past three (3) semesters); and
- (d) whether the candidate followed a programme (for example BEng) 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 be repeated (for example MB, ChB).

### **15 Other grounds for disqualification of candidates**

Apart from compliance with items (4) and 13, the Election Convenor(s) 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; or
- (3) has been found guilty of any offence by the Central Disciplinary Committee or the Disciplinary Appeal Committee of the University.

### **Part S3 Format and marketing of the election**

#### **16 Format of the election**

The SRC election takes place as follows:

- (1) Votes are cast electronically or by paper ballot; and
- (2) if it is practically feasible, will promote representivity 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; and
  - (b) certain ways of voting are only available to certain categories of students.

#### **17 Electronic voting**

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

#### **18 Voting by paper ballot**

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

#### **19 Placement of polling stations**

- (1) If all or certain categories of students cast their votes by paper ballot, the Election Convenor(s) 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 representivity.

## **20 Organisation of polling stations**

- (1) Polling stations are managed by competent and impartial persons who are appointed by the Election Convenor(s)
- (2) Polling stations must be clearly 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 Election Convenor(s), may be posted within an area, as determined by the Election Convenor(s), around the polling stations.

## **21 Notice and marketing of the election**

- (1) The Election Convenor(s) must inform all student by means of 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 Election Convenor(s)) regarding the nomination forms and campaigning;
  - (g) any other material decisions that the Election Convenor(s) makes about any aspect of the election; and
  - (h) the manner in which a complaint can be lodged before, during or after the election about the Election Convenor(s), 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 student before the start of the election.

## **22 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 Election Convenor(s).
- (2) The Election Convenor(s) must place a limit on the monetary amount that candidates can spend on their campaigns and must lay down procedures and rules for the enforcement of that limitation.
- (3) If a candidate or the helpers or supporters of a candidate act in violation of sub item (1) or (2), the Election Convenor(s) 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.
- (4) A candidate can request financial assistance with their election campaign from the Election Convenor(s), if they qualify for such assistance according to the means test used by the Division of Bursaries and Loans.

## **23 Presentation meetings**

- (1) The Election Convenor(s) must organise at least seven (7) presentation meetings, of which at least one (1) must take place on Tygerberg campus and one (1) must take place at the Military Academy, during which candidates have the opportunity to present themselves to student and students may ask the candidates questions.
- (2) An Election Convenor 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; or
  - (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 fair and reasonable opportunity to state their manifestos and answer questions.

## **Part S4 Results and complaints**

### **24 Results of the election**

- (1) All votes must be counted by the Election Convenor(s) and the Election Committee 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 in terms of item 27.
- (3) The Election Convenor(s) may institute rules regarding and give a decision on the validity of ballots, provided that 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.

### **25 Role of the Director of the Centre for Student Leadership and Structures**

- (1) The Director of the Centre for Student Leadership and Structures or their nominated alternate play a monitoring role during the SRC election.
- (2) The Director of the Centre for Student Leadership and Structures or their nominated alternate has this status without any prejudice to the independence or autonomy of the Election Convenor(s).
- (3) For the purposes of this item, the Centre for Student Leadership and Structures or their nominated alternate has standing before the Student Court and can bring complaints as described in item 26.

### **26 Complaints**

- (1) A complaint about the campaign of a specific candidate must be lodged with the Election Convenor(s), who must properly investigate the complaint and must announce their decisions within twenty-four (24) hours after the complaint was lodged.

- (2) Any complaint about the running of the election, including any aspect that may jeopardise the freedom or fairness of the election, and any decision or failure to make a decision by the Election 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; and
  - (c) in accordance with the rules of the Student Court.
- (3) 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 SRC election that promotes the representivity and participation;
  - (c) may follow an investigate approach – which may include the recounting or re-evaluation of ballots – if it appears to be necessary in the specific case; and
  - (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 –
    - (i) setting aside a decision by the Election Convenor(s);
    - (ii) the invalidation of the results with regard to a specific candidate;
    - (iii) the invalidation or allowance of ballots; or
    - (iv) the invalidation of the election as a whole.
- (4) An appeal against the decision of the Student Court in terms of this item must be lodged within two (2) University days after the decision was announced with the Dean of the Faculty of Law, otherwise the ruling of the Student Court will be final.

## **27 Validity of the election results**

The validity of the full election results is confirmed if –

- (1) no complaint about the validity of the election is lodged with the Student Court within three (3) University days after the Election Convenor(s) has announced the election results;
- (2) 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; or
- (3) 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.