



THE STUDENT ELECTORAL
COMMISSION 2022

THE CODE OF CONDUCT

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PREAMBLE

We, the Officials of the Electoral Commission accept this document as the Electoral Commission Code of Conduct; bind ourselves to the guidelines set out in it and the principles outlined in the Student Bill of Rights, the Student Electoral Act and the provisions in the Stellenbosch University Student Constitution.

We acknowledge our responsibility to facilitate the participation of students in the democratic processes recognised by the Student Constitution.

We further commit ourselves to being a body that advocates for the progressive realisation of the rights enshrined in the Student Bill of Rights.

This Code of Conduct is subject to the provisions of the Constitution of the Republic of South Africa, 1996, the Higher Education Act, the Statute of Stellenbosch University, and University regulations. We accept this as our binding internal regulatory framework.

CHAPTER 1: INTERPRETATION

1 Definitions

Unless otherwise stipulated, the following terms in this Code of Conduct refer to –

- (1) **“Academic Affairs Council (A.A.C.)”** as defined in the Student Constitution.
- (2) **“Accept”** or **“decide”**, refers to a decision taken with a simple majority of votes.
- (3) **“Central Disciplinary Committee (CDC)”** as defined in the Student Constitution.
- (4) **“Community”** or **“Constituency”** or **“House”**: Refers to a Cluster, residence, or PSO.
- (5) **“Constitution”** shall refer to the Student Constitution 2021 revision (version 4.4)
- (6) **“CSC”**: Centre for Student Communities
- (7) **“Day”** refers to a calendar day.
- (8) **“Ex officio member”** refers to a person serving on a body by virtue of holding another position.
- (9) **“an Official”**: refers to a member of the Electoral Commission.
- (10) **“Prim”** refers to a person serving as a permanent representative of a Community on the Prim Committee by virtue of holding the apex Office of positional student leadership in their Community.
- (11) **“Positional Student Leader”** refers to a student, elected or appointed to the following structures: structures established by the Student Constitution, Faculty Committees, House Committees, Society Executive Committees, and Cluster Convenors.
- (12) **“Prim Committee (PC)”**: refers to the Prim Committee as defined in the Student Constitution.
- (13) **“PSO”** refers to a Private Student Organisation.

- (14) **“Senior Residence”** refers to a Senior Residence as contemplated in the Policy for Placement in Residences of the University and the management guidelines for the placement policy.
- (15) **“Society”** refers to an organisation registered with the Societies Council.
- (16) **“SRC”** refers to the Students’ Representative Council.
- (17) **“Student body”** refers to any group of students formally associated with the University.
- (18) **“Student Court”** refers to the structure established by the Student Constitution.
- (19) **“Student”** means a student registered at the University.
- (20) **“TSC”**: refers to the Tygerberg Student Council
- (21) **“University authorities”** refers to any employee, or structure consisting of, University employees including Faculties, the Rector’s Management Team, and the University’s Council.
- (22) **“University day”** refers to any weekday during an academic term, excluding public holidays, Saturdays, or Sundays.
- (23) **“University”** refers to Stellenbosch University.

2 Status of this Code of Conduct

- (1) All the processes of the Electoral Commission and the exercise of all the powers and duties of the Electoral Commission are subject to this Code of Conduct.
- (2) Any decision by the Electoral Commission or any of its Officials is invalid if it is inconsistent with this Code of Conduct.
- (3) This Code of Conduct is called the **“Electoral Commission Code of Conduct”** (henceforth: “the code”).

CHAPTER 2: FOUNDING PROVISIONS

3 Structures established by this Code

- (1) The Electoral Forum.
- (2) The Liaison Committee.
- (3) The Operations Committee.
- (4) The Rules Committee.

4 The Electoral Commission is founded on the following values:

- (1) Transparency.
- (2) Accountability.
- (3) Participation.
- (4) Integrity.
- (5) Responsiveness.
- (6) Efficacy; and
- (7) Impartiality.

5 Vision

To be a pre-eminent leader in electoral precision by sustainably fostering a participatory student electoral democracy through vibrant and transparent student leadership elections.

6 Mission

The Electoral Commission is an independent body that safeguards free and fair elections across Stellenbosch University student leadership structures. The Electoral Commission does this through the participation of students and candidates in the electoral processes which embody the values of the University.

7 The nature of the Electoral Commission

- (1) The Electoral Commission is established by the Student Constitution as an autonomous student electoral regulatory body and grants it all the powers necessary for that function.

- (2) The Electoral Commission functions in partnership with the Division for Student Affairs to facilitate the elections of all student leadership bodies.
- (3) The Electoral Commission ensures that all student structures lead by students who are elected by their peers conduct their elections in a manner that reflects the spirit and purport of the Student Electoral Act.

8 Constitutional mandate

The Student Constitution assigns the Electoral Commission a mandate to –

- (1) Actively promote the rights of students contained in CHAPTER 2 of the SU Student Constitution, and specifically the right, under section 13, to vote in and stand for elections in the Students' Representative Council.
- (2) Ensure that every student who is eligible to vote in an election does so only once and that each student who makes reasonable attempts will be able to vote if it is practically feasible.
- (3) Promulgate binding election regulations in addition to the Student Electoral Act.
- (4) Ensure that all bodies that fall within its jurisdiction conduct student leadership elections in a free, fair, credible, and orderly manner.
- (5) Manage the elections of the Students' Representative Council.
- (6) Monitor, audit and oversee the elections of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, the Societies Council, the Tygerberg Student Council, Faculty Student Committees, House Committees, Society Executive Committees, and the constituent bodies of the Tygerberg Student Council.
- (7) Investigate complaints relating to the elections of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, the Societies Council, the Tygerberg Student Council, Faculty Student Committees, House Committees, Society Executive Committees and the constituent bodies of the Tygerberg Student Council, and to intervene in those elections should any irregularity be discovered.

9 The Tygerberg Election Committee

- (1) The Tygerberg Election Committee is led by the Tygerberg Election Convenor who is appointed in terms of section 124(1) of the Student Constitution.
- (2) The Tygerberg Election Committee functions in cooperation with and under the supervision of the Electoral Commission.
- (3) The Tygerberg Election Committee ensures that SRC elections run smoothly on the Tygerberg Campus.
- (4) The Electoral Commission delegates the following powers to the Tygerberg Election Committee:
 - (a) To manage the elections of the Tygerberg Student Council. Including the election of the Chairperson of the Student Council.
 - (b) To monitor, audit and investigate student leadership elections of the Tygerberg student leadership structures that fall within the jurisdiction of the Electoral Commission.
 - (c) To promulgate, subject to ratification by the Rules Committee, any binding election regulations for Tygerberg student leadership elections.
- (5) The Tygerberg Election Convenor serves as an *ex-officio* Member of the Electoral Commission.

CHAPTER 3: THE ELECTORAL COMMISSION

10 Composition

The Electoral Commission consists of the following Officials–

- (1) The Electoral Commissioner(s) as appointed by the SRC.
- (2) The Electoral Commission Assistants as appointed by the Electoral Commissioners.
- (3) The Tygerberg Election Convenor, as appointed by the Tygerberg Student Council.

11 Term of office of the Electoral Commission

- (1) The term of the Electoral Commission shall commence on the day of the appointment of the Electoral Commissioner(s).
- (2) The term of the Electoral Commission lapses 7 days after the final Electoral Commission Report is submitted to the Chairperson of the SRC, the Chairperson of the SRC-elect, The Convenor of the Student Imbizo, the Speaker of the Students' Assembly.

CHAPTER 4: OFFICIALS OF THE ELECTORAL COMMISSION

12 The Office bearers

The Electoral Commission is composed of the following portfolio Officials –

- (1) The Chief Electoral Officer of the Electoral Commission.
- (2) The Chairperson of the Electoral Commission.
- (3) The Tygerberg Election Convenor.
- (4) The Director of Electoral Administration.
- (5) The Director of Electoral Regulations.
- (6) The Director of Election Marketing and Campaigns.
- (7) The Director of Finance and Logistics; and
- (8) The Director of Compliance and Oversight.

APPOINTMENT OF OFFICE BEARERS

13 Electoral Commissioner(s)

- (1) The Electoral Commissioner(s) is appointed by the SRC Executive Committee.
- (2) Only the Electoral Commissioner(s) may accept the role of Chief Electoral Officer or Chairperson of the Electoral Commission.
- (3) When more than one Electoral Commissioner is appointed by the SRC, the Electoral Commissioners must decide amongst themselves which portfolios they will accept.
- (4) When only one (1) Electoral Commissioner is appointed by the SRC, the Electoral Commissioner must accept both the roles of Chief Electoral Officer and Chairperson of the Electoral Commission.

14 Electoral Commission Assistants

- (1) The Electoral Commission Assistants are appointed by the Electoral Commissioner(s) after having called for applications from the Student Body for at least two (2) weeks.
- (2) Any appropriately qualified individuals, who are fit, and proper persons may be appointed.
- (3) The need for the Electoral Commission to reflect broadly the diversity of the student body must be considered when the Electoral Commission Assistants are appointed.
- (4) The appointment procedure is determined at the discretion of the Electoral Commissioner(s).
- (5) The Electoral Commissioner(s) must appoint at least five (5) Electoral Commission Assistants.
- (6) The Electoral Commission Assistants must be allocated the remaining portfolios.
- (7) The Electoral Commissioner(s) may create additional portfolios, included portfolios which deputize the already existing office bearers of the Electoral Commission.
- (8) An appointment becomes official upon delivery of an Appointment Letter to Each Electoral Commission assistant. The Letters must contain at least the following–
 - (a) A stipulated appointment period.
 - (b) The portfolio which the person is appointed to.
 - (c) The limitations associated with the appointment; and
 - (d) The letter must be signed by the Chief Electoral Officer.
- (9) Once appointed, the Electoral Commission Assistants may only be dismissed through the general procedures for the termination of membership of an Official of the Electoral Commission.
- (10) The Chairperson may re-assign any duty of an office bearer after having consulted the Operations Committee.

15 Appointment of *ex officio* members of the Electoral Commission

- (1) The Tygerberg Election Convenor serves as an *ex officio* member of the Electoral Commission.
- (2) The Tygerberg Election Convenor must be appointed by the Tygerberg Student Council.
- (3) The Tygerberg Student Council must attain the approval of the Electoral Commissioner(s) when it adopts any procedure for the appointment of the Tygerberg Election Convenor.
- (4) The Tygerberg Student Council must inform the Electoral Commission after having made the appointment. The appointment is subject to the ratification by the Electoral Commission.
- (5) The ratification of the appointment of the Tygerberg Election Convenor shall be confirmed by the Chief Electoral Officer through a letter addressed to the Tygerberg Student Council. The letter shall indicate the powers vested in the Tygerberg Election Convenor by the Student Constitution and this Code.

REMOVAL OF ELECTORAL COMMISSION OFFICE BEARERS

16 Automatic removal

- (1) The membership of an Official comes to an end, automatically, when –
 - (a) The Official's term of office expires.
 - (b) The Official presents a written resignation from the Commission to the Chairperson of the Electoral Commission.
 - (c) The Official ceases to be a member of the student body that they represent *ex officio* on the Electoral Commission.
 - (d) The Official ceases to be a registered student.
 - (e) The Official dies.
 - (f) The Student Court orders the removal of an Official after it finds, on application, that the Official has intentionally not complied with an order of the Court.
 - (g) The Student Imbizo adopts a resolution to impeach an Official, for failure to fulfil their constitutional duties.

- (h) The Official is sentenced to imprisonment without the option of a fine in the Republic of South Africa or elsewhere.
- (i) The Official is sentenced by the Central Disciplinary Committee to –
 - (i) Permanent suspension from student leadership.
 - (ii) Suspension from the University for an unfixed period.
- (2) The automatic removal of an Official is suspended if the Official appeals the cause of their removal, pending the outcome of the final appeal.
- (3) An Official who is removed before the end of their term of Office is not entitled to any of the benefits and remuneration that accrue to Officials of the Electoral Commission.

17 Vote of no confidence in an Official

- (1) Officials of the Electoral Commission may be relieved of their duties through a resolution supported by a majority vote of the members of the Electoral Forum.
 - (a) A motion in this regard must be seconded by at least one (1) Electoral Commissioner.
 - (b) In the event that an Electoral Commissioner is the subject of the motion –
 - (i) The motion will not require the Electoral Commissioner to second it.
 - (ii) The motion may not proceed without the consent of the Speaker of the Students' Assembly and the Convenor of the Student Imbizo.
 - (c) The motion must be submitted to the Chairperson of the Electoral Commission who must table the matter at the next Electoral Forum meeting.
 - (d) The meeting shall follow the procedure determined at the discretion of the Chairperson.
- (2) An Official may be relieved of their duties on account of –
 - (a) Gross incompetence; or
 - (b) Is found by any disciplinary body to have committed the following:
 - (i) Maladministration.
 - (ii) Improper conduct; or
 - (iii) Gross negligence.
- (3) Should the motion succeed, the Official must submit their resignation to the Electoral Commission within two (2) university days of the motion having been passed.

18 Vacancy procedure

- (1) A vacancy in the Electoral Commission arises when an Official loses their position on account of any of the reasons for which an Official may lose their position.
- (2) Where the Chairperson or Chief Electoral Officer portfolio becomes vacant, the following procedure must be followed –
 - (a) The remaining Electoral Commissioner must assume the role.
 - (b) If no Electoral Commissioner remains, the Director of Electoral Administration will assume the role of Acting Electoral Commissioner.
 - (i) The Acting Electoral Commissioner must notify the SRC Executive Committee of the vacancy within two (2) days of them having assumed the role.
 - (ii) The SRC Executive Committee must ensure that the vacancy is filled within twenty (20) days.
- (3) Should any other portfolio become vacant, the Electoral Commissioner(s) must–
 - (a) Re-assign the portfolio duties, until the vacancy is filled.
 - (b) A vacancy is filled through the following procedure –
 - (i) The Electoral Commissioner(s) must call for applications from the student body. Application must be received over a period not exceeding ten (10) days.
 - (ii) The Electoral Commissioner(s) must appoint a person from among the applicants. If no applications are received, the Electoral Commissioner(s) may, after having consulted the Electoral Forum, co-opt any person to fill the vacancy.

19 Dissolution of the Electoral Commission

- (1) The Electoral Commission is considered dissolved if –
 - (a) The Chief Electoral Officer and Chairperson portfolio is vacant, and 3 more vacancies occur in the Electoral Commission.
 - (i) The dissolution takes effect if –
 - (A) A motion to confirm the dissolution of the Electoral Commission is tabled at a SRC meeting; and
 - (B) The motion to confirm the dissolution is passed with the support of a simple majority of the membership of the SRC.

- (b) All the Officials of the Electoral Commission vacate their positions.
- (2) Should the Electoral Commission be dissolved –
 - (a) The Chairperson of the SRC must, within five (5) days, appoint an Administrator to manage the affairs of the Electoral Commission.
 - (b) The Administrator must ensure that the SRC Executive Committee appoints a new Electoral Commissioner within a month of the dissolution.

AUTHORITY AND DUTIES

20 POWERS

- (1) The Electoral Commission has the power to –
 - (a) Promulgate binding election regulations in addition to the Student Electoral Act.
 - (b) Take legislative and other measures to ensure that all bodies that fall within its jurisdiction conduct student leadership elections in a free, fair, credible, and orderly manner.
 - (c) Manage the elections of the Students' Representative Council.
 - (d) To preside over the elections of the Executive Committees of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, and the Societies Council.
 - (e) Monitor, audit and oversee the elections of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, the Societies Council, the Tygerberg Student Council, Military Academy Student Council, Faculty Student Committees, House Committees, Society Executive Committees, and the constituent bodies of the Tygerberg Student Council.
 - (f) Investigate complaints relating to the elections of the Academic Affairs Council, the Prim Committee, the Senior Prim Committee, the Societies Council, the Tygerberg Student Council, The Military Academy Student Council, Faculty Student Committees, House Committees, Society Executive Committees, and the constituent bodies of the Tygerberg Student

Council, and to intervene in those elections should any irregularity be discovered.

- (g) Write reports with binding remedial action on the outcome of an investigation.
 - (h) Fulfil any other function that the Student Constitution assigns to it.
 - (i) Compile, amend and manage the Electoral Commission budget.
 - (j) Ensure the enforcement of the Student Electoral Act.
 - (k) To determine the validity of an election.
 - (l) To adopt and rules, regulations, constitutions, or code of conduct that regulates the activities, functions, and powers of the Electoral Commission.
- (2) The Electoral Commission may delegate any of its powers to any structure established by this Code or any Official of the Electoral Commission.

21 Duties and responsibilities

- (1) The Electoral Commission Officials are responsible for –
- (a) Ensuring that the Electoral Commission is adequately represented in all relevant spaces.
 - (b) The public relations management of the Electoral Commission.
 - (c) Ensuring that there are sufficient trainings that seek to equip student leadership election committee with the skills that are necessary for the competent execution of their duties.
 - (d) Ensuring that there are sufficient opportunities for election candidate training as deemed appropriate by the Electoral Commission.
 - (e) Providing guidance and support to student leadership election committees.

22 Duties of the Officials

- (1) The Chief Electoral Officer is the principal operations leader of the Electoral Commission and is at least responsible for –
- (a) Ensuring that the Electoral Commission adopts a Code of Conduct.
 - (b) Holding all Officials of the Electoral Commission accountable.

- (c) Writing the final Electoral Commission Report.
 - (d) Handling any disciplinary matter within the Electoral Commission.
 - (e) Coordinating the Electoral Commission's business and liaising with all relevant stakeholders, including the Chairpersons of all s3 Bodies.
 - (f) Ensuring that all necessary protocols are in place for elections.
 - (g) Serving as the Presiding Officer at General SRC election caucuses.
 - (h) Oversight over the activities of Electoral Commission and the Officials of the Electoral Commission.
 - (i) Approving the budget of the Electoral Commission.
- (2) The Chairperson is the executive leader of the Electoral Commission and is at least responsible for –
- (a) Convening all meetings of the Electoral Commission.
 - (b) Serving as the spokesperson of the Electoral Commission.
 - (c) Accounting to all relevant bodies on behalf of the Electoral Commission.
 - (d) Assigns special projects and responsibilities to all the Officials.
 - (e) Presiding over the election caucuses of the *ex officio* members of the SRC.
 - (f) Presiding over the election of the Chairperson of the SRC.
 - (g) Ensuring that the Electoral Commission fulfils its constitutional mandate
- (3) The Tygerberg Election Convenor is an ex officio member of the Electoral Commission and is at least responsible for –
- (a) Representing the interests of Tygerberg constituencies at Electoral Commission meetings.
 - (b) Advising the Electoral Commission.
 - (c) Performing all the delegated duties and powers of the Electoral Commission on the Tygerberg campus.
- (4) The Director of Electoral Administration is the principal administrator of the Electoral Commission and is at least responsible for –
- (a) Serving as the secretary of the Electoral Commission.
 - (b) Serving as the organiser of all election related events including caucuses and training.
 - (c) Managing the internal correspondence of the Electoral Commission.

- (d) Coordinating all the administrative processes of the elections of *ex officio* members of the SRC.
 - (e) Deputising the Electoral Commissioner(s) and may exercise any function that is delegated to them by the Chief Electoral Officer or Chairperson.
 - (f) Correspondence addressed to the Electoral Commission.
 - (g) External correspondence on behalf of the Electoral Commission to other student leadership structures.
 - (h) The Maintenance of all Electoral Commission records.
 - (i) Preparing the Elections timetable.
- (5) The Director of Electoral Regulations is the policy officer of the Electoral Commission and is at least responsible for –
- (a) Drafting election regulations on behalf of the Electoral Commission.
 - (b) Serving as the Chairperson of the Rules Committee.
 - (c) Creating all election templates and frameworks for student leadership elections.
 - (d) Ensuring that conflicting election regulation and policies are aligned.
 - (e) Advising student leadership structures on election regulations.
- (6) The Director of Elections Marketing and Campaigns is the media coordinator of the Electoral Commission and is at least responsible for –
- (a) Designing and developing the paraphernalia of the Electoral Commission.
 - (b) Managing the email account, website, and social media pages of the Electoral Commission.
 - (c) Creating all election campaign material for the Electoral Commission.
 - (d) Ensuring that election committees comply with the relevant branding guidelines and that there is uniformity in the branding of the Electoral Commission.
 - (e) Advises the Director of Electoral Regulations on the development of election campaigning guidelines
 - (f) Working on enhancing the visibility of the Electoral Commission on campus, social media, and other virtual platforms.
- (7) The Director of Election Finance and Logistics is the resources manager of the

- Electoral Commission and is at least responsible for –
- (a) Drafting the budget of the Electoral Commission.
 - (b) Ensuring that the financial resources of the Electoral Commission are used in a transparent, responsible, and sustainable manner.
 - (c) Advising the Director of Electoral Regulations on the Formulation of policies that ensure the transparent, responsible, and sustainable use of the Electoral Commission's financial resources, and ensuring the implementation of such policies after they are approved by the Rules Committee.
 - (d) Preparing a financial report at the end of the term of the Electoral Commission.
 - (e) Coordinating all the technical support required by the Electoral Commission including the voting platforms that will be used by the relevant structures.
- (8) The Director of Compliance and Oversight is the investigative officer of the Electoral Commission and is at least responsible for –
- (a) Ensuring that student leadership structures comply with election regulations.
 - (b) Performing the monitory, auditing and oversight functions of the Electoral Commission.
 - (c) Investigating all election complaints.
 - (d) Drafting the reports with remedial action on all matters related to the investigative and oversight functions of the Electoral Commission.
 - (e) Advising the Electoral Commission on the validity of a disputed election.
 - (f) Ensuring that the Electoral Commission is represented in all matters before the Student Court.
 - (g) Providing legal advise to the Electoral Commission and its Officials.

23 Electoral Commission meetings

- (1) Meetings of the Electoral Commission shall take place weekly. Meetings of the Electoral Commission must comply with the general rules of engagement in Addendum A with the following additional requirements –
- (a) The Director of Electoral Administration must distribute the agenda to every

- Official at least one day before the meeting.
- (b) Attendance at Electoral Commission meetings is compulsory for all Officials except the Tygerberg Election Convenor.
 - (c) The quorum for a meeting of the Electoral Commission is –
 - (i) At least one (1) Electoral Commissioner must be present; and
 - (ii) A simple majority of Electoral Commission Assistants.
 - (2) Decisions taken by the Electoral Commission are taken by way of motion, where any resolution passes if it is supported by a simple majority of the Officials of the Electoral Commission.
 - (3) Voting by the Officials will occur openly unless a request by any Official would prefer a closed ballot vote. The votes and decisions must be noted.
 - (4) The Electoral Commissioner(s) shall have a Veto vote(s). Whereby -
 - (a) Should an Electoral Commissioner believe that a decision taken by the Electoral Commission is not in the best interests of free, fair, and credible elections or the broader student community, the Electoral Commissioner may veto the decision.
 - (b) The Veto vote renders the decision of the Officials non-binding, and it shall not take effect.
 - (5) The minutes of every Electoral Commission meeting must be maintained and may be sent to any student upon request.

CHAPTER 5: DISCIPLINE AND CONFLICTS

24 Conflicts

- (1) Any conflict within the Electoral Commission that cannot be solved by the Officials will be referred to the Electoral Forum.
- (2) Should the Electoral Forum be unable to resolve the conflict, then –
 - (a) The Chief Electoral Officer must submit a request to the Student Court or Student Imbizo for arbitration.

25 Code of Conduct

- (1) The Officials must sign this Code of Conduct, after any relevant amendments thereto and at the beginning of their term of office, to lay down the rules of conduct that will bind them.
- (2) Officials of the Electoral Commission must comply with the provisions of this Code of Conduct.
- (3) If an Official contravenes this Code of Conduct or if reasonable grounds exist to believe that an Official will contravene it, then –
 - (a) The Official's alleged conduct may be referred to the Rules Committee who must process the complaint according to the Disciplinary procedure set out in this Code; or
 - (b) The Student Court may grant an appropriate order at the request of any student.

26 Disciplinary procedure

- (1) Complaints about the conduct of Officials of the Electoral Commission are submitted to the Chief Electoral Officer.
- (2) Any student may lay a complaint about the conduct of an Official.
- (3) The Chief Electoral Officer must determine which disciplinary process will be utilised when dealing with the complaint.

27 Process for complaints against Officials

- (1) Should a complaint allege that an Official has acted in contravention of this Code of Conduct, the Chief Electoral Officer must –
 - (a) Investigate the matter, and thereafter determine whether –
 - (i) The matter is a minor issue that should be dealt with by the Chief Electoral Officer.
 - (ii) To refer the matter to the Rules Committee; or
 - (iii) To refer the matter to an appropriate disciplinary body.
 - (b) Deal with the matter expeditiously and inform the Complainant and the accused Official of their decision in terms of subsection (1)(a).
- (2) If a complaint alleges or suspects that an Official's conduct is improper or may result in impropriety or prejudice, the Chief Electoral Officer must –
 - (a) Take appropriate steps to ascertain the facts in the matter; and
 - (b) Take appropriate action to resolve the matter.

CHAPTER 6: FINANCES

28 Management and Policy

- (1) The financial resources of the Electoral Commission are to be used in a transparent, responsible, and sustainable manner.
- (2) A financial policy to ensure the transparent, responsible, and sustainable use of the Electoral Commission's financial resources must be developed and enforced.
- (3) The finances of the Electoral Commission are to be managed and utilised in accordance with the policy and regulations set out by the Finance department of Stellenbosch University.

29 Budgeting

- (1) The Electoral Commission Budget is determined by the Chief Electoral Officer after consultation with the Director of Finance and Logistics.
- (2) The Electoral Commission must send its budget to all the members of the Electoral Forum and submit it to Student Parliament.
- (3) Officials of the Electoral Commission must be given an opportunity to propose initiatives which can be included in the budget, and the budget must provide for, at least, the following –
 - (a) The Honoraria of the Officials.
 - (b) Trainings and Workshops for the election committees; and
 - (c) Electoral Commission paraphernalia.

30 Reporting

- (1) A financial report must be prepared by the Director of Finance and Logistics at the end of their term, and it must be sent to Chief Electoral Officer.
- (2) The financial report must include recommendations on how to improve the Electoral Commission's financial management.

CHAPTER 7: ELECTION MATTERS

31 Election regulations

- (1) The Electoral Commission may promulgate any binding election rules, regulations or directives that must be complied with by all student leadership structures within its jurisdiction.
 - (a) Election regulations must be developed by the Rules Committee.
 - (b) Election regulations must first be circulated within the Electoral Commission for comments before they are promulgated by the Rules Committee.
 - (c) Election regulations take effect on the day after they have been published by the Rules Committee.
 - (d) Election regulations are deemed to have been duly promulgated when they have been sent to the student leadership structures responsible for their implementation.

32 Student leadership election complaints

- (1) The Electoral Commission may receive and investigate any complaint relating to an election of any student leadership body within its jurisdiction.
- (2) The Rules Committee must ensure that a complaints procedure for disputed elections is developed and published.
- (3) The Rules Committee must ensure that an investigation framework for disputed elections is developed and published.
- (4) Any student who believes that a complaint has not been resolved by the Director of Compliance and Oversight must submit their complaint to the Chairperson for re-evaluation.

CHAPTER 8: SUBCOMMITTEES

33 The Electoral Forum

- (1) The Electoral Forum is a sub-committee of the Electoral Commission and exercises all the power of the Electoral Commission that this code delegates to it. The Electoral Forum has the following mandate –
 - (a) To advise the Electoral Commission, Tygerberg Election Committee and Military Academy Student Council on policies and regulations related to student leadership elections.
 - (b) To act as an internal accountability and oversight body for the officials of the Electoral Commission.
 - (c) To serve as a platform for the Electoral Commission to Liaise with the Tygerberg Election Committee and the Military Academy Student Council election officials.
- (2) The Electoral Forum consists of the following members –
 - (a) The Electoral Commissioner(s).
 - (b) The Tygerberg Election Convenor.
 - (c) All the Electoral Commission Assistants.
 - (d) All the members of the Tygerberg Election Committee.
 - (e) One (1) person delegated by the Student Captain of the Military Academy Student Council to represent the electoral interests of the Military Academy.
- (3) The powers of the Electoral Forum may only be exercised by way of motion at a meeting of the Electoral Forum.
 - (a) Quorum for a meeting of the Electoral Forum is 75% of its members.
 - (i) In the event that the Electoral Forum fails to make quorum after two (2) attempted meetings, the Electoral Commission shall assume and exercise all the powers of the Electoral Forum until the Electoral Forum is able to meet the quorum threshold.
 - (b) The Electoral Forum must have a meeting at least once a month.

- (c) The Electoral Forum may invite any person as a guest to participate in or present any matter at its meeting. A guest does not have voting privileges.
 - (d) Any decision by the Electoral Forum must be taken with a supporting vote of a simple majority of its members.
 - (e) Meetings of the Electoral Forum are convened and presided over by the Chairperson of the Electoral Commission.
- (4) The Electoral Forum has the power to –
- (a) Amend this code of conduct.
 - (b) Impeach any official of the Electoral Commission.
 - (c) Resolve any conflict within the Electoral Commission.
 - (d) Amend or repeal any Election regulation promulgated by the Electoral Commission

34 The Liaison Committee

- (1) The Liaison Committee is a sub-committee of the Electoral Commission and exercises all the powers of the Electoral Commission that this code delegates to it. The Liaison Committee has the following mandate –
- (a) To advise the Electoral Commission on matters pertaining to the public relations of the Electoral Commission.
 - (b) To act as a public accountability and feedback platform for the officials of the Electoral Commission.
 - (c) To serve as a platform for the Electoral Commission to Liaise with the leaders of all the structures established by section 3 of the Student Constitution.
- (2) The Liaison Committee consists of the following members –
- (a) The Chairperson of the Electoral Commission.
 - (b) The Director of Election Marketing and Campaigns.
 - (c) The Director of Finance and Logistics.

- (3) Meetings of the Liaison Committee.
 - (a) Quorum for a meeting of the Liaison Committee is attendance by two-thirds of its members.
 - (b) The Liaison Committee must have a meeting at least once a month.
 - (c) The Liaison Committee may invite any person as a guest to participate in or present on any matter at its meeting.
 - (d) Meetings of the Liaison Committee are convened and presided over by the Chairperson of the Electoral Commission.
- (4) The Liaison Committee has the following functions –
 - (a) To attend any stakeholder engagement on behalf of the Electoral Commission.
 - (b) To represent the Electoral Commission at any meeting, engagement, training, or consultation where the Commission has been invited to account or consult any election related matter.
 - (c) To host regular meetings, consultations, and discussions with the leaders of student leadership bodies on behalf of the Electoral Commission.

35 The Operations Committee

- (1) The Operations Committee is a sub-committee of the Electoral Commission and exercises all the power of the Electoral Commission that this Code delegates to it. The Operations Committee has the following mandate –
 - (a) To coordinate the operations of the Electoral Commission.
 - (b) To identify issues that the Electoral Commission must deliberate on.
 - (c) To manage the day-to-day affairs of the Electoral Commission.
 - (d) To be a forum for determining the strategic direction of the Electoral Commission.
- (2) The Operations Committee consists of the following members –
 - (a) The Electoral Commissioner(s).

- (b) The Director of Electoral Administration.
- (c) The Director of Finance and Logistics.
- (3) Meetings of the Operations Committee.
 - (a) Quorum for a meeting of the Operations Committee is attendance by two-thirds of its members.
 - (b) The Operations Committee must have a meeting at least once a week.
 - (c) The Operations Committee may invite any person as a guest to participate in or present on any matter at its meeting.
 - (d) Meetings of the Operations Committee are convened and presided over by the Chief Operations Officer of the Electoral Commission.
- (4) The Operations Committee has the following functions –
 - (a) To attend to any urgent matters pertaining to the functions of the Electoral Commission.
 - (b) To manage the day-to-day business of the Electoral Commission.
 - (c) To determine the agenda for meetings of the Electoral Commission and the Electoral Forum.
 - (d) To make any decisions relating to use of the financial resources of the Electoral Commission.

36 The Rules Committee

- (1) The Rules Committee is a sub-committee of the Electoral Commission and exercises all the power of the Electoral Commission that this code delegates to it. The Rules Committee has the following mandate –
 - (a) To advise the Electoral Commission on election policies, rules, and regulations.
 - (b) To serve as the internal disciplinary body of the Electoral Commission.
 - (c) To ensure that the processes of the Electoral Commission are adequately regulated.

- (d) To periodically review this Code and the election regulations promulgated by the Electoral Commission.
- (2) The Rules Committee consists of the following members –
 - (a) The Chief Electoral Officer of the Electoral Commission.
 - (b) The Tygerberg Election Convenor.
 - (c) The Director of Electoral Regulations.
 - (d) The Director of Compliance and Oversight.
- (3) The powers of the Rules Committee may only be exercised by way of motion at a meeting of the Rules Committee.
 - (a) Quorum for a meeting of the Rules Committee is attendance by 50% plus one (1) of its members.
 - (b) The Rules Committee must have a meeting at least once every two weeks.
 - (c) The Rules Committee may invite any person as a guest to participate in or present any matter at its meeting. A guest does not have voting privileges.
 - (d) Any decision by the Rules Committee must be taken with a supporting vote of a simple majority of its members.
 - (e) Meetings of the Rules Committee are convened and presided over by the Director of Electoral Regulations of the Electoral Commission.
- (4) The Rules Committee has the power to –
 - (a) To adopt and publish binding election regulations for student leadership elections.
 - (b) Receive and deal with any disciplinary issue tabled before it and impose any sanction that will remedy the misconduct.
 - (c) To consider and either advance or dismiss any proposed amendments to this Code.
 - (d) To review and repeal all regulations promulgated by it.

- (e) To advise the Electoral Commission on the interpretation of this Code or any election regulation of any student leadership body.

CHAPTER 9: AMENDMENTS

37 Commencement and Repeal

- (1) The provisions of this Code of Conduct come into effect on 18 April 2022.
- (2) This Code, and any amendments thereto, must be sent to the SRC, the Student Court, and Student Parliament for notice and safekeeping.

38 Amendment to Code of Conduct

- (1) Any student may propose an amendment to this Code, by submitting it to the Rules Committee.
 - (a) The Director of Electoral Regulations must table the proposed amendment at the next meeting of the Rules Committee for its consideration.
 - (b) If the Rules Committee agrees that the amendment should be adopted by the Electoral Commission –
 - (i) The Director of Electoral Regulations must table a motion at the next Electoral Forum meeting for a vote on the amendment.
 - (ii) If none of the Officials present object, the vote may take place electronically or by Secret Ballot.
- (2) Any motion to amend this Code must be brought before a quorum of 75% of the members of the Electoral Forum and can only be accepted by a simple majority vote, after careful consideration.
- (3) If an amendment is passed, the Director of Electoral Regulations must update this document and publish it.

39 Announcement

- (1) It is the duty of the Director of Electoral Regulations to ensure that the student body is made aware of this Code and any amendments thereto and that students have access to it.
- (2) Amendments to this Code take effect on the day after the amendments are submitted to the SRC, the Student Court and Student Parliament.

ADDENDUM A: GENERAL MEETING PROCEDURES

1 Purpose of meeting procedures

Most of the powers of the Electoral Commission may only be exercised when it or its subcommittees meetings are in session, it, therefore, follows that the meetings which give rise to those powers must be regulated in order to ensure that those powers are exercised rationally.

2 Visitors

- (1) Officials who wish to bring a guest/visitor to a meeting must submit, in writing, a notice of their intention to bring a Visitor.
- (2) The written notice must be sent to the Director of Electoral Administration or the presiding officer of the subcommittee at least 12 hours before the meeting begins.
- (3) The Visitor's attendance must be submitted to the Chairperson for approval.

DECORUM

3 Rules of engagement

- (1) These rules seek to outline how Officials and guest should conduct themselves during meetings.
- (2) Officials must first be recognised by the presiding officer before they may speak.
- (3) Officials must behave in a manner that is respectful and dignified.
- (4) Officials should note that the presiding officer may rule that a question is non-sensical.
 - (a) A question that has already been answered is regarded as a non-sensical question.
 - (b) Clarity may be provided for an answer; should clarity be required.
- (5) An Official may interrupt a speaker by raising either a *point of order* OR a *point of exigency*:
 - (a) A point of order –

- (i) Is a point meant to rectify an action or statement made by a speaker.
 - (ii) Must be premised on a violation of the Code of Conduct.
 - (iii) Reference to the applicable section which is alleged to have been violated must be made when a point of order is raised.
- (b) A point of exigency is –
- (i) A point that brings attention to a matter that might threaten the continuation of the meeting.
- (6) To maintain order within meetings the **Gavel Rule** shall be implemented.
- (a) When the gavel has been banged, complete silence and order is required within the meeting.
 - (b) The rule does not, however, overrule a valid Point of order and a Point of exigency which has already been made.
- (7) In the event that an Official acts or behaves in an unruly manner, any person may request by a simple majority vote that the Official be requested to leave the meeting.

MOTIONS

4 Premeeting procedure

- (1) Decisions of the Electoral Commission and its subcommittees must be taken by way of motion; therefore, no decision can be taken unless it is put on the floor.
- (2) A motion not requiring a special notice need not be submitted in writing prior to the meeting and may be raised during the meeting.
- (3) A motion requiring a special notice must be submitted in writing at least 2 days before the meeting. The motion must indicate –
 - (a) The subject matter being discussed or considered.
 - (b) The decision that is being requested.
 - (c) The Official submitting the motion.

- (4) All motions must be raised in the meeting even if they have been submitted in writing prior to the meeting.

5 Presenting a motion at a meeting

- (1) An Official who wishes to raise a motion must raise their hand when no one has the floor.
- (2) The presiding officer must recognise the Official by name.
- (3) The Official shall state the motion: “I move that (or "to") ... [insert subject]” and resumes their seat.
- (4) A motion does not require a second unless specifically required by the Code.
- (5) Once the motion has been raised the presiding officer shall state the motion: “It is moved that ... [insert subject]”.
- (6) The presiding officer must allow for a discussion on the matter and may conclude the discussion point after a reasonable period of discussion.

6 Voting on a motion

- (1) The presiding officer must announce the threshold before the motion is voted on.
- (2) The thresholds are the following –
 - (a) A consensus vote is when a motion is passed by unanimous consent of the Officials of the Electoral Commission present at the meeting.
 - (b) A simple majority vote is when 50 % plus one (1) vote of the number of votes cast support a motion, subject to –
 - (i) Abstentions count against the motion.
 - (ii) All the Officials of the Electoral Commission who are present at the meeting may vote.
 - (iii) Absent Officials are regarded as having abstained.
- (3) The Chairperson may determine that a vote takes place through an open vote, or by secret ballot.

- (4) A motion that meets the necessary threshold becomes a resolution of the Electoral Commission or Subcommittee. All resolutions must be minuted and noted for the purpose of providing a summary of resolutions at the end of the Electoral Commission's term.
- (5) When a vote has been concluded, the presiding officer must announce the results of the vote.

ADDENDUM B: MISCONDUCT

1 Purpose

Officials of the Electoral Commission are expected to display the uttermost exemplary conduct at any and all times. The Electoral Commission is committed to ensuring that its leaders behave in a manner that is consistent with its values. This addendum outlines conduct which the Electoral Commission considers inconsistent with its values and thus constitutes misconduct for which any Official may be held accountable.

2 Interpretation

- (1) When interpreting this addendum due consideration must be given to the rights set out in the Student Constitution and the Bill of Student Rights.
- (2) This addendum does not exclude any other act of misconduct that is defined by other institutional policies.

3 Enforcement

- (1) The Chief Electoral Officer must enforce this Code without fear, favour, or prejudice.
- (2) Any person listed below has the right to approach the Chief Electoral Officer or any appropriate body, alleging that the Code has been infringed, violated, or threatened. These persons include –
 - (a) Any Official of the Electoral Commission.
 - (b) Any student acting in the interest of the Student Body.
 - (c) Any student association acting in the interests of its members.

ACTS OF MISCONDUCT

4 Misconduct

- (1) Any Official of the Electoral Commission accused of committing or attempting to commit one or more of the following acts of misconduct may be subject to disciplinary proceedings.
 - (a) Bringing the reputation of the Electoral Commission into disrepute:

- (i) Conduct that has the potential to diminish the integrity and reputation of the Electoral Commission.
- (ii) Such as engaging in disorderly conduct or indecent behavior; destroying, damaging, or vandalizing property; or conduct that is contrary to the mission and vision of the Electoral Commission.
- (b) Collusion :
 - (i) Helping or allowing another student to commit any act of misconduct.
 - (ii) Acting with any other person or group to perform an act of misconduct or any unlawful act.
 - (iii) Failing to subject an Electoral Commission Official to disciplinary action for violating the Electoral Commission Code of Conduct.
 - (iv) Inciting others to engage in misconduct or any unlawful activity.
- (c) Dangerous or potentially dangerous behavior or situations: Conduct which is unreasonably dangerous to the health or safety of other persons or oneself.
 - (i) Causing physical harm to any person.
 - (ii) Verbal abuse, threats, intimidation, harassment, coercion, or other conduct that threatens or endangers the well-being or safety of any person.
 - (iii) Behaving in a manner that a reasonable person would consider alarming, disorderly, or indecent.
 - (iv) Any other action which recklessly or intentionally endangers the mental or physical health or safety of a student.
- (d) Disruptive behavior that hinders or interferes with the working or processes of the Electoral Commission:
 - (i) Conduct that creates disunity and division within the Electoral Commission.
 - (ii) Conduct that impedes the proper functioning of the Electoral Commission or sabotages its activities.
 - (iii) Failing or neglecting to perform duties and responsibilities that have been assigned by the Electoral Commission or this Code.
- (e) Disruptive or obstructive behavior:

- (i) Placing another person in reasonable fear of their personal safety through words or actions directed at that person, or substantially interfering with the working environment of the person.
- (ii) Physical or verbal conduct which causes unreasonable interference or creates a hostile or offensive working environment, including the use of offensive, disrespectful, or hateful language or actions which can impact another person's dignity negatively.
- (f) Forgery, falsification, alteration, or misuse of documents:
 - (i) Providing false or misleading information to the Electoral Commission or university, including but not limited to intentionally withholding required information from the Electoral Commission.
 - (ii) Forgery, alteration, or unauthorized use of Electoral Commission documents, records, identification, or resources.
 - (iii) Forgery, alteration, replication, or misuse of any document, record, or identification upon which the Electoral Commission relies, regardless of the medium.
 - (iv) Disclosing information explicitly regarded by the Electoral Commission as private, confidential, or sensitive.
- (g) Improper use of position and privileges:
 - (i) The improper use of an Electoral Commission official's position to obtain personal benefit or gain for any other person.
- (h) Misuse of alcohol or other intoxicants:
 - (i) The unlawful or unauthorized possession, distribution, delivery, dispensing, manufacturing, or sale of an intoxicating substance.
 - (ii) Disorderly public conduct associated with the use of an intoxicating substance.
 - (iii) Behavior, while under the influence of intoxicants, that endangers any person.
- (i) Misuse of property or services:
 - (i) Being in possession of or using Electoral Commission property without expressed permission.
 - (ii) Intentionally misusing or permitting Electoral Commission property entrusted to his or her care to be misused, abused, or left unprotected.

- (iii) Knowingly accepting, using, or possessing improperly obtained property or services.
- (iv) Utilizing a service without authorization from its provider.
- (v) Malicious or unauthorized damage to or destruction of Electoral Commission property or property belonging to another.
- (j) Intimacy related offenses:
 - (i) Non-consensual physical or verbal sexual conduct that has the effect of creating a hostile or offensive environment for any Official of the Electoral Commission, student, university staff member, or guest.
 - (ii) Any other indecent sexual behavior.
- (k) Theft of services or property:
 - (i) Theft or unauthorized possession or removal of university property or the property of any university member or guest that is located on property owned or controlled by the university; or
 - (ii) Unauthorized use of Electoral Commission or university services or funds.
- (l) Undermining or abusing disciplinary proceedings:
 - (i) Failing to complete sanctions assigned by an appropriate Disciplinary body or knowingly violating the terms of any disciplinary sanction imposed.
 - (ii) Disruption or interference with the functioning of the disciplinary procedure.
 - (iii) Attempting to influence the impartiality of a disciplinary body or intimidate a complainant or a witness.
 - (iv) Falsifying testimony.
 - (v) Attempting to discourage any person from using the disciplinary procedures or participating in any disciplinary proceeding.
- (m) Violation of national, provincial, or municipal laws, including university policies.

5 Complaints procedure

- (1) A complaint against any Official of the Electoral Commission for a violation of the Code of Conduct must be lodged with the Chief Electoral Officer, if the Chief

Electoral Officer is the subject of the complaint, the complaint must be lodged with the Chairperson.

(2) Submitting a complaint

(a) A complaint shall be prepared and submitted in writing to the Chief Electoral Officer.

(b) The complaint should evidently outline the following:

(i) The complainant's name and student number, which must be kept confidential by the Chief Electoral Officer.

(ii) The nature of the violation.

(iii) The name of the Official(s) against whom the complaint is brought against.

(iv) The time, date, and place of the alleged violation.

(v) Relevant evidence in support of the allegation, such as written accounts; and

(vi) A list of witnesses that will provide their account of the conduct.

(c) The complaint should be filed no later than 14 days after the incident has occurred or within a reasonable time after the discovery of the incident.

(3) The Chief Electoral Officer must inform the accused Official of the complaint against them, in detail, and allow them an opportunity to respond to the complaint.

(4) The Chief Electoral Officer determines whether the complaint should be dealt with by themselves or the Rules Committee or to refer it to any other disciplinary body.

(5) The complainant and the accused must be informed, with reasons, of the determinations of the Chief Electoral Officer. This includes being informed of any right of appeal that may be applicable.