



**BE INFORMED, BE INSPIRED, BE THE  
DIFFERENCE.**

# **CONSTITUTION OF STUDENTS FOR LAW AND SOCIAL JUSTICE**

**Stellenbosch University Branch**  
Adopted 12 February 2021

**BRANCH CONSTITUTION OF STUDENTS FOR LAW AND SOCIAL JUSTICE  
ADOPTED 12 FEBRUARY 2021  
SLSJ BRANCH EXECUTIVE COMMITTEE, STELLENBOSCH, SOUTH AFRICA**

## **TABLE OF CONTENTS**

<b>BACKGROUND .....</b>	<b>3</b>
<b>1. NAME.....</b>	<b>3</b>
<b>2. OBJECTS .....</b>	<b>4</b>
<b>3. LEGAL STATUS.....</b>	<b>4</b>
<b>4. NON-PROFIT DISTRIBUTING CHARACTER.....</b>	<b>5</b>
<b>5. POWERS .....</b>	<b>5</b>
<b>6. MEMBERS.....</b>	<b>5</b>
<b>7. STRUCTURE OF THE BRANCH EXECUTIVE COMMITTEE.....</b>	<b>7</b>
<b>8. ANNUAL GENERAL MEETING.....</b>	<b>11</b>
<b>9. FINANCIAL MATTERS .....</b>	<b>12</b>
<b>10. AMENDMENTS TO THE CONSTITUTION.....</b>	<b>12</b>
<b>11. INDEMNITY .....</b>	<b>13</b>
<b>12. DISPUTES .....</b>	<b>13</b>

## BACKGROUND

Students for Law and Social Justices' commitment to social justice is founded upon an understanding that deep social and economic inequalities exist in our society and responding to these conditions must be our priority in order to make freedom meaningful for the majority of our people.

We recognise that –

South Africa has a history of injustice, discrimination and dispossession, in which law was used as a tool of oppression and segregation in the hands of the oppressive state. Lawyers, often in conjunction with mass movements, used law to resist injustice and to open spaces for political and social progress.

Divisions of race, class, national and ethnic origin, language, sex, gender, sexual orientation, health, religion, economic position, culture, age, belief and opinion must be confronted so that we can unite around a common progressive political vision for our society.

Through our commitment to the achievement of social justice we stand for the advancement of the constitutional values of dignity, equality, human rights and freedoms.

A stand affirmed in our commitment to non-racialism and non-sexism and the supremacy of the Constitution of South Africa and the rule of law.

We recognise the need for a progressive and united student voice – across universities and other tertiary educational institutions, faculties and disciplines – to address the challenges of our society.

### 1. NAME

- 1.1. The name of the Association is Students for Law and Social Justice (hereafter referred to as the “Association” or “SLSJ”).
- 1.2. This Constitution is drafted, adopted and implemented by the Branch Executive Committee of Stellenbosch University (hereafter referred to as the “BEC”).

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## 2. OBJECTS

2.1. The Association is a public, non-profit organisation established for the following sole object. The BEC is a Branch of the Association. Thus, BEC shares the same object as SLSJ:

- 2.1.1. Advance education regarding the challenges facing our country, continent and world, and about how a progressive rule of law can underpin development and social transformation.
- 2.1.2. Lead students across South Africa to engage in law and organising activities for the advancement of social justice.
- 2.1.3. Provide opportunities for students to engage in public interest litigation work before and after graduation.
- 2.1.4. Work for the transformation of our law schools specifically and universities generally, into socially engaged institutions that recognise the challenges of our society and dedicate themselves to addressing those challenges, whilst working to improve standards and accessibility.

2.2. The BEC may engage in the following activities to further its aims:

- 2.1.3. Conducting and supporting the education of its members and broader community about the challenges facing society and about ways to respond through the organising of activities conducive to this aim including but not limited to; mass meetings, research and study groups, seminars and producing print, electronic and digital media.
- 2.1.4. Engage in activism and mobilisation together with communities, individuals and other student and civil society bodies with similar objects, drawing upon the legal, practical and intellectual resources of the Branch and its members and the above-mentioned groups and institutions.
- 2.1.5. Express itself respectfully and firmly in the public domain, such that it becomes a reputable voice on matters affecting society, such as but limited to all forms of oppression and unfair discrimination.

## 3. LEGAL STATUS

The Branch is a body corporate with its own legal identity which is separate from its individual members. The Branch shall continue to exist even if the members change. The Branch may own property, enter into contracts, and sue or be sued in its own name.

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SLSJ BRANCH EXECUTIVE COMMITTEE, STELLENBOSCH, SOUTH AFRICA**

#### 4. NON-PROFIT DISTRIBUTING CHARACTER

- 4.1. The income and property of the Branch shall be used solely for the promotion of its stated objectives. The members and the office-bearers shall have no rights to the property or other assets of the Branch solely by virtue of them being members or office-bearers. No portion of the income or property of the Branch shall be paid or distributed directly or indirectly to any person (otherwise than in the ordinary course of undertaking any public benefit activity) or to any member of the Branch, except as:
  - 4.1.1. Reasonable compensation for services actually rendered to the Branch;
  - 4.1.2. Reimbursement of actual costs or expenses reasonably incurred on behalf of the Branch.
  
- 4.2. Upon the dissolution of the Branch, after all debts and commitments have been paid, any remaining assets shall not be paid to or distributed amongst members, but shall be transferred by donation to some other non-profit organisation which the Branch Executive Committee considers appropriate and which has objectives the same or similar to the objectives of the Branch; and should the Branch become an approved public benefit organisation:
  - 4.2.1. is a similar public benefit organisation which has been approved in terms of section 30 of the Income Tax Act, or
  - 4.2.2. any institution, board or body which is exempt from tax under the provisions of section 10(1)(cA), which has as its sole or principal object the carrying on of any public benefit activity, or
  - 4.2.3. any department of state or administration in the national or provincial or local sphere of government of the Republic contemplated in section 10(1) (a) or (b).

#### 5. POWERS

The Branch, acting through its BEC, shall have all the powers necessary for it to carry out its stated objectives effectively.

#### 6. MEMBERS

- 6.1. Students who wish to participate in the activities of the Branch and who pay a fee to join the Branch are non-voting members of the Branch and will not be able to claim participation on their curriculum vitae or on other applications. The criteria for a person

to become a non-voting member are:

- 6.1.1. A natural person, registered as a student at a tertiary educational institution in South Africa or elsewhere, where a Branch office exists, by virtue of her or his status as a registered student who has tendered to pay registration fees.
- 6.2. A voting member is any person who holds an office of any Branch Executive Committee or National Executive Committee or any member delegated to the Association's National Congress.
- 6.3. The Branch Executive Committee may admit further members from time to time subject to due compliance with any conditions of voting membership in accordance with the following criteria:
  - 6.3.1. A natural person, registered as a student at a tertiary educational institution, in South Africa or elsewhere, who is a non-voting member of the Branch or is eligible to become a member of the Branch, and holds an office in the Branch.
  - 6.3.2. Any person who holds office in the Branch will be a voting member for the period of time that they hold that position.
- 6.4. A voting or non-voting member may resign her or his membership at any time. A resignation of membership is also a resignation from the office that member holds. Such resignation must be in writing and shall be recorded by the Secretary General of the Branch Executive Committee. In the case of the Secretary General resignation that must be tendered to the Branch Executive Committee directly.
- 6.5. The Branch Executive Committee with the consent of the National Executive Committee may suspend or terminate the membership of any non-voting member on reasonable grounds provided that:
  - 6.5.1. At least fourteen (14) days prior written notice is given to all members of the Branch Executive Committee of the intention to terminate a membership;
  - 6.5.2. The member is given a fair opportunity to make oral or written representation, which ever she or he may choose within a period of seven (7) working days.
  - 6.5.3. At least fourteen (14) days prior written notice is given to the member concerned. The

notice shall invite the member to make written or verbal representations to the meeting as the member may consider appropriate.

- 6.6. The reasonable grounds referred to above at 6.5 are negligence and misconduct, bringing the organisation into disrepute, misappropriation of funds, violation of laws within the Republic, failure to comply with the code of ethics and conduct of the Association, insubordination towards the Branch Executive committee.
- 6.7. At the end of a reasonable period of suspension, or earlier on the written request of the suspended member, the National Executive Committee, after affording her or him a fair opportunity to be heard, shall reconsider the suspension and, if it does not decide to reinstate the suspended member, her or his membership terminates automatically.

## 7. STRUCTURE OF THE BRANCH EXECUTIVE COMMITTEE

### 7.1. Branch Executive Committee

- 7.1.1. A Branch of the Association shall be located at any tertiary educational institution, in South Africa or elsewhere, which is authorised to admit students to pursue tertiary education, and shall be established under the direction and recognition of the National Executive Committee.
- 7.1.2. An institution may establish branches under the Association and use its name and identity at different campuses of the same institution, provided that one campus is not situated within a 5 kilometres (5km) radius of another.
- 7.1.3. A Branch Chairperson shall within sixty (60) calendar days from the start of the month of August of any given academic year, convene a general meeting of the Branch annual general meeting and elect a new Branch Executive Committee.
- 7.1.4. The Branch Executive Committee shall direct and administer the affairs of the Branch, in a manner which respects and promotes the objects of the Association and the National Agenda for the given period of time.
- 7.1.5. The Branch Executive Committees shall create their own Code of Conduct within thirty (30) days of the Branch Executive Committee coming into office; both for members as well as the Branch Executive Committee. This Code must first comply with the National Executive Committee Code of Conduct.

- 7.1.6. The National Executive Committee may approve of or suggest amendments to the Code of Conduct within thirty (30) days after receipt thereof.
- 7.1.7. Any amendments to a pre-existing code of conduct must be approved by the National Executive Committee by a majority vote before it can be enforced.
- 7.1.8. Each Branch Executive Committee must create an Annual Budget and submit it to the National Executive at least four months before the end of the financial year for planned expenses in the forthcoming year.

## 7.2. Composition

- 7.2.1. A Branch Executive Committee shall consist of at least five (5) members and a maximum of eight (8) of that Branch of the Association and include the positions of Chairperson; Secretary General; Treasurer; Research and Education Coordinator; Public Relations Coordinator; Outreach Coordinator; Events Coordinator and an Ex Officio who will monitor the process adopted at national level.
- 7.2.2. An Ex Officio member of the Branch Executive Committee shall be voted in by the current Branch Executive Committee, from the current Branch Executive Committee to serve on the next BEC. This person need not be a student at the time of holding office as Ex Officio.
- 7.2.3. If it is to the benefit of the Branch Executive Committee, an Ex Officio position can be occupied by two people who have served not more than two terms.
  - 7.2.3.1. A decision regarding the above 7.3.2. will be subjected to a vote of a Branch Executive Committee consisting of at least five (5) members and a maximum of eight (8).

## 7.3. Resignation

- 7.3.1. A member of a Branch Executive Committee may tender her or his resignation with reasonable notice, in writing at any time to the Branch Executive Committee. Such resignation shall be effected upon acceptance by the Branch Executive Committee.
- 7.3.2. New elections will have to be held within thirty (30) days of the acceptance of the resignation of either the Chairperson or the Secretary General.
- 7.3.3. Any other member of the Branch Executive Committee shall be appointed by the Branch Executive Committee. In the event of a stale mate, then the Chairperson will cast the deciding vote.

7.4. Procedures at Branch Executive Committee Meeting

7.4.1. The Branch Executive Committee shall conduct its meetings at least twice every month (once in two weeks). The Branch Executive Committee may conduct more or less meetings if it deems it necessary, provided that:

7.4.1.1. The Chairperson, or in his or her absence, the Secretary General, shall chair all meetings of the Branch Executive Committee which she or he attends. In the absence of the Chairperson and the Secretary General, the remaining members of the Branch Executive Committee shall elect a chairperson from those attending.

7.4.1.2. The Chairperson shall convene a meeting of the Branch Executive Committee, quarterly and at the written request of any two (2) members of the Branch Executive Committee and may convene such a meeting at any other time.

7.4.2. The quorum necessary for the transaction of any business by the Branch Executive Committee shall be two-thirds (2/3) of the Branch Executive Committee members serving at any given time.

7.4.3. At meetings of the Branch Executive Committee each member shall have one (1) vote.

7.4.4. Questions arising shall be decided by a majority of votes. Should there be an equality of votes the Chairperson shall have a casting or second vote.

7.4.5. Proper minutes shall be kept of the proceedings of the Branch Executive Committee, and a record of the persons present at each meeting. These minutes must include the financial costs of the meeting and must be completed and add ended to the meeting minutes no more than twenty (20) days after the closure of the meeting. These minutes shall be signed by the member who chairs the meeting, and shall be available at all times for inspection or copying by any member of the Branch Executive Committee, and on two (2) days' notice to the Secretary General, by any member of the Association.

7.4.6. A resolution signed by all members of the Branch Executive Committee shall be as valid as if passed at a duly convened meeting of the Branch Executive Committee.

7.4.7. The Branch Executive Committee may delegate any of its powers to any of its members, or to a special purpose committee. The member, committee, employee or agent to whom such delegation is made shall conform to any regulations and procedures that may be stipulated by the Branch Executive Committee from time to time.

7.5. General Powers and Provisions of Delegation

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7.5.1. For the effective administration and functioning of the Association the Branch Executive Committee may:

7.5.1.1. Specifically delegate in writing any of its powers or functions to one or more individual members of the Association, provided that such delegation shall not exceed a limited time period determined at the time of delegation, shall be revocable in writing at any time and shall not have the effect of supplanting the power and function of such committee in its entirety.

7.5.1.2. Notice of delegation must be recorded in writing and communicated to the Secretary General of the Branch Executive Committee as soon as reasonably possible after such delegation is made.

7.5.1.3. For the more effective achievement of the objects of the Association, one or more special purpose committees may be established subject to the direction of the respective committee and which may discontinue any committee so established.

7.5.1.4. At all times, subsequent to its election, the committees mentioned above shall be subject to collective recall and their members to re-election at any General Meeting of the Association.

7.5.2. All members of the association may run to attend the delegation election.

7.5.2.1. An active member is a member who has completed a membership form, has paid membership fees for that particular year and is a member who is not currently suspended;

7.5.2.2. One who makes meaningful contributions towards the organisation. Deciding on whether or not a member has made meaningful contributions is at the discretion of the Branch following a monitoring system.

7.5.2.3. If any member is dissatisfied with the decision taken in 7.6.1. then that person may appeal directly to the Branch Executive Committee in writing.

7.5.2.4. Failure to follow the requisite procedure as stated in 7.6.2.3. will result in delegates only having observer status.

## 7.6. Notices

7.6.1. Notice of all meetings provided for in this Constitution, shall be delivered personally, or sent by electronic mail, to the last address notified by each person concerned to the Association, or in any other manner as the Management Committee may decide from

time to time.

7.6.2. The accidental omission to address notice/s to any person shall not invalidate the proceedings of any meeting.

7.6.3. If posted, notices shall be deemed to have been received seven (7) days after posting.

## 8. ANNUAL GENERAL MEETING

8.1. Each member present or represented at such meeting shall be entitled to one (1) vote.

8.2. Questions arising shall be decided by a majority of votes. Should there be an equality of votes the Chairperson shall have a casting or second vote.

8.2.1. The chairperson will be the only person not forming part of the membership for the purposes of this meeting. The chair will be assisted by outgoing BEC members who are not running for office. In a case where the chair is running for re-election, the next most senior BEC member who is not running for election will chair the Annual General Meeting.

8.3. The election will be run as is any Branch Executive Committee election.

8.3.1.1. In a case where no applications are made for a particular portfolio, nominations and seconding's will come from the floor.

8.3.1.2. The election will be by secret ballot process.

8.3.1.3. In the case of a tie, there will be a second round of voting.

8.3.1.4. If a third tie arises then the chairperson of the election will be allowed to cast the deciding vote.

### 8.4. Quorum at Annual General Meeting

8.4.1. The quorum for the annual general meeting will be met when:

8.4.1.1. The attendance of all delegates of two thirds (2/3) of all recognized Branches are present at the start of the annual general meeting; or

8.4.1.2. If two thirds (2/3) of all recognized Branches are present at the start of the annual general meeting; or

8.4.1.3. If two thirds (2/3) of the amount of the delegates who would ordinarily attend are present.

8.4.1.4. Each delegate at the annual general meeting has one (1) vote.

## 8.5. Resolutions and Voting

- 8.5.1. At all Annual General Meetings, a resolution put to the vote shall be decided by means of a show of hands or by ballot. A vote by ballot shall be held only if demanded by the Chairperson or not less than one third (1/3) of the persons voting in person.
- 8.5.2. The result of the vote shall be the resolution of the meeting.

## 9. FINANCIAL MATTERS

### 9.1. Bank Account

- 9.1.1. The Branch Treasurer shall ensure that all monies received by the Branch are deposited in the Branch's bank account as soon as possible after receipt.
- 9.1.2. All donations and other funds received by the Branch must be deposited into the account of the Branch Executive Committee.
- 9.1.3. Branch Executive Committee members may not use money received by the Branch without the Branch Treasurer's approval.
- 9.1.4. Branch Executive Committee members may not spend money on the Branch's behalf without the Branch Treasurer's approval.
- 9.1.5. Branch Executive Committee members who wish to be repaid for money they spent on the Branch's behalf must submit a receipt, which details each item they are claiming back, and the required banking form to the Branch Treasurer.

### 9.2. Financial Year End

- 9.2.1. The Association's financial year-end shall be end of September.

### 9.3. Financial Records

- 9.3.1. The Branch Executive Committee shall ensure that the Branch keeps proper records and books of account which fairly reflect the affairs of the Branch.

## 10. AMENDMENTS TO THE CONSTITUTION

- 10.1. The terms of this Constitution may be amended by resolution of sixty-six per cent (66%) of the members present at a Branch Executive Meeting: provided that proper notice of the meeting is given not less than twenty-eight (28) days prior to the date of the Meeting and

such notice states the nature of the resolution to be proposed.

## 11. INDEMNITY

- 11.1. Subject to the provisions of any relevant statute, members of the Branch Executive Committee and other office bearers shall be indemnified by the Branch for all acts done by them in good faith on its behalf. It shall be the duty of the Branch to pay all costs and expenses which any such person incurs or becomes liable for as a result of any contract entered into, or act done by him or her, in his or her said capacity, in the discharge, in good faith, of his or her duties on behalf of the Branch.
- 11.2. Subject to the provisions of any relevant statute, no member of the Branch Executive Committee and or other office bearer of the Branch shall be liable for the acts, receipts, neglects or defaults of any other member or office bearer, or for any loss, damage or expense suffered by the Branch, which occurs in the execution of the duties of his or her office, unless it arises as a result of his or her dishonesty, or failure to exercise the degree of care, diligence and skill required by law.

## 12. DISPUTES

- 12.1. In the event of a serious disagreement between the members of the Branch Executive Committee regarding the interpretation of this constitution then any two (2) Branch Executive Committee members shall be entitled to declare a dispute.
- 12.2. Such declaration shall be in writing, state the issue in dispute, and is addressed to all the members of the Branch Executive Committee.
- 12.3. The Branch Executive Committee shall consider such declaration within two (2) weeks of receiving it. Should the Branch Executive Committee not be able to resolve the dispute to the satisfaction of the person(s) declaring it, the dispute shall be referred either to a mediator or be decided by a vote.
- 12.4. Should the dispute be referred to a mediator, the person(s) declaring the dispute and the Branch Executive Committee must agree on a suitable mediator and to the costs of that mediation. A mediator may recommend an appropriate resolution of the dispute.
- 12.5. Should the dispute be referred to a vote of the Branch Executive Committee, all members of the Committee should be present at the Meeting and the matter should be decided by a majority vote.

12.6. The decision arrived through mediation or a vote shall be final and binding upon all parties and all members of the Branch Executive Committee.

Dated on \_\_\_\_\_ 12 February 2021 \_\_\_\_\_

Signature: \_\_\_\_\_ Kopano Lebele \_\_\_\_\_ Chairperson

Signature: \_\_\_\_\_ Aimée Souchon \_\_\_\_\_ Secretary General

Signature: \_\_\_\_\_ Emma Dachs \_\_\_\_\_ Treasurer

Signature: \_\_\_\_\_ SooBin Park \_\_\_\_\_ Research and Education Coordinator

Signature: \_\_\_\_\_ Tanweer Mohamed \_\_\_\_\_ Outreach Coordinator

Signature: \_\_\_\_\_ Claire Dehosse \_\_\_\_\_ Public Relations Coordinator

Signature: \_\_\_\_\_ Chrisley Vlotman \_\_\_\_\_ Events Coordinator

Signature: \_\_\_\_\_ Alexandra Van der Walt \_\_\_\_\_ Ex Officio member

Witness 1: \_\_\_\_\_ Sangyeon Park \_\_\_\_\_

Witness 2: \_\_\_\_\_ Hyun-Joo Park \_\_\_\_\_

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