

The Constitution of the Palestinian Solidarity Forum

Preamble

We the members of the Palestinian Solidarity Forum of the University of Stellenbosch embrace the principles of freedom, social justice, human rights, and the right to self-determination. As a generation born into freedom and democracy in South Africa we embrace the mandate delivered to us by Nelson Mandela that our "freedom is incomplete without the freedom of the Palestinians". We, as a society, stand firmly against any forms of discrimination as outlined by the Constitution of South Africa, 1996. It is hereby that we pledge our solidarity with the people of Palestine in accordance with this constitution.

1. Interpretation

- Forum:* medium where ideas/views on a particular issue can be exchanged.
- Society:* means the society faculty council, club, association, union or organisation duly constituted in terms of this constitution.
- General voting:* voting as empowered by the right as entrenched in this constitution, voting on general matters of the day-to-day of the society, enforcing democracy and accountability.
- Voting rights:* the right as entrenched in this constitution giving a member of the society the right to share his/her will with regards to matters of the society where relevant.
- Lex exequutor:* the Latin meaning 'law enforcers', the term used to describe the members of this society interpreted with the focus on human rights.
- SRC:* means the Student Representative Council of the University of Stellenbosch as recognised by the University of Stellenbosch as the representative of students.
- Staff member:* means a person employed by the University on a full time basis, temporarily or permanently.
- Student:* means a person registered as a student of the University for the current academic year in a course at the University.

University: means the University of Stellenbosch.

Affiliation: means we have a common understanding for a common purpose regarding a specific cause.

Support: means that there will be a support from our society regarding an event or cause, for that event in its specificities.

Association: means a clear link between our society and another, to carry out events or bring awareness and achieve a common goal. We will only have formal association with societies that reflect our values and goals that we enforce in our own society.

Social Justice: means the principle founded on the basis of social accountability which supports and upholds the fundamental responsibility we share to ensure equality and fairness in society. In societies wherein there is an unequal distribution of freedoms and opportunities this theory ensures that we hold the oppressor to task for their actions

Word in the singular also includes the plural, words in the plural include the singular and word referring to gender includes the other gender.

Chapter 1

The Society and Fundamentals

2. This document will be supreme law of the PSF and any other documents in the PSF that may conflict with any section in the PSF Constitution will be seen as null and void.
3. The official name of this society is the *Palestine Solidarity Forum* (hereinafter referred to as the "PSF") as empowered by this document, which shall be known as the *PSF Constitution*.

4. Fundamental principles

Out of a conviction based on human rights and social justice the University of Stellenbosch Palestine Solidarity Forum (SU PSF) was formed to promote awareness and education about the ongoing conflict, and action in solidarity with the Palestinian cause, in an academic, social and humanitarian sense

The PSF is adamantly against anti-semitism or unfair discrimination of any form.

The SU PSF believes in the right to self-determination of all people, in Palestine, nationally and internationally.

5. Objectives

The SU PSF is a secular, non-racial, non-sexist student organisation committed to democratic principles in order to promote justice, human

rights, liberation, and self-determination for the Palestinian people. The PSF aims to educate.

The SU PSF believes that the Palestinian people have the right to self determination and sovereignty. We believe that human rights and justice are prerequisites for a just resolution to end the plight of the Palestinians. We acknowledge the struggles of Palestinians within Israel, in the illegally Occupied Territories, the Gaza strip, and in the diaspora. As a South African student organisation we are driven to engage in with this struggle because of the parallels we see between South Africa's history of discrimination and dispossession and the Israeli colonial Apartheid regime. We support the non-violent campaign of Boycott, Divestment and Sanctions as a means of international solidarity and the National Coalition for Palestine as a means of national solidarity.

Furthermore as a society of Stellenbosch University, in line with the Societies Council and the Constitution of the University of Stellenbosch, the pillars of student development, creating a home and student success will be entrenched in the Constitution of the PSF and our activities.

Just as the SU PSF condemns the discrimination underlying the policies and laws of the state of Israel, we reject and condemn any form of hatred or unfair discrimination in this society. For this reason the PSF welcomes individuals from all walks of life who are willing to join in solidarity with the struggle for justice in Palestine.

Chapter 2

Members and Associates

6. Lex exequutor

(1) Members of this society shall be any person that wishes to be part of the PSS, members are divided into four categories:

(1.a) General members;

(1.b) Honorary members;

(1.b.i) Nominations for honorary members can be made by any member as stated in subsection (a), (c) and (d).

(1.b.ii) Persons that may be nominated as honorary members:

(1.b.ii.a) any person with the right to nominate such a member;

(1.b.ii.b) any third party.

(1.b.ii.c) Any lecturer deemed suitable by the executive.

- (1.b.iii) Nominated persons must show commitment and enforce the fundamentals, which this society stands for and is supported by this document.
 - (1.b.iv) The executive committee will have the authority to screen nominations before general voting to protect the PSS.
 - (1.c)** Executive members;
 - (1.d)** Sub-committee members.
- (2) A further position as *consultant/liaison* will be allowed for purposes of legitimacy, the authority of this position will be limited to:
- (2.a)** Assisting the PSF as per agreement between the consultant/liaison and the executive committee of the PSF.
 - (2.b)** Voting rights under the circumstances where the consultant/liaison falls in one of the membership categories as defined in section (1).
 - (2.c)** Any further authority as decided upon by the executive committee.
- (3) Categories are not mutually exclusive in general circumstances, with the exception of any section of the PSF Constitution stating otherwise.
- (4) Any student or staff member of the University of Stellenbosch may become a general member, with the exception of the following non-faculty members of the institution:
- (4.a)** Honorary members;
 - (4.b)** Third party sub-committee members;
 - (4.c)** Consultants/liaisons.
- (5) Any member as categorised in section (1), may vote at general meetings.
- (6) The executive committee reserves the right to screen any person that wishes to be a member as defined in section (1) or *consultant/liaison* as defined in section (2) to protect the existence and working of the PSF.

Chapter 3

Events

7. Meetings and Gatherings

- (1) Meetings and Gatherings will be seen as separate for administrative and fundamental purposes:
- (1.a)** Meetings will be classified as follows:

- (1.a.i) General meetings open to any member as per section 6(1).
- (1.a.ii) Executive meetings only attended by the executive committee members of the PSF.
- (1.a.iii) Annual summary meeting only open to members as per section 6(1), the purpose of this meeting being:
 - (1.a.iii.a)** to vote for the new executive;
 - (1.a.iii.b)** to share ideas and plans for the following year;
 - (1.a.iii.c)** to evaluate the year's events from the previous annual summary meeting up to this stage.
- (1.a.iv) Meetings regarding constitutional matters.
- (1.b)** Gatherings will be classified as any event arranged by the PSF and does not serve an administrative purpose; this event is open to any person.
- (2) Meeting as defined in subsections (1)(a)(i) and (1)(a)(iii) will be adequately advertised to maximise attendance.
- (3) The executive reserves the right to invite any party or parties to any meeting as per subsection (1)(a), if deemed relevant and necessary.
- (4) Any meeting or gathering must be presided over by at least one executive committee member for it to be a PSF endorsed event by the PSF Constitution. (clarity regarding gatherings for our society or by other societies that we attended in our capacities)
- (5) All decisions made shall be available to members upon request.
- (6) The executive member in charge of a meeting or gathering shall establish the agenda and be responsible for the running of this meeting. The secretary shall establish the agenda and the chair or vice- chair will be responsible for the running of this.

Chapter 4

Rights

- 8. Voting Rights
 - (1) Any person as categorised in section 6(1) has the right to vote at meetings.
 - (2) Voting can be done by the show of hands or closed ballots or by way of an online portal/ survey
 - (3) Only the executive committee members have the right to vote in meetings as defined by section 7(1)(ii).
 - (4) Executive members may make use of a proxy if necessary to vote, this will be allowed in the following circumstances:
 - (4.a)** due to a previous arrangement the executive member are not able to attend a meeting as defined by section 7(1)(a)(i), 7(1)(a)(ii) or 7(1)(a)(iv) and adequate notice was given;

- (4.b)** due to unforeseen circumstances negating the executive member's attendance;
- (5) Votes can be suspended if deemed necessary and reasonable by the executive committee, reasonable circumstances that must be taken into consideration when suspending a vote:
 - (5.a)** lack of attendance;
 - (5.b)** lack of facts;
 - (5.c)** due to an external circumstance that might prejudice the vote;
 - (5.d)** any further reasons seen as relevant and reasonable under the circumstances.
- (6) The PSF will have two different votes:
 - (6.a)** a normal majority:
 - (6.a.i) any general matter.
 - (6.a.i.a)** voting can only take place with the proportional attendance of:
 - (6.a.i.a.i) at least 20% of general members of the PSF on general day-to-day matters that will not prejudice members not attending the vote.
 - (6.a.i.a.ii) at least 30% of general members of the PSF on any other matter not applicable under subsections (6)(a)(i)(a)(i) and (6)(a)(i)(b)(i).
 - (6.b)** a two-thirds majority:
 - (6.b.i) constitutional matters and amendments.
 - (6.b.i.a)** 50% of quorum, have to be present to vote on a matter of this nature. Quorum refers to 10 people, including the executive members.

9. Right to Appeal

- (1) With regards to any appeal within the scope of this constitution, clause 20 will apply.
- (2) Any member has the right to an appeal pertaining to any decision made by a committee in this society, this will be limited to:
 - (2.a)** judgements in accordance with Chapter 7 of the PSS Constitution;
 - (2.b)** decisions made in the society notwithstanding any action in accordance with section 8;
 - (2.c)** discretionary decisions made by committees as authorised by the PSS Constitution.
- (3) Any appeal must be lodged within the applicable time frame, which is 7 consecutive days after the policy in dispute has been implemented. with the relevant body of the University of Stellenbosch:
 - (3.a)** This information will be available on request from the executive committee.

- (4) The executive committee reserves the right to resolve appeals internally before referring an appeal to an external body, with the exception of:
- (4.a)** the PSF making the a quo decision;
 - (4.b)** this section, under the merits of the appeal, being in conflict with the relevant University of Stellenbosch regulation or by-law.

Chapter 5

The Executive

10. The committee that is responsible for the directing, inner working and administration of the PSF, consisting only of current students of the University of Stellenbosch.
- (1) The executive committee will have a minimum of five base members fulfilling the compulsory position as set out in subsection (2)(a), (b), (c), (d), (e) of this section and a maximum of ten members at any given stage. Base members are general members that have signed up to be a part of the PSF, that plays an executive role in the PSF
- (2) The executive committee will consist of:
- (2.a)** a chairperson;
 - (2.b)** a vice-chairperson;
 - (2.c)** a treasurer;
 - (2.d)** a secretary;
 - (2.e)** an Events Co-ordinator ;
 - (2.f)** External Communications Officer
 - (2.g)** general executive members, which will include:
 - (2.g.i) General executives that form part of the PSF executive.
- (3) The members of the executive committee will be elected by vote during the annual summary meeting as defined in section 7(1)(a)(iii), or will be elected based on the discretion of the outgoing executive team, based off of interviews and applications from each exec applicant.
11. Term in office
- (1) A term will be defined as the time lapsed between the annual summary meeting where the executive committee member is elected and the consecutive general annual meeting.
- (2) An executive member will be limited to three consecutive terms, the exception being:
- (2.a)** no candidate to take over the role of the member in question;

- (2.b)** the extension amount of terms allowed in office due it being reasonably justifiable in terms of the fundamental principles of this Constitution;
- (2.c)** an indication of popular demand of the members of the PSS.

12. Functions of the executive committee

- (1) To convene meeting of the society.
- (2) To arrange gatherings of the society.
- (3) To conduct the affairs of the society.
- (4) To deal with any general or urgent matters with regards to the society.
- (5) To assemble and dissolve sub-committee if the necessity of such action should arise with regards to the running of the society.
- (6) Enforcing and amending the PSS Constitution if deemed necessary.
- (7) The responsibilities of the executive members:

(7.a) Chairperson:

- (7.a.i) Being the head of the society.
- (7.a.ii) Overlooking the tasks and designated assignments of exec members
- (7.a.iii) Running the society and executive committee.
- (7.a.iv) Has executive decision-making power in the instance of conflicting views, to act in the best interest of this society and it's ideals.
- (7.a.v) Acting as student representative at meetings held by the National Coalition for Palestine (NC4P)
- (7.a.vi) Acting as the representative of the society within the societies council and towards the university.

(7.b) Vice-chairperson:

- (7.b.i) Second-in-command to the chairperson.
- (7.b.ii) Running the society and executive committee under the leadership of the chairperson.
- (7.b.iii) to fill in for the chairperson if that person is unable to complete his/her duties.
- (7.b.iv) In charge of disciplinary procedures within the society.

(7.c) Treasurer:

- (7.c.i) Responsible for the finances of the PSF.
- (7.c.ii) Calculating the budget.

(7.d) Secretary:

- (7.d.i) Executive and general administration. General administration includes drafting and sending emails and such communication with general members.
- (7.d.ii) Drafting of minutes of the meetings as defined by section 7(1)(a).

(7.e) External Communications Officer.

- (7.e.i) General and executive marketing.
 - (7.e.i.a)** Administration of social media.
 - (7.e.i.b)** Administration of any other media.
- (7.e.ii) Arranging gatherings

(7.f) General :

- (7.f.i) Responsible for the management of portfolios/tasks deemed necessary to carry out the events of the society.
- (7.f.ii) The general executives will be limited to six.
- (7.f.iii) The amount of general executive positions open for the following term will be decided upon by the current executive committee before opening applications for the executive committee of the following year, notwithstanding:
 - (7.f.iii.a)** the whole executive committee must be present to vote on this matter;
 - (7.f.iii.b)** in the case of a tie the chairperson of the current committee will have the casting vote.

13. Executive voting

- (1) If at any time the executive committee takes a vote that results in a tie due to disagreement, the chairperson will have the casting vote:
 - (1.a)** A minimum of 50% of the executive committee must be in attendance for the executive to take a vote regarding any matter.

14. Executive committee election

- (1) One month before the end of the executive committee in power's term, applications for the next term's executive committee will open, members who wish to run for the executive committee include and are limited to:
 - (1.a)** members of the current executive committee, who have to re-apply if they wish to be on the executive for the following term;
 - (1.b)** general members.
- (2) Applications have to be filled out to run and will consist of:
 - (2.a)** a general application to run for the executive committee;
- (3) The current executive will schedule interviews with the applicants in the time leading up to the meeting as defined in section 7(1)(a)(iii), the reason for the interviews will be:
 - (3.a)** to screen the candidates and assure that their beliefs are in line with the fundamentals of this constitution and society.
 - (3.b)** to establish an elimination round if there are more than 15 candidates for the executive committee.
- (4) The elections for the new executive committee will take place at the meeting as defined by section 7(1)(a)(iii).

- (5) The executive committee will be elected by closed ballot, notwithstanding:
 - (5.a)** that at least 30% of the general members of the PSF are in attendance;
 - (5.b)** the current executive may vote;
 - (5.c)** the candidates for the new executive committee may vote;
 - (5.d)** candidates with the top ten most votes will be elected as the new executive committee.
- (6) In the case of a tie between candidates, another vote will be taken,
 - (6.a)** this vote will only be relevant for the candidates that are tied with regards to votes;
 - (6.b)** only a tie between the candidates with regards to the final position on the executive committee;
 - (6.b.i) the final position refers to the tenth position if more than ten candidates are running for the executive committee.
 - (6.c)** if there is another tie, the current chairperson will have the casting vote.

15. Executive sub-committee

- (1) Any member of the Executive committee can establish an executive sub-committee if deemed necessary.
 - (1.a)** Only the founding executive member can dissolve the relevant executive sub-committee.
- (2) This committee will answer to the executive committee
- (3) This committee's rights, responsibilities and abilities will be agreed upon with the creation of it as per mandate agreement:
 - (3.a)** If this committee acts outside its scope it will be subject to:
 - (3.a.i) Review, by the executive committee;
 - (3.a.ii) Disassembly if decided that the committee acted outside its mandate after the review process.
- (4) Any member of this committee can request a meeting.
- (5) Any votes taken during an executive sub-committee meeting shall require a normal majority to pass.
- (6) Reports must be given on request to the executive committee.
- (7) All executive sub-committees automatically dissolve at the end of a term:
 - (7.a)** an end of a term is defined as the day of the meeting as defined in section 7(1)(a)(iii).

Chapter 6

The Constitution and Amendments

16. The Constitution

- (1) A copy of the approved PSF Constitution will be kept by the society.
- (2) A copy of the approved PSF Constitution will be lodged with Student Court of the University of Stellenbosch.
- (3) A copy of the approved PSF Constitution will be sent to general members of the society.
- (4) Any dispute regarding interpretation or meaning will be resolved internally; if it is not possible to resolve this dispute internally it will be referred to the Student Court.

17. Constitutional amendments

- (1) The correct formal procedure has to be followed for a constitutional amendment to be successful.
- (2) The amendment procedure will only start with the lodging of ex parte constitutional amendment application with the executive committee.
- (3) The executive will be responsible to arrange a meeting, taking into account:
 - (3.a)** if it is a time sensitive matter, the executive committee must arrange the meeting as soon as possible to avoid the amendment becoming irrelevant.
 - (3.b)** if the meeting falls in the 7 consecutive day period, this meeting will be deemed fit to resolve the matter.
- (4) An amendment application will only be successful:
 - (4.a)** if a two-third majority vote is achieved;
 - (4.b)** with quorum
 - (4.c)** it must be a closed ballot vote; or an online voting portal
 - (4.d)** with the whole executive committee members present.
 - (4.d.i) If an executive member cannot attend, a proxy must be appointed.
 - (4.d.ii) Proxies will be allowed to vote for an executive if necessary.
 - (4.d.iii) The proxy's authority will be limited to the role of messenger for the executive member regarding this matter, casting the vote the executive member would have casted if present.
- (5)** After a successful vote and procedure for the amendment, the constitution shall be amended.

Chapter 7

Hearings, suspensions and expulsions

18. Members must act in line with the aims, goals and fundamental principles of this society, which excludes:

- (1) acts of violence;
- (2) acts of prejudice;
- (3) any form of unfair discrimination as stated by the Constitution of the Republic of South Africa;
- (4) any actions warranting summary disciplinary action, which includes:
 - (4.a)** actions in conflict with the aims, goals and fundamentals of the PSF.
 - (4.b)** actions that cause or will cause damage to the name and good faith of this society.

19. Disciplinary action will be instituted by lodging a complaint with the executive committee, complaints can be lodged by and/or:

- (1) an executive member;
- (2) a general member.

20. The executive committee reserves the right to decide by majority vote, on the merits of the complaint which further steps must be taken, which can be:

- (1) to nullify the complaint, thus leading to no disciplinary action;
- (2) to arrange meetings to collect further information;
- (3) to institute internal disciplinary action;
- (4) to refer the matter to an external body if it is relevant, which includes:
 - (4.a)** disciplinary committee of Stellenbosch University ;
 - (4.b)** the SRC;
 - (4.c)** any other body of the University of Stellenbosch which carries jurisdiction regarding the matter.
- (5) institute internal disciplinary action and refer the matter for further action.

21. Internal disciplinary action:

- (1) After instituting the action, the alleged party will be served with a notice.
- (2) The party will receive ten working days to reply with his/her plea and intentions.
- (3) A new disciplinary hearing committee will be put together on the merits of each hearing to avoid any bias:
 - (3.a)** the disciplinary hearing committee will be classified as a committee in terms of section 12(5).
 - (3.b)** The executive committee will be responsible for the assembly of this committee, headed by the Vice-chairperson. Prejudiced members of the executive committee will be excluded from this part of the procedure, committee members may include:
 - (3.b.i) any member of the PSF;
 - (3.b.ii) SRC members;

- (3.b.iii) any third-party deemed relevant for the hearing.
- (3.c)** the disciplinary committee will consist of five members.
- (4) A disciplinary hearing committee will run the hearing in line with the human rights as entrenched in the Constitution of the Republic of South Africa.
- (5) After the hearing the disciplinary committee will deliver judgement and sentencing as follows;
 - (5.a)** not-guilty, the dropping of all charges.
 - (5.b)** guilty and sentenced to a
 - (5.b.i) suspension of the guilty party or parties;
 - (5.b.i.a)** the time limit of the suspension or suspension from a specific position regards to the misdemeanour, will be decided upon by the disciplinary hearing committee.
 - (5.b.ii) expulsion from the society or the relevant committee;
 - (5.b.ii.a)** this will lead to automatic referral to the relevant body of the University of Stellenbosch.

22. Accountability:

- (1) The PSF acknowledges that it is a society as constituted according to the Constitution of the Societies Council of the University of Stellenbosch
- (2) The Constitution of the SC is superior to the Constitution of the PSF, making the PSF responsible to follow the regulations, principles and fundamentals as defined in the Constitution of the SC and its vision and mission statement.
- (3) Notwithstanding sub-sections 1 and 2 this constitution in accordance with the Constitution of the SC and the US gives the members of the PSF the right to:
 - (a) develop students in line with the fundamentals of the PSF;
 - (b) create a home for the members, ensuring acceptance and support;
 - (c) student success, the society will enforce necessary to achieve success in society, be accountable and strive for a better future at the University of Stellenbosch and the Republic of South Africa.
- (4) If there is an infringement upon any member or third party's right as defined in this clause the member or third party whose right has been infringed upon can lay a complaint at the executive committee of the PSF. The procedure as defined in section 19 will be followed.

Chapter 8 General

23. Publications

- (1) All publications by this society will be subject to the Regulations and by-laws of the University of Stellenbosch.
- (2) All publications by this society will be subject to the values and purports of its Constitution.

24. Association and Affiliation

- (1) The PSF can associate or affiliate itself with any body if it supports the vision, objects and fundamentals of the society.
- (2) A public forum will be held open to all members to debate about the matter and will only be allowed if passed by a vote.
- (3) The advertising of an event, needs to be clear in the fact that the PSF supports a notion/event, or is affiliated, or is associated with it.
- (4) The executive committee reserves the right to affiliate with a body without the consent of the general members if:
 - (4.a)** it is reasonable and justifiable;
 - (4.b)** there are time constraints.

25. By-laws

- (1) The executive committee may make such by-laws as deemed necessary in fulfilling the objectives and fundamentals of the PSF.
- (2) The executive committee may arrange general meetings if necessary with regards to public interest in the matter.
- (3) The executive committee can in the interest of the PSF suspend or amend these by-laws.
- (4) Any by-laws as defined in this section are subject to section 2 of this constitution.

2020/21 Executive Sign-Off

The following serves to fulfil the request by Societies' Council to have this constitution signed off by the 2020/21 SUPSF Executive following the approval of this Constitution by the Societies Constitutional Appraisal Task Team (SCATT).

Kwanda Nyembe (Chairperson)

signed: 2021-08-16