



STELLENBOSCH UNIVERSITY

TYGERBERG STUDENT CONSTITUTION

2021 Revision

This Constitution was adopted by the Tygerberg Student Representative Council on xx xxxx 2021, adopted by the students in a referendum on xx xxxx 2021 and was approved by the Student Court on xx xxxx 2021. The English version of this document will take precedence in case of any interpretation disputes.

Table of Contents

PREAMBLE..... 3

CHAPTER 1: BASIC PROVISIONS..... 4

CHAPTER 2: BILL OF STUDENT RIGHTS 6

CHAPTER 3: THE TYGERBERG STUDENT REPRESENTATIVE COUNCIL.....10

Part 3.1 General10

Part 3.2 Other duties and powers of the Tygerberg Student Representative Council17

Part 3.3 Executive Committee of the Tygerberg Student Representative Council21

Part 3.4 Tygerberg Student Representative Council meetings23

CHAPTER 4: TYGERBERG STUDENT PARLIAMENT30

CHAPTER 5: THE STUDENT COURT39

CHAPTER 6: THE APPEAL COURT46

CHAPTER 7 THE TYGERBERG ACADEMIC AFFAIRS COUNCIL47

CHAPTER 8: THE TYGERBERG PRIM COMMITTEE.....51

CHAPTER 9: THE TYGERBERG SOCIETIES COUNCIL53

CHAPTER 10: THE TYGERBERG POSTGRADUATE STUDENT COUNCIL55

CHAPTER 11: ELECTIONS57

CHAPTER 12: TYGERBERG ELECTORAL COMMISSION61

Part 14.1: Tygerberg Electoral Commission61

CHAPTER 13: COMMENCEMENT, REPEAL AND AMENDMENT.....66

SCHEDULE 1: ELECTORAL ACT70

Part S1: Values and Standards70

SCHEDULE 2: TYGERBERG STUDENT REPRESENTATIVE COUNCIL GENERAL ELECTION73

Part S1 Nominations and criteria for candidature73

Part S2 Format and marketing of the election76

Part S3 Results and complaints78

SCHEDULE 3: TSR HONORARY PRESIDENT80

PREAMBLE

We, the students of the Faculty of Medicine and Health Sciences of Stellenbosch University, conscious of our diverse cultural heritage and the historical context of Stellenbosch University and our country, the Republic of South Africa, unite to build a multicultural, non-discriminatory and democratic community in conformity with the Bill of Student Rights in chapter 2 of this Constitution and the Constitution of the Republic of South Africa.

We commit ourselves to the academic ideal of excellence in the pursuit of science, to create a holistic environment where knowledge can be created, shared, and applied to the benefit of the Tygerberg Student Union. We believe in the spirit of academic freedom in the pursuit of critical and rational thinking. We commit ourselves to the values of the Faculty of Medicine and Health Sciences of Stellenbosch University which are Inclusivity, Accountability, Excellence, Compassion, Respect and Equity (ICARE2)

We acknowledge our responsibility to participate in the democratic systems recognized by this Constitution. Subject to the provisions of the Constitution of the Republic of South Africa, the Higher Education Act, the Student Constitution, the Statute of Stellenbosch University and University regulations, we accept this as our binding Constitution.

CHAPTER 1: BASIC PROVISIONS

1. Definitions

In this Constitution, unless the context indicates otherwise –

- (1) “accept”, “decide”, or “elect” refer to a decision taken with an ordinary majority of votes;
- (2) “Day” means a calendar day.
- (3) “*ex officio*” member of the Tygerberg Student Representative Council means a member serving on the Tygerberg Student Council by virtue of holding another position, such as the Tygerberg Student Council members indicated under section 19 (2) - (5);
- (4) “positive vote” refers to the following process:
 - (a) When one candidate receives a majority (50%+1) of the votes, they are elected.
 - (b) If no candidate receives a majority (50%+1) of the vote, the following steps are followed:
 - (i) A new election takes place.
 - (ii) For this election, the candidates who received the least votes in the previous election are removed, but the sum of the removed candidates’ votes may not exceed fifty percent (50%) of the total number of votes in the previous election.
 - (iii) This process is repeated until one candidate receives a majority (50%+1) of the vote.
- (5) “**Positional Student Leader**” means a student elected or appointed to the following structures: structures established by this constitution, house committees, Tygerberg society executive committees and cluster convenors.
- (6) “student” means a student registered at the Faculty of Medicine and Health Science;
- (7) “student body” means an organized group of students formally associated with the University;
- (8) “PSO” means a Private Student Organisation.
- (9) “University” means Stellenbosch University; and
- (10) “University day” means a weekday (Monday to Friday) during the

academic year which is not a public holiday.

- (11) "SRC" refers to the Student Representative Council
- (12) "SP" refers to Student Parliament
- (13) "TSP" refers to Tygerberg Student Parliament
- (14) "House" refers to both Private Student Organizations (PSO's) and Residences on Tygerberg campus
- (15) "TSR Portfolio Manager" is a member appointed by the TSR to manage a specific portfolio. This individual has no voting power.
- (16) "TSR" refers to Tygerberg Student Representative Council
- (17) "Simple majority vote" refers to fifty percent plus one (50% +1)
- (18) "CSLEEC" refers to The Centre for Student Leadership, Experiential Education and Citizenship.

2. Status of this Constitution

- (1) All constitutions, regulations, rules, codes, documents, motions, and decisions adopted by any Tygerberg student structure are subject to this Constitution and are invalidated by this Constitution should there be any discrepancies.
- (2) This Constitution is called the "Tygerberg Student Constitution of Stellenbosch University"

3. Bodies constituted by this Constitution

The following student bodies are constituted by this Constitution:

- (1) the Tygerberg Student Representative Council (TSR);
- (2) the Tygerberg Student Parliament (TSP);
- (3) The Student Court
- (4) The Appeal Court
- (5) the Tygerberg Societies Council (TSC);
- (6) the Tygerberg Academic Affairs Council (TAAC);
- (7) the Tygerberg Prim Committee (TPC);
- (8) the Tygerberg Election Committee;
- (9) the Tygerberg Evaluation Panel;
- (10) the Tygerberg Postgraduate Student Council (TPSC);

CHAPTER 2: BILL OF STUDENT RIGHTS

4. Applications

(1) The rights in the Bill of Student Rights bind all student bodies of the University and all such bodies have the duty to respect, protect and promote these rights.

(2) The student bodies constituted by this Constitution in section 3 must take reasonable steps to ensure the protection and promotion of these rights, including through engagement, where necessary, with the University authorities.

5. Equality

No student shall be unfairly discriminated against.

6. Human dignity

Every student has inherent human dignity and the right to have their dignity respected and protected.

7. Confidentiality of student records

(1) Every student has the right to the confidentiality of their University records.

(2) No information contained in such records may be disclosed without the consent of the student in question in accordance to the POPI Act 4 of 2013.

8. Student success

(1) Every student has the right to an enabling environment in which student success and academic excellence are encouraged and pursued.

(2) Every student has the right to quality education, academic support, and transparent and justifiable assessment procedures.

(3) The bodies constituted by this Constitution in section 3 have a duty to identify and work towards the eradication of barriers to the exercise of these rights.

9. Freedom of religion, belief and opinion

Every student has the right to freedom of religion, belief and opinion.

10. Freedom of expression

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

- (1) freedom of academic expression and scientific research;
- (2) freedom of the student media; and
- (3) freedom to receive and impart information and ideas.
- (4) Freedom of gender expression and sexual identity.**

11. Assembly, demonstration and petition

Every student has the right, peacefully and unarmed, to assemble and demonstrate on campus, and to present petitions to the Tygerberg Student Representative Council and/or Student Representative Council and to the Faculty Management and/or University management.

12. Freedom of association

Every student has the right to freedom of association on campus, including the right to form any student group, association or society.

13. Participation in TSR and Student Representative Council elections

- (1) Every student has the right to vote in elections for the Tygerberg Student Representative Council, and to do so in secret, subject to chapter 11 and schedule 1 and 2 of this constitution
- (2) Every student has the right to vote in elections for the Student Representative Council, and to do so in secret and subject to chapter 11 and schedule 1 and 2 of the Student Constitution
- (3) Every registered student has the right to stand for election to the Tygerberg Student Representative Council, subject to fair and relevant eligibility requirements and subject to the provisions of this Constitution, subject to chapter 11 and schedule 1 and 2 of this constitution
- (4) Every registered student has the right to stand for election to the Student Representative Council, subject to fair and relevant eligibility requirements and subject to chapter 11 and schedule 1 and 2 of this Constitution

14. Administrative action

Every student whose rights or legitimate expectations are materially and adversely affected by any decision taken by a student body or a member of a student body, has the right to –

- (1) be notified of the nature and purpose of the proposed action;
- (2) a reasonable opportunity to make representations;
- (3) adequate notice of any right of review or internal appeal, where applicable; and
- (4) request reasons for the decision and to be provided with written reasons within a reasonable time.

15. Limitation

- (1) The rights in this chapter may only be limited in terms of legal rules of general application, which, for purposes of this section, are deemed to include University regulations, rules and policies.
- (2) Limitations must be designed to achieve objectives that are consistent with the values of an open and democratic community based on human dignity, equality and freedom.
- (3) Limitations may not limit the rights in this chapter more than necessary, and the impact they have on the rights of students must be proportionate to their objectives.

16. Enforcement

- (1) Any student, any student body or any group of students, whether acting in their own interest or in the interest of a group or class of students, may approach the Student Court for appropriate relief in the event of an alleged violation of their rights under this Constitution.
- (2) The TSR must take reasonable steps to aid the enforcement of an order of the Student Court.

17. Interpretation

The Bill of Student Rights must be interpreted in conformity with the Bill of Rights of the Constitution of the Republic of South Africa, 1996, the Higher Education Act 108 of 1999, the Statute of Stellenbosch University, University policy and regulations, where applicable.

CHAPTER 3: THE TYGERBERG STUDENT REPRESENTATIVE COUNCIL

Part 3.1 General

18. Status of the Tygerberg Student Representative Council

The Tygerberg Student Representative Council is the highest representative and policy-making student body at the Faculty of Medicine and Health Sciences.

19. Composition of the Tygerberg Student Representative Council

The Tygerberg Student Representative Council consists of the following members:

- (1) nine (9) members elected by the students in terms of the provisions of chapter 11 of this Constitution;
- (2) the Chairperson of the Tygerberg Academic Affairs Council; in terms of Section 88 (3)
- (3) the Chairperson of the Tygerberg Prim Committee; in terms of Section 93 (3)
- (4) the Chairperson of the Tygerberg Societies Council; in terms of Section 97 (3)
- (5) the Chairperson of the Tygerberg Postgraduate Student Council; in terms of Section 101 (3)

20. Term of office of the Tygerberg Student Representative Council

- (1) The term of office of the Tygerberg Student Representative Council starts on 1 September in the year that the Tygerberg Student Representative Council members were elected subject to section 25
- (2) A hand-over period will take place from the date the newly elected TSR members are announced for a period of two (2) weeks.
- (3) The outgoing Chairperson and outgoing Executive Committee of the Tygerberg Student Representative Council must ensure that this formal handover period is implemented between the outgoing and incoming council.
- (4) The outgoing Tygerberg Student Representative Council members must ensure that they are available during the hand-over month when requested by the out-going Chairperson

(5) The terms of (2), (3) and (4) will be determined by the outgoing Tygerberg Student Representative Council of that year, CSLEEC and other stakeholders. The handover programme must be finalized by the last day of voting wherein the incoming Council will be elected.

21. Core functions of the Tygerberg Student Representative Council

The core functions of the Tygerberg Student Representative Council include –

(1) to act in the best interest of students-

(a) by actively promoting students' rights under chapter 2;

(b) through execution of any administrative activity which may be required to serve the interests of Tygerberg students

(2) to represent students at –

(a) the Faculty Management;

(b) on the Faculty Board

(c) the Committee for Undergraduate Teaching;

(d) the Committee for Community-based Teaching

(e) The Institutional Forum

(f) other committees, bodies and functionaries of the Faculty of Medicine and Health Sciences and where appropriate the University; and

(3) to evaluate University and Faculty policy and give input in the formulation thereof;

(4) to consider the advice of the Tygerberg Student Parliament; and in the case when such advice is rejected by the Tygerberg Student Representative Council, this decision must be communicated to the Speaker of the Tygerberg Student Assembly within ten (10) university days.

(5) to facilitate projects and initiatives to the benefit of students;

(6) to inform and consult students continuously, and obtain feedback, about its activities; and

(7) to formulate and maintain policy in order to ensure that the Tygerberg Student Representative Council performs its functions and duties effectively.

- (8) To have at least three public feedback sessions during their term in office. These include but are not limited to;
- (a) One session at which the Tygerberg Student Representative Council will present their Year Plans, Budget for the year, portfolio allocations and representation on University and Faculty Committees;
 - (b) One session at which a half year report back is held. This would serve as a half year caucus;
 - (c) Final session at which a concise overview of the entire term of office
- (9) call together the Honorary Awards Committee, in terms of the regulations as stipulated in Schedule 3, which will consider and award Tygerberg Honorary Awards to all deserving students.
- (10) To ensure that the views and opinions of the Tygerberg Prim Committee are sought before any decision is made which may affect the interests of the Houses at Tygerberg.
- (11) To ensure that the views and opinions of the Tygerberg Academic Affairs Council are sought before any decision is made which may affect the academic interests of students.
- (12) To ensure that the views and opinions of the Tygerberg Societies Council are sought before any decision is made which may affect the interests of Societies at Tygerberg.
- (13) To appoint a member of the Tygerberg Student Representative Council to ensure that this constitution is made available to TSU members and updated regularly.
- (14) To submit proper and complete reports on their portfolios within fourteen (14) days after the end of their term to their successors and to make these available to the TSU.
- (15) To appoint an Election Commissioner(s) for the following Tygerberg Student Representative Council term.

22. Compulsory portfolios

The Tygerberg Student Representative Council must maintain at least the following portfolios:

- (1) The Chairperson –
- (a) is the chief executive officer of the Tygerberg Student Representative Council;
 - (b) is the Chairperson of Executive Committee of the Tygerberg Student Representative Council;

- (c) acts as the spokesperson to the Tygerberg Student Representative Council and is responsible for making statements concerning the viewpoint of the Tygerberg Student Representative Council over any affairs to any individual, including the media;
- (d) is ultimately responsible for the finances of the Tygerberg Student Representative Council alongside the Executive committee**
- (e) ensuring that students are continuously and fully informed of the activities of the Tygerberg Student Representative Council in accordance with section 21 (6);
- (f) obtaining feedback from students in accordance with section 21 (6); and
- (g) ensuring that the advice of Tygerberg Student Parliament reaches the Tygerberg Student Representative Council.
- (h) Serve as coordinator for enquiries from the media as delegated to this person by the TSR Executive Committee

(2) The Vice-Chair-

- (a) is the deputy chief executive officer of the Tygerberg Student Representative Council;
- (b) Is responsible for supporting the Chairperson in all administrative roles and fulfilling any or all the duties of the Chairperson should the Chairperson be incapacitated or unavailable.**
- (c) Is responsible for the internal monitoring and evaluation of the TSR.**
- (d) Is responsible for the internal relations and discipline of the TSR alongside the Executive Committee.**
- (e) Appoints the TSR managers alongside the Executive Committee.**
- (f) is the Manager of Portfolios
- (g) Will fulfil the role of Policy Unit Chairperson if no TSR member or TSR Portfolio Manager makes themselves eligible for this portfolio, this will be allocated to the TSR vice-Chairperson**

(3) The Secretary is at least responsible for –

- (a) maintaining internal communication within the Tygerberg Student Representative Council;
- (b) managing knowledge and institutional memory within the Tygerberg Student Representative Council;
- (c) ensuring that Tygerberg Student Representative Council meetings, and any other meetings or consultations where the Tygerberg Student Representative Council requires record keeping, are properly recorded; and updating, safekeeping and making available records, policies and other documents of the Tygerberg Student Representative Council, subject to the internal rules of the TSR.

(4) The Treasurer

- (a) is the chief financial officer of the Tygerberg Student Representative Council and is at least responsible for ensuring that the financial resources of Tygerberg Student Representative Council are used in a transparent, responsible and sustainable manner.
- (b) Is responsible for formulating policies that ensure the transparent, responsible, and sustainable use of the TSR's financial resources, and ensuring the implementation of such policies after they are approved by the TSR.
- (c) Is responsible for preparing the draft TSR budget for consideration by the TSR Executive Committee.
- (d) Will liaise with the treasurers of Tygerberg ex officio bodies in line with their respective constitutions.
- (e) Is responsible for providing a financial report at the end of their term.

(5) The Policy Unit – Consists of; *→ once per two months!*

- (a) TSR member who is elected as **Policy Officer and thus Chairperson**;
- (b) Chairperson of TSR;
- (c) Vice Chairperson of TSR;
- (d) Additional member elected by the TSR *→ I need to find them*
- (e) Secretary, who may be any Tygerberg student as appointed by the TSR Exec, of the Policy unit who receives remuneration from the TSR

→ Previously, only in December!
→ Drive according to my values!
→ Presenting to OMT!

(6) The Policy Officer is responsible for -

- (a) ensuring that policy of the Tygerberg Student Representative Council and the students is formulated and revised in accordance with section 21 (7);
- (b) assisting the other Tygerberg Student Representative Council members in evaluating and giving input in the formulation of University policy in accordance with section 21 (3); and *→ NB! Will be the go to person.*
- (c) ensuring that this Constitution is-
 - (i) revised and amended in terms of this constitution;

- (ii) marketed, especially in the period before the Tygerberg Student Representative Council elections *→ TSP = Assembly + accountability forum*

(d) Ensuring that a resolution passed by the Student Imbizo to amend this Constitution is considered by the TSR for ratification.

(e) Providing opinions to the TSR on the interpretation of this Constitution and other policies of the University, such opinions are not binding.

(f) The safekeeping of all Tygerberg student-related constitutions.

(g) If no TSR member makes themselves available for this portfolio, this will be allocated to a TSR Portfolio Manager according to section 22 (2) (g).

→ Constitutional Compliance Committee.

23. Fulfilment of duties

- (1) Tygerberg Student Representative Council members must comply with the provisions of this Constitution, policies and regulations of the Tygerberg Student Representative Council.
- (2) If a Tygerberg Student Representative Council member contravenes subsection (1), or if reasonable grounds exist to believe that a member will contravene subsection (1), then –
 - (a) the Student Court can grant an appropriate order on request from any student, and if that order is not complied with, the member concerned can be discharged from office in terms of section 25 (1) (h); and
 - (b) the Evaluation Panel can take it into account in its decision whether or not to decrease the honorarium of the member in terms of section 46.

24. Ex officio members

An ex officio member of the Tygerberg Student Representative Council –

- (1) may, in addition to their *ex officio* position, only accept one portfolio on the Tygerberg Student Representative Council, whether that portfolio is compulsory or not;
- (2) may not accept any portfolios if they serve on the Executive Committee of the Tygerberg Student Representative Council; and
- (3) may not hold the position of Chair, Vice-Chair, Secretary and Treasurer on the Tygerberg Student Representative Council.

25. End of membership of the Tygerberg Student Representative Council

- (a) The membership of a Tygerberg Student Representative Council member comes to an end when
 - (a) the member's term of office expires;
 - (b) the member dies;
 - (c) the member presents a written resignation to the Secretary of the Tygerberg Student Representative Council. This written resignation will become binding after five (5) University days if not withdrawn.
 - (d) The member is required to fulfil the handover process as guided by the Tygerberg Student Representative Council Exec according to article 21 (14).
 - (e) the member ceases to be a member of the student body that they represented *ex officio* on the Tygerberg Student Representative Council.
 - (f) the member ceases to be a registered student;
 - (g) The member is absent without reason from three consecutive TSR meetings.
 - (h) The Student Court finds on application that the member has intentionally or negligently not complied with an order of the Court.
 - (i) The Tygerberg Student Assembly adopts a motion of no confidence in the member and the Tygerberg Student Imbizo accordingly resolves to impeach the member.
 - (i) the Tygerberg Student Representative Council Executive Committee may adopt a motion of no confidence for failure of a TSR member to fulfil their constitutional duties in accordance with the Tygerberg Student Constitution and/or the Tygerberg Student Representative Council's Code of Conduct -
 - (ii) the motion is ratified first by the Tygerberg Student Representative Council through a majority vote
 - (iii) The Tygerberg Student Imbizo adopts a resolution to impeach the member

(j) a member fails their current academic year, and is required to repeat the academic year in the year following their election on to the Tygerberg Student Representative Council.'

(k) the member is sentenced to imprisonment without the option of a fine in the Republic of South Africa or elsewhere; or

(l) the member is sentenced by the Central Disciplinary Committee, the University Council's Disciplinary Committee or the University Council's Disciplinary Appeal Committee to – (i) permanent suspension from the Tygerberg Student Representative Council; or (ii) suspension from the University for a fixed or unfixed time.

(2) If an *ex officio* member of the Tygerberg Student Representative Council ceases to be a member of the Tygerberg Student Representative Council during their term of office, then –

(a) that member loses chairpersonship of the student body they were representing on the Tygerberg Student Representative Council; and

(b) that student body must elect a new Chair, who will take the place of the previous Chairperson on the Tygerberg Student Representative Council and also the vice-chairperson within ten (10) days or subject to their own constitution.

(3) If any other member of the Tygerberg Student Representative Council ceases to be a member of the Tygerberg Student Representative Council during their term of office, then the Tygerberg Student Representative Council must decide whether that member's position is to be filled, and if the Tygerberg Student Representative Council decides that the position is to be filled and –

(a) less than sixty (60) University days have passed between the election of the member in question and the day they ceased to be a member, then the available candidate who received the most votes in the election (in which the out-going Tygerberg Student Representative Council member was elected), but was not elected to the Tygerberg Student Representative Council, must fill the position; or

(b) sixty (60) or more University days have passed between the election of the member in question and the day they ceased to be a member, or there is no available candidate in terms of paragraph (a), the Tygerberg Student Representative Council must call a by-election to fill the position.

Part 3.2 Other duties and powers of the Tygerberg Student Representative Council

26. Reports

(1) Each Tygerberg Student Representative Council member must submit a complete report regarding their representative responsibilities and other activities to the Vice-Chairperson after every academic quarter, not later than one (1) week after the start of the next quarter, and the Secretary must, upon receiving them -

(a) Submit the reports to the Tygerberg Student Imbizo.

(b) Liaise with the Tygerberg Student Imbizo to ensure that TSR members present themselves at an accountability meeting to testify on the reports submitted if required.

(c) make these reports available to all students.

(2) Each Tygerberg Student Representative Council member must present a complete report regarding their representative responsibilities and other activities to their successor within fourteen (14) days after the end of their term of office, and these reports must also be stored centrally and be available to future Tygerberg Student Representative Council members and students on request.

27. Announcement of programme and budget

(1) The newly elected Tygerberg Student Representative Council must, within the first week of the commencement of the new academic year, make a document available to all students which at least –

(a) sets out clearly and in detail how the Tygerberg Student Representative Council aims to fulfil its core functions;

(b) contains a complete budget; and

(c) indicates which portfolios, including the compulsory portfolios, are assigned to which Tygerberg Student Representative Council members or managers.

(2) As soon as this document is made available, the Tygerberg Student Representative Council must make reasonable attempts to make students aware of its availability.

28. Representatives of the Tygerberg Student Representative Council on other bodies

Representatives of the Tygerberg Student Representative Council on other bodies must, as far as possible, state the position of the Tygerberg Student Representative Council at said

bodies and must consult the Tygerberg Student Representative Council on any important decisions to be taken by said bodies.

29. Code of conduct

The Tygerberg Student Representative Council and all bodies as constituted in terms of section 3 (2) – (7) must adopt a code of conduct to lay down the rules of conduct and a disciplinary procedure for its members and make reasonable attempts to make these available to Tygerberg students.

30. Tygerberg Student Representative Council Portfolio managers (TSR Portfolio managers)

- (1) The Tygerberg Student Representative Council may, if required, appoint a minimum of one (1) up to a maximum of five (5) students as TSR Portfolio managers to run portfolios that entail chiefly organizational or administrative functions on behalf of the Tygerberg Student Representative Council.
- (2) Each TSR Portfolio manager must be accountable to the Tygerberg Student Representative Council as a whole. TSR Portfolio managers enjoy access to the same facilities as the Tygerberg Student Representative Council and can appoint their own committees.
- (3) The remuneration of each TSR Portfolio manager must be determined before they are appointed, after which the amount in question can be adjusted downwards by both the Tygerberg Student Representative Council and the Evaluation Panel.
- (4) TSR managers are subject to evaluation by the Evaluation Panel.
- (5) TSR managers do not have the right to vote at and are not compelled to attend Tygerberg Student Representative Council meetings, with the exception that –
 - (a) TSR managers must attend at least one Tygerberg Student Representative Council meeting per month in order to report back to the Tygerberg Student Representative Council regarding their activities; and
 - (b) a TSR Portfolio manager must attend a Tygerberg Student Representative Council meeting if asked to do so through a written request of the Executive Committee of the Tygerberg Student Representative Council.
 - (c) A TSR Portfolio Manager must provide valid reasoning for their absence at the mandatory meeting.

(d) In the event that a TSR Manager misses three (3) consecutive TSR Meetings then they will be held to the same repercussions as TSR Members according to section 25 (1) (g).

31. Task teams

- (1) The Tygerberg Student Representative Council can appoint task teams from among its own members to address *ad hoc* or continuous issues.
 - (a) The TSR must consent to the establishment of a task team through a simple majority vote.
- (2) In addition to Tygerberg Student Representative Council members any student can be appointed to a task team.
- (3) Unless the urgency of the issue demands otherwise, any student must have the opportunity to apply to serve on a task team.
- (4) The Tygerberg Student Representative Council can delegate the authority to finalize an issue to a task team subject to ratification by TSR.

32. Mass meetings

- (1) The Tygerberg Student Representative Council can call mass meetings to consolidate its mandate, as a platform for debate and to ensure accountability.
- (2) All students can attend mass meetings and have voting rights at mass meetings.
- (3) The Tygerberg Student Representative Council must, not less than one (1) week before a mass meeting, give adequate notice of the date, time, place and agenda of the mass meeting to students.
- (4) Students can request a mass meeting by means of a petition that has been signed by at least thirty (30) students, in which case the Tygerberg Student Representative Council must arrange that the mass meeting takes place within two (2) weeks after the petition is filed.

33. Other duties

- (1) The Tygerberg Student Representative Council has the duty to –

- (a) make this Constitution available to students and to make them aware of its availability;
and
- (b) fulfil any other duties required of it by this Constitution
- (c) to engage with Tygerberg Student Parliament in a constructive manner, whilst safeguarding its independence, and to assist it in fulfilling its constitutional mandate
- (d) ensure that Tygerberg Student Representative Council members attend all Tygerberg Student Parliament sessions unless providing valid reasons to the TSR Chairperson to be excused and subject to this request being granted.

(2) TSR members may–

- (a) Appoint portfolio subcommittees.
- (b) Appoint a personal assistant, subject to approval by the Executive Committee.
- (c) Initiate portfolio-specific projects.
- (d) Adjust the spending of their allocated budget, subject to the financial guidelines of the TSR.

Part 3.3 Executive Committee of the Tygerberg Student Representative Council

34. Composition

The Executive Committee of the Tygerberg Student Representative Council consists of –

- (1) the Chairperson of the Tygerberg Student Representative Council;
- (2) the Vice-Chairperson of the Tygerberg Student Representative Council;
- (3) the Treasurer of the Tygerberg Student Representative Council;
- (4) the Secretary of the Tygerberg Student Representative Council; and
- (5) one (1) additional member of the Tygerberg Student Representative Council as elected amongst themselves.

35. Duties and powers

- (1) The Executive Committee –
 - (a) sets the agenda for Tygerberg Student Representative Council meetings;

(b) compiles and amend thereafter, the Tygerberg Student Representative Council budget;

(c) manage the day-to-day issues of the Tygerberg Student Representative Council;

(d) Has the responsibility to make important decisions in urgent cases where it is not practically feasible to convene the Tygerberg Student Representative Council; such decisions may come into effect immediately

(i) The TSR must be immediately notified of decisions in terms of section 35 (1) (d).

(e) decides on the portfolio allocation of the Tygerberg Student Representative Council, excluding the compulsory portfolios;

(f) appoints one (1) or more Tygerberg Election Commissioners(s) in terms of section 105 (7);

(g) fulfils any duties that the Tygerberg Student Representative Council delegates to it;

(h) must fulfil any other functions that this Constitution assigns to it.

(i) Serve as Disciplinary Committee of the TSR and manage internal disciplinary matters of the TSR in terms of its internal Code of Conduct

(2) Decisions taken by the Executive Committee in terms of paragraphs (1) (b), (1) (d), (1) (e), (1) (f) and (i) may be subject to review by the Tygerberg Student Representative Council at a later Tygerberg Student Representative Council meeting.

(3) Any other decisions by the Executive Committee can be set aside by the Tygerberg Student Representative Council at a later Tygerberg Student Representative Council meeting.

36. Meetings and minutes

(1) The Executive Committee meets at least once before every ordinary Tygerberg Student Representative Council meeting but is not obligated to meet during examination and holiday periods.

(2) All decisions of the Executive Committee must be minuted and the minutes of an Executive Committee meeting must be made available to the Tygerberg Student Representative Council five(5) University days after the meeting.

- (3) If at least three (3) members of the TSR put a request in writing to the Chairperson within one (1) University day after the minutes are made available, the following must occur –
- (a) The Chairperson must, within two (2) University days of the submission of the request, convene a special TSR meeting.
 - (b) Where the only item(s) on the agenda will be the issues in question from the minutes of the Executive Committee meeting.
 - (c) A simple majority of the membership of the TSR is required to set aside the decisions of the Executive Committee.
- (4) The Executive Committee may invite any person that is relevant to any number of agenda points to simplify the discussions.

37. Quorum

Three (3) members of the Executive Committee constitute quorum at meetings of the Executive Committee.

Part 3.4 Tygerberg Student Representative Council meetings

38. Frequency

The Tygerberg Student Representative Council usually meets at least twice a month, but is not compelled to meet during official examination and holiday periods.

39. Notice of meetings

Adequate notice of an ordinary Tygerberg Student Representative Council meeting is given to members at least two (2) University days before the meeting and states at least –

- (1) the date, time and place of the meeting; and
- (2) the complete agenda.

40. Quorum

- (1) Eight (8) voting Tygerberg Student Representative Council members constitute quorum at Tygerberg Student Representative Council meetings.
- (2) No decision of the Tygerberg Student Representative Council will be valid if at least eight (8) voting members were not present at the meeting where the decision was taken.

41. Transparency

- (1) An abbreviated agenda, which states at least all the points on the agenda, as well as the date, time and place of the meeting, must be made available to all students at least two (2) University days before each Tygerberg Student Representative Council meeting.
- (2) Any student, or any other person invited by the Tygerberg Student Representative Council, may attend Tygerberg Student Representative Council meetings.
- (3) A person who is not a member of the Tygerberg Student Representative Council may only get an opportunity to speak, the duration of which is determined by the Chair, at a Tygerberg Student Representative Council meeting if –
 - (a) they notify the Secretary, in writing, of their intention to speak at least one (1) University day before the meeting and the chairperson approves the request; or
 - (b) The Chairperson determines that their input will be valuable to the discussion.
- (4) The Chairperson can rule the discussion of a specific point on the agenda in private if they believe it to be in the best interests of students, provided that –
 - (a) The Chairperson must do it during the executive meeting
 - (b) the point must still appear in the agenda and abbreviated agenda;
 - (c) the discussion of the point must still be minuted, while the relevant part of the minutes need only be made available internally to the Tygerberg Student Representative Council; and
 - (d) the Tygerberg Student Representative Council can decide to overturn the decision of the Chairperson by a simple majority, fifty percent plus one (50% +1) of voting members present
- (5) TSR special meetings:

- (a) An abbreviated agenda, which states at least all the points on the agenda, as well as the date, time and, place of the meeting, must be made available to all students at least two (2) hours before the meeting.
- (b) The special meeting allows the TSR to meet, when necessary, to discuss immediate or pertinent issues without delay.
- (c) The TSR executive can rule that the meeting be a closed meeting provided that:
 - (i) It is necessary for the discussion, in the best interest of students, or necessary for the TSR to agree on an issue.
 - (ii) The minutes of the discussion made available to students within five (5) university days.
- (d) If at least three (3) members of the Tygerberg Students Representative Council put a request in writing to the Chairperson within two (2) University days after the minutes are made available, the discussion point is tabled at the next possible ordinary TSR meeting.

42. Minutes

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

43. Seconds for ex officio members

- (1) If ex officio members cannot attend a TSR meeting, they may appoint a member of their committee, in writing as a second to attend the meeting.
 - (a) This must be sent to the Secretary of the TSR no later than one (1) day before the meeting.
 - (i) If section 43 (1) (a) is not possible, the ex officio member must, in writing, send a written apology to the Secretary no later than one (1) day after the meeting.
- (2) Said second may exercise all the rights and powers at the meeting that the person that they represent would have been able to exercise had they been present.

- (3) The right to appoint a second may not be exercised consecutively for more than two (2) Tygerberg Student Representative Council meetings
- (4) Seconds from ex officio members count towards quorum.

44. Proxies for general TSR members.

- (1) Any TSR member who may be absent from a meeting may beforehand appoint a proxy vote.
- (2) The member must inform the Secretary of the TSR, in writing of the proxy vote no later than one (1) day before the meeting.
 - (i) If section 43 (1) (a) is not possible, the ex officio member must, in writing, send a written apology to the Secretary no later than one (1) day after the meeting.
- (3) The right to appoint a proxy vote may not be exercised consecutively for more than two (2) TSR meetings.
- (4) Proxy votes do not count towards quorum.

Part 3.5: Evaluation of Tygerberg Student Representative Council members by the Tygerberg Evaluation Panel

45. Nature and convening of the Evaluation Panel

- (1) The Evaluation Panel is convened by the Director of the Centre for Student Leadership, Experiential Education, and Citizenship or their nominated alternate to evaluate how the TSR members performed their duties and in doing so holds them accountable.
- (2) The Evaluation Panel must convene within two (2) weeks of the end of a TSR term.

46. Composition of the Evaluation Panel

- (1) The Evaluation Panel consists of the following members:

- (a) The Director of the Centre for Student Leadership, Experiential Education, and Citizenship or their nominated alternative will act as the Chairperson of the Evaluation Panel.
 - (b) The Chief Justice of the Student Court or a member of the Court appointed by them.
 - (c) The Tygerberg Student Assembly Speaker
 - (d) The Convenor of the Student Imbizo.
 - (e) Two (2) persons, whether students, University members of staff, or other persons, who are not TSR members, appointed by the TSR, considering their knowledge of the duties of the TSR.
- (2) Additional members may be appointed to the Evaluation Panel if they will make a constructive contribution to the process. The member(s)
- (a) May be either-
 - (i) Students; or
 - (ii) Personnel
 - (b) And may only be appointed by Panel after consultation with the Tygerberg Student Representative Council
 - (c) And will not have voting rights
- (3) The Dean of the Faculty Medicine and Health Sciences may appoint one (1) University member of staff, who has no voting rights on the Panel, to serve on the Panel in an advisory capacity.
- (4) The Vice-Chairperson of the Tygerberg Student Representative Council or the member delegated as per section 44 must arrange the first meeting of this panel

47. Duties and powers of the Evaluation Panel

- (1) The Evaluation Panel can decide to –
 - (a) withhold up to 20% of the customary honorarium of a Tygerberg Student Representative Council member if that member's annual report is, in the opinion of the Panel, not adequate and complete; and

- (b) withhold up to 40% of the customary honorarium of a Tygerberg Student Representative Council member if the Panel is of the opinion that that member did not perform their duties properly and competently.

(2) The Panel can conduct a short interview with each Tygerberg Student Representative Council member about the performance of their duties and/or the performance of the other TSR members

- (3) The Panel can conduct interviews or obtain written representations of any person they deem relevant to be able to properly evaluate a Tygerberg Student Representative Council member or office-bearer
- (4) When making a decision in terms of paragraph (1) (b), the Panel must also take the following into account:
- (a) the provisions of this Constitution;
 - (b) the code of conduct and other regulations of the Tygerberg Student Representative Council;
 - (c) any representations that any person may direct in writing to the Chairperson of the Panel;
 - (d) the reports of Tygerberg Student Representative Council members, copies of which must be supplied to the Panel no later than five University days before the first sitting to evaluate these reports or an earlier date as determined by the TSR Executive Committee; and
 - (e) the principles of natural justice

48. Review

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

49. Procedure

The Panel determines its own procedure which must be drawn up amidst consultation with Tygerberg Student Representative Council, Tygerberg Student Parliament Committee and Student Affairs, These procedures must be drawn up after the election of the Panel

Chairperson yet before their first meeting to evaluate the members of the Tygerberg Student Representative Council.

50. Notice and reasons

The Panel must inform a member of the Tygerberg Student Representative Council as soon as possible of its decision and, in writing, the reasons for that decision if it has been decided to withhold any portion of the member's honorarium.

51. Timeframe

The Panel is constituted annually to perform its duties and powers between 1 September and 31 October of the year concerned

CHAPTER 4: TYGERBERG STUDENT PARLIAMENT

Part 4.1: General

52. Nature of Tygerberg Student Parliament

- (1) Tygerberg Student Parliament is an independent quarterly forum for all students and serves as a public feedback and consultation mechanism for interaction between the TSR, Tygerberg Academic Affairs Council, Tygerberg Societies Council, Tygerberg Prim Committee and Tygerberg Post-graduate Student Council and students and, where applicable, Faculty and University management.
- (2) Tygerberg Student Parliament serves to ensure that the TSR, Tygerberg Academic Affairs Council, Tygerberg Societies Council, Tygerberg Prim Committee and Tygerberg Post-graduate Student Council fulfil their constitutional mandate and act in an accountable and transparent manner.
- (3) Tygerberg Student Parliament facilitates cooperation in student leadership at the FMHS and focuses on policy revision and creation as it pertains to student leadership.
- (4) Tygerberg Student Parliament is the forum at which amendments to this Constitution are discussed and approved.
- (5) Tygerberg Student Parliament is bicameral, consisting of the Tygerberg Students' Assembly, and the Tygerberg Student Imbizo.

Part 4.2: The Tygerberg Student Assembly

53. The Tygerberg Student Assembly

(1) Establishment

- (a) The Tygerberg Students' Assembly is established as an independent body, subject only to this Constitution and the institutional rules applicable to its functions.
- (b) The Tygerberg Students' Assembly serves as a discussion forum for student issues between student leaders and other students and can take the form of public feedback or consultation.

54. Responsibilities of the Tygerberg Student Assembly

The Tygerberg Student Assembly must-

- (1) Promote the values of the University and promote cooperative governance amongst student structures.
- (2) Participate in the legislative process as outlined in this Constitution.
- (3) Monitor, lobby, educate and advise on issues related to the adherence to the provisions of this Constitution.
- (4) Facilitate discussions on matters of importance to the Tygerberg Student Body.

55. Jurisdiction of the Tygerberg Student Assembly

The jurisdiction of the Tygerberg Student Assembly's powers is limited to the structures established by this Constitution.

56. Functions and Powers of the Tygerberg Student Assembly

The Tygerberg Student Assembly has the power, as regulated by this Constitution and the rules of the Tygerberg Students Assembly to-

- (1) Amend this Constitution through the processes outlined in this constitution.
- (2) Summon any member of the structures established by this Constitution to appear before it to explain any of their actions, activities, or lack thereof in person at a sitting of the Tygerberg Students Assembly.
- (3) Receive petitions, representations, or submissions from any person or Student structure.
- (4) Make any binding resolutions that unless otherwise provided for in this Constitution, do bind the TSR, Tygerberg Academic Affairs Council, Tygerberg Societies Council, Tygerberg Prim Committee and Tygerberg Post-graduate Student Council if it is passed with an 80% majority and a minimum of 30 votes cast.
- (5) Request one or more TSR members to explain any of their actions, activities, or lack thereof in person at a sitting of the Tygerberg Student Assembly.

- (6) Institute a motion of no confidence in one or more TSR members, subject to review by the Tygerberg Student Imbizo which shall determine whether to impeach said TSR member(s) within 7 days of the motion being passed.
- (7) Determine a list of broad priorities after the incoming TSR is elected, which the TSR must adhere to in compiling their budget and planning their activities.
- (8) Hold extraordinary meetings.
- (9) Appoint task teams to discuss and investigate specific matters and to report back and make recommendations to the Tygerberg Student Assembly.
- (10) Adopt any other measures to ensure that it fulfils its mandate effectively.
- (11) To recommend policy changes to the bodies constituted by this constitution who must present a report to the Tygerberg Student Assembly if the recommendations are not implemented, and reasons thereof.
- (12) The powers described in section 56 (11) are subject to the Tygerberg Student Assembly establishing and adopting rules which –
 - (a) Set out the procedures to be followed in exercising these powers.
 - (b) Is to be approved by the Student Court before it comes into force.

57. Membership of the Tygerberg Student Assembly

- (1) The Tygerberg Student Assembly consists of –
 - (a) All TSR members.
 - (b) One (1) member of the Tygerberg Academic Affairs Council.
 - (c) One (1) member of the Tygerberg Prim Committee.
 - (d) One (1) member of the Tygerberg Societies Council.
 - (e) One (1) Members of the Tygerberg Post-graduate Council
 - (f) One (1) House Committee member from each house.
 - (g) One (1) Cluster Convenor
 - (h) One (1) member of society committees appointed by the Tygerberg Societies Council.
 - (i) All students who attend a sitting of the Tygerberg Student Assembly.
- (2) A list of the members described in section 57 (1) (a) to (j) must be submitted to the Tygerberg Student Assembly Speaker one (1) week after the commencement of the Tygerberg Student Assembly Committee's term by the relevant ex officio structures.
- (3) The Tygerberg Student Assembly must take reasonable steps to ensure the members described in section 57 (1) (a) to (j) attend sittings of the Tygerberg Student Assembly.

- (4) No person can fill more than ones eat at any time.
- (5) If a member of the Tygerberg Student Assembly can no longer fulfil their duties, the Tygerberg Student Assembly Committee must ensure the vacancy is filled.

58. Speaker of the Tygerberg Student Assembly

A Speaker is elected annually by the Tygerberg Student Assembly, and their duties include –

- (1) Ensuring that plenary sessions take place.
- (2) Ensuring that an agenda is compiled and is made available to all students at least one (1) week before a plenary session takes place.
- (3) Ensuring that the minutes of plenary sessions are made available no later than two (2) weeks after each meeting.
- (4) To preside over meetings of Tygerberg Student Assembly impartially and in such a manner as to promote orderly and democratic debate.
- (5) To act as a Chairperson of the Tygerberg Student Assembly Committee.
- (6) Be part of the Stellenbosch Student Assembly.

59. Tygerberg Student Assembly Committee

- (1) The Tygerberg Student Assembly Committee consists of the Speaker, and a minimum of four (4) other members elected or appointed according to a procedure laid out by the Tygerberg Student Assembly.
- (2) The Convener of the Tygerberg Student Imbizo must be an ex-officio member.
- (3) The Tygerberg Student Assembly Committee is responsible for ensuring that the Tygerberg Student Assembly fulfils its mandate, which includes taking reasonable steps to ensure participation by compulsory members and students.

60. Constitutions, rules, and regulations

- (1) The Tygerberg Student Assembly may adopt any constitutions, rules, or regulations to organise its activities.

(2) Such constitutions, rules, or regulations are subject to approval by the Student Court, and can be referred back to the Tygerberg Student Assembly by the Court on the grounds of

–

- (a) Procedural unfairness.
- (b) Incompatibility with Tygerberg Student Parliament’s constitutional mandate or the constitutional framework of student leadership within the University.

Part 4.3: The Tygerberg Student Imbizo

61. The Tygerberg Student Imbizo

(1) Establishment

- (a) The Tygerberg Student Imbizo is established as an independent body, subject only to this Constitution and the institutional rules applicable to its functions.
- (b) The Tygerberg Student Imbizo must be impartial and must exercise its powers and perform its responsibilities without fear, favour, or prejudice.
- (c) All the structures established by this Constitution must; through legislation and other measures; assist and protect the Tygerberg Student Imbizo to ensure its independence, impartiality, dignity, and effectiveness.

62. Responsibilities of the Tygerberg Student Imbizo

The Tygerberg Student Imbizo must –

- (1) Promote the values of the University and promote cooperative governance amongst student structures.
- (2) Participate in the legislative process as outlined in this Constitution.
- (3) Monitor, lobby, educate and advise on issues related to the adherence to the provisions of this Constitution.
- (4) Monitor and assess the observance of University rules and guidelines and adherence to this Constitution.
- (5) Meet at least once a month.

63. Jurisdiction of the Tygerberg Student Imbizo

The Student Imbizo–

- (1) Has a limited jurisdiction to the Structures established by this Constitution.
- (2) May not investigate Student Court decisions.
- (3) May only investigate conduct related to the performance or the lack thereof, of the duties of Student leaders of the Structures established by this Constitution.
- (4) May only discuss and make resolutions on conduct related to the performance or the lack thereof, of the duties of Student leaders or structures established by this Constitution.

64. Functions and Powers of the Tygerberg Student Imbizo

- (1) Unless otherwise provided for in this Constitution, remedial action of the Tygerberg Student Imbizo binds the TSR, Tygerberg Academic Affairs Council, Tygerberg Societies Council, Tygerberg Prim Committee and Tygerberg Post-graduate Student Council, subject to the following –
 - (a) There must have been an investigation into alleged misconduct, incompetence, and/or negligence.
 - (b) The remedial action must relate to misconduct, incompetence, and/or negligence.
 - (c) The remedial action must be agreed upon by 75% of the Tygerberg Student Imbizo.
- (2) To summon any Tygerberg student to appear before it to explain any of their actions, activities, or lack thereof in person at a meeting of the Tygerberg Student Imbizo. Students subject to this power are limited to –
 - (a) Members of the structures established by this Constitution.
 - (b) Any student performing a public function including all committees and forums where students are represented by students.
 - (c) Any student holding an office that confers positional authority or representation.
- (3) To investigate any conduct relating to the performance of the functions of positional Student leader(s), that is alleged or suspected to be improper or result in any impropriety or prejudice and report on that conduct.
- (4) To investigate any conduct by positional Student leaders that are alleged or suspected to be a breach of the relevant internal policies, these rules, or the Tygerberg Student Constitution and report on that conduct.

- (5) To act as a mediator or arbitrator within or between the structures established by this Constitution if the relevant parties agree. An arbitration award will be binding on the parties.
- (6) Review motions of no Confidence in a TSR member(s) and determine whether or not to remove that member(s) from office.
- (7) To impeach members of the TSR, Tygerberg Academic Affairs Council, Tygerberg Societies Council, Tygerberg Prim Committee and Tygerberg Post-graduate Student Council, on the grounds that they are not fulfilling their constitutional obligations, subject to review by the Student Court.
- (8) To hold regular public accountability hearings at which members of the TSR, Tygerberg Academic Affairs Council, Tygerberg Societies Council, Tygerberg Prim Committee and Tygerberg Post-graduate Student Council present reports and give evidence on the performance of their structures.
- (9) Receive and consider all proposed amendments to the Tygerberg Student Constitution and submit them to the Tygerberg Student Assembly for adoption within seven (7) days after receiving it.
- (10) Adopt any other measures to ensure that it fulfils its mandate effectively.
- (11) The powers described above are subject to the Tygerberg Student Imbizo establishing and adopting rules which –
 - (a) Set out the procedures to be followed in exercising these powers.
 - (b) Is to be approved by the Student Court before it comes into force.

65. Membership of the Tygerberg Student Imbizo

- (1) The Tygerberg Student Imbizo consists of delegates, appointed at their own discretion from the following Structures –
 - (a) One (1) student appointed by the TSR.
 - (b) One (1) student appointed by the Tygerberg Academic Affairs Council.
 - (c) One (1) student appointed by the Tygerberg Prim Committee.
 - (d) One (1) student appointed by the Tygerberg Societies Council.
 - (e) One (1) student appointed by the Tygerberg Post-graduate Student Council.
 - (f) One (1) student appointed by the Tygerberg Students' Assembly.
- (2) The following members will be special delegates of the Tygerberg Student Imbizo and all their powers are subject to their attendance –
 - (a) One (1) student from house committees, appointed by the Tygerberg Prim Committee but are not part of the Tygerberg Prim Committee.

- (b) One (1) students from Tygerberg societies executive committees appointed by the Tygerberg Societies Council but are not part of the Tygerberg Societies Council.
- (3) No person can fill more than one seat at any time.
- (4) If a member of the Tygerberg Student Imbizo can no longer fulfil their duties, the Tygerberg Student Imbizo Committee must ensure the vacancy is filled.

66. The Convenor of the Tygerberg Student Imbizo

A Convenor is elected annually by the Tygerberg Student Imbizo, and their duties include –

- (1) Ensuring that Tygerberg Student Imbizo meetings take place.
- (2) Ensuring that an agenda is compiled and is made available to all Tygerberg Student Imbizo delegates at least one week before a Tygerberg Student Imbizo meeting takes place.
- (3) Ensuring that the minutes of the Tygerberg Student Imbizo meetings are made available no later than two (2) weeks after each meeting.
- (4) Presiding over meetings of the Tygerberg Student Imbizo impartially and in such a manner as to promote orderly and democratic debate.
- (5) Acting as Chairperson of the Tygerberg Student Imbizo Committee.
- (6) Being ex-officio of the Tygerberg Student Assembly Executive Committee.

67. Tygerberg Student Imbizo Committee

- (1) The Tygerberg Student Imbizo Committee consists of the Convenor, and a minimum of two (2) other members appointed by the Convenor from the delegates of the Tygerberg Student Imbizo, according to a procedure laid out by the rules of the Tygerberg Student Imbizo.
- (2) A deputy Speaker of the Tygerberg Student Assembly must serve as an ex-officio member.
- (3) The Tygerberg Student Imbizo Committee is responsible for ensuring that the Tygerberg Student Imbizo fulfils its mandate, which includes taking reasonable steps to ensure participation by delegates.

68. Constitutions, rules, and regulations

- (1) The Tygerberg Student Imbizo may adopt any constitutions, rules, or regulations to organise its activities.
- (2) Such constitutions, rules, or regulations are subject to approval by the Student Court, and can be referred back to the Tygerberg Student Imbizo by the Court on the grounds of –
 - (a) Procedural unfairness.
 - (b) Incompatibility with Tygerberg Student Parliament’s constitutional mandate or the constitutional framework of student leadership within the University.

CHAPTER 5: THE STUDENT COURT

69. Nature and functioning of the Student Court

(1) The Student Court –

- (a) functions as an administrative tribunal; and
- (b) is independent and subject only to this Constitution, which the Court must apply impartially and without fear, favour or prejudice.

(2) All student bodies must contribute to ensuring the independence, impartiality, dignity and accessibility of the Student Court.

70. Nomination and appointment of members of the Student Court

(1) The Chief Justice must request nominations for the members of the Student Court from all students and law lecturers three weeks prior to the end of the third academic term.

(2) The opening of nominations must be advertised clearly to all eligible students, whether by means of electronic communication or otherwise.

(3) Nominations must be open for at least seven (7) days.

(4) Members of the Student Court are appointed by a committee appointed by the Dean of the Law Faculty. The Appointment Committee must consist of:

- (a) The Dean of the Law Faculty or their appointed designate.
- (b) The incumbent Chief Justice provided they are not nominated again.
- (c) Two (2) members of the Faculty Board of the Law Faculty.
- (d) Two (2) students designated by the SRC.

(5) The Chief Justice must submit the nominations to the Dean of the Law Faculty before the beginning of the fourth academic term.

71. Composition and membership

(1) The Student Court consists of five (5) LLB or LLB graduates, provided that –

- (a) a minimum of one (1) to a maximum of two (2) LLB students in their penultimate year (in the calendar year following their appointment) serve on the Court;
- (b) a minimum of two (2) to a maximum of four (4) LLB students in their final year (in the calendar year following their appointment) serve on the Court; and
- (c) and a maximum of one (1) LLB graduate who is currently a student at Stellenbosch University

(2) No member of the Court may be a positional student leader, subject to positions permitted by this constitution.

(3) The membership of the Student Court member terminates when –

- (a) The member's term of office expires.
- (b) The member dies.
- (c) The member presents a written resignation to the Chief Justice of the Student Court and the Dean of the Law Faculty.
- (d) The member ceases to be a registered student at the University.
- (e) The member is removed in terms of section 78 of the Student Constitution.

72. Removal

(1) A member may be impeached by the Tygerberg Student Imbizo by a resolution supported by two-thirds of its members, should they –

- (a) Contravene a rule or code set out in the Disciplinary Code of Stellenbosch University.
- (b) Fail to perform their duties as a member of the Student Court on more than two (2) occasions and are unable to provide a valid excuse for such failure.

(2) An impeachment in terms of section 80 (1) only comes into effect after it has been approved by the Dean of the Law Faculty.

73. Appointment of a new member

- (1) Should a member's membership terminate before the end of their term, the Chief Justice must request nominations for a replacement within five (5) university days after receiving the resignation.
- (2) The nominations must be open for at least seven (7) days to at most ten (10) days.
- (3) The Chief Justice must submit the nominations to the Dean of the Law Faculty –
 - (a) Who will present it to the Appointment Committee within seven (7) days after receiving it.
- (4) The Appointment Committee must appoint a new member within seven (7) days after being convened.
- (5) Should the Chief Justice resign, the Dean of the Law Faculty will appoint an interim Chief Justice until a new Chief Justice is elected.
- (6) The interim Chief Justice will open nominations for a new member and the procedure in terms of section 70 (1) – (4) shall apply.
- (7) The Chief Justice is elected within ten (10) days after the appointment of the new member of the Student Court at a meeting that is convened by the interim Chief Justice.

74. Student Court Committee

- (1) The Student Court Committee is elected by members of the Student Court from amongst themselves and consists of –
 - (a) The Chief Justice of the Student Court.
 - (b) The Deputy Chief Justice of the Student Court.
 - (c) The Secretary of the Student Court.
 - (d) Two (2) additional members, subject to portfolios outlined in their Code of Conduct.
- (2) The Student Court Committee must be elected within ten (10) university days after the appointment of the members of the Student Court at a meeting that is convened by the former Chief Justice of the Student Court.
- (3) The Student Court Committee must adopt a code of conduct within ten (10) university days after the appointment of the Chief Justice.
 - (a) Which must prescribe the powers, duties, functions, and privileges of members of the Student Court.

75. Term of office

The term of office of the Student Court commences upon appointment by the Appointment Committee and terminates when Appointment Committee appoints the new members, subject to section 73.

76. Current Student Court Roll

- (1) Should there be outstanding judgements or cases, the outgoing Student Court must finalise these outstanding judgments or cases before leaving office; or
- (2) The Student Court rules must provide contingency plans for cases still pending during the transition of Student Court.

77. Responsibilities

In addition to resolving disputes falling within their jurisdiction, Student Court also has the responsibility to:

- (1) Subject to the Student Constitution, approve constitutions, rules, regulations, and amendments.
 - (a) Constitutions, rules, regulations, and amendments must be reviewed by the Court within one (1) month after receiving the documents.
- (2) Provide training as prescribed by the Student Constitution.

78. Jurisdiction of the Student Court

The Student Court has the power to –

- (1) give an interpretation, or to confirm the interpretation of a party before the Court, regarding –
 - (a) this Constitution; or

- (b) any empowering provision in terms of which a student body or a member of a student body exercises power;
- (2) decide on the constitutionality of any action or omission of a student body or a member thereof;
- (3) review any decision of a student body or a member thereof whereby the rights or legitimate expectations of a student or group of students are materially and adversely affected;
- (4) make a final decision regarding any matter where the parties consent to the jurisdiction of the Court; and
- (5) decide on all other matters which this Constitution places under the jurisdiction of the Student Court.

79. Remedies

The Student Court can –

- (1) grant an interdict or any other interim relief if material injustice would otherwise result;
- (2) grant a declaratory order;
- (3) set aside any decision or action that is inconsistent with this Constitution, or a constitution, policy, regulation or any empowering provision of a student body, in so far as it is inconsistent with it, provided that in case of setting aside –
 - (a) the retroactive effect of the order must be limited as far as possible; and
 - (b) the order can be suspended for a fixed time or on any conditions so as to allow the person or body in question to rectify the fault; or
- (4) grant any order, including a combination of the abovementioned remedies, that is fair and equitable.

80. Applications to and standing before the Student Court

- (1) All students and student bodies can bring cases before the Student Court, and only students and student bodies can bring cases, unless –
 - (a) this Constitution gives standing to another person or body; or
 - (b) all the parties before the Court consent to giving another person or body standing.
- (2) The procedure according to which cases are brought before the Court is set out in the rules of the Student Court.

81. Procedure of the Student Court

- (1) The Student Court determines its own procedure, with due consideration of –
 - (a) the rules of natural justice; and
 - (b) the need for the Student Court to be accessible.
- (2) The Student Court must, after consultation with the Student Representative Council and subject to approval by the Appeal Court, adopt rules that set out its procedure, which must at least provide that –
 - (a) after the Court receives an application, the Chairperson of the Court must ensure that any person who may have a material interest in the proceedings is notified;
 - (b) the time when and the place where an application will be heard must be advertised timeously in the Ou Hoofgebou and at the Student Representative Council office, as well as electronically.
- (3) The rules contemplated in subsection (2), and the identity and contact details of the Chairperson of the Student Court, must be readily available electronically and in hard copy to all students.

82. Representation at the Student Court

- (1) Any party before the Student Court may appear before the Court with or without representation.
- (2) Only students may act as representatives before the Student Court.

83. Decisions of the Student Court

- (1) All decisions of the Student Court are binding.
- (2) The Court must provide, in writing, reasons for its decisions, which must be signed by all the members of the Court
- (3) Where a minority of members of the Court do not concur with the majority, the minority must provide reasons for why their deviation.
- (4) All decisions of the Student Court must be made available to all students as soon as possible after they have been handed down, both –
 - (a) electronically; and
 - (b) in hard copy at –
 - (i) the Student Representative Council office; and
 - (ii) the Secretary of the Dean of the Law Faculty.

- (5) The Chairperson of the Student Court must ensure that all decisions of the Student Court are stored both in hard copy at the Student Representative Council office and on an electronic database, and that all students can readily access the previous decisions of the Student Court.

CHAPTER 6: THE APPEAL COURT

84. Composition of the Appeal Court

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

85. Jurisdiction of the Appeal Court

(1) The Appeal Court

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

86. Lodging appeals or applications for review at the Appeal Court

- (1) An appeal or an application for review at the Appeal Court is lodged at the Dean of the Faculty of Law, who will appoint an Appeal Court.
- (2) The appeal must be lodged within thirty (30) days after the decision against which is being appealed was taken, unless this Constitution provides otherwise.

87. Procedure of the Appeal Court

The procedure of the Appeal Court is the same as that of the Student Court, with the necessary adjustment.

CHAPTER 7

THE TYGERBERG ACADEMIC AFFAIRS COUNCIL

88. Composition

- (1) (TAAC) consists of a Chairperson, a Vice-Chairperson, six (6) Student Programme Coordinators, two (2) Administrative Ex-officio members, three (3) Class Representative ex-officio members and one (1) Student Representative from each undergraduate class in the Faculty of Medicine and Health Sciences (FMHS), Stellenbosch University and any additional members that are provided for in the Tygerberg Academic Affairs Council constitution.
- (2) Members of the Tygerberg Academic Affairs Council are elected in the way prescribed in the constitution of the Tygerberg Academic Affairs Council and the election of the Chairperson and Vice Chairperson is run by the Election Commissioner(s) in accordance with section 109.
- (3) The chairperson of the TAAC will serve in an ex-officio basis on the Tygerberg Student Representative Council and Academic Affairs Council. The Vice-Chairperson will serve in an ex-officio basis on the Academic Affairs Council.

89. Functioning and Duties of Tygerberg Academic Affairs Council Members

(1) Chairperson

- (a) The Chairperson is elected annually before or during the period of the TSR elections from the existing ranks of the TAAC at a meeting facilitated by the Tygerberg election Commissioner(s). The outgoing Chairperson shall remain Chairperson of the TAAC up until the expiry of their term of office as TSR member for academic affairs,
- (b) A candidate may only stand for the position of TAAC chairperson if they fulfil the following criteria: for medical students, they must be in third-year or higher in the year in which elections are held; for allied health sciences students, they must be in second-year or higher in the year in which the elections are held.
- (c) The Tygerberg Election Commissioner(s) is responsible for a nomination procedure within two (2) weeks of the election cycle starting. Voting will take place by way of a secret ballot. Should circumstances necessitate, this deadline can be extended through a simple majority vote of the outgoing TAAC Council.

- (d) The procedure for the election of the Chairperson is outlined in the TAAC Constitution.
- (e) The TAAC and other obligations of the Chairperson of the TAAC are set out in the Student Constitution. In terms of aforementioned constitution, the Chairperson of the TAAC cannot be compelled to accept any other portfolios or responsibilities outside of the scope of academic affairs in the TSR, unless such practice is deemed fair and just by both the TAAC and TSR chairpersons.

(2) Vice-Chairperson

- (a) The Vice-Chairperson is elected annually before or during the period of the TSR elections from the existing ranks of the TAAC at a meeting facilitated by the Tygerberg election Commissioner(s).
- (b) A candidate may only stand for the position of TAAC Vice-Chairperson if they fulfil the following criteria: for medical students, they must be in third-year or higher in the year in which elections are held; for allied health sciences students, they must be in second-year or higher in the year in which the elections are held.
- (c) The Tygerberg Election Commissioner(s) is responsible for a nomination procedure within two (2) weeks of the election cycle starting. Voting will take place by way of a secret ballot. Should circumstances necessitate, this deadline can be extended through a simple majority vote of the outgoing TAAC Council.
- (d) The procedure for the election of the Vice-Chairperson is outlined in the TAAC Constitution.
- (e) The Vice-Chairperson of the TAAC may act as a second for the Chairperson of the TAAC, where appropriate.

(3) Class Representatives

- (a) The class representatives' responsibilities do not include matters that fall outside of an academic nature.
- (b) Matters that are not of an academic nature and as such are not within the class representative's permitted boundaries of responsibility include, but are not limited to: matters involving residences: including but not limited to placement in residences, social issues in residences, conflicts in residences; matters involving conflict and/or social justice issues on campus; matters involving the physical and/or mental health and/or wellbeing of students.

(c) In the event the physical and/or mental health of a student influences their academic performance, the class representative is required to provide assistance in the form of referral to the necessary university structures, namely the counselling services and Assessments office, for assistance with academic leave of absence.

(d) The class representative is required to refer the students in the class to the relevant individuals who are responsible for the above-mentioned matters, including but not limited to: the residence heads, House Committee members, TSR Council, campus psychologists respectively, where necessary and applicable.

(4) Duties performed by student programme coordinators, class representatives and ex-officio members are outlined in the TAAC Constitution.

90. Duties and powers

(1) The Tygerberg Academic Affairs Council represents the academic interests of students at the Tygerberg Student Representative Council, the Faculty management and where appropriate University Management.

(2) The TAAC has the powers necessary for the performance of its duties as outlined in the TAAC Constitution

91. Constitutional mandate

(1) The TAAC has a constitutional mandate to actively promote the rights of students contained in chapter 2 of this Constitution, and specifically the right, under section 8 (2), to quality education, academic support, and transparent and justifiable assessment procedures.

(2) The TAAC facilitates the discussion and addressing of academic and other matters of communal interest that fall within the sphere of academia at the Faculty of Medicine and Health Sciences of Stellenbosch University.

(3) The TAAC empowers its members to -

(a) represent and further the academic interests of all students

(b) inform students effectively.

(c) advise the TSR through the Tygerberg Academic Affairs Council chairperson.

(4) The TAAC ensures the organised and fair election of class representatives, student programme coordinators and ex-officio members on an annual basis.

- (5) The TAAC commits itself to effective communication with all students in order to make them aware particularly of those rights that they have that are applicable to academia in order to ensure just and fair conduct towards all students.

92. Constitutions, rules and regulations

- (1) The Tygerberg Academic Affairs Council may, upon approval by the Tygerberg Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organize its activities.
- (2) The Tygerberg Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the Tygerberg Academic Affairs Council on the grounds of –
- (a) procedural unfairness; or
 - (b) incompatibility with the Tygerberg Academic Affairs Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Tygerberg Academic Affairs Council may appeal to the Student Court against a refusal by the Tygerberg Student Representative Council under section 92 (2).
- (4) The Tygerberg Academic Affairs Council may appeal to the Appeal Court against a refusal by the Student Court under section 92 (3).

CHAPTER 8: THE TYGERBERG PRIM COMMITTEE

93. Composition of the Tygerberg Prim Committee

- (1) The Tygerberg Prim Committee consists of a Chairperson, Secretary, and the Prims of the all the houses.
- (2) The election of the Prim Committee Chairperson is run by the Tygerberg Election Commissioner(s) according to section 109.
- (3) The Chairperson of the Tygerberg Prim Committee will serve in an ex officio basis on the Tygerberg Student Representative Council
- (4) The members of the Tygerberg Prim Committee also serve on the Stellenbosch University Prim Committee with all residences in Stellenbosch campus, with the Tygerberg Prim Committee Chairperson as a member of the Stellenbosch Prim Committee's Executive committee.

94. Duties and powers

- (1) The Tygerberg Prim Committee represents the interests of the residents of residences and members of private student organisations (PSOs), in that capacity, at the Tygerberg Student Representative Council, Student Communities management, Faculty Management and the University management.
- (2) The Tygerberg Prim Committee is an autonomous student representational structure and has the powers necessary for the performance of its duties for as long as it is in the best interest of the houses.
- (3) The Tygerberg Prim Committee is required to meet biweekly with alternating weeks being reserved for meeting of the Stellenbosch Prim Committee on main campus.

95. Constitutional mandate

- (1) The Tygerberg Prim Committee has a constitutional mandate to actively promote the rights of students contained in chapter 2 of this constitution, and specifically the right, under section 8 (1), to an enabling campus environment in which student success and academic excellence are encouraged and pursued.
- (2) Serve as a forum of house committee leaders that strives to protect and further the interests of all students, by advising the TSR through the Tygerberg Prim Committee chairperson

96. Constitutions, rules and regulations

- (1) The Tygerberg Prim Committee may, upon approval by the Tygerberg Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities.
- (2) The Tygerberg Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the Tygerberg Prim Committee on the grounds of –
 - (a) Procedural unfairness; or
 - (b) incompatibility with the Tygerberg Prim Committee's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Tygerberg Prim Committee may appeal to the Student Court against a refusal by the Tygerberg Student Representative Council under section 96 (2).
- (4) The Tygerberg Prim Committee may appeal to the Appeal Court against a refusal by the Student Court under section 96 (3).

CHAPTER 9: THE TYGERBERG SOCIETIES COUNCIL

97. Composition of the Tygerberg Societies Council

- (1) The Tygerberg Societies Council consists of:
 - (a) a Chair, its Executive Committee
 - (b) the Chair, or their representative, of each of the societies recognized in terms of the constitution of the Tygerberg Societies Council,
 - (c) as well as any other members that are provided for in the constitution of the Tygerberg Societies Council.
- (2) The election of the Tygerberg Societies Council Chairperson and Executive Committee is run by the Tygerberg Election Commissioner(s) according to section 109.
- (3) The Chairperson of the Tygerberg Societies Council will serve in an ex officio basis on the Tygerberg Student Representative Council

98. Duties and powers

- (1) The Tygerberg Societies Council represents the interests of all recognized student societies and that of the members of all recognized student societies of the Faculty of Medicine and Health Sciences, in that capacity, at the Tygerberg Student Representative Council and the University management.
- (2) The Tygerberg Societies Council is an autonomous student representational structure and has the powers necessary for the performance of its duties as outlined in the Tygerberg Societies Council Constitution

99. Constitutional mandate

(1) The Tygerberg Societies Council has a constitutional mandate to:

- (a) serve as a forum of student leaders and actively protect and promote the rights of students contained in chapter 2 of this constitution, and specifically the right to freedom of religion, belief and opinion under section 9 and the right to freedom of association under section 12.
- (b) Serve as a forum of Tygerberg societies leaders that strives to protect and further the interests of all students, by advising the University management and the TSR through the Tygerberg Societies Council chairperson.

100. Constitutions, rules and regulations

(1) The Tygerberg Societies Council constitution is binding on all Tygerberg societies constitutions.

(2) The Tygerberg Societies Council may, upon approval by the Tygerberg Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organize its activities.

(3) The Tygerberg Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the Tygerberg Societies Council on the grounds of –

- (a) procedural unfairness; or
- (b) incompatibility with the Tygerberg Societies Council's constitutional mandate or the constitutional framework of student leadership at the University.

(4) The Tygerberg Societies may appeal to the Student Court against a refusal by the Tygerberg Student Representative Council under section 100 (2).

(5) The Tygerberg Societies Council may appeal to the Appeal Court against a refusal by the Student Court under section 100 (3).

CHAPTER 10: THE TYGERBERG POSTGRADUATE STUDENT COUNCIL

101. Composition of the Tygerberg Postgraduate Student Council

(1) The TPSC consists of the following members:

- (a) A minimum of Nine (9) members elected by the students in terms of the provisions of Chapter 4 of Tygerberg Postgraduate Student Council Constitution
- (b) as well as any other members that are provided for in the constitution of the Tygerberg Postgraduate Student Council.

(2) The election of the TPSC Chairperson and Vice-Chairperson is run by the Tygerberg Election Commissioner(s) according to section 109.

(3) The Chairperson of the Tygerberg Postgraduate Student Council will serve in an ex officio basis on the Tygerberg Student Representative Council.

102. Duties and powers

(1) The Tygerberg Postgraduate Student Council is a policy-making and representative student body at the FMHS representing registered postgraduate students.

(2) The Tygerberg Postgraduates Student Council is an autonomous student representational structure and has the powers necessary for the performance of its duties as outlined in the Tygerberg Postgraduate Student Council Constitution duties as outlined in the TPSC constitution

103. Constitutional mandate

- (1) The Tygerberg Postgraduate Student Council has a constitutional mandate to actively promote the rights of students contained in chapter 2 of this constitution, and specifically the right, under section 8 (1), to an enabling campus environment in which student success and academic excellence are encouraged and pursued.
- (2) Serve as a forum of Tygerberg Postgraduate leaders that strives to protect and further the interests of students, by advising the University management and the TSR through the Tygerberg Postgraduates Student Council chairperson.

104. Constitutions, rules and regulations

- (1) The Tygerberg Postgraduates Student Council constitution is binding on all Tygerberg Postgraduate constitutions.
- (2) The Tygerberg Postgraduate Student Council may, upon approval by the Tygerberg Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities.
- (3) The Tygerberg Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the TPSC on the grounds of –
 - (a) procedural unfairness; or
 - (b) incompatibility with the Tygerberg Postgraduate Student Council’s constitutional mandate or the constitutional framework of student leadership at the University.
- (4) The Tygerberg Postgraduate Student Council may appeal to the Student Court against a refusal by the Tygerberg Student Representative Council under section 104 (3)
- (5) The Tygerberg Postgraduates Student Council may appeal to the Appeal Court against a refusal by the Student Court under section 104 (4).

CHAPTER 11: ELECTIONS

105. Tygerberg Student Representative Council general election

- (1) The nine (9) Tygerberg Student Representative Council members referred to in section 19 (1) are elected once every calendar year in a free and fair general election in which all students may vote, with due observance of the provisions of Schedule 2.
- (2) Each student may cast their vote only once in a particular election and each student's vote carries the same weight.
- (3) The Tygerberg Student Representative Council election, the voting thereof, must –
 - (a) take place during the third academic quarter;
 - (b) may be held over, but not exceeding, a maximum of two (2) week.
- (4) The election of the representatives of the Tygerberg Academic Affairs Council, Tygerberg Prim Committee, Tygerberg Postgraduates Student Council, and Tygerberg Societies Council on the TSR must precede the TSR elections.
- (5) The Tygerberg Electoral Commission must ensure that those elections are free, fair, and credible.
- (6) The Executive Committee of the TSR must appoint Tygerberg Electoral Commissioners in terms of section 35 (1) (f).
- (7) The Executive Committee of the Tygerberg Student Representative Council must –
 - (a) advertise the position(s) of Tygerberg Election Commissioner(s) for at least two (2) weeks on Tygerberg campus;
 - (b) appoint, every year before the end of March, one or more independent, autonomous, neutral and competent Tygerberg Election Commissioner(s), who is or was at no time a member of the Tygerberg Student Representative Council in office at the time, to run the election;

(c) determine the election dates in consultation with the Tygerberg Election Commissioner(s), and, where necessary, other stakeholders, before the end of May every year, with due consideration of subsection (3).

(8) The format of the election, who qualifies to run for the Tygerberg Student Representative Council, the duties and powers of the Tygerberg Election Commissioner(s), the election complaints procedure and the announcement of results are determined in Schedule 2 to this Constitution, and this section must be implemented in accordance with Schedule 2.

106. Election of the Tygerberg Student Representative Council Chairperson

(1) After the validity of the election results is confirmed in terms of Schedule 2, the Tygerberg Election Commissioner(s) convene the first meeting of the newly elected Tygerberg Student Representative Council.

(2) The newly elected Tygerberg Student Representative Council, including the *ex officio* members, elect a new Tygerberg Student Representative Council Chairperson by means of a positive vote under the chairpersonship of (one [1] of) the Tygerberg Election Commissioner(s).

(3) Any member of the newly elected Tygerberg Student Representative Council, excluding the *ex-officio* members, may make themselves available for election to the position of Student Representative Council Chairperson and Vice-Chair.

(4) The Chairperson of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.

(5) If only two candidates remaining, and there is a tie after the fourth round of voting, the election of the Chairperson shall be decided by the Tygerberg Student Imbizo at a special meeting of the Tygerberg Student Imbizo Chaired by the Chief Justice of the Student Court.

107. Election of the rest of the Tygerberg Student Representative Council Executive Committee

(1) After the election of the newly elected Tygerberg Student Representative Council Chair, under the chairpersonship of the Tygerberg Student Representative Council Chair, the

newly elected members elect the other members of the Executive Committee by means of a positive vote.

(2) Any newly elected member of the Tygerberg Student Representative Council may make themselves available for election for any of the remaining positions on the Executive Committee.

(3) Should the newly elected Tygerberg Student Representative Council so choose, the Executive Committee may also be elected during a later Tygerberg Student Representative Council meeting, on condition that the Executive Committee is elected not more than one (1) month after the Tygerberg Student Representative Election results are announced.

(4) The Chairperson of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.

108. Election of the Policy Officer and representatives of the Tygerberg Student Representative Council on statutory bodies of the University

(1) The election of the Policy Officer and representatives of the Tygerberg Student Representative Council on the various University committees must take place –

- (a) at a Tygerberg Student Representative Council meeting;
- (b) not later than one (1) month after the results of the Tygerberg Student Representative Council election are announced;
- (c) under the chairpersonship of the newly elected Tygerberg Student Representative Council Chair; and
- (d) by means of a positive vote.

(2) Any member of the newly elected Tygerberg Student Representative Council, including members of the Executive Committee can make themselves available for one or more of these positions.

(3) The Chairperson must allow candidates reasonable time to address the meeting and answer questions before voting begins.

(4) If the Chairperson should to make themselves available for any of the University Committees, during the vote for said committee another member must assume the position of Chair. Following the vote for said committee they would resume the position of Chairperson.

109. Election of the Chairs of the Tygerberg Academic Affairs Council, the Tygerberg Societies Council, the Chairperson of the Tygerberg Prim Committee and the Chairperson of the Tygerberg Postgraduate Student Council

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

110. Student Leadership elections

The Electoral Commission must manage the elections of the TSR and must monitor, audit, and investigate any complaint(s) related to the elections of the Tygerberg Academic Affairs Council, Tygerberg Prim Committee, Tygerberg Postgraduate Student Council, Tygerberg Societies Council, Societies and House Committees

CHAPTER 12: TYGERBERG ELECTORAL COMMISSION

Part 14.1: Tygerberg Electoral Commission

111. Duties and powers of the Tygerberg Electoral Commission

- (1) The Tygerberg Electoral Commission has all the duties and powers that this Constitution ascribes to them.
- (2) The Electoral Commission must ensure that every student who votes does so only once in a particular election and that each student who makes reasonable attempts will be able to vote if it is practically feasible.
- (3) The Tygerberg Electoral Commission may in addition to the Electoral Act, write additional rules to ensure the proper conduct during elections.

112. Appointment and duties of The Tygerberg Electoral Commission

- (1) The Tygerberg Electoral Commission must appoint at least five (5) persons every year before the end of the second academic term as Assistants of the Tygerberg Electoral Commission after this position has been advertised for at least two (2) weeks on Tygerberg Campus.
- (2) The Tygerberg Electoral Commission Assistants, in cooperation with and under the supervision of the Tygerberg Electoral Commissioners, must ensure that all student leadership elections run smoothly.

113. Interaction with the Electoral Commission for Stellenbosch Campus

- (1) The Electoral Commission for Stellenbosch campus must ratify the appointed Commissioner(s) for Tygerberg before they will have all the powers that this Constitution ascribed to them.

- (2) The Commissioner for the Tygerberg campus, in cooperation with and under the supervision of the Electoral Commission for Stellenbosch campus, must ensure that the SRC election runs smoothly on the Tygerberg campus.

114. Term of office

The term of office of the Tygerberg Electoral Commission extends from the time of appointment until the report as in section 116 is submitted to all the parties concerned, but ends no later than the end of the fourth term of the year in which the elections concerned take place.

115. Independence

- (1) The Tygerberg Electoral Commission is an independent body that is not under the authority of any student organisation or University management.
- (2) The Tygerberg Electoral Commission must perform their duties impartially and without prejudice.
- (3) Neither the Tygerberg Electoral Commission or any of the Tygerberg Electoral Commission Assistants may run for election in the year of their appointment, even if they stop acting in these positions or are replaced before the election takes place.

116. Report

The Tygerberg Electoral Commission does not receive their remuneration unless they have submitted a complete report on their activities to the Chairperson of the TSR, the Chairperson of the newly elected TSR, the Convenor of the Tygerberg Student Imbizo, and the Speaker of the Tygerberg Student Assembly before the end of the fourth term of the year in which the elections concerned take place.

117. Remuneration

- (1) The Tygerberg Electoral Commission and Tygerberg Electoral Commission Assistants are remunerated in accordance with the guidelines available at the Division of Student Affairs.

- (2) The Student Court may upon application decrease the remuneration of the Tygerberg Electoral Commission with an amount that is fair and reasonable in the circumstance if they have materially neglected one or more of their duties as described by this Constitution.

118. Election Committees of other Structures

- (1) The governing structures of the Tygerberg Academic Affairs Council, Tygerberg Prim Committee, Tygerberg Postgraduate Student Council, Tygerberg Societies Council, Societies, and House Committees must appoint Election Committees/Commissioner(s) to conduct their Elections, and allow the Tygerberg Electoral Commission full access to monitor, audit, and receive & investigate complaints relating to the election process concerned.
- (a) The Election Committee(s)/Commissioner(s) of these structures shall manage and facilitate the election of their respective structure.
- (b) The Electoral Commission will perform an oversight role in this process and may only intervene in an election process when –
- (i) Consequential irregularities have been noted with the Election process.
 - (ii) There is prima facie evidence of electoral misconduct.
 - (iii) When a complaint alleges electoral fraud.
 - (iv) When the respective Election Committee(s)/Commissioner(s) fail to comply with election regulations.

119. Student Leadership elections

The Tygerberg Electoral Commission must manage the elections of the TSR and must monitor, audit, and investigate any complaint(s) related to the elections of the Tygerberg Academic Affairs Council, Tygerberg Prim Committee, Tygerberg Postgraduate Council, Societies Council, Societies and House Committees.

120. Complaints procedure for all elections

- (1) A complaint about the campaign of a specific candidate must be lodged with the Tygerberg Electoral Commission, who must properly investigate the complaint and must announce their decisions within twenty-four (24) hours after the complaint was lodged.
- (2) Any complaint relating to any student leadership election, including any aspect that may jeopardise the freedom or fairness of the election, and any decision or failure to make a decision by a Tygerberg Electoral Commissioner or respective Election Committee(s)/Commissioner(s), must be lodged with the Tygerberg Electoral Commission.
- (3) Any unresolved complaint under section 120 (2) about the running of any student leadership election and any decision or failure to make a decision by the Tygerberg Electoral Commission or respective Election Committee(s)/Commissioner(s), must be lodged with the Student Court –
 - (a) Within a reasonable time.
 - (b) Before the fifth (5th) University day (inclusive) after the announcement of the results.
 - (c) In accordance with the rules of the Student Court.
- (4) If a complaint is lodged with the Student Court, the Court –
 - (a) Must handle the complaint with the necessary speed if harm will otherwise result.
 - (b) Must consider the complaint against the principles of a free and fair TSR election that promotes representativity and participation.
 - (c) May follow an investigate approach – which may include the recounting or revaluation of ballots – if it appears to be necessary in the specific case.
 - (d) May grant any remedy that is fair and equitable in the circumstances and will ensure the freeness and fairness of the election, which may include –
 - (i) Setting aside a decision by the Election Commissioner(s).
 - (ii) The invalidation of the results regarding a specific candidate.
 - (iii) The invalidation or allowance of ballots.
 - (iv) The invalidation of the entire election.
- (5) An appeal against the decision of the Student Court in terms of this item must be lodged within two (2) University days after the decision was announced with the Appeal Court, otherwise, the ruling of the Student Court will be final.

121. Validity of the election results

The validity of the full election results is confirmed if –

- (1) No complaint about the validity of the election is lodged with the Tygerberg Electoral Commission or the Student Court within three (3) University days after the Tygerberg Electoral Commission has announced the election results.

→ Spend some time on this.

CHAPTER 13: COMMENCEMENT, REPEAL AND AMENDMENT

122. Commencement and repeal

(1) CHAPTER 5 and sections relating to Tygerberg Student Parliament come into effect once the Student Court approves the constitution, rules, and/or regulations for both the Tygerberg Student Assembly and Tygerberg Student Imbizo as contemplated in section 60 and section 68, respectively.

(a) The incumbent Tygerberg Student Parliament committee is responsible for developing the constitutions, rules, and/or regulations for both the Tygerberg Student Assembly and the Tygerberg Student Imbizo.

(b) The incumbent Tygerberg Student Parliament committee must take reasonable steps to ensure that the constitutions, rules, and/or regulations for both the Tygerberg Student Assembly and the Tygerberg Student Imbizo are developed and submitted to the Student Court for approval by the 1st of September 2021.

(i) In case the process is handed over, the new team must submit the constitutions, rules and/or regulations to Student Court before three (3) months have lapsed after the commencement of their term.

(c) If the constitutions, rules, and/or regulations are not submitted to Student Court for approval by 1st September 2021 the TSR Policy Officer and/or the TSR must establish a task team that will assume the responsibility of developing the constitutions, rules, and/or regulations of the Tygerberg Student Assembly and the Tygerberg Student Imbizo.

(d) Once the Student Court approves the constitutions, rules, and/or regulations of the Tygerberg Student Assembly and Tygerberg Student Imbizo –

(i) The first sitting of the Tygerberg Student Assembly must take place at a time and a date determined by the Chief Justice of the Student Court, but not more than 14 days after the approval of the constitution, rules, and/or regulations.

(ii) At the first sitting of the Students' Assembly, the Chief Justice of the Student Court must preside over the elections of the Speaker of Tygerberg Student Assembly and the Convenor of the Tygerberg Student Imbizo.

- (iii) The Chief Justice of the Student Court must request nominations for the Speaker of the Tygerberg Student Assembly and the Convenor of the Tygerberg Student Imbizo at least five (5) days prior to the first sitting.
- (2) The remaining provisions of this Constitution come into effect on 1st of July 2021 or a week after approval of the Student Constitution by Stellenbosch University Council, whichever comes last, and thereby repeal all previous Tygerberg student constitutions.
- (3) No part of the Constitution will have effect retroactively.

Part 15.1 Legislative Process

123. Amending the Student Constitution

- (1) This Constitution may be amended by a resolution passed by –
 - (a) The Tygerberg Student Imbizo with a supporting vote of at least 60% of its members; and
 - (b) The Tygerberg Student Assembly with a supporting vote of at least 80% of the vote, with a quorum of at least 30 votes.
- (2) Any Tygerberg student may submit a petition to the Tygerberg Student Imbizo proposing an amendment to the Tygerberg Student Constitution.
 - (a) The petition must be submitted to the Convenor of the Tygerberg Student Imbizo, who must table the petition at the next Tygerberg Student Imbizo meeting as a resolution for consideration.
 - (b) The Tygerberg Student Imbizo must within seven (7) days of the resolution being tabled –
 - (i) Pass the resolution; or
 - (ii) Pass the resolution subject to amendments proposed by it; or
 - (iii) Reject the resolution.
 - (c) If the Tygerberg Student Imbizo passes the resolution, the Convenor of the Tygerberg Student Imbizo must submit it to the Speaker of the Tygerberg Student Assembly within seven (7) days.
 - (d) When a resolution amending the Constitution is introduced, the Speaker of the Tygerberg Student Assembly must –

- (i) Publish all the particulars of the proposed amendments and call for public comment on the resolution within seven (7) days of receiving the resolution.
 - (ii) Call a Tygerberg Student Assembly sitting within seven (7) days of publishing the particulars of the resolution for public comment.
 - (iii) Submit, in accordance with the rules and orders of the Tygerberg Student Assembly, any written comments received from the Tygerberg student body and members of the Tygerberg Student Imbizo for a public debate in a Tygerberg Student Assembly sitting.
- (e) The resolution for the amendment of the Tygerberg Student Constitution must be put to a vote in the first Tygerberg Student Assembly sitting after the public debate contemplated in s122 (2) (d) (iii) which must –
- (i) Pass the resolution with a supporting vote of at least 80% of the vote, with a quorum of at least 30 votes; or
 - (ii) Reject the resolution; or
 - (iii) Refer the resolution back to the Student Imbizo for reconsideration.
- (f) If a resolution is referred back to the Tygerberg Student Imbizo, then –
- (i) The Speaker of the Tygerberg Student Assembly must send back the resolution with all the particulars of the resolution collected from the Tygerberg student body and the debate.
 - (ii) The Tygerberg Student Imbizo must reconsider the resolution considering the amendments suggested by the Tygerberg Student Assembly and may –
 - i Pass the resolution with amendments and resubmit it to the Tygerberg Student Assembly for reconsideration; or
 - ii Decide not to proceed with the resolution.
- (g) If the resolution is passed by the Tygerberg Students' Assembly, then –
- (i) The Speaker of the Tygerberg Student Assembly must submit the resolution to the Chairperson of the TSR, within two (2) days of the resolution being passed.
 - (ii) The Chairperson of the TSR must call for a special meeting for the TSR to assent to the resolution, within five (5) days of receiving the resolution.
- (h) The resolution must be introduced to the TSR as a motion to assent to a resolution to amend the Tygerberg Student Constitution, the TSR may –
- (i) Pass the resolution with a supporting vote of eight (8) TSR members; or
 - (ii) Refer the resolution to the Student Court for a decision on the constitutionality of the amendment process.

- (i) If the Student Court finds that the amendment process is constitutional the TSR must assent to the resolution.

124. Publication of amended Tygerberg Student Constitution

- (1) An amendment to the Tygerberg Student Constitution that has been assented by the TSR must be published promptly and takes effect when published or on the date determined in terms of the constitution.
- (2) An updated copy of the Tygerberg Student Constitution must be entrusted to the Policy Officer of the TSR for safekeeping.

125. Revision of the Tygerberg Student Constitution

- (1) The Tygerberg Student Imbizo must every three (3) years establish a task team that will
 - (a) Evaluate the relevance of the Tygerberg Student Constitution as it stands.
 - (b) Advise the Tygerberg Student Imbizo on whether amending the Tygerberg Student Constitution is necessary.

SCHEDULE 1: ELECTORAL ACT

Part S1: Values and Standards

This Electoral Act aims to promote the following values and standards for student leadership structure elections:

(1) Ensuring an election process which:

- (a) Allows maximum accessibility to information regarding candidates and the election process.
- (b) Allows maximum participation and engagement from the Tygerberg student body.
- (c) Is democratic, non-discriminatory, and inclusive.
- (d) Is free and fair.
- (e) Is relevant and transparent.
- (f) Promotes the interests of the structure and/or campus.
- (g) Stimulates quality debate and dialogue with candidates.

Part S2: Rights

The following rights apply to the entire student body, including all candidates of student leadership structures.

(2) All students have the right to:

- (a) Cast their vote independently and in secret for candidates.
- (b) Legally conduct election campaigns.
- (c) Distribute the election and campaign materials designed authorised by the relevant election authority.
- (d) Freedom of language.
- (e) Freedom of speech
- (f) Hold public meetings.
- (g) Put up the posters designed and provided by the relevant election authority.
- (h) Recruit support from voters.
- (i) Use social media platforms to advertise their campaign.

Part S3: Infringements

(3) All persons bound by this Electoral Act must, during the election period, must:

- (a) Comply with any instructions from the Electoral Commission and implement any just decisions of the Electoral Commission.
- (b) Avoid language or any kind of action that could lead to violence or intimidation.
- (c) Refrain from action or practices that discriminate unfairly or are aimed at humiliating someone on the grounds of race, gender, sexual orientation, ethnicity, class, or religion with respect to the election.
- (d) Do nothing that would impede the right of anyone to gain reasonable access to voters for the sake of recruiting support.
- (e) Refrain from unlawfully removing or damaging or destroying any voting material or electoral material in any way.
- (f) Refrain from removing, damaging, or destroying any candidate's campaign material.
- (g) Spend no money on any marketing.
 - (i) As a candidate cannot use their own money, this includes Facebook, Instagram, Twitter sponsored pages, any sponsorship cannot be utilised.
- (h) Refrain from any attempt at misusing power or resorting to privileges or influence or using any form of coercion intended to persuade someone to vote for any candidate.
- (i) Refrain from making misrepresentations about themselves in any election material.
- (j) Refrain from making, publishing, or repeating any racist, sexist, homophobic, false, libellous, or any other allegations of this sort that would infringe on a person's human dignity with respect to the election.
- (k) Refrain from offering any form of enticement or remuneration to any person for the purpose of such person's vote or non-vote in the election.
- (l) Refrain from voting in a way in which they know they are not entitled to vote.
- (m) Refrain from doing anything that violates the privacy of the students or the right to a secret vote.

(4) Responsibilities for candidates

- (a) Even though a candidate has the freedom to post their posters, as given by the Electoral Commission, wherever they want to post them, the following is the candidates' responsibility:
 - (i) Ensuring that where they post their posters does not violate any rules of the platform where they post their posters.

- (ii) Violation of this rule will result in disciplinary action being taken.

Part S4: Social media and posters

(5) Posters

- (a) The Electoral Commission or the relevant election authority is responsible for the photography, design, and distribution of all marketing posters.

(6) Social media

- (a) Maximum usage of social media platforms like Facebook, Instagram, and Twitter are encouraged.

- (i) Please note that there still needs to be stringent adherence to the rules above and it will be strictly enforced.

(7) Additional rules

- (a) Only social media platforms may be used for additional marketing.
 - (i) This implies that no candidate is allowed to use mass communication (SMS, email, or any similar media) for marketing purposes.
 - (ii) Such methods mentioned in s1 (3) (a) (i) are in contravention of the Stellenbosch University Electronic Communications Policy paragraph 2.2.1.
- (b) A candidate is allowed to communicate with a closed group of friends electronically or otherwise but must then include a statement explicitly prohibiting the resending of that message as mass communication.
- (c) A candidate can upload pictures of themselves campaigning on their campaign social media platform. This includes videos of the candidate campaigning.

Part S5: Enforcement

- (8) Any infringement of these rules will render the perpetrator liable for an investigation by the Electoral Commission and if found guilty, will be disqualified.
 - (a) A candidate will be held liable for any mass communication that violates this act if such means were to endorse them or to help them with their campaign unless they can prove that they had nothing to do with such violation.

SCHEDULE 2: TYGERBERG STUDENT REPRESENTATIVE COUNCIL GENERAL ELECTION

Part S1 Nominations and criteria for candidature

1. Nomination period

- (1) The nomination period must last for a of minimum of two (2) weeks and a maximum of six (6) weeks unless extended in accordance with item 2. Which must end on the last Friday of July.
- (2) All voting and nomination dates must occur before those of the election of the Stellenbosch Student Representative Council.
- (3) If the Tygerberg Electoral Commission is of the opinion that it would be in the interest of representivity and participation, they may decide to postpone the last day for nominations for a period of one (1) week.

2. Procedure where too few nominations are received

If, by the last day for nominations, the number of suitable nominations received is equal to or less than the number of members to be elected to the Tygerberg Student Representative Council at that election, then –

- (1) the Tygerberg Electoral Commission must re-open nominations for a period of one (1) week; and
- (2) should the number of nominations still be equal to or less than the number of available positions after the re-opening of nominations contemplated in paragraph (1), the Tygerberg Electoral Commission must declare the following students to be duly elected Tygerberg Student Representative Council members:
 - (a) the nominated candidates; and
 - (b) as many additional members as the newly elected candidates wish to appoint, limited to the number of available positions.

3. Prescribed nomination form and availability of nomination form

The prescribed nomination forms must be available at the Tygerberg Student Representative Council office and electronically for the duration of the nomination period. The Tygerberg Electoral Commission must prescribe nomination forms that contain at least the following information:

- (1) the criteria according to which academic selection takes place and the right to appeal against the academic selection, as well as the place where such an appeal can be lodged;
- (2) the rules on the placement of, distribution of and other restrictions regarding campaign material; and
- (3) the time and place of the first meeting of the candidates.

4. Completion of nomination forms

The Tygerberg Electoral Commission must reject the nomination of a candidate if it does not contain at least the following:

- (1) the full name of the candidate;
- (2) the signature of the candidate;
- (3) the signature of the nominator;
- (4) the signatures of at least ten (10) students who second the nomination;
- (5) a typed manifesto of no more than 300 words;
- (6) a list of the candidate's relevant experience; and
- (7) the candidate's University student number

5. Academic requirements for candidature in the Tygerberg Student Representative Council election

(1) The academic requirements for candidature in the Tygerberg Student Representative Council election exist to prevent situations where a member of the Tygerberg Student Representative Council resigns during their term of office for academic reasons and to protect their academic performance

- (2) In order to qualify on academic grounds a candidate must in the year of TSR election comply with the minimum requirements;

- (a) for each semester module a minimum mark of 50%; and
- (b) for each year module a minimum class mark of 55%

- (3) If a candidate is at risk of non-compliance with the readmission requirements of the University, they will not be granted candidature in the Tygerberg Student Representative Council election.
- (4) A candidate's official academic record can be accessed in order to determine whether the requirements under sub item (2) and (3) have been met.

6. Academic disqualifications

- (1) Candidates who do not comply with the academic requirements stipulated in item 5 may are not eligible for election to the Tygerberg Student Representative Council either generally or through ex-officio bodies.
- (2) On application to any student leadership position, candidates, by default, grant the Election Commissioner(s) permission to access their academic record for the purposes of item 5 (3).
- (3) The Tygerberg Election Commissioner(s) must obtain the academic record of the candidates from the Registrar's office on Tygerberg Campus, and submit any cases where the candidate does not appear to comply with the provisions of item 5 to the committee contemplated in sub item (3).
- (4) The decision to reject the candidature of a candidate on academic grounds must be taken by a committee consisting of:
- (a) The Head of Centre for Student Leadership, Experiential, Education and Citizenship or a delegate
 - (b) the outgoing Chairperson of the Tygerberg Student Representative Council;
 - (c) (one [1] of) the Tygerberg Election Commissioner(s);
 - (d) the Dean of the candidate's faculty or their second; and
 - (e) one (1) additional member of the Tygerberg Election Commission, as delegated by the Tygerberg Election Commission.
 - (f) The Convenor of the Student Imbizo.
- (5) The committee contemplated in sub item (4) must make its decision based on the criteria in item 5, but can also take the following factors into account in making its decision:

- (a) the existence of special reasons, such as illness, injury, disability, et cetera, for the candidate's poor academic performance;
- (b) whether the candidate changed to a different programme and performed well in the new programme;
- (c) whether the candidate's results over the past three (3) years indicate a rising trend. (In other words, whether the candidate performed better and failed fewer modules, or did not fail any module in the past three (3) semesters.); and
- (d) whether the candidate followed a programme (for example B in Speech –Language and Hearing Therapy) in which failing a module meant that various other modules could not be followed or where failing a module necessitated that the year of study be repeated (for example MB.ChB).

7. Other grounds for disqualification of candidates

Apart from compliance with items 5 and 6, the Tygerberg Election Commissioner(s) must also reject the nomination of a candidate if the candidate –

- (1) has not been a student for at least two (2) semesters;
- (2) has been sentenced to imprisonment in the Republic of South Africa or elsewhere for any misdemeanour without the option of paying a fine; or
- (3) has been found guilty of any offence by the Central Disciplinary Committee or the Disciplinary Appeal Committee of the University after an unsuccessful appeal.

Part S2 Format and marketing of the election

8. Format of the election

The Tygerberg Student Representative Council election takes place as follows:

- (1) Votes are cast electronically or by paper ballot.
- (2) If it is practically feasible, will promote representivity and participation, and does not impact negatively on the freeness or fairness of the election, the Tygerberg Election Commissioner(s) may decide that –
 - (a) the voting will take place in a combination of ways; and

- (b) certain ways of voting are only available to certain categories of students.

9. Electronic Voting

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

10. Notice and marketing of the election

(1) The Tygerberg Election Commissioner(s) must inform all students by means of electronic marketing, posters and in any other way, of the following aspects of the election:

- (a) the period for which nominations are open and where the nomination forms are available;
- (b) the voting day(s);
- (c) the way(s) in which votes will be cast, including (if applicable) where polling stations will be located and the times when polling stations will open and close;
- (d) the date, time and place of the caucus(es);
- (e) the names, manifestos and experience of candidates;
- (f) the document containing the rules and procedures (determined by the Tygerberg Election Commissioner(s)) regarding the nomination forms and campaigning;
- (g) any other material decisions that the Tygerberg Election Commissioner(s) makes about any aspect of the election; and
- (h) the manner in which a complaint can be lodged before, during or after the election about the Tygerberg Election Commissioner(s), a specific election campaign or any other aspect of the election.

(2) The information required by sub item (1) must also be made available electronically, on a single website, to all students before the start of the election.

11. Campaigns

(1) Candidates may campaign in any way that does not violate the law; University rules, this Constitution, Tygerberg Student Representative Council regulations or such rules as may be laid down by the Tygerberg Election Commissioner(s).

- (2) The Tygerberg Election Commissioner(s) must ensure that candidates must not spend any money on their campaigns and must lay down procedures and rules for the enforcement of that limitation.
- (3) If a candidate or the helpers or supporters of a candidate act in violation of sub item (1) or (2), the Tygerberg Election Commissioner(s) may instruct said candidate to remove or destroy election material, or to abandon the activities in question, or, where the conduct constitutes a misdemeanour or is seriously detrimental to another candidate(s), declare the candidature of said candidate invalid.

12. Presentation Meetings

- (1) The Tygerberg Election Commissioner(s) must organize at least two (2) presentation meetings during which candidates have the opportunity to present themselves to students and students may ask the candidates questions.
- (2) A Tygerberg Election Commissioner or their appointee acts as Chairperson of a presentation meeting.
- (3) The conduct of students at a presentation meeting must comply with the code of conduct for presentation meetings, which may be attached as an addendum to this Constitution.
- (4) If the Chairperson of a presentation meeting is of the opinion that a person at the meeting is violating the code of conduct or is asking questions that are irrelevant or that violate a candidate's rights, the Chairperson may –
 - (a) rule a question out of order;
 - (b) interrupt a question and instruct the questioner to be silent; or instruct such a person to leave the room.
- (5) The duration of a presentation meeting is determined at the discretion of the chair, who may end the meeting at any time, provided that all candidates have had fair and reasonable opportunity to state their manifestos and answer questions.

Part S3 Results and complaints

13. Results of the Election

- (1) All votes must be counted by the Tygerberg Election Commissioner(s) and the Election Committee as soon as possible after the last opportunity for voting.
- (2) Ballots may not be destroyed before the validity of the election has been confirmed.

(3) The Tygerberg Election Commissioner(s) may institute rules regarding and give a decision on the validity of ballots, provided that they comply with the principle of a free and fair election.

(4) The full results of the election must be announced in public as soon as possible after all the votes have been counted and the full written results must be published electronically and sent to all the candidates.

14. Role of the Head of Centre for Student Leadership, Experiential, Education and Citizenship

(1) The Head of CSLEEC or their alternative has the status of an observer during the Tygerberg Student Representative Council election.

(2) The Head of CSLEEC or their alternative has this status without any prejudice to the independence or autonomy of the Tygerberg Election Commissioner(s).

(3) For the purposes of this item, the Head of CSLEEC or their alternative has standing before the Student Court and can bring complaints as described in section 120.

(4) Such a complaint is lodged, but the Student Court decides that the election results, or an election result as amended by the Court, are valid and no appeal has been lodged within two (2) University days after the decision.

(5) Such an appeal was lodged, but the Appeal Court decides that the election results, or an election result as amended by the Appeal Court, are valid.

SCHEDULE 3: TSR HONORARY PRESIDENT

1. Criteria for candidates

Candidates, who may be current or past employees of the Faculty of Medicine and Health Sciences ie The Dean, Deputy Dean, staff members or exceptional past student must meet with all the following requirements

- (1) must have made a demonstrable contribution to the Tygerberg student body;
- (2) must have a proven and continual commitment to student success;
- (3) must have a proven and continual commitment to student leadership development

2. Election

- (1) The Honorary President is elected by members of the TSR;
- (2) A simple majority vote of fifty percent plus one (50%+1) vote of the voting TSR members is required to be elected;
- (3) This takes place within the first two ordinary TSR meeting;
- (4) Positive voting takes place
 - (a) Where more than two candidates are eligible for election:
 - (i) Have positive voting and calculate the votes
 - (ii) Only the top two candidates will remain as candidates in a final round of voting
 - (iii) A simple majority vote of fifty percent plus one (50%+1) vote remains in effect
 - (b) If there is only one candidate:
 - (i) Two thirds of the votes of the voting members of the TSR present is required to elect said candidate
- (5) If the term of office should be interrupted for any reason, including but not limited to section seven
 - (a) of this schedule, a new election must take place within a reasonable time period as determined by the TSR Executive Committee

3. Quorum

This is defined as eight (8) voting members of the TSR

4. Duties and powers of the Honorary President of the TSR

(1) The honorary President of the TSR –

- (a) will act as the Chief Patron of the TSR;
- (b) will give advice on request from the TSR;
- (c) is president of all Honours Award committees
- (d) The person serves as a link between the TSR and the teaching and administrative staff of the faculty and university;
- (e) May represent the TSR in any matter as delegated to them by the TSR;**
- (f) May attend any meeting of the TSR and any of its committees, including the Executive Committee

(2) The ceremonial duties of the Honorary President;

- (a) will be determined by each TSR at the beginning of their term;
- (b) these may include but are not limited to-
 - (i) Attending the annual Academic Student day with the TSR;
 - (ii) Attending the annual Tygerberg Honours Award evening;

5. Appointment and duties

Notwithstanding any specific duty, as contained in section 31 the TSR reserves the right to amend the duties and responsibilities of the Honorary President subject to-

(1) Their core duties as set out in section 4 may not be amended

(2) Any additional duties as determined by a previous TSR may be ended or continued as the TSR sees fit

(3) The chief liaison with the Honorary President will be the TSR chairperson

6. Term of office

The Honorary President of the TSR will serve for a term no longer than three years. they may be re- appointed at the end of their term but may not serve for more than 2 consecutive terms.

7. End of office

The membership of the Honorary President comes to an end when –

(1) the Honorary President's term of office expires;

(2) they die;

(3) they present a written resignation to the TSR Chairperson of the Tygerberg Student Representative Council;

(4) If the Tygerberg Student Representative Council adopts a motion of no-confidence in the Honorary President with valid reasons

(5) they are sentenced to imprisonment without the option of a fine in the Republic of South Africa or elsewhere