



Student Parliament

Accountability, Transparency and Consultative Governance

UNIVERSITEIT iYUNIVESITHI STELLENBOSCH UNIVERSITY

POLICY REPORT OF STELLENBOSCH UNIVERSITY'S

STUDENT PARLIAMENT COMMITTEE

2019 / 2020

INTRODUCTION

The Student Parliament Constitution was drafted in 2013 and approved by Student Court on 08 October 2014. To the knowledge of Student Parliament, this remains the last date that any alterations have been made to adapt this constitution. Since its commencement, the role of Student Parliament has since developed, and it was brought to the attention of the institution that more structure and consistency is needed to efficiently fulfil its mandate. The issue exists primarily because the necessary definitions which inform the structures to function efficiently do not exist and it is commonly found in the Student Parliament Constitution that mention of a particular committee or team is referred to and no satisfactory definition is given. Readers are therefore often tasked with a deriving purpose for the committee from the context in which reference to these committees is made.

While issues like those stated above are under consideration by the student Parliament Committee, we have decided to focus our attention on updating the substantive provisions in our constitution that have been affected by the newly revised Student Constitution. We realise that since we only have a term left to develop the constitution so that it reflects the objects of the Student Constitution we should allocate

this time to ensure that we comply with the amendment process as in chapter 3 of the Student Parliament Constitution and tackle the smaller above identified issues at a later stage because these are recommendations that can be fulfilled by our successes while the particular provision of the Student Constitution that alters the mandate of Student Parliament will come into operation by the first week of the 4th term.

This report will therefore shed light the amendment process of a Student Parliament Constitution and some reference will be made to other policy related issues experienced by the committee. The current goal of Student Parliament remains to alter the substantive provisions of the constitution to the extent that the Student Constitution empowers Parliament. It is worth mentioning that Student Parliament it is not directly subject to this constitution but that the two documents must complement one another.

THE REVISION OF THE STUDENT CONSTITUTION

The introduction of the 2018 revised version of the Student Constitution has altered the scope of the mandate of Student Parliament. While the previous mandate of student parliament was to ensure that the SRC remains transparent and accountable it's scope has been increased to include the Prim Committee, the Senior Prim Committee, the Societies Council and the Academic Affairs Council.

The powers conferred upon Student Parliament have also been increased and now Student Parliament has been given legislative powers and, in some instances, the decisions of Student Parliament be binding. Provision has to be made in the Student Parliament Constitution for these changes.

Major changes include:

The role of Student Parliament:

Changing S7 of the SPC which lists the major functions and powers of Student Parliament. This however is a fundamental provision and can therefore only be amended in a referendum as held in S54(a):

S54(a) The provisions as indicated by § are fundamental and may only be amended in a referendum

S54(b) of the Student Parliament Constitution A proposed amendment to the fundamental provisions must be accepted by at least sixty percent (60 %) of the Student Parliament Committee voting for the proposed amendment during a Student Parliament Committee meeting, adopted by ordinary majority of members present at Student Parliament sitting before a referendum will be held.

The provisions in question include:

S4- to reflect S57 of the revised Student Constitution

S7- To amend the powers of Student Parliament

A whole section needs to be written-in to provide structure for policy revision and creation (S52(3) of the Student Constitution)

A whole section needs to be written-in pertaining to procedure to be followed when exercising the duties in S56 of the Student Constitution

INTERNAL CHALLENGES

STRUCTURE

Following in the SPC is difficult because it doesn't make structural sense. There numbering isn't consistent and numerical, there are two S27s in the Student Parliament Constitution. It also doesn't consistently use the same font which can be confusing for any reader.

The references to other provisions are not clear or do not specifically identify any particular provision. For example, S8(3)(2)(d)(ii) refers to a section that isn't clear.

COMMITTEE DEFINITIONS

Unsatisfactory information on the different is also a common issue in the Student Parliament Constitution. Mention is made of a steering committee but structure for this committee, its purpose etc. is lacking- one can only derive purpose from the context in which the reference occurs.

Diagrams are used in some instances to show the composition of bodies which can be appreciated for their simplicity, but to our minds, undermines the necessity for clear unambiguous wording and instruction. The interpretation of those diagrams can be too wide if there is a lacking factual foundation to justify them, i.e. steering committee.

THE FORMULATION OF THE UPDATED POLICY

CONSTITUTIONAL LITERACY TRAINING

Student Parliament attended the Constitutional Literacy Training on the 25th of April. The training was informative in terms of how Student Parliament interacts with Student court to bring new policy into existence. It also highlighted the various roles that the two institutions would play in the amendment process.

STUDENT COURT

Student Court plays a large role in the amendment process or the introduction of any policy within Parliament. Chapter 3 of the Student Parliament Constitution lays out the amendment process and shows how students can and should be involved in the amendment process, as well as that Student Court must ratify any policy which Parliament wishes to enact. S55 of the Student Constitution allows Student Parliament to adopt any constitutions, rules or regulations to organise it's activities, but these are subject to approval by Student Court. The grounds for refusal are also contained in this section.

The amendment process of the Student Parliament Constitution can be found in Chapter three of the Student Parliament Constitution.

THE STUDENT PARLIAMENT COMMITTEE

The executive committee has begun with the necessary amendments of the Student Parliament Constitution. Each member was asked to send through recommended alternations and provisions that they could identify. This document was then compiled with input from all suggestions submitted. The Committee must now sit to have a formal meeting on which provisions should be altered and to what extent. This meeting is to be scheduled for early in the second semester.

The final copy (once agreed upon by the Student Parliament Committee) will then follow the amendment process outlined in Chapter 3 of the Student Parliament Constitution.

NEXT STEPS

These include the steps that Student Parliament will follow to ensure that the amendment process is as efficient and student inclusive as possible:

- Sit with the Student Parliament Committee to finalise the last text of the Student Parliament Constitution that will be sent out to students for feedback
- Acquire the necessary support for the next text (i.e. get student signatures)
- Submit the final draft to student court for approval
- Make any necessary changes to the proposed text and open this up to student feedback
- Submit the final copy to student court for approval
- Restructure Parliament so that it is in line with the new constitution