

# **Stellenbosch University**

## **Student Parliament**

### **Constitution**

2022 Revision

Version (2.0)

The English version of this document will take precedence in case of any interpretation disputes.

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## PREAMBLE

We, the students at 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 and democratic community that is free from discrimination, in conformity with the Bill of Student Rights in Chapter 2 of this Constitution and the Constitution of the Republic of South Africa.

We further commit ourselves to promote democratic processes within all spheres of student governance which holds true to the values of accountability, transparency, consultative governance, and excellence.

All constitutions, regulations, rules, codes, documents, motions, and decisions adopted by Student Parliament, and all her various expressions within the Stellenbosch University community, are subject to this Constitution and invalid as far as they are inconsistent with it

We acknowledge our responsibility to participate in the democratic structures recognised by the Student Constitution and this Constitution.

This Constitution is called the Student Parliament Constitution of Stellenbosch University.

Subject to the provisions of the Constitution of the Republic of South Africa, the Higher Education Act, the Statute of Stellenbosch University, University regulations, and the Student Constitution, 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”** means a decision taken with a simple majority of votes.
- (2) **“Day”** means a calendar day.
- (3) **“Positive vote”** means the following process:
  - (a) When one candidate receives a simple majority of the vote, they are elected.
  - (b) If no candidate receives a simple majority of the vote, the following steps are followed:
    - (I) A new election takes place.
    - (II) For this election, the candidates who received the smallest number of votes in the previous election are removed, but the sum of the removed candidate’s votes may not exceed 50% of the total number of votes in the previous election.
    - (III) This process is repeated until one candidate receives a simple majority of the votes.
- (4) **“Positional Student Leader”** means a student elected or appointed to the following structures: structures established by this constitution, Faculty Committees, House Committees, Society Executive Committees, Cluster Convenors.
- (5) **“PSO”** means a Private Student Organisation.
- (6) **“Senior Residence”** means a Senior Residence as contemplated in the Policy for Placement in Residences of the University and the management guidelines for the placement policy.
- (7) **“Simple majority vote”** means a 50% plus one (1) vote.
- (8) **“SRC”** means the Students’ Representative Council.
- (9) **“Student body”** means an organised group of students formally associated with the University.
- (10) **“Student”** means a student registered at the University.
- (11) **“University authorities”** means any employee, or structure consisting of, University employees including Faculties, the Rector’s Management Team, and the University’s Council.
- (12) **“University day”** means a weekday (Monday to Friday) during the academic year which is not a public holiday.
- (13) **“University”** means Stellenbosch University.

### 2. Status of this Constitution

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

### **3. Bodies constituted by this Constitution**

The following student bodies are constituted by this Constitution:

- (1) The Students' Assembly
- (2) The Student Imbizo

## CHAPTER 2: STUDENT PARLIAMENT

### 4. Nature and Establishment

- (1) Student Parliament is an independent forum that seeks to facilitate discussion on student issues between student leaders and other students and can take the form of public feedback or consultation.
- (2) Student Parliament serves to ensure that the SRC, Academic Affairs Council, Prim Committee, Senior Prim Committee, the Tygerberg Student Council, and Societies Council fulfil their constitutional mandate and act in an accountable and transparent manner.
- (3) Student Parliament facilitates cooperation in student leadership at Stellenbosch University and focuses on policy revision and creation as it pertains to student leadership.
- (4) Student Parliament is the forum at which amendments to this Constitution are discussed and approved.
- (5) The Stellenbosch University Student Parliament is bicameral, consisting of the Students' Assembly, and the Student Imbizo.

### 5. Powers requiring both houses to act in conjunction

- (1) Student Parliament may amend the Student Constitution subject to –
  - (a) The Legislative process as set out in the Student Constitution
  - (b) Any additional rules set by the Houses of Student Parliament in regulating the internal procedures for exercising their distinctive powers within the amendment process
- (2) Student Parliament may amend the Student Parliament Constitution subject to –
  - (a) The Legislative process as set out in this Constitution
  - (b) Any additional rules set by the Houses of Student Parliament in regulating the internal procedures for exercising their distinctive powers within the amendment process
- (3) Student Parliament may remove an SRC member from their office through –
  - (a) A motion of no confidence instituted and succeeded in the Students' Assembly
  - (b) The subsequent approval given by the Student Imbizo after a review of the procedural aspects of the motion
- (4) The power in (3) does not limit the power of Student Imbizo to impeach an SRC member on its own.

### 6. Tygerberg Student Parliament

- (1) A Tygerberg Student Parliament, if established by a Tygerberg Student Constitution, interacts with Student Parliament in an advisory capacity.
- (2) The jurisdiction of a Tygerberg Student Parliament does not restrict the jurisdiction of Student Parliament, nor does it absolve Student Parliament of its mandate with regards to students on Tygerberg campus.
- (3) The houses of Student Parliament may create provisions in their respective rules which further set out the relationship and interaction between them and Tygerberg Student Parliament.

## CHAPTER 3: THE STUDENTS' ASSEMBLY

### **7. The Students' Assembly**

#### (1) Establishment

- (a) The Students' Assembly is established as an independent body, subject only to this Constitution, the Student Constitution and the institutional rules applicable to its functions.
- (b) The 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.

### **8. Responsibilities of the Students' Assembly**

The Students' 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 the Student Constitution.
- (3) Monitor, lobby, educate and advise on issues related to the adherence to the provisions of the Student Constitution.
- (4) Facilitate discussions on matters of importance to the Student Body.

### **9. Jurisdiction of the Students' Assembly**

The jurisdiction of the Students' Assembly's powers is limited to the Structures established by the Student Constitution.

### **10. Functions and Powers of the Students' Assembly**

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

- (1) Amend the Student Constitution through the processes outlined in the Student Constitution, this Constitution, and rules adopted by the Students' Assembly.
- (2) Summon any member of the structures established by the Student Constitution to appear before it to explain any of their actions, activities, or lack thereof in person at a sitting of the 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 the Student Constitution, do bind the SRC, Academic Affairs Council, Societies Council, Prim

Committee, Tygerberg Student's Representative Council, and Senior Prim Committee, if it is passed with an 80% majority of a minimum of 100 votes cast.

- (5) Request one or more SRC members to explain any of their actions, activities, or lack thereof in person at a sitting of the Students' Assembly.
- (6) Institute a motion of no confidence in one or more SRC members, subject to review by the Student Imbizo which shall determine whether to impeach said SRC member(s) within 7 days of the motion being passed.
- (7) Determine a list of broad priorities, before the incoming SRC is elected, which the SRC 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 Students' 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 Students' Assembly if the recommendations are not implemented, and reasons, therefore.
- (12) The powers described above are subject to the Students' Assembly establishing and adopting rules which –
  - (a) Set out the procedures to be followed in exercising these powers.
  - (b) are to be approved by the Student Court before it comes into force.

#### **11. Membership of the Students' Assembly**

- (1) The Students' Assembly consists of –
  - (a) All SRC members.
  - (b) Eight (8) members of the Academic Affairs Council.
  - (c) Eight (8) members of the Prim Committee.
  - (d) Eight (8) members of the Societies Council.
  - (e) Two (2) House Committee members from each cluster.
  - (f) Two (2) House Committee members from Senior Prim Committee.
  - (g) One (1) member from the Cluster Executive.
  - (h) One (1) member of the Tygerberg Student Parliament.
  - (i) One (1) member from each faculty committee.
  - (j) Ten (10) members of society committees appointed by the Societies Council.
  - (k) All students who attend a sitting of the Students' Assembly.
- (2) A list of the members described in section 63(1)(a) to (j) must be submitted to the Students' Assembly Speaker a week after the commencement of the Students' Assembly Committee's term by the relevant ex officio structure.
- (3) The Students' Assembly must take reasonable steps to ensure the members described in section 63(1)(a) to (j) attend sittings of the Students' Assembly.
- (4) No person can fill more than one seat at any time.
- (5) If a member of the Students' Assembly can no longer fulfil their duties, the Students' Assembly Committee must ensure the vacancy is filled.

#### **12. Speaker of the Students' Assembly**



A Speaker is elected annually by the Students' 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 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 the Students' Assembly impartially and in such a manner as to promote orderly and democratic debate.
- (5) To act as Chairperson of the Students' Assembly Committee.

### **13. Students' Assembly Committee**

- (1) The Students' 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 Students' Assembly.
- (2) The Convenor of the Student Imbizo must be an ex-officio member.
- (3) The Students' Assembly Committee is responsible for ensuring that the Students' Assembly fulfils its mandate, which includes taking reasonable steps to ensure participation by compulsory members and students.

### **14. Constitutions, rules, and regulations**

- (1) The Students' 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 Students' Assembly by the Court on the grounds of –
  - (a) Procedural unfairness.
  - (b) Incompatibility with Student Parliament's constitutional mandate or the constitutional framework of student leadership within the University.
- (3) Amendments to such constitutions, rules, or regulations may be made subject to–
  - (a) A motion being tabled and published at least 14 days before a meeting of the Students' Assembly.
  - (b) The motion succeeds with a simple majority vote after a debate on the motion.
  - (c) Student Court approves the amendment on the grounds in (2)
  - (d) Any other procedural requirement set in an existing constitution, rule, or regulation of the Students' Assembly is met.

## CHAPTER 4: THE STUDENT IMBIZO

### 15. The Student Imbizo

#### (1) Establishment

- (a) The Student Imbizo is established as an independent body, subject only to the Student Constitution, this Constitution, and the institutional rules applicable to its functions.
- (b) The 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 the Student Constitution must; through legislation and other measures; assist and protect the Student Imbizo to ensure its independence, impartiality, dignity, and effectiveness.

### 16. Responsibilities of the Student Imbizo

The 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 the Student Constitution.
- (3) Monitor, lobby, educate and advise on issues related to the adherence to the provisions of the Student Constitution.
- (4) Monitor and assess the observance of University rules and guidelines and adherence to the Student Constitution.
- (5) Meet at least once a month.

### 17. Jurisdiction of the Student Imbizo

The Student Imbizo–

- (1) Has a limited jurisdiction to the Structures established by the Student 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 the Student 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 the Student Constitution.

### 18. Functions and Powers of the Student Imbizo

- (1) Unless otherwise provided for in the Student Constitution, remedial action of the Student Imbizo binds the SRC, Academic Affairs Council, Societies Council, Prim Committee and Senior Prim Committee, Tygerberg 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 Student Imbizo.
- (2) To summon any student to appear before it to explain any of their actions, activities, or lack thereof in person at a meeting of the Student Imbizo. Students subject to this power are limited to –
  - (a) Members of the structures established by the Student Constitution.
  - (b) Any student performing a public function, this includes 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 is alleged or suspected to be a breach of the relevant internal policies, rules, or the Student Constitution and report on that conduct.
- (5) To act as a mediator or arbitrator within or between the structures established by the Student Constitution if the relevant parties agree. An arbitration award will be binding on the parties.
- (6) Review motions of no Confidence in an SRC member(s) and determine whether or not to remove that member(s) from office.
- (7) To impeach members of the SRC, Academic Affairs Council, Societies Council, Prim Committee, Senior Prim Committee, and Tygerberg 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 SRC, Academic Affairs Council, Societies Council, Prim Committee, Senior Prim Committee, and Tygerberg Student Council present reports and give evidence on the performance of their structures.
- (9) Receive and consider all proposed amendments to the Student Constitution and submit them to the Students' 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 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.

#### **19. Membership of the Student Imbizo**

- (1) The Student Imbizo consists of delegates, appointed (at their own discretion) from the following Structures –
  - (a) One (1) student appointed by the SRC.
  - (b) One (1) student appointed by the Academic Affairs Council.
  - (c) One (1) student appointed by the Prim Committee.
  - (d) One (1) student appointed by the Societies Council.
  - (e) One (1) student appointed by the Senior Prim Committee.
  - (f) One (1) student appointed by the Tygerberg Student Parliament.
  - (g) One (1) student appointed by the Tygerberg Student Council.

- (h) One (1) student appointed by the Students' Assembly.
- (2) The following members will be special delegates of the Student Imbizo and all their powers are subject to their attendance –
  - (a) Two (2) students from faculty committees, appointed by the Academic Affairs Council, but are not part of the Academic Affairs Council.
  - (b) Two (2) students from house committees, appointed by the Prim Committee and Senior Prim Committee, but are not part of the Prim Committee and Senior Prim Committee.
  - (c) Two (2) students from societies executive committees appointed by the Societies Council but are not part of the Societies Council.
- (3) No person can fill more than one seat at any time.
- (4) If a member of the Student Imbizo can no longer fulfil their duties, the Student Imbizo Committee must ensure the vacancy is filled.

## **20. The Convenor of the Student Imbizo**

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

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

## **21. Student Imbizo Committee**

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

## **22. Constitutions, rules, and regulations**

- (1) The 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 Student Imbizo by the Court on the grounds of –
  - (a) Procedural unfairness.

- (b) Incompatibility with Student Parliament's constitutional mandate or the constitutional framework of student leadership within the University.
- (3) Amendments to such constitutions, rules, or regulations may be made subject to—
  - (a) A motion being tabled and published at least 14 days before a meeting of the Students Imbizo.
  - (b) The motion succeeds with a simple majority vote after a debate on the motion.
  - (c) Student Court approves the amendment on the grounds in (2)
  - (d) Any other procedural requirement set in an existing constitution, rule, or regulation of the Student Imbizo is met.

## CHAPTER 5: COMMENCEMENT, REPEAL, AND AMENDMENT

### 23. Commencement and repeal

- (1) This Constitution come into effect once the Student Court approves this constitution, rules, and/or regulations for both the Students' Assembly and Student Imbizo respectively
  - (a) Once the Student Court approves the constitutions, rules, and/or regulations of the Students' Assembly and Student Imbizo –
    - (I) The first sitting of the Students' 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 the Students' Assembly and the Convenor of the Student Imbizo.
    - (III) The Chief Justice of the Student Court must request nominations for the Speaker of the Students' Assembly and the Convenor of the Student Imbizo at least five (5) days prior to the first sitting.

### 24. Amending this Constitution

- (1) This Constitution may be amended by a resolution passed by –
  - (a) The Student Imbizo with a supporting vote of at least 60% of its members; and
  - (b) The Students' Assembly with a supporting vote of at least 80% of the vote, with a quorum of at least 100 votes.
- (2) Any student, including members of Student Parliament, may submit a petition to the Student Imbizo proposing an amendment to this Constitution.
  - (a) The petition must be submitted to the Convenor of the Student Imbizo, who must table the petition at the next Student Imbizo meeting as a resolution for consideration.
  - (b) The 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 Student Imbizo passes the resolution, the Convenor of the Student Imbizo must submit it to the Speaker of the Students' Assembly within seven (7) days.
  - (d) When a resolution amending the Constitution is introduced, the Speaker of the Students' 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 Students' 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 Students' Assembly, any written comments received from the student body and

members of the Student Imbizo for a public debate in a Students' Assembly sitting.

- (e) The resolution for the amendment of this Constitution must be put to a vote in the first Students' Assembly sitting after the public debate, which must –
  - (I) Pass the resolution with a supporting vote of at least 80% of the vote, with a quorum of at least 100 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 Student Imbizo, then –
  - (I) The Speaker of the Students' Assembly must send back the resolution with all the particulars of the resolution collected from the student body and the debate.
  - (II) The Student Imbizo must reconsider the resolution considering the amendments suggested by the Students' Assembly and may –
    - (1) Pass the resolution with amendments and resubmit it to the Students' Assembly for reconsideration; or
    - (2) Decide not to proceed with the resolution.
- (g) If the resolution is passed by the Students' Assembly, then the constitution will be amended, and the amended version must be uploaded to Student Parliament's website by the Speaker of the Students' Assembly