

## THE STUDENT COURT OF THE UNIVERSITY OF STELLENBOSCH

**All you need to know about approaching the Student Court, as set out in the relevant provisions of the Student Constitution of the University of Stellenbosch**

(available at: <http://www.sun.ac.za/english/students/societies-student-governance/src/general-documents>)

### Can my issue be resolved at Student Court?

**Decide what remedy you are seeking from the Court, and whether the Court has the power to deal with your application:**

#### 62 Jurisdiction of the Student Court

The Student Court has the power to –

- (a) give an interpretation, or to confirm the interpretation of a party before the Court, regarding –
  - (i) this Constitution; or
  - (ii) any empowering provision in terms of which a student body or a member of a student body exercises power;
- (b) decide on the constitutionality of any action or omission of a student body or a member thereof;
- (c) 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;
- (d) make a final decision regarding any matter where the parties consent to the jurisdiction of the Court; and
- (e) decide on all other matters which this Constitution places under the jurisdiction of the Student Court.

#### 63 Remedies

The Student Court can –

- (a) grant an interdict or any other interim relief if material injustice would otherwise result;
- (b) grant a declaratory order;
- (c) 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 –
  - (i) the retroactive effect of the order must be limited as far as possible; and
  - (ii) 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
- (d) grant any order, including a combination of the abovementioned remedies, that is fair and equitable.

**Make sure you are able to bring the application in question (otherwise you will have to approach the party that can):**

#### 64 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.

#### 66 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.

### What documents do I need?

**In your application to have a matter heard at Student Court, you will need to draft:**

- 1) A **notice of motion**

This is a document that serves to inform the court and the respondent that an application will be made on a specified date, at a specified time at Student Court, and specifies the relief sought.
- 2) One or more **supporting affidavits**

These record certain facts under oath, which the court will then consider in determining whether or not to grant the application.
- 3) Optional **addendums**

\* For **document templates**, please visit: <http://www.sun.ac.za/english/students/student-court>

These documents must then be e-mailed to [studentcourt@sun.ac.za](mailto:studentcourt@sun.ac.za). Should you need to submit anything additional, the Student Court will advise you accordingly. The Student Court will also notify the Respondent/s and request necessary documents.

## What happens in Student Court proceedings?

Once you have applied to Student Court by e-mailing your documents, the Student Court will notify receipt thereof and set down a date and time for the announcement of its **decision**. All parties will be kept informed and will have access to all the documents pertaining to the case.

Should the matter require an opportunity for Student Court to hear oral explanations by the parties, the Student Court will set down a date and time for a **hearing**, and will advise the parties what to prepare. A judgment can then only be made after such hearing.

All proceedings follow the **Student Court Rules of Procedure** (available on the Student Court website).

There are sometimes matters that arise which lend themselves to alternate dispute resolution in the form of **mediation**, in which cases the Student Court will suggest this as a course of action.

## Who do I contact if I have questions?

**SLSJ:** [slsj.maties@gmail.com](mailto:slsj.maties@gmail.com)

**Student Court:** [studentcourt@sun.ac.za](mailto:studentcourt@sun.ac.za)