



Stellenbosch

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SRC

Students' Representative Council
Ibhunga elimele abafundi
Studenteraad



SRC TERM 2 REPORT

SRC Policy Officer



Students' Representative Council

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Table of Contents

Constitutional Responsibilities.....	3
Portfolio Overview.....	3
Committees/Task Teams	4
Term 2 Overview	5

saam vorentoe · masiye phambili · forward together

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Foreword

Fellow maties

If it wasn't for loadshedding supplementing academic pressures, it was 2024 national elections disrupting the functionality and integrity of student leaders. This term went extremely fast and came with a lot of ideas to restructure the SRC, ascertaining job descriptions and incommensurable growth and development throughout the structure.

I remain capacitated and passionate to effect transformation – criticizing one problematic policy a time.

The following term will be quite eventful as numerous amendments will be proposed and will materialize some changes in the structuring and functionality of the SRC. Some will undergo analytical interpretation in conformity with the SU Statute, Constitution of RSA and certain statutes.

The work is getting tougher, but it shall continue!

Constitutional Responsibilities

As an SRC member, section 27 of the Student Constitution imposes peremptory duties. Consequently, I should act in the best interests of students and actively promote their rights enshrined in Chapter 2 of the Student Constitution. It further requires me to represent students on institutional committees and structures. Section 44 requires me to attend meetings every 2 weeks excluding official examinations and holiday periods. Section 32 of the Student Constitution also requires me to submit a term report at the end of each academic term.

As the Policy Officer, I am mandated to evaluate University policy and be circumspect of the inputs of fellow SRC members. Moreover, I am the legal functionary of the SRC and therefore evaluate and maintain policy to capacitate SRC members to perform their duties effectively. Finally I am mandated to safe-keep all student-related constitutions.

Portfolio Overview

The Policy Officer's core function is to ensure that the SRC deals and actively engages on University policy. As codified in the Constitution, this includes:

- (I) Ensuring that any policy formulated within the SRC is formulated and revised in accordance with s27(4).
- (II) Assisting the other SRC members in evaluating and giving input in the formulation of University policy in accordance with s27(3).
- (III) Ensuring that a resolution passed by the Students' Assembly to amend this Constitution is considered by the SRC for assent.
- (IV) Providing opinions to the SRC on the interpretation of this Constitution and other policies of the University, such opinions are not binding.
- (V) The safekeeping of all student-related constitutions.

Moreover, this portfolio makes use of mass meetings, planned conferences, SRC internal meetings, institutional committees and various platforms organized by university structures to materialize its

mandate. Public participation remains a key component behind how I run the portfolio – inspired by the Doctors for Life Constitutional Court case.¹

Committees/Task Teams

I serve on the following Committees and or Task Teams:

Senate

The senate is accountable to the council for the academic and research functions of the public higher education institution and must perform such other functions as may be delegated or assigned to it by the council. The functions of the Council is contained in the Statute of the University of Stellenbosch. The Senate is comprised of Deans, Rectorate, Professors, Doctors and various academics of the university. Matters discussed in Senate are confidential. This precedent had exceptions this term where we publicised our support in the Rector against flawed findings of Chapter 9 institutions and politically motivated tactics of liberalists – this support was solely based on protecting the university from being influenced by ambitious external forces ahead the national elections in 2024. I was part of the members who expressed concerns regarding this matter.

I elected dean of education Prof Mbulungeni Madiba to serve on CIRCore on behalf of Senate and he was appointed unopposed. CIRCore is the university's implementation of the recommendations contained in the Khampepe report. Senate was a very eventful institutional committee this term and really strengthened the independence of the university.

Institutional Transformation Committee

The functionality of this committee is dependent on the Transformation Policy, the SU Vision 2040 and the mandate of the Transformation of the transformation Office.

¹ Doctors for Life International v Speaker of the National Assembly and Others (12) BCLR 1399 (CC)

Meetings in this committee were mostly dealing with the submission of the Transformation Policy Draft to Rectorate and other statutory functionaries. Hereinafter, we were dealing with definitions and specifically defining terms that would really interrogate the university's identity, ie; Africanism.

Student Fees Committee

The Student Fees Committee (SFC) is a subcommittee of SU's Finance Committee, with the purpose of providing advice and guidance to the Finance Committee with regards to the levying of student fees, additional study related fees, SU accommodation fees, and student administration fees – in an attempt to ensure that SU does business as an academic institution of excellence.

The SFC functions by formulating and evaluating the financial guidelines to all of the aforementioned – as well as coordinating and monitoring the implementation thereof with regards to the annual fixture of the particular student related fees. All work performed by the SFC is funnelled to the Finance Committee and subject to final approval by the Council of SU.

This committee did not have a sitting this term.

Term 2 Overview

During my second term in office, there is currently one policy being reviewed.

Unfair discrimination and harassment Policy

This policy is currently being reviewed. I had a meeting with the Equality Unit alongside the WAQE manager on 20 April 2023 to discuss various aspects and criticism of the policy. Apart from a lengthy submission to the unit, these are the main issues I observed in the policy. These deliberations are dealt with in depth in my submission and will be discussed in SRC meetings and with various stakeholders. I highlighted my main concerns about the policy to the EU and they included:

1. There has been no engagement or consideration for students who practice traditional practices – this is an area of development and brainstorming for the university.
2. No protection for private accommodation students.
3. Lack of discretionary powers to suspend respondents.
4. Lacklustre consequences for people who do not report incidents when they are aware of an incident while acting in their official capacity (RH, HK, SRC etc).

5. The policy has no timelines for when cases should be addressed- to limit discretion of the panel and capacitate timeous justice.
6. The scope of the 'no contact rule' is not adequately discussed in relation to suspension and procedural fairness to the perpetrator that also allows the stability of a victims sanity.
7. The policy should mention their remedial powers much more times throughout the policy as this policy will be a point of departure when injustice or any offence in this policy ensues...
8. The policy does not discuss what extent will a respondent be dealt with should they be arrested before the EU or the CDC makes a finding.... Does an SAPS arrest or bail have any effect on the functions of the EU or the CDC? If a respondent is out on bail, what is the stance of the structure? If the respondent has a case against their name should they still be in res?
9. On 21 April, I attended the Dsaf Transformation Summit and members of staff were of the opinion that the EU being conferred powers to suspend victims will flaw the purpose of the unit – that its function is not to punish or deter anyone from anything. My biggest criticism against this is that the structure is not empowered to work with malicious and problematic perpetrators. Although that this function is conferred to the CDC, it is only the EU that would know what would constitute a grave case of harassment or discrimination – like sexual misconduct for example – as a structure of first instance. The real contention is the overlap in functions – if the CDC deems itself to be the only structure to deal with serious cases of discrimination, harassment or sexual misconduct, then the EU is a defunct and supererogatory structure. The conflict in functions between the EU and the CDC is like the High Court denying the concurrent jurisdiction it has with the Labour Court. In my opinion, that is what the EU and the CDC are – structures with concurrent jurisdiction and as much as we gaslight the EUs functionality with its purport – its inevitable that it ruins its significance, powers and capacity to deal with issues contained in this policy.
10. The overlap between the Student Discipline Code and this Policy because it blurs the functions of the EU in relation to the CDC.
11. Certain provisions really did not embody the purport of SORMA or PEPUDA sufficiently.

Other activities

- 1) Possible submissions to amend the SU Statute are underway – specifically regarding the mention of Tygerberg SRC when only one SRC per institution is permitted to exist according to government. I have established a subcommittee to effect this amendment. The Tygerberg Student Council Policy Officer will be briefed by the subcommittee responsible for any inputs or amendments published and proposed by my office in this regard.

- 2) I recently discovered that the students living in private accommodation are not really protected by the university should anything ensue in their dwelling as they cannot collude between the relationship the student has with the landlord and NSFAS. I'll be discussing this aspect with Legal services and the Admissions office on the 4th of May - to touch on liability, jurisdiction and scope of responsibility in the case of sexual misconduct and the general scope of protection offered for such students.
- 3) I proposed that the 2 additional SRC Exec elected member positions in the SRC during elections should be replaced with compulsory SRC Exec positions namely the Policy Officer and a Deputy Secretary General. This is a proposal to amend the Student Constitution. The reason is that the Policy Officer would be a more capacitated functionary if this position would be an executive one – policy reform would be much more pragmatic. In respect of a DSG, the function of a communications manager is superfluous to that of a Secretary General and discontinuing it would make the functionality of the office of the SG less burdensome and more uniform in relation to other SRCs. I have established a subcommittee to effect this amendment. It draws its application from section 130 of the Student Constitution.
- 4) The Policy Forum was functional as of April 2023 and we had our first meeting – regarding bringing motions in the Assembly and how changes to this procedure would affect the functionality of the Prim Committee.
- 5) As the policy officer I observed the unrest regarding the SAHRC and held in Senate and to the SRC that the findings of the institution are neither binding nor remedial like those of the Public Protector. Apart from the reports' reliance on lacklustre evidence, the report proved to be inimical to the SU myself and many other people are working towards – the transformation we want to see come to life. If anything, the report painted a poorly fabricated version of what an infringement of rights really mean for a marginalized student in Stellenbosch University. Once again, this report was incited by political agendas.
- 6) The changing of SRC Executive titles will also be submitted in the bundle of documents my subcommittee will submit.
- 7) *As the policy officer, I also observed the unrest regarding the Rector's remedial powers to admit a prospective student (after consultation with a deans and faculties) into an EDP or mainstream programme. This unrest seems to be a constant attack on the integrity of the Rector and deserves no further engagement from my office as on a legal footing, discretion should never be questioned with or compared to morality since what the Rector did is contained in section 7.4.9 of the SU Admissions Policy and the merits of the case are alarming to those who fell into the trap of the propaganda. Integrity of deans has never endured such media attention in this regard. Its 2024 next year and political expediency will be more pestiferous than loadshedding.*

8) I had a meeting with Anele regarding the role of Student Governance and how it affects the SRCs independence. We referred to the Student Governance Handbook currently being revised when conversating and this standing affirmed my legal qualms regarding overlap in functions.

Plans for Next Term

- 1)** Effecting and completing the proposed amendments mentioned above as they will be lengthy and will be competing with my academic obligations.
- 2)** The SRC Mangers Policy is still to be drafted with better insight from the newly established subcommittee.