

# STELLENBOSCH UNIVERSITY

## STUDENT PARLIAMENT CONSTITUTION

### 2013 Constitution

This Constitution was adopted by the Student Parliament on xx xxx 2013 and approved by the Student Court on 08 October 2014. The English version of this document will take precedence in case of any interpretation disputes.

Unless any part of this constitution, or the Student Constitution, explicitly states a later date of application all of the terms and conditions come into effect on the date this Constitution is approved by the Student Court.

Key: the § indicate a fundamental chapter, part, section or provision, which may only be amended by means of a full sitting of Student Parliament after which it may serve in a referendum as set out in Chapter 3.

## STUDENT PARLIAMENT CONSTITUTION OF STELLENBOSCH UNIVERSITY

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## **PREAMBLE**

We, the students of Stellenbosch University, conscious of our responsibility to be active participants within our democratic society, both as it relates to Stellenbosch University and our country, the Republic of South Africa, unite to build a multicultural, inclusive and democratic community in conformity with the Bill of Student Rights in chapter two (2) of the Student Constitution, the principles 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.

We acknowledge our duty to participate in the democratic processes recognised by the Student Constitution and this Constitution.

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

This Constitution is called the *Student Parliament Constitution of Stellenbosch University*. This Constitution is subject to the provisions of the Student Constitution, Statute of Stellenbosch University, the Higher Education Act and the Constitution of the Republic of South Africa. We accept this as our binding Student Parliament Constitution.

## CHAPTER 1: BASIC PROVISIONS §

### 1. Definitions

In this Constitution a term has the definition assigned to it in the Institutional Statute or in the Student Constitution unless the context indicates otherwise. Upon conflicting definitions the Institutional Statute take preference

- 1) "Council" refers to the body established in terms of paragraphs 11 and 12 of the Institutional Statute;
- 2) "Student Parliament Committee or "SPC" refers to the committee that works alongside the Speaker in fulfilling his/her mandate in terms of Addendum A and the Student Constitution.
- 3) "Student Parliament" or "SP" refers to the body established in terms of Chapter Four of the **Student Constitution**
- 4) "Tygerberg Student Parliament" or "TSP" refers to the body which is established in terms of chapter 4 of Tygerberg Student Constitution and section 48(a) of this Constitution;
- 5) " Institutional Statute" refers to the Statute of Stellenbosch University promulgated by Government Notice No. 34576 of 31 August 2011;
- 6) "stakeholder" refers to any person with an interest in SP, the University, or matters concerning the University, who may be a natural or juristic person;
- 7) "Task Group" refers to a number of persons established in terms of Addendum R of this Constitution;
- 8) "University" refers to Stellenbosch University;
- 9) "Speaker" refers to the individual democratically elected to facilitate Student Parliament meetings, chair Student Parliament Committee meetings and fulfill the duties and mandate given to Student Parliament in terms of Chapter 4 of the Student Constitution and this Constitution.
- 10) "Tygerberg Speaker" refers to the individual democratically elected to facilitate Tygerberg Student Parliament meetings, Chair Tygerberg Student Parliament Committee meetings and fulfills the duties and mandate given to Tygerberg Student Parliament in terms of Tygerberg Student Constitution subject to Chapter Four of the Student Constitution and this Constitution;
- 11) Ordinary majority vote consists of 50% plus one vote
- 12) "Positive vote in the election of the Speaker" refers to the following process:
  - i. When one candidate receives a ordinary majority of the vote, he or she is elected.
  - ii. If no candidate receives a majority of the vote, the following steps are followed:
    - a. A new election takes place.
    - b. 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.
    - c. This process is repeated until one candidate receives an ordinary majority of the vote.
- 13) "Student" refers to a person registered to study at the University;

- 14) "Student body" refers to an organised group of students formally associated with the University;
- 15) "University day" means a weekday (Monday to Friday) during the academic year which is not a public holiday.
- 16) For speaker elections there is no quorum as the attending number of students for sittings is too fluctuating to conclude a quorum. However at least five (5) Student Representative council members needs to be present and vote at the speaker elections as these persons collectively represent students. **(NOTE: Students are notified of the speaker elections and importance thereof in advance. However we cannot force students to attend)**
- 17) For the Student Parliament † Committee there is a panel of 5 of which quorum is three.
- 18) "Accept", "decide", or "elect" refer to a decision taken with an ordinary majority of votes;
- 19) " Society" refers to any University Society recognized as such by the Societies Council
- 20) "Club" refers any University sport club recognized by Maties Sport

## 2. Bodies constituted by this Constitution

The following bodies are constituted by this Constitution:

- a) Student Parliament
- b) The Tygerberg Student Parliament
- c) The Accountability Forum
- d) The Policy Unit
- e) The Treasurers Forum

All rules, constitutions, policies, document and agreements by the bodies, constituted by this Constitution, are subject to Student Parliament Constitution of Stellenbosch University. Such rules, constitutions, policies, document and agreements, with the exception of (a) and (c) must be approved by Student Parliament Policy Unit before they come into effect. Any additional policies by (a) and (c) needs to be approved by Student Court

## CHAPTER 2: THE STUDENT PARLIAMENT (SP)

Chapter 4 of the Student Constitution calls this body into existence and sets out its mandate, powers, limitations and gives it the authority to organise itself to execute its functions.

### 1 General

Student Parliament plays a leading role in creating an inclusive Matie community where thought leaders engage constructively, courageously and responsibly with the challenges we face as Maties and global citizens. Student Parliament also commit to inculcating accountable, transparent and consultative governance within our constitutional democratic student leadership.

### 2 Status of Student Parliament

Student Parliament is the organ of student governance which is mandated by the Student Constitution to be responsible for accountability and transparency.

### 3 Operations §

Student Parliament achieves its vision through:

- (a) engaging robustly with SRC and Management within our Matie Community;
- (b) creating credible platforms where structural inequalities can be identified by Maties and communicated to relevant role players;
- (c) collaborating and/or establishing national and international synergistic networks to strengthen constitutional democracy within student leadership;
- (d) actively promoting accountable, transparent and consultative governance within Matie Community

### 4. Composition of the Student Parliament §

- (1) The Student Parliament consists of all registered students enrolled at Stellenbosch University, for any course, program or short course, for the duration thereof.
- (2) When a person(s) status as a member of Student Parliament is called into question the Speaker, in consultation with the Deputy Speakers, must rule on the matter immediately unless they require additional time to do so. A maximum period of forty-eight (48) hours is allowed. If the ruling should declare the person to not be a member, the person(s)-
  - (a) must be informed of their right to apply to Student Court
  - (b) may as recourse apply to Student Court.
    - (i) The decision of Student Court will be binding.

### 5. The Student Parliament Committee

Due to the composition of Student Parliament, especially taking its fluidity of attendees into account and the inclusive nature of its definition, its effectiveness and functionality is safeguarded by a number of persons who will be referred to as the Student Parliament Committee.

Thus a minimum of five (5) persons aside from the Speaker and Tygerberg Speaker will be elected following the process as set out in **Addendum J1** to fulfil the portfolios as indicated in section 8 (compulsory portfolios of SPC) The number of Student Parliament Committee members may not exceed a total of fifteen (15).

Please view **Addendum A**, **Addendum J1** and **Addendum J2**, to view the Mandate of the Speaker and portfolio description for Student Parliament Committee

### 6. Term of office of the Student Parliament Speaker and Student Parliament Committee §

- a) The term of office shall commence on 1 November each year. The Election of the Speaker must take place at its third normal sitting in the third academic term.
- b) If the election does not occur due to unforeseeable circumstances the election will commence at the fourth sitting in the fourth academic term.

### 7. Core functions of the Student Parliament include: §

- a) To act in the best interest of students and to actively promote students' rights under chapter 2 of the Student Constitution;
- b) Duties and powers as set out in Section 54(3) of the Student Constitution Student Parliament has the power to :
  - i) Request one or more Student Representative Council members to explain any of their actions, activities, or lack thereof in person at Student Parliament; View **Addendum E**
  - ii) Institute a motion of no confidence in one or more Student Representative Council members, on the ground that they are not fulfilling their constitutional obligations, subject to review by the Student Court; View **Chapter 4 section 60 F**
  - iii) Determine a list of broad priorities which the incoming Student Representative Council must adhere to in compiling their budget and planning their activities; View **Addendum D**
  - iv) Hold extraordinary meetings; View **Addendum G**
  - v) Appoint task teams to discuss and investigate specific matters and to report back and make recommendations to the plenary session and other bodies and representatives, including those of the University; and View **Addendum H**
  - vi) Adopt any other measures to ensure that it fulfills its mandate effectively.
- c) To hold the Student Representative Council accountable and transparent;
- d) To advise the Student Represent Council upon request-
  - i) of this body; and/or
  - ii) student(s)
- e) To formulate and maintain policy in order to promote an institutional sensitivity to foster accountability and transparency within student leadership structures

## 8. Compulsory portfolios of Student Parliament Committee §

The Student Parliament Committee must maintain at least the following portfolios that fulfil at least the following basic duties:

- (1) The Speaker-
  - (a) This role is fulfilled by the democratically elected Speaker;
  - (b) Ensures that Student Parliament takes place;
  - (c) To preside over meetings of Student Parliament impartially and in such a manner as to promote orderly and democratic debate ;
  - (d) Ultimately responsible to ensure that an agenda is compiled and marketed to all students at least one (1) week before Student Parliament takes place;
  - (e) Ultimately responsible to ensure that the minutes of Student Parliament are made available not more than two (2) weeks after each meeting;
  - (f) Acts as spokesperson for Student Parliament and the Student Parliament Committee;
  - (g) Is ultimately responsible for the finances of the Student Parliament;
  - (h) Member of all SP committees and forums;
  - (i) Attend all SRC meetings where possible;
  - (j) Meet with SRC Chairperson at least once a month
  - (k) Attend TSP meeting at least once a semester
  - (l) Attend TSR meetings at least once a semester
  
- (2) The Accountability Committee Chair (Deputy Speaker Internal)-
  - (a) Ultimately responsible for the proper functioning of the Accountability Forum;
  - (b) Keeping Speaker accountable and transparent by serving on Steering Committee;
  - (c) Ultimately responsible for the proper functioning of the Disciplinary Committee as required;
  - (d) Serves as chief operating officer (COO) of Student Parliament;
  - (e) Serve as Electoral Officer to ensure that all procedures and policies relating to this occurs

- and are updated and/or amended as required;
- (f) In conjunction with the Speaker for setting up all SP committees and structures;
  - (g) Maintaining a good working relationship with the Student Court, Central Disciplinary Committee and all relevant SU Divisions;
  - (h) Liaise with other SP's, and other relevant student leadership bodies, of other Higher Education Institutions in South Africa;
  - (i) Tasked with setting up guidelines for acceptable sponsors with Treasurer ;
  - (j) Member of all SP committees and forums;
  - (k) Attend all SRC meetings where possible;
  - (l) Meet with Chair of Student Court once a month;
  - (m) Attend TSP meeting at least once a semester;
  - (n) Attend TSR meetings at least once a semester

(3) Secretary General (Deputy Speaker External)-

- (a) Maintaining internal communication within the Student Parliament Committee;
- (b) Keeping Speaker accountable and transparent by serving on Steering Committee;
- (c) Serves as chief administrating officer (CAO) of Student Parliament
- (d) In conjunction with the Speaker for setting up all SP committees and structures;
- (e) Maintaining official channels of communication with the Student Representative Council Communications Officer;
- (f) Managing knowledge and institutional memory within Student Parliament and the Student Parliament Committee;
- (g) Ensuring that meetings associated with Student Parliament ,where the Student Parliament Committee desires record keeping, are properly recorded;
- (h) Updating, safekeeping and making available records, policies and other documents of Student Parliament and all her structures ;
- (i) Tasked with setting up guidelines for acceptable sponsors with Treasurer ;
- (j) Liaises with Secretary-Generals of other bodies SU internal and External to SU;
- (k) Liaise with relevant student representative bodies outside of South Africa;
- (l) Secretariat of Policy Unit;
- (m) Ensure that all minutes are available as per the Constitution;
- (n) Member of all SP committees and forums;
- (o) Attend all SRC meetings where possible;
- (p) Attend TSP meeting once a semester;
- (q) xvii) Attend TSR meetings at least once a semester
- (r) **In Addition he acts as Policy Officer which entails:**

The Policy Officer:

1. Ensuring that policy of the Student Parliament and Student Parliament Committee is formulated and continually revised
2. In conjunction with Speaker and Deputy Speakers, to set up a Policy Unit Forum in association with all relevant structures of Student representation; which consists of the Policy Unit officer or their delegate for:
  - a) Student Representative Council, Tygerberg Student Representative Council, Military Academy Student Council, Societies Council, Academic Affairs Council, Prim Committee;
  - b) Which will meet at least once per semester in a formal setting to discuss pertinent matter as set out in the agenda which must be received at least five (5) University days before the meeting;
  - c) Informal meetings may be set up as decided by fifty percent plus one (50%+1) of members;



- d) This forum may also request one special sitting of Student Parliament before the end of the fourth term in conjunction with the Chair of Student Court to ensure that all are informed as to the Student Constitution, Student Court rhythms and processes, Role and interactions between Student Court, Student Representative Council and Student Parliament;
  - i) All students will be invited to this session
  - ii) Members in 8(e)(ii)(1) are required to send a delegate if they are unable to attend due to valid reasons

(4) Deputy Chair of Accountability Committee-

- a) In conjunction with the AC Chair for setting up Accountability Forum;
- b) Serve as coordinator of all task groups, discussion forums and ad hoc committees;
- c) Ensuring that Accountability Forum's working schedules are updated and amended as per the processes within this Constitution;
- d) Assist AC Chair in fulfilling his/her duties as delegated by AC Chair;
- e) Attend all SRC meetings where possible;
- f) Attend TSP meeting once a semester;
- g) Attend TSR meetings at least once a semester

(5) Executive Treasurer-

- a) Chief Financial Officer (CFO) of Student Parliament;
- b) Ensuring that the financial resources of Student Parliament are used in a fiscally responsible, sustainable and transparent manner;
- c) Manage Sponsorship Process;
- d) In conjunction with Speaker and Deputy Speakers convene the Treasurers Forum in association with Student Affairs : Which consists of the Treasurer officer or their delegate for:
  - i. Tygerberg Student Parliament;
  - ii. Student Representative Council
  - iii. Tygerberg Student Representative Council ;
  - iv. Military Academy Student Council
  - v. Academic Affairs Council;
  - vi. Societies Council;
  - vii. Prim Committee;

- o Budgets of these student bodies will be reviewed at random. If a problem is found these bodies may meet Advises Speaker as to budgeting processes of the University;

- (f) Tasked with all financial matters;
- (g) Liaison with Treasurers of all student structures;
- (h) Liaison with SU Division of Finances
- (i) Attend all SRC meetings where possible;
- (j) Attend TSP meeting at least once a semester
- (k) Attend TSR meetings at least once a semester

(6) The Communications Officer-

- a) Functionally responsible for the branding and positioning of SP;
- b) Ensuring that students are continuously and fully informed of the activities of Student Parliament and the Student Parliament Committee;
- c) Obtaining feedback from students as far as possible;
- d) Ensuring that the advice of Student Parliament reaches the Student Representative Council;
- e) Also to follow up and obtain written responses from official communiqués with student representation structures;
- f) Responsible for excellent marketing of all SP events;

- g) Responsible for all platforms of communications with student body
- h) Attend all SRC meetings where possible;
- i) Attend TSP meeting at least once a semester;
- j) Attend TSR meetings at least once a semester

## 9. Ex officio members

An *ex officio* member of the Student Parliament Committee:

- a) May in addition to his or her *ex officio* position, only accept one portfolio on the Student Parliament Committee, whether that portfolio is compulsory or not;
- b) May not accept any portfolios if he or she serves on the Executive Committee of the Student Parliament Committee;
- c) May not hold the position of Chair, Secretary-General, Accountability Chair, Accountability Deputy Chair or Executive Treasurer on the Student Parliament Committee.

## 10. End of membership of the Student Parliament Committee

- 1) The membership of a Student Parliament Committee 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-General of the Student Parliament Committee;
  - d) The member ceases to be a member of the student body that he or she represented *ex officio* on the Student Parliament Committee;
  - e) The member ceases to be a registered student;
  - f) the member is absent without a valid and accepted excuse from two (2) consecutive Student Parliament Committee meetings;
  - g) The Student Court finds on application that the member has not complied with an order of the Court;
  - h) Student Parliament and/or Student Parliament Committee adopts a motion of no confidence in the member;
  - i) The member is sentenced to imprisonment without the option of a fine in the Republic of South Africa or elsewhere;
  - j) 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 Student Parliament Committee;
    - ii) Suspension from the University for a fixed or unfixed time.
- 2) If an *ex officio* member of the Student Parliament Committee ceases to be a member of the Student Parliament Committee during his or her term of office, then
  - a) That member loses the office on the student body he or she was representing on the Student Parliament Committee;
  - b) That student body must elect a new Chair, who will take the place of the previous Chair on the Student Parliament Committee.

- 3) If any other member of the Parliament Committee, with the exception of the Speaker, ceases to be a member of the Student Parliament Committee during his or her term of office, then the Student Parliament Committee must decide whether that member's position is to be filled, and if the Student Parliament Committee decides that the position is to be filled and –
- a) less than forty (40) University days have passed between the election of the member in question and the day he or she ceased to be a member, then the available applicant who received the most votes in the election process (in which the out-going Student Parliament Committee member was appointed), but was not selected to the Student Parliament Committee, may fill the position; or
  - b) forty (40) or more University days have passed between the election of the member in question and the day he or she ceased to be a member, or there is no available candidate in terms of paragraph (a), the Student Parliament Committee must advertise the position as per the normal process to obtain applications for the Student Parliament Committee.

## **Other duties and powers of the Student Parliament Committee**

### **11. Reports**

- a. Each Student Parliament Committee member must submit a complete report regarding his or her responsibilities and other activities to the Secretary-General after every academic quarter, not later than one (1) week after the start of the next quarter, and the Secretary-General must, upon receiving them, make these reports available to all students.
- b. Each Student Parliament Committee member must present a complete report regarding his or her responsibilities and other activities to his or her successor within fourteen University (14) days after the end of his or her term of office, and these reports must also be stored centrally and be available to future Student Parliament Committee members and these reports must also be made available to all students.

### **12. Announcement of programme and budget**

- a. The newly appointed Student Parliament Committee must, before the start of their term of office, make a document available to all students which at least:
  - i. Sets out clearly and in detail how the Student Parliament Committee aims to fulfill its core functions;
  - ii. Contains a complete budget;
  - iii. Indicates which portfolios, including the compulsory portfolios, are assigned to which Student Parliament Committee members.
- b. As soon as this document is made available, the Student Parliament Committee must make reasonable attempts to make students aware of its availability.
- c. The Student Parliament Committee is responsible for:
  - i. Planning the agenda for Student Parliament meetings;
  - ii. Logistics and the secretariat;
  - iii. Planning and organizing an annual planning session within a reasonable period as determined by the Executive Committee, the maximum period allowed is one month after their appointment
  - iv. Liaison with all role players at SU;
  - v. Finalizing urgent matters that cannot be held over until the next full Student Parliament meeting;
  - vi. Reporting in detail to the Student Parliament;
  - vii. Other functions as Student Parliament and/or Speaker and Deputy Speakers may delegate to the Student Parliament Committee
  - viii. Ensures that all matters raised at Student Parliament are communicated to the relevant parties, feedback is collated and is made available for all students;
  - ix. Ensures the effective fulfillment of the mandate and the direction given at a Student Parliament meeting

### 13. Code of Conduct §

The Student Parliament and the Student Parliament Committee must adopt a code of conduct to lay down the rules of conduct and a disciplinary procedure for its members. A code of conduct and/or meeting procedure may also be adopted for Student Parliament sittings Please view **Addendum P**

### 14. Task teams

- a. The Student Parliament and/or Student Parliament Committee can appoint task teams to address ad hoc or continuous issues;
- b. In addition to Student Parliament Committee members any student can be appointed to a task team;
- c. Unless the urgency of the issue demands otherwise, any student must have the opportunity to apply to serve on a task team;
- d. The Student Parliament and/or Student Parliament Committee can delegate the authority to finalize an issue to a task team;
- e. Please view **Addendum H** for specific details

### 15. Mass meetings

- a. The Student Parliament Committee can call mass meetings to consolidate its mandate, as a platform for debate and to ensure accountability and transparency;
- b. All students can attend mass meetings and have voting rights at mass meetings;
- c. The Student Parliament Committee must give notice of the date, time, place and agenda to students, no less than one (1) week before a mass meeting;
- d. Students can request a mass meeting by means of a petition that has been signed by at least one hundred (100) students, in which case the Student Parliament Committee must arrange that the mass meeting takes place within two (2) weeks after the petition is filed.

### 16. Other duties

The Student Parliament Committee has the duty to;

- a) Make this Constitution and the Student Constitution available to students and to make them aware of its availability;
- b) Advice and/or Assist the SRC in making their respective constitutions available to their specific constituents and to make them aware of its availability;
- c) Fulfil any other duties required of it by this Constitution, the Student Constitution and as indicated at a Student Parliament sitting

## **Executive Committee of the Student Parliament Committee**

### 17. Composition

The Executive Committee of the Student Parliament Committee consists of:

- a) The Speaker;
- b) Accountability Committee Chairperson (Deputy Speaker Internal);
- c) The Secretary-General (Deputy Speaker External);
- d) Executive Treasurer and
- e) One (1) additional member of the Student Parliament Committee elected by the committee.

### 18. Duties and powers

- 1) The Executive Committee:
  - a) Sets the agenda for Student Parliament Committee meetings;
  - b) Compiles the Student Parliament Committee budget;
  - c) Manage the day-to-day issues of the Student Parliament Committee;
  - d) Makes important decisions in urgent cases where it is not practically feasible to convene the Student Parliament Committee;
  - e) Decides on the portfolio allocation of the Student Parliament Committee, excluding the ones which calls for elections amongst SPC members
  - f) Fulfils any duties that the Student Parliament Committee delegates to it;
  - g) Fulfils any other functions that this Constitution assigns to it.

- 2) Decisions taken by the Executive Committee in terms of paragraphs (1)(b), (1)(d) and (1)(e) must be approved by the Student Parliament Committee at a later Student Parliament Committee meeting in order to come into effect;
- 3) Any other decisions by the Executive Committee can be set aside by the Student Parliament Committee at a later Student Parliament Committee meeting subject to:
  - a) Valid reasons; and
  - b) A majority vote by members present at a meeting where quorum is present

## 19. Meetings and Minutes

- a. The Executive Committee meets at least two (2) University days before the normal Student Parliament Committee meetings
  - i. Meetings may also be called by the Speaker and Deputy Speakers if needed
  - ii. At least one (1) University day must be given as notice for meeting
- b. All decisions of the Executive Committee must be minuted and the minutes of an Executive Committee meeting must be made available to the Student Parliament Committee three (3) University days after the meeting.
- c. If at least three (3) members of the Student Parliament Committee request it of the Speaker within one (1) University day after the minutes are made available, the Speaker must, within two (2) University days of the submission of the request, convene a Student Parliament Committee meeting, where the only items on the agenda will be the issues in question from the minutes of the Executive Committee meeting.

## 20. Quorum §

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

### **Student Parliament Committee meetings**

#### Frequency

The Student Parliament Committee meets at least once every two weeks but it is not compelled to meet during official examination and holiday periods.

- 1) Meetings may be called by-
  - a) Speaker of Student Parliament Committee; or
  - b) Both Deputy Speakers of the Student Parliament Committee; or
  - c) Three (3) members of the Executive Committee; or
  - d) Fifty percent plus one (50% + 1) members of the Student Parliament Committee;
  - e) By official request of the Student Representative Council subject to approval by the Executive Committee
  - f) Written request by forty (40) students and must be held within four (4) University days;
  - g) Subsections (d), (e) and (f) must contain valid, explicit reasons and motivation for such a request

## 21. Notice of meetings

Adequate notice of an ordinary Student Parliament Committee meeting is given to members at least two (2) University days before the meeting and states at least:

- a) The date, time and place of the meeting; and
- b) The complete agenda.

## 22. Quorum §

- a. Fifty percent plus one (50%+1) of the voting members of the Student Parliament Committee members constitute quorum at Student Parliament Committee meetings;
- b. No decision of the Student Parliament Committee will be valid if at least fifty percent plus one (50% +1) of its members was not present when the decision was made;
- c. Proxy voting at SPC meetings may be allowed at the discretion of the Speaker and Deputy Speakers

### 23. Transparency §

- 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 at least two (2) University days before each Student Parliament Committee meeting.
- b. Any student, or any other person invited by the Student Parliament Committee, may attend Student Parliament Committee meetings.
- c. A person who is not a member of the Student Parliament Committee may only get an opportunity to speak, the duration of which is determined by the Speaker, at a Student Parliament Committee meeting if –
  - i. He or she notifies the Secretary-General of his or her intention to speak at least one (1) University day before the meeting; or
  - ii. The Speaker approves it.
- d. The Speaker can rule the discussion of a specific point on the agenda in camera if he or she and the Deputy Speakers believes it to be in the best interests of students, provided that –
  - i. The must do it before the agenda is set;
  - ii. The point must still appear in the agenda and abbreviated agenda;
  - iii. The discussion of the point must still be minuted, while the relevant part of the minutes need only be made available internally to the Student Parliament Committee; and
  - iv. The Student Parliament Committee can decide to overturn this decision.

### 24. Minutes

- 1) All decisions of the Student Parliament Committee must be minuted.
- 2) The Secretary-General must ensure that the complete minutes of each Student Parliament Committee meeting is made available to all students no later than five (5) University days after the meeting.

### 25. Seconds from Tygerberg

- 3) If the Speaker of the Tygerberg Student Parliament Committee cannot attend a Student Parliament Committee meeting, he or she may appoint a member of the Tygerberg Student Parliament Committee in writing as a second to attend the meeting.
- 4) The said second may exercise all the rights and powers at the meeting that the person that he or she represents would have been able to exercise had he or she been present.
- 5) The right to appoint a second may not be exercised consecutively for more than three (3) Student Parliament Committee meetings.

## Student Parliament meetings

The Student Parliament shall be representative in nature, inclusive in character and consistent in its operation.

### 26. General

Meetings of the Student Parliament shall be open for all students with full powers of participation and voting.

- 1) The Commitment to Unity document. View **Addendum B**
- 2) Values of Student Parliament meetings. View **Addendum C**
- 3) Student Parliament meeting procedures. View **Addendum P**

### 27. Composition §

- 1) All registered students have membership and voting rights at Student Parliament;
- 2) All students will enjoy equal standing at Student Parliament;
- 3) All attendees are deemed to be there in their personal capacities when they take part in discussions;
- 4) Attendees may only speak from their positional authority-
  - a. If they are invited in that capacity to address Student Parliament; or
  - b. If arranged previously with the Student Parliament Executive Committee; or
  - c. At the discretion of Speaker if (a) and/or (b) could not be applied
- 5) The exceptions as set out in 4(a) and 4(b) must be communicated in writing at least one (1) university day before the Student Parliament meeting to the Speaker or Secretary-General.

### 27. Frequency

At least one ordinary Student Parliament meeting shall be had per academic term.

### 28. Ordinary Meetings

- a. The first ordinary meeting of the Student Parliament shall be held in the first academic term;
- b. Ordinary meetings of the Student Parliament shall be held at least once per academic term;
- c. The Speaker shall give at least seven (7) days' notice of the date, time and venue of such a meeting with disclosure of agenda;
- d. Students shall be granted a reasonable opportunity to put matters on the agenda of a meeting for a period of not less than four (4) working days, but closing no later than seven (7) days before the final agenda is sent out to students.

### 29. Extraordinary Student Parliament Meetings

An Extraordinary Meeting of Student Parliament shall be held if the Student Parliament Committee calls such a meeting

Such a meeting can be called for, but not limited to the reasons below:

- a. Request for Representative Council member(s) and/or Office bearer(s) to account i.to **Addendum E**; and/or
- b. If the terms of **Addendum G** are met
- c. Motion of no confidence in Student Representative Council member(s) and or office bearer(s) i,t,o **Addendum F**; or
- d. Motion of no confidence in Speaker or Student Parliament Committee member

### 30. Minutes

The minutes for Student Parliament meetings is the functional responsibility of the Secretary-General

- 1) The minutes of a Student Parliament meeting shall be made widely available for public scrutiny within ten (10) University days of each meeting;
- 2) A period of three (3) University days will be given for comments to be made where after the Student Parliament Committee will vote to accept or reject the minutes and thereafter it will be signed by the Speaker, Secretary-General and Accountability Committee Chairperson.
- 3) The minutes thus approved and signed shall be the only official account of the proceedings of the meeting and shall be:
  - a) Submitted to the Stellenbosch division responsible for student leadership
  - b) Sent to the Secretary-General or equivalents of:
    - i) Tygerberg Student Parliament
    - ii) Student Representative Council;
    - iii) Tygerberg Student Council;
    - iv) Military Academic Council;
    - v) Student Court;
  - c) And be available on request of any student or staff member within two (2) University days after the approval of the minutes.

### 31. Resolutions

- 1) Resolutions may only be adopted in respect of matters disclosed by the agenda;
- 2) A resolution shall be adopted by the fifty percent plus one (50%+1) of members present unless otherwise provided in this Constitution;
- 3) These resolutions will serve to advise the members of Stellenbosch University structures and to obtain responses from them as instructed by Student Parliament;
- 4) None of the resolutions may bind any structure but will serve as advice and official responses will be obtained and communicated to students in a timely manner

### 32. Forms of address

- a) The Speaker is addressed as Mister/Madam Speaker;
- b) The Deputy Speakers are addresses as Mister/Madam Deputy Speaker;
- c) Attendees are addressed as Sir/Madam
- d) If attendees are invited to address Student Parliament in their official capacities, they shall be called by their surnames or by their offices if known

### 33. Observers

Management and guests are always welcome at the meetings and may participate at the discretion of the Speaker and Deputy Speakers.



### 34. Language

- a) The secretariat will issue all official documents in both English and Afrikaans as far as resources allow;
  - i) Where a constraint on resources exist English shall be the used as it is the language which makes Parliament accessible to the greatest number of students
- b) Members may speak English or Afrikaans during meetings;
- c) Translation services must be arranged as far as possible

### **Evaluation of the Student Parliament Committee members by the Evaluation Panel**

#### 35. Nature and convening of the Evaluation Panel

The Evaluation Panel is convened by the Policy Unit Chair of the Student Parliament Committee or a Student Parliament Committee member delegated by the Executive Committee, to evaluate how the Student Parliament Committee members performed their duties and in so doing keep them accountable.

#### 36. Composition of the Evaluation Panel

- a. The Evaluation Panel consists of the following members:
  - i. Two (2) students who attended Student Parliament during the year concerned, selected by the Speaker, and Deputy Speakers from Student Parliament attendance lists;
  - ii. Two (2) persons, whether students, University members of staff or other persons, who are not Student Parliament Committee members, appointed by the Student Parliament Committee, taking into account their knowledge of the duties of the Student Parliament.
- b. The Stellenbosch University division responsible for student leadership 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.

#### 37. Duties and powers of the Evaluation Panel

- a. The Evaluation Panel can decide to:
  - i. Withhold up to 30% of the customary honorarium of a Student Parliament Committee member if that member's annual report is, in the opinion of the Panel, not adequate and complete; and
  - ii. Withhold up to 60% of the customary honorarium of a Student Parliament Committee member if the Panel is of the opinion that that member did not perform his or her duties properly and competently.
- b. The Panel can conduct a short interview with each Student Parliament Committee member about the performance of his or her duties and the performance of the other Student Parliament Committee members.
- c. When making a decision in terms of paragraph (1)(b), the Panel must also take the following into account:
  - i. The provisions of this Constitution;
  - ii. The code of conduct and other regulations of the Student Parliament Committee;
  - iii. Any representations that any person may direct in writing to the Chair of the Panel;
  - iv. The reports of Student Parliament Committee members, copies of which must be supplied to the Panel; and
  - v. The principles of natural justice.

#### 38. Review

The decisions of the Evaluation Panel can be reviewed by the Appeal Court if an application is lodged and their decision is final.

#### 39. Procedure

The Panel determines its own procedures.

#### 40. Notice and reasons

The Panel must inform a member of the Student Parliament Committee as soon as possible of its decision and the reasons for that decision (in writing) if it was decided that any portion of the member's honorarium be withheld

#### 41. Timeframe

The Panel is constituted annually to perform its duties and powers between 1 March and 20 November of the year concerned.

#### 42. Communication

- a. Only the Speaker and Deputy Speakers may speak on behalf of Student Parliament; unless
  - i. A specific matter is either:
    - 1. In the purview of another portfolio; or
    - 2. Has been specifically delegated to another person by the Speaker and Deputy Speakers

#### 43. External Campuses

- a) External Campuses form part of this University and as such all would arrange their respective Student Parliament's and all necessary organs for it to function optimally subject to their respective constitutions, this Constitution and the Student Constitution.
- b) Please view **Addendum L** as it sets out the Memorandum of Understanding with all Student Parliament's located on other Stellenbosch University campuses, specifically Tygerberg Student Parliament.

#### 44. Inputs as to Student Parliament's processes

Public discussions and written submissions

- a) The Student Parliament Committee and the Task Groups will consider any stakeholder's written submissions on any topic.
- b) Any student may request a Task Group to be formed or to address a Task Group on any matter, provided that –
  - i) Submit a written request to the Student Parliament Committee
  - ii) It contains a specific request and proper motivation
- c) And such a request may be granted at the discretion of the Student Parliament Committee.
- d) If a request for a task group is made with proper motivation and fifty (50) signatures and student numbers then the Student Parliament Committee is required to fulfill the request
- e) All written requests and submissions will be answered in writing within three(3) University days of acknowledgement of receipt by Student Parliament Committee

#### 45. Documents

- a) All documentation must be available to all students at all times
- b) Exceptions to (a) above may be made at the discretion of the Student Parliament Committee which would have to be motivated in writing to the person(s) making enquiry
- c) The exception in (b) can only be set aside by-
  - i) Either fifty percent plus one (50% +1) of those present at Student Parliament Committee meeting where quorum is present; and/or
  - ii) Fifty percent plus one (50% +1) of those present at a Student Parliament meeting;
  - iii) The Student Court

#### 46. Representation

- a) Section 45 of the Student Constitution makes provision for two members of Student Parliament to serve on the Evaluation Panel of the Student Representative Council
  - i) Speaker of Student Parliament i.t.o section 45(b) of Student Constitution;
  - ii) One Student Parliament member i.t.o section 45(c) of Student Constitution
    - i. This person shall be identified by the Speaker and Deputy Speakers in consultation with the Student Parliament Committee

#### 47. Co-operative Governance and Inter-organisational discipline: §

- a) Given the Duties and Responsibilities of Student Parliament, Members must agree and adhere to principles of co-operative governance and good inter-organisational relation.
- b) All spheres of Student Representation and all organs within each sphere must at all time in and outside the Student Parliament:
  - i) Preserve the peace, unity and indivisibility;
  - ii) Secure the well-being of all Students and their constituencies;
  - iii) Provide effective, transparent, accountable and coherent representation for their constituent Student Body;
  - iv) Respect the constitutional status, institutions, powers and functions of governance in the other spheres;
  - v) Not assume any power or function except those conferred on them in terms of the Student Constitution, their respective constitutions and any other relevant authority;
  - vi) Exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of governance in another sphere; and
  - vii) Co-operate with one another in mutual trust and good faith by-
    - 1) Fostering friendly relations;
    - 2) Assisting and supporting one another;
    - 3) Informing one another of, and consulting one another on, matters of common interest;
    - 4) Co-ordinating their actions and policies with one another;
    - 5) Adhering to agreed procedures; and
    - 6) As far as possible avoiding legal proceedings against one another;
    - 7) As far as possible avoiding the reporting of such disputes to the Media
    - 8) Devise appropriate mechanisms and procedures to facilitate settlement of inter-governmental disputes.
- c) An organ of Student Representation involved in an intergovernmental dispute must make every reasonable effort to settle the dispute by means of mechanisms and procedures provided for that purpose, and must exhaust all other remedies before it approaches Student Parliament and/or Student Parliament Committee in an attempt to resolve the dispute.
- d) In the event of a dispute being brought before Student Parliament and/or the Student Parliament Committee and the Student Parliament Committee is not satisfied that the requirements of this section have been met, it may refer the dispute back to the organ(s) of governance involved.

## Chapter 3: COMMENCEMENT, REPEAL AND AMENDMENT PROCESS§

### 53. Commencement and Repeal

- a) All provisions in this Constitution come into effect when it is approved by Student Court unless otherwise stated in the relevant section.
- a) This Constitution repeals all previous constitutions of the Student Parliament
- b) No part of this Constitution will have effect retrospectively

### 54. Normal amendment process

- a) The provisions as indicated by § are fundamental and may only be amended in a referendum
- b) 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.
- c) Where 60% translate to fraction the vote required should be rounded to the next whole number
- d) All provisions not mentioned in subsection (a) can be amended by sixty percent (60%) of the Student Parliament Committee voting for the proposed amendment during a Student Parliament Committee meeting.
- e) The fundamental provisions listed in subsection (a) takes precedence over any other provision of this Constitution.

### 55. Special amendment process

- a) Notwithstanding section 54, any proposed amendment to any part of this Constitution will be put to a referendum if:
  - i) The signatures of at least two hundred (200) students have been obtained in favour of the proposed amendments; and
  - ii) Sixty percent (60%) of members present at a Student Parliament sitting has voted in favour of the proposed amendment

### 56. Referendum

- a) The fundamental provisions of this Constitution listed in section 54(a) as well as any provision in terms of section 55, can only be amended by acceptance of the proposed amendment by the students in a referendum.
- b) A referendum takes place during a Student Representative Council meetings as per practice, and is organised by the outgoing Speaker, outgoing Deputy Speakers in Conjunction with the Election Convenor(s).
- c) Each student must get a reasonable opportunity to vote in a referendum.

### 57. Mandatory referendum

- a) At least every five (5) years, starting in 2018, a referendum must be held in which students vote on whether this constitution is to be revised.
- b) If a majority of votes for revision is obtained, the following procedure must be followed:
  - i. The Student Court must order the Speaker to ensure that this Constitution is revised in a transparent and participative process.
  - ii. If, by the middle of his/her term the Speaker has not taken reasonable steps to revise this Constitution, the Student Court must take steps it deems necessary to ensure that this Constitution is revised.
  - iii. The revised Constitution must be put to referendum again during the following Student Representative Council election.

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## 58. Interpretation

- a) In case of conflict arising from the interpretation of this Constitution, the following person(s)/offices will be approached in the order specified to resolve it
- i. The Speaker and Deputy Speakers; then
  - ii. The Executive Committee of the Student Parliament Committee; then
  - iii. The Student Parliament Committee; then
  - iv. The Student Court; then
  - v. Appeals Court

## Chapter 4 Motion of no Confidence

### Motion of No confidence in Speaker of Student Parliament§

It is important to note that this measure exists to ensure that accountability and transparency is realised within all spheres of student representation as mandated by the Student Constitution.

Due to the importance and sensitivity of this aspect of its authority, a body within Student Parliament has been created to fulfil this function. This structure will be known as the Accountability Committee (AC). Please view **Addendum F** for the rationale of this body.

#### 59. Process for Vote of No confidence

(1) A special Student Parliament meeting must be called for this action and the agenda may only contain this point and one other topical issue.

(2) The following requirements must be met-

- (a) The Motion must be submitted to the Accountability Committee Chair,
- (b) The motion must be in writing
- (c) it must be accompanied by a motivation and contain clear reasons:
  - i)Applicable Constitutional sections for reasons for request;
  - ii) Proof of breach of duty;
  - iii)Proof of failure to perform

(d)the motion should contain the following:

- I. Both the motion and motivation is signed by both a mover and a seconder; containing their respective student numbers, names and surnames; and
- II. Contain the names, surnames, student numbers, House affiliation, programme name, year of study at Stellenbosch University and signature of at least one hundred (100) registered students.

(3) The AC Chair must communicate this to the Accountability Committee within forty eight (48) hours for their review

The Accountability Committee will have five (5) University days to:

- a) Reject the motion and communicate their reasons to person(s) who made the motion of no confidence; or
- b) If the motion is rejected and found to be prejudiced and baseless, the Accountability Committee Chair retains the right to institute formal proceedings against person(s) who lodged the motion to the Student Court; and
- c) Communicate decision with written reasons to applicant(s) within three University days of decision being made

(4)Applicant(s) may apply to the Student Court for recourse if they wish to appeal this ruling on procedural grounds

(5) With the supporting vote of at least fifty five percent plus one (55%+1) of members, present may pass a motion of no-confidence in the Speaker

(6) If the motion is not rejected, the Speaker shall continue with his/her duties as determined by the Student Parliament Executive Committee.

- b) This may be limited by the Executive Committee; and/or
- c) Be limited to specific activities as they see fit; and/or
- d) Be determined that the Speaker will be placed on a leave of absence pending the outcome of the investigation

- (7) In such a case both Deputy Speakers will jointly hold office of Speaker
- i. This body will be given six (6) University days to investigate the matter and will follow its procedures and methods as contained in **Chapter 4**
  - ii. Their findings will be communicated to Student Parliament Committee at their earliest convenience, maximum period of six (6) University day
  - iii) If needed a longer period may be given by the Student Parliament Committee limited to an additional four (4) University days
- (8) The Report from the Accountability Committee with all the evidence, excluding the personal details of mover, seconder and supporters of motion gathered thus far must be communicated to:
1. The Speaker; who will have five (5) University days in which to respond in writing to this motion
  2. The Student Parliament Committee will have five (5) University days to respond in writing; as to whether they are aware of the existence of any grounds for the motion
    - a. This is not limited to the wording of the motion but may also bring new evidence to light as to the culpability of the Speaker
    - b. Supply the Accountability Committee with any evidence they have which both support and oppose the motion
    - c. The Student Parliament Committee must also communicate in writing as to whether internal disciplinary measures has been instituted against Speaker;
      - i. The Accountability Committee may choose to continue with this motion irrespective of whether internal disciplinary measures has been instituted against the person(s) in question and/or
      - ii. The Accountability Committee may also lodge a formal complaint against Student Parliament Committee if no action or not appropriate actions were instituted if they had knowledge of the inaction/transgression of person(s) in question
  3. The Office at Stellenbosch University responsible for student governance or his/her delegate
    - a. The Office will have five (5) University days to respond in writing; as to whether they are aware of the existence of any grounds for the motion
      - a. This is not limited to the wording of the motion but may also bring new evidence to light as to the culpability of the Speaker
      - b. Supply the Accountability Committee with any evidence they have which both support and oppose the motion
      - c. The Office must also communicate in writing as to whether internal disciplinary measures has been instituted against person(s) in question
        - i. The Accountability Committee may choose to continue with this motion irrespective of whether internal disciplinary measures has been instituted against the person(s) in question and/or
        - ii. The Accountability Committee may also lodge a formal complaint against the Office if no action or no appropriate actions were instituted if they had knowledge of the inaction/transgression of person(s) in question
- (9) Voting must take the form of Voting ballots
- (10) The motion if upheld following all processes as stipulated above will then:
- a. Be presented at a Special Student Parliament meeting;
  - b. Be presented to Student Court
    - i. If Student Court approves the motion It will come into effect immediately and the Student Parliament Committee will have to arrange for a new election at the following ordinary sitting of Student Parliament
    - ii. If the Student Court rules against the motion;
      - 1) The Accountability Committee may appeal the decision to the Appeal Court;

or

- 2) The person(s) who filed the original motion/complaint may appeal the decision to the Appeal Court
- 3) Both parties in 1) and 2) may jointly or separately appeal the Student Courts decision.



## **Motion of no confidence in SRC member(s) §**

Please note that Student parliament considers itself as working in cooperation with anybody or person existing on campus that is mandated with holding the SRC accountable and transparent.

Due to the importance and sensitivity of this aspect of its authority, a body within Student Parliament has been created to fulfil this function. This structure will be known as the Accountability Committee (AC). Please view **Addendum F** for the rationale of this body.

### **60. Process for Vote of No confidence in SRC member(s)**

A special meeting of Student Parliament must be called for such an action and the agenda may only contain this point and a maximum of two additional agenda points.

The motion must adhere to the following requirements for to be considered valid:

- 1) The Motion must be in writing
- 2) It must be accompanied by motivation for the motion
- 3) It must contain:
  - ii) Applicable Constitutional sections for reasons for request;
  - iii) Proof of breach of duty;
  - iv) Proof of failure to perform;
- 4) It must be signed by the mover, a seconder and each must be identified by his or her full name and student number
- 5) It must further be signed by at least 200 registered students who must all be identified by their full names and student numbers.
- 6) It must then be submitted to the Speaker.
- 7) It will then be the duty of the Speaker to:
  - a) communicate this to the Accountability Committee within forty eight hours (48)
  - b) The Accountability Committee will have five (5) days to either:
    - (1) Reject the motion and communicate reasons for this decision to the person(s) who brought the motion of no confidence; and/or
      - i) If the motion is rejected and/ or found to be prejudiced and/ or baseless, the Accountability Committee reserves the right to institute formal proceedings against person(s) who lodged the motion to the Student Court or any other appropriate forum; and
        - a) Applicant(s) may appeal the decision to the Student Parliament Committee and finally the Student Parliament Executive Committee.
        - b) The Student Court will be the last port of call for review or appeal of such matter.
    - (2) Approve the motion and investigate

- i) The Accountability Committee will be given ten (10) University days to investigate the matter and will follow its procedures and methods as contained in **Addendum F**
  - ii) Its findings will be communicated to Student Parliament Committee within five (5) University days after the completion of its investigation
    - a) If needed, a longer period may be granted by the Student Parliament Committee, but this is limited to an additional four (4) University days.
- c) The Report from the Accountability Committee, the motion with all the evidence, excluding the names, surnames, student numbers, house affiliation, academic programme, historic years at Stellenbosch of parties who lodged application, gathered thus far must be communicated to:
- (1) The Chair of the Student Representative Council and the member(s) named.
    - i) The Student Representative Council will have five (5) University days in which to respond to this motion, and must do so in writing.
  - (2) The Student Representative Council Chairperson, or Vice Chairperson if the Chairperson is implicated in the motion, will have five (5) days to respond accordingly:
    - a) As to whether the Student Representative Council are aware of the existence of any grounds for the motion
      - 1. This will not be limited to the wording of the motion but may also bring new evidence to light as to the involvement of the Student Representative Council member(s) or office bearer(s) in question
      - 2. The Student Representative Council be obligated to supply the Accountability Committee with substantive evidence that they may have
      - 3. The Student Representative Council may at its discretion disclose all internal disciplinary measures applicable to the motion that have been instituted against the person(s) in question as well as the outcome thereof. *(This is deemed necessary for investigation purposes)*
        - a) If internal disciplinary measures are lodged by the Student Representative Council or is in process, the Accountability Committee has to suspend its investigation for a reasonable time period for the internal disciplinary measures to be completed.
        - b) The Accountability Committee may also lodge a formal complaint against Student Representative Council if no response is received within the required time and/or if it failed to take action against the person(s) involved while being aware of the matter in

question

- (3) The Office responsible for student governance or his/her delegate
- i) Will have five (5) University days to respond in writing;
    - a) As to whether they are aware of the existence of any grounds for the motion
      - 1. This will not be limited to the wording of the motion but may also bring new evidence to light as to the involvement of the Student Representative Council member(s) or office bearer(s) in question
      - 2. The Office will be obligated to supply the Accountability Committee with any substantive evidence they may have
      - 3. The Office may at its discretion disclose all internal disciplinary measures applicable to the motion that have been instituted against the person(s) in question as well as the outcome thereof.
        - a) If internal disciplinary measures are lodged by the Office or is in process, the Accountability Committee has to suspend its investigation for a reasonable time period for the internal disciplinary measures to be completed.
        - b) The Accountability Committee may also lodge a formal complaint against this Office if no response is received within the required time and/or if it failed to take action against the person(s) involved while being aware of the matter in question
- 8) After investigation the Accountability Committee will present the motion together with all findings supporting evidence gathered to the Student Court.
- 9) If Student Court approves the motion; it will come into effect immediately and the Student Representative Council will be required to follow the procedures of Chapter three (3), paragraph twenty five(25) section three(3) (a) or (b) Ch 3 (25)(3) of the Student Constitution; or
- 10) If the Student Court rules against the motion;
  - a) The Accountability Committee may appeal the decision to the Appeal Court; or
  - b) The person(s) who filed the original motion/complaint may appeal the decision to the Appeal Court
- in the parties per (1) and (2) may also appeal the matter jointly.

## CHAPTER 5: ADDENDUMS

### Addendum A: Mandate of Speaker

The Student Constitution recognizes this role and states that the primary purpose of this person is to ensure that Student Parliament functions and that the Student Parliament meetings are conducted effectively.

This Constitution affirms this description but would also communicate the vision of this role without in any way limiting the growth and development of this role within the constraints as set out for all leadership structures as contained in the Student Constitution.

The Speaker shall, at all relevant times, act in the best interest of students. Although we recognize that this person may also hold another office, it is of the utmost importance that the office of the Speaker be respected by the individual who holds it and that all possible conflicts with his/her other portfolios/offices be avoided.

The construct of the Steering Committee was enacted to ensure that the Speaker truly communicates the will of Student Parliament and that of the Student Parliament Committee. To give effect to this, the two deputy Speakers will together with the Speaker administrate and only use said inbox for Student Parliament purposes.

In sittings of the Student Parliament the Speaker will be prohibited from voting on any matter unless a tie occurs, the Speaker may only then cast a vote.

The values which are core to this position can be summarized as follows:

- 1) To act in an **impartial** manner and with integrity
- 2) To maintain **excellence**
- 3) Uphold **accountability**
- 4) To be **transparent** in all his/her dealings with all spheres of SU
- 5) To inculcate and promote **ethical leadership in all spheres of SU**
- 6) To encourage **critical** and informed **dialogue in all spheres of SU**

#### **Practicality:**

The Speaker together with the Secretary General and the Accountability Committee will be responsible for the daily operation of the Student Parliament and will be assisted by the SPC. At the beginning of their term the SPC shall organize themselves in such a manner as they see fit to ensure that SP functions optimally.

The mandate of the Speaker will be that of the Student Parliament itself including but not limited to making statements on behalf of the Student Parliament and communicating its position to the other SU communities unless this function has been expressly delegated to another functionary of the Student Parliament Committee.

## Addendum B: Commitment to Unity §

At the annual opening of Student Parliament, in the first term of the new academic year, this will be declared by all in attendance together

The Speaker shall invite the Chairpersons of the Student Court, the Student Representative Council, Speaker of Tygerberg Campus, Chairperson of Tygerberg Student Representative Council and, as far as practical, Student Captain of Military Academy to join him/her in front of all assembled in a public commitment to the authority and supremacy of the Student Constitution.

It is envisaged that in the person of these individuals their respective bodies, and all as constituted within them, would also commit to working together to fulfil their respective mandates as contained in the Student Constitution to serve all students at this university.

I, (INSERT FULL NAME), am conscious of the diverse cultural heritage and the historical background of Stellenbosch University and our country, the Republic of South Africa.

I am committed to building a multicultural, non-discriminatory, all-inclusive and democratic community in conformity with the Bill of Student Rights, Chapter 2, of the Student Constitution, and the Constitution of the Republic of South Africa, 1996.

I furthermore acknowledge my responsibility to participate in the democratic systems recognized by this Constitution.

In terms of the Student Constitution I commit to protect and defend The Right to:

- Equality,
- Human Dignity,
- Freedom of religion, belief and opinion,
- Freedom of expression,
- Assembly, demonstration and petition,
- Freedom of association,
- An enabling campus environment in which student success and academic excellence are encouraged and pursued,
- Quality education, academic support and transparent and justifiable assessment procedures

I also freely accept the responsibility, of holding all student governance structures accountable, to fair and consultative governance, transparency, service delivery and their mandates as given to them by the Student Constitution of Stellenbosch University.

## Addendum C: Values of Student Parliament

As a University we have committed to a value based system, please find the common values below:

The common values for Student Parliament can summarised as follows and also in essence set out the manner in which Student Parliament meetings, and all structures as set out in this Constitution will be conducted. These values must also be represented by the Speaker in his/her discharge of his/her duties

### Common values:

- a. Mutual respect
- b. Excellence
- c. Equality
- d. Human Dignity
- e. Non-discriminatory
- f. Informed debate
- g. Unity

We as Student Parliament being cognizant of our Constitutional mandate as to **accountability** and **transparency** hereby strongly affirm our commitment to this. We further state explicitly that our sittings will take place in the ambit of **mutual respect, equality** of persons where the **human dignity** of all will be observed and actively promoted and protected by all.

As we are an academic institution we also commit ourselves to **excellence** so as to ensure **informed debate** and dialogue.

Our sittings aim to promote the concepts of **unity** within a diversity of ideas with the aim of **student success** and to promote Maties as though leaders.

Although an example of Meeting Procedure is contained in this document for practicality's sake it may be altered as needed by the Student Parliament Committee.

## Addendum D: List of Priorities for SRC §

At a Student Parliament meeting, be it informal, ordinary or extra-ordinary; a list of priorities as compiled by the SPC must be voted on by those assembled. This list may only be compiled using a combination of the following;

- 1) Input obtained from students
- 2) List compiled by Student Parliament Committee
- 3) Issues as raised throughout the year in the various campus Media platforms
- 4) Issues mentioned at Student Parliament meetings
- 5) Input from structures of Student governance

It is the duty of the Speaker to communicate this list to the newly elected SRC and to obtain official feedback from the newly elected SRC Chairperson at a date agreed to between them. This date may not exceed a period of three weeks after the official acknowledgement of receipt of the list of priorities.

## Addendum E: Request SRC member(s) to account §

Such a request may be made for appearance at an ordinary, informal or extraordinary Student Parliament meeting

This request will be in the prescribed format and contain all relevant information as set out below:

- 1) The request must be in writing,
- 2) it must be accompanied by a motivation,
- 3) the complete document will be submitted to the Speaker;
- 4) It will contain:
  - a) clear reasons for the request;
    - a) substantiation/reasons for claim
  - b) The request must be signed by the applicant and one other interested student or student organisation
  - c) It must contain the full names, student numbers, house affiliation, degree course, year of study and the signatures of at least fifty (50) registered students of the University of Stellenbosch.
- 5) The Speaker must communicate this request to the Accountability Committee within twenty four (24) hours for their review
- 6) The Accountability Committee will have five (5) University days to either:
  - a) Accept the request and communicate the request to the SRC member in question as well as the SRC Chairperson; or
  - b) Should the request be rejected and/or found to be prejudiced and/or without base, future requests by the same applicant may be viewed with prejudice. Communicate decision with written reasons to applicant(s) within five (5) University days of final decision being made
    - (1) Should an applicant wish to have the decision reviewed he, she or they may apply to the Speaker for such a review;
    - (2) It may then be reviewed by the Student Parliament Committee;
    - (3) It may then be within the discretion of the Student Parliament Committee to refer matters to the Student Court or any other appropriate body.



## Addendum F: Accountability Committee §

### **Context within Student Parliament:**

The AC is an expression of Student Parliament Committee and serves as a mechanism to focus on fulfilling the constitutional mandate of Accountability and Transparency.

### **Mandate:**

The mandate of the AC is to strengthen constitutional democracy by investigating and redressing improper and prejudicial conduct, maladministration and abuse of power; resolving administrative disputes or rectifying any act or omission in administrative conduct through mediation, conciliation or negotiation; advising on appropriate remedies or employing any other expedient means; reporting and recommending; advising and investigating violations of the Student Constitution and the constitutions of other bodies of Student Representative Council and discharging other responsibilities as mandated by the following legislation:

1. Constitution of the Republic of South Africa Act 108 of 1996;
2. Promotion of Access to Information Act 2 of 2000 (PAIA);
3. Stellenbosch Statute
4. Student Constitution
5. Student Parliament Constitution
6. Military Academy Constitution
7. Tygerberg Student Constitution
8. Tygerberg Student Parliament Constitution
9. Societies Council Constitution
10. Academic Affairs Council Constitution
11. Prim Committee Constitution
12. MAD<sup>2</sup> Constitution

### **Vision:**

A trusted, effective and accessible AC that rights administrative wrongs and consistently acts with integrity to ensure fair, accountable and responsive decision making, service and good governance in all matters of SRC and public administration in any sphere of Stellenbosch leadership on which a student sits in a representative capacity.

### **Mission:**

To strengthen constitutional democracy in pursuit of our mandate by investigating, rectifying and redressing any improper or prejudicial conduct in SRC affairs and resolving related disputes through mediation, conciliation, arbitration, negotiation and other measures to ensure fair, responsive and accountable decision-making and service delivery.

### **Values**

1. Independence and Impartiality,
2. Human Dignity,
3. Equality,
4. Ubuntu,
5. Redress,
6. Accountability,
7. Integrity,
8. Responsiveness,
9. Transparency, and
10. Justice and Fairness

### **Strategic Objectives**

In pursuit of the mandate, vision and mission the AC will focus on the following strategic objectives in the next 3 years:

1. Accessible to and trusted by all students and structures of SRC,
2. Prompt remedial action,
3. Promotion of good governance in the conduct of all SRC affairs,
4. An efficient and effective AC,
5. An optimal performance and service focused culture.

### **Jurisdiction**

The AC may investigate any matter as it pertains to matters of SRC subject to the limitations and exceptions as stated within this document, Student Parliament Constitution and the Student Constitution.

### **Particular powers and duties**

During an investigation, the AC may, if it considers it appropriate or necessary:

1. Request any person to appear before it to give evidence or to produce any document in his/her possession or under his/her control which, in the opinion of the AC, has a bearing on the matter being investigated, and may examine such person for that purpose;
2. Request any member of SRC or performing a public function, or otherwise related to student representation, to assist it in the performance of its duties with regard to a specific investigation;
3. Make recommendations for appropriate remedial action;
4. May mediate if relevant parties agree;
5. May arbitrate if relevant parties agree

### **Reporting**

The AC, in the person of the AC Chairperson is accountable to Student Parliament and must report on its activities and the performance of its functions to the House at least once a year. The AC Chairperson must, however, at any time submit a report to Student Parliament on the findings of a particular investigation if:

1. It deems it necessary;
2. It deems it in the public interest;
3. It requires the urgent attention of, or an intervention by, the Student Parliament, or
4. It is requested to do so by the Speaker of Student Parliament
5. It is requested to do so by the Chairperson of Student Court
6. It is requested to do so by the Chairperson of Central Disciplinary Committee

Any report issued by the AC must be open to the public unless exceptional circumstances require that a report be kept confidential.

### **Primary function:**

The Accountability Committee (AC) receives and investigates complaints from the students and/or staff against any body as constituted by the Student Constitution or any person holding an office which confers positional authority or representation, and has the power to recommend corrective action and to issue reports.

The AC's services are free and available to all, and if you lay a complaint your name will so far as possible be kept confidential.

### **Appointment and Selection:**

The Chairperson of the AC is selected as per the process for the selection of Student Parliament Committee members. This body will consist of-

- AC Chairperson (Deputy Speaker Internal)
- AC Deputy Chair
- Speaker
- Secretary-General (Deputy Speaker External)
- A senior Matie student who is knowledgeable about leadership structures, procedures and constitutional matters of student leadership structures and failing that at least a third year Law student

### **Inclusive meetings and Forums:**

AC meetings will as far as possible remain accessible to all students unless both parties; who have standing in the case in question requests differently. However, with the mandate of insuring order within the meeting, non-members of the AC need to inform the Chairperson that they will be attending 24 hours before an AC meeting. The frequencies, structure and types of meetings by the AC would depend on the issues raised at Student Parliament, Student Parliament Committee, matters sent in my students, discretion of AC Chair and the discretion of the Speaker.

### **Workings of the AC:**

The AC receives and investigates complaints from the students and/or staff against bodies as constituted by the Student Constitution, any structure within the ambit of Student Court or any person holding an office which confers any semblance of positional authority or representation, and has the power to recommend corrective action and to issue reports. If the AC finds that your complaint is justified, it will do whatever possible to find a solution to the problem, which includes recommending changes to the system.

The AC can also report the matter to a full sitting of Student Parliament, which will debate the matter and see to it that the recommendations are communicated to relevant parties.

Investigations are mostly done informally, but the AC may request people to give evidence when this becomes necessary.

Complainants should not fear being victimized for "blowing the whistle" on corrupt or improper practices. All information that comes to AC - including the identity of complainants and their sources of information - is treated as confidential.

### **Who the AC investigates:**

- a. The SRC and any of her representatives;
- b. Any person performing a public function. This includes anyone performing any official duty which affects Maties
- c. All committees and forums where students are represented by students

### **What the AC investigates:**

- a. Improper prejudice suffered by the complainant or another person, including but not limited to:
  1. Abuse of power.
  2. Unfair, capricious, discourteous or other improper conduct.

3. Undue delay.
  4. The violation of a human right.
  5. Any other decision taken or situation brought about, by the authorities.
  6. Any breach of the Student Constitution
- b. Maladministration.
  - c. Dishonesty or improper dealings with respect to public money.
  - d. Improper enrichment.
  - e. Receipt of improper advantage.

**What the AC will not investigate:**

- a. Judgments by Student Court, Central Disciplinary Committee, including sentences imposed by them.
- b. Private acts by individuals.

**How a complaint is made:**

Should your complaint be about prejudice, you should try to solve the problem yourself before complaining to the AC, for example by:

- a. Speaking to the official(s) involved; or, if that does not help
- b. Writing to the person in charge of the official(s), for example the head of the committee/body.

Only then, if you are still unable to solve the problem, should you make a submission to the AC. You can do this by:

- a. Sending an email with all the relevant information and your contact details, including your student number, to the AC

The following information should be contained in your submission:

- a. The nature of your complaint.
- b. The background to your complaint.
- c. Reasons why your complaint should be investigated by the AC.
- d. Steps you have taken to solve the problem yourself (if applicable). You should mention names of the officials you have been dealing with, on what dates, and what was said. Copies of any correspondence between you and the officials should be attached to your letter.
- e. A telephone number where you can be contacted, if you have one.
- f. In some instances the AC may require an official statement before investigating.

You could also arrange for an interview or a consultation, if you prefer. It is better to write first and ask for an interview in the letter.

**Information Handling:**

The foundational call of SP is to ensure transparent and accountable leadership at all levels of SU. The point of departure of this document is that all parties are united in this objective. It is thus the role of the AC to ensure that it has all possible information pertinent to the issue at hand. The AC, through the person of the Chairperson, will thus make enquiries with all relevant structures for all pertinent information to ensure that the student body is informed of all relevant facts.

The handling of confidential information is with sensitivity, the AC will need to use discretion in terms of its publication, bearing in mind the trust of the informant(s).

Members of the AC are all at risk of leaking information, be it confidential, anonymous individual's names etc., be it suggestively or directly, this needs to be observed and regulated, possibly through disciplinary procedures and bindings to information flow. The AC will thus be responsible for formulating their own Disciplinary Code if required which is subject to the Student Parliament Constitution.

If you are unsure whether your problem is something the AC will investigate you can write to

[studpar@sun.ac.za](mailto:studpar@sun.ac.za).

In some cases the committee can help people to find quick solutions to their problems. The committee can also tell you where to complain if the AC cannot help you.

**Procedures and Policies:**

The Accountability Committee is responsible for formulating its own additional policies to ensure that it fulfils its mandate effectively. These additional policies must be approved by the Policy Unit to come into effect.

We would like to also give special thanks for the formulation of this foundational structure is hereby given to the following dedicated individuals:

**Ofentswe Mokwena (Convenor), Kyle Willard, Wayde Groep, Nicole Lindsay and Jonno Blanckenberg**

## Addendum G: Extraordinary Student Parliament Meetings §

### 1) General

It is important to note that these meetings will not be held to accommodate an issue/concern that would be addressed at a normal Student Parliament meeting.

Matters that would be addressed at such a meeting would include, but is not limited to:

- a) Student Representative Budget and budgeting process; or
- b) Written request signed by at least one hundred (100) students; or
- c) Motion of no confidence in SRC member(s); or
- d) Motion of no confidence in Speaker; or
- e) Motion of no confidence in Student Parliament Committee member(s); or
- f) Request that SRC member(s) explain their actions or lack thereof

### 2) In general an Extraordinary Meeting of Student Parliament must be held when:

- a) By a resolution at an ordinary meeting supported by fifty percent plus one (50%+1) of members present; or
- b) Seventy (70) students make such a request in writing of the Speaker; or
- c) An *ex officio* body of the Student Representative Council requests this in writing of the Speaker and this is upheld by Student Parliament Committee; or
- d) The Speaker in consultation with the Student Parliament Committee calls such a meeting; or
- e) The Chairperson of the Student Representative Council, subject to the approval of the Student Representative Council members requests this in writing of the Speaker and this is approved by the Student Parliament Committee; or

### 3) Procedure

- a) The Speaker must publish and give notice of the date, time, venue and provisional agenda of such a meeting, at least seventy two (72) hours before the meeting;
- b) Only items specifically mentioned for the extraordinary meeting following a resolution by the House at a previous meeting or items introduced in terms of this section will be considered at an extra-ordinary meeting.
- c) Notification can either be a submission electronically or in form of posters reasonably displayed on notice boards.
- d) All meetings of the Student Parliament must be conducted in public

## Addendum H: Task Teams §

Task team may be formed by the Student Parliament Committee and/or Student Parliament and given a wide brief and/or a list of specific tasks. Task teams are generally formed to ensure that any matter that is raised by students can be discussed by as wide a variety of students as possible to advise;

- 1) The results of task team investigations may be communicated to any, or combination of Offices below to serve as recommendation and written responses from relevant parties must be obtained to be disseminated to students.
  - a) SU Management; and/or
  - b) Relevant division at Stellenbosch depending on the nature of the topic; and/or
  - c) SRC; and/or
  - d) Other relevant party as identified by Task team
  
- 2) A task teams may consist of:
  - a) Any member of SU Community who volunteers;
  - b) Members who are part of the Student Parliament Committee;
  - c) Additional (non- Student Parliament Committee,) Task team members who are as a rule co-opted by reason of their representivity, expertise, availability and commitment; and
  - d) Temporary advisers co- opted to assist the Task team with specific matters.
  
- 3) When a special investigation is required;
  - a. where there is no provision in this constitution or rules for dealing with the specific matter; and/or
  - b. tasks allotted to the task team.
  
- 4) Task teams must-
  - i) Include in their agendas matters that form part of their broad or specific briefs;
  - ii) Keep minutes of their meetings; and
  - iii) Report in writing to every normal meeting of the SPC according to the prescribed
  
- 5) The task team may utilize any structure it deems necessary to execute its task.
  - a) When a special investigation is required;
  - b) Where there is no provision in this Constitution for dealing with the specific matter or tasks allotted to the committee;
  - c) Where the Student Parliament Committee deems necessary or by resolution of the Student Parliament;
  - d) Members of the Task teams have the same rights as ordinary Student Parliament Committee members but have no voting rights
  
- 6) Task team members may be obtained from;
  - c. Student Parliament Committee
  - d. Student Parliament Portfolio Committees
  - e. General students who have volunteered
  - f. Students identified at a Student Parliament sitting
  - g. General students as identified by the Student Parliament Committee
  
- 7) Task team reports are incorporated into minutes of next Student Parliament meeting and are communicated in writing to relevant parties as contained in section 1

## Addendum I: Election of Speaker §

### **Election convenors:**

The outgoing Speaker, outgoing AC Chairperson and outgoing Secretary-General will serve as Convenors and will be assisted by two members of Student Parliament present at the meeting.

### **Nomination process:**

- a. A minimum of seven University days must be given before the meeting when the election shall take place.
- b. The person(s) must apply by email to [studpar@sun.ac.za](mailto:studpar@sun.ac.za) in the format as decided by the SPC.

### **Ineligible parties:**

Persons who:

#### A. Serve on-

- i. Student Representative's Council;
- ii. Student Representative's Council committee;
- iii. Societies Council Exec;
- iv. Prim Committee Exec;
- v. Academic Affairs Council ;
- vi. Faculty Committees;
- vii. Tygerberg Student Council;
- viii. Tygerberg Student Parliament Speaker;
- ix. Tygerberg Student Parliament Committee;
- x. Die Matie Editorial;
- xi. Student court;
- xii. Milac Committee

#### B. Apart from compliance with items A, the Election Committee must also reject the application of a candidate if the candidate –

- i. could possibly face Academic exclusion; or
- ii. has not been a student for at least one (1) semester; or
- iii. has been sentenced to imprisonment in the Republic of South Africa or elsewhere for any misdemeanour without the option of paying a fine; or
- iv. has been found guilty of any offence by the Central Disciplinary Committee or the Disciplinary Appeal Committee of the University.

### **Requirements:**

Applicant -

- i. Must be at least in second Academic year
- ii. Provide 3 relevant contributions within the Matie Community or greater RSA Community for the three preceding years. This would start with the current year of application. **this does not have to be in a position of leadership**
  - a. Contactable references for all must be provided
  - b. Please note simply naming a position would be insufficient
  - c. We need to know what you specifically contributed where you were involved be it NGO, Community, societies, committees, etc
- iii. Must not have had any Central Disciplinary Cases (SDK) cases in past two years
- iv. Must have attended at least two (2) Student Parliament sessions in the year of application
- v. Must have a demonstrable working knowledge wrt the following constitutions:
  - a. Stellenbosch Statute
  - a. Student Constitution
  - b. Student Parliament
  - c. Tygerberg Student Constitution



- d. Milac Constitution
- e. Societies Council;
- f. Academic Affairs Council;
- g. Prim Committee;
- h. Media reglement;

### **Application process:**

1. Email **studpar@sun.ac.za** if you have any Enquiries wrt to process
2. Written motivation containing:
  - a. Statement that they meet with all the requirements;
  - b. Provide all as requested in '**Requirements**' section;
  - c. 300 word motivation
    - i. How would you position Student Parliament ito constitutional democracy?
    - ii. Identify at least one aim of Institutional Plan that you would want SP to engage on and how would you do so?
    - iii. Why you should be Speaker and what you will contribute towards realizing SP *Vision and Mission*.
3. Speaker, Accountability Chairperson, and Secretary-General) reviews applications
4. Interviews by Panel consisting of-
  - a. Outgoing Speaker;
  - b. Outgoing SPC Exec members;
  - c. One student selected by Student Parliament Committee from attendance lists;
  - d. Coordinator of Student Governance, in advisory capacity

### **Student Parliament election**

1. One slide containing
  - a. Name and Surname;
  - b. Three relevant positions;
  - c. Three reasons why you wish to run for Speaker;
  - d. One minute in which to address the House;
    1. Depending on the number of applicants, this may be increased
  - e. Photo;
2. Election Convenors:
  - a. Outgoing Speaker
  - b. Outgoing Deputy Speaker Internal
  - c. Outgoing Deputy Speaker External
  - d. One student selected by Student Parliament Committee from attendance lists
  - e. Tygerberg Speaker ( if possible)
3. Process: Positive Voting by ballot paper until one person obtains 55%
  - a. If only one candidate stands:
 

A vote of confidence will then be held where the person must obtain a minimum of 2/3 (two thirds) of the vote of those members present.
  - b. If more than two persons are running
 

The ones at the bottom of voting list will fall away provided that their combined votes does not equal 50% of voting members present
4. Additional rounds of voting will commence until one obtains 55% of voting members present
  - a. If no person obtains the respective 2/3 (A) or 55% (B):
 

The outgoing Student Parliament Committee Exec, after taking the advice of Student Affairs into consideration must convene another sitting within a reasonable time period to have another election.

**Format:**

- A: One slide containing the following information:
1. First name and surname of candidate
  2. Three (3) relevant positions/experiences that the candidate believes enables him/her to be Speaker
  3. Three (3) motivations/reasons as to why the candidate wishes to be Speaker
- B: A comprehensive CV
- C: A three hundred (300) word motivation as to why the candidate is applying

**Eligibility of person(s) for Speaker:**

All person(s) who are registered at SU to obtain a certificate, degree or diploma

**Vacancy in Office of the Speaker:**

If the office of Speaker should become vacant due to, but not limited too;

- Death; and/or
- Removal from office; and/or
- Resignation; and/or
- Any other condition as contained in this Constitution

This person will have all the necessary authority in order to discharge the duties of Speaker of Student Parliament.

**Order of filling vacancy:**

- a. Chairperson of Accountability Committee (Deputy Speaker Internal)
- b. Secretary-General (Deputy Speaker External)

**Temporary physical absence from Stellenbosch campus: More than twenty four (24) consecutive hours**

- a. The speaker must indicate an Acting Speaker from within his/her SPC
- b. If no person is able to discharge this duty, the Speaker may for a period not exceeding ten (10) University days identify any student who would not be disqualified to serve on SPC given the parameters of **Addendum J1**

**Practical implications for vacancy:**

Office of Speaker becomes vacant for whichever reason or combination of reasons

Scenario A: (Neither Deputy Speakers accepts office of Speaker)

Temporary filling of vacancy:

1. Treasurer
2. SPC Exec member
3. Any SPC member as elected by SPC
4. Any student as elected by SPC

It is important to note that all the rules as to ineligibility apply and remain in effect. In essence the person who would hold the office of Speaker in an acting capacity must still meet with ALL the requirements to have been elected as Speaker. The person holding temporary office must also not be planning to run for the position in the upcoming special by election.

In effect: The Acting Speaker will then be required to hold an election in a timely period as prescribed by the SP Constitution.

## Addendum J1: Election of the Student Parliament Committee §

In addition to the office of Speaker the following positions must be created in order to assist in the optimal functioning and discharge of Student Parliament mandate

- 1) The minimum portfolios would be:
  - a) Accountability Committee Chairperson (Deputy Speaker Internal)
  - b) Secretary-General (Deputy Speaker External)
  - c) Accountability Committee Vice-Chairperson
  - d) Communications
  - e) Executive Treasurer
  
- 2) Additional portfolios may be created at the discretion of the Speaker and Deputy Speakers, subject to ratification by SPC

### Ineligible parties:

Persons who:

- C. Serve on-
  - i. Student Representative's Council;
  - ii. Societies Council Exec;
  - iii. Prim Committee Exec;
  - iv. Academic Affairs Council ;
  - v. Tygerberg Student Council;
  - vi. Tygerberg Student Parliament Speaker;
  - vii. Tygerberg Student Parliament Committee;
  - viii. Die Matie Editorial;
  - ix. Student court;
  - x. Milac Committee
  
- D. Apart from compliance with items A, the Election Committee must also reject the application of a candidate if the candidate –
  - i. could possibly face Academic exclusion; or
  - ii. has not been a student for at least one (1) semester; or
  - iii. has been sentenced to imprisonment in the Republic of South Africa or elsewhere for any misdemeanour without the option of paying a fine; or
  - iv. has been found guilty of any offence by the Central Disciplinary Committee or the Disciplinary Appeal Committee of the University.

### Requirements:

Applicant -

- i. Must be at least in second Academic year
  - a. The panel may use its discretion to also consider applicants in first academic year
- ii. Provide 2 relevant contributions within the Matie Community or greater RSA Community for the three preceding years. This would start with the current year of application. **this does not have to be in a position of leadership**
  - a. Contactable references for all must be provided
  - b. Please note simply naming a position would be insufficient
  - c. We need to know what you specifically contributed where you were involved be it NGO, Community, societies, committees, etc
- iii. Must not have had any SDK cases in past two years
- iv. Must have attended at least one (1) Student Parliament sessions in the year of election
  - a. Please specify the date and how you experienced it
- v. Must have a demonstrable working knowledge wrt the following constitutions:
  - a. Student Constitution;
  - b. Tygerberg Student Constitution;

**Application process:**

1. Email **studpar@sun.ac.za** if you have any Enquiries wrt to process
2. Written motivation containing:
  - a. Statement that they meet with all the requirements;
  - b. Provide all as requested in '**Requirements**' section;
  - c. 300 word motivation
    - i. How would you contribute as a member of Student Parliament Committee to our constitutional democracy?
    - ii. Identify at least one campus matter that you would want SP to engage on and how would you do so?
    - iii. Why you should be a member of Student Parliament Committee and what will you contribute towards realising SP *Vision* and *Mission*.
3. Incoming Speaker, outgoing Speaker, outgoing Accountability Chairperson, and outgoing Secretary-General) reviews applications
4. Interviews by Panel consisting of-
  - a. Incoming Speaker;
  - b. Outgoing Speaker;
  - c. Outgoing SPC Exec members;
  - d. One student selected by Student Parliament Committee from attendance lists;
  - e. Coordinator of Student Governance, in advisory capacity
  - f. Committee may also include two additional members if they choose to do so
    - i. These two will not have any voting rights but will have participation rights;
    - ii. These may be either students and/or staff as determined by Panel;

**Student Parliament election**

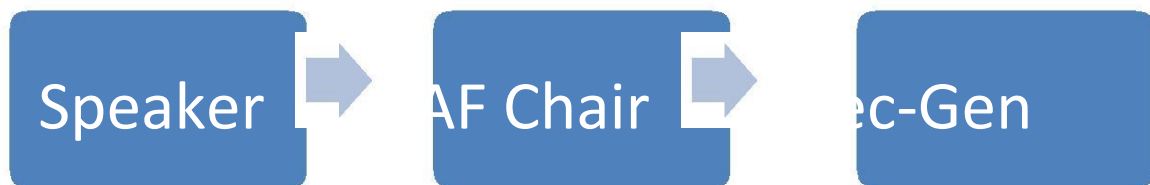
1. One slide containing
  - a. Name and Surname;
  - b. Two relevant positions;
  - c. Three reasons why you wish to run for Speaker;
  - d. One minute in which to address the House;
    1. Depending on the number of applicants, this may be increased
  - e. Photo;
2. Election Convenors:
  - a. Outgoing Speaker
  - b. Outgoing Deputy Speaker Internal
  - c. Outgoing Deputy Speaker External
  - d. One student selected by Student Parliament Committee from attendance lists
  - e. Tygerberg Speaker ( if possible)
3. Process: Positive Voting by ballot paper
  - a. If candidates equal to the number of compulsory portfolios stand:  
These will then be declared duly elected Student Parliament Committee members
  - b. If more candidates then the compulsory portfolios should have applied  
The results of the votes will be listed next to each candidate and the candidates will be ranked in order starting with the one with the most votes. They will thus be declared duly elected.
  - c. If fewer candidates then the compulsory portfolios stand:  
The ones who meet with the minimum requirements would be declared duly elected Student Parliament Committee members and the incoming committee will be responsible to fill the vacant portfolios after consulting with Student Court.
4. In the event of unforeseen circumstances the Election Panel is empowered to apply their minds in order to resolve the matter within the constraints of the Student Constitution after having consulted with Student Court Chair.

## Addendum J2: Schematic Representation of all organs, committees

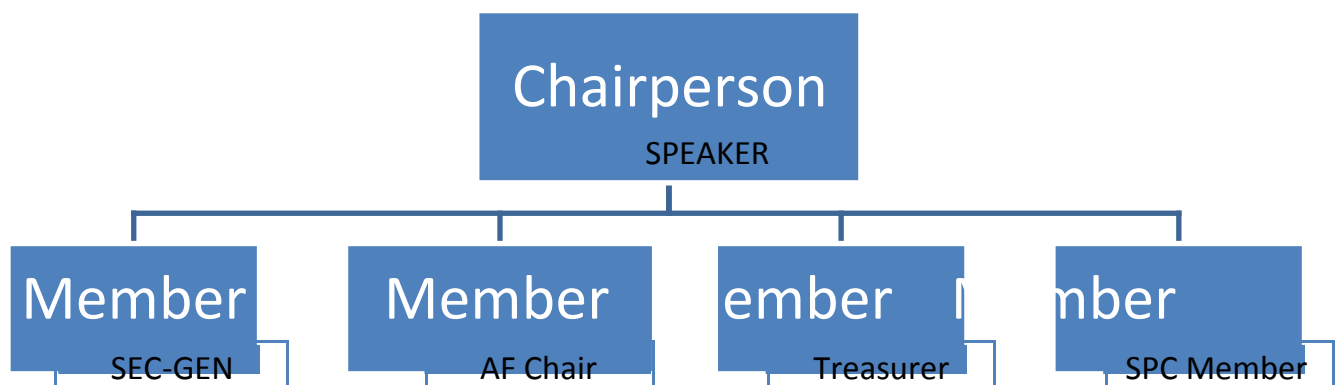
1. Steering Committee
2. Executive Committee of Student Parliament Committee
3. Student Parliament Committee
4. Accountability Committee
5. Disciplinary Committee
6. Policy Unit
7. Constitutional Review Committee

### 1. Steering Committee

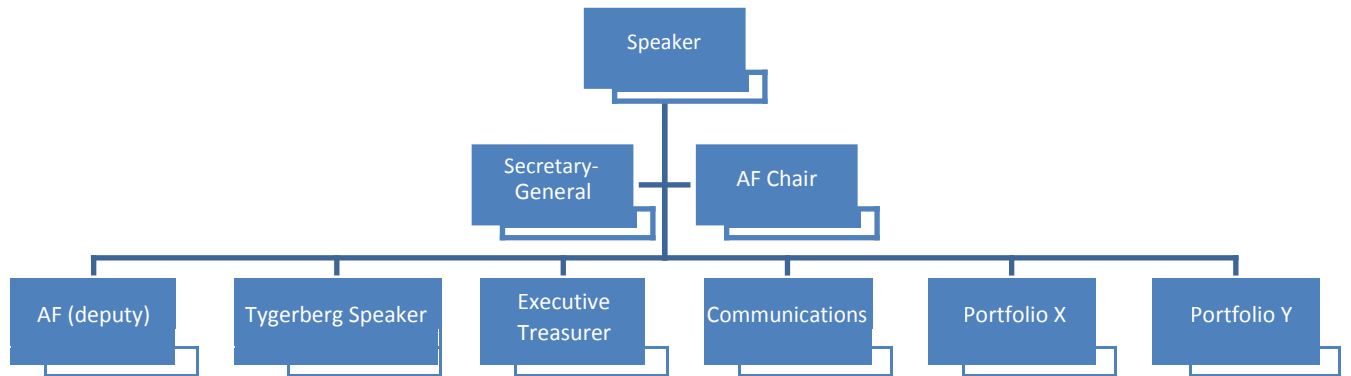
This holds Speaker accountable



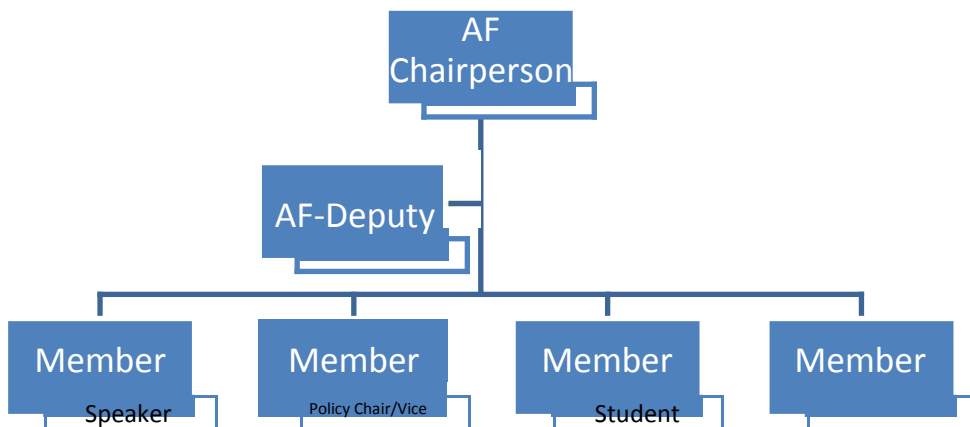
### 2. Executive Committee



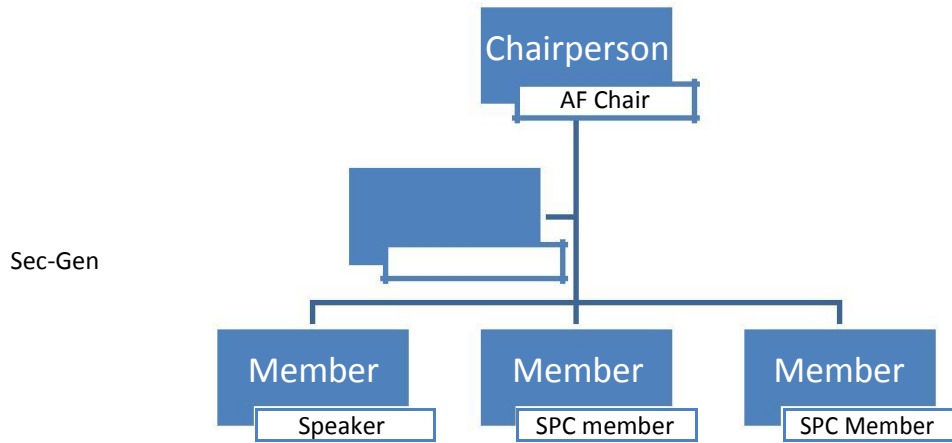
### 3. Student Parliament Committee



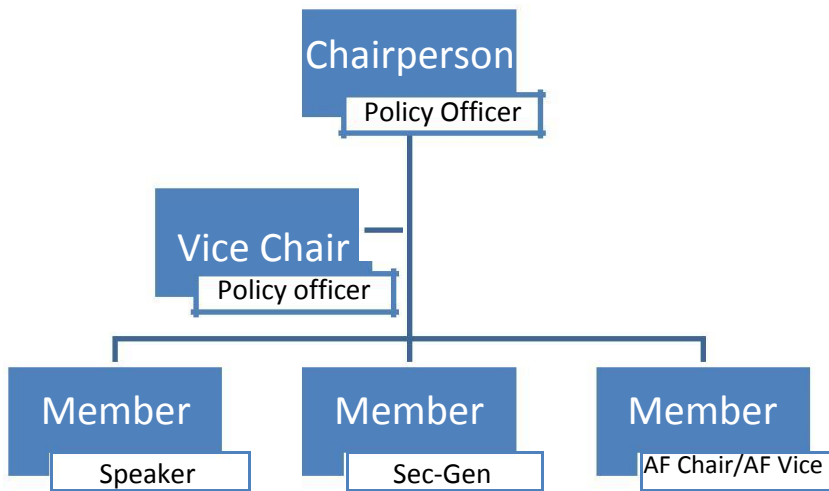
### 4. Accountability Committee



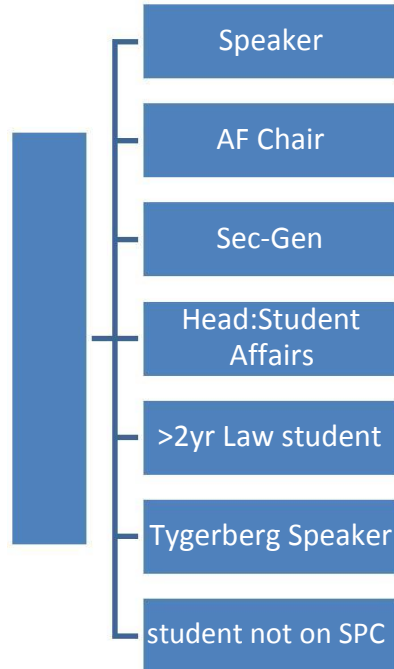
5 Disciplinary Committee



6. Policy Unit



1 Constitutional Review Committee





## Addendum K: Memorandum of Understanding with Tygerberg Student Parliament Memorandum of Understanding: §

Tygerberg Student Parliament  
Stellenbosch University Student Parliament

### **Preamble:**

The primary purpose of this agreement is to codify the working relationship between Tygerberg Student Parliament (TSP) and Stellenbosch University Student Parliament (SP). We fully understand and recognise the independence of these structures and see the working relationship to be similar to that of the Tygerberg Student Council (TSR) and Student Representative Council (SRC).

We the TSP and SP hereby voluntarily enter into the following agreement. It is important to note that these terms and conditions apply until the Constitution of Student Parliament is in effect. It is also important to note that the limitations to exercise SP prerogatives apply in terms of the Student Constitution.

### **Definitions and Abbreviations**

1. TSP; Tygerberg Student Parliament as stipulated, defined and constituted by the TSU Constitution
2. TSP Speaker; the duly elected Speaker of TSP and Chairperson of the TSP Committee
3. TSPC; Tygerberg Student Parliament Committee
4. SP; Stellenbosch University Student Parliament as stipulated, defined and constituted by the Student Constitution
5. SP Speaker; the duly elected Speaker of Stellenbosch University Student Parliament and Chairperson of the University of Stellenbosch Student Parliament Committee
6. Student Parliament; a collective term that refers to both TSP and SP
7. TSR; Tygerberg Student Representative Council as constituted by the TSU constitution
8. SRC; Student Representative Council as constituted by the Student Constitution
9. SPC; Student Parliament Committee

### **Vision and Mission:**

1. This agreement recognizes the position of TSP as a sub-structure of SP, *res ipsa loquitur*.
2. We recognize the importance of aligning the structures, procedures, constitution and decorum of TSP with that of SP *mutatis mutandis* in order to effectively execute the shared mandate of TSP and SP.
3. This agreement aims to support the transformation of TSP with respect to the new constitutional mandate in effect from 1 September 2012 i.t.o the Student Constitution.
4. The basis of this agreement is founded on the premises of creating an environment for the TSP that is supportive and proactive for it to fulfill its mandate
5. This agreement purports a TSP that is objective and is free from undue influence to represent the TSU members as per the Student Constitution

### **The following terms and conditions would be in effect.**

- A. We recognize and endorse the independence of the TSP and SP as stated in the Student Constitution.
- B. We commit ourselves to request assistance as needed of SP to execute the free, fair and transparent election of the Speaker of TSP [as stipulated in the Statute of TSP], Constitution of Student Parliament and ultimately subject to the Student Constitution.
- C. We commit ourselves to request assistance of SP in ensuring that we fulfill our mandate.
- D. We recognize the need for the SP Speaker to be informed and thus this elected person, and or his/her delegate will be responsible for day to day interaction between the TSP Speaker and

Speaker of SP.

- E. We, the Speaker of TSP and the Speaker of SP, commit to a monthly meeting to discuss matters pertinent to our constituents
  - a. Meetings may take the form of a teleconference call
  - b. A physical meeting must take place at least once per term and will alternate with the first meeting taking place at Tygerberg campus.
  
- F. We commit in raising awareness amongst students and student representation structures about the function of Student Parliament.
- G. We renew our commitment to transparent and accountable governance and recognize the unique role that Student Parliament fulfills in the realization of this objective.
- H. The Speaker of TSP will serve in an *ex officio* capacity on the Committee of SP.
  - a. The Speaker of TSP will be a full member of the STUDENT PARLIAMENT COMMITTEE
  - b. This person will not be able to fulfill any another capacity on the Student Parliament Committee aside from his/her *ex officio* one

**Nota Bene:** *unless clearly indicated "We" refers to the TSP*

**Agreed upon:**

2012:

Tygerberg Speaker: Raafiq Ely

SU Speaker: Jonno Blanckenberg

## Addendum L: Disciplinary Measures for Student Parliament Committee

This policy serves as an interim measure with regards to the discipline of Student Parliament Committee.

1. A member of the Student Parliament Committee (hereafter referred to as Student Parliament Committee (SPC)) can be removed from office if it is the view of the majority of the Student Parliament Committee that he / she has not adequately fulfilled their portfolio commitments or actively participated in the fulfilment of the aims of the Student Parliament Committee.
2. Discipline of a member of Student Parliament Committee will follow the following procedure:
  - a. First Warning voted on by Student Parliament Committee and issued by Speaker of SP.
  - b. Quorum for first voting is 6 out of 7 committee members.
  - c. A minimum of 4 votes is needed to pass the action.
  - d. Probationary period limited to one month, unless the Student Parliament Committee Exec determines otherwise
  - e. Any further dereliction of duty will result in a *vote of no confidence*
3. If a *vote of no confidence* is taken against any member of the SPC by a common majority (50% +1), then the SPC member against whom it is made must vacate his / her seat.
  - a. A motion for a *vote of no confidence* will only take place after notification has been given to the affected member within seventy-two (72) hours prior to the motion serving.
4. Appeal process for a member of the SPC against whom a *vote of no confidence* has been taken is as follows:
  - a. The member can appeal to the Disciplinary Committee
  - b. Thereafter to the Student Parliament Committee
  - c. Thereafter to the Student Court
5. Notice of appeal must be given in writing to the parties in the following order:
  - a. First appeal within five (5) university days to the Disciplinary Committee
  - b. Should the removal be upheld by the Disciplinary Committee, an appeal may be made to the Student Parliament Committee within five (5) university days
  - c. Should the removal be upheld by the Student Parliament Committee, a final appeal may be made to the Student Court within five (5) university days?

All decisions resulting in a member vacating his / her position must be ratified by the Student Parliament Committee Meeting at the next Student Parliament Committee meeting after the decision has been taken

## Addendum M: Conduct at Student Parliament Committee meetings

### 1) General Etiquette

- a) **Be on time** – being late would cause an unnecessary delay in proceedings and it is disrespectful to your fellow Maties. If you are aware that you will be arriving late, notify the Speaker and Secretary-General in advance.
- b) Be **respectful** and tactful towards **each other** during meetings.
- c) Should a meeting become out of hand, the Speaker reserves the right to dismiss the meeting.

### 2) General Speaking Protocol

- a) **Always speak via the Speaker.** All questions or speaking turns are regulated by the Speaker.
- b) **Be prepared: Know the agenda.** Do not discuss a point if time has been set aside later in the agenda for the matter. If you try to address an issue earlier in the meeting than allocated in the agenda, the Speaker reserves the right to silence the person in question.
- c) **Be non-discriminatory.** Do not refer to “they” or “them” in a specific group, and make use of he/she. Even if your intentions are good, it could sound discriminatory to a guest. If in doubt address the question to “Madam/Mister Speaker”
- d) **Please talk slowly and structured.** Try not to speak too fast and do not speak erratically. Both are styles that need serious exercise in order for the time in meetings to be used effectively and for the minute taker to be able to document your points effectively.
- e) **Do not repeat what a person has already said.** If you remain silent on a matter it is assumed that you agree. The Speaker reserves the right to silence the person in question if this occurs.
- f) **Points of order.** A point of order can be called to stop a meeting if meeting protocol is broken or if a member wants to make a suggestion to extend or conclude the discussion. If a point of order is announced, all conversation must stop and the person, who called the point of order, has the floor to speak for two minutes maximum. This person has to address the Speaker and motivate why he/she called the point of order. The Speaker has to decide on the request and the decision is final. Hereafter the person who called for the point of order or the Speaker must suggest a point forward, e.g. suggesting that the discussion stops and goes over to a vote, or that only two more comments are made and that the discussion is then concluded.
  - i) Examples of, but not limited to, when a Student Parliament Committee member may call for a point of order is:
    - 1) The Speaker or a Student Parliament Committee member is biased, judgmental or irrational.
    - 2) If there exists uncertainty on a vote that is to take place.
    - 3) A point is being set aside without consensus.
    - 4) If there is deviated from the agenda or if any other meeting protocol is breached.
    - 5) The discussion is going in circles and no new information is being brought to the topic

### 3) Motions

- a) Requirements: A motion must:
  - i) As far as possible be in both English and Afrikaans.
    - 1) To ensure accessibility for all, it must at least be in English

- ii) Have a mover and must be seconded.
  - 1) Both parties' student numbers, names, surnames and signatures must be legible
- iii) Have gone through the Policy Unit **prior** to being submitted.
- iv) Include a motivation and other documents that will serve as background.

**b) A motion has to be:**

- i) Formulated and translated into both languages as far as possible at least English by the mover, but preferably both.
- ii) Must have a seconder
- iii) Sent to the Policy Unit for review **at least ten (10) days prior** to the submission date as stipulated by Policy Chair.
- iv) Sent to the Policy Chair before or by the official submission date.
- v) Approved for inclusion into the agenda by the Executive Committee of the Student Parliament Committee as stipulated in the constitution.
- vi) Finally the motion will serve for approval at the Student Parliament Committee meeting.

**4) At the Student Parliament Committee meeting the following protocol has to be followed:**

- a) The motion has to be brought forward by the mover or the Speaker.
  - i) If the Speaker brings it forward he/she may participate but may not vote in the matter
- b) A discussion is opened to the floor on the motion. Should the Speaker be the mover, the Secretary-General facilitates the discussion. Should the Speaker and the Secretary-General have seconded and mover the motion; the AC Chair is responsible for the discussion. After all these options have been exhausted those present will elect a facilitator amongst their number.
- c) Amendments can be made to the motion, amendments has to be approved through a vote before the final vote. An **amendment exists to correct minor aspects of the motion** and should not change the core of the motion. If an amendment is needed that changes the core of the motion, the motion should be set aside and a different motion be tabled as to the agreed process.
- d) The motion, with any amendments, is voted upon.

**5) Exceptions**

- a)** A motion can only be tabled at a Student Parliament Committee meeting, without the process mentioned above, in extreme circumstances. Such circumstances would include: if the Student Parliament Committee cannot meet in the intervening time and a decision is required by the Student Parliament Committee

The process is then as follows:

- i) The Student Parliament Committee is consulted that a motion is necessary.
- ii) The Policy Unit is held responsible for the formulation of the motion.
- iii) The motion is brought to the table and follows the procedure of a normal motion.

**6) Voting**

There are two primary forms of voting which are used within the Student Parliament Committee. These are open and ballot voting, discussed below.

**a) Open Voting**

Open voting is used in cases where the item for decision is not sensitive and the Student Parliament Committee is comfortable with their vote being known. In this case a show of hands is used to indicate if the Student Parliament Committee is for or against the item or abstaining from the vote.

**b) Ballot Voting**

A ballot vote is used when the item for decision is of a sensitive nature or if the Student Parliament Committee members wish to have their vote secret. This is the best form of voting to use if an unbiased vote is required. In this case ballots are handed out and the voting procedure described according to the need of the item being voted on. Ballots that are gathered can be of three (3) natures:

- i) Positive vote: the ballot contains name/names, a yes/no etc vote. This vote is counted.
- ii) A spoiled ballot: the ballot has a mark across it or has other marks, but does not contain information pertaining to the vote. This vote is counted when calculating the majority vote.
- iii) A blank vote: the ballot has been left blank. This vote is not counted, and is thus not accepted as being part of the calculation of the majority vote.

A ballot vote traditionally needs fifty percent plus one (50% + 1) vote in order for an item for decision to be accepted or declined. If this requirement is not satisfied the chairperson announces the process to be followed. In a 50% split vote, the chairperson may use his/her deciding vote.

## Addendum N: Code of Conduct at Student Parliament meetings

### **Rules relating to conduct of members**

1. In accordance with the Constitution of the Republic, there shall be freedom of speech and debate in or before the Student Parliament and any committee thereof, subject to the restrictions placed on such freedoms in terms of or under the Constitution, any other law, these Rules and General Rules and Policies of the University.
2. Special consideration and due care must be exercised where a member wishes to make any representation concerning any member or any member of staff reflecting upon his morality, honesty, competence or any other matter that may expose him to contempt, ridicule or loss of esteem;
3. A Member making comment must take cognisance of the complex racial problems of South Africa, the general good and safety of the University, the Country and its people.
4. The Speaker may, after having called attention to the conduct of a member who persists in irrelevance or repetition of arguments, direct the member to discontinue his or her speech.
5. No member shall interrupt another member whilst speaking, except to call attention to a point of order. The Speaker may interrupt any speaker subject to these rules and the member must then resume his/her seat.
6. The use of obscene, salacious and generally undesirable language and illustrations should be avoided. The Speaker shall direct a member making such remarks to discontinue his or her speech.
7. Members may not converse aloud, such that it disrupts proceedings.
8. If the Speaker is of the opinion that a member is deliberately contravening a provision of these Rules, or that a member is in contempt of or is disregarding the authority of the Speaker, or that a member's conduct is grossly disorderly either due to insobriety or dissatisfaction with proceeding, and such a member has been forewarned; the Speaker may order the member to withdraw from the proceedings for the remainder of the sitting. If the member fails to withdraw, security may be called to intervene.
9. In the event of grave disorder at a meeting or the meeting becomes chaotic, the Speaker may adjourn the meeting, or may suspend the proceedings for a period to be stated by him or her.

### **Procedure in meetings:**

1. Every member desiring to speak shall stand while addressing the Student Parliament or the Speaker.
2. A speaker will be restricted to the time allocated by the Speaker, in consultation with the Student Parliament Committee.
3. When a point of order is raised, the member called to order may not continue with their submission and shall resume his seat. The Speaker will to his/her discretion give his/her ruling or decision on the point order. If the point order is sustained the member will act upon any instruction given by Speaker. If the point of order is overruled the member may proceed with his submission.
4. Where the Speaker cannot make an immediate ruling on a point of order he/she must consult with the two Deputy Speakers and if they should fail to reach a conclusion they may defer the matter to later or the next sitting to allow for consultation with any body/person they deem relevant. In the interim the debate on the matter before SP may be suspended pending the ruling.
5. A point of information or exigency may be raised at any time in the meeting, provided it relates to an

item under discussion; the Speaker may answer to the call or may delegate the relevant member of the House to answer.

6. No debate will entered into arising from a point of information.
7. Members of the House will have a maximum of two minutes to make a statement relating to the agenda point being discussed.
8. Members of the House will have a maximum of two minutes to ask a question relating to the agenda point being discussed.

**Order of Proceedings at sitting:**

Subject to the provisions of the Student Constitution and these Rules, and unless altered by resolution of this House, the business on each sitting of Student Parliament, shall, where applicable or unless otherwise requested, follow the following sequence of events:

1. Opening by the Speaker
2. Acknowledgement of minutes
3. Relevant instructions to ensure orderly proceedings to House by Speaker or AC Chair
4. Presentation by invited Guest Speaker
5. Engagement by House
6. Point 4 and 5 Repeated for other agenda points
7. Closing by Speaker