

Student Parliament

*Accountability, Transparency and Consultative Governance*

UNIVERSITEIT iYUNIVESITHI STELLENBOSCH UNIVERSITY

**MINUTES OF STELLENBOSCH UNIVERSITY’S STUDENT PARLIAMENT MEETING**

**HELD ON** Thursday 3 October 2019 **IN THE** Library Auditorium **AT** 18h00

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# MINUTES COVERAGE:

1. Opening
2. Relevant instructions to ensure orderly proceedings in the house
3. Opening Speech
4. Discussion of points
5. The election of the SRC Chairperson and Vice Chair feedback
6. The role and powers of the Equality Unit regarding the discipline of students found guilty of sexual assault
7. The role of the Dean of Students
8. Prim Committee feedback
9. Speaker elections update
10. Voting (motions)
11. The Constitutional Review mandate
12. Closing

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# 1 OPENING BY THE SPEAKER Of STUDENT PARLIAMENT:

The sitting is opened at 18h10.

The Speaker opens the sitting by welcoming all persons to the sitting.

All members are asked and reminded to please sign the register for attendance and voting purposes.

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# 2 RELEVANT INSTRUCTIONS TO ENSURE ORDERLY PROCEEDINGS

The Speaker informs the House that the sitting will commence in terms of Addendum N and reads out the following provisions:

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 anybody/person they deem relevant. In the interim the debate on the matter before Student Parliament 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 be 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.

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# Opening Speech by Dr Makhetha

Address by DR Makhetha:

SU is a medium-sized university and the manner in which this university cares for its staff and students should not be compromised. What matters are the issues which affect the 32,000 students of Stellenbosch University.

Choose how you are used as a student. There will be an array of people with different agendas who approach you and ask for your input and assistance in many different ways- critique all that is brought to you and ask what it is that each person wishes to achieve. Then ask yourself what it is that you wish to achieve.

When we talk about gender-based violence (GBV), we look to the Constitution of South Africa, specifically to the preamble, which teaches us to lean to embrace diversity of persons. If we truly did, we wouldn’t be facing most problems that are prevalent on campus and in the whole country. The statute of a university is the founding document of any University and informs how each sphere of Governance ought to function in relation to the objectives of the university and in its interaction with students.

It is good that SU has a Student Constitution and not necessarily an “SRC” Constitution. All branches are important to ensure the proper functioning of the university. When we talk about accountability we start with the self “be the change you want to see in the world”. Accountability causes us to reflect and assess our satisfaction with it. It all boils down to respect for yourself and the things which you do. When you serve in the public institution, it is a requirement and good governance to account. As leaders, we need to know that accountability supports what the students should be gaining from the institution. Even university management is held accountable. Every office must account on issues of transformation. If a forum is to work well, it must be challenged on what its practices are doing to achieve transformation, which includes addressing GBV.

Hatred, a superiority complex and many other similar problems are channels that others can use as a platform to humiliate others or make them feel unworthy of being human beings. When you are happy in yourself, you do not go out of your way to make other people unhappy. We are equals as human beings. We equally deserve to be here and to be treated well.

Every individual comes to university with their own values, but in a university space, it is common values expressed by the Constitution and the university which we have required us to check ourselves against. Part of achieving that is about what students are complaining about- one of which is the drinking culture.

Students must reflect why we allow it to be this way. The residence life and culture have lingering practices that enable this. University management has removed some of these practices. If you have participated in events on the Rooiplein and the events surrounding the memorandum, it is evident that there are many things which produce GBV.

It is everyone’s right to be here. The quality of treatment must be equitable to all and that is part of the accountability. The Constitution is the highest law of the country and nobody is above it.

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# DISCUSSION POINTS

# The election of the SRC Chair and Vice-Chair

On behalf of the SRC the spokesperson wishes to apologise for any frustration that anyone is feeling right now. They understand our frustration. For transparency purposes, the SRC are happy to give timelines.

It was during the beginning of September they were informed that the Chair and Vice Chair were supposed to be elected and on the 6th and term would begin on 16 October. On 5 September, the SRC was informed that the election would be postponed due to unforeseen circumstances. One such is that the MilAcc Captain had not been elected and it is ideal that they form part of the election process.

While awaiting the election of the MilAcc Captain, allegations were made on social media pertaining to some of the newly elected SRC members. An extraordinary sexual harassment evaluation panel by the Equality unit has been formed and must receive all formal complaints by the 4th of October.

Should there be formal reports against any member, investigation will ensue which will take several days. If this is the case, the SRC will elect an interim executive committee Should there be no formal complaint, we look forward to electing a Chair and a Vice Chair. All accused parties will be allowed to present their case the equality unit.

The following projects are still being handled by the SRC:

- Register all campaign looking for sponsors.

- Quality of food in the food programme

# The role and powers of the Equality Unit with regards to disciplining stud

We want to reiterate to both staff and students for persons to come forth via email, phone call or in person re sexual harassment allegations that pertain to GBV. The Unit is information gathering and on the 4th of October, the task team can move forward with full expert members with special focus on sexual harassment. We ask all witnesses, informants or whistle-blowers to come forward to the team and they will apply their minds. Between the 15-18 Oct for about 2 days, the team will write a report to Equality Unit Head. Interviews will be conducted with the identified parties and from there, the case will be referred to the relevant stakeholders of the University who can assist in furthering the matters.

Another agreement is with Mr Schoonwinkel – him and Mr S are joint curators of the policy, any recommendations of all matters will be communicated to them and the enforcement thereof will follow.

Jurisdiction of the EU is any staff and students on and off the premises that can have an impact on another. Behavioural or policies or practices are all considered. So all of the individuals which could offend the unfair discrimination and harassment policy. They work with the head of Student Discipline. They work closely with student discipline. The EU only makes recommendations- this is a noted critique that came about regarding all the talks and events surrounding the memorandum against GBV.

Last year has given the EU an internal audit of experiences, challenges and learnings of the practical implementations of the harassment policy- addendums A and B specifically. A formal review is being conducted to ensure the efficient integration of the policy. Some challenges include the lack of GBV being defined and potentially integrating HIVAIDS as a social justice issue and strengthen other definitions into the policy. Student involvement in the task teams is of tantamount importance. In previous years there are usually only 2 students who are within the DRC.

The EU is also in the process of developing an online reporting tool that will enable quick and easy reporting. Once funding is secured this process will begin. This tool allows students to save, upload, track and experience all ‘isms’ and go back to it at a time that is convenient to you to track and see trends.

POO: What is the policy that determines the process?

Response: The moment a request is submitted to management or to people who are the owners of the policy’s, they will make proposals and students will make proposals and they will work together to find solutions. There is no pure policy that determines that. Just anyone who

POC: Regarding the tool, where does funding come from (who funded it previously) is there a date for the release of this too

Response: From facilities management. The momentum of the process was previously lost due to tragedy of the developer who committed suicide. Hopefully by November we will know about funding. Thetha (speak up), if it is internal process it should move very quickly.

POO: The Policy Does the policy also accommodate the abuse of social media and verify the identity of users.

Response: The university can and must manage social media behaviour in terms of its existing policy and codes. Social media must be integrated somewhere but the university reserves the right to investigate any false claims and disciplinary conduct is punishable. All shared values as SU students will inform what is acceptable and what is not. But the panel will currently determine those things.

POO: What is being done to encourage student involvement?

Response: We are thinking discussions with the transformation forum. Open nomination in will be followed by a bit of a sifting process which will be implemented to get students on the team. The main challenge is to balance efficiency of the team and ensure proper inclusive representatives who are broad enough to include everyone.

# c) Role and powers of the Dean of students

Responsible over all aspects of student affairs. At SU when student want to meet the dean of students, it seems people want a person who will answer on everything, but this has been given in the form of a portfolio that is responsible for a third of student affairs, there is therefore no single identifiable person.

The purpose Dean of students is to develop and find support for all leadership structures and to give support to the co-curriculum office and the last bullet is another channel where students can raise their issues and concerns on refer these two places where they can be addressed. The questions that were posed to the person who is responsible to all thing’s student Affairs. She works closely with other centres and she is able to bring all things to the office of Dr Makhetha.

# Head of discipline to discuss role and powers of Student Discipline

Speaker: Felicia

She supervises the process to ensure that everything is done accordingly. There is an investigator who is an ex-police officer - he takes statements and gathers evidence etc. The information is presented to the head in a report and she decides if additional information is required and then the student is called in. The head then approaches the chair of the CDC. The SRC nominates 12 Post grad students to work on the committee and one person is chosen. Despite many efforts in previous years, names were not given so the CDC has had to appoint their own- they generally are in the law faculty. Prominent movements on campus may bring people forth. It must be a Post-Grad student in terms of the code.

The deciding committee consists of four persons, 3 of which are from the law faculty and are final decision makers in the matter. The head does not have any decision-making powers. The cases brought to the head are not furthered only if there is a lack of information gathered. CDC hears the matters and decides. The disciplinary appeal committee hears all appeals and also has a post-graduate student on the committee.

**Complaints:**

The parties who may lodge complaints with the CDC include:

* Person directly involved
* Res head if in residence space
* A witness of an incident- may ask for anonymity

The Equality Unit will always be the first point of call. They will decide if it is an equality matter or a disciplinary matter. The *prima facie* facts will determine the treatment thereof. Students are put in contact with psychological support from the beginning of the process.

Provision for temporary suspension is possible for very serious matters pending the finalisation of the disciplinary committee. The Rector or the Residence head (from the resident) are the only persons who may temporarily suspend persons who will do so in consultation with Felicia, as the head.

**Factors for temporary suspension**:

* Imminent threat
* Real and urgent danger (physical or emotional)
* Real urgent risk or damages to property
* Presence of student may interfere with the process and investigation.

Within 5 working days, a confirmation of suspension hearing must be convened and is heard by the CDC. If it is in a res, then the relevant disciplinary committee of the res will hear it. If not within 5 days, suspension lapses. If there is enough merit for it to be pursued by student discipline, the matter will be given over and finalised. Persons will supplement their statements with anonymity and confidentiality taken into account- the outcome will be presented to the CDC.

The hearing is an inquisitorial process. There is no cross examination at first instance. They will consider evidence leaders. Complainant is asked if they are comfortable to testify in front of the accused. Evidence in writing may be allowed if prepared for in advance by application. Only through Chair of the CDC.

POO: Trust of the Student Institution and student involvement has been broken down.

It took months of going back and forth and the accused got feedback before she (the complainant) did. She got asked what she learned from the experience. How do we build trust if these are the questions that victims are subjected to?

Response: Process will be long for investigation process. Intention is not to feel a sense of resentment, but rather that when something like that which happened to get evidence acquired. It wasn’t done with bad intent. To put certainty to that certain individual. Everything that they could’ve done had very specific steps and procedure.

**The House is asked to please refrain from mentioning names. Use Mr / Miss/ Member to address persons.**

POO: Compare whether victims of certain assaults know where to go. How do you improve the presence of that channel or availability on campus?

Response: It’s a matter for the Equality Unit. There are pamphlets to that effect but the person who is equipped to answer that is not here today.

POO: It was mentioned that there are two separate rooms for the complainant and the accused but that did not happen in [my] case. According to S20 (3) of the disciplinary code ( the powers of the residence head), temporary suspension can also be called upon by the residence head- if the person is providing a detrimental space for others- would that not be enough evidence to prove to the res head whether the investigation is able to succeed.

Response: They have brand new facilities in Admin A, so provision for the two new waiting rooms was addressed. S20(3) it’s a temporary suspension must be confirmed by the RDC who make the final decision.

Speaker:

1 main point brought up is the need for student involvement of post-grad students – 12 students nominations are needed. If members of the house have suggestions, please nominate a person to Studpar@sun.ac.za

# Prim Committee executive feedback

The matter brought before Parliament is that there is a non-student on the Prim Committee with no voting powers. The Chair of the Prim Committee is asked to please provide feedback.

Address from Prim Committee Chair:

Every LLL intern is also a student. At the last sitting, they were asked to find a solution to the problem given. A LLL representative sits on the prim committee. Everyone in the LLL is a student and their vote is carried by their respective PSO.

Question: So the person in fact the person is a student?

Response: Yes

Question: Now that LLL is going to be a senior living spaces. Will they still form part of the Prim Committee or will they join the Senior Prim Committee?

Response: The ruling was made at the last sitting and it is not finalised that the residence will be a senior residence as yet. The village is only the senior living space, but the houses are not classified as such. We are determining where each is to be classified best.

# The Student Parliament Speaker elections

There haven’t been any applications to the Student Parliament Committee, and we call on the house to please apply. Only a few more weeks of the year remain.

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# VOTING MATTERS:

Any votes made will be recommendations and not legally binding rulings. Since 100 persons are not present so we cannot make a judgement

POO: According to the Student Constitution, in order to recognise that power, there must be procedure laid out to ensure that the vote outcome is enforceable. Is this in fact a reality?

Response: Members will stand and be recognised. Please allow the team to find the provision and make a ruling on the provision. The point made by the member stands; procedure must be implemented before the provision may be relied upon.

# Mandate of the Constitutional Review Committee

The mandate was sent out to the S57 members and is available on the website. In the previous sitting it was asked that the mandate be made available, and this what Parliament has done.

POC: Request that the communications officer clarify what channels were used to communicate the matter.

Response: As stated, before it was sent out to S57 mandated members and online. We couldn’t email to all student s because we are unable to send out mass emails. All other platforms used are secondary. We have exhausted all platforms available to make it available to students.

POE: According to S57(1)(k), Student Parliament must make the information available to all students and all persons who attend Student Parliament. How is that communicating to all members?

Response: We have communicated at previous sittings and on social media platforms.

The communications officer is asked to read the mandate out to the House. [**The mandate is available online].** The mandate is read out to Parliament.

POO: The last part of the mandate states that the process should be completed by the first of November. Is it a feasible goal and what happens if it is not realised by then?

Response: The 1st of Nov is when the current Student Parliament Committee leave office. If it is not completed by then, it will accordingly be handed over to the coming in team.

POO: How far is the process? Has the committee has been established?

POO: The Student Constitution 2018 was approved last year. The Speaker was elected in November of that year and his team in early 2nd term. He was aware that his duty to review the constitution is supposed to have commenced earlier in the year.

Response: The SPC was only established mid-April and that is where the whole process began. The schematic representation of the review committee does not inform the house of the processes and procedures to follow so previous leaders were consulted. Then engage with person who have knowledge of amendment process are followed. It will take time. We must follow due process and consult the public and precedent.

POC: The Student Parliament Constitution does not provide in form or procedure for the Constitutional Review Committee, but we must also follow due process. What stopped the committee from devising policy since October last year?

Response: Precedent is very important as well as consultation. The constitution does not consider. We must consult people who have amended constitutions previously and how they consulted the public and which structures were consulted. We do understand that the amendment process should be prioritised, establishing a committee was second, ensuring that the committee was competent as such. The schematic representation only mentions which persons constitute it. We had to restructure and plan for it. The mandate was brought up in the previous sitting. The mandate is now available.

POE: Push the voting when we meet the quorum of 100 members:

Response: We need to clarify- it does not require 100 members to be present it is an internal process.

Votes for: 27 out of a total 37 persons present.

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# 7 CLOSING

The sitting is adjourned at 19h53.