

*Huis Neethling Residence  
Constitution*

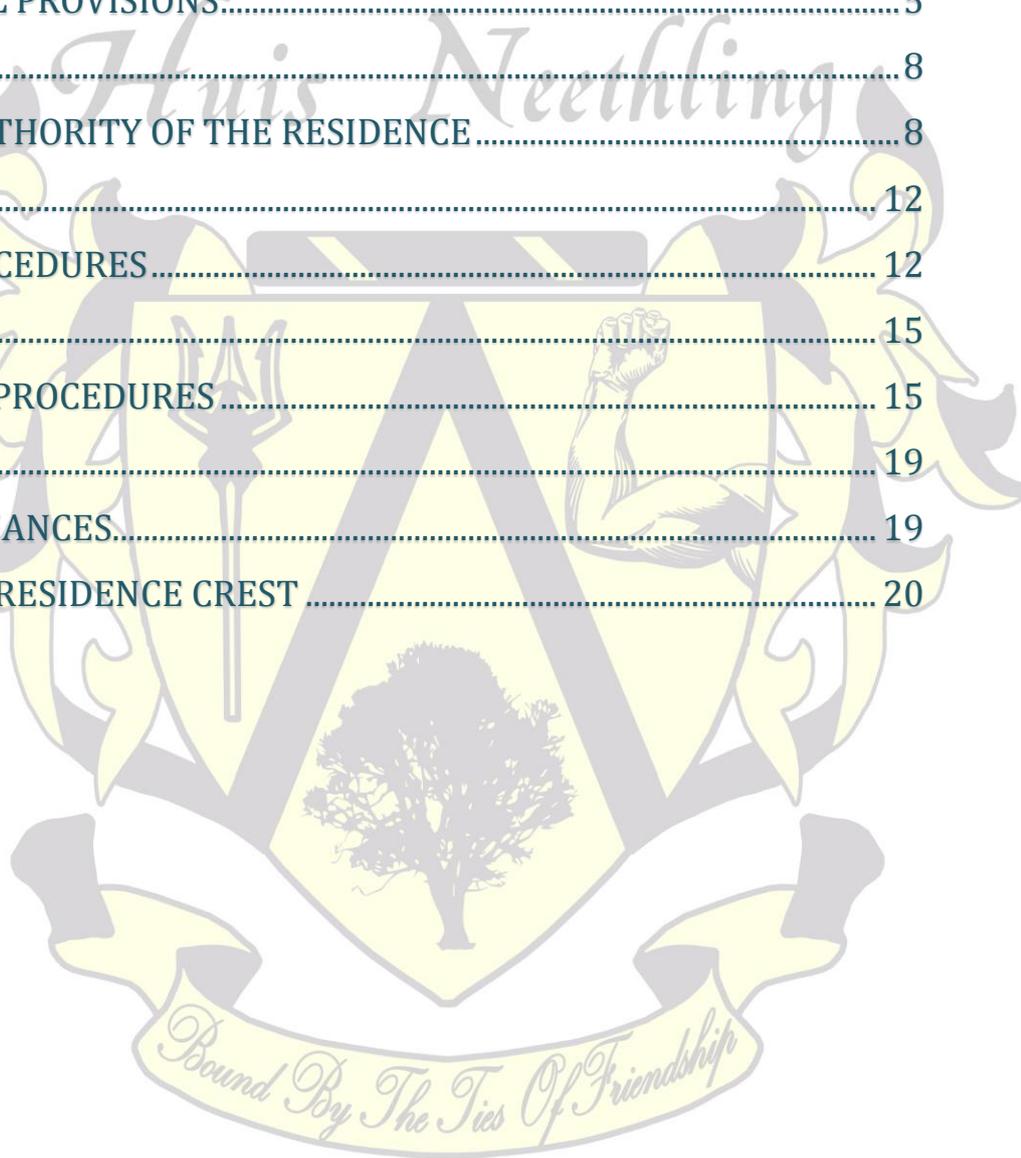
*Huis Neethling*



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## HUIS NEETHLING HOUSE VALUES

### VALUES

- Respect
- Integrity
- Accountability
- Loyalty
- Humility
- Fellowship
- Empathy
- Optimism
- Ambition

### ETHOS

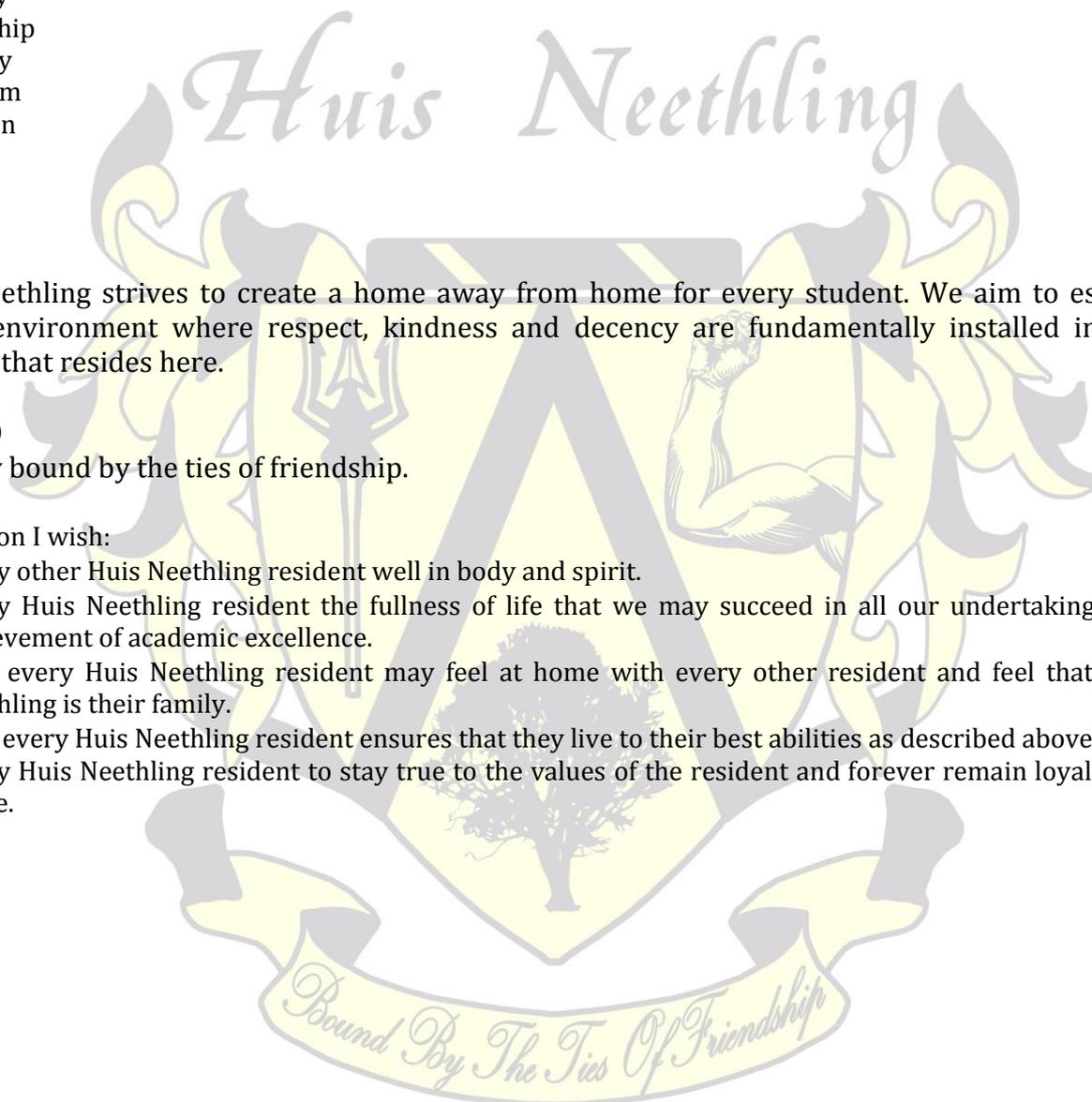
Huis Neethling strives to create a home away from home for every student. We aim to establish a family environment where respect, kindness and decency are fundamentally installed into every student that resides here.

### MOTTO

A family bound by the ties of friendship.

In addition I wish:

- Every other Huis Neethling resident well in body and spirit.
- Every Huis Neethling resident the fullness of life that we may succeed in all our undertakings and the achievement of academic excellence.
- That every Huis Neethling resident may feel at home with every other resident and feel that Huis Neethling is their family.
- That every Huis Neethling resident ensures that they live to their best abilities as described above.
- Every Huis Neethling resident to stay true to the values of the resident and forever remain loyal to their home.



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## DEFINITIONS

### Section

A section refers to:

One of the ladies sections

-Heshima

-Cita-Cita

-Empatia

-Leal

And one of the men's section

-Māhaki

-Nethemba

-Integritas

-Uru

-Responsibilità

### First-year

A first-year is a registered student at Stellenbosch University and a resident of Huis Neethling who is registered for an undergraduate programme for the first time.

### House Fund

The sum of all the residence's financial assets, in cash or otherwise, that is administered by the Treasurer, HK and Residence Head in submission to the House.

### Newcomer

A newcomer is any registered student at Stellenbosch University who is in Huis Neethling for the first time, but who has been registered at the University previously.

### Official Channels of Communication

Official Communication in the Residence happens by means of:

- Section meeting announcements
- House meetings
- Email
- Website, Facebook and Twitter
- Notice boards

### Senior

A resident of Huis Neethling who is not a first-year nor a newcomer but had been residing in the residence for more than three semesters.

### Student rules and regulation

The official rules and regulations regarding registered students as approved by the University Council and publicised in Part 1 of the Calendar.

### University Official

Any person appointed or empowered by the University to fill a particular position.

### University Day

A University day is any weekday during the University year. Weekends, public holidays and other official holidays as determined by the University are not deemed to be University days.

### University Year

A University year stretches from the first day of class until the end of the exam period and second opportunities, including holidays, public holidays, recesses and weekends.

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## CHAPTER 1

### FUNDAMENTAL PROVISIONS

#### AUTHORITY OF THE CONSTITUTION

All action, conduct, rules, regulations, decisions, elections and motions in Huis Neethling Residence is subject to this document and is invalid insofar it is in conflict with it. All commands, requirements, rules and obligations in this Constitution must be complied with.

This Constitution –

- stands under the authority of the Student Rules and Regulations, Student Constitution, as well as the Constitution of the Republic of South Africa of 1996 and all other laws as determined by the Government of the country;
- will be invalid insofar it is in conflict with the Student Rules and Regulations, Student Constitution, Statute of Stellenbosch University, Higher Education Act (Act 101 of 1997) or any other Rules and Regulations as determined by the University Council.

Although Huis Neethling Residence acts autonomously, it is still a subdivision of the University and is not seen as a juristic person.

This Constitution replaces any previous Constitutions and attached rules and regulations that applied in Huis Neethling Residence.

#### AMENDMENTS, REVIEW AND INTERPRETATION

**Amendments** to this Constitution

- must be accepted with a majority vote as a motion at a House Meeting, taking into account that amendments to the Fundamental Provisions (Chapter 1) must be accepted in the same way, but with a two-thirds majority.

The Primarius/ia has the responsibility to ensure that this Constitution

- is **reviewed** every even year; and
- that the reviewed Constitution is voted in every uneven year, after deliberation and consensus by the House.

If there is any uncertainty regarding the interpretation of the Constitution, a Special Session of the Disciplinary Committee will have the final authority.

If any specific sections of the Constitution are in conflict with each other, or if any specific section of the Constitution is declared invalid by a Special Session of the Disciplinary Committee, the rest of the Constitution will still be in effect. In this circumstance Chapter 1 will always enjoy preference and a corrective amendment must be placed before the House for acceptance as soon as possible.

#### MEMBERSHIP

To be a resident of Huis Neethling Residence a person must be

- a registered student at the University; and
- registered as a resident of Huis Neethling Residence at Admission & Residence Placement; and
- currently residing at Huis Neethling Residence.

Residents will be full members of Huis Neethling Residence (Huis Neethling residents) when and if

- they accept the values after Welcoming Week at a House Meeting, or
- they formally accept the values at any other House Meeting.

Any member of Huis Neethling Residence that was a member of the Residence for at least one semester will become an **alumnus/alumna** of Huis Neethling Residence on the day that he/she stops being a resident of Huis

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Neethling Residence.

A newly appointed Residence Head is invited to be a member of Huis Neethling Residence by accepting the values at a House Meeting.

Persons who are not residents of Huis Neethling, but are in the Residence for a limited time, will be deemed to be **visitors**.

The House holds the right to **end** a person's membership in exceptional circumstances, by accepting a motion with a two-thirds majority. This decision may only be taken if the person does serious harm to Huis Neethling's name and acts in conflict with the Ethos in this Constitution. Any such person must be given the opportunity to defend himself at the specific House Meeting.

### HOUSE MEETING

The House Meeting is an assembly of all the residents of Huis Neethling Residence that are assembled with the goal of making discussions about issues, carrying motions, making decisions, giving advice, giving feedback, assessing the actions of the House Committee and/or supervising it.

The legislative authority of Huis Neethling Residence rests with House Meetings, with a final say over the appointment of House Committee members, the election of the Disciplinary Committee, the making of strategic decisions and amendments to the Constitution of the Residence.

During a House Meeting it is expected of all Huis Neethling residents to act in an orderly fashion. The chairman reserves the right to ask someone who is guilty of inappropriate or obscene behaviour to leave the meeting and impose a fine on such a person.

#### House Meetings

- takes place every term; and
- will be communicated to the House at least ten days before the scheduled date through at least two of the official channels of communication; and
- will be attended by all Huis Neethling residents. If extraordinary circumstances make it impossible for a House member to attend the meeting, that person must hand in a written **excuse** to the Residence Head or Prim at least forty eight hours before commencement of the meeting. The House Committee has the discretion to extend the forty eight hour period. The Secretary reserves the right to refuse inadequate excuses. Failure to hand in an excuse or attend the meeting will lead to a fine.
- A Normal House Meeting can be divided to include a section in which votes will be held and a section without voting. A House member can in the same way as a section hand in an excuse to the Residence Head/Prim to leave the meeting after the section during which votes are held. The House Committee has the discretion to divide the meeting in this way and can limit adequate excuses in any way they see fit.

**Quorum** for a House Meeting (whether normal or extraordinary) is only achieved when two thirds of the voting members are present.

- If quorum cannot be reached within half an hour after the commencement of the scheduled time, the assembly will adjourn and a new meeting will be convened within five university days.
- If such a second meeting does not succeed in attracting quorum in one hour, the second meeting's quorum will be set as fifty percent (50%) of the voting members.

The Primarius/ia serves as Chairman of the House Meeting with the **responsibility** to

- Lead the House Meeting; and
- give a short report at each House Meeting on residence events (since the previous House Meeting).
- justify policy (including smoking policy, alcohol policy, quiet times and guests) to the house.

The Primarius/ia of the House Committee also acts as the Secretary of the House Meeting and is responsible for

- keeping an accurate record of the proceedings and those present; and
- making available to the House the minutes of the previous Meeting, at least ten (10) university days before the next meeting. The minutes will also be submitted by the Primarius/ia to two people who attended the Meeting for approval and to be signed.

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The Chairman has the discretion to grant opportunities for speeches to any person.

As part of a Normal House Meeting, the Chairperson can obtain decisions from the House as

- non-binding surveys on needs-assessments that serve as advice for the House Committee; or
- binding decisions that are suggested by the House Committee to the House for voting; or
- binding formal **motions** that are presented to the house by either a House Committee member or a voting House member:
  - i. Formal motions by House members will be registered with the Secretary at least seventy two (72) hours before the meeting.
  - ii. All motions will be published in the Residence at least twenty four hours before the meeting through at least three (3) of the official channels of communication.
  - iii. Corrections to motions will be heard at a House Meeting.
  - iv. The House Committee reserves the right to decide whether a motion is valid or not.
  - v. Any person proposing a motion can insist that reasons be given why a motion is considered invalid and appeal to the Disciplinary Committee that will then have to decide on the validity at a special session.
  - vi. Motions can again be voted out at a subsequent House Meeting.
- Motions accepted at a House Meeting will be binding as long as it is not in conflict with this Constitution, the Student Rules or other relevant University decisions and policies or existing Legislation.

To be accepted as a valid decision, the following rules with regards to voting on Suggestions and Motions will be applicable:

- All Huis Neethling residents are considered to be voting members.
- The House reserves the right to grant a vote to other persons on an ad hoc basis. This decision can be made by a majority vote of the voting members.
- All votes will carry equal weight.
- To make a decision or carry a Motion, the votes of fifty percent (50%) plus one (1) of the people present and voting are required (unless the Constitution states other requirements) subject to the requirements regarding Quorum.
- Any Huis Neethling resident has the right to refrain from voting.
- Only the votes of those that attend the meeting and vote there will be counted.
- The Chairman will decide whether voting will take place by hand or by ballots, keeping in mind that the person proposing the motion can insist on a closed vote.

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## CHAPTER 2

### EXECUTIVE AUTHORITY OF THE RESIDENCE

#### RESIDENCE HEAD

The Residence Head acts as a link between the University and the House Committee. Acting out of this capacity, he/she applies the University rules and regulations, where and when it is needed.

All leadership structures in the residence fall under the **authority** of the Residence Head. The Residence Head has complete discretion to decide on how he/she will conciliate the residence's customs and traditions with the guidelines of the University.

During House Committee meetings, as well as other decision-making situations regarding residence activities, he/she will take on an advisory role. To facilitate this process, the Residence Head will attend House Committee meetings, as well as House Meetings.

The Residence Head has discretion regarding the validation of functions and the administration of a Liquor License. At the same time, the Residence Head has the capacity to validate or prohibit any function.

**Disregarding** the Residence Head's instructions exposes House Members to disciplinary procedures in terms of the University's disciplinary system.

#### PRIMARIUS/IA

The Primarius/ia of Huis Neethling Residence is the head student of the Residence.

The Primarius/ia has first preference to stay in the en suite single room

Out of the authority of this position, the Primarius/ia is a member of

- The House Committee;
- The Executive Committee of the House Committee;
- The Disciplinary Committee.

A resident is elected as Primarius/ia according to the election procedures as stipulated in this constitution (Chapter 3).

The Primarius/ia is (like the rest of the House Committee) an university official in service of both the residence and university.

The Primarius/ia has the responsibility to:

- represent Huis Neethling's interests at all University structures and fora;
- implement the university's policy within Huis Neethling;
- represent the Residence and the House Committee within the Prim Committee;
- serve as chairperson of the House Committee;
- together with the deputy Primarius/ia, determine House Committee portfolios for his/her term and delegate it to the House Committee;
- maintain the residence's daily management;
- regularly meet with the Residence Head regarding residence matters;
- act as a link between University management and the residence;
- act as chairperson of Huis Neethling' disciplinary committee; and
- review the Constitution of the Residence, as determined by Section 7.

As **Chairperson** of the House Committee

- the Primarius/ia has the discretion to change the composition of all residence committees;
- the Primarius/ia manages the delegation of duties, as well as the entire management of the committee; but

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- he/she must also determine the House Committee's opinion regarding operational affairs and must be certain that the entire House Committee is included in decision making;
- he/she may, in exceptional circumstances, make decisions after deliberation with Executive Committee of the residence; and
- he/she has final responsibility regarding the level of the House Fund.

### **DEPUTY PRIMARIUS/IA**

The primary responsibility of the Deputy Primarius/ia is to support the Primarius/ia in the execution of his/her duties. The Deputy Primarius/ia serves in an advisory capacity to the Primarius/ia

The deputy Primarius/ia has second preference, after the Primarius/ia, to choose a room.

If the Primarius/ia, for any reason whatsoever, is unable to execute his/her duties or responsibilities, the Deputy Primarius/ia will step in and act temporarily.

Out of the authority of this position, the Deputy Primarius/ia is a member of

- the House Committee
- the Executive Committee of the House Committee
- the Disciplinary Committee

A resident is elected as Deputy Primarius/ia according to the electoral procedures stipulated in this Constitution (Chapter 3).

The Deputy Primarius/ia is responsible for

- supporting the Primarius/ia;
- executing duties, as determined in the beginning of his/her term together with the Primarius/ia;
- acting as the Residence's Safety- and Risk Management official; and
- managing the residence's fines system.

The **EXECUTIVE COMMITTEE** acts as an advisory Committee for the Primarius/ia.

The following office bearers serve with the Primarius/ia and the deputy Primarius/ia as the Executive Committee of the House Committee:

- One Secretary – Responsible for the administration of the Residence.
- One Treasurer – Responsible for the finance of the Residence.

The Executive Committee has the **responsibility** and **authorisation** to

- Discuss and resolve matters of importance which cannot be left unattended until the next House Committee Meeting;
- Approve portfolio budgets after consultation with the relevant House Committee member as well as approve financial spending outside of the budget (as determined by the Residence Financial Practice).

Where discussions are made, two of the members together with the Primarius/ia form the necessary quorum.

All Executive Committee Decisions must be communicated to the rest of the House Committee at normal House Committee meetings.

### **TREASURER OF THE HOUSE COMMITTEE**

The Treasurer is appointed from the House Committee during the distribution of portfolios at the commencement of the House Committee term with the following requirements:

- The treasurer must have passed at least Financial Accounting on a BComm second years or on BAcc first year, **except** if there is no one on the House Committee fulfilling the requirement.
- If there is no one fulfilling the requirement set out in sec 71(a), the treasurer must be appointed with the discretion of the previous Primarius/ia, newly appointed Primarius/ia, previous Treasurer and the Residence Head.

The treasurer is also a member of the Executive Committee of the House Committee.

The treasurer is responsible for:

- Maintain a complete record of all residence finances;
- Administrate income and expenditures;
- Ensure that the University, Residence and Country's rules and laws regarding finance are complied with;
- Give weekly feedback to the House Committee during House Committee Meetings with regards to the Residence's financial status;
- Play an advisory role where any inquiries regarding financial practice is made;
- Ensure that all money received during MAD<sup>2</sup> is handled correctly according to the rules as stipulated in the MAD<sup>2</sup> guide;
- Present a preliminary financial year report at the last House Meeting of his/her term;
- Present a full budget at his/her first House Meeting of the term. y

## HOUSE COMMITTEE

Huis Neethling House Committee is elected for a term of one year. This election is regulated by the election procedures in the Constitution (Chapter 3).

The House Committee comprises of maximum 10 members (depending on Maties Sport), including the Primarius/ia, Deputy Primarius/ia, Secretary and Treasurer. The Primarius/ia must in the event of an extension of the residence make the necessary arrangements with Maties Sport to extend the size of the HK.

All members of the House Committee are officials of the University and are responsible for performing any policy determined by the institutions of the University.

The House Committee will meet at least once a week for meetings during the academic term until the commencement of examinations. All House Committee members will attend the meetings.

House Committee meetings held during exams will be held according to the Primarius/ia's discretion after consulting with House Committee members.

Excuses for absence from House Committee meetings must be submitted to the Primarius/ia for consideration at the same time that the agenda has to be submitted.

The House Committee is responsible for

- determining the strategic direction of the residence,
- the administration of the residence,
- maintaining good order and discipline in the interest of the residence, according to disciplinary procedures,
- the promotion of unity and Residence involvement,
- completion of tasks necessary to ensure that Huis Neethling is functioning effectively,
- performing all reasonable tasks and requests received from the House,
- organizing House Meetings,
- assuming co-responsibility for Huis Neethling' buildings and grounds,
- complying with all requirements and provisions of this Constitution.

The House Committee members also have the following responsibilities:

- to manage their assigned portfolios to the best of their ability,
- to fully accept responsibility for all activities of their portfolios and committees within that portfolio,
- to determine their detailed portfolio budgets in consultation with the Executive Committee,
- to spend their portfolio budgets responsibly and meet all the financial requirements,
- to represent the House Committee in the section(s) for which they are responsible,
- to manage their section(s) and regulate their participation in Residence activities,
- to fine members of their section(s) if necessary,
- to complete a report at the end of their term on each portfolio and hand it to the Primarius/ia,

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- to ensure that communication in the House is fair and equitable.

A House Committee member can be removed from his/her office

- when two-thirds of the House vote in a motion for the House Committee member to be removed during a House Meeting, or
- when two-thirds of the House Committee, including the Primarius/ia, decide to relieve the House Committee member of his/her office, in which case the House Committee member retains the right to appeal to the Disciplinary Committee, or
- when the House Committee member is found guilty of a serious offense during a sitting of Huis Neethling's Disciplinary Committee or any Disciplinary Committee under the Department of Student Discipline. The onus is on the institution to decide whether a suspension from the House Committee is justified.

When a vacancy for the House Committee arises, the current House Committee has the discretion to decide whether the position should be filled. If the position needs to be filled, the new House Committee member must be elected under the provisions of Chapter 3.

### **MENTORS**

The purpose of mentors is to ensure that first-years successfully adapt academically, socially and emotionally at the University.

Mentors are appointed by the current Head Mentor, newly elected HK of Academics or HK of mentors, newly elected Primarius/ia and Residence Head. They are appointed according to the procedure and by the date specified by the University. If any of the abovementioned persons want to be considered for the position of Mentor they should remove themselves from the decision making process.

Although Mentors are specifically focused in the residence and also play a role in the integration of first-years in the residence culture, their function and responsibilities are organized by the policies as determined by the University.

The specific functioning and interaction of Mentors are annually discussed and agreed upon between the Head Mentor and Residence Head.

The primary function of the mentors is to

- provide information to first-years during Welcoming week;
- serve as a two-way communication channel between first-years, the House Committee and the University;
- note any problems with the welcoming programme and to address these issues with the House Committee, if necessary;
- refer first-years to the relevant units or institutions where specific assistance is required;
- keep the first-years' parent/s or guardian/s informed about their children's progress;
- have weekly contact sessions with the first-years to organize and to lead them in the first semester of the academic year.

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## CHAPTER 3

### ELECTION PROCEDURES

The Huis Neethling House Committee, including the Primarius/ia and Deputy Primarius/ia is elected directly by all the members of the House in a free, open and fair election.

The election of all the members occur yearly, by means of a closed vote, according to the procedures in this Constitution and within the **time frame** specified by the Centre for Student Structures and Communities. The current House Committee has the responsibility to confirm the time frame as soon as possible and to start the election procedures.

If a person is elected onto the Election Committee or is appointed in terms of sec. 93 and that person wants to stand for Election, the person's resignation is immediate and the next person can be appointed according to the amount of votes in terms of sec. 93.

The Election Committee has the **responsibility** to:

- administrate the election and nomination process;
- always act in accordance with this Constitution;
- keep the Residence informed of all the aspects regarding the Election process;
- ensure that all candidates are treated fairly;
- count the votes twice and make the results available as soon as possible;
- conduct themselves neutrally and fairly.

The Convenor of the Election Committee has the responsibility to write a report on the Election that covers the entire Election process.

The Election Committee is empowered to conduct the election and can make a ruling on:

- the validity of a vote;
- improper recruiting of votes;
- the establishment of an Interim Election;
- specific dates and times of an Election, in deliberation with the House Committee.

#### NOMINATION

If there are not enough candidates to fill the amount of vacancies within the time frame, the nomination process must be extended for as long as determined by the Residence Head.

If there is not two House Members of each gender as election candidates, the election process can be extended only once and for as long as determined by the Residence Head.

If there are still not enough candidates after the extended nomination process the vacancies will be reduced and the available positions filled.

Every member of the Residence that is entitled to vote may nominate or second someone.

Every nominee's signed declaration declares that he/she

- is willing to accept his/her nomination;
- if elected as House Committee member, will serve the House unconditionally and perform his/her duties wholeheartedly.

#### ELIGIBILITY

Any member of the House that stands for a position on the House Committee must fulfil the prerequisite that he/she

- is a full member of the House;

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- has been a resident for at least two terms, even if it is during the second semester, for a position on the House Committee or three semesters for election to Primarius/ia;
- satisfies the University's requirements for admission to the Residence (HEMIS-requirements);
- has no criminal record or convictions before the University's Division for Student Discipline (or subdivisions) or Huis Neethling Disciplinary Committee. If a member does not fulfil the requirements set out in sec. 106(d), a special application can be brought at the Disciplinary Committee for exemption. The same procedure must be followed if there is an undecided case against the nominee..

A separate list of candidates is composed for the Primarius/ia, Deputy Primarius/ia and the House Committee. Each candidate's name may appear on more than one list.

## VOTING

After the caucus, voting proceeds as determined by the Election Committee.

The Election Committee must keep **record** of who voted and who failed to vote.

The votes are counted as soon as possible behind closed doors. The ballots must be **kept** by the Residence Head until the end of the newly appointed House Committee's term.

No one may bring out a vote on behalf of anyone else.

For an election to be valid, the following **quorum** requirements must be met:

- 85% when voting for the Primarius/ia and Deputy Primarius/ia; and
- 80% for the House Committee.

## ELECTION OF THE PRIMARIUS/IA AND DEPUTY PRIMARIUS/IA

The election for the Primarius/ia and Deputy Primarius/ia takes place in the same way, but with two separate votes.

All eligible candidates on the list for a specific position will appear on the ballot. Every member of the Residence will then have the opportunity to vote for one candidate of his/her choice.

When one candidate obtains a majority vote (50% +1), he/she is elected.

If there is no candidate that obtains a majority vote, an **interim election** will be called. For this election the candidates with the least votes will be removed. The sum of the removed candidates may not exceed fifty percent (50%) of the votes in the previous election. This procedure may be repeated until one candidate obtains a majority vote.

If there is only one nominee for a particular position the house will simply vote YES or NO. If the candidate obtains more YES votes than NO votes he/she is elected.

A Primarius/ia candidate who is unsuccessful retains the right to stand for Deputy Primarius/ia and/or House Committee. A Deputy Primarius/ia candidate who is unsuccessful retains the right to stand for House Committee.

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## ELECTION OF THE REST OF THE HOUSE COMMITTEE

The ballots must contain the names of all the eligible candidates for a particular position. Ballots with more votes than the amount of vacancies are invalid.

Vacancies are filled according to the amount of votes that each candidate obtain until all positions are filled.

## ANNOUNCEMENT

The results of all elections must be announced within 24 hours after voting closes

The amount of votes for every candidate will not be made public, but can be shown to individuals upon request.

### **OBJECTIONS AND WITHDRAWALS**

Any objections to procedures during the elections or the validity of the result will be heard by a special sitting of the Disciplinary Committee within 72 hours.

Candidates retain the right to withdraw their nomination until an official announcement, after which they must formally resign if they want to withdraw. In this case a new vacancy is created. If a candidate withdraws after voting began, votes for that candidate are not counted. After a candidate informs the Convenor that he/she withdraws, the decision cannot be reversed.



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## CHAPTER 4

### DISCIPLINARY PROCEDURES

The disciplinary procedures does not per se have punishment as **goal**, but aims to recover the relationship between the accused House member and the rest of the House. Therefore all disciplinary steps are taken in accordance with and in the spirit of the Huis Neethling Ethos.

The House Committee is responsible for maintaining discipline in the House in accordance with the University rules and regulations and the House values and ethos. To meet this responsibility in a fair and responsible way, a Disciplinary Committee is compiled.

### JURISDICTION AND STATUS OF THE DISCIPLINARY COMMITTEE

The Disciplinary Committee may only act against a resident of Huis Neethling Residence.

In cases where jurisdiction is questioned, the final decision rests with the Chairperson. However, the Disciplinary Committee has to be consulted before the Chairperson delivers his judgment.

The Disciplinary Committee only has a limited capacity to act of its own accord against

- an act or omission which could constitute an offense of the University Council's ban on initiation or a deviation from the approved Welcoming Programme;
- an offense that, in the opinion of the Residence Head, is of a serious nature;
- any conduct where vandalism, damage to property or improper use of equipment, contrary to the Occupational Health and Safety Act, like the unlawful breaking of fire-glass and setting off of the fire alarm, unlawful use of fire hoses and fire extinguishers, arson or any similar activity occurs;
- any conduct of a criminal nature which falls under the criminal procedure of the country;
- vandalism or damage to property where the damage exceeds the value as prescribed by the Centre for Student Structures and Communities.

### COMPOSITION OF THE DISCIPLINARY COMMITTEE

The Disciplinary Committee **consists** of

- the Primarius/ia who acts as the Chairperson; and
- the Deputy Primarius/ia who acts as Deputy Chairperson; and Head of discipline
- two Seniors that are not House Committee members of whom one may not be an old-HK or a current Mentor; and
- the Residence Head.

No person with a conviction before Huis Neethling's Disciplinary Committee, Intermediate Residence Disciplinary Committee, Central Disciplinary Committee or a criminal record may serve on the Disciplinary Committee or be appointed as a member of the House Committee.

No person who during an election is accused of an offence and is summoned to appear before the Huis Neethling Disciplinary Committee, Intermediate Residence Committee or Central Disciplinary Committee, is eligible for the Committee.

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The **election** of the Disciplinary Committee members takes place at the beginning of every year during the first House Meeting. The Chairperson, Deputy-Chairperson and Secretary are responsible for this process.

- Only House members who are residents may vote. All votes carry the same weight and any voting member can vote for any candidate.
- The Chairperson has the discretion to decide how many times each person may vote.

**Quorum** of the Disciplinary Committee consists of

- the Chairperson (or Deputy-Chairperson who acts as Chairperson);
- the Secretary (or someone acting on his/her behalf);
- any three other members;

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- the Residence Head.

Where quorum cannot be achieved within ten (10) University days, the remaining members of the Disciplinary Committee can appoint acting members out of the Seniors of the Residence for the specific case.

If a conflict of interest should arise, the Chairperson has the right to request that any member must recuse him-/herself from the Committee for the specific case. Disciplinary Committee members may, by reason of conflict of interest and moral objections, recuse themselves from the Committee for a specific case

Where the Chairperson is accused of a conflict of interest, the final decision jointly rests with the Residence Head and Deputy-Chairperson.

If a Disciplinary Committee member has a case pending before the Huis Neethling Disciplinary Committee, Intermediate Residence Disciplinary Committee or Central Disciplinary Committee, that member must withdraw him-/herself from the Disciplinary Committee until the case against him/her is decided.

No voting member of the Disciplinary Committee, with exception of the Residence Head, has the right to abstain from voting.

### **PROCEDURE**

All Disciplinary Procedures must be dealt with in accordance with the Student Constitution, Student Rules and the Huis Neethling Ethos. All parties involved in the procedure may at any time call upon any of these documents.

### **BEFORE THE DISCIPLINARY HEARING**

The House Committee or any House member may lay a **charge** with the Disciplinary Committee. Charges can be brought to the Chairperson, Deputy-Chairperson or Residence Head.

The Disciplinary Committee must **decide** together which charges must be investigated, heard or referred to the House Committee.

If the Complainant is not prepared to appear before the Disciplinary Committee in person, a signed statement must be provided to the Committee by the complainant before the charge can be further investigated.

The accused student(s) must receive **written notice** of the Disciplinary Committee hearing at least 48 hours before the commencement of the hearing. The accused must however be informed as soon as possible to be able to prepare him-/herself.

All charges must be heard by the Disciplinary Committee fifteen University days after the case was lodged.

The written notice must contain the following:

- The complete charge both in terms of the Huis Neethling Ethos and the University's Student Rules;
- The place and time of the hearing;
- The right to assistance.

The notice must be ordered to the accused by hand. If the accused cannot be tracked down, he must be telephonically informed of the case.

If the student, after the notice was delivered to him/her, fails to attend the hearing without providing a valid excuse to the Chairperson of the Disciplinary Committee beforehand, the hearing can proceed in the accused's absence.

### **DURING THE DISCIPLINARY HEARING**

The Disciplinary Hearing takes place in private.

The accused student must, in accordance with the Huis Neethling Ethos be treated with **respect** during the

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hearing. The accused student is expected to also act as such with regard to the Committee.

The complainant and the accused can call any witnesses or submit any evidence.

Disciplinary Committee can call any person to ease the interpretation of laws and rules, provided that such a person is properly qualified.

The accused student must be fully informed of the case against him/her.

The accused student must be given adequate opportunity to present his/her case.

Any complainant or accused has a right to **assistance** from any House member that has never been found guilty by the Huis Neethling Disciplinary Committee, the University's Intermediate Residence Disciplinary Committee or Central Disciplinary Committee, or has a criminal record.

The guilt of the accused student must be proven above reasonable doubt. The onus of proof rests on the complainant.

If the accused confesses to the charge(s), the Disciplinary Committee may take note of it and immediately proceed to punishment without a complete hearing.

If a Disciplinary Committee cannot come to an unanimous decision, the decision by the majority of its members will be valid. If the voting members consist of an equal number and a tie is reached, the Chairperson will have the casting vote.

Voting takes place by way of a secret ballot with committee members' identity revealed on the ballot.

After the Disciplinary Committee's decision is disclosed to the student, he must be given the opportunity to make representations in mitigation to the Committee.

Disciplinary Committee members has to keep the contents of all sessions confidential, except for the official releases which is available by request from any of the committee members and composed in terms of section 170.

#### **AFTER THE DISCIPLINARY HEARING**

The accused student has the right to appeal against his/her conviction and/or punishment to the Intermediate Residence Disciplinary Committee, Central Disciplinary Committee or the Dean of Students.

The judgment of the Disciplinary Committee as well as any punishment given must preferably be communicated to the student within the trial, otherwise within seven days. The student must be informed of his/her right to appeal.

Immediately after the judgment, the Secretary must draw up an official release that must be kept by all Disciplinary Committee members.

Judgments that fall outside the competency of the Disciplinary Committee can be declared valid by any subdivision of the Legal Services Division.

After the student is found guilty and punished by the Disciplinary Committee, the Secretary of the Disciplinary Committee must draw up a report with the particulars of the charge, the plea, material factual judgments, with the exclusion of any mitigating or aggravating circumstances, the judgment, the punishment imposed and the reasons for imposing that punishment. This report must be sent to the Residence Head, Primarius/ia and the Deputy Primarius/ia.

#### **RECORD-KEEPING**

It is the Secretary of the Disciplinary Committee's duty to keep a record of the punishments imposed. These

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details of any accused person must be available at Disciplinary Committee hearings.

All findings of the Disciplinary Committee as well as judgments and reports must be recorded by the Secretary of the Disciplinary Committee.

### **PUNISHMENTS**

The Disciplinary Committee that finds a student guilty of an offence in terms of these provisions has the competency to impose a punishment, including:

- a fine that may not exceed the amount published from time to time by the University Council;
- a final written warning;
- a written or other apology to a specific person or body;
- payment of an amount sufficient enough to compensate for any damage, loss or costs that was caused by the student;
- depriving the student of any office he/she holds in Huis Neethling;
- suspending certain privileges that the student enjoys as a member of Huis Neethling, with the exception of eviction or suspension.

The Disciplinary Committee can review a punishment in a subsequent hearing.

The Disciplinary Committee can suspend punishments to enter into force after a specific event.

### **DISCIPLINARY ACTION BY HOUSE COMMITTEE MEMBERS**

House Committee members have the right to impose punishment on any House member that acts contrary to the rules or Huis Neethling Ethos.

In such a case a House Committee member may impose a punishment that includes:

- a fine that takes into account the fine list of the Residence and does not exceed the amount determined from time to time by the University Council;
- a written warning or suspended fine;
- the imposing of a reasonable task.

The person that imposes this fine has to inform the student in writing that if the punishment is unacceptable to him/her, he/she has the right to appeal to the Disciplinary Committee.

The written fine must mention the

- student's name and surname;
- student's room number;
- date the fine was issued;
- nature of the offence;
- date of offence;
- amount of fine or details of task;
- deadline for payment of the fine or completion of a task;
- signature of the House Committee member.

If the fine is not **paid** before the deadline, or the task is not completed (within ten University days unless otherwise indicated on the fine or special arrangements are made), the case is automatically referred to the Disciplinary Committee. It is the Deputy-Chairperson's (HK of Discipline Admin) responsibility to see to it that a case is lodged.

If a fine is indeed paid before the deadline, the case is seen as completed, there is no conviction and no hearing takes place.

**Record** must be kept of all fines by the Deputy-Chairperson (HK of Discipline Admin).

## CHAPTER 5

### RESIDENCE FINANCES

The finances of the Residence must always be utilised to the benefit of the Residence and all its residents.

Money in the House Fund is used for the funding of general residence activities as determined by the budget and for specific purposes approved by the House Committee and the Residence Head.

All financial arrangements of the residence are subject to policy as publicised by the Finance Division.

The Primarius/ia is the **final authority** on the finances of the Residence, while the treasurer must ensure that the finances are correctly administered.

All funds that are received by the residence must be administered by the University's Financial System. No separate bank accounts, deposits or loans may be managed.

Any income that is received by the Residence, including House Fees must be deposited in the House Fund.

No speculative transactions or investments may be incurred with House Fees.

There is a distinction between

- discretionary operational funds (House Fund and MAD<sup>2</sup>) that are managed by the House Committee,
- asset funds ("N-fund") that are managed by Residence Administration.

The treasurer, in association with the previous treasurer and the Residence Head, must compile a complete **budget** for the Residence at the start of his/her term. This budget is approved by the Executive Committee and presented to the House at the start of the year.

Every House Committee member must also prepare a detailed portfolio budget that must be approved by the Executive Committee.

Spending, as specified within the House Committee members' **portfolio budgets**, must be approved by the Treasurer before the expense is incurred.

Any spending that has not been budgeted must be approved by the executive committee and the treasurer must communicate with the rest of the House Committee Members and the Residence Head in the next House Committee Meeting.

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## ADDENDUM 1: RESIDENCE CREST

The Huis Neethling badge was designed very carefully to incorporate a variety of factors which best represented the core figures of Huis Neethling. Careful planning and discussion took place which resulted in the finished product which is recognised as Huis Neethling badge and the emblem. The following descriptions serve to describe each part of the badge.

### THE TREE

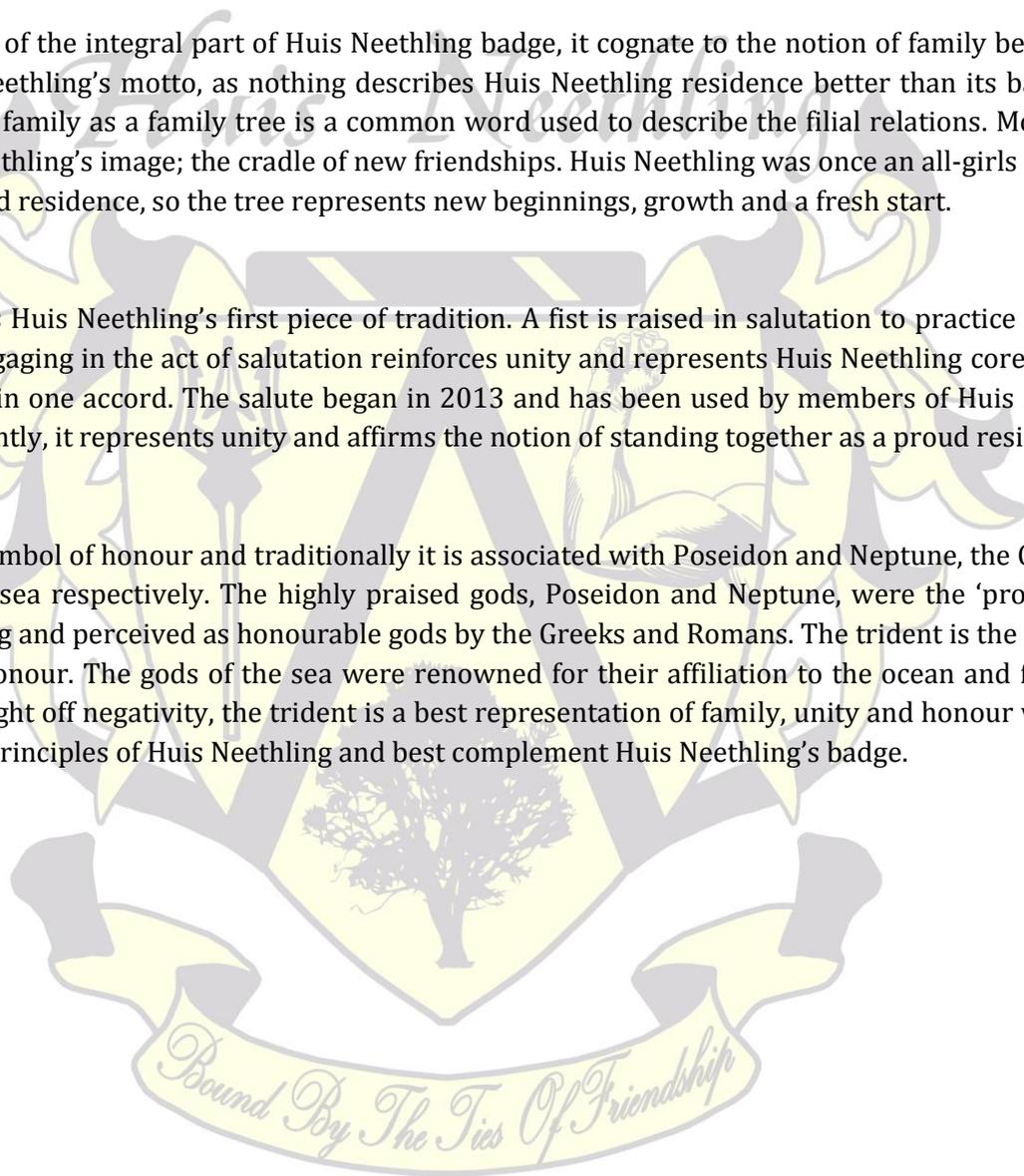
The tree forms part of the integral part of Huis Neethling badge, it cognate to the notion of family being at the forefront of Huis Neethling's motto, as nothing describes Huis Neethling residence better than its badge. The tree is a symbol for family as a family tree is a common word used to describe the filial relations. Moreover it represents Huis Neethling's image; the cradle of new friendships. Huis Neethling was once an all-girls residence and now it is a mixed residence, so the tree represents new beginnings, growth and a fresh start.

### THE FIST

A fist is regarded as Huis Neethling's first piece of tradition. A fist is raised in salutation to practice the act of pride and 'gees'. Engaging in the act of salutation reinforces unity and represents Huis Neethling core principle of family to concur in one accord. The salute began in 2013 and has been used by members of Huis Neethling since. Most importantly, it represents unity and affirms the notion of standing together as a proud residence.

### THE TRIDENT

The trident is the symbol of honour and traditionally it is associated with Poseidon and Neptune, the Greek and Roman gods of the sea respectively. The highly praised gods, Poseidon and Neptune, were the 'providers' of rain and good fishing and perceived as honourable gods by the Greeks and Romans. The trident is the preferred representation of honour. The gods of the sea were renowned for their affiliation to the ocean and fish and a sacred weapon to fight off negativity, the trident is a best representation of family, unity and honour which are imperative to core principles of Huis Neethling and best complement Huis Neethling's badge.



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