

# STELLENBOSCH UNIVERSITY

# **STUDENT CONSTITUTION**

2014 Revision

*Final version (version 2.4)*

This Constitution was adopted by the Student Representative Council on 29 July 2011 and adopted by the students in a referendum on 12 August 2011. The English version of this document will take precedence in case of any interpretation disputes.

Key: the superscript † indicates a fundamental chapter, part, section or provision, which can only be amended by means of a referendum (see section 96).

The Council of Stellenbosch University approved this amended version at its meeting of 28 November 2011.

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## **PREAMBLE‡**

We, the students of Stellenbosch University, conscious of our diverse cultural heritage and the historical context of Stellenbosch University and our country, the Republic of South Africa, unite to build a multicultural and democratic community which is free from discrimination, in conformity with the Bill of Student Rights in Chapter 2 of this Constitution and the Constitution of the Republic of South Africa.

We acknowledge our responsibility to participate in the democratic structures recognized by this Constitution.

Subject to the provisions of the Constitution of the Republic of South Africa, the Higher Education Act, the Statute of Stellenbosch University and University regulations, we accept this as our binding Constitution.

## **CHAPTER 1 BASIC PROVISIONS‡**

### **1 Definitions**

In this Constitution, unless the context indicates otherwise –

- (1) “accept”, “decide”, or “elect” refer to a decision taken with an ordinary majority of votes;
- (2) “*ex officio* member of the Student Representative Council” means a member serving on the Student Representative Council by virtue of holding another position, such as the Student Representative Council members indicated under section 19(b)-(f);
- (3) “positive vote” refers to the following process:
  - (a) When one candidate receives a majority (50%+1) of the vote, he or she is elected.
  - (b) If no candidate receives a majority (50%+1) of the vote, the following steps are followed:
    - (i) A new election is takes place.
    - (ii) For this election, the candidates who received the smallest number of 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.
    - (iii) This process is repeated until one candidate receives a majority (50%+1) of the vote.
- (4) “student” means a student registered at the University;
- (5) “student body” means an organised group of students formally associated with the University;
- (6) “University” means Stellenbosch University; and
- (7) “University day” means a weekday (Monday to Friday) during the academic year which is not a public holiday.

### **2 Status of this Constitution**

- (1) All constitutions, regulations, rules, codes, documents, motions and decisions adopted by any student body are subject to this Constitution and invalid in as far as they are inconsistent with it.
- (2) This Constitution is called the “Student Constitution of Stellenbosch University”, provided that any references in other documents to the “Student Union Constitution of Stellenbosch University” refer to this document.

### **3 Bodies constituted by this Constitution**

The following student bodies are constituted by this Constitution:

- (a) the Student Representative Council;
- (b) Student Parliament;
- (c) the Student Court;
- (d) the Evaluation Panel;
- (e) the Academic Affairs Council;
- (f) the Prim Committee;
- (g) the Societies Council;
- (h) the Military Academy Student Council;
- (i) the Tygerberg Student Council; and
- (j) the Election Committee.

## **CHAPTER 2 BILL OF STUDENT RIGHTS‡**

### **4 Application**

- (1) The rights in the Bill of Student Rights bind all student bodies of the University and all such bodies have the duty to respect, protect and promote these rights.
- (2) The student bodies constituted by Section 3 of this Constitution must take reasonable steps to ensure the protection and promotion of these rights, including through engagement, where necessary, with the University authorities.

### **5 Equality**

No student shall be unfairly discriminated against.

### **6 Human dignity**

Every student has inherent human dignity and the right to have his or her dignity respected and protected.

### **7 Confidentiality of student records**

- (1) Every student has the right to the confidentiality of his or her University records.
- (2) No information contained in such records may be disclosed without the consent of the student in question.

### **8 Student success**

- (1) Every student has the right to an enabling environment in which student success and academic excellence are encouraged and pursued.
- (2) Every student has the right to quality education, academic support, and transparent and justifiable assessment procedures.
- (3) The bodies constituted by Section 3 of this Constitution have a duty to identify and work towards the eradication of barriers to the exercise of these rights.

### **9 Freedom of religion, belief and opinion**

Every student has the right to freedom of religion, belief and opinion.

### **10 Freedom of expression**

Every student has the right to freedom of expression, which does not extend to hate speech, and which includes –

- (a) freedom of academic expression and scientific research;
- (b) freedom of the student media; and
- (c) freedom to receive and impart information and ideas.

### **11 Assembly, demonstration and petition**

- (1) Every student has the right to assemble and demonstrate on campus peacefully and unarmed,
- (2) Every student has the right to present petitions to the Student Representative Council and to the University management, according to the relevant approved procedures of the University and/or Municipality.

### **12 Freedom of association**

Every student has the right to freedom of association on campus, including the right to form any student group, association or society.

### **13 Participation in Student Representative Council elections**

- (1) Every student has the right to vote in elections for the Student Representative Council, and to do so in secret.
- (2) Every student has the right to stand for election to the Student Representative Council, subject to fair and relevant eligibility requirements and subject to the provisions of this Constitution.

### **14 Administrative action**

Every student whose rights or legitimate expectations are materially and adversely affected by any decision taken by a student body or a member of a student body, has the right to –

- (a) be notified of the nature and purpose of the proposed action;
- (b) a reasonable opportunity to make representations;
- (c) adequate notice of any right of review or internal appeal, where applicable; and
- (d) request reasons for the decision and to be furnished with written reasons within a reasonable time.

### **15 Limitation**

- (1) The rights in this chapter may only be limited in terms of legal rules of general application, which, for purposes of this section, are deemed to include University regulations, rules and policies.
- (2) Limitations must be designed to achieve objectives that are consistent with the values of an open and democratic community based on human dignity, equality and freedom.
- (3) Limitations may not limit the rights in this chapter more than necessary, and the impact they have on the rights of students must be proportionate to their objectives.

### **16 Enforcement**

Any student, any student body or any group of students, whether acting in their own interest or in the interest of a group or class of students, may approach the Student Court for appropriate relief in the event of an alleged violation of their rights under this Constitution.

### **17 Interpretation**

The Bill of Student Rights must be interpreted in conformity with Chapter 2 of the Constitution of the Republic of South Africa, the Higher Education Act, the Statute of Stellenbosch University and University policy and regulations.

## **CHAPTER 3 THE STUDENT REPRESENTATIVE COUNCIL**

### ***Part 3.1 General***

#### **18 Status of the Student Representative Council‡**

The Student Representative Council is the highest representative and policy-making student body at the University and is under the authority of the University Council.

#### **19 Composition of the Student Representative Council‡**

The Student Representative Council consists of the following members:

- (a) nine (9) members elected by the students in terms of the provisions of Chapter 11 of this Constitution;
- (b) the Chair of the Academic Affairs Council;
- (c) the Chair and Vice-Chair of the Prim Committee;
- (d) the Chair of the Societies Council;
- (e) the Student Captain of the Military Academy Student Council; and
- (f) the Chair of the Tygerberg Student Representative Council.

#### **20 Term of office of the Student Representative Council**

The term of office of the Student Representative Council starts on the first day of the fourth term of the academic year and continues up to the day before the start of the fourth term of the following academic year.

#### **21 Core functions of the Student Representative Council‡**

The core functions of the Student Representative Council include –

- (a) to act in the best interest of students and to actively promote students' rights under Chapter 2;
- (b) to represent students at –
  - (i) the University Council;
  - (ii) the Senate;
  - (iii) the Institutional Forum;
  - (iv) other committees, bodies and functionaries of the University; and
  - (v) national and international student bodies;
- (c) to evaluate University policy and give input in the formulation thereof;
- (d) to consider the advice of Student Parliament;
- (e) to facilitate projects and initiatives to the benefit of students;
- (f) to inform students continuously, and obtain feedback, about its activities; and
- (g) to formulate and maintain policy in order to ensure that the Student Representative Council performs its functions and duties effectively.

#### **22 Compulsory portfolios**

The Student Representative Council must maintain at least the following portfolios:

- (a) The Chair –
  - (i) is the chief executive officer of the Student Representative Council;
  - (ii) acts as spokesperson for the Student Representative Council; and
  - (iii) is ultimately responsible for the finances of the Student Representative Council.
- (b) The Vice-Chair is the deputy chief executive officer of the Student Representative Council.

- (c) The Secretary is at least responsible for –
  - (i) maintaining internal communication within the Student Representative Council;
  - (ii) managing knowledge and institutional memory within the Student Representative Council;
  - (iii) ensuring that Student Representative Council meetings, and any other meetings or consultations where the Student Representative Council desires record keeping, are properly recorded; and
  - (iv) updating, safekeeping and making available records, policies and other documents of the Student Representative Council.
- (d) The Treasurer is the chief financial officer of the Student Representative Council and is at least responsible for ensuring that the financial resources of Student Representative Council are used in a transparent and responsible manner.
- (e) The Policy Officer is at least responsible for –
  - (i) ensuring that policy of the Student Representative Council and the students is formulated and revised in accordance with section 21(g);
  - (ii) assisting the other Student Representative Council members in evaluating and giving input in the formulation of University policy in accordance with section 21(c); and
  - (iii) ensuring that this Constitution is revised and updated.
- (f) The Communication Officer is at least responsible for –
  - (i) ensuring that students are continuously and fully informed of the activities of the Student Representative Council in accordance with section 21(f);
  - (ii) obtaining feedback from students in accordance with section 21(f); and
  - (iii) ensuring that the advice of Student Parliament reaches the Student Representative Council.

### **23 Fulfilment of duties†**

- (1) Student Representative Council members must comply with the provisions of this Constitution and policy and regulations of the Student Representative Council.
- (2) If a Student Representative Council member contravenes subsection (1), or if reasonable grounds exist to believe that a member will contravene subsection (1), then –
  - (a) the Student Court can grant an appropriate order at the request of any student, and if that order is not complied with, the member concerned can be discharged from office in terms of section 25(1)(h); and
  - (b) the Evaluation Panel can take this into account in its decision whether or not to decrease the honorarium of the member in terms of section 46.

### **24 Ex officio members**

An *ex officio* member of the Student Representative Council –

- (a) may, in addition to his or her *ex officio* position, only accept one other portfolio on the Student Representative Council, whether that portfolio is compulsory or not;
- (b) may not accept any other portfolios if he or she serves on the Executive Committee of the Student Representative Council; and
- (c) may not hold the position of Chair, Vice-Chair, Secretary or Treasurer on the Student Representative Council.

### **25 Ending membership of the Student Representative Council**

- (1) The membership of a Student Representative Council 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 of the Student Representative Council;
  - (d) the member ceases to be a member of the student body that he or she represented *ex officio* on the Student Representative Council;
  - (e) the member ceases to be a registered student;
  - (f) the member is absent without reason from three (3) Student Representative Council meetings;
  - (g) the Student Court finds on application that the member has not complied with an order of the Court;
  - (h) Student Parliament 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; or
  - (j) the member is sentenced by the Central Disciplinary Committee.
    - (i) permanent suspension from the Student Representative Council; or
    - (ii) suspension from the University for a fixed or unfixed period of time.
- (2) If an *ex officio* member of the Student Representative Council ceases to be a member of the Student Representative Council during his or her term of office, then –
- (a) that member loses chairpersonship or vice-chairpersonship, whichever is applicable, of the student body he or she was representing on the Student Representative Council; and
  - (b) that student body must elect a new Chair or Vice-Chair, who will replace the previous Chair or Vice-Chair on the Student Representative Council.
- (3) If any other member of the Student Representative Council ceases to be a member of the Student Representative Council during his or her term of office, then the Student Representative Council must decide whether that member's position is to be filled, and if the Student Representative Council 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 candidate who received the most votes in the election (in which the out-going Student Representative Council member was elected), but was not elected to the Student Representative Council, must 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 Representative Council must call a by-election to fill the position.

### ***Part 3.2 Other duties and powers of the Student Representative Council***

#### **26 Reporting‡**

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

#### **27 Announcement of programme and budget‡**

- (1) The newly elected Student Representative Council must, before the start of their term of office, make a document available to all students which at least –

- (a) sets out clearly and in detail how the Student Representative Council aims to fulfil its core functions;
  - (b) contains a complete budget; and
  - (c) indicates which portfolios, including the compulsory portfolios, are assigned to which Student Representative Council members or managers.
- (2) As soon as this document is made available, the Student Representative Council must make reasonable attempts to make students aware of its availability.

## **28 Representatives of the Student Representative Council on other bodies**

Representatives of the Student Representative Council on other bodies must present the position of the Student Representative Council at said bodies and must consult the Student Representative Council on any important decisions to be taken by said bodies.

## **29 Code of conduct**

The Student Representative Council must adopt a code of conduct to lay down the rules of conduct and a disciplinary procedure for its members.

## **30 Student Representative Council managers (SRC managers)**

- (1) The Student Representative Council must appoint a minimum of two (2) and up to a maximum of ten (10) students as SRC managers to on behalf of the Student Representative Council, run portfolios that entail mainly organisational or administrative functions.
- (2) Each SRC manager must be accountable to a specific Student Representative Council member and to the Student Representative Council as a whole.
- (3) SRC managers enjoy access to the same facilities as the Student Representative Council and may appoint their own committees.
- (4) The remuneration of each SRC manager must be determined before he or she is appointed, after which the amount in question can be adjusted downwards by both the Student Representative Council and the Evaluation Panel.
- (5) SRC managers are subject to evaluation by the Evaluation Panel.
- (6) SRC managers do not have the right to vote at and are not compelled to attend Student Representative Council meetings, with the exception that –
  - (a) SRC managers must attend at least one Student Representative Council meeting per academic term in order to report back to the Student Representative Council regarding their activities; and
  - (b) an SRC manager must attend a Student Representative Council meeting if asked to do so by a written request from the Executive Committee of the Student Representative Council.

## **31 Task teams**

- (1) The Student Representative Council can appoint task teams from among its own members to address *ad hoc* or continuous issues.
- (2) In addition to Student Representative Council members any student can be appointed to a task team.
- (3) Unless the urgency of the issue demands otherwise, any student must have the opportunity to apply to serve on a task team.
- (4) The Student Representative Council can delegate the authority to finalise an issue to a task team.

## **32 Mass meetings**

- (1) The Student Representative Council can call mass meetings to consolidate its mandate, as a platform for debate and to ensure accountability.
- (2) All students can attend mass meetings and have voting rights at mass meetings.
- (3) The Student Representative Council must, not less than one (1) week before a mass meeting, give adequate notice to students of the date, time, place and agenda of the mass meeting.
- (4) 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 Representative Council must arrange that the mass meeting takes place within two (2) weeks after the petition has been filed.

### **33 Other duties**

The Student Representative Council has the duty to –

- (a) make this Constitution available to students and to make them aware of its availability; and
- (b) fulfil any other duties required of it by this Constitution.

### ***Part 3.3 Executive Committee of the Student Representative Council***

#### **34 Composition**

The Executive Committee of the Student Representative Council consists of –

- (a) the Chair of the Student Representative Council;
- (b) the Vice-Chair of the Student Representative Council;
- (c) the Treasurer of the Student Representative Council;
- (d) the Secretary of the Student Representative Council; and
- (e) two (2) additional members of the Student Representative Council.

#### **35 Duties and powers**

- (1) The Executive Committee –
  - (a) sets the agenda for Student Representative Council meetings;
  - (b) compiles the Student Representative Council budget;
  - (c) manages the day-to-day matters of the Student Representative Council;
  - (d) makes important decisions in urgent cases where it is not practically feasible to convene the Student Representative Council;
  - (e) decides on the portfolio allocation of the Student Representative Council, excluding the compulsory portfolios;
  - (f) appoints one (1) or more Election Convenor(s) in terms of section 90(5);
  - (g) fulfils any duties that the Student Representative Council delegates to it; and
  - (h) must fulfil any other functions that this Constitution assigns to it.
- (2) Decisions taken by the Executive Committee in terms of paragraphs (1)(b), (1)(d), (1)(e), and (1)(f) must be approved by the Student Representative Council at a later Student Representative Council meeting in order to come into effect.
- (3) Any other decisions by the Executive Committee can be set aside by the Student Representative Council at a later Student Representative Council meeting.

#### **36 Meetings and minutes**

- (1) The Executive Committee meets weekly.
- (2) All decisions of the Executive Committee must be minuted and the minutes of an Executive Committee meeting must be made available to the Student Representative Council three (3) University days after the meeting.

- (3) If at least three (3) members of the Student Representative Council put a request in writing to the Chair within one (1) University day after the minutes are made available, the Chair must, within two (2) University days of the submission of the request, convene a Student Representative Council meeting, where the only items on the agenda will be the issues in question from the minutes of the Executive Committee meeting.

### **37 Quorum**

Four (4) members of the Executive Committee constitute a quorum at meetings of the Executive Committee.

## ***Part 3.4 Student Representative Council meetings***

### **38 Frequency**

The Student Representative Council usually meets at least once every two (2) weeks, but is not compelled to meet during official examination and holiday periods.

### **39 Notice of meetings**

Written notice of an ordinary Student Representative Council 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.

### **40 Quorum‡**

- (1) Ten (10) Student Representative Council members constitute a quorum at Student Representative Council meetings.
- (2) No decision of the Student Representative Council will be valid if at least ten (10) members were not present at the meeting where the decision was taken.

### **41 Transparency‡**

- (1) 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 to all students at least two (2) University days before each Student Representative Council meeting.
- (2) Any student, or any other person invited by the Student Representative Council, may attend Student Representative Council meetings.
- (3) A person who is not a member of the Student Representative Council may only get an opportunity to speak, the duration of which is determined by the Chair, at a Student Representative Council meeting if –
  - (a) at least one (1) University day before the meeting he or she gives written notice to the Secretary of his or her intention to speak; or
  - (b) the Chair approves it.
- (4) The Chair can rule the discussion of a specific point on the agenda *in camera* if he or she believes it to be in the best interests of students, provided that –
  - (a) the Chair must do it before the agenda is set;
  - (b) the point must still appear in the agenda and abbreviated agenda;
  - (c) the discussion of the point still be minuted, the record of which need only be made available internally to the Student Representative Council; and
  - (d) the Student Representative Council can decide to overturn the decision of the Chair.

### **42 Minutes‡**

- (1) All decisions of the Student Representative Council must be minuted.
- (2) The Secretary must ensure that the complete minutes of each Student Representative Council meeting are made available to all students electronically and at the Student Representative Council office, not later than five (5) University days after the meeting.

#### **43 Seconds from Tygerberg and the Military Academy**

- (1) If the Chair of the Tygerberg Student Representative Council or the Student Captain of the Military Academy Student Council cannot attend a Student Representative Council meeting, he or she may appoint a member of the Tygerberg Student Representative Council or the Military Academy Student Representative Council (whichever is applicable) in writing as a second to attend the meeting.
- (2) 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.
- (3) The right to appoint a second may not be exercised consecutively for more than two (2) Student Representative Council meetings.

#### ***Part 3.5 Evaluation of Student Representative Council members by the Evaluation Panel‡***

#### **44 Nature and convening of the Evaluation Panel**

The Evaluation Panel is convened by the Director of the Centre of Student Structures and Communities or his or her nominated alternate to evaluate how the Student Representative Council members performed their duties and in so doing keeps them accountable.

#### **45 Composition of the Evaluation Panel**

- (1) The Evaluation Panel consists of the following members:
  - (a) the Director of the Centre of Student Structures and Communities or his or her nominated alternate who will act as the Chair of the Evaluation Panel;
  - (b) the Chair of the Student Court or a member of the Court appointed by him or her;
  - (c) the Student Parliament Speaker;
  - (d) one (1) student who attended Student Parliament during the year concerned, selected at random by the Speaker from Student Parliament attendance lists;
  - (e) two (2) persons, whether students, University members of staff or other persons, who are not Student Representative Council members, appointed by the Student Representative Council, taking into account their knowledge of the duties of the Student Representative Council.
- (2) The Vice-Rector (Teaching) may appoint two (2) University members of staff, who have no voting rights on the Panel, to serve on the Panel in an advisory capacity.

#### **46 Duties and powers of the Evaluation Panel**

- (1) The Evaluation Panel can decide to –
  - (a) withhold up to 20% of the customary honorarium of a Student Representative Council member if that member's annual report is, in the opinion of the Panel, not adequate and complete; and
  - (b) withhold up to 40% of the customary honorarium of a Student Representative Council member if the Panel is of the opinion that that member did not perform his or her duties properly and competently.
- (2) The Panel can conduct a short interview with each Student Representative Council member about the performance of his or her duties and the performance of the other Student Representative Council members.

- (3) When making a decision in terms of paragraph (1)(b), the Panel must also take the following into account:
- (a) the provisions of this Constitution;
  - (b) the code of conduct and other regulations of the Student Representative Council;
  - (c) any representations that any person may direct in writing to the Chair of the Panel;
  - (d) the reports of Student Representative Council members, copies of which must be supplied to the Panel; and
  - (e) the principles of natural justice.

#### **47 Review**

The decisions of the Evaluation Panel can be reviewed by the Appeal Court, but not by the Student Court.

#### **48 Procedure**

The Panel determines its own procedure.

#### **49 Notice and reasons**

Should it be decided to withhold any portion of a member's honorarium, the Panel must inform such member of the Student Representative Council as soon as possible of its decision and, in writing, of the reasons for that decision.

#### **50 Timeframe**

The Panel is constituted annually to perform its duties and powers between 1 March and 31 December of the year concerned.

## **CHAPTER 4 STUDENT PARLIAMENT‡**

### **51 Nature of Student Parliament**

- (1) Student Parliament is an independent quarterly forum for all students and serves as a public feedback and consultation mechanism for interaction between the Student Representative Council and students and, where applicable, University management.
- (2) Student Parliament also serves to ensure that the Student Representative Council fulfils its constitutional mandate and to keep the Student Representative Council accountable and transparent.

### **52 Speaker**

A Speaker is elected annually by Student Parliament, and his or her duties include –

- (a) ensuring that Student Parliament takes place;
- (b) ensuring that an agenda is compiled and is communicated to all students at least one (1) week before Student Parliament takes place;
- (c) ensuring that the minutes of Student Parliament are made available no later than two (2) weeks after each meeting; and
- (d) to preside over meetings of Student Parliament impartially and in such a manner as to promote orderly and democratic debate.

### **53 Constitutions, rules and regulations**

- (1) Student Parliament may adopt any constitutions, rules or regulations to organise its activities.
- (2) Such constitutions, rules or regulations are subject to approval by the Student Court, and can be referred back to Student Parliament by the Court on the grounds of –
  - (a) procedural unfairness; or
  - (b) incompatibility with Student Parliament’s constitutional mandate or the constitutional framework of student leadership within the University.

### **54 Powers**

- (1) Unless otherwise provided for in this Constitution, decisions of Student Parliament do not bind the Student Representative Council.
- (2) Student Parliament has the power to –
  - (a) request one or more Student Representative Council members to explain any of their actions, activities, or lack thereof in person at Student Parliament;
  - (b) institute a motion of no confidence in one or more Student Representative Council members, on the grounds that they are not fulfilling their constitutional obligations, subject to review by the Student Court;
  - (c) determine a list of broad priorities which the Student Representative Council must adhere to in compiling their budget and planning their activities;
  - (d) hold extraordinary meetings;
  - (e) 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
  - (f) adopt any other measures to ensure that it fulfils its mandate effectively.
- (3) The powers described in paragraphs (2)(b), (2)(c) and (2)(d) are subject to Student Parliament accepting a Student Parliament Constitution which –
  - (a) sets out the procedures to be followed in exercising these powers; and
  - (b) is to be approved by the Student Court before it comes into force.

## **CHAPTER 5 THE STUDENT COURT AND THE APPEAL COURT‡**

### **55 Nature and functioning of the Student Court**

- (1) The Student Court –
  - (a) functions as an administrative tribunal; and
  - (b) is independent and subject only to this Constitution, which the Court must apply impartially and without fear, favour or prejudice.
- (2) All student bodies must cooperate to ensure the independence, impartiality, dignity and accessibility of the Student Court.

### **56 Nomination and appointment of members of the Student Court**

- (1) The Chair of the Student Court must request nominations for the members of the Student Court from law students and lecturers three weeks prior to the last Law Faculty Board Meeting of the year.
- (2) The opening of nominations must be advertised clearly to all eligible students, whether by means of electronic communication or otherwise.
- (3) Nominations must be open for at least seven (7) days.
- (4) The Chair must submit the nominations to the Faculty Board of the Faculty of Law, which appoints the members of the Court at the last Faculty Board Meeting of the year in consultation with the lecturers of the law students who will be in their penultimate or final year of study for an LLB, or studying for an LLM, in the following year.

### **57 Composition and membership**

- (1) The Student Court consists of five (5) LLB or LLM students, provided that –
  - (a) a minimum of one (1) to a maximum of two (2) LLB students in their penultimate year (in the calendar year following their appointment) serve on the Court;
  - (b) a minimum of two (2) to a maximum of four (4) LLB students in their final year (in the calendar year following their appointment) serve on the Court; and
  - (c) and a maximum of one (1) LLM student (in the calendar year following his or her appointment) serves on the Court.
- (2) No member of the Court may be a Student Representative Council member.
- (3) The membership of a Student Court member terminates when
  - (a) The member's term of office expires;
  - (b) The member dies;
  - (c) The member presents a written resignation to the Chair of the Student Court or the Dean of the Law Faculty;
  - (d) The member ceases to be a registered student or
  - (e) The member was removed.

### **58 Removal**

- (1) A member may be removed by the Dean of the Law Faculty should they:
  - (a) contravene a rule or code set out in the Disciplinary Code of Stellenbosch University.
  - (a) fail to perform their duties as member of the Student Court on more than two occasions and are unable to provide a valid excuse for such failure.

### **59 Appointment of a new member**

- (1) Should a member's membership terminate before the end of their term, the Chair of the Student Court must request nominations for a replacement within 5 university days after receiving the resignation.
- (2) The nominations must be open for at least 7 days.
- (3) The Chair must submit the nominations to the Dean of the Law Faculty who will present it to the Faculty Board, which will appoint a new member within 7 days.
- (4) Should the chairperson resign, the Dean of the Law Faculty will appoint an interim chair until a new chair is elected.
- (5) The interim chair will then open nominations for a new member and the procedure in terms of subsections (1) – (3) of this section shall apply.
- (6) The Chair of the Student Court is elected within ten (10) days after the appointment of the new member of the Student Court at a meeting which is convened by the interim Chair of the Student Court.

### **60 Chair**

The Chair of the Student Court is elected within ten (10) days after the appointment of the members of the Student Court at a meeting which is convened by the former Chair of the Student Court.

### **61 Term of office**

The term of office of the Student Court coincides with that of the Student Representative Council, except in extraordinary circumstances where practical considerations require other measures.

### **62 Jurisdiction of the Student Court**

The Student Court has the power to –

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

### **63 Remedies**

The Student Court can –

- (a) grant an interdict or any other interim relief if material injustice would otherwise result;
- (b) grant a declaratory order;
- (c) set aside any decision or action that is inconsistent with this Constitution, or a constitution, policy, regulation or any empowering provision of a student body, in so far as it is inconsistent with it, provided that in case of setting aside –
  - (i) the retroactive effect of the order must be limited as far as possible; and
  - (ii) the order can be suspended for a fixed time or on any conditions so as to allow the person or body in question to rectify the fault; or

- (d) grant any order, including a combination of the abovementioned remedies, that is fair and equitable.

#### **64 Applications to and standing before the Student Court**

- (1) All students and student bodies can bring cases before the Student Court, and only students and student bodies can bring cases, unless –
  - (a) this Constitution gives standing to another person or body; or
  - (b) all the parties before the Court consent to giving another person or body standing.
- (2) The procedure according to which cases are brought before the Court is set out in the rules of the Student Court.

#### **65 Procedure of the Student Court**

- (1) The Student Court determines its own procedure, with due consideration of –
  - (a) the rules of natural justice; and
  - (b) the need for the Student Court to be accessible.
- (2) The Student Court must, after consultation with the Student Representative Council and subject to approval by the Appeal Court, adopt rules that set out its procedure, which must at least provide that –
  - (a) after the Court receives an application, the Chair of the Court must ensure that any person who may have a material interest in the proceedings is notified;
  - (b) the time when and the place where an application will be heard be advertised timeously in the Ou Hoofgebou and at the Student Representative Council office, as well as electronically.
- (3) The rules contemplated in subsection (2), and the identity and contact details of the Chair of the Student Court, must be readily available electronically and in hard copy to all students.

#### **66 Representation at the Student Court**

- (1) Any party before the Student Court may appear before the Court with or without representation.
- (2) Only students may act as representatives before the Student Court.

#### **67 Decisions of the Student Court**

- (1) The decisions of the Student Court are binding.
- (2) The Court must provide, in writing, reasons for its decisions, which must be signed by all the members of the Court
- (3) Where a minority of members of the Court do not concur with the majority, the minority must in writing provide reasons for their deviation.
- (4) All decisions of the Student Court must be made available to all students as soon as possible after they have been handed down, both –
  - (a) electronically; and
  - (b) in hard copy at –
    - (i) the Student Representative Council office; and
    - (ii) the Secretary of the Dean of the Law Faculty.
- (5) The Chair of the Student Court must ensure that all decisions of the Student Court are stored both in hard copy at the Student Representative Council office and on an electronic database, and that all students can readily access the previous decisions of the Student Court.

#### **68 Composition of the Appeal Court**

The Appeal Court consists of two (2) lecturers of the Faculty of Law, who are appointed by the Dean of the Faculty of Law.

### **69 Jurisdiction of the Appeal Court**

- (1) The Appeal Court hears appeals against the decisions of the Student Court.
- (2) The Appeal Court can review any decision or omission of the Student Court.
- (3) The Appeal court can review decisions of the Evaluation Panel.
- (4) The Appeal Court can decide on any other matters that are placed under its jurisdiction by this Constitution.

### **70 Lodging appeals or applications for review by the Appeal Court**

- (1) An appeal or an application for review at the Appeal Court is lodged with the Dean of the Faculty of Law, who will appoint an Appeal Court.
- (2) The appeal must be lodged within thirty (30) days after the decision against which is being appealed or which is reviewed was taken, unless this Constitution provides otherwise.

### **71 Procedure of the Appeal Court**

The procedure of the Appeal Court is the same as that of the Student Court, with the necessary adjustment.

## **CHAPTER 6 THE ACADEMIC AFFAIRS COUNCIL**

### **72 Composition**

- (1) The Academic Affairs Council consists of a Chair, a Vice-Chair, two (2) students from each faculty, as well as any additional members that are provided for in the constitution of the Academic Affairs Council.
- (2) Members of the Academic Affairs Council are elected in the way prescribed in the constitution of the Academic Affairs Council and the election of the Chair is run by the Election Convenor(s) in accordance with section 94.

### **73 Duties and powers**

- (1) The Academic Affairs Council represents the academic interests of students at the Student Representative Council and the University management.
- (2) The Academic Affairs Council has the powers necessary for the performance of its duties.

### **74 Constitutional mandate**

The Academic Affairs Council has a constitutional mandate to actively promote the rights of students contained in Chapter 2, and specifically the right, under section 8(2), to quality education, academic support and transparent and justifiable assessment procedures.

### **75 Constitutions, rules and regulations**

- (1) The Academic Affairs Council may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities.
- (2) The Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the Academic Affairs Council on the grounds of –
  - (a) procedural unfairness; or
  - (b) incompatibility with the Academic Affairs Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Academic Affairs Council may appeal to the Student Court against a refusal by the Student Representative Council under subsection (2).

## **CHAPTER 7 THE PRIM COMMITTEE**

### **76 Composition**

- (1) The Prim Committee consists of a Chair, a Vice-Chair and the Prim, or his or her nominee, of each residence and private student organisation (PSO), as well as any other members that are provided for in the constitution of the Prim Committee.
- (2) The election of the Chair and Vice-Chair of the Prim Committee is subject to the following conditions:
  - (a) either the Chair or the Vice-Chair must represent PSOs and PSO students on the Student Representative Council, and must be the former or outgoing Prim of a PSO; and
  - (b) either the Chair or the Vice-Chair must represent residences and students who reside in residences on the Student Representative Council, and must be the former or outgoing Prim of a residence.
- (3) The election of the Prim Committee Chair and Vice-Chair is run by the Election Convenor(s) according to section 94.
- (4) Any former or outgoing Prim will be eligible to stand for the vacant position should/if
  - (i) No PSO Prim in terms of sub-section (2)(a) or no residence Prim in terms of subsection (2)(b) avails him-/herself for election;
  - (ii) the PSO Prim in terms of sub-section (2)(a) or residence Prim in terms of subsection (2)(b) is not elected in terms of subsection (2).

### **77 Duties and powers**

- (1) The Prim Committee represents the interests of the residents of residences and members of PSOs, in that capacity, at the Student Representative Council and the University management.
- (2) The Prim Committee has the powers necessary for the performance of its duties.

### **78 Constitutional mandate**

The Prim Committee has a constitutional mandate to actively promote the rights of students contained in Chapter 2, and specifically the right, under section 8(1), to an enabling campus environment in which student success and academic excellence are encouraged and pursued.

### **79 Constitutions, rules and regulations**

- (1) The Prim Committee may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities.
- (2) The Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the Prim Committee on the grounds of –
  - (a) procedural unfairness; or
  - (b) incompatibility with the Prim Committee's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Prim Committee may appeal to the Student Court against a refusal by the Student Representative Council under subsection (2).

## **CHAPTER 8 THE SOCIETIES COUNCIL**

### **80 Composition**

- (1) The Societies Council consists of a Chair and the Chair, or his or her nominee, of each of the societies recognised in terms of the constitution of the Societies Council, as well as any other members that are provided for in the constitution of the Societies Council.
- (2) The Chair of the Societies Council is appointed in the way prescribed in the constitution of the Societies Council and the election is run by the Election Convenor(s) in accordance with section 94.

### **81 Duties and powers**

- (1) The Societies Council represents the interests of all recognised student societies and that of the members of all recognised student societies of the University, in that capacity, at the Student Representative Council and the University management.
- (2) The Societies Council has the powers necessary for the performance of its duties.

### **82 Constitutional mandate**

The Societies Council has a constitutional mandate to actively promote the rights of students contained in Chapter 2, and specifically the right to freedom of religion, belief and opinion under section 9 and the right to freedom of association under section 12.

### **83 Constitutions, rules and regulations**

- (1) The Societies Council may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities.
- (2) The Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the Societies Council on the grounds of –
  - (a) procedural unfairness; or
  - (b) incompatibility with the Societies Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Societies may appeal to the Student Court against a refusal by the Student Representative Council under subsection (2).

## **CHAPTER 9 THE MILITARY ACADEMY STUDENT COUNCIL**

### **84 Composition**

- (1) The Military Academy Student Council consists of a Student Captain and additional members.
- (2) The number of members that make up the Military Academy Student Council and the ways in which its members and Student Captain are elected, are determined in the constitution of the Military Academy Student Council.
- (3) The election of the Military Academy Student Council must, unless extraordinary circumstances make this impossible, coincide with the Student Representative Council election on Stellenbosch campus.

### **85 Duties and powers**

- (1) The Military Academy Student Council represents the interests of all students who receive their training at the University's Faculty of Military Sciences, in that capacity, at the Student Representative Council and the University management.
- (2) The Military Academy Student Council has the powers necessary for the performance of its duties.

### **86 Constitutional mandate**

The Military Academy Student Council has a constitutional mandate to actively promote the rights of students contained in Chapter 2.

### **87 Constitutions, rules and regulations**

- (1) The Military Academy Student Council may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities.
- (2) The Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the Military Academy Student Council on the grounds of –
  - (a) procedural unfairness; or
  - (b) incompatibility with the Military Academy Student Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Military Academy Student Council may appeal to the Student Court against a refusal by the Student Representative Council under subsection (2).

## **CHAPTER 10 THE TYGERBERG STUDENT REPRESENTATIVE COUNCIL**

### **88 Composition**

- (1) The Tygerberg Student Representative Council consists of a Chair and additional members.
- (2) The number of members that make up the Tygerberg Student Representative Council and the ways in which its Chair and other members are elected, are determined in the constitution of the Tygerberg Student Representative Council.
- (3) The election of the Tygerberg Student Representative Council must, unless extraordinary circumstances make this impossible, coincide with the Student Representative Council election on Stellenbosch campus.

### **89 Duties and powers**

- (1) The Tygerberg Student Representative Council represents the interests of all students of the Faculty of Health Sciences, in that capacity, at the Student Representative Council and the University management.
- (2) The Tygerberg Student Representative Council has the powers necessary for the performance of its duties.

### **90 Constitutional mandate**

The Tygerberg Student Council has a constitutional mandate to actively promote the rights of students contained in chapter 2.

### **91 Constitutions, rules and regulations**

- (1) The Tygerberg Student Council may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities.
- (2) The Student Representative Council may refuse to approve new constitutions, rules, regulations or amendments submitted by the Tygerberg Student Council on the grounds of –
  - (a) procedural unfairness; or
  - (b) incompatibility with the Tygerberg Student Council's constitutional mandate or the constitutional framework of student leadership at the University.
- (3) The Tygerberg Student Council may appeal to the Student Court against a refusal by the Student Representative Council under subsection (2).

## **CHAPTER 11 ELECTIONS**

### **92 Student Representative Council general election†**

- (1) The nine (9) Student Representative Council members referred to in section 19(a) are elected once every calendar year in a free and fair general election in which all students may vote, with due observance of the provisions of Schedule 1.
- (2) Each student may cast his or her vote only once in a particular election and each student's vote carries the same weight.
- (3) The Student Representative Council election must –
  - (a) take place during the third academic term;
  - (b) must be held over a maximum of one (1) week.
- (4) The election of the representatives of the Academic Affairs Council, Prim Committee and Societies Council on the Student Representative Council must precede the Student Representative Council election; and
- (5) The election of any of the direct or indirect constituent bodies and members of the Academic Affairs Council, Prim Committee, Societies Council, Faculty Student Committees and House Committees must take place after the Student Representative Council election.
- (6) The Executive Committee of the Student Representative Council must in consultation with the Office of the Director of the Centre of Student Structures and Communities or his or her nominated alternate –
  - (a) advertise the position(s) of Election Convenor(s) for at least two (2) weeks on Stellenbosch campus;
  - (b) appoint, every year before the end of March, one or more independent, autonomous, neutral and competent Election Convenor(s), who at no time is or was a member of the Student Representative Council in office at the time, to run the election; and
  - (c) determine the election dates in consultation with the Election Convenor(s) and the Office of the Director of the Centre of Student Structures and Communities or his or her nominated alternate, before the end of June every year, with due consideration of subsection (3).
- (7) The format of the election, who qualifies to run for the Student Representative Council, the duties and powers of the Election Convenor(s), the election complaints procedure and the announcement of results are determined in Schedule 1 to this Constitution, and this section must be implemented in accordance with Schedule 1.

### **93 Election of the Student Representative Council Chair**

- (1) After the validity of the election results is confirmed in terms of Schedule 1, the Election Convenor(s) convene the first meeting of the newly elected Student Representative Council.
- (2) The members of the newly elected Student Representative Council, including the *ex officio* members, elect a new Student Representative Council Chair by means of a positive vote under the chairpersonship of (one [1] of) the Election Convenor(s).
- (3) Any member of the newly elected Student Representative Council, excluding the *ex officio* members, may make him or herself available for election to the position of Student Representative Council Chair.
- (4) The chair of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.

### **94 Election of the rest of the Student Representative Council Executive Committee**

- (1) After the election of the newly elected Student Representative Council Chair, under the chairpersonship of the Student Representative Council Chair, the newly elected members elect the other members of the Executive Committee by means of a positive vote.

- (2) Any newly elected member of the Student Representative Council may, subject to section 24, make him or herself available for election for any of the remaining positions on the Executive Committee.
- (3) Should the newly elected Student Representative Council so choose, the Executive Committee may also be elected during a later Student Representative Council meeting, on condition that the Executive Committee is elected not more than one (1) month after the Student Representative Election results are announced.
- (4) The chair of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.

**95 Election of the Policy Officer, Communication Officer and representatives of the Student Representative Council on statutory bodies of the University**

- (1) The election of the Policy Officer, Communications Officer and representatives of the Student Representative Council on the University Council, Senate and Institutional Forum must take place –
  - (a) at a Student Representative Council meeting;
  - (b) not later than one (1) month after the results of the Student Representative Council election are announced;
  - (c) under the chairpersonship of the newly elected Student Representative Council Chair; and
  - (d) by means of a positive vote.
- (2) Any member of the newly elected Student Representative Council, including members of the Executive Committee, but subject to section 24, can make him or herself available for one or more of these positions.
- (3) The Chairperson must allow candidates reasonable time to address the meeting and answer questions before voting begins.

**96 Election of the Chairs of the Academic Affairs Council and the Societies Council, and the Chair and the Vice-Chair of the Prim Committee**

- (1) The Election Convenor(s) convenes the election of the Chairs of the Academic Affairs Council and the Societies Council, and the Chair and Vice-Chair of the Prim Committee.
- (2) The election date and time is scheduled by the Election Convenor(s) in consultation with the Chairs in office at the time.
- (3) The Election Convenor(s) must allow candidates reasonable time to address the meeting and answer questions before voting begins.

## **CHAPTER 12 COMMENCEMENT, REPEAL AND AMENDMENT‡**

### **97 Commencement and repeal**

- (1) Chapter 11 and Schedule 1 of this Constitution come into effect on 1 January 2012.
- (2) The remaining provisions of this Constitution come into effect on 1 September 2012 and thereby repeal all previous student constitutions.
- (3) No part of this Constitution will have effect retroactively.

### **98 Normal amendment process**

- (1) The following provisions are fundamental and may only be amended in a referendum: the preamble, chapter 1, chapter 2, sections 18, 19, 21, 23, 26, 27, 40, 41, 42, part 3.5, chapter 4, chapter 5, section 90, and chapter 12.
- (2) A proposed amendment to the fundamental provisions must be accepted by ten (10) members of the Student Representative Council voting for the proposed amendment during a Student Representative Council meeting before a referendum will be held.
- (3) All provisions not mentioned in subsection (1) can be amended by ten (10) members of the Student Representative Council voting for the proposed amendment during a Student Representative Council meeting.
- (4) The fundamental provisions listed in subsection (1) take precedence over any other provision of this Constitution.

### **99 Special amendment process**

Notwithstanding section 96, any proposed amendment to any part of this Constitution will be put to referendum if –

- (a) the signatures of at least one hundred (100) students have been obtained in favour of the proposed amendment; and
- (b) Student Parliament has voted in favour of the proposed amendment.

### **100 Referendum**

- (1) The fundamental provisions of this Constitution listed in section 96(1), as well as any provision in terms of section 97, can only be amended by acceptance of the proposed amendment by the students in a referendum.
- (2) A referendum takes place during the Student Representative Council election, and is organised by the Election Convenor(s).
- (3) Each student must get a reasonable opportunity to vote in a referendum.

### **101 Mandatory referendum**

- (1) At least every five (5) years, starting in 2016, a referendum must be held in which students vote on whether this constitution is to be revised.
- (2) If a majority of votes for revision is obtained, the following procedure must be followed:
  - (a) The Student Court must order the Student Representative Council to ensure that this Constitution is revised by means of a transparent and participative process.
  - (b) If, by the middle of its term the Student Representative Council 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.
  - (c) The revised Constitution must be put to referendum again during the following Student Representative Council election.

## **SCHEDULE 1 STUDENT REPRESENTATIVE COUNCIL GENERAL ELECTION**

### ***Part S1 Election Convenor(s) and Election Committee***

#### **1 Duties and powers of the Election Convenor(s)**

- (1) The Election Convenor(s) has all the duties and powers that this Constitution ascribes to him or her.
- (2) The Election Convenor(s) must ensure that every student who votes does so only once in a particular election and that each student who makes reasonable attempts will be able to vote if it is practically feasible.

#### **2 Appointment and duties of Election Committee**

- (1) The Election Convenor(s) must appoint at least five (5) persons every year before the end of June as members of the Election Committee, after this position has been advertised for at least two (2) weeks on Stellenbosch campus.
- (2) The Election Committee, in cooperation with and under supervision of the Election Convenor(s), must ensure that the Student Representative Council election runs smoothly.

#### **3 Term of office**

The term of office of the Election Convenor(s) and Election Committee extends from appointment until the report to which reference is made in item 5 of this Schedule is submitted to all the parties concerned, but ends no later than 31 October of the year in which the Student Representative Council election concerned takes place.

#### **4 Independence**

- (1) The Election Convenor(s) is independent and is not under the authority of any student organisation or University management.
- (2) He or she must perform his or her duties impartially and without prejudice.
- (3) Neither the Election Convenor(s) nor any members of the Election Committee may run in the Student Representative Council election in the year of their appointment, even if they stop acting in these positions or are replaced before the election takes place.

#### **5 Report**

The Election Convenor(s) does not receive his or her remuneration unless he or she has submitted a complete report on his or her activities to the Chair of the Student Representative Council, the Chair of the newly elected Student Representative Council and the Centre for Student Affairs before 31 October of the year in which the election concerned takes place.

#### **6 Remuneration**

- (1) The Election Convenor(s) and Election Committee are remunerated in accordance with the guidelines available at the Centre for Student Affairs.
- (2) The Student Court may upon application decrease the remuneration of the Election Convenor(s) with an amount that is fair and reasonable in the circumstances, if he or she has materially neglected one or more of his or her duties as described by this Constitution.

#### **7 Convenor for Tygerberg campus**

- (1) The Executive Committee of the Tygerberg Student Representative Council must appoint a Convenor for Tygerberg campus every year before the end of March, after this position has been advertised for two (2) weeks on Tygerberg campus.
- (2) The Election Convenor(s) for Stellenbosch must ratify the appointed Convenor for Tygerberg before he or she will have all the powers that this Constitution ascribes to him or her.
- (3) The Convenor for Tygerberg campus, in cooperation with and under supervision of the Election Convenor(s) for Stellenbosch campus, must ensure that the Student Representative Council election runs smoothly on Tygerberg campus.

## ***Part S2 Nominations and criteria for candidature***

### **8 Nomination period**

- (1) The nomination period must last for a period of ten (10) calendar days, unless extended in accordance with item 8(3) or item 9.
- (2) All voting and nomination dates must, unless made impossible by extraordinary circumstances, coincide with those of the election of the Tygerberg Student Council.
- (3) If the Election Convenor(s) is of the opinion that it would be in the interest of representivity and participation, he or she may decide to postpone the last day for nominations for a period of one (1) week.

### **9 Procedure where too few nominations are received**

If, by the last day for nominations, the number of suitable nominations received is equal to or less than the number of members to be elected to the Student Representative Council at that election, then –

- (a) the Election Convenor(s) must re-open nominations for a period of one (1) week; and
- (b) should the number of nominations still be equal to or less than the number of available positions after the re-opening of nominations contemplated in paragraph (a), the Election Convenor(s) must declare the following students to be duly elected Student Representative Council members:
  - (i) the nominated candidates; and
  - (ii) as many additional members as the newly elected candidates wish to appoint, limited to the number of available positions.

### **10 Availability of nomination forms**

The prescribed nomination forms must be available at the Student Representative Council office and electronically for the duration of the nomination period.

### **11 Prescribed nomination form**

The Election Convenor(s) must prescribe nomination forms that contain at least the following information:

- (a) the criteria according to which academic selection takes place and the right to appeal against the academic selection, as well as the place where such an appeal can be lodged;
- (b) the rules on the placement of, distribution of and other restrictions regarding campaign material; and
- (c) the time and place of the first meeting of the candidates.

### **12 Completion of nomination forms**

The Election Convenor(s) must reject the nomination of a candidate if it does not contain at least the following:

- (a) the full name of the candidate;
- (b) the signature of the candidate;
- (c) the signature of the nominator;
- (d) the signatures of at least two hundred (200) students who second the nomination;
- (e) a typed manifesto of no more than 300 words;
- (f) a list of the candidate's relevant experience; and
- (g) the candidate's University student number.

### **13 Academic requirements for candidature in the Student Representative Council election**

- (1) The academic requirements for candidature in the Student Representative Council election exist to prevent situations where a member of the Student Representative Council resigns during his or her term of office for academic reasons.
- (2) In order to qualify on academic grounds a candidate must comply with the minimum residence HEMIS requirements on the basis of his or her academic record of previous years and the June examination results of the year concerned.
- (3) If a candidate is at risk of non-compliance with the readmission requirements of the University, he or she will not be granted candidature in the Student Representative Council election.
- (4) A candidate's official academic record can be accessed in order to determine whether the requirements under sub item (2) and (3) have been met.

### **14 Academic disqualification**

- (1) Candidates who do not comply with the academic requirements stipulated in item 13 may not be eligible for election to the Student Representative Council.
- (2) The Election Convenor(s) must obtain the academic record of the candidates from the Registrar's office, and submit any cases where the candidate does not appear to comply with the provisions of item 13 to the committee contemplated in sub item (3).
- (3) The decision to reject the candidature of a candidate on academic grounds must be taken by a committee consisting of:
  - (a) the Director of the Centre of Student Structures and Communities or his or her nominated alternate
  - (b) the Chair of the Student Representative Council;
  - (c) (one [1] of) the Election Convenor(s);
  - (d) the Dean of the candidate's faculty; and
  - (e) one (1) additional member of the Election Committee, as delegated by the Election Committee.
- (4) The committee contemplated in sub item (3) must make its decision based on the criteria in item 13, but can also take the following factors into account in making its decision:
  - (a) the existence of special reasons, such as illness, injury, disability, et cetera, for the candidate's poor academic performance;
  - (b) whether the candidate changed to a different programme and performed well in the new programme;
  - (c) whether the candidate's results over the past three (3) years indicate a rising trend. (In other words, whether the candidate performed better and failed fewer modules, or did not fail any module in the past three (3) semesters.); and
  - (d) whether the candidate followed a programme (for example BEng) in which failing a module meant that various other modules could not be followed or where failing a module necessitated that the year of study be repeated (for example MB, ChB).

## **15 Other grounds for disqualification of candidates**

Apart from compliance with items 12 and 13, the Election Convenor(s) must also reject the nomination of a candidate if the candidate –

- (a) has not been a student for at least one (1) semester;
- (b) has been sentenced to imprisonment in the Republic of South Africa or elsewhere for any misdemeanour without the option of paying a fine; or
- (c) has been found guilty of any offence by the Central Disciplinary Committee or the Disciplinary Appeal Committee of the University.

## ***Part S3 Format and marketing of the election***

### **16 Format of the election**

The Student Representative Council election takes place as follows:

- (a) Votes are cast electronically or by paper ballot.
- (b) If it is practically feasible, will promote representivity and participation, and does not impact negatively on the freeness or fairness of the election, the Election Convenor(s) may decide that –
  - (i) the voting will take place in a combination of ways; and
  - (ii) certain ways of voting are only available to certain categories of students.

### **17 Electronic Voting**

Electronic voting takes place by means of a secure, confidential and anonymous electronic ballot on which the names and photographs of all the candidates appear.

### **18 Voting by paper ballot**

Voting by paper ballot takes place at designated polling stations by means of a closed ballot on which the names and photographs of all the candidates appear.

### **19 Placement of polling stations**

- (1) If all or certain categories of students cast their votes by paper ballot, the Election Convenor(s) must allocate at least ten (10) polling stations on the Stellenbosch campus and at least one (1) polling station each on the Tygerberg campus and at the Military Academy.
- (2) Polling stations must be accessible and the placement thereof must ensure a free and fair election and promote participation and representivity.

### **20 Organisation of polling stations**

- (1) Polling stations are managed by competent and impartial persons who are appointed by the Election Convenor(s).
- (2) Polling stations must be clearly demarcated and ensure the confidentiality of votes.
- (3) No campaign material, apart from the election edition of Die Matie and the official election poster(s) of the Election Convenor(s), may be posted within an area, as determined by the Election Convenor(s), around the polling stations.

### **21 Notice and marketing of the election**

- (1) The Election Convenor(s) must inform all students by means of the publication of an election edition of Die Matie, electronic marketing, posters and in any other way, of the following aspects of the election:
  - (a) the period for which nominations are open and where the nomination forms are available;
  - (b) the voting day(s);
  - (c) the way(s) in which votes will be cast, including (if applicable) where polling stations will be located and the times when polling stations will open and close;
  - (d) the date, time and place of the public presentation meeting(s);
  - (e) the names, manifestos and experience of candidates;
  - (f) the document containing the rules and procedures (determined by the Election Convenor(s)) regarding the nomination forms and campaigning;
  - (g) any other material decisions that the Election Convenor(s) makes about any aspect of the election; and
  - (h) the manner in which a complaint can be lodged before, during or after the election about the Election Convenor(s), a specific election campaign or any other aspect of the election.
- (2) The information required by sub item (1) must also be made available electronically, on a single website, to all students before the start of the election.

## **22 Campaigns**

- (1) Candidates may campaign in any way that does not violate the law, University rules, this Constitution, Student Representative Council regulations or such rules as may be laid down by the Election Convenor(s).
- (2) The Election Convenor(s) must place a limit on the monetary amount that candidates can spend on their campaigns and must lay down procedures and rules for the enforcement of that limitation.
- (3) If a candidate or the helpers or supporters of a candidate act in violation of sub item (1) or (2), the Election Convenor(s) may instruct said candidate to remove or destroy election material, or to abandon the activities in question, or, where the conduct constitutes a misdemeanour or is seriously detrimental to another candidate(s), declare the candidature of said candidate invalid.
- (4) A candidate can request financial assistance with his or her election campaign from the Election Convenor(s) if he or she qualifies for such assistance according to the means test used by the Division of Bursaries and Loans.

## **23 Presentation Meetings**

- (1) The Election Convenor(s) must organise at least seven (7) presentation meetings, of which at least one (1) must take place on Tygerberg campus and one (1) must take place at the Military Academy, during which candidates have the opportunity to present themselves to students and students may ask the candidates questions.
- (2) An Election Convenor or his or her appointee acts as chair of a presentation meeting.
- (3) The conduct of students at a presentation meeting must comply with the code of conduct for presentation meetings, which may be attached as an addendum to this Constitution.
- (4) If the chair of a presentation meeting is of the opinion that a person at the meeting is violating the code of conduct or is asking questions that are irrelevant or that violate a candidate's rights, the chair may –
  - (a) rule a question out of order;
  - (b) interrupt a question and instruct the questioner to be silent; or
  - (c) instruct such a person to leave the room.
- (5) The duration of a presentation meeting is determined at the discretion of the chair, who may end the meeting at any time, provided that all candidates have had fair and reasonable opportunity to state their manifestos and answer questions.

## **Part S4 Results and complaints**

### **24 Results of the Election**

- (1) All votes must be counted by the Election Convenor(s) and the Election Committee as soon as possible after the last opportunity for voting.
- (2) Ballots may not be destroyed before the validity of the election has been confirmed.
- (3) The Election Convenor(s) may institute rules regarding and give a decision on the validity of ballots, provided that they comply with the principle of a free and fair election.
- (4) The full results of the election must be announced in public as soon as possible after all the votes have been counted and the full written results must be published electronically and sent to all the candidates.

### **25 Role of the Director of the Centre of Student Structures and Communities or his or her nominated alternate**

- (1) The Director of the Centre of Student Structures and Communities or his or her nominated alternate plays a monitoring role during the Student Representative Council election.
- (2) The Director of the Centre of Student Structures and Communities or his or her nominated alternate has this status without any prejudice to the independence or autonomy of the Election Convenor(s).
- (3) For the purposes of this item, the Director of the Centre of Student Structures and Communities or his or her nominated alternate has standing before the Student Court and can bring complaints as described in item 26.

### **26 Complaints**

- (1) A complaint about the campaign of a specific candidate must be lodged with the Election Convenor(s), who must properly investigate the complaint and must announce his or her decision within twenty-four (24) hours after the complaint was lodged.
- (2) Any complaint about the running of the election, including any aspect that may jeopardise the freedom or fairness of the election, and any decision or failure to make a decision by the Election Convenor(s), must be lodged with the Student Court –
  - (a) within a reasonable time;
  - (b) before the third (3rd) University day (inclusive) after the announcement of the results; and
  - (c) in accordance with the rules of the Student Court.
- (3) If a complaint is lodged with the Student Court, the Court –
  - (a) must handle the complaint with the necessary speed if harm will otherwise result;
  - (b) must consider the complaint against the principles of a free and fair Student Representative Council election that promotes representivity and participation;
  - (c) may follow an investigative approach – which may include the recounting or re-evaluation of ballots – if it appears to be necessary in the specific case; and
  - (d) may grant any remedy that is fair and equitable in the circumstances and will ensure the freeness and fairness of the election, which may include –
    - (i) setting aside a decision by the Election Convenor(s);
    - (ii) the invalidation of the results with regard to a specific candidate(s);
    - (iii) the invalidation or allowance of ballots; or
    - (iv) the invalidation of the election as a whole.
- (4) An appeal against a decision of the Student Court in terms of this item must be lodged within two (2) University days after the decision was announced with the Dean of the Faculty of Law, otherwise the ruling of the Student Court will be final.

### **27 Validity of the Election Results**

The validity of the full election results is confirmed if –

- (a) no complaint about the validity of the election is lodged with the Student Court within three (3) University days after the Election Convenor(s) has announced the election results;
- (b) such a complaint is lodged, but the Student Court decides that the election results, or an election result as amended by the Court, are valid and no appeal has been lodged within two (2) University days after the decision; or
- (c) such an appeal was lodged, but the Appeal Court decides that the election results, or an election result as amended by the Court, are valid.