

TRANSPARENCY, ACCESSIBILITY & ACCOUNTABILITY  
Stellenbosch University

## THE STUDENT COURT OF THE UNIVERSITY OF STELLENBOSCH

All you need to know about approaching the Student Court, as set out in the relevant provisions of the Student Constitution of the University of Stellenbosch

### Can my matter be resolved by Student Court?

Decide what remedy you are seeking from the Court, and whether the Court has the power to deal with your application:

#### 58 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 Student 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.

#### 65 Jurisdiction of the Student Court

The Student Court has the power to –

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

#### 16 Enforcement

- (1) Any student, student body or any group of student, 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.

#### 66 Remedies

The Student Court can –

- (1) grant an interdict or any other interim relief if material injustice would otherwise result;
- (2) grant a declaratory order;
- (3) 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 –
  - (a) the retroactive effect of the order must be limited as far as possible; and
  - (b) 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
- (4) grant any order, including a combination of the abovementioned remedies, that is fair and equitable.



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## Make sure you are able to bring the application in question:

### 67 Applications to and standing before the Student Court

All students and student bodies can bring cases before the Student Court, and only student and student bodies can bring cases, unless –

- (1) this Constitution gives standing to another person or body; or
- (2) all the parties before the Court consent to giving another person or body standing.

### 69 Representation at the Student Court

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

## What documents do I need?\*

In your application to have a matter heard by Student Court, you will need to draft:

1) A **notice of motion**

This is a document that serves to inform the court and the respondent that an application will be made on a specified date, at a specified time at Student Court, and specifies the relief sought.

2) One or more **supporting affidavits**.

These record certain facts under oath, which the court will then consider in determining whether or not to grant the application.

3) Optional **addendums**

These documents must then be e-mailed to **studentcourt@sun.ac.za**. Should you need to submit anything additional, the Student Court will advise you accordingly. The Student Court will also notify the Respondent/s and request necessary documents.

\*For **document templates**, please visit: <http://www.sun.ac.za/english/students/student-court>

\*New **revised document templates** will be made available soon.

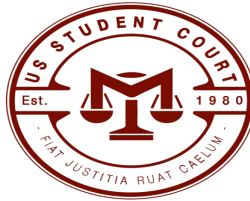
## What happens in Student Court proceedings?

Once you have applied to Student Court by e-mailing your documents, the Student Court will notify receipt thereof and set down a date and time for the announcement of its **decision**. All parties will be kept informed and will have access to all the documents pertaining to the case.

Should the matter require an opportunity for Student Court to hear oral explanations by the parties, the Student Court will set down a date and time for a **hearing** and will advise the parties what to prepare. A judgment can then only be made after such hearing.

All proceedings follow the **Student Court Rules of Procedure\*** (available on the Student Court website).

\*The Student Court is currently revising its Rules of Procedure in terms of [section 68\(1\)\(b\)](#) of the Student Constitution.



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## Are decisions by the Student court final?

### 70 Decisions of the Student Court

- (1) The decisions of the Student Court are binding.
- (2) The Student Court must provide, in writing, reasons for its decisions, which must be signed by all the members of the Student Court.
- (3) Where a minority of members of the Student Court do not concur with the majority, the minority must in writing provide reasons for the deviation.
- (4) All decisions of the Student Court must be made available electronically to all students as soon as possible after they have been handed down.
- (5) The Chief Justice must ensure that all decisions of the Student Court are stored on an electronic database and that all students can readily access the previous decisions of the Student Court.

### 71 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.

### 72 Jurisdiction of the Appeal Court

The Appeal Court –

- (a) hears appeals against the decisions of the Student Court;
- (b) can review any decision or omission of the Student Court;
- (c) can review decisions of the Evaluation Panel; and
- (d) can decide on any other matters that are placed under its jurisdiction by this Constitution.

## Who do I contact if I have questions?

For legal advice or to secure legal representation in your matter, contact the following student bodies:

**Juridical Society Stellenbosch University:** [18997317@sun.ac.za](mailto:18997317@sun.ac.za)

**Students for Law and Social Justice:** [slsj.maties@gmail.com](mailto:slsj.maties@gmail.com)

## Final Note

If you have any other questions not covered in this summary document, please consult the Student Constitution or contact the above-mentioned student bodies for advice. This is required to ensure the independence, impartiality, dignity and accessibility of the Student Court.

**Thank you.**

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