

IN THE STUDENT COURT OF THE UNIVERSITY OF STELLENBOSCH
(HELD IN STELLENBOSCH)

In the matter between:

NEIL DU TOIT	First Applicant
ROCHELLE ELLA JACOBS	Second Applicant
MARC JOHAN RUDOLPH	Intervening Applicant
and	
BERNARD PIETERS	First Respondent
ASHWIN MALOY	Second Respondent
THEA BESTER	Third Respondent
FRANCOIS HENNING	Fourth Respondent
JACOBUS MAASS	Fifth Respondent
NETANJE VAN NIEKERK	Sixth Respondent
RODERICK LEONARD	Seventh Respondent
SELMIE CROUS	Eighth Respondent
CALUMET LINKS	Ninth Respondent

JUDGMENT HANDED DOWN BY THE STUDENT COURT

Introductory remarks

[1] The matter before the Student Court (“Court”) goes directly to the heart of student governance. This matter ultimately centres on the legitimate election of a Students’ Representative Council (“SRC”) of Stellenbosch University. It is of utmost importance to the Court that faith in the SRC election process on campus is restored.

[2] In light of the fact that the Court was approached on an urgent basis, the facts will only be discussed briefly before an interim order is made by the Court.

Brief summary of the facts

[3] This application was brought before the Court based on a number of submissions by the Applicants that irregularities accompanied the election

campaigns of Respondents 1 – 8 including irregularities relating to, *inter alia*, campaign posters, electioneering, monetary limits and attendance of presentation meetings (caucuses).

[4] Of the Respondents 1 – 9, only Respondent 9 was present at the hearing of this matter.

Jurisdiction

[5] Adjudication over this matter is manifestly within the jurisdiction of this Court in terms of sections 60(b), (c) and (e) of the Student Constitution (“SC”) of the University of Stellenbosch.

Interim order

[6] This Court is convinced on a balance of probabilities that a number of irregularities pertaining to the processes of the impending SRC elections, and specifically the campaigns of Respondents 1 – 8, have occurred. The interim order is thus as follows:

[7] Firstly, the candidature of Respondents 1 – 8 is forthwith suspended, conditional on the contents of paragraph [8] of this judgment.

[8] Secondly, it is the view of this Court that the 2016 / 2017 SRC election process, due to commence on 2 August 2016, is postponed in the interests of fairness to all candidates. The re-commencement of the SRC election process is subject to the following:

- a) an investigation into the compliance of Respondents 1 – 8 with Schedule 1 of the SC by the Election Committee (“EC”) referred to section 2(1) of Schedule 1 of the SC;
- b) a formal report pertaining to, *inter alia*, campaign posters, electioneering, monetary limits and attendance of caucuses, compliance with the Election Rules and the SC, compiled by the EC and presented to the Court for ratification within 5 (five) academic days; and
- c) ratification of this report, to be made public by the Court.

[9] Thirdly, all SRC election campaign posters not satisfying the requirements prescribed by election rules must be removed by 17:00 on Tuesday, 2 August 2016.

[10] Non-compliance with this interim order will result in the Court invoking section 26(3)(d)(iv) of the SC, with the implication that the election process as a whole will be invalidated.

GOUWS C with COLEMAN E, DE VILLIERS K, OOSTHUIZEN A and ZEVENBERGEN I in concurrence.