STUDENTS' REPRESENTATIVE COUNCIL
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SRC 2020/2021 Annual Report

Philip Visage, Policy Officer, Pvisage@sun.ac.za

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Constitutional Responsibilities

As the SRC Treasurer and Policy Officer, my constitutional responsibilities can be split between the duties imposed on me as an SRC member, a member of the SRC Executive Committee and my portfolio specific duties. **This report will exclusively deal with my role as Policy Officer. Please refer to the Treasurer report for full information.**

As Policy Officer, my responsibilities are laid out in section 22(5). Thereby, I have to assist the SRC to formulate policies that will ensure our duties are performed effectively. I am further mandated to assist SRC members with evaluating and giving input on institutional policies. Finally, it is my responsibility to ensure the SRC revises and updates the Student Constitution when needed.

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Portfolio Overview

This portfolio, as a compulsory portfolio, has prescribed duties that can be found in the Student Constitution. These duties have been set out above. Practically, these duties shape 4 areas that must be worked on.

Firstly, I have to interpret and evaluate institutional policies. This concurrently entails assisting other SRC members with evaluating the policies that they are dealing with in their relevant committees and task teams. The end goal of this area is to ensure that the SRC provides a voice for students when the Institution formulates and approves policies to regulate its activities.

Secondly, the Policy Officer must formulate and/or assist other SRC members to formulate policies regulating the SRC. I should ensure that a regulatory framework is created that appropriately regulates our activities. This framework should be in the form of policies that regulate but also does not hamper our ability to perform our functions effectively.

Thirdly, I must interpret policies. This includes the interpretation of SRC policies, internal rules, institutional policies, and the Student Constitution. Thereby, I need to be available to explain what the proper interpretation of any of the above is for members of the SRC. In effect, this mandate should also manifest in reviews off the SRC's current compliance with all regulations to which we should be held.

Finally, I have to ensure the Student Constitution is appropriately updated. This includes ensuring that all steps necessary for the correct revision of the Student Constitution is followed through with.

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Committees

Policy Forum

The Student Parliament Constitution obligates them to establish a policy forum. To date, one meeting was convened in the 4th term. I was requested to submit a policy report to be discussed at this forum. I have subsequently sent in this report which can be found as addendum A to this report. For brevity, addendums to the policy report have been excluded from Addendum A.

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Year Overview

I took over this portfolio at the start of our third term in office. As such, I will only be reporting on the last 2 terms. This portfolio is reporting-intensive and as such reports have been attached as addendums where relevant.

Term 3

As Policy Officer, the largest portion of my work was the revision of the Student Constitution. This entailed finalising the formatting and numbering of the draft constitution, writing a report on the process that was followed (Addendum G), writing a report on the large amendments made (Addendum F), and writing the memorandum to Council. These processes have been completed successfully and the draft Constitution is now at Rectorate to be approved and sent to Council. I will be making representations there in favour of the Constitution but have submitted all relevant reports to ensure Council is fully informed of the content.

I also attended a workshop with the CSCD where the new substance policy was explained to students. I engaged in that session and aimed to understand what that policy entailed. Although the session was not as fruitful due to a lack of willingness to engage in good faith with the students, I drafted a report explaining the key points from the proposed policy. This report was presented to the SRC to allow them to understand what is in the pipeline. Steps forward would include a full workshop with the SRC where the policy can be delved into in detail. That workshop will allow the SRC to draft its formal feedback and inputs to the policy. The document presented to the SRC can be seen attached as Addendum E.

During this term I commenced with a compliance review process. This entailed comparing the SRC's current actions with the Student Constitution, Disciplinary Code, internal policies, and institutional policies. Once finalised, this report will detail exactly where the SRC is currently not complying with its regulatory framework. This report will only be addressed at the Executive Committee so as to inform them of what should be addressed during our final term. The final report presented to the Executive Committee can be found as Addendum B.

Another duty I had to fulfil this term was the interpretation of policies. This consisted of providing an interpretation of constitutional duties and relevant institutional policies when members request it.

Student Parliament performed in their functions by initiating the steps to host a policy forum in the next term. In this endeavour they requested all bodies constituted by the Student Constitution to submit policy review reports. I complied with this request and handed in the report that can be found as Addendum A. For brevity, that report excludes its addendums in this report.

On request from the Election Convenor, I initiated steps to amend the current Student Constitution. It was requested to again amend the constitution to remove the requirement of needing 200 signatures in order to stand for the SRC election. I drafted the amendment proposal and submitted it for an SRC vote at a special meeting. This amendment passed successfully. As a result, the current constitution was amended but it does not affect the new constitution since the new constitution's amendment process will only come into effect when Council ratifies it.

Finally, I drafted a memorandum in response to Student Parliament's request to amend the deadlines in the new constitution. Student Parliament requested the purported deadline for them to amend their constitution to be moved from the current 1 September. The SRC discussed this and on my representation agreed to not submit to the request. As such, no further amendments were made to the constitution submitted to Council.

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Term 4

The 4th term, although short, was quite intensive from a policy perspective.

The first relevant concern was the upcoming handover to the next SRC. Experience with past handovers lead me to draft a framework that would address inconsistencies and gaps in this process. This framework intended to create a holistic procedure whereby all facets of the SRC are effectively handed over without the need for unnecessary documentation and with the inclusion of items usually not considered. This included items like institutional committees, SRC Equipment, Mailboxes, and longer-term institutional projects. The framework was presented to the Executive Committee and the SRC on different occasions to tweak it. The final framework was approved by the SRC and will be used for the incoming SRC. The framework has been attached as Addendum D.

The second concern was an interim investigatory report issued by the Accountability Committee of Student Parliament. This committee raised concerns with the SRC's current functioning and pointed out issues that needed to be addressed. In communication with the rest of the Executive Committee, I was tasked to formally respond to the report. The allegations was investigated internally and a document was submitted detailing the SRC's stance on the allegations. The response that I drafted has been attached as Addendum C. This response was subsequently incorporated into a final report issued by Student Parliament with their findings.

As alluded in term 3, Student Parliament also hosted their first Policy Forum. I presented the report that I submitted, and we engaged on relevant policy matters.

Finally, I worked on the ratification steps for the Student Constitution. Due to a miscoordination at staff level, the process to ratification was not followed as envisioned by the relevant staff stakeholders. This entailed restarting the ratification process. As such, documentation and presentations were given to DSAf and from there to the Vice-rector Learning and Teaching. This included a consultative process with the Legal Services department. At this stage the Constitution with supporting documentation is being prepared for a full rectorate meeting where they will be advising whether it can be referred to Council. Mr Keva is currently leading this process for the SRC due to a conflict that required me to step away from direct involvement.

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Budget

Budget & Reasoning

The budget for this portfolio was taken over by me when I took over the portfolio. No additional funds were requested and projects that were not deemed to carry a financial burden was cut from the budget.

Expenditure so far

The only expenditure that took place in the past 2 terms was to assist the Transformation Officer in hosting the transformation workshop. Funds was taken from both the Policy Workshop and the Policy Forum Meetings to pay R5 648,80 towards catering for the workshop. The workshop entailed training for SRC members on transformation and its relevant policies. It furthermore entailed a discussion on the SRC's Transformation Framework that will form part of the SRC's body of policies. As such, it was deemed appropriate to fund the workshop partly from the Policy Officer budget.

Before I took over the portfolio, the only expenditure that took place was a luncheon that the Constitutional Review Committee went on. That cost R1 188,00 and marked the end of the CRC's duties in reviewing the Student Constitution.

Policy Officer			R1 551,20
Constitutional Review			R0,00
Catering	R1 188,00	R1 188,00	R0,00
Discretionary Fund- Policy			R1 000,00
Discretionary Funds	R1 000,00		R1 000,00
Policy Forum Meetings			R3 100,00
Catering	R1 600,00		R1 600,00
Gifts	R1 000,00		R1 000,00
Data	R500,00		R500,00
Policy Workshops			-R2 548,80
Venue	R800,00		R800,00
Gifts	R1 000,00		R1 000,00
Stationary	R500,00		R500,00
Catering	R800,00	R5 648,80	-R4 848,80

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Recommendations to improve portfolio

The following recommendations are made for the Policy Officer:

- Initiate a process whereby all constitutions at SU are kept in a central repository managed by the SRC
  - This should assist with the relatively inaccessibility of constitutions and the confusion on where to find them
- Host workshops when institutional policies are reviewed
  - This serves to inform members of the policy and its purported changes
  - It further allows for members to bring more input and ideas that can be submitted by the Policy Officer to the relevant policy holder
- Continue with a Constitutional Compliance Review
  - Preferably on a termly basis
  - This allows the SRC to self-determine and correct its failures without external intervention
- Keep Policy documents offline available on the Policy Officer's computer/network drive
  - Institutional Policies so that if Rekord@sun.ac.za is unavailable the policies are still accessible
  - SRC Policies, frameworks, Constitutions so that it is easily accessible and distributable

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SRC POLICY REPORT TO STUDENT PARLIAMENT

Report on policy changes and challenges faced by the SRC during the 2020/2021 term

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Foreword

To the Speaker and deputy speakers of Student Parliament,

This report is drafted in response to the request from Student Parliament to report on the policy changes, updates and challenges faced by the SRC. The SRC recognises that there is no explicit constitutional obligation to comply with this request. However, in the interest of accountability, transparency, and consultative government, the SRC is more than willing to contribute to the vision of the Policy Forum and engage on the relevant matters.
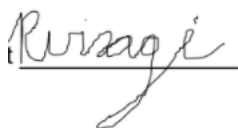
The SRC deals with policy matters in 3 independent spheres. Firstly, as the highest policy making student structure, we give input on and sit on institutional committees responsible for drafting and enforcing institutional policies. Secondly, as the SRC we are empowered by the SU Statute and current Student Constitution to amend the Student Constitution. Finally, as a student structure, we have the inherent power to create polices to regulate our internal affairs. I will report on all 3 of these facets within this report.

These facets will be systematically reported on in the following manner, I will start off with explaining how we deal with institutional policies and which policies we have dealt with during our term. I will then set out how the SRC has enacted and revised policies under our control. Thereafter I will highlight key challenges to policymaking and consulting that the SRC has faced in our term. Finally, I will raise some requests and give recommendations on how policy formulation can be improved in student structures.

As a caveat, please do have cognisance of the fact that I have taken over the position as policy officer from the second term of 2021. Therefore, I can only fully report on matters in the past 4 months but will have to rely on earlier second-hand reports for events before that.

Finally, version 3.2 of the Student Constitution is still the version in force at the time of this report. All references to the Student Constitution, including section references and references to duties and powers, are therefore made to that version.

Yours Sincerely,

SRC Policy Officer & Treasurer 2020/21

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Institutional Policies

Introduction

Section 18 of the Student Constitution read with section 27 of the Stellenbosch University Statute places the SRC as the highest policymaking student structure at Stellenbosch University. Through seats on Council, Senate, Institutional Forum, and various other institutional committees- the SRC fulfils this role by directly engaging on policy formulation and approval. Indirectly, the SRC attends policy workshops and consultation sessions where we gain insight on proposed policies. We then raise concerns, recommendations, and lobby for changes through a policy's public feedback submission portal. When needed, we engage directly with the rectorate, policy owners or relevant stakeholders to ensure students' interests are fully prioritised in all policies.

Statutory Policymaking

In order to effectively hold the SRC accountable, the following members sit on statutory institutional committees with policymaking powers. The specific policies that have been engaged on in the forums are listed. Please do note that aa policy listed here was discussed at the forum but not necessarily voted and approved.

<u>Council</u>

Members:
- Mr Xola Njengele
- Ms Ayesha Abou-zeid

Policies:
- Disciplinary Code
- Language Policy
- Code for Employment Equity and Diversity
- Constitution of the School for Climate Studies
- Visual Identity
- Short Term Rental Policy

<u>Senate</u>

Members:
- Ms Makabongwe Kaseke
- Mr Philip Visage
- Ms Leone Wilkinson
- Mr Jarryd Luyt

Policies:
- Mandate of the Academic Planning Committee
- Institutional Rules for the Convocation

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- Criteria for Bursaries and Loans 2021
- Research Data Management Regulations
- Rules and Procedures for Conferment of Emeritus Professorships and Emeritus Associate Professorships
- Short Term Rental Policy
- Rules on the Appointment of Vice Deans and Acting Deans
- Constitution of the School for Climate Studies
- Language Policy
- Assessment Rules
- Recruitment Bursaries Criteria
- Visual Identity

<u>Institutional Forum</u>

Members:
- Ms Viwe Kobokana
- Ms Kira Alberts

Policies:
- Visual Redress Policy
- Language Policy
- Revised Assessment Policy

Indirect Policy consultation

The SRC engaged with the relevant policy owners on the following policy formulations and revisions during our term:

- Language Policy
    - The SRC met with Dr Van der Merwe to fully understand the changes to this policy
    - The SRC took in comments from the student body at an open Rooiplein event
    - The SRC submitted written recommendations and objections to the policy through the appropriate feedback portal
    - The SRC members sitting on the language committee are following the recommendations submitted by the SRC to ensure proper consideration thereof
- Residence Placement Policy
    - The SRC met with Dr Nel to fully understand the changes to this policy and submitted verbal recommendations in the meeting
- The Management of Smoking and Substance use at Stellenbosch University
    - The SRC attended an information session with Dr Dunn-Coetzee to fully understand the scope of the policy
    - The SRC intends to host a workshop with members to brief everyone on the policy
    - The SRC will then submit written feedback on the objections and recommendations it has
- Mental Health Policy
    - The SRC was not directly involved in this policy's formulation as of yet

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- o The SRC has noted with concern that the Rectorate do not agree with the policy and rather suggested it be reformulated as a mental health plan
- o The SRC is in communication with CSCD to determine the reasoning for why a policy was rejected
- o Depending on the information received from CSCD, the SRC intends to lobby for a policy to still be implemented or at least a modicum of bindingness attached to the proposed "plan."
- Disciplinary Code
  - o The SRC noted with concern that the latest Disciplinary Code was never published online and all hyperlinks on the CDC's website referred students to the prior Code
  - o The SRC raised the concerns and ensured that the new Code is now uploaded to the website and accessible to all students

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Policy Changes

Introduction

The SRC has the power to both amend the Student Constitution as well as regulate its internal affairs through policies. During this term, both these powers have been exercised and I have set that out below.

Student Constitution

The SRC's processes in amending the Student Constitution has been documented and can be found in detail as Addendum 1. The finalised Student Constitution as submitted to Council can be found as Addendum 2.

Internal Policies

The SRC regulates its own affairs in 3 manners. Firstly, the SRC voted in its Code of Conduct in terms of section 29 of the Student Constitution. The Code can be found as Addendum 3. Secondly, the SRC passed 9 financial policies, in terms of section 22(4)(b) of the Student Constitution, to regulate its financial activities. Given the relatively large operational budget of the SRC, the policies are required to ensure fruitful and transparent expenditure. These policies can be found as Addendums 4. Finally, the SRC is in the process of developing a transformation framework. This framework will strive to ensure all SRC projects and events are fully inclusive and accessible. Although this framework may not be completed by the endo of the current SRC term, the work done will be handed over to the next SRC to implement accordingly.

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Policy Challenges, Recommendations and Requests

The SRC has faced considerable challenges in policy formulation and implementation. Below is a brief outline which may serve as a guideline for future SRCs and Student Parliaments to form measures which would negate the challenges.

Firstly, the largest challenge is education. Policymaking is a skill that most student leaders are forced to learn whilst doing it. A method of education student leaders at the start of their terms will drastically increase not only understanding but compliance with relevant constitutions including the Student Constitution. Clear guidance should hereby be provided to Student Governance and CSC so as to ensure student leaders are adequately trained in this regard.

Secondly, a lack of understanding what policies entail and how it affects the ordinary student is prevalent. Students, including student leaders, are often disinterested in engaging in policy formulation and review since they do not understand what a policy is and thereby to what extent it may affect them. Broader awareness of policies, especially institutional policies, should be prioritised.

Thirdly and likely the most controversial, students are in cases not respected by staff members. This results in recommendations and objections being disregarded due to insufficient priority being attached to student leaders' voices. Although this has not been the norm and the SRC applauds the majority of staff members we do work with, any staff member not engaging with the SRC in good faith serves to undermine the statutory obligation we have to students. Current solutions are to involve superiors of staff members, but the end goal would be mutual respect between all student leaders and staff whereby both groups recognise the important work that each other does.

Fourthly, there is an inaccessibility of institutional policies. Although the official directory has finally been restored, it is still very much confusing and unwelcome to the general student. As such, students are not able to determine what current institutional rules are unless they do a deep dive into the policies. It is recommended that a student structure lobbies for the policy records to be made more accessible and navigable.

Fifthly, student polices are not publicly available. In order for benchmarking, evaluation, transparency, and broader knowledge- students should have access to all rules within the institution. As such, the SRC recommends a comprehensive record of all student constitutions, codes of conduct, rules, and terms of references to be created. This requires cooperation from all student structures and a complete deviation from current practices of secrecy and unnecessary confidentiality.

Sixthly and linked to the fifth concern, there is clear differences in standards of conduct between student structures. Naturally the unavailability of all policies has resulted in it being

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impossible for standardisation to occur. Some examples include how discipline is enforced, how minutes are made available, how internal elections take place, and to what extent higher bodies' decisions are binding on its constituent structures.

Finally, the approaches taken by staff structures in creating, revising, reviewing, and amending policies directly affecting students have been inconsistent. Students are selected by staff to form part of relevant bodies doing the work. This is in direct contrast with the role of the SRC as the highest student policymaking body. In my interpretation of this role, the SRC should be the body that elect students to these positions and not staff members themselves selecting students. The composition of these bodies leads to the SRC being ineffective in this key duty to form and review policies affecting students.

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SRC COMPLIANCE REVIEW AUGUST 2021

Report on the SRC's compliance with constitutional and other applicable policies

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Foreword

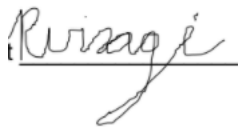To the Executive Committee of the SRC,

The SRC is the highest representative policymaking student body at Stellenbosch University. With this role comes the normative duty to act beyond reproach and in service of the student body that has elected the SRC. This requires the SRC to act in full and total compliance with all applicable regulatory frameworks. This includes the Student Constitution, the SRC's disciplinary code, institutional polices and the SRC's own policies.

This report therefore serves as a notification of infractions against relevant rules. This is not a notice of sanctions but rather a safeguard against future sanctions. Infractions listed in this report should thereby be addressed with the highest priority so as to avoid further actions against the SRC as a whole as well as individual members.

Due to the rather short timeline in which this review has been done, only clear and evident infractions are listed. This therefore does not mean there are no other infractions. The SRC has a duty to act in accordance with the values of the Student Constitution. A broader analysis is however required to determine to what extent the SRC's actions, projects, and policies are indeed complying with these values. This report will not delve into that pit hole.

As a final note, although some of the infractions may seem to be mere non-compliance with formalities- these formalities exist for specific purposes of transparency, fairness, and due process. Compliance is therefore necessary to further the values of the SRC and SU. Therefore, please consider these infractions and take the appropriate actions to ensure they are rectified as soon as possible.

Yours Sincerely,

SRC Policy Officer & Treasurer 2020/21

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Non-compliance with the Student Constitution

Section 23(1) of the Student Constitution binds the SRC to compliance with all provisions within this constitution. Do note that at the time of writing this report, version 3.2 of the Student Constitution is still in force and will thereby be referred to throughout. Non-compliance will be categorised into serious and less serious infractions. Although not as important, any infraction remains a sanctionable offence and should thereby also be prioritised for rectification.

Serious Infractions

- Section 26 requires the SRC to make all members' term reports available to students upon the receipt thereof by the Secretary. The deadline therefor is 1 week after a term has commenced
    - The Chairperson has not submitted a term report
    - The term 2 reports were uploaded to the SRC's website considerably later than the 1 week given after the term commenced
- Section 28 obliges members of the SRC sitting on other bodies to consult the SRC **before** important decisions are taken by that bodies. The SRC has not put measures in place to ensure decisions taken at these bodies are first discussed by the SRC itself. This has resulted in this obligation completely being disregarded.
- Section 35(1)(a) empowers the Executive Committee to set the agenda for SRC meetings. Given that this duty has not been duly delegated to the Secretary, the Secretary is not empowered to set the SRC's agenda on their own. As such, the agendas that has been set for SRC meetings to date has largely been unconstitutionally set.
- Section 36(2) requires that the minutes of the Executive Committee are made available to the SRC within 3 days after the meeting. This obligation has largely not been met and there are to date still numerous minutes that has not yet been made available to the SRC.
- Section 39(2) requires that the complete agenda for SRC meetings be given to members at least two days before the meeting. Agendas have in cases been provided much closer to the meetings.
- Section 41(1)(a) requires that abbreviated agendas be provided to all students at least 2 days before an SRC meeting. Agendas are generally not provided to students and in cases where it is made available, it is not published within the requisite timeframe.
- Section 42(2) requires that SRC meetings' minutes be released within 5 days after a meeting. This obligation is not being complied with.

Less Serious Infractions

- Section 21(6) read with section 22(6) requires that the SRC continuously inform students about the SRC's activities and obtain feedback thereof. This responsibility of ensuring this obligation is fulfilled lies with the Communication Officer. The SRC has not taken active steps to ensure feedback is obtained with regards to its projects and events neither has the SRC taken active steps ensure the student body is continuously made aware of its activities.
- Section 22(5)(b) with section 21(3) obliges the Policy Officer to assist SRC members in evaluating institutional policies so as to give input on its formulation. No assistance was to date provided to SRC members sitting on institutional committees where policies was evaluated and formulated.

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- Section 36(1) requires that the Executive Committee meet once per week. When reading section 38, it becomes clear that the leniency to not have meetings during examination and holiday periods are only granted for ordinary SRC meetings. Therefore, the Executive Committee are in fact still obliged to meet during examination and holiday periods. To what extent this provision should be enforced is debatable but on the ordinary interpretation thereof, the Executive Committee should have been meeting during exams and holidays.
- Schedule 1 Part 10 requires that SRC nomination forms are made available at the SRC office during the nomination period. The Constitution is not clear on whether the responsibility lies with the election convenor or the SRC to ensure this formality is met. Therefore at this stage only non-compliance is noted and no blame is allocated.

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Non-compliance with the SRC's Disciplinary Code

Section 29 of the Student Constitution empowers the SRC to adopt its own code of conduct. Section 23(1) then obliges the SRC to comply with such a code if it is adopted. Thereby the Disciplinary Code becomes part of the regulatory framework against which the SRC are held accountable not merely internally but also by Student Court and Student Parliament. In this part, infractions will be listed and no classification will be made on its seriousness. Specific misconduct of members will also not be dealt with as that lies within the purview of the Vice chair and Disciplinary Committee.

Infractions against the Code

- Section 2(1)(a) requires that apologies/excuses for meetings be submitted 48 hours in advance. This rule is neither complied with nor enforced by the disciplinary committee.
- Section 2(1)(a) requires that all apologies be made through email or whatsapp. The current process of using a online form is thereby in clear contradiction with this code.
- Section 2(1)(a)(i) requires that office duty be observed from 08:00 to 17:00 during the week. Currently office hours are only being conducted from 09:00 to 16:00.
- Section 2 requires that SRC members, excluding those exempt therefrom, attend their office duty hours at least 2 hours a week. Currently, there has not been any steps taken against members not complying with this rule.
- Section 5 has generally not been enforced and steps taken against members contravening the rules of misconduct.

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Non-compliance with Institutional Policies

Due to the large body of institutional policies, only two relevant policies will be dealt with.

Prevention of Nepotism

This Policy has the goal to prevent unfair preferential treatment, as well as situations that may result in conflicts of interests. This Policy applies to students to the extent it is applicable, and the term "staff" will include students. The SRC as a statutory body acting in terms of powers delegated from the SU Statute are bound by principles in this policy.

Section 6(1) requires that staff members may not participate directly or indirectly in decisions regarding the initial appointment, compensation, or allotment of duties of members of their close family or close group of friends. The SRC has directly and indirectly appointed assistants, managers, and an election convenor that could reasonably have been considered either close family or close friends.

Section 6(3) requires that a staff member may not hold a close supervisory authority over a close friend. SRC assistants and managers currently report directly and are accountable to SRC members that can reasonably be interpreted as their close friends.

SU Trademark Policy

In terms of section 7, SU's registered trademarks are allowed to be used without prior consent given that it is used for internal purposes. It can be assumed that all SRC usage of trademarks comply with the criteria for 'internal purposes.' The usage is however qualified to the extent that it may only be used without alterations and in strict accordance with the Corporate Identity Guide. To my knowledge, this requirement has been met. Section 6.4.4 however prohibits the use of an SU trademark, without permission from Innovus, to indicate endorsement of any organisation, movement, belief, etc. The SRC has however endorsed certain external movements and organisations whereby we allowed the use of the SU trademark without the requisite permission being first sought.

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STUDENTS' REPRESENTATIVE COUNCIL
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SRC RESPONSE TO ACCOUNTABILITY COMMITTEE

Response to the Accountability Committee's report on concerns with the 2020/2021 SRC term

30 August 2021

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Foreword

To the Speaker and deputy speakers of Student Parliament,

This document is drafted in response to the report received on 16 August 2021 regarding concerns with the SRC by the Accountability Committee of Student Parliament.

The matters within that report are individually addressed herein.

The SRC would however like to address the report's timing. Although we appreciate the transparency and consultative governance and are in favour of Student Parliament acting as the structure holding us accountable- we fear this report does not contribute much. To the extent that matters could have been improved and addressed directly, it does not benefit the student populace to release this report at this late stage in our term. Some of these points could have been rectified months ago if we were made aware thereof and that would have contributed immensely to how we function for students. At the time of receiving this report we had already decided to undergo a compliance review and addressed most of the issues ourselves. We therefore recommend that you advise your successors to continue with this type of review but rather conduct it early in an SRC's term so as to ensure they can act appropriately for the larger part of their term in office.

The SRC secondly would like to address the manner in which this report was compiled. In terms of Addendum A of the report, the Accountability Committee undertook to investigate the highlighted concerns with the SRC. We believe this process was deeply flawed with regards to the principle of procedural fairness. At no stage before the report was published, was the SRC contacted to make representations. As such, this report is merely documented allegations. We will be using this response to highlight where we disagree or agree with issues, but we are of the firm believe that this stage should have been part and parcel of an adequate investigation. Although we will cooperate fully at this stage, we do see the need to disclaim that we were not consulted with, informed of, or contributed in any way or form to the so-called report issued by the Accountability Committee.

Yours Sincerely,

Xola Njengele

SRC Chairperson 2020/2021

Philip Visage

SRC Policy Officer 2020/2021

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Constitutional Infringements

Each of the 4 concerns will separately be dealt with:

<u>Infringement 1- Term reports</u>

"(a) As per section 26(1), "Each SRC member must submit a complete report regarding their 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."

(i) The AC has identified that no reports from any SRC member have been published for the end of their second term in office (i.e., Term 1 of 2021) which should have been published no later than 18 May 2021. This is a violation of the Constitution.

(ii) The AC has identified that among the published reports of the SRC's first term (i.e. Term 4 of 2020), the SRC Chairperson's report is missing. We are uncertain as to whether this is due to incompleteness or failure to publish, but regardless, it is considered to be a violation of the Constitution."

The SRC acknowledges the lateness of reports as per (i). Although not an excuse but an explanation, the SRC of 2020/21 undertook to first review individual term reports before publishing them online. This process has come with delays since the Executive of the SRC first has to go through each report individually and make amendments before publishing. This process has fortunately been streamlined and an appropriate model will be recommended to the incoming SRC.

The SRC acknowledges that the Chairperson's report was not publicly accessible. We however raise that this was due to a technical error on the sharepoint whereby the report, although published, was not visible. This has however already been rectified after our internal compliance review picked it up.

<u>Infringement 2- Publication of Agendas</u>

"(b) As per section 41(1)(a), "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 SRC meeting."

(i) The AC has identified that no agenda points were made available prior to any SRC meetings, with the exception of the meeting held on 6 March 2021. The failure to publish agendas is a violation of the Constitution."

The SRC acknowledges this infringement. After our internal compliance review picked this up, it has since been rectified.

<u>Infringement 3- Accessibility of SRC meetings</u>

"(c) As per section 41(1)(b), "Any student, or any other person invited by the Student Representative Council, may attend Student Representative Council meetings."

(i)   The AC is currently unaware of any students who have been directly denied access to SRC meetings, and thus cannot label any direct constitutional infringements under this section. However, the SRC does not appear to have provided a regularly accessible link to SRC meetings. The only platform that the AC could find said link on, was on the SRC's official Instagram page. The following on this page currently accounts for around only 0,05% of students, which means that the SRC has failed to make the meeting reasonably accessible.

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(ii)   *The AC is currently unaware of any students who have been directly denied access to SRC meetings, and thus cannot label any direct constitutional infringements under this section. However, the SRC has not made the student body aware of their meeting times. This severely limits accessibility and transparency and subsequently does not adequately support the student body in the realisation of their right to attend."*

The SRC rejects the notion of the AC that meetings were not accessible as per (i). The SRC has been utilising a public MS team for all meetings held. As such, there is no need for the meeting link to be published on social media or elsewhere since it is always hosted within the team that students can join at any time. The link to join the MS Team has been published on all SRC social media platforms so that students can participate therein. The SRC further utilised the ex officio communication channels and distributed the link via whatsapp to the ex officio members to filter it down to all students. The SRC does however recognise that it was not included in a mass mailer and will recommend the incoming SRC to publish such a link in that manner. Finally, the individual links to meetings was also added to the agendas that were published on our website before a meeting.

The SRC recognises the concern in (ii). The SRC has fixed biweekly meetings on a Wednesday at 18h00 and the SRC expected any student that joined the MS Team to have noticed this. We will however recommend that an official announcement be made every 2nd week over social media to make students aware of the meetings. A mass mailer for every meeting is however unfeasible.

<u>Infringement 4- SRC Meeting minutes</u>

"(d) As per section 42(2), "The Secretary must ensure that the complete minutes of each SRC meeting are made available to all students electronically and at the SRC office, not later than five (5) University days after the meeting."

(i)   *The AC was not able to find any minutes of SRC meetings conducted after 14 April 2021. The Secretary forwarded the minutes of the SRC meetings held on 21 April, 26 May, and 9 June 2021 to the AC Chairperson upon request. This indicates that completed minutes have still not been published within the given timeframe, which is a direct violation of the Constitution.*

(ii)   *The AC found that minutes published by the SRC were sometimes vaguely worded. As a result, it is difficult for those who were not present at the meetings to comprehensively understand the decisions made and discussions held in meetings. Vagueness is not a direct violation of the constitutional provision, however, the inability to clearly convey the discussions had in SRC meetings constitutes an indirect violation, as the purpose of transparency cannot be fully realised by absent students."*

The SRC recognises that there was a constitutional infringement as per (i). This infringement was picked up by the SRC's internal compliance review and subsequently addressed.

The SRC rejects the notion in (ii). The purpose of minutes are to relay a decision and not to contextualise or give feedback on what was discussed. As such, the SRC will not be addressing this concern. We rather request that any student or student parliament member that did not attend a meeting, contact us directly for context surrounding a decision taken at such a meeting.

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SRC undertakings not materialising

Introduction

The SRC functions as the highest representative student body at Stellenbosch University. As such, our actions, projects, and undertakings are inherently linked to the students we represent. Thereby as circumstances and external factors change, so does our plans to address these changes. In cases where an institutional undertaking was not followed through on, we will account but otherwise we will hold on to our discretion as the SRC to make changes to our plans as we see fit.

Specific Undertakings mentioned

    (i)   SRC Sensitivity Training

        a.   This project was unfortunately not able to take place within the SRC's term. Due to practicality this training did not take place. The SRC is however of the full understanding that this training is necessary for an SRC and will be strongly recommending that the incoming SRC undergo such training before registration period.

    (ii)   SRC Transgender Task Team

        a.   The SRC has been, at a late stage in our term, been made aware of the Division Student Affairs' working groups currently investigating campus culture. There is a working group also focussing on the same area. As such, the goals were balanced against each other and the need for the task team to continue with its work was temporarily stalled. Once the DSAf workgroup conclude its functions, the task team will weigh up whether enough was done there and then decide whether to continue with its functioning or dissolve. This decision will then impact to what extent the task team's research and the working group's recommendations will be handed over to the incoming SRC.

    (iii)   Investigation on alternative communication channels with students

        a.   The SRC has noted that we are unable to use an external party to send mass mailers to students. This was investigated and internally reported on.

        b.   As the SRC do not have time to give feedback on all projects during a meeting, we echo the sentiments that this point could have been raised with us directly and we could have provided a full answer without need for this allegation to have been made.

    (iv)   International Fair

        a.   This event was supposed to be hosted as an opening day for the new international students. Due to being in level 3 restrictions, the ICBC prohibited this event from taking place. The event had no purpose at a later stage of the year and was thus cancelled. Work was however shifted to assist the International Office with their online opening day.

    (v)   Sustainable Garden in Kayamandi

        a.   This initiative was deemed unfeasible due to the financial investment the SRC had to make that was not initially budgeted for.

        b.   As the SRC do not have time to give feedback on all projects during a meeting, we echo the sentiments that this point could have been raised with us directly and we could have provided a full answer without need for this allegation to have been made.

    (vi)   Cancer Drive Task Team

        a.   We cannot respond to this point at this stage.

    (vii)   HC First Aid training

        a.   Around 25 February, the training took place. The training was presented by Campus Security. Not all safety HC's elected to attend the training.

    (viii)   Friend of a cluster

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     a.   This project has been implemented across all clusters whereby an SRC member was paired with cluster convenors. There have been mixed results and the SRC will have to evaluate the project's success at the end of our term through a report to be published.

     b.   As the SRC do not have time to give feedback on all projects during a meeting, we echo the sentiments that this point could have been raised with us directly and we could have provided a full answer without the need for this allegation to have been made.

(ix)   Rehabilitation programmes for GBV perpetrators

     a.   The SRC delegated this point to Ms Kobokana. After analysing the program's feasibility at the Transformation portfolio's strategic planning weekend, it was deemed to be impossible for the SRC to create the program ourselves without going into the domain of what staff members are employed for. The SRC decided to rather craft points and ideas that would be raised at the relevant DSAf and Rectorate meetings were the job can be delegated to the relevant institutional office.

     b.   As the SRC do not have time to give feedback on all projects during a meeting, we echo the sentiments that this point could have been raised with us directly and we could have provided a full answer without the need for this allegation to have been made.

(x)   Mental health strategies to address suicide risks in residences

     a.   The SRC delegated this point to the AAC. Mr Luyt did in fact work with CSCD and various faculty committees to create tailored educative projects there.

     b.   As the SRC do not have time to give feedback on all projects during a meeting, we echo the sentiments that this point could have been raised with us directly and we could have provided a full answer without the need for this allegation to have been made.

(xi)   Salary Reductions policy

     a.   The SRC recognise that the minutes was not clear in that the decision that was voted on was whether a R50 deduction per office duty that was missed is appropriate.

(xii)   Leadership and Development events

     a.   After considering the plans, it became clear that all envisioned projects was already taking place through other structures. As such, it was deemed unnecessary to start new projects and work was rather done on assisting with the other projects.

(xiii)   SPC Constitutional task team

     a.   This task team was led by the Vice chair of SPC and entailed educating senior residences to undergo a process of drafting a constitution. Although it was initially aimed at drafting constitutions, the lack of support by the residences has lead the efforts to rather become lobbying the residences to initiate the process for creating a constitution.

(xiv)   SPC Leadership and Development program

     a.   This project was implemented by the SPC and took place online. Training happened in-person at Huis Russel Botman earlier in the year.

     b.   As the SRC do not have time to give feedback on all projects during a meeting, we echo the sentiments that this point could have been raised with us directly and we could have provided a full answer without need for this allegation to have been made.

(xv)   SPC Cooperation with Student Parliament

     a.   Due to the response in point (xiii) there was no need anymore to work with Student Parliament in drafting the constitutions.

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Absenteeism from meetings

The SRC's Executive has, by virtue of noting the absences as 'with excuse' in the minutes, deemed all excuses as valid.

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General issues relating to transparency

The SRC thanks the Accountability Committee for these recommendations. We will briefly address how we see them:

Recommendation 1- WAQE and Transformation confusion

"When viewing the role and duties of the various SRC portfolios, the AC struggled to understand the difference between the Transformation portfolio and the Women and Queer Empowerment portfolio. This obscures who is supposed to be responsible for concerns specifically relating to gender. The AC would like to recommend that the outgoing SRC clarify this confusion so that the incoming SRC members can understand their purpose and hit the ground running."

The SRC recognises this point. We have already started to engage with making portfolio allocation clearer and this recommendation will be incorporated into that part of our handover.

Recommendation 2- Announcement of new portfolio holder

"Upon the passing of the late Nomzamo Buthelezi, the SRC failed to notify the student body who would be taking over her portfolios. This hinders students' ability to engage on matters concerning Societies' Council and Policy."

The SRC accepts this criticism and expresses our concern that this was not raised earlier. We agree that this is an important point that we did not consider ourselves. We therefore would have hoped that student parliament would have raised it at any of the numerous interactions between our structures in the past few months for us to rectify accordingly.

Recommendation 3- Accessibility of SRC Communication

"Communication of the SRC's everyday doings is mainly shared on the SRC Instagram page . Whilst we respect that important documents are often posted on the SRC website, general announcements that are shared on Instagram tend to reach an exclusive group of people (as inferred in section 1(c)(i)). The AC would like to recommend looking at more accessible platforms of student communication, such as SunLearn, be investigated, implemented as soon as possible."

The SRC has recognised this issue at the start of our term already and are still looking into solutions. With the advent of limited mass mailers, we have been hamstrung to provide clear and effective communication to the student populace. We do not believe SunLearn is the correct approach as students would not engage with us on there. As such, we would venture to return this recommendation to Student Parliament and request that the investigation into finding a better platform- be included in Student Parliament's list of policy agenda items that the incoming SRC should prioritise.

Recommendation 4- Ex Officio structures' accountability

"There is a lack of transparency surrounding bodies such as the Academic Affairs Council ("AAC"), Prim Committee ("PC") and the Senior Prim Committee ("SPC"). The constitutions of the AAC, PC and SPC are not easily accessible to the average student. There is a lack of information surrounding the operations of these bodies and the decisions made by them. As a result, it is difficult for students to reasonably understand what the specific duties and powers of these bodies are, past what has been broadly outlined in the Student Constitution. If students do not know what to expect of the AAC, PC and SPC, they will not be aware when there is a failure to act appropriately, and cannot institute proceedings to hold the relevant body accountable.

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While there is no direct mandate of transparency in the provisions of the Student Constitution pertaining to the AAC, PC and SPC, there are representatives of each body on the SRC. As a result, they bear the same duties to act in the students' best interests, according to section 21(1) of the Student Constitution, and to inform students about its activities. The inaccessibility of the AAC, PC and SPC constitutions constitute a failure to act in the students' best interests and inform the students about activities. A student who is uninformed about the bodies designated to represent does not have their best interests satisfied.

Furthermore, the following provisions of the Student Constitution are believed to be applicable in respect of transparency and accountability:

• Section 80(5) states that, "The Prim Committee represents the interests of the residents of residences and members of PSOs, in that capacity, at the SRC and the University management."

• Section 81 states that the PC has a constitutional mandate to promote the rights of students to, "an enabling campus environment in which student success and academic excellence are encouraged and pursued."

• As per subsection 84(1) and section 85 of the Student Constitution, the SPC has the same duties and constitutional mandate, applicable to senior students where relevant.

• Section 76(1) states that, "The Academic Affairs Council represents the academic interests of the students at the SRC and the University management."

The academic interests of students and the interests of residences cannot be adequately represented when students are unaware of the constitutional mandates and operations of the relevant bodies. Student success cannot be promoted to the fullest extent when students lack clarity and information about institutions as essential as the AAC, PC, and SPC. It is recommended that the AAC, PC and SPC make a concerted effort to improve the availability of their respective constitutions and improve awareness about their operations, which should include regularly publishing the minutes of their meetings."

The SRC recognises that there are different standards of transparency between the SRC and ex officio structures. The SRC further recognises that this may lead to these bodies not being adequately held to account. Since it is too late to make these type of changes so late in our term, we will make these recommendations in our handover. We do however insist that where Student Parliament believes there are clear problems with accountability, as set out in this allegation document, that Student Parliament comply with its own mandate and hold these structures directly accountable instead of working through the SRC.

<u>Recommendation 5- Ex Officio structures' accountability</u>

"The SRC's Constitutional Review procedure was not made clear to all students. The current status of the Constitution is still not clear, even though the new Constitution is available on the SRC website. As a result, students may be uncertain about which constitutional provisions are in force. This is an issue because there are significant differences between the two constitutions and the duties imposed therein."

The SRC notes and accepts this recommendation. We will be renaming the latest version of the Student Constitution to reflect its current inoperability. We however reject the notion that the process was not clear. The SRC has set out in mass meetings with students, SRC meetings, and through direct consultation with student structures what the amendment process was. At the Policy Forum, the SRC presented exactly where the amendment process currently is at and what steps were followed to get to that stage. In the absence of Student Parliament hosting more regular policy forums, we cannot venture into being more accessible to student parliament on these more nuanced policy concerns.

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FRAMEWORK FOR SRC HANDOVER

Framework setting out how an SRC Handover should take place for maximum results and minimum stress(/efforts)

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Foreword

Background

The SRC has a year term spanning across two calendar years. In such a term the SRC engages in a multitude of projects and initiatives. Of these, some are concluded in the term, some become annual projects, and some are still in progress once an SRC's term closes. A faulty handover will result in the latter two cases being doomed for failure. Therefore, this framework aims to establish a fool-proof method of ensuring all relevant information are effectively placed in a subsequent SRC's hands to take on projects and initiatives and build thereon. In essence, this framework will allow a new SRC to jump into its term without trying to find its feet for a few weeks/months.

Overview

A common mistake with handovers is the reduction of the SRC into mere portfolios. Although portfolio handovers are generally key events, it does not at all cover the vast scope of the SRC's work. Therefore, this framework splits the handover process into 5 separate processes:

- Portfolio Handovers
- Institutional Committee Handovers
- SRC Committee/Task Team Handovers
- Office Handover
- Mailbox Handover
- Cost Centres Handover

Accountability

An SRC will have to allocate a member to ensure all members are involved in every procedure where they are relevant in. This is then the first duty on an SRC, identifying a member to take responsibility for an effective handover in terms of this framework. This member will throughout this framework be referred to as the Designated Member ("DM").

Designated Member

The Designated Member must set up a cloud drive with 5 folders as listed in the overview. Each root folder should contain a folder per portfolio/committee/etc. All required documents should be added to the relevant folders.

The DM must give the next SRC's Chairperson access to this drive. That Chairperson is responsible for ensuring all members of the new SRC have access to this drive.

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Portfolio Handover

General Portfolios

All portfolios should comply with the requirements here. The portfolios under <u>Specific Portfolio</u> should comply additionally with the requirements there.

A portfolio holder should submit the following information to **both** the DM and the new portfolio holder. The information should be submitted within two weeks of the 4th academic term's commencement. Where there is an overlap, information should be submitted for every bullet point

- List of all **SRC** projects/initiatives that was facilitated in the term
    - Explanation of what it entailed
    - Explanation of how it was organised
    - Explanation of its progress
    - Explanation on whether it should be continued or made an annual project
    - Explanation of success or failure thereof
- Recommendations for the portfolio's general improvement
- List of all **institutional** policies, plans, problems, and projects that have been worked on during their term which are not fulfilled
    - Explanation of what it entailed
    - Set out which staff members was involved with their contact details
    - Explanation of where the progress is
    - Explanation of how the new member can effectively take over the work done thus far

Specific Portfolios

In addition to the points above, portfolios listed here should also make submissions with the following information.

Chairperson

- A list of standing meetings that the Chairperson has with institutional management
- Confirmation that the new chairperson's contact details have been submitted to the NEC of the South African Union of Students

Vice-chairperson

- The Contracts with Managers

Secretary General

- All templates for Agendas, Minutes, Documents, Formal letters
- Access to the SRC Team sites was granted to the next SRC
- Mailing lists for relevant meetings (DSAf, Rectorate)

Treasurer

- SRC Initially approved budget
- SRC Final expenditure report

Policy Officer

- All SRC policies that was adopted during their term in office
- A Word and PDF version of the latest Student Constitution
- A Word version of the SRC's Code of Conduct

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- All guides/frameworks developed by the SRC

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Institutional Committee Handover

Each Committee listed below must submit a report to the DM. Where more than one member sits on a committee, they must submit only one report together. This report must outline the following:

- Overview of what is normally discussed in a meeting
- Frequency of meetings
- Identity of the Secretariat and Chairperson of the committee
- Points/concerns that should be raised or looked out for in the committee
- Points underway that should be aware of and be followed up on
- Recommendation on how to approach the committee's functioning
- Whether representations in the committee is confidential
- Recommendations on what type of students should sit on the committee with reasoning (e.g., a specific discipline, postgraduate, specific ex officio members, or specific portfolio)
- Where applicable, the official policy/mandate/framework regulating the committee must be appended to the report

The SRC has seats on the following institutional committees and workgroups:

- Council (2)
- Senate (4)
- Institutional Forum (2)
- Bursaries and Loans Committee (2)
- Student Fees Committee (2)
- Quality Committee (2)
- Senate Library Committee (1)
- Naming Committee (1)
- Institutional Transformation Committee (1)
- Student Achievement Committee (1 but the Chairperson, Vice chairperson, AAC Chairperson, KuKo, Sport, and Social Impact also have fixed seats)
- Honorary Degrees Committee (1)
- SU Co-curricular Support Fund (USKOF) (2)
- Student Debt Working Group (2)
- Institutional Committee for Business Continuity *(where applicable)* (1, the Chairperson holds this seat)

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SRC Committee/Task Team Handover

General Committees

All SRC committees and task teams, except portfolio specific subcommittees, must provide a report to the DM outlying their objective, progress, and outcomes. Any supporting documentation should be provided.

Specific Committees

Executive Committee

The Executive Committee of the SRC must provide the following to the DM:

- Contact details for all personal assistants of the Rectorate, senior directors, and directors that the Executive works with
- A list of standing meetings the Executive has with Institutional management bodies and their frequency
- Recommendations to improve the SRC and the Executive's efficiency

Matie to Matie Committee

The convenor must submit a full report to the DM with at least the following information:

- Current process followed
- Recommendations for improvement
- Amount of funds spent during their term in office
- Number of students assisted
- Breakdown of what type of assistance was provided

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Office Handover

An SRC Member should be identified to submit the information and items in this section to the DM and be accountable for the duties below.

The following **information** must be provided:

- A full inventory list at the end of the term of items that can be found in the:
    - Main storage room
    - Kitchen storage room
- A list of all other assets/consumable owned by the SRC that is currently in the SRC office
    - Where relevant, items must be marked if earmarked for specific projects
- A document outlying how the following equipment work, their current state, and any other relevant information about it:
    - Telephones in the office
    - Printer in the office
    - Aircons in the office
    - Boardroom digital equipment

The following **items** must be physically handed over:

- All SRC laptops held by SRC members (currently 4 held by the Executive)
- All keys held by SRC members for SRC spaces, offices, and rooms
- All cash currently held by the SRC, yet to be deposited
- All physical gift cards and vouchers currently held by the prior SRC
- All remotes for electronic equipment in the SRC's spaces

The following **must occur** before the last day of the prior SRC's term in office:

- All personal belongings in cabinets and office spaces must be evacuated
- All custom posters and decorations of the prior SRC must be removed
- All kitchen equipment must be cleaned
- All dishes must be washed and packed away
- The office must be in a reasonable and orderly condition

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Mailbox handovers

The DM must compile a list with the new and current members' email addresses that will be administering the following inboxes and hand it over to Student Governance to facilitate the change:

- SR@sun.ac.za
  - Secretary General
- Matie2Matie@sun.ac.za
  - Members of the Matie-to-Matie committee
- SRCCulture@sun.ac.za
  - KuKo Manager
- SpecialNeeds@sun.ac.za
  - Special Needs Manager
- SRCBranding@sun.ac.za
  - Branding Manager
- SRCSport@sun.ac.za
  - Sport manager
- SRCSUI@sun.ac.za
  - Manager for International students
- Sustainability@sun.ac.za
  - Sustainability and Innovation Manager

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Cost Centres Handover

In order for a new SRC to effectively take over the SRC's financial resources, the following steps should occur:

1. Before the end of the SRC's term, all Commitments and Control Accounts must be cleared in every SRC Cost Centre
2. On the last day of the SRC's term, the Treasurer must submit a journal request to move all SRC Cost Centres' funds (excluding 9894) to the SRC's main Cost Centre (9890)
3. A list of all SRC Cost Centres with their balances, after step 2, must be submitted
4. Upon gaining access to the Cost Centres, the new SRC must submit a journal request to move the remaining funds in 9890 to the SRC's Reserve Fund (988A) subject to the following:
    a. The new SRC should only submit the journal after the prior SRC's Managers' honoraria has been paid from 9890
    b. The new SRC may deduct from the amount to transfer to the Reserve Fund an amount less or equal than the amount the prior SRC has resolved to allow the new SRC to expend
5. The new SRC must request the 20% of the SRC allocation, for the year in which they are elected, to be transferred to their main Cost Centre
    a. The new SRC should submit to the Budgeting Division that 9890 will not close down to 988A at the end of the year in which they were elected

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SRC POLICY REVIEW: "SUBSTANCE POLICY"

SRC Summary, Review and Comments on the new Substance Policy

Executive Summary of Policy

This Policy aims to eliminate or minimise all smoking and substance use by persons registered as students with the broader goal of furthering student well-being, safety, health, and productivity. It is aimed at being the overarching policy in this regard.

The Policy equates smoking in general with the harmful and hazardous use of other substances. Thereby tacitly implying the normally smoking tobacco and other substances are in principle problematic whereas alcohol is only problematic where it is used in a hazardous and harmful manner

The rules in this policy apply to all SU Premises, Vehicles and other places where the use thereof has the potential of harming SU's Reputation

I have listed the most important provisions of this policy here. The provisions are categorised under the following 5 areas of application:

- Prevention
    - Awareness of the rules, this policy, and risks of using substances
    - Provision of stress and time management support
    - Provide campus and work culture that protects health and well-being of students
- Intervention and treatment
    - Attempt Early identification before misconduct
    - Counselling encouraged and referral made to medical/psychological service provider
- Rules
    - SU has the power to at any time ban the use of alcohol and substances
    - SU may take steps to prevent someone that is under the influence or merely appear to be under the influence from entering into any SU space (except for returning to residence)
- Misconduct
    - Any misconduct as a result of substance use will be dealt with in terms of the Disciplinary Code.
    - Where there is a reasonable suspicion of being under the influence, the student may be dealt with in terms of the Disciplinary Code. This is however problematic since the disciplinary code does not in any form prohibit being under the influence nor prescribe the processes for dealing with such a suspicion.
- Responsibilities placed on students
    - Co-operate with random drug searches/testing

Any other non-compliance is dealt with by the policy Curator (Choice) who must investigate non-compliance and advise remedial action. If serious enough it may be referred to Student Discipline.

Initial Comments and Issues
General comments on the document
- Page 16: Link to Student Disciplinary Code not working
    - *Has been fixed*
- Page 3 & 4: The numbering of Section 4 is completely off
- The Disciplinary Code is referred to often, but the latest version is still not publicly available
    - *Did not answer*

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Procedural comments

- 8.3.5 What is the proposed communication channels to raise issues and grievances
- 8.4.1 Does not cater for the rules and procedures according to which the non-compliance with this policy will be dealt with
    - *The new version does allow for*
- 8.4.2 The Disciplinary Code does not prohibit being under the influence so how will such a matter be dealt with procedurally?
    - *The new version does allow for*
- 9.6 Merely refers to remedial action that may be advised by the Policy Curator. Who will make the final determination and invoke sanctions?
    - *Legal apparently…*

Substantive comments

- Page 4: "Under the Influence" includes persons who 'appear to be under the influence'
    - Remove this phrase
    - No advantage to include since there is a qualifier below to state where there is reasonable suspicion of being under the influence
    - Opens the door to subjective determinations where no guidelines given to what is "appears to be under the influence"
    - If want to keep in- qualify it with "reasonably suspected to be…" instead of just "appear to be"
    - *Will be looked into*
- Not clear whether the purpose is minimising or eliminating. A clear stance must be taken
- Not provide a clear answer to whether possession of cannabis in residences are prohibited or not
- 8.3.1 Should be clear in which specific body has the power to institute this ban
    - *Ignored the Question*
- 8.4.1 Does not cater for the rules and procedures according to which the non-compliance with this policy will be dealt with
    - *The new version does allow for*
- 8.4.2 The Disciplinary Code does not prohibit being under the influence so what is the basis for this infraction being seen as misconduct?
    - *The new version does allow for*

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REPORT: KEY AMMENDMENTS TO THE STUDENT CONSTITUTION 2021

Background and Context

Background

As the highest policy-making student body, the SRC has made certain fundamental changes to the Student Constitution. These changes were drafted through rigorous engagements with all relevant stakeholders. The SRC has engaged thereon and have voted to accept them. The student body has subsequently voted in a referendum to accept the proposed Student Constitution.

Context

During the Constitutional Review Committee's revision of the Student Constitution, 434 amendments were made. The overwhelming majority of the amendments were grammatical and punctuation corrections. Outside of these changes, a few fundamental changes were made that is set out here. A full list of amendments can be found in the referendum document.

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Key Amendments

Electoral Commission

The previously called election committee was renamed to reflect its new broader function. This commission has the goal of standardising and ensuring quality student elections across campus. It is allowed to do this through oversight over all student elections. Although still directly managing the election of all members of the SRC, the commission now has the power to monitor, audit and investigate complaints from all other elections. This encompasses the elections of the AAC, PC, SPC, TSC, SC, and all their constituent bodies.

Bicameral Student Parliament

Student Parliament has been restructured into two chambers. This has been done to advance efficiency of the structure. A single structure balancing the key objects of accountability of student leaders and open engagements of prevalent student issues has been deemed to be ineffective. The SRC therefore proposed dividing the Parliament into two chambers, each with a very clear mandate but still an integrated purpose of furthering the effectiveness of student leadership.

The Student Assembly retains the general function of facilitating engagement and discussion of student issues. It performs this function through wide-ranging powers to summon student leaders, appoint task teams, prescribe priorities for the SRC, and hosting plenary engagements. The Student Assembly further retains the composition of all students in attendance at a sitting of Student Assembly.

The Student Imbizo, as the second chamber, has the narrower function of ensuring accountability of student leaders. This chamber is constituted by 14 students appointed by specifically designated student structures. It is given specific powers to investigate and initiate impeachment proceedings against a positional student leader. It is further granted the power to prescribe remedial action to a structure constituted by the Constitution upon a finding of misconduct, negligence, or incompetence.

Two specific functions of student parliament are now integrated into a procedure across both chambers. These are the legislative function and impeachment proceedings.

Legislative Process

The SRC has determined that Student Parliament is a better placed structure to take over the legislative function of amending the Student Constitution. This allows, firstly, for the Student Constitution to become entrenched and not subject to speedy variation year-on-year by an SRC. It secondly affords the student populace with more transparency in future amendments since any student may propose amendments and attend sittings where it is voted upon.

The amendment procedure now works as follow:

1. Any student may submit a proposed amendment to the Student Imbizo.
2. The Student Imbizo will consider the amendment and vote whether to refer it to the Student Assembly. They may vote to send it as is, with changes or reject it.
3. The Student Assembly must publish and advertise the proposed amendment.
4. At a sitting of the Student Assembly, an 80% majority with at least a 100 students present is required to adopt the amendment. If adopted, the amendment must be referred to the SRC.
5. The SRC must assent the amendment in the absence of procedural irregularities.
6. If SRC denies assenting based on procedural irregularities, they may refer it to Student Court to adjudicate on the matter. If Student Court finds no procedural irregularities, it must direct the SRC to assent.
7. An amended Student Constitution must then be referred by the SRC to the SU Council to ratify the changes.

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Motion of no confidence

A conflation of this procedure and a general impeachment procedure has been divided into two separate proceedings.

A motion of no confidence is now a specific procedure that may be instituted in the Student Assembly against any SRC member. It allows for students to remove their elected leaders when students lose confidence in their ability to effectively represent them. By its nature, such a proceeding can be instituted for any reason. If such a motion is passed in the Students Assembly, it is referred to the Student Imbizo.

In order to prevent the abuse of such a procedure, the Student Imbizo will have the power to review the reasons for the motion. After the Student Imbizo considered the motion, they vote on whether to impeach the SRC member.

Impeachment

Impeachment proceedings are dealt with by the Student Imbizo. It may initiate such a proceeding either on its own volition after an investigative process or after receiving a motion of no confidence from the Student Assembly. The Student Imbizo may impeach any member of the structures created by the Student Constitution.

Any student leader, except Student Court Justices, can be impeached through the processes set by the Student Imbizo in their own constitution. A student leader may only be impeached for not fulfilling their constitutional obligation or if the Student Assembly has passed a motion of no confidence in them. Any such an impeachment will remain reviewable by the Student Court.

Student Court Justices can now also be impeached, albeit with onerous requirements. The Student Imbizo may remove Justices with a two-thirds majority. They may however only remove a Justice for contravening a rule in the SU Disciplinary Code or failing to perform constitutional duties, without excuse, on more than 2 occasions.

Ex-officio structure decisions and constitutions

In order to improve the coordination and connectedness of positional student leaders- decisions and constitutions of ex offcio SRC structures are now binding on their constituent bodies. This is a mere codification of what the normative position has always been. It is now formalised that a structure such as the AAC's resolutions and constitution are binding on faculty committees. The same applies for the PC, SPC and SC.

This amendment aims to resolve the fractured nature of certain structures and create a single comprehensive student leadership structure feeding into the SRC.

Constitutional review committees

A lacuna in the current constitution is the lack of clarity on when a student structure's constitution must be approved by the Student Court. It has now been rectified in that only the constitutions of structures established by the Student Constitution must be approved by Student Court.

The structures established by the Student Constitution are now obligated to establish an internal constitutional review committee with the power to approve all constitutions of their constituent structures. Thereby, the PC for example must establish a committee to approve constitutions of HCs.

The Student Court is given the duty to ensure that these committees are appropriately trained to fulfil this function.

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REPORT: AMENDING STUDENT CONSTITUTION 2021

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Background and Context

Background

In December 2020, the SRC commenced with the process of revising the Student Constitution. This project was spearheaded by the Policy Officer in terms of s108 of the Student Constitution requiring the SRC to perform a revision during 2021. An SRC Constitutional Review Committee ("CRC") was thereby established to perform this function.

The mandate of the CRC was drafted and accepted by the SRC to be as follow:

In terms of general revision:

1. The production of a comprehensive and better-structured constitution
2. The eradication of exclusionary language that is used within the constitution
3. Minimalization of grammatical and spelling errors present within the constitution
4. Minimalization of loopholes and discrepancies within the constitution

In terms of the SRC's role and function as the highest student policy-making body:

1. Conduct a structural and policy analysis on the structures constituted by the Student Constitution as per s3
2. Ensure constitutional alignment with the structures mentioned above
3. Review policies that affect students directly
4. Analysis of the effectiveness of the policies
5. Propose revisions and amendments to existing policies
6. Create or facilitate a process of having policies created should they not exist

Composition

The SRC's Constitutional Review Committee, as appointed by the Policy Officer consisted of:

- Nomzamo Buthelezi (Chair/SRC Policy Officer)
- Yanga Keva (Secretary)
- Philip Visage (SRC Treasurer)
- Leone Wilkinson (PC Chairperson)
- Vhudi Ravhutsi (TSR Policy Officer)

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Procedure Followed

The following is a brief overview of the steps followed by the CRC up until this point:

In December 2020, the SRC Policy Officer appointed the CRC. The CRC met several times during this time to draft its mandate and the procedures to be followed. The mandate and procedures were subsequently approved by the SRC.

The initial drafting phase then commenced. In this phase, members of the CRC critically evaluated each chapter of the Constitution separately. Each member submitted proposed changes to the secretary. A draft constitution with all proposed changes were then discussed chapter by chapter in meetings. With either consensus or a majority vote, changes were accepted.

Consultation sessions were then facilitated. All bodies constituted by the Student Constitution was invited to meetings where they were requested to provide the following information:

- Current challenges they face due to the Constitution
- Changes they would like to see
- Their input on the changes proposed thus far

Based upon the consultations held with the structures above, new proposed changes were submitted by the members of the CRC. A chapter-by-chapter review of the new proposals were then conducted by the CRC and a second draft Constitution was compiled.

The CRC then conducted a comprehensive analysis of the full document to ensure all chapters can be read together. Adaptations were made to ensure fluidity, efficiency, and clarity of the document as a single comprehensive framework for student leadership. This final draft was then submitted to the SRC *(version 4.1)*.

The CRC presented the final draft to the SRC in a general meeting where key changes were explained, and input gathered. A subsequent mass discussion was hosted and widely advertised to allow the SRC and students to ask questions and raise issues with the document as presented. The CRC used the information from these engagements to make final alterations.

The finalised document *(version 4.2)* was then used to draft the referendum document. This document contained all the amendments proposed with the reasons why they are recommended. The SRC then had 2 meetings where this draft was evaluated with the referendum document and changes were voted on. Upon finalisation of the SRC's voting, *version 4.3* was finalised as the SRC's approved Student Constitution. Final changes were then made to numbering, formatting and references. *Version 4.4* was then submitted with the referendum document to the Election Convenor to facilitate the referendum process. For further transparency, the referendum document and draft was uploaded to the SRC's website.

Upon conclusion of the campus wide referendum, the election convenor informed the SRC that the new Constitution has been accepted. The last requirement now is that Council must approve this Constitution for it to come into effect.

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