Constitution of the Student Union of Stellenbosch University


PREAMBLE

We, the members of the Student Union of Stellenbosch University,

* commit ourselves to the reason d’être of Stellenbosch University, namely to create and sustain, in commitment to the University’s ideal of excellent scholarly practice, an environment in which knowledge can be discovered, shared and applied to the benefit of the community and, in the spirit of academic freedom, to the pursuit of critical and rational thought;
* believe that the University must play a dynamic role in a changing and developing South Africa and must serve society;
* acknowledge the freedom of religion and conscience of the University;
* commit ourselves to the values of Stellenbosch University as contained in the Strategic Framework, namely equity, participation, transparency, readiness to serve, tolerance and mutual respect, dedication, scholarship, responsibility and academic freedom;
* acknowledge the right of freedom of speech, association, assembly and protest of all the members of the University, provided that the rights of others are not affected;
* acknowledge the duty of each organisation constituted by this Constitution to act in accordance with the principles of administrative justice; and
* reject unfair discrimination against any member of the University community.

Hence, subject to the provisions of Act 101 of 1997, Act 107 of 1992, the Statute of Institutional Regulations of the University and decisions of the University Council, in order to realise abovementioned convictions as an effective organised body and to promote the interests of its individual members, the Student Union accepts this as its binding constitution.
PART 1: FUNDAMENTAL PROVISIONS

Section 1: Word definition
Unless the context proves otherwise, the following terms in this Constitution have the meanings as indicated here:
(a) “Accept”, “decide”, or “elect” – with an ordinary majority of votes
(b) “University day” – any weekday (Monday to Friday) during the academic year that is not a public holiday

Section 2: Name
The name of the body that accepts this Constitution is “The Student Union of Stellenbosch University”.

Section 3: Membership of the Student Union
All students enrolled at the University are members of the Student Union.

Section 4: Organisations constituted by this Constitution
The student organisations constituted by this Constitution are the Student Representative Council, the Prim Committee, the Academic Affairs Council, the Tygerberg Student Representative Council, the Student Parliament, the Societies Council, the Student Court and the Election Committee.
PART 2: THE STUDENT REPRESENTATIVE COUNCIL

Section 5: Status of the Student Representative Council
The Student Representative Council is under the authority of the University Council and is the highest policy-making and representative student organisation of the University.

Section 6: Composition of the Student Representative Council
1. The Student Representative Council consists of the following members:
   (a) Ten (10) members elected by the Student Union in terms of the provisions of Part 10 of the Constitution
   (b) The Chair and Vice-chair of the Prim Committee, as described in Section 17
   (c) The Chair of the Academic Affairs Council
   (d) The Chair of the Societies Council
   (e) The Chair of the Tygerberg Student Representative Council
   (f) The Student Captain of the Military Academy Student Representative Council

2. A person becomes a member of the Student Representative Council on 1 September of the year in which he or she was elected in terms of Part 9 or elected as Chair or Vice-chair of the Prim Committee, Chair of the Academic Affairs Council, Chair of the Societies Council, Chair of the Tygerberg Student Representative Council, or Student Captain of the Military Academy Student Representative Council, subject to the provisions of Subsection (3).

3. If a person replaces a member of the Student Representative Council because that member’s membership of the Student Representative Council was terminated in terms of Section 8, the person’s term of office will start on the day on which he or she was delegated as substitute, but ends on the day on which the membership of the member that he or she replaces would have ended.

Section 7: Term of office of members of the Student Representative Council
The term of office of a member of the Student Representative Council extends from the year in which the member is elected to 31 August of the following year, subject to the provisions of sections 6 and 8.

Section 8: End of membership of the Student Representative Council
The membership of a member of the Student Representative Council comes to an end when –
   (a) the member’s term of office expires;
   (b) the member dies;
   (c) the member submits a written resignation to the Secretary of the Student Representative Council;
   (d) the member ceases to be a member of the student organisation that he or she represented on the Student Representative Council;

1 See Section 6.
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(e) the member ceases to be a member of the Student Union;²

(f) the member is absent without apology from three (3) consecutive official Student Representative Council meetings;

(g) the Student Court on application finds that the member has not materially complied with a mandatory or prohibitive mandamus of the Court;

(h) a two-third majority of the Student Representative Council requests the Student Representative Council’s Disciplinary Committee³ to investigate the activities of a member due to suspected malpractice through which the University regulations or Student Representative Council policy are transgressed, and the Student Representative Council’s Disciplinary Committee decides to terminate the member’s membership. This provision applies with due consideration for the right to appeal to the Student Court of the Student Representative Council member concerned; and

(i) the member has, in the Republic of South Africa or elsewhere, been

   i. sentenced to imprisonment without the option of paying a fine; or

   ii. sentenced by the Central Disciplinary Committee, the University Council’s Disciplinary Committee or the University Council’s Disciplinary Appeal Committee to suspension from the University for a fixed or unfixed time, or given any sentence on the grounds of any form of dishonesty.

\section*{Section 9: Duties and powers of the Student Representative Council}

\textbf{1. Duties} The Student Representative Council is required to –

(a) represent the interests of the Student Union and all its members on

   (i) the University Council;

   (ii) the Senate;

   (iii) the Institutional Forum; and

   (iv) other institutional structures of the University.

(b) properly perform the administrative functions that seem necessary to serve the interests of the Student Union and its members;

(c) hold at least one (1) public feedback meeting before the end of the first semester;

(d) request the opinion of the Prim Committee before a decision is made that affects the interests of residents of residences and members of the Private Student Organisation (PSO) wards, in that capacity;

(e) request the opinion of the Academic Affairs Council before a decision is made that affects the academic interests of the students;

(f) request the opinion of the Societies Council before a decision is made that affects the interests of members of societies, in that capacity;

(g) request the opinion of the Tygerberg Student Representative Council before a decision is made that affects the interests of students who receive their academic training on the University’s Tygerberg campus, in that

² See Section 3.

³ The Student Representative Council’s Disciplinary Committee consists of the Dean of Students (who will act as Chair), the Vice-Rector (Teaching), the Chair of the Student Court, the Student Representative Council Chair and the Student Representative Council Vice-chair. If the Student Representative Council’s Chair or Vice-chair is being investigated, another member of the Executive Committee (Student Representative Council) will be co-opted.
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(h) request the opinion of the Military Academy Student Representative Council before a decision is made that affects the interests of students who receive their academic training on the University’s Saldanha campus, in that capacity;

(i) consider the advice of the Student Parliament, but only provide reasons for the rejection of such advice if the Student Parliament requests the Student Representative Council to do so by way of a decision;

(j) make this Constitution available to the members of the Student Union and to market it, whether through publication in the Matie Diary or otherwise;

(k) have the Evaluation Panel constituted in terms of Section 15 before the terms of office of the members of the Student Representative Council expire;

(l) submit proper and full reports on their portfolios within fourteen (14) days after the expiry of their terms of office to their successors;

(m) acknowledge and regulate societies in accordance with the provisions of Part 8 of this Constitution;

(n) ensure that the Election Convenor(s) receives the compulsory nominations of candidates for the Student Representative Council election to which reference is made in Section 47(6);

(o) convene an honorary colours committee, constituted in terms of honorary colours regulations, and assist this committee with its administrative activities; and

(p) perform any other duties delegated to it through this Constitution.

2. Powers The Student Representative Council has the powers to –

(a) appoint committees and office bearers and be involved in the appointment of permanent personnel for performing the duties stipulated in Subsection 1;

(b) draw up and amend regulations for performing the duties stipulated in Subsection 1;

(c) represent the Student Union on national and international student bodies; and

(d) exercise any other powers delegated to it through this Constitution.

3. Assigning of duties For the purposes of sections 14 and 15 (“Conduct of Student Representative Council members” and “Evaluation of former Student Representative Council members by the Evaluation Panel” respectively), the duties in Subsection 1 are regarded the duties of those Student Representative Council members to whom the duties have been delegated by the Student Representative Council, if applicable, but –

(a) the Chair is responsible for the duties stipulated in subsections 1(c), (g) and (i) and for the compulsory

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4 See Section 24.

5 In terms of Section 15(3)(d), copies of the reports must also be submitted to the Evaluation Panel.

6 The holding of a public feedback circus.

7 Consideration of the advice of the Student Parliament.

8 Constitution of the Evaluation Panel.
nominations of candidates for the Student Representative Council election\(^9\) by members of the Student Representative Council;

(b) the chairs of the various organisations mentioned in those subsections are responsible for the duties stipulated in subsections 1(d) to (f);\(^{10}\)

(c) the Chair of the Prim Committee is responsible for the compulsory nominations of candidates for the Student Representative Council election\(^{11}\) by members of the Prim Committee;

(d) the Chair of the Academic Affairs Council is responsible for the compulsory nominations of candidates for the Student Representative Council election\(^{12}\) by the Academic Affairs Council;

(e) the Chair of the Societies Council is responsible for the compulsory nominations of candidates for the Student Representative Council election\(^{13}\) by the Societies Council;

(f) the member who is responsible for media is responsible for the compulsory nominations of candidates for the Student Representative Council election\(^{14}\) by the senior editorial staff members of *Die Matie* and the editorial staff of *Die Stellenbosse Student*;

(g) the member who is responsible for marketing is responsible for making available and marketing this Constitution;\(^{15}\) and

(h) the member who is responsible for societies is responsible for the acknowledgement and regulation of societies\(^{16}\) and for the compulsory nominations of candidates for the Student Representative Council election\(^{17}\) by the members of the Societies Council.

**Section 10: Meetings of the Student Representative Council**

1. **Frequency** The Student Representative Council meets at least every two (2) weeks during the academic term, but is not under any obligation to meet during official examination times.

2. **Notice of meetings** Proper notice of an ordinary Student Representative Council meeting to members of the Student Representative Council is given at least two (2) University days before the meeting and mentions at least –

   (a) the date, time and place of the meeting; and
   (b) the full agenda.

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\(^9\) See Section 47(6).

\(^{10}\) Requesting the opinion of the Prim Committee, the Academic Affairs Council, the Societies Council, the Tygerberg Student Representative Council and the Military Academy Student Representative Council.

\(^{11}\) See Section 47(6).

\(^{12}\) See Section 47(6).

\(^{13}\) See Section 47(6).

\(^{14}\) See Section 47(6).

\(^{15}\) See Section 9 (1)(h).

\(^{16}\) See Part 8.

\(^{17}\) See Section 47(6).
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3. **Quorum** Ten (10) Student Representative Council members form a quorum for Student Representative Council meetings. No decision made by the Student Representative Council will be valid if ten (10) Student Representative Council members were not present at the meeting at which the decision was made.

4. **Transparency** Any person may attend a Student Representative Council meeting, but—
   (a) the Chair may organise the discussion of a specific point on the agenda to take place in camera if he or she has reason to believe that discussion thereof at an open meeting is not in the interest of the Student Union; and
   (b) a person who is not a member of the Student Representative Council may only ask a question or make a comment during a meeting if he or she has informed the Secretary of the Student Representative Council at least twenty-four (24) hours before the Student Representative Council meeting in writing thereof, or if the Chair of the Student Representative Council has approved it.

5. **Minutes** The Secretary of the Student Representative Council must ensure that the full minutes of every ordinary Student Representative Council meeting is made available to members of the Student Representative Council and at the Student Representative Council office, no later than forty-eight (48) hours before the next meeting.

6. **Meeting procedure** The Student Representative Council may accept a practice code for its meeting procedure, which may be attached as an addendum to this Constitution.

7. **Secundi of Tygerberg and Saldanha** If the Chair of the Tygerberg Student Representative Council or the Student Captain of the Military Academy Student Representative Council cannot attend a Student Representative Council meeting, he or she may appoint a member of the Tygerberg Student Representative Council or the Military Academy Student Representative Council (as applicable) as secundus to attend the meeting. Said secundus may exercise all rights and powers at the meeting as the person that he or she represents would have been able to exercise had he or she been present.

Section 11: Chair, representatives and Executive Committee of the Student Representative Council

1. **Role of the Chair of the Student Representative Council** The Chair of the Student Representative Council heads up its activities and has all the powers needed to maintain supervision over and control of such activities, which are congruent with this Constitution. Such powers include making statements on the position of the Student Representative Council on any matter to any person, including the media.

2. **Representatives of the Student Representative Council on the statutory bodies of the University** Members of the Student Representative Council that have been delegated to the statutory bodies (Council, Senate, the Institutional Forum) of the University do not represent the Student Representative Council on such bodies, but participate in accordance with Section 27(7)(b) of the Higher Education Act (Act 101 of 1997) in the interest of the University as a whole.

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See Section 58 on the election of the Chair.
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3. Representatives of the Student Representative Council on other bodies\(^{19}\) Representatives of the Student Representative Council on other bodies must state the position of the Student Representative Council at such bodies and must consult with the Student Representative Council on important decisions made by these bodies.

4. Election of the Executive Committee The Executive Committee of the Student Representative Council is elected at the first or second Student Representative Council meeting in a new term of office by the members of the Student Representative Council.\(^{20}\)

5. Composition The Executive Committee consists of –
   (a) the Chair;
   (b) the Vice-chair;
   (c) the Treasurer of the Student Representative Council; and
   (d) two (2) additional members from the Student Representative Council.

6. Duties The Executive Committee –
   (a) draws up the agenda for Student Representative Council meetings;
   (b) makes decisions in cases of emergency – where it is not possible to convene the Student Representative Council – which have to be approved at the next ordinary Student Representative Council meeting in order for it to be ratified;
   (c) appoints one (1) or more Election Convenor(s), as determined in Section 42; and
   (d) performs such duties as may be delegated to it by the Student Representative Council.

7. Meetings: The Executive Committee meets at least once before every ordinary Student Representative Council meeting.

8. Meeting procedure: The Executive Committee may accept a practice code for its meeting procedure, which may be attached as an addendum to this Constitution.

9. Quorum: Four (4) members of the Executive Committee form a quorum for a meeting of the Executive Committee.

Section 12: Policy Unit of the Student Representative Council

1. Composition: The Policy Unit of the Student Representative Council consists of –
   (a) the Chair of the Student Representative Council;
   (b) the Student Representative Council member designated by the Student Representative Council to act as Chair of the Policy Unit;
   (c) one (1) additional Student Representative Council member, as designated by the Student Representative Council before the first meeting of the Policy Unit in a new term. If a Student Representative Council

\(^{19}\) See Section 59(3) on the election of such representatives.

\(^{20}\) See Section 58.
member who is not the Chair or Vice-chair of the Student Representative Council is a representative of the 
Student Representative Council on the University Council, that member is regarded as the designated 
additional Student Representative Council member of the Policy Unit;
(d) the Chair of the Academic Affairs Council or his or her representative; and
(e) the Secretary of the Policy Unit.

2. Secretary: The Secretary of the Policy Unit is any member of the Student Union appointed as Secretary by the 
Executive Committee of the Student Representative Council. The Secretary receives remuneration from the Student 
Representative Council, as determined by the Student Representative Council.

Section 13: Student media
1. Publications The publication of –
   (a) Die Stellenbosse Student;
   (b) the Matie Diary; and
   (c) further publications for which provision is made in Student Representative Council regulations, takes place 
under the auspices of the Student Representative Council.

2. Editorial independence The publications stipulated in Subsection (1), as well as Die Matie student paper (hereafter 
Die Matie), enjoy editorial independence.

3. Availability and financing Each member of the Student Union is entitled to free copies of the publications 
stipulated in subsections (1) and (2) in as far as it is possible and practically feasible, but the University 
administration may charge a reasonable amount to members’ student accounts to finance these publications.

4. Appointment of editors for Die Stellenbosse Student and the Matie Diary The editors of Die Stellenbosse Student, 
the Matie Diary and any further publications for which provision is made in Student Representative Council 
regulations are appointed by the Student Representative Council after these positions have been advertised.

5. Election: Senior editorial staff of Die Matie The senior editorial staff of Die Matie are elected in an election in 
which only members of the editorial staff of Die Matie have voting rights in a way determined in the Media 
Regulations, subject to Subsection (6). Such election must be advertised at least ten (10) University days before the 
election date in Die Matie and on the Stellenbosch campus. Subject to the provisions of Subsection (10), any 
member of the Student Union may make him- or herself available for election as Editor in chief or senior editorial 
staff member. Nominations must be submitted to the current Editor in chief before the election date.

6. Ratification by the Student Representative Council The election of the Editor in chief of Die Matie must be ratified 
within twenty (20) days thereafter by the Student Representative Council. The Student Representative Council may 
refuse to ratify such election if there is reason to believe that –
   (a) the elected Editor in chief is unqualified to fill the post; or
   (b) a material irregularity occurred with regard to his or her election.
7. Review If the Student Representative Council refuses to ratify the election of the Editor in chief of *Die Matie*, the Student Court may review the decision on application.

8. Procedure if not ratified If the election of the Editor in chief is not ratified, the procedure as stipulated in subsections (5) and (6) must be repeated *mutatis mutandis*.

9. Complaint about *Die Matie* *Die Matie* is subject to the code of conduct of *Die Matie* and complaints must be handled in terms of this code of conduct.

10. Student Representative Council members and *Die Matie* Student Representative Council members may not serve on the senior editorial staff of *Die Matie* during their term of office on the Student Representative Council.

11. Subsidisation of *Die Matie* The Student Representative Council annually grants a subsidy to *Die Matie* from funds allocated by the University administration to the Student Representative Council. The Student Representative Council determines the extent of the annual subsidy to *Die Matie*, but the amount of the subsidy is subject to the final discretion of the Financial Review Committee, as constituted in Subsection 12 of this section. The amount may not be less than the subsidy in the previous Student Representative Council term, unless –

(a) the Editor in chief of *Die Matie* agrees to it in writing;
(b) the funds allocated by the University administration to the Student Representative Council in the present Student Representative Council term of office is less than that in the previous Student Representative Council term of office, in which case the subsidy to *Die Matie* may only be decreased with the same percentage that the funds allocated to the Student Representative Council in the present Student Representative Council term is less than that in the previous Student Representative Council term; or
(c) the Financial Review Committee has reasonable grounds to believe that the subsidy granted in the previous Student Representative Council term was materially misapplied.

12. Financial Review Committee of *Die Matie* The Financial Review Committee of *Die Matie* will function in terms of and subject to this Constitution with the sole aim of performing the functions delegated to this body in this section.

(a) The Financial Review Committee of *Die Matie* consists of nine (9) members, namely –

i. the Treasurer or Chair of the Student Representative Council;
ii. the Student Representative Council member responsible for media;
iii. the Chair of the Department of Journalism, or a person delegated by him or her;
iv. a lecturer of the Department of Mercantile Law delegated by the Dean of the Faculty of Law;
v. the current Editor in chief of *Die Matie*, or a person delegated by him or her;
vi. the current Editor: Operations of *Die Matie* (if this person is also the Editor in chief, he or she may delegate a second representative of *Die Matie*);
vii. the University’s Head: Communication and Liaison;
viii. the University’s Director: Finance or his or her representative; and
ix. the University’s Dean of Students.

(b) The Financial Review Committee of Die Matie will meet three (3) times per Student Representative Council term of office to discuss the financial management of Die Matie. The first such meeting per term of office, during which a decision is made on the granting of a subsidy, will take place within twenty (20) days after the appointment of the Chief Director has been ratified by the Student Representative Council.

(c) The Chief Director and senior editorial staff of Die Matie will assist the Financial Review Committee of Die Matie in all ways as may prove necessary in the performance of the Committee’s task. Such assistance will include making all relevant financial records available.

**Section 14: Conduct of Student Representative Council members**

1. **Code of conduct** The Student Representative Council may accept a code of conduct to lay down rules of conduct for its members.

2. **Performance of duties** Members of the Student Representative Council must comply with the provisions of the Constitution, a code of conduct in terms of Subsection (1), orders from the Student Court and regulations of the Student Union, unless they are in violation of the law.

3. **Transgressions** If a member of the Student Representative Council transgresses Subsection (2), or there are reasonable grounds to believe that a member will transgress Subsection (2) –
   (a) the Student Court may issue a mandatory or prohibitive mandamus upon application by any member of the Student Union; and
   (b) the Evaluation Panel may take it into consideration when a decision is made to decrease the honorarium of a member of the Student Representative Council in terms of Section 15.

**Section 15: Evaluation of former Student Representative Council members by the Evaluation Panel**

1. **Establishment of an Evaluation Panel** An Evaluation Panel is established to evaluate the execution of duties by members of the Student Representative Council in order to keep them accountable.

2. **Composition of the Evaluation Panel** The Evaluation Panel consists of –
   (a) two (2) staff members of the University appointed by the Rector’s Management Team, who may include members of the Management Team;
   (b) the Chair of the Student Court or a member of the Court delegated by him or her; and

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21 See especially Section 9.

22 See Section 15.
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(c) two (2) persons who are not Student Representative Council members, delegated by the Student Representative Council before the end of their term of office with due observance of their knowledge of the duties of Student Representative Council members.

3. Duties of the Evaluation Panel The Evaluation Panel must, with due observance of the provisions of this Constitution, a code of conduct in terms of Section 14(1) and the regulations of the Student Representative Council,
   (a) if necessary, a short interview with each former Student Representative Council member on the performance of his or her duties and those of the other former Student Representative Council members;
   (b) such representations directed by any person in writing to the Chair of the Student Court on the performance of the duties of a former Student Representative Council member;
   (c) the reports of former Student Representative Council members, of which copies must be submitted to the Panel; and
   (d) the principles of natural justice,
make a decision on the allocation or not of up to 60% of the usual honorarium to a former Student Representative Council member.

4. Powers of the Evaluation Panel The Evaluation Panel may decide to –
   (a) hold back up to 20% of the usual honorarium of a former Student Representative Council member if such member’s annual report\(^{23}\) is in the Panel’s opinion not adequate and complete; and
   (b) hold back up to 40% of the usual honorarium of a former Student Representative Council member if the Panel is of the opinion that such member did not perform his or her duties adequately and competently.

5. Review The Evaluation Panel’s decision may not be reviewed by the Student Court, but may be reviewed by the Appeal Court.


7. Notice and report The Panel must inform a former Student Representative Council member as soon as possible of its decision. If the decision was made to hold back any part of a former member’s honorarium, the reasons therefore must be provided to the member concerned by means of a report.

8. Timeframe The Panel is constituted once a year to execute its duties and powers between 1 September and 5 October of the specific year.

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\(^{23}\) See Section 9(1)(k).
PART 3: THE PRIM COMMITTEE

Section 16: Duties and powers of the Prim Committee

1. Duties and powers with regard to representation The Prim Committee represents the interests of the residents of residences and members of PSO wards, in that capacity, at the Student Representative Council and the University administration. The Prim Committee has the powers necessary for the performance of its duties.

2. Constitutions, rules and regulations The Prim Committee may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities. Any such amendments (which include additions or omissions) must be accepted by means of a motion by the Student Representative Council before they can come into effect.

Section 17: Composition of the Prim Committee and representation on the Student Representative Council

1. The Prim Committee consists of the head student of each residence and PSO ward, or his or her nominee.

2. The Prim Committee is represented on the Student Representative Council by the Chair and Vice-chair of this Committee, as described in sections 6 and 7.

3. The Chair and Vice-chair of the incoming Prim Committee are nominated and elected from the outgoing Prim Committee, with due observance of the exception stipulated in Section 17 (7), and may not be a head student while they are Chair or Vice-chair of the Prim Committee. The Chair must be elected before the Vice-chair.

4. If there is only one (1) nomination for Chair or Vice-chair, the nominee must obtain a two-third majority percentage vote of eligible voters from the Prim Committee from which he or she must be elected. Where two (2) or more candidates make themselves available for election, the election is won by the first candidate who obtains more than 50% of the votes. If no candidate received 50% of the votes in a round of voting, the candidate who received the least votes is eliminated and a further election is held. This process is repeated until one (1) of the candidates has obtained 50% of the votes in a round of voting.

5. If there are no nominations, or if the nominees do not receive enough support (in terms of Section 17 (4)) for Chair or Vice-chair, the Chair and/or Vice-chair are elected in terms of Section 17 (7).

6. The two (2) Prim Committee representatives on the Student Representative Council must consist of a residence and a PSO representative. In other words, if an outgoing head student of a residence is elected as Chair of the Prim Committee, the Vice-chair must be a head student of a PSO ward. The provision also works the other way round if the newly elected Chair is an outgoing head student of a PSO ward.

7. If one (1) or both of the positions (Chair or Vice-chair) is not filled through an election as described in subsections (3) to (4), the following procedure is followed:
(a) The operation of Subsection 6 is suspended and a further election is held with the same candidates as those in the original election.

(b) If a vacancy still exists thereafter, the nominations are reopened for outgoing deputy head students from the residences and PSO wards, and an election is held in terms of Subsection 6.

(c) If a vacancy still exists thereafter, the operation of Subsection 6 is suspended, the nominations for head students are reopened, and a further election is held.

If a vacancy still exists after the above prescriptions have been followed, a candidate(s) is nominated in terms of Section 17(4) by the Student Representative Council for an election. Such candidate(s) must comply with the requirements for election to the Student Representative Council and must preferably be a former head student or deputy head student from a previous year, but at least a former member of a House Committee of a residence or PSO ward.

8. The Executive Committee consists of the Chair, the Vice-chair and three (3) members of the incoming Prim Committee elected by the incoming Prim Committee.
PART 3A THE SOCIETIES COUNCIL

Section 17A: Duties and powers of the Societies Council

1. Duties and powers with regard to representation The Societies Council represents the interests of all acknowledged societies and that of the members of all acknowledged societies, in this capacity, of the University at the Student Representative Council and the University administration. The Societies Council has the powers necessary for the performance of its duties.

2. Constitutions, rules and regulations The Societies Council may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities. Any such amendments (which include additions or omissions) must be accepted by means of a motion by the Student Representative Council before they can come into effect.

Section 17AA: Composition of the Societies Council

The Societies Council consists of a Chair and the Chair (or his or her representative) of each of the societies acknowledged by the Constitution of the Societies Council. The Chair, as well as all other members of the Societies Council, is appointed in the way prescribed in the Constitution of the Societies Council.
PART 4: THE ACADEMIC AFFAIRS COUNCIL

Section 18: Duties and powers of the Academic Affairs Council

1. Duties and powers with regard to representation The Academic Affairs Council represents the academic interests of students of the faculties of the University at the Student Representative Council and the University administration. The Academic Affairs Council has the powers necessary for the performance of its duties.

2. Constitutions, rules and regulations The Academic Affairs Council may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities. Any such amendments (which include additions or omissions) must be accepted by means of a motion by the Student Representative Council before they can come into effect.

Section 19: Composition of the Academic Affairs Council

The Academic Affairs Council consists of a Chair, a Vice-chair, two (2) students from each faculty, as well as additional members that serve on the Council in accordance with the Constitution of the Academic Affairs Council. The Academic Affairs Council is appointed in the way prescribed in the Constitution of the Academic Affairs Council.
PART 5: THE TYGERBERG STUDENT REPRESENTATIVE COUNCIL

Section 20: Duties and powers of the Tygerberg Student Representative Council

1. Duties and powers with regard to representation The Tygerberg Student Representative Council represents the interests of all students of the Faculty of Health Sciences, in that capacity, at the Student Representative Council and the University administration. The Tygerberg Student Representative Council has the powers necessary for the performance of its duties.

2. Constitutions, rules and regulations The Tygerberg Student Representative Council may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities. Any such amendments (which include additions or omissions) must be accepted by means of a motion by the Student Representative Council before they can come into effect.

Section 21: Composition of the Tygerberg Student Representative Council

The Tygerberg Student Representative Council consists of a Chair and additional members. The number of members that make up the Tygerberg Student Representative Council and the ways in which its members and Chair are elected are determined in the Constitution of the Tygerberg Student Representative Council, but the election of the Tygerberg Student Representative Council must, unless extraordinary circumstances make this impossible, coincide with the Student Representative Council election on the Stellenbosch campus.\(^\text{24}\)

\(^{24}\) See Section 46.
PART 6: MILITARY ACADEMY STUDENT REPRESENTATIVE COUNCIL

Section 22: Duties and powers of the Military Academy Student Representative Council

1. Duties and powers with regard to representation The Military Academy Student Representative Council represents the interests of all students who receive their training at the University’s Faculty of Military Sciences, in that capacity, at the Student Representative Council and the University administration. The Military Academy Student Representative Council has the powers necessary for the performance of its duties.

2. Constitutions, rules and regulations The Military Academy Student Representative Council may, upon approval by the Student Representative Council, accept any constitutions, rules or regulations, or amendments thereto, that organise its activities. Any such amendments (which include additions or omissions) must be accepted by means of a motion by the Student Representative Council before they can come into effect.

Section 23: Composition of the Military Academy Student Representative Council

The Military Academy Student Representative Council consists of a Student Captain and additional members. The number of members that make up the Military Academy Student Representative Council and the ways in which its members and Student Captain are elected are determined in the Constitution of the Military Academy Student Representative Council, but the election of the Military Academy Student Representative Council must, unless extraordinary circumstances make this impossible, coincide with the Student Representative Council election on the Stellenbosch campus.\(^{25} \)

\(^{25}\) See Section 46.
PART 7: THE STUDENT PARLIAMENT

Section 24: Nature of the Student Parliament

The Student Parliament is a quarterly forum organised by the Student Representative Council and serves as public feedback and consultation mechanism for interaction between the Student Representative Council and the Student Union. It has no binding decision-making power and decisions made at the meeting are used in an advisory capacity to the Student Representative Council. The Student Representative Council member responsible for the Student Parliament must in each case ensure that an agenda for the Student Parliament is marketed at least one (1) week before the meeting and that the minutes of the previous meeting of the Student Parliament are also made available one (1) week before the next meeting.

PART 8 deleted on 26 June 2006 (refer PART 10)
PART 9: THE STUDENT COURT AND THE APPEAL COURT

Section 30: Nomination and appointment of members of the Student Court

1. Nomination The Chair of the Student Court must request nominations for members of the Student Court at the start of the third term from law students and lecturers.

2. Appointment The Chair must submit nominations to the Faculty Board of the Faculty of Law. The Faculty Board appoints the members of the Court before the end of August of each year, in consultation with the lecturers of the law students that will be prefinal-year or final-year LLB or LLM students in the following year.

Section 31: Composition, membership, Chair and term of office of the Student Court

1.
   (a) The Student Court consists of five (5) LLB or LLM law students. The Court will be appointed subject to the following criteria:
      i. A minimum of one (1) and a maximum of two (2) prefinal-year LLB-students (in the calendar year that follows the election);
      ii. A minimum of two (2) and a maximum of four (4) final-year LLB law students; and
      iii. A maximum of one (1) LLM student.

   (b) No member of the Court may be a member of the Student Representative Council.

2. Chair The Chair of the Student Court is elected by the members within ten (10) days after the start of the term of office of its members at a meeting convened by the former Chair of the Student Court.

3. Term of office The planning of sections 6(d), 7 and 8 is mutatis mutandis applicable to the members of the Student Court.

Section 32: Jurisdiction of the Student Court

The Student Court may upon application –

   (a) by the Student Representative Council give an advisory opinion on the interpretation of this Constitution or regulations of the Student Union or another document described in Section 61;
   (b) deliver judgement in disputes about the interpretation of this Constitution or regulations of the Student Union or another document described in Section 61;
   (c) review the decisions or any other behaviour of an administrative nature of the Student Representative Council, a Student Representative Council member, a subcommittee of the Student Representative Council or a member thereof, another student organisation, members of other student organisations,

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26 See Section 4.
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the Election Convenor(s) or Election Committee, acknowledged societies,27 the Editor or editorial staff of a publication listed in Section 13(1),28 a residence or PSO ward, or the House Committee of the residence or PSO ward, or a member of such a House Committee on legitimate legal-administrative grounds;29

(d) issue a mandatory or prohibitive mandamus against any Student Representative Council member if it appears that he or she has not fulfilled his or her duties in terms of this Constitution, a code of conduct mentioned in Section 14(1) or regulations of the Student Union, or if there is reasonable grounds to believe that he or she will not fulfil these duties;30

(e) declare that a Student Representative Council member’s membership is terminated in terms of the provisions of Section 8;

(f) hear complaints about the decisions of the Election Convenor(s) or the run and/or freedom and fairness of the Student Representative Council election and give orders in terms of sections 56(1) and 56(3);

(g) decrease the remuneration of the Election Convenor(s) in terms of Section 44(2); and

(h) perform any other task delegated to it by this Constitution.

Section 33: Applications to the Student Court

1. Locus standi Any member of the Student Union, and also a person or institution named in Section 32(c), may submit an application to the Student Court.

2. Method of application Written applications, addressed to the Chair, may be submitted to the office of the Secretary of the Dean of the Faculty of Law or the Chair personally and must contain the following:
   (a) The name(s), signature(s) and University number(s) of the applicant(s)
   (b) The legal grounds for the application
   (c) The legal aid requested
   (d) The name and signature of a person that represents the applicant (if any)

Section 34: Procedure of the Student Court

1. Natural justice The Student Court decides on its procedure itself, with due observance of the rules of natural justice.

2. Notice After the Chair of the Student Court has received an application, he or she must ensure that any person who has a material interest in the proceedings is notified of it if he or she does not yet have knowledge of it. The time and place where the application will be heard must be advertised in the Ou Hoofgebou and at the Student Representative Council office.

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27 See Section 26.

28 Among others Die Matie, Die Stellenbosse Student and the Matie Diary.

29 This includes, among others, the review in terms of sections 13(7) and 26(4), with due observance of Section 15(5), which includes the review of decisions made by the Evaluation Panel on honoraria.

30 See Section 14(4).
3. **Addition as co-applicant or respondent** A person mentioned in Subsection (2) can apply to the Chair to be added as co-applicant or respondent. The requirements of Section 33(2) are *mutatis mutandis* applicable to such application.

4. **Factual details** Any factual details that an applicant or respondent wants to use as support must be attached to the application by means of a written, signed statement.

### Section 35: Representation at the Student Court

1. **Qualification for appearance** An applicant or respondent may appear in person or with legal representation before the Student Court.

2. **Legal representatives** Only prefinal-year or final-year LLB students, or persons who have already obtained an LLB, BProc or Bluris degree, may act as legal representative before the Student Court.

### Section 36: Verdicts of the Student Court

1. **Binding** The verdicts of the Student Court bind all members of the Student Union and the University administration (where applicable).

2. **Reason** The Student Court must give a written reason for its verdicts, which must be signed by all the members of the Court. Where a minority of members of the Court do not agree with the majority, the minority must give written reasons for their deviation.

### Section 37: Recordkeeping of the Student Court and Appeal Court

The Chair of the Student Court must ensure that all the verdicts of and applications to the Student Court and the Appeal Court are kept on record –

(a) at the Student Representative Council office;
(b) with the Secretary of the Dean of the Faculty of Law; and
(c) with him- or herself.

### Section 38: Composition of the Appeal Court

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

### Section 39: Jurisdiction of the Appeal Court

1. **Appeal** The Appeal Court hears appeals against the decisions of the Student Court.

2. **Review** The Appeal Court may review decisions of the Evaluation Panel on legal-administrative grounds.\(^\text{31}\)

### Section 40: Lodging of appeal or applications for review to the Appeal Court

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\(^{31}\) See Section 15(5).
Appeal is lodged or an application for review is addressed to the Dean of the Faculty of Law, who will then constitute an Appeal Court in terms of Section 38. This must take place within thirty (30) days after the decisions against which appeal is lodged or that must be reviewed was made, except when the appeal applies to an order of the Student Court in terms of sections 32(f), 56(1) and 56(3).\footnote{Which concerns the decisions of the Election Convenor(s) and complaints about the elections and its validity. In this case, appeal must be lodged within forty-eight (48) hours after the verdict.}

**Section 41: Procedure of the Appeal Court**

The procedure of the Appeal Court is *mutatis mutandis* the same as that of the Student Court.
PART 10: THE ELECTION CONVENOR(S), ELECTION COMMITTEE, STUDENT REPRESENTATIVE COUNCIL ELECTION, PORTFOLIOS, STUDENT REPRESENTATIVE COUNCIL REPRESENTATIVES AND REPLACEMENT OF STUDENT REPRESENTATIVE COUNCIL MEMBERS

Section 42: Appointment of the Election Convenor(s) and Election Committee

1. Convenor(s) The Executive Committee of the Student Representative Council must appoint one (1) or more neutral and competent person as Election Convenor(s) every year before the end of April after this position has been advertised for at least two (2) weeks on the Stellenbosch campus.

2. Convenor for Tygerberg campus The designated Election Convenor(s) must appoint a convenor for the Tygerberg campus every year before the end of June in consultation with the Tygerberg Student Representative Council, after this position has been advertised for two (2) weeks on the Tygerberg campus. The Convenor for the Tygerberg campus, in cooperation with and under supervision of the Election Convenor(s) of the Stellenbosch campus, must ensure that the Student Representative Council election on the Tygerberg campus runs smoothly.

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

4. Independence of the Election Convenor(s) The Election Convenor(s) is independent and is not under the authority of any student organisation. He or she must perform his or her duties impartially and without prejudice.

Section 43: Duties and powers of the Election Convenor(s)

The Election Convenor(s) has all the duties and powers as described in this part of the Constitution and has all the additional powers that may be necessary to ensure a free and fair Student Representative Council election that will promote representivity and participation. Specifically, the Election Convenor(s) must ensure that each member of the Student Union that votes does so only once in a particular election and that each member of the Student Union that makes reasonable attempts will be able to vote, subject to practical feasibility.

Section 44: Term of office, remuneration and reporting of the Election Convenor(s) and Election Committee

1. Term of office The terms of office of the Election Convenor(s) and Election Committee extend from appointment until the report to which reference is made in Subsection (3) is submitted to the Chair of the Student Representative Council, but end no later than 31 October of the year in which the Student Representative Council election concerned takes place.

2. Remuneration The Election Convenor(s) and Election Committee are remunerated in accordance with the guidelines available at the Division of Student Affairs, but the Student Court may upon application instruct that the
remuneration of the Election Convenor(s) be decreased with an amount determined at the discretion of the Court, if he or she has materially not performed some of his or her duties contained in this Constitution.

3. Report The Election Convenor(s) does not receive his or her remuneration before he or she has submitted a full report on his or her activities to the Chair of the Student Representative Council. This must take place before 31 October of the year in which the election concerned takes place.

Section 45: Way in which the Student Representative Council election takes place

1. General election The ten (10) Student Representative Council members referred to in Section 6(1)(a) are elected in a general election in which all members of the Student Union may vote, with due observance of the provisions of sections 47(1) and 50. No more than one (1) Student Representative Council election may take place in a calendar year.

2. Limitation and weight of votes Each member of the Student Union may only cast his or her vote once in a particular election and each member’s vote carries the same weight.

3. Usual format of the election Unless the Election Convenor(s) makes a decision in terms of subsections (4) or (5), the Student Representative Council election takes place as follows: Votes are cast at a designated polling station on the voting day(s) determined in terms of Section 44 by means of a closed ballot on which the names of all the candidates appear.

4. Other ways of election If it is practically feasible, will promote representivity and participation and does not violate the concept of a free and fair election, the Election Convenor(s) may decide that –
   (a) the election will take place in another way, whether electronically or otherwise, or in a combination of various ways; and
   (b) certain ways of voting are only available to certain categories of students.

5. When the election takes place The election takes place on the voting day(s) determined in terms of Section 46, but if it is practically feasible, will promote representivity and participation and does not violate the concept of a free and fair election, the Election Convenor(s) may decide that votes in terms of subsections (3) and (4) may already be cast before (but no later than) the voting day(s) concerned, for example during and after a particular presentation meeting(s).

6. Placement of polling stations If all the members or some members of the Student Union cast their votes according to the usual format of the election, the Election Convenor(s) must allocate at least twelve (12) polling stations on the Stellenbosch campus and at least one (1) polling station on the Tygerberg campus. The polling station must be accessible and the placement thereof must ensure a free and fair election and promote participation and representivity.

33 See Section 45(3).
7. **Organisation with regard to polling stations** The polling stations are managed by competent and impartial persons and are allocated by the Election Convenor(s). They must be clearly demarcated and ensure the confidentiality of votes. No campaign material, apart from the election edition of *Die Matie* and the official election poster of the Election Convenor(s), may be posted within such area determined by the Election Convenor(s) around the polling station. In this regard, the Election Convenor(s) must consider the integrity of the voting process.

8. **Announcement of the way in which the election takes place** The Election Convenor(s) must present the way in which the election will take place as well as any material decisions made by him or her in this regard before or on the last day of nominations[^47] by means of a report to the Executive Committee of the Student Representative Council for their information.

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**Section 46: Determining an election date**

The Executive Committee of the Student Representative Council determines an election day(s) in consultation with the Election Convenor(s) and the Chair of the Tygerberg Student Representative Council before the end of July every year. The election day(s) must fall on a University day(s) before or on 31 August and must, unless made impossible by extraordinary circumstances, coincide with the election of the Tygerberg Student Representative Council[^47].

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**Section 47: Nominations of candidates for the Student Representative Council election**

1. **Last day for nominations** The second Friday in the third term is the last day for nominations of candidates for the Student Representative Council election. The prescribed nomination forms must be handed in at the Student Representative Council office before or on this day. If the Election Convenor(s) is of the opinion that it would be in the interest of representivity and participation, he or she may decide to postpone the last day for nominations to the following Friday.

2. **Availability of nomination forms** The prescribed nomination forms must be available at the Student Representative Council office at least ten (10) University days before the first Friday in August.

3. **Marketing of nomination** The Election Convenor(s) must market the fact that nominations of candidates will be received in *Die Matie*, by means of posters on the Stellenbosch and Tygerberg campuses and in any other way he or she deems fit.

4. **Prescribed nomination form** The Election Convenor(s) must prescribed nomination forms that contain at least the following information:

   (a) The criteria according to which academic selection[^46] takes place and the right to appeal against it, as well as the place where appeal can be lodged

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[^47]: See Section 21.
[^46]: See Section 46.
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(b) The rules on the distribution of campaign material
(c) The time and place of the first meeting of the candidates

5. Completion of nomination forms The Election Convenor(s) must reject the nomination of a candidate if it does not contain at least the following:
   (a) The full name of the candidate
   (b) The signature of the candidate
   (c) The signature of the nominator
   (d) The signatures of at least ten (10) members of the Student Union who second the nomination
   (e) A typed policy declaration of no more than 300 words
   (f) A list of the candidate’s experience
   (g) The candidate’s University number

6. Compulsory nomination The Election Convenor(s) must approach the persons described in this subsection for nominations. Such persons must hand over at least the prescribed number of nominations to the Election Convenor(s) before or on the last day for nominations. The following persons must nominate members of the Student Union as candidates:
   (a) Student Representative Council members must nominate three (3) candidates in total
   (b) Members of the Prim Committee must nominate two (2) candidates in total
   (c) Members of the Academic Affairs Council must nominate two (2) candidates in total
   (d) Members of the Societies Council must nominate two (2) candidates in total
   (e) Senior editorial staff members of Die Matie and Die Stellenbosse Student must nominate two (2) candidates in total

7. Nominations by students not present on the Stellenbosch or Tygerberg campuses The Election Convenor(s) must invite members of the Student Union who do not receive academic training on the Stellenbosch or Tygerberg campuses during the ten (10) University days before the last day for nominations by mail to make themselves available as candidates before or on the last day for nominations. The nomination forms of these students need not contain the signatures of a nominator and seconder.

8. Circumstances under which a Student Representative Council election does not take place If eleven (11) or fewer suitable candidates are nominated by the last day for nominations, no Student Representative Council election will take place and the Election Convenor(s) will declare the nominated candidates, in addition to as many members of the Student Union as constitutes the difference between eleven (11) and the number of nominated candidates,

37 See Subsection (1).
38 For instance distance learning, Business School and Military Academy students.
39 Suitable in terms of this section and sections 48 and 49.
Section 48: Academic selection of candidates

1. Passing academic selection Candidates who do not comply with the academic requirements stipulated in Addendum 1 to the Constitution may not participate in the Student Representative Council election.

2. Determining whether candidates comply with requirements The Registrar of the University or appointee person appointed by him or her determines whether candidates comply with the academic requirements or not. The Election Convenor(s) must submit the names of candidates for this purpose.

3. Appeal against the decision A candidate whose candidature was rejected in terms of subsections (1) and (2) can appeal against the rejection. The Dean of Students, the Chair of the Student Representative Council, (one [1] of) the Election Convenor(s), the Dean of the appellant’s faculty and one (1) additional member delegated by the Election Committee decide on the appeal with due observance of the criteria stipulated in Addendum 1.

Section 49: Other grounds for disqualification of candidates

Apart from compliance with sections 47(5) and 48, the Election Convenor(s) must also reject the nomination of a candidate if it comes to light that the candidate –

(a) has not been a member of the Student Union for at least one (1) semester;
(b) has been sentenced to imprisonment in the Republic of South Africa or elsewhere for any misdemeanour without the option of paying a fine; or
(c) has been sentenced to suspension from the University by the Central Disciplinary Committee or the Disciplinary Appeal Committee for a fixed or unfixed time, or given any sentence on the grounds of any form of dishonesty.

Section 50 deleted on 26 June 2006

Section 51: Notice and marketing of the election

The Election Convenor(s) must inform all members of the Student Union by mail, by means of the publication of an election edition of Die Matie and in any other way, which may include poster campaigns, internet marketing and the sending of e-mails and bulk SMSs, of the following aspects of the election:

(a) The election day(s)

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40 Suppose only eight (8) suitable candidates have been nominated by the last day for nominations, then the Student Representative Council must still nominate the members of the Student Union, which will then, together with the eight (8) form the eleven (11) elected members of the Student Representative Council.
41 Incomplete filling out of nomination forms.
42 Academic selection.
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(b) The way in which votes will be cast, including (if applicable\(^{43}\)) where polling stations will be located and the times at which votes can be cast
(c) The time and place of the public presentation meeting
(d) The names, policy declarations and experience of candidates, as well as the portfolio(s) they make themselves available for (if any)

Section 52: Election campaign
1. Rules Candidates may market themselves in any way that does not violate the law, University rules, this Constitution, Student Representative Council regulations or such rules as may be laid down by the Election Convenor(s) from time to time.

2. Sanction If a candidate or the helpers or supporters of a candidate act in violation of Subsection (1), the Election Convenor(s) may instruct said candidate to remove or destroy election material, or to abandon the activities, or, where the conduct constitutes a misdemeanour or is seriously detrimental to another candidate(s), declare the candidature of such candidate invalid.

3. Financial assistance A candidate can request financial assistance with his or her election campaign from the Election Convenor(s) if he or she qualifies for such assistance according to the means test used by the Division of Bursaries and Loans.

Section 53: Presentation meetings
1. Requirements with regard to presentation meetings The Election Convenor(s) must organise at least four (4) presentation meetings, of which at least one (1) must take place on the Tygerberg campus, during which candidates will have the opportunity to present themselves to the Student Union and members of the Student Union may ask questions to the candidates. An Election Convenor or his or her appointee acts as Chair of a presentation meeting.

2. Conduct at presentation meetings The conduct of members of the Student Union at a presentation meeting must comply with the code of conduct for presentation meetings, which may be attached as addendum to this Constitution. If the Chair of the presentation meeting is of the opinion that a person violates the code of conduct or asks questions that are irrelevant or that violate the candidate’s rights, the Chair may –
   (a) rule a question out of order;
   (b) interrupt a question and instruct the questioner to be silent; or
   (c) instruct such a person to leave the room.

3. Duration of presentation meeting The duration of a presentation meeting is determined at the discretion of the Chair, who may end the meeting at any time, provided that all candidates have had fair and reasonable opportunity to state their policy and answer questions.

\(^{43}\) See Section 45(4).
Section 54: Times when polling stations will be open on election day

If the members or some members of the Student Union cast their votes in accordance with the usual format of elections,\(^{44}\) the polling stations must be open between 08:30 and 16:30 on election day(s).

Section 55: Results of the election

1. Counting of votes Votes cast in terms of Section 45(5) before the election day(s) may, at the discretion of the Election Convenor(s), be counted before this day(s) and the results may be announced, provided that it will not jeopardise the confidentiality of individual votes. All votes must be counted by the Election Convenor(s) and the Election Committee as soon as possible after the last opportunity for voting. Ballots may not be destroyed before the validity of the election has been confirmed.

2. Announcement of the full results The full results of the election must be announced in public as soon as possible after all the votes have been counted, and the candidates must receive full written results.

3. Spoilt ballots The Election Convenor(s) may institute rules regarding and give a decision on the validity of ballots, provided that they comply with the principle of a free and fair election.

Section 56: Complaints about the Election Convenor(s), election campaign or the election

1. Decisions of the Election Convenor(s) Complaints about the decisions, or the failure to make a decision, of the Election Convenor(s) must be raised to the Student Court in terms of Section 34(2), who may review the decision, or the failure to make a decision, on legal-administrative grounds. The Student Court –
   (a) must handle the complaint with the necessary speed if harm can otherwise be caused;
   (b) may follow an investigative approach – which may include the recounting or re-evaluation of ballots – to the complaint if it appears to be necessary in the specific case
   (c) may grant any suitable remedy that will ensure the freedom and fairness of the election.

2. During the election campaign Complaints about the campaign of a specific candidate must be lodged with the Election Convenor(s), who will properly investigate the complaint and who must, in terms of Section 52(2), announce his or her decision within twenty-four (24) hours after the complaint has been received.

3. Election day and thereafter Any other complaints about the run of the election day(s), including any aspect that may jeopardise the freedom and fairness of the election, must be lodged with the Student Court within seventy-two (72) hours after the announcement of the full results in terms of the procedure prescribed in Section 34(2). The Student Court –
   (a) must deal with the complaint with all due haste if harm can otherwise be caused;
   (b) may follow an investigative approach – which may include the recounting or re-evaluation of ballots – to the complaint if it appears to be necessary in the specific case;

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\(^{44}\) See Section 45(3).
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(c) may grant any suitable remedy in the light of the circumstances, which may include the invalidation of the results with regard to a specific candidate(s), or the invalidation or allowance of ballots, or the invalidation of the election as a whole.

4. Appeals against rulings on validity Appeals against the ruling of the Student Court in terms of subsections (1) and (3) must be lodged within forty-eight (48) hours after the ruling with the Dean of the Faculty of Law, otherwise the ruling of the Student Court will be final.

Section 57: Validity of the election results
The validity of the full election results is confirmed if –

(a) no complaint about the validity of the election has been lodged with the Student Court within seventy-two (72) hours after the Election Convenor(s) has announced the full election results;
(b) such a complaint was lodged, if the Student Court rules that the election results, or an election result amended by the Court, are valid and no appeal has been lodged within forty-eight (48) hours after the ruling; and
(c) such an appeal was lodged, if the Appeal Court rules that the election results, or an election result amended by the Court, are valid.

Section 58: First meeting of the Student Representative Council in a term of office

1. Convening the first meeting As soon as the validity of the election results is confirmed in terms of Section 57, the Election Convenor(s) convenes a meeting of the newly elected Student Representative Council members.

2. Election of the Student Representative Council Chair The newly elected members of the Student Representative Council, including the ex officio members, elect a new Student Representative Council Chair by means of a negative ballot under the chairpersonship of (one [1] of) the Election Convenor(s). Any newly elected member of the Student Representative Council, excluding an ex officio member, may make him- or herself available for election for the position of Student Representative Council Chair.

3. Election of the Executive Committee After the election of the Student Representative Council Chair, the newly elected members elect the rest of the Executive Committee of the Student Representative Council by means of a negative ballot under the chairpersonship of the Student Representative Council Chair. Any newly elected member of the Student Representative Council may make him- or herself available for election for the other positions on the Executive Committee. The Executive Committee may also be elected during the second Student Representative Council meeting.

4. Meeting procedure The Chair of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.

45 In other words the members referred to in Section 6(1)(b).
Section 59: Assignment of portfolios
1. Existence of portfolios The newly elected Executive Committee meets as soon as possible after the first meeting of the Student Representative Council to decide which portfolios, apart from those created in the Constitution, will be handled by the Student Representative Council during the term of office concerned.

2. Assignment of portfolios The Student Representative Council Chair will then assign portfolios, excluding the ex officio portfolios, to the members in consultation with the members and with due consideration of their needs, knowledge and skills.

3. Election of persons to represent the Student Representative Council on the University Council, Senate and Institutional Forum The Student Representative Council elects the persons who will represent it in terms of the Statute of Stellenbosch University on the University Council, Senate and the Institutional Forum during the second ordinary meeting of their term of office, after the Student Representative Council Chair has explained the nature, objective and function of these bodies and the duties of representatives on these bodies to the meeting.

Section 60: Replacement of Student Representative Council members
1. Elected members If any of the Student Representative Council members elected in the Student Representative Council election ceases, in terms of Section 8, to be a member of the Student Representative Council, the member who received the most votes in the election, but was not elected to the Student Representative Council, becomes a member of the Student Representative Council in the place of that member. If there is no such candidate, the Student Representative Council delegates a member of the Student Union as Student Representative Council member.

2. Ex officio members If an ex officio member of the Student Representative Council ceases, in terms of Section 8, to be a member of the Student Representative Council, it will be expected of the body that was represented to replace the person within a reasonable time. If the body concerned does not appoint a replacement, the body loses its representation on the Student Representative Council for that particular term.
PART 11: RESIDUAL PROVISIONS

Section 61: Status of this Constitution
All constitutions, regulations, rules, codes, documents, motions and decisions accepted by any organisation constituted by this Constitution, or another student organisation of Stellenbosch University, are subject to this Constitution and invalid in as far as the Constitution is violated.

Section 62: Commencement and repeal
This Constitution comes into effect on 1 September 2004 and hereby repeals all previous constitutions and rules of the Student Union.

Section 63: Transitional measures
No part of this Constitution will have effect retroactively.

Section 64: Amendment
1. Methods according to which amendment takes place All provisions in this Constitution can be amended, but some fundamental provisions can only be amended by means of acceptance of the proposed amendment by referendum, while other provisions can be amended by means of the consent of eleven (11) members of the Student Representative Council during an ordinary Student Representative Council meeting.

2. Fundamental provisions that can only be amended in a referendum The following provisions may only be amended in a referendum: Preamble, Part 1, sections 5, 6, 9, 10(3) and 10(4), 11(8), 13, 14, 15, Part 9, sections 42(4), 61, 62, 63, 64 and 65(1).

3. Provisions that can be amended by the Student Representative Council All provisions not mentioned in the subsection can be amended by means of the consent of eleven (11) members of the Student Representative Council during an ordinary Student Representative Council meeting.

4. Status of the fundamental provisions The fundamental provisions stated in Subsection (2) take precedence over any other provision of this Constitution.

46 See Subsection (2).
47 See Section 65.
48 See Subsection (3).
49 This means that the Student Representative Council cannot add provisions to the Constitution, or amend its provisions, in such a way that amends or weakens the fundamental provisions by implication without a referendum having had taken place.
Section 65: Referendum

1. Acceptance of amendment of fundamental provisions The fundamental provisions of this Constitution stated in Section 64(2) can only be amended by acceptance of the proposed amendment by the members of the Student Union in a referendum. A proposed amendment to the fundamental provisions must be accepted by eleven (11) members of the Student Representative Council during an ordinary Student Representative Council meeting before a referendum will be held.

2. Referendum date A referendum takes place during a Student Representative Council meeting, as described in Part 10.

Section 66: Recordkeeping and updating

The Secretary of the Student Representative Council must ensure that this Constitution is kept at the Student Representative Council office and is available on request to a member of the Student Union. He or she must ensure that all valid amendments to this Constitution are made and are likewise available.
ADDENDUM 1

ACADEMIC CRITERIA ACCORDING TO WHICH STUDENT REPRESENTATIVE COUNCIL CANDIDATES ARE JUDGED IF THEY MAKE THEMSELVES AVAILABLE FOR THE STUDENT REPRESENTATIVE COUNCIL ELECTION

1. The candidate who wants to qualify on academic grounds must already comply with the minimum Sanso requirements on the basis of his or her academic record of previous years and the June examination results of the year concerned.
   (If a progress mark of 50% or higher was obtained in a module during June, it is accepted that the person can pass the module and credit is given with regard to the second semester. However, if the progress mark is below 50%, it is accepted that the candidate may fail the module.)

2. If a candidate does not comply with the minimum requirements stated in (1), the following factors are considered when a final decision must be made on his or her candidature:
   2.1. Was there a special reason, such as illness, injury, disability, etcetera, for the candidate’s poor academic performance?
   2.2. Did the candidate change to another programme and performed well thereafter?
   2.3. Do the candidate’s results over the past three (3) years indicate a rising trend?
       (In other words, did the candidate perform better and fail fewer modules, and, for instance, did not fail any module in the past three (3) semesters?)
   2.4. Did the candidate follow a programme (for example BEng) in which failing a module meant that various other modules could not be followed or where failing a module necessitated that the year of study be repeated (for example MB,ChB)?

3. If candidates are at risk of not complying with the readmission requirements of the University (and therefore are placed on the “blacklist”), they will not be allowed to make themselves available for election as Student Representative Council candidates under any circumstances.