

UNIVERSITEIT STELLENBOSCH

STUDENTEGRONDWET

2011 Hersiening

Eerste konsep

Eerste konsep / First draft

INHOUDSOPGAWE

PREAMBLE	3
HOOFSTUK 1: GRONDLIGGENDE BEPALINGS.....	4
HOOFSTUK 2: BILL OF STUDENT RIGHTS.....	6
HOOFSTUK 3: DIE STUDENTERAAD	9
Afdeling 3.1 Algemeen	9
Afdeling 3.2 Ander pligte van die Studenteraad.....	11
Afdeling 3.3 Ander bevoegdhede van die Studenteraad.....	13
Afdeling 3.4 Uitvoerende Komitee van die Studenteraad	14
Afdeling 3.5 Vergaderings van die Studenteraad	15
Afdeling 3.6 Gedrag van Studenteraadslede.....	16
Afdeling 3.7 Evaluering van Studenteraadslede deur die Evalueringspaneel	17
HOOFSTUK 4: STUDENT PARLIAMENT	20
HOOFSTUK 5: DIE STUDENTEHOF.....	22
HOOFSTUK 6: THE PRIM COMMITTEE	26
HOOFSTUK 7: THE ACADEMIC AFFAIRS COUNCIL.....	27
HOOFSTUK 8: THE SOCIETIES COUNCIL.....	28
HOOFSTUK 9: THE TYGERBERG STUDENT COUNCIL	29
HOOFSTUK 10: THE MILITARY ACADEMY STUDENT COUNCIL.....	30
HOOFSTUK 11: STUDENTEMEDIA.....	31
HOOFSTUK 12: ELECTIONS	32
HOOFSTUK 13: COMMENCEMENT, REPEAL AND AMENDMENT	35
SCHEDULE 1: STUDENT REPRESENTATIVE COUNCIL GENERAL ELECTION	37
Afdeling S1 Election Convenor(s) and Election Committee.....	37
Afdeling S2 Nominations and criteria for candidature	38
Afdeling S3 Format and marketing of the election	41
Afdeling S4 Results and complaints	44

PREAMBLE

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

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

Subject to the provisions of the Constitution of the Republic of South Africa, the Higher Education Act (101 of 1997) and Amendments, the Statute of Stellenbosch University and University regulations, we accept this as our supreme and binding Constitution.

Eerste konsep / First draft

HOOFSTUK 1: GRONDLIGGENDE BEPALINGS

1 Woordoms krywing

In hierdie Grondwet, tensy dit anders uit die samehang blyk –

- (1) dui “aanvaar”, “besluit”, of “verkies” op ’n besluit geneem met ’n gewone meerderheid van stemme;
- (2) beteken “Universiteit” die Universiteit Stellenbosch;
- (3) beteken “universiteitsdag” enige weksdag (Maandag tot Vrydag) gedurende die akademiese jaar wat nie ’n openbare vakansiedag is nie;
- (4) beteken “Student” ’n ingeskrewe Student aan die Universiteit;
- (5) verwys “studenteliggaam” na enige georganiseerde groep Studente met ’n amptelike verbintenis aan die Universiteit; en
- (6) dui “positiewe stemming” op die volgende proses:
 - (a) Wanneer een kandidaat ’n meerderheid (50%+1) van die stemme verwerf, is hy verkies.
 - (b) Indien geen kandidaat ’n meerderheid (50%+1) van die stemme trek nie, sal die volgende stappe gevolg word:
 - (i) Daar sal ’n tussenverkiesing uitgeroep word
 - (ii) Vir hierdie verkiesing sal die kandidate met die minste stemme verwyder word, maar die som van die verwyderde kandidate se stemme in die vorige verkiesing mag nie vyftig persent (50%) van die totale stemme oorskry nie.
 - (iii) Hierdie prosedure word herhaal totdat een kandidaat ’n meerderheid (50%+1) van die stemme ontvang.

2 Status van hierdie Grondwet

- (1) Alle grondwette, reglemente, reëls, kodes, dokumente, mosies en besluite aanvaar deur enige organisasie gekonstitueer deur hierdie Grondwet, of ’n ander Studenteliggaam van die Universiteit Stellenbosch, is aan hierdie Grondwet onderworpe en ongeldig in soverre dit daarmee in stryd is.
- (2) Hierdie Grondwet sal heet die “Studentegrondwet van die Universiteit Stellenbosch”, met inbegrip daarvan dat enige verwysings in ander dokumente na die “Studente-unie Grondwet van die Universiteit Stellenbosch” na hierdie dokument verwys.

3 Organisasies deur hierdie Grondwet gekonstitueer

Die volgende Studenteliggame word deur hierdie Grondwet gekonstitueer:

- (a) die Studenteraad;
- (b) die Primkomitee;
- (c) die Akademiese Belangeraad;
- (d) die Tygerberg Studenteraad;
- (e) Studenteparlement;
- (f) die Verenigingsraad;
- (g) die Studentehof; en
- (h) die Stembuskomitee.

Eerste konsep / First draft

HOOFSTUK 2: BILL OF STUDENT RIGHTS

4 Application

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

5 Equality

No Student shall be unfairly discriminated against.

6 Human dignity

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

7 Confidentiality of Student records

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

8 Student success

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

9 Freedom of religion, belief and opinion

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

10 Freedom of expression

Every Student has the right to freedom of expression which includes –

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

11 Assembly, demonstration and petition

Every Student has the right, peacefully and unarmed, to assemble and demonstrate on campus, and to present petitions to the Student Representative Council and to the University Management.

12 Freedom of association

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

13 Participation in elections

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

14 Access to information

Every Student has the right of access to information held by the Student Representative Council or another Student body if such information bears upon his or her rights or interests as a Student.

15 Administrative action

- (1) Every Student whose rights or legitimate expectations are materially and adversely affected by administrative action, has the right to –
 - (a) be notified of the nature and purpose of the proposed action;
 - (b) a reasonable opportunity to make presentations; and
 - (c) adequate notice of any right of review or internal appeal, where applicable.

- (2) A Student whose rights have been materially and adversely affected by administrative action has the right to request reasons for the decision and to be furnished with written reasons within a reasonable time.

16 Limitation

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

17 Enforcement

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

18 Interpretation

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

HOOFSTUK 3: DIE STUDENTERAAD

Afdeling 3.1 Algemeen

19 Status van die Studenteraad

Die Studenteraad (SR) is die hoogste beleidmakende en verteenwoordigende studenteliggaam aan die Universiteit en staan onder die gesag van die Universiteitsraad.

20 Samestelling van die Studenteraad

Die Studenteraad bestaan uit die volgende lede:

- (a) Nege (9) lede deur die Studente-unie volgens die bepalings van Hoofstuk 12 van die Grondwet verkies.
- (b) Die Voorsitter en Ondervoorsitter van die Primkomitee.
- (c) Die Voorsitter van die Akademiese Belangeraad.
- (d) Die Voorsitter van die Verenigingsraad.
- (e) Die Voorsitter van die Tygerberg Studenteraad.
- (f) Die Studentekaptein van die Militêre Akademie Studenteraad.

21 Termyn van die Studenteraad

Die termyn van die Studenteraad begin op 1 November van die jaar waarin die verkiesings van die lede in artikel 20 plaasgevind het, en verstryk op 31 Oktober van die daaropvolgende jaar.

22 Kernfunksies van die Studenteraad

Die kernfunksies van die Studenteraad sluit in om –

- (a) in die beste belang van Studente op te tree en Studente se regte onder Hoofstuk 2 aktief te bevorder;
- (b) Studente te verteenwoordig by –
 - (i) die Universiteitsraad;
 - (ii) die Senaat;
 - (iii) die Institusionele Forum;
 - (iv) ander komitees, liggame en amptenare van die Universiteit; en
 - (v) nasionale en internasionale studenteliggame;
- (c) universiteitsbeleid te evalueer en insette te lewer by die formulering daarvan;
- (d) die advies van die Studenteparlement te oorweeg;

- (e) projekte en inisiatiewe tot voordeel van Studente te loods;
- (f) Studente deurlopend in te lig oor die aktiwiteite van die Studenteraad en terugvoer daaroor in te win; en
- (g) beleid te formuleer en te onderhou ten einde die effektiewe uitvoering van die Studenteraad se funksies en pligte te verseker.

23 Verpligte portefeuljes

Die Studenteraad is verplig om ten minste die volgende portefeuljes te handhaaf:

- (a) Die Voorsitter is die hoof uitvoerende beampte van die Studenteraad en tree ook as die Studenteraad se woordvoerder op.
- (b) Die Ondervoorsitter is die adjunk hoof uitvoerende beampte van die Studenteraad.
- (c) Die Sekretaris is ten minste daarvoor verantwoordelik om –
 - (i) interne kommunikasie binne die Studenteraad in stand te hou;
 - (ii) as bestuurder van kennis en institusionele geheue binne die Studenteraad op te tree;
 - (iii) toe te sien dat behoorlike rekord gehou word van Studenteraadsvergaderings en ander vergaderings of konsultasies waar die Studenteraad rekordhouding verlang; en
 - (iv) rekords, beleid en ander dokumente van die Studenteraad op te dateer, te bewaar en beskikbaar te stel
- (d) Die Tesourier is die hoof finansiële beampte van die Studenteraad en is ten minste daarvoor verantwoordelik dat die Studenteraad se finansiële hulpbronne op 'n deursigtige en verantwoordelike wyse aangewend word.
- (e) Die Beleidsamptenaar is ten minste daarvoor verantwoordelik om –
 - (i) toe te sien dat beleid van die Studenteraad en die Studente geformuleer en hersien word ingevolge art 8(g);
 - (ii) die Studenteraad by te staan in die evaluering van en lewering van insette tot universiteitsbeleid ingevolge art 8(c); en
 - (iii) toe te sien dat hierdie grondwet hersien en opgedateer word.
- (f) Die Kommunikasie-amptenaar is daarvoor verantwoordelik om –
 - (i) toe te sien dat Studente deurlopend en volledig ingelig word oor die Studenteraad se bedrywighede ingevolge art 8(f);
 - (ii) terugvoer van Studente in te win ingevolge art 8(f);
 - (iii) dat die advies van Studenteparlement die Studenteraad bereik.

24 Einde van lidmaatskap van die Studenteraad

- (1) Die lidmaatskap van 'n lid van die Studenteraad kom tot 'n einde wanneer –
- (a) die termyn van 'n lid verstryk;
 - (b) die lid sterf;
 - (c) die lid 'n skriftelike bedanking by die Sekretaris van die Studenteraad indien;
 - (d) die lid ophou om 'n lid van die studenteliggaam wat hy of sy op die Studenteraad verteenwoordig, te wees;
 - (e) die lid ophou om 'n ingeskrewe Student aan die universiteit te wees;
 - (f) die lid sonder verskoning afwesig is van drie (3) agtereenvolgende amptelike Studenteraadsvergaderings;
 - (g) die Studentehof op aansoek bevind dat die lid 'n bevel van die Hof nie nagekom het nie;
 - (h) Studenteparlement 'n mosie van wantroue in 'n SR-lid aanvaar en daardie SR-lid se appèl nie slaag nie;
 - (i) die lid in die Republiek van Suid-Afrika of elders vir enige misdryf gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete; of
 - (j) die lid deur die Sentrale Dissiplinêre Komitee, die Universiteitsraad se Dissiplinêre Komitee of die Universiteitsraad se Dissiplinêre Appèlkomitee gevonnissen is –
 - (i) tot permanente skorsing uit die Studenteraad; of
 - (ii) tot skorsing vir 'n bepaalde of onbepaalde tyd uit die Universiteit.
- (2) Indien 'n Studenteraadslid wat ex officio op die Studenteraad dien, gedurende sy of haar termyn ophou om 'n lid van die Studenteraad te wees, dan –
- (a) verloor daardie lid voorsitterskap van die liggaam wat hy of sy op die Studenteraad verteenwoordig het; en
 - (b) moet daardie liggaam 'n nuwe Voorsitter verkies, wat die vorige Voorsitter se plek op die Studenteraad sal inneem.
- (3) Indien enige van die Studenteraadslede wat in die Studenteraadsverkiesing verkies is, gedurende sy of haar termyn ophou om 'n Studenteraadslid te wees, dan –
- (a) word die kandidaat wat die meeste stemme in die verkiesing ontvang het, maar nie tot die Studenteraad verkies is nie, lid van die Studenteraad in daardie lid se plek; of
 - (b) indien daar nie so 'n kandidaat is nie, wys die Studenteraad 'n lid van die Studente-unie as Studenteraadslid aan.

Afdeling 3.2 Ander pligte van die Studenteraad

25 Verslagdoening

- (1) Elke Studenteraadslid moet ná afloop van elke akademiese kwartaal 'n volledige verslag rakende sy of haar bedrywighede by die Sekretaris indien, nie later nie as een week ná die aanvang van die volgende kwartaal, welke verslae deur die Sekretaris op ontvangs daarvan aan alle Studente beskikbaar gestel moet word.
- (2) Studenteraadslede moet behoorlike en volledige verslae aangaande hul portefeuljes binne veertien (14) dae ná die einde van hul termyn aan hul opvolgers oorhandig;

26 Bekendmaking van program en begroting

- (1) Die Studenteraad moet binne die eerste twee weke van die aanvang van hulle termyn 'n dokument aan alle Studente beskikbaar stel wat ten minste –
 - (a) duidelik en in besonderhede uiteensit hoe die Studenteraad beoog om sy kernfunksies te vervul;
 - (b) 'n breë, maar volledige begroting bevat; en
 - (c) aandui watter portefeuljes, insluitend die verpligte portefeuljes, aan watter studenteraadslede of bestuurders toegewys is.
- (2) Die Studenteraad moet ook binne die eerste twee weke van die aanvang van hulle termyn 'n gedetailleerde begroting aan alle Studente beskikbaar stel.
- (3) Die Studenteraad moet, sodra hierdie dokumene beskikbaar gestel is, redelike pogings aanwend om studente bewus te maak van die beskikbaarstelling daarvan.

27 Verteenwoordigers van die Studenteraad op ander liggame

Verteenwoordigers van die Studenteraad op ander liggame moet die standpunt van die Studenteraad by sodanige liggame stel en moet die Studenteraad raadpleeg oor belangrike besluite wat deur die liggame geneem sal word.

28 Verdere pligte

Dit is verder die Studenteraad se plig om –

- (a) hierdie Grondwet aan die lede van die Studente-unie beskikbaar te stel en te bemark, hetsy deur publikasie in die Matiedagboek of andersins;
- (b) voor die termyn van die lede van die Studenteraad verstryk, die Evalueeringspaneel kragtens artikel 15 te laat konstitueer;

- (c) 'n erekleurekomitee, gekonstitueer kragtens 'n erekleurereglement, byeen te roep en dié komitee by te staan in die administratiewe werksaamhede daarvan; en
- (d) enige ander pligte deur hierdie Grondwet aan hulle opgedra, te verrig.

29 Nakoming van pligte

- (1) Lede van die Studenteraad moet die bepalings van hierdie Grondwet, bevels van die Studentehof beleid en reglemente van die Studenteraad nakom, tensy dit met die reg in stryd is.
- (2) Indien 'n lid van die Studenteraad subartikel (1) oortree, of daar redelike gronde bestaan om te glo dat 'n lid subartikel (1) gaan oortree, kan –
 - (a) die Studentehof 'n bevel toestaan op versoek van enige lid van die Studente-unie; en
 - (b) die Evalueeringspaneel dit in aanmerking neem by 'n besluit om die honorarium van 'n lid van die Studenteraad kragtens artikel 49 te verminder.

Afdeling 3.3 *Ander bevoegdhede van die Studenteraad*

30 Studenteraadsbestuurders (SR-bestuurders)

- (1) Die Studenteraad moet 'n minimum van twee (2) tot 'n maksimum van tien (10) Studente as SR-bestuurders aanstel om portefeuljies wat hoofsaaklik organisatoriese of administratiewe funksies behels, namens die Studenteraad te bedryf.
- (2) SR-bestuurders geniet toegang tot dieselfde fasiliteite en voordele as Studenteraadslede en kan hul eie komitees aanstel.
- (3) SR-bestuurders word op dieselfde wyse as Studenteraadslede vergoed en geëvalueer.
- (4) SR-bestuurders het nie stemreg nie en word nie verplig om Studenteraadsvergaderings by te woon nie.

31 Taakspanne

- (1) Die Studenteraad kan uit eie geledere taakspanne aanwys om ad hoc of deurlopende kwessies aan te spreek.
- (2) Studente wat nie Studenteraadslede is nie kan op hierdie taakspanne aangestel word.
- (3) Tensy die dringendheid van die kwessie dit verhoed, moet alle Studente die geleentheid gegun word om aansoek te doen om op 'n taakspan te dien.
- (4) Die Studenteraad kan afhandelingsbevoegdheid aan 'n taakspan deleger.

32 Massavergaderings

- (1) Die Studenteraad kan massavergaderings byeenroep om die Studenteraad se mandaat te konsolideer, as 'n platform vir debatvoering en om verantwoordbaarheid te verseker.
- (2) Alle Studente kan massavergaderings bywoon en het stemreg by massavergaderings.
- (3) Die Studenteraad moet behoorlike kennis van die datum, tyd, plek en agenda van massavergaderings gee, nie minder nie as een (1) week voor 'n massavergadering.
- (4) Studente kan 'n massavergadering aanvra deur middel van 'n petisie wat deur meer as honderd (100) Student geteken is, in welke geval die Studenteraad die massavergadering binne twee (2) weke van die indien van die petisie moet reël.

Afdeling 3.4 Uitvoerende Komitee van die Studenteraad

33 Samestelling

Die Uitvoerende Komitee bestaan uit –

- (a) die Voorsitter;
- (b) die Ondervoorsitter;
- (c) die Tesourier van die Studenteraad;
- (d) die Sekretaris van die Studenteraad; en
- (e) een (1) bykomende lid uit die Studenteraad.

34 Pligte en bevoegdhede

- (1) Die Uitvoerende Komitee –
 - (a) bepaal die agenda vir Studenteraadsvergaderings;
 - (b) stel die Studenteraad se begroting saam;
 - (c) hanteer dag-tot-dag kwessies;
 - (d) neem in noodgevallen – waar dit onmoontlik is om die Studenteraad byeen te roep – belangrike besluite;
 - (e) besluit op die portefeuljetoedeling van die Studenteraad, uitsluitend die verpligte portefeuljes;
 - (f) stel een (1) of meer Stembuskonvenor(s) aan soos in artikel 96(4) bepaal;
 - (g) verrig sodanige ander pligte as wat die Studenteraad moontlik daaraan opdra; en
 - (h) moet enige ander funksies deur hierdie Grondwet daaraan opgedra, uitvoer.

(2) Besluite geneem deur die UK ingevolge paragraaf (b), (d), (e), en (f) moet deur die Studenteraad by 'n Studenteraadsvergadering goedgekeur word om van krag te wees.

35 Vergaderings

- (1) Die Uitvoerende Komitee vergader ten minste een (1) keer voor elke gewone Studenteraadsvergadering.
- (2) Alle UK-vergadering moet genotuleer word en die notule van UK-vergaderings moet binne drie (3) universiteitsdae ná 'n UK-vergadering aan alle studente beskikbaar gestel word..

36 Vergaderingsprosedure

Die Uitvoerende Komitee kan 'n praktykkode vir die vergaderingsprosedure daarvan aanvaar, wat as bylaag by hierdie Grondwet aangeheg kan word.

37 Kworum

Vier (4) lede van die Uitvoerende Komitee vorm 'n kworum op 'n vergadering van die Uitvoerende Komitee.

Afdeling 3.5 Vergaderings van die Studenteraad

38 Frekwensie

Die Studenteraad vergader minstens tweeweekliks gedurende die akademiese kwartaal, maar is nie verplig om gedurende amptelike eksamentye te vergader nie.

39 Kennisgewing van vergadering

Skriftelike kennisgewing van 'n gewone Studenteraadsvergadering aan lede van die Studenteraad geskied minstens twee (2) Universiteitsdae voor die vergadering en vermeld minstens –

- (a) die datum, tyd en plek van die vergadering; en
- (b) die volledige agenda.

40 Kworum

(1) Tien (10) Studenteraadslede vorm 'n kworum op Studenteraadsvergaderings.

- (2) Geen besluit van die Studenteraad sal geldig wees indien daar nie tien (10) Studenteraadslede op die vergadering waar die besluit geneem is, teenwoordig was nie.

41 Deursigtigheid

Enige persoon mag 'n Studenteraadsvergadering bywoon, maar –

- (a) die Voorsitter kan die bespreking van 'n spesifieke agendapunt *in camera* reël indien dit 'n interne dissiplinêre kwessie behels; en
- (b) 'n persoon wat nie 'n lid van die Studenteraad is nie mag slegs 'n spreukbeurt kry indien hy of sy die Sekretaris van die Studenteraad minstens agt en veertig (48) uur voor die Studenteraadsvergadering skriftelik daarvan verwittig het, of die Voorsitter van die Studenteraad dit goedkeur, in welke geval die Voorsitter die lengte van die spreukbeurt sal bepaal.

42 Notule

Die Sekretaris van die Studenteraad moet sorg dat 'n volledige notule van elke gewone Studenteraadsvergadering elektronies en by die Studenteraadskantoor aan alle Studente beskikbaar gestel word, nie later nie as vyf (5) universiteitsdae ná die vergadering.

43 Vergaderingsprosedure

Die Studenteraad kan 'n praktykkode vir die vergaderingsprosedure daarvan aanvaar, wat as bylaag by hierdie Grondwet aangeheg kan word.

44 Sekundi van Tygerberg en Saldanha

- (1) Indien die Voorsitter van Tygerberg Studenteraad of die Studentekaptein van die Militêre Akademie Studenteraad nie 'n Studenteraadsvergadering kan bywoon nie, mag hy of sy 'n lid van die Tygerberg Studenteraad of Militêre Akademie Studenteraad (soos van toepassing) as sekundus aanwys om die vergadering by te woon.
- (2) Sodanige sekundus kan by die vergadering alle regte en bevoegdhede uitoefen wat die persoon wat hy of sy verteenwoordig, sou kon uitoefen as hy of sy teenwoordig was.

Afdeling 3.6 Gedrag van Studenteraadslede

45 Gedragskode

Die Studenteraad moet 'n gedragskode aanvaar om gedragsreëls vir die lede daarvan neer te lê.

46 Dissiplinêre prosedure

- (1) Indien 'n tweederdemeerderheid van die Studenteraad die Studenteraad se Dissiplinêre Komitee versoek om die aktiwiteite van 'n lid te ondersoek as gevolg van verdagte wanpraktyke waardeur Universiteitsreëls of Studenteraad-beleid oortree word, dan –
 - (a) sal die Studenteraad se Dissiplinêre Komitee die saak ondersoek en 'n beslissing maak, wat enige sanksie kort van skorsing uit die Studenteraad kan insluit; en
 - (b) sal daardie beslissing onderhewig wees aan appèl na die Studentehof.
- (2) Die Studenteraad se Dissiplinêre Komitee bestaan uit –
 - (a) die Studentedekaan;
 - (b) die Viserektor (Onderrig);
 - (c) die Voorsitter van die Studentehof (wat as Voorsitter sal optree);
 - (d) die Studenteraadsvoorsitter; en
 - (e) die Studenteraadsondervoorsitter.
- (3) Indien die Studenteraadsvoorsitter of -ondervoorsitter ondersoek word, sal 'n ander lid van die Uitvoerende Komitee (Studenteraad) gekoöpteer word

Afdeling 3.7 Evaluering van Studenteraadslede deur die Evalueringspaneel

47 Skep van 'n Evalueringspaneel

'n Evalueringspaneel word in die lewe geroep om die uitvoering van pligte deur lede van die Studenteraad te evalueer en hulle op dié manier verantwoordbaar te hou.

48 Samestelling van die Evalueringspaneel

Die Evalueringspaneel bestaan uit –

- (a) twee (2) personeellede van die Universiteit, aangewys deur die Rektor se Bestuurspan, wat lede van die Bestuurspan kan insluit;
- (b) die Voorsitter van die Studentehof of 'n lid van die Hof deur hom of haar aangewys;
- (c) die Speaker van Studenteparlement;

- (d) een (1) persoon wat Studenteparlement tydens die betrokke jaar bygewoon het, op 'n lukrake wyse deur die Studenteparlementkomitee aangewys uit Studenteparlement se bywoningsrekords; en
- (e) een (1) persoon wat nie 'n Studenteraadslid is nie, deur die Studenteraad aangewys voor die einde van hul termyn, met inagneming van sy of haar kennis van die pligte van Studenteraadslede.

49 Pligte en bevoegdhede van die Evalueringspaneel

- (1) Die Evalueringspaneel kan besluit om –
 - (a) tot 20% van die gebruiklike honorarium van 'n Studenteraadslid terug te hou indien sodanige lid se jaarverslag na die oordeel van die Paneel nie behoorlik en volledig is nie; en
 - (b) tot 40% van die gebruiklike honorarium van 'n Studenteraadslid terug te hou indien sodanige lid na die oordeel van die Paneel nie sy of haar pligte behoorlik en bekwaam verrig het nie.
- (2) Die Paneel moet 'n kort onderhoud met elke Studenteraadslid voer oor die uitvoering van sy of haar eie pligte en dié van die ander voormalige Studenteraadslede;
- (3) In die paneel se besluit rakende paragraaf (1)(b), moet die paneel ook die volgende in ag neem:
 - (a) die bepalings van hierdie Grondwet;
 - (b) 'n gedragskode kragtens artikel 45 en die reglemente van die Studenteraad;
 - (c) sodanige verhoë as wat enige persoon skriftelik aan die Voorsitter van die Studentehof mag rig oor die nakoming van die pligte van 'n voormalige Studenteraadslid;
 - (d) die verslae van Studenteraadslede, waarvan afskrifte aan die Paneel besorg moet word; en
 - (e) die beginsels van natuurlike geregtigheid.

50 Hersiening

Die besluit van die Evalueringspaneel kan nie deur die Studentehof hersien word nie, maar wel deur die Appèlhof.

51 Prosedure

Die Paneel bepaal die prosedure daarvan.

52 Kennisgewing en verslag

Die Paneel moet 'n Studenteraadslid so gou moontlik in kennis stel van die besluit daarvan en vir die redes van daardie besluit indien besluit is om enige deel van 'n voormalige lid se honorarium terug te hou.

53 Tydsraamwerk

Die Paneel word eenmaal 'n jaar gekonstitueer, om die pligte en bevoegdhede daarvan tussen 1 Oktober en 31 November van die betrokke jaar uit te oefen.

Eerste konsep / First draft

HOOFSTUK 4: STUDENT PARLIAMENT

54 Nature of Student Parliament

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

55 Speaker

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

- (a) to ensure that Student parliament takes place;
- (b) to ensure that an agenda is compiled and marketed at least one week before Student Parliament takes place;
- (c) to ensure that the minutes of Student Parliament are made available not more than two weeks after each meeting; and
- (d) to preside over meetings of Student Parliament impartially and in such a manner as to promote orderly and democratic debate.

56 Constitutions, rules and regulations

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

57 Powers

- (1) Unless otherwise provided, decisions of Student Parliament do not bind the Student Representative Council.
- (2) Student Parliament has the power to –

- (a) request one or more Student Representative Council-members to explain any of their actions, activities, or lack thereof in person at Student Parliament;
 - (b) institute a motion of no confidence in one or more Student Representative Council members, on the ground that they are not fulfilling their constitutional obligations, subject to appeal to the Student Court;
 - (c) determine a list of broad priorities which the next Student Representative Council must adhere to in compiling their budget and planning their activities;
 - (d) hold extraordinary meetings;
 - (e) appoint task teams to discuss and investigate specific matters and to report back and make recommendations to the plenary session and other University structures; and
 - (f) adopt any other measures to ensure that it fulfils its mandate effectively.
- (3) The powers described in paragraph (b), (c) and (d) are subject to the ratification by the Student Court of a Student Parliament Constitution which sets out the procedures to be followed in exercising these powers.

HOOFSTUK 5: DIE STUDENTEHOF

58 Nominasie en aanstelling van lede van die Studentehof

- (1) Die Voorsitter van die Studentehof moet aan die begin van die derde kwartaal nominasies vir lede van die Studentehof van regstudente en -dosente vra.
- (2) Die Voorsitter moet die nominasies aan die Fakulteitsraad van die Fakulteit Regsgeleerdheid voorlê en die Fakulteitsraad stel die lede van die Hof voor die einde van Augustus elke jaar aan, in oorleg met die dosente van die regstudente wat in die daaropvolgende jaar voorfinalejaar- of finalejaar-LLB-Studente of LLM-Studente sal wees.

59 Samestelling en lidmaatskap

- (1) Die Studentehof bestaan uit vyf (5) LLB- of LLM-regstudente.
- (2) Die Hof sal aangestel word onderhewig aan die volgende kriteria:
 - (a) 'n Minimum van een (1) en 'n maksimum van twee (2) voorfinalejaar LLB-Studente (in die kalenderjaar wat volg op die verkiesing);
 - (b) 'n Minimum van twee (2) en 'n maksimum van vier (4) finalejaar-LLB-regstudente; en
 - (c) 'n Maksimum van een (1) LLM-Student.
- (3) Geen lid van die Hof mag 'n lid van die Studenteraad wees nie.

60 Voorsitter

Die Voorsitter van die Studentehof word binne tien (10) dae ná die aanvang van die termyn van die lede daarvan deur die lede verkies op 'n vergadering wat deur die voormalige Voorsitter van die Studentehof byeengeroep word.

61 Termyn

Die termyn van die Studentehof stem ooreen met die van die Studenteraad, behalwe in uitsonderlike gevalle waar praktiese oorwegings ander maatreëls vereis.

62 Jurisdiksie van die Studentehof

Die Studentehof kan op aansoek –

- (a) van die Studenteraad 'n adviserende opinie lewer oor die interpretasie van hierdie Grondwet of reglemente van die Studente of 'n ander dokument in artikel 2 beskryf;

- (b) uitspraak lewer in geskille oor die interpretasie van die Grondwet of reglemente van Studente of 'n ander dokument in artikel 2 beskryf;
- (c) die besluite of enige ander optrede van 'n administratiewe aard van die volgende liggame en individue op erkende administratiefregtelike gronde hersien:
 - (i) die Studenteraad;
 - (ii) 'n Studenteraadslid;
 - (iii) 'n Subkomitee van die Studenteraad of 'n lid daarvan;
 - (iv) enige studenteliggaam van die Universiteit;
 - (v) die Stembuskonvenor(s) of Stembuskomitee;
 - (vi) erkende verenigings;
 - (vii) die Redakteur of redaksie van 'n publikasie soos in artikel 91 omskryf;
 - (viii) 'n Koshuis of Privaat Studenteorganisasien (PSO); en
 - (ix) die Huiskomitee van die koshuis of PSO, of 'n lid van sodanige Huiskomitee;
- (d) 'n bevel teen enige Studenteraadslid uitreik as dit blyk dat hy of sy sy of haar pligte kragtens hierdie Grondwet, 'n gedragskode in artikel 45 genoem of 'n reglement van Studente nie nakom nie, of daar redelike gronde is om te glo dat hy of sy dit nie gaan nakom nie;
- (e) verklaar dat 'n Studenteraadslid se lidmaatskap beëindig is kragtens die bepalings van artikel ;
- (f) klagtes aanhoor oor die besluit van die Stembuskonvenor(s) of die verloop en/of vryheid en regverdigheid van die Studenteraadsverkiesing en bevele maak kragtens Bylae 1 ;
- (g) die vergoeding van die Stembuskonvenor(s) kragtens Bylae 1 verminder; en
- (h) enige ander taak verrig wat deur hierdie Grondwet daaraan opgedra is.

63 Aansoeke by die Studentehof

- (1) Enige Student, en ook 'n persoon of instansie in artikel 62(c) genoem, kan 'n aansoek by die Studentehof indien.
- (2) Skriftelike aansoeke, gerig aan die Voorsitter, kan by die Studenteraadskantoor, die kantoor van die Sekretaresse van die Dekaan van die Fakulteit Regsgeleerdheid of die Voorsitter persoonlik ingelewer word, en moet die volgende bevat:
 - (a) die naam/name, handtekening(e) en Universiteitsnommer(s) van die aansoeker(s);
 - (b) die regsgrond vir die aansoek;
 - (c) die regshulp wat aangevra word;

- (d) enige feitlike besonderhede waarop 'n aansoeker of respondent wil steun, insluitend skriftelike, ondertekende verklarings; en
- (e) die naam en handtekening van 'n persoon wat 'n aansoeker verteenwoordig (indien enige).

64 Prosedure van die Studentehof

- (1) Die Studentehof bepaal self die prosedure daarvan, met inagneming van die reëls van natuurlike geregtigheid.
- (2) Nadat die Voorsitter van die Studentehof 'n aansoek ontvang het, moet hy of sy sorg dat enige persoon wat 'n wesenlike belang by die verrigtinge kan hê, in kennis gestel word daarvan indien hy of sy nog nie daarvan weet nie.
- (3) Die tyd en plek waarop 'n aansoek aangehoor sal word, moet in die Ou Hoofgebou en by die Studenteraadskantoor geadverteer word.
- (4) 'n Persoon in subartikel (2) genoem kan by die Voorsitter aansoek doen om as mede-aansoeker of respondent gevoeg te word en die vereistes van artikel 63(2) is mutatis mutandis op sodanige aansoek van toepassing.

65 Verteenwoordiging by die Studentehof

- (1) 'n Aansoeker of respondent mag in persoon of met regsverteenvoordiging voor die Studentehof verskyn.
- (2) Slegs voorfinalejaar- of finalejaar-LLB-Studente, of Studente wat 'n LLB-graad verwerf het, mag as regsverteenvoordiger voor die Studentehof optree.

66 Uitsprake van die Studentehof

- (1) Die uitsprake van die Studentehof bind alle Studente en die Universiteitsadministrasie (waar toepaslik).
- (2) Die Studentehof moet skriftelike rede vir die beslissings daarvan verskaf, en dit moet deur al die lede van die Hof onderteken word.
- (3) Waar 'n minderheid lede van die Hof nie met die meerderheid saamstem nie, moet die minderheid skriftelike redes vir hul afwyking verskaf.

67 Rekordhouding van die Studentehof en Appèlhof

Die Voorsitter van die Studentehof moet sorg dat al die uitsprake van en aansoeke aan die Studentehof en die Appèlhof bewaar word by –

- (a) die Studenteraadskantoor;
- (b) die Sekretaris van die Dekaan van die Fakulteit Regsgeleerdheid; en
- (c) hom- of haarself.

68 Samestelling van die Appèlhof

Die Appèlhof bestaan uit twee (2) dosente van die Fakulteit Regsgeleerdheid, wat deur die Dekaan van dié Fakulteit aangewys is.

69 Jurisdiksie van die Appèlhof

- (1) Die Appèlhof hoor appèlle teen die beslissings van die Studentehof aan.
- (2) Die Appèlhof kan besluite van die Evalueeringspaneel op administratiefregtelike gronde hersien.

70 Aanteken van appèl of aansoek vir hersiening by die Appèlhof

- (1) Appèl word aangeteken by of 'n aansoek om hersiening word gerig aan die Dekaan van die Fakulteit Regsgeleerdheid, wat dan 'n Appèlhof kragtens artikel 68 sal saamstel.
- (2) Die appèl moet geskied binne dertig (30) dae nadat die besluit waarteen appèl aangeteken word of wat hersien word, geneem is, behalwe as die appèl betrekking het op 'n bevel van die Studentehof kragtens artikel 62(f).

71 Prosedure van die Appèlhof

Die prosedure van die Appèlhof is mutatis mutandis dieselfde as dié van die Studentehof.

HOOFSTUK 6: THE PRIM COMMITTEE

72 Composition of the Prim Committee

- (1) The Prim Committee consists of the head Student of each residence and PSO ward, or his or her nominee.
- (2) The election of the Prim Committee Chair and Vice-Chair is run by the Election Convenor according to section 100.

73 Duties and powers

- (1) 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.
- (2) The Prim Committee has the powers necessary for the performance of its duties.

74 Constitutional mandate

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

75 Constitutions, rules and regulations

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

HOOFSTUK 7: THE ACADEMIC AFFAIRS COUNCIL

76 Composition

- (1) 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.
- (2) The Academic Affairs Council is appointed in the way prescribed in the Constitution of the Academic Affairs Council and the election of the Chair and Vice-Chair is run by the Election Convenor in accordance with section 100.

77 Duties and powers

- (1) 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.
- (2) The Academic Affairs Council has the powers necessary for the performance of its duties.

78 Constitutional mandate

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

79 Constitutions, rules and regulations

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

HOOFSTUK 8: THE SOCIETIES COUNCIL

80 Composition of the Societies Council

- (1) 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.
- (2) 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 and the election is run by the Election Convenor in accordance with section 100.

81 Duties and powers

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

82 Constitutional mandate

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

83 Constitutions, rules and regulations

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

HOOFSTUK 9: THE TYGERBERG STUDENT COUNCIL

84 Composition of the Tygerberg Student Representative Council

- (1) The Tygerberg Student Representative Council consists of a Chair and additional members.
- (2) The number of members that make up the Tygerberg Student Representative Council and the ways in which its 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.

85 Duties and powers

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

86 Constitutional mandate

The Tygerberg Student Council has a constitutional mandate to actively promote the Rights of Students contained in Chapter 2.

87 Constitutions, rules and regulations

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

HOOFSTUK 10: THE MILITARY ACADEMY STUDENT COUNCIL

88 Composition of the Military Academy Student Council

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

89 Duties and powers

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

90 Constitutional mandate

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

91 Constitutions, rules and regulations

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

HOOFSTUK 11: STUDENTEMEDIA

92 Publikasies

Die Studenteraad beskerm die publikasie van –

- (a) die Stellenbosch Student;
- (b) die Matiedagboek; en
- (c) verdere publikasies waarvoor daar in Studenteraadsreglemente voorsiening gemaak is.

93 Redaksionele onafhanklikheid

Alle studentepublikasies geniet redaksionele onafhanklikheid.

94 Besikbaarheid en finansiering

- (1) Elke Student is daarop geregtig om elke jaar 'n Matie-dagboek gratis te ontvang in soverre dit moontlik en prakties uitvoerbaar is.
- (2) Elke Student wat in 'n spesifieke jaar hul graad ontvang is daarop geregtig om in dieselfde jaar 'n Stellenbosch Student gratis te ontvang, in soverre dit moontlik en prakties uitvoerbaar is.

95 Aanstelling en toekenning van fondse

Elkeen van die publikasies onder subartikel (1) moet onderhewig wees aan 'n grondwet, of 'n reglement van die Studenteraad, wat ten minste uiteensit –

- (a) hoe die aanstelling van die redaksie sal geskied;
- (b) hoe die publikasie se finansies bedryf sal word; en
- (c) watter persoon of komitee verantwoordelik is vir die oorsig daarvan.

HOOFSTUK 12: ELECTIONS

96 Student Representative Council General Election

- (1) The nine (9) Student Representative Council members referred to in section 20(a) are elected once every calendar year in a free and fair general election in which all students may vote, with due observance of the provisions of Schedule 1.
- (2) Each 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) The Student Representative Council election must –
 - (a) take place during the third academic quarter;
 - (b) must take place after the election of the ex-officio Student Representative Council members and the election of House Committee members and Prims; and
 - (c) must be held over a maximum of seven (7) election days.
- (4) The Executive Committee of the Student Representative Council must –
 - (a) appoint one or more independent, neutral and competent Election Convenor(s) to run the election every year before the end of March, after this position has been advertised for at least two weeks on Stellenbosch campus; and
 - (b) determine the election dates with the Election Convenor(s) and the Chair of the Tygerberg Student Representative Council, in consultation with the Centre for Student Communities where necessary, before the end of June every year, with due consideration of subsection (3).
- (5) The format of the election, who qualifies to run for Student Representative Council, the duties and powers of the election convenor, the complaints procedure and the announcement of results are determined in Schedule 1 to this Constitution, and this section must be implemented in accordance with Schedule 1.

97 Election of the Student Representative Council Chair

- (1) As soon as the validity of the election results is confirmed in terms of Schedule 1, the Election Convenor(s) convene the first election meeting of the newly elected Student Representative Council members.
- (2) 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 positive vote under the chairpersonship of (one [1] of) the Election Convenor(s).

- (3) 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.
- (4) The Chair of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins. The voting should be by means of a positive vote.

98 Election of the rest of the Student Representative Council Executive Committee

- (1) After the election of the Student Representative Council Chair, under the chairpersonship of the Student Representative Council Chair, the newly elected members elect the Student Representative Council Vice-Chair, Secretary and additional member of the Executive Committee by means of a positive vote.
- (2) Any newly elected member of the Student Representative Council may make him or herself available for election for any of the remaining positions on the Executive Committee.
- (3) Should the newly elected Student Representative Chair so choose, the Executive Committee may also be elected during a second Student Representative Council election meeting.
- (4) The Chair of the meeting must allow candidates reasonable time to address the meeting and answer questions before voting begins.

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

- (1) The election of the Policy Officer, Communications Officer and representatives of the Student Representative Council on the University Council, Senate and Institutional Forum must take place –
 - (a) not later than one (1) month before the start of the new Student Representative Council's term of office;
 - (b) under the Chairpersonship of the newly elected Student Representative Council Chairperson; and
 - (c) by means of a positive vote.
- (2) Any member of the newly elected Student Representative Council, including members of the Executive Committee, can make him or herself available for one or more of these positions and vote in the election.

- (3) The Election Convenor must allow candidates reasonable time to address the meeting and answer questions before voting begins.

100 Election of the Chairpersons of the Prim Committee, the Academic Affairs Council and the Societies Council

- (1) The Student Representative Council Election Convenor(s) convenes the election of these new Chairpersons.
- (2) The election date and time is scheduled by the Election Convenor in consultation with the Chairpersons currently in office.
- (3) The Election Convenor must allow candidates reasonable time to address the meeting and answer questions before voting begins.
- (4) The elections takes place by means of a positive vote.

HOOFSTUK 13: COMMENCEMENT, REPEAL AND AMENDMENT

101 Commencement and repeal

- (1) Chapter 10 and Schedule 1 of this Constitution come into effect on 1 March 2012.
- (2) The remaining provisions of this Constitution come into effect on 1 September 2012 and thereby repeal all previous Student Constitutions.
- (3) No part of this Constitution will have effect retroactively.

102 Amendment

- (1) 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 ten (10) members of the Student Representative Council during an ordinary Student Representative Council meeting.
- (2) The following provisions may only be amended in a referendum: Preamble, Chapter 1, Chapter 2, Sections 19, 20, 22, 25, 26, 40, 41, 45, 47, 48, 49, 50, 51, 52, 53, Chapter 5, Section 96, and Chapter 13.
- (3) All provisions not mentioned in subsection (2) can be amended by means of the consent of ten (10) members of the Student Representative Council during an ordinary Student Representative Council meeting.
- (4) The fundamental provisions listed in subsection (2) take precedence over any other provision of this Constitution.

103 Referendum

- (1) The fundamental provisions of this Constitution listed in Section 102(2) can only be amended by acceptance of the proposed amendment by the members of the Student Union in a referendum.
- (2) 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.
- (3) A referendum takes place during a Student Representative Council election, as described in Schedule 1.

104 Mandatory referendum

- (1) This Constitution shall be voted on every five (5) years, starting in 2015, in a YES/NO referendum.
- (2) If a majority of NO votes is obtained, the following procedure must be followed:
 - (a) The Student Court must order the Student Representative Council to ensure that this Constitution is revised in a transparent and participative process.
 - (b) If, by the middle of its term the Student Representative Council has not have taken reasonable steps to revise this Constitution, the Student Court must take steps it deems necessary to ensure that this constitution is revised.
 - (c) This constitution must be put to referendum again during the following Student Representative Council election.

Eerste konsep / First draft

SCHEDULE 1: STUDENT REPRESENTATIVE COUNCIL GENERAL ELECTION

Afdeling S1 Election Convenor(s) and Election Committee

1 Duties and powers of the Election Convenor(s)

- (1) The Election Convenor(s) has all the duties and powers as described under this 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.
- (2) The Election Convenor(s) must ensure that every Student who votes does so only once in a particular election and that each Student who makes reasonable attempts will be able to vote, subject to practical feasibility.

2 Appointment and duties of Election Committee

- (1) 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.
- (2) The Election Committee, in cooperation with and under supervision of the Election Convenor(s), must ensure that the Student Representative Council election runs smoothly.

3 Term of office of the Election Convenor(s)

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

4 Independence of the Election Convenor(s)

- (1) The Election Convenor(s) is independent and is not under the authority of any Student organisation or university management.
- (2) He or she must perform his or her duties impartially and without prejudice.

5 Report

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

6 Remuneration of the Election Convenor(s)

- (1) The Election Convenor(s) and Election Committee are remunerated in accordance with the guidelines available at the Division of Student Affairs.
- (2) 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.

7 Convenor for Tygerberg campus

- (1) The designated Election Convenor(s) must appoint a convenor for the Tygerberg campus every year before the end of May in consultation with the Tygerberg Student Representative Council, after this position has been advertised for two (2) weeks on the Tygerberg campus.
- (2) 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.

Afdeling S2 Nominations and criteria for candidature

8 Nomination period

- (1) The nomination period must last for a period of ten (10) University days, unless extended in accordance with Section 56(8)(1).
- (2) All voting and nomination dates must, unless made impossible by extraordinary circumstances, coincide with the election of the Tygerberg Student Council.
- (3) If the Election Convenor(s) is of the opinion that it would be in the interest of representivity and participation, he or she may decide to postpone the last day for nominations for a period of one (1) week.

9 Procedure where too few nominations are received

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

- (a) The Election Convenor must re-open nominations for a period of one week.
- (b) Should there still be fewer nominations after the re-opening of nominations contemplated in (a) above, the Election Convenor(s) should declare the nominated candidates as duly elected Student Representative Council members, plus as many additional members, delegated by the old Student Representative Council, as necessary to fill the available positions.

10 Availability of nomination forms

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

11 Prescribed nomination form

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

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

12 Completion of nomination forms

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

- (a) The full name of the candidate.
- (b) The signature of the candidate.
- (c) The signature of the nominator.
- (d) The signatures of at least 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 Student number.

13 Nominations by students not present on the Stellenbosch or Tygerberg campuses

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

14 Academic requirements for candidature in the Student Representative Council election

- (1) The academic requirements for candidature in the Student Representative Council election exist to prevent situations where a member of the Student Representative Council resigns during his or her term of office for academic reasons.
- (2) In order to qualify on academic grounds a candidate must comply with the minimum residence HEMIS requirements on the basis of his or her academic record of previous years and the June examination results of the year concerned.
- (3) A candidate's official academic record can be accessed in order to determine whether the requirement under subsection (2) has been met.
- (4) If a candidate does not comply with the minimum requirements in subsection (2), the following factors may be considered to grant him or her valid candidature:
 - (a) The existence of special reasons, such as illness, injury, disability or other for the candidate's poor academic performance.
 - (b) Whether the candidate changed to a different programme and performed well in the new programme.
 - (c) Whether the candidate's results over the past three (3) years indicate a rising trend. (In other words, whether the candidate performed better and failed fewer modules, or did not fail any module in the past three (3) semesters.)
 - (d) Whether the candidate followed a programme (for example BEng) in which failing a module meant that various other modules could not be followed or where failing a module necessitated that the year of study be repeated (for example MB,ChB).

- (5) If a candidate is at risk of non compliance with the readmission requirements of the University, he or she will not be granted candidature in the Student Representative Council election.

15 Academic Selection

- (1) Candidates who do not comply with the academic requirements stipulated in section 14 may not participate in the Student Representative Council election.
- (2) 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) A candidate whose candidature was rejected in terms of this section and Addendum 1 can appeal against the rejection to 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, who will decide on the appeal with due observance of the criteria stipulated in section 13.

16 Other grounds for disqualification of candidates

Apart from compliance with sections 12 and 14 of this Schedule, the Election Convenor(s) must also reject the nomination of a candidate if the candidate –

- (a) has not been a Student for at least one (1) semester;
- (b) has been sentenced to imprisonment in the Republic of South Africa or elsewhere for any misdemeanour without the option of paying a fine; or
- (c) has been 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 by these Committees on the grounds of any form of dishonesty by one of the abovementioned bodies.

Afdeling S3 Format and marketing of the election

17 Format of the election

The Student Representative Council election takes place as follows:

- (a) Votes are cast electronically, by ballot or by other means in terms of subsection four (4).
- (b) 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:

- (i) the voting will take place in a combination of ways; and
- (ii) certain ways of voting are only available to certain categories of students

18 Electronic Voting

- (1) Voting takes place electronically by means of a secure and confidential electronic ballot on which the names and photographs of all the candidates appear.
- (2) The electronic vote is made available via a secure internet connection.

19 Voting by ballot

Voting takes place by means of a closed ballot on which the names of all the candidates appear at designated polling stations on the voting day(s) determined in terms of Section 45.

20 Placement of polling stations

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

21 Organisation of polling stations

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

22 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 the election will take place in another way.

23 Notice and marketing of the election

- (1) The Election Convenor(s) must inform all Students by means of the publication of an election edition of Die Matie, internet marketing, posters and in any other way, of the following aspects of the election:
 - (a) The period for which nominations are open and the place where the nomination forms are available.
 - (b) The election day(s).
 - (c) The way in which votes will be cast, including (if applicable) where polling stations will be located and the times at which votes can be cast.
 - (d) The time and place of the public presentation meeting(s).
 - (e) The names, policy declarations and experience of candidates, as well as the portfolio(s) they make themselves available for (if any).
 - (f) The document containing the rules and procedures determined by the Election Convenor(s) regarding the nomination forms and advertising.
 - (g) Any other material decisions that the Election Convenor(s) makes about the election procedure.
 - (h) The manner in which a complaint can be laid during or after the election about the Election Convenor(s), election campaign or the election.
 - (i) Any other material decision made by the Election Convenor(s) about the election campaign or procedure.
- (2) The information required by subsection (1) must also be made available to all students in a single written document, with or without attachments.

24 Campaigns

- (1) 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).
- (2) The Election Convenor(s) must place a limit on the monetary amount that candidates can spend on marketing and must lay down procedures and rules for the enforcement of that limitation.
- (3) If a candidate or the helpers or supporters of a candidate act in violation of Subsection (1) or (2), 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.

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

25 Presentation Meetings

- (1) The Election Convenor(s) must organise at least four (4) presentation meetings, of which at least one (1) must take place on Tygerberg campus, during which candidates will have the opportunity to present themselves to the students and students may ask questions to the candidates.
- (2) An Election Convenor or his or her appointee acts as Chair of a presentation meeting.
- (3) The conduct of students at a presentation meeting must comply with the code of conduct for presentation meetings, which may be attached as an addendum to this Constitution.
- (4) If the Chair of 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.
- (5) The duration of a presentation meeting is determined at the discretion of the Chair, who may end the meeting at any time, provided that all candidates have had fair and reasonable opportunity to state their policy and answer questions.

Afdeling S4 Results and complaints

26 Results of the Election

- (1) 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.
- (2) All votes must be counted by the Election Convenor(s) and the Election Committee as soon as possible after the last opportunity for voting.
- (3) Ballots may not be destroyed before the validity of the election has been confirmed.

- (4) 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.
- (5) The results of the election must be announced in public as soon as possible after all the votes have been counted and the full written results must be published electronically and sent to all the candidates.

27 Complaints

- (1) 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 announce his or her decision within twenty-four (24) hours after the complaint has been received.
- (2) 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 63 of this Constitution, who may review the decision, or the failure to make a decision, on the grounds of a failure to ensure a free and fair Student Representative Council election that promotes representivity and participation.
- (3) 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 three (3) University days after the announcement of the results in terms of the procedure prescribed in Section 63 of this Constitution.
- (4) In the case a complaint to the Student Court, the 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; and
 - (c) may grant any suitable remedy that will ensure the freedom and fairness of the election, which, if the complaint falls under subsection three (3), 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.
- (5) Appeals against the ruling of the Student Court in terms of subsections (1) and (3) must be lodged within two (2) university days after the ruling with the Dean of the Faculty of Law, otherwise the ruling of the Student Court will be final.

28 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 three (3) university days after the Election Convenor(s) has announced the election results;
- (b) such a complaint was lodged, but 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 two (2) university days after the ruling; or
- (c) such an appeal was lodged, but the Appeal Court rules that the election results, or an election result amended by the Court, are valid.

Eerste konsep / First draft