

# Noteworthy amendments

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## 1. Rationale: why revise the Student Union Constitution?

The SRC identified a number of contradictions and shortcomings in the Student Union Constitution (SUG). In general, the document is also archaic, difficult to read and in many cases unclear. To address this, the SRC decided to launch an extensive and independent revision process.

This process provided the opportunity to achieve more than merely fixing errors in the SUC. It is also an opportunity for students to create a policy document that is useful and relevant, and benefits students in a significant way. Among other things, this can ensure more effective, relevant and accountable representative structures. The process is now almost complete, and it is hoped that it appears clearly from the new document that a large number of these goals will be achieved if the new Constitution is adopted.

## 2. Process

The SRC delegated the task to revise the SUC to Innes Barnardt, Chair of the SRC's Policy Unit. In 2010, he convened a task team to look at the document and make broad suggestions for amendments. In March 2011 a revision committee, consisting of students (but no other SRC members) and a professor in Constitutional Law, was appointed by the Policy Unit and they drew up a first draft based on the original amendment proposals and input from students.

A third team, consisting of a lecturer in Value and Policy Studies (and a former SRC Chair), a Professor in Administrative Law (also a former SRC member) and Innes, was convened in June to look at the technical aspects of the document and incorporate any additional suggestions. Various inputs, from both students and university management, were received for the second draft and incorporated as far as possible. The second draft was finalised and released by 12 July. More information on the consultation process is available at <http://blogs.sun.ac.za/sug>.

If the new Student Constitution is voted in during the referendum, it will come into force in September 2012.

## 3. Aims of this document

This document contains the description of and rationale behind the most noteworthy amendments to the document, and is not meant to serve as a complete summary of all the amendments. It should be consulted with the document itself in order to gain a complete picture of the amendments.

**Layout and structure** The layout and structure have been changed to make the document easier to read and more accessible.

**Preamble** The preamble has been simplified. The consensus was that the long list of values in the preamble did not really contribute meaningfully to the document. The Bill of Student Rights is a more effective mechanism to enshrine those values. The preamble still contains an acknowledgement of students' responsibility to take part in the democratic structures put in place by the Constitution.

**Name (chapter 1)** The document will henceforth be known as the "Student Constitution" (SC). Firstly this is more accessible, because few students know to what "student union" refers and the term has fallen into disuse. A subsection still provides that any other documents that refer to the "Student Union Constitution", refer to the new Constitution.

**Bill of Student Rights (chapter 2)** A basic Bill of Student Rights has been added. The aim with this Bill of Rights is to make the SC a more effective and practical document for ordinary students. It also lends structure to the rest of the Constitution. Furthermore, it places the responsibility to protect and promote these rights on student leadership structures, and thus creates a constitutional mandate for the student leadership structures at the University. The Bill of Rights is subject to University regulations, and many of the rights protected therein are aligned with the values of the University as contained in various strategic policy documents.

**Composition of the Student Representative Council (section 19)** After thorough consultation with the SRC and an audit of the SRC's representative responsibilities, the number of SRC members has been adjusted from 16 to 15. This is in line with the original amendment proposal wherein it was found that a smaller SRC would be more flexible and able to respond more effectively to issues. It is also in line with the idea that the SRC should concentrate more on representation, and that a way should be found to move many of the SRC's organisational functions over to non-SR-members (for example SRC managers). The result will be that one less SRC member is elected in the open SRC election from 2012-2013.

**Term of office of the SRC (section 20)** The term of office of the SRC does not function effectively at present. Firstly, nearly half of any given term is lost to SRC members due to an extended election period and the fact that the SRC does not have sufficient time to plan before their term starts. There is also a lack of continuity from one SRC to the next, and some measure of overlap would help to prevent this. Further, as the election rhythm works at present, there is little or no opportunity for students that made themselves available for election to a House Committee or as Prim, to run for SRC, and vice versa, and so a number of potential SRC members are lost. The new Student Constitution thus determines that the SRC's term starts and ends on the day of the last University Council meeting of the year concerned, which usually takes place late in November. This gives the newly elected SRC at least six weeks to plan for the coming year, appoint managers and committees and to learn from the SRC members who are still in office. It also means that the SRC's term of office slots in with the decision making cycle of University management, so that SRC members who serve on University committees and statutory bodies do so for a full calendar year.

**Core functions (section 21)** In the previous Student Union Constitution no distinction was drawn between the most important functions of the SRC and the other duties that flow from these. This section draws that distinction, and the compulsory portfolios and other duties and powers are manifestations of the core functions.

**Verpligte portefeuilles (artikel 22)** Die necessity of most of these portfolios were implied in the previous SUC. Now a separate section is used to describe them. Two new portfolios have been added, namely those of Policy Officer and Communications Officer, which are in line with the core functions under section 21.

**Ex officio members (section 24)** In an audit of the representative responsibilities of the SRC, it was found that the *ex officio* members spend a lot of time on representation by nature of their positions. This leaves them with little time to take on as many further responsibilities as the other SRC members are able to. Therefore a number of limitations have been placed on the *ex officio* members to ensure a more even distribution of responsibilities:

**Transparency and accountability** Various provisions have been included to increase the transparency and accountability of the SRC. These include provisions, amongst others, that require:

- quarterly reports by each SRC member to be compiled and made public,
- the SRC to make public its programme and budget at the start of its term,
- the SRC to make public timeously the agenda and minutes for each SRC meeting, and
- more careful consideration before agenda points are handled *in camera* at SRC meetings.

**SRC managers (section 30)** One of the most important issues that surfaced during the revision process, is that there should be a greater distinction between the SRC's representative and organising functions. This section makes specific provision for the SRC to appoint managers to manage portfolios that chiefly involve organising, leaving more time for the SRC members to focus on representation.

**Executive Committee of the SRC (part 3.3)** Firstly, the composition of the Exec has been adjusted so that the Secretary serves on the Exec, which means the number of members of the Exec increases to six. Furthermore, the description of the of the duties and powers of the Exec has been expanded, and the check and balance that the SRC must approve certain decisions taken by the Exec has been strengthened.

**Evaluation (part 3.5)** The evaluation process has not changed (the timeframe is adjusted to accommodate the new SRC term of office), but the composition of the Evaluation Panel does change. The Speaker of Student Parliament becomes a member of the Panel, as well as another student chosen randomly from Student Parliament. This firstly strengthens the SRC's accountability to Student Parliament and secondly it results in someone outside of the SRC structures and direct environment serving on the Panel. Furthermore, the members that are appointed by the Vice-Rector (Teaching), now only serve on the Panel in an advisory capacity. There are two reasons for

this – firstly it diminishes the probability of a conflict of interest arising for SRC in their relationship with University management. Secondly, it solves a technical problem in that the Student Constitution cannot give an effective mandate to members of the University staff.

**Student Parliament (chapter 4)** Student Parliament's powers are strengthened and extended. Amongst other things, Student Parliament will be able to adopt motions of no confidence in SRC members (subject to revision by the Student Court) and determine a broad list of priorities that the SRC must adhere to in their planning and budget. These powers are subject to Student Parliament adopting its own constitution, which must be approved by the Student Court.

**Student Court (chapter 5)** The chapter concerning the Student Court has been simplified, without changing the provisions substantively to a significant extent. The changes that were made are aimed at making the Student Court more accessible and simplifying the chapter.

**The *ex officio* bodies (chapters 6-10)** These chapters concern the Academic Affairs Council, Prim Committee, Societies Council, Military Academy Student Council and Tygerberg Student Council. Firstly, each body now has a constitutional mandate tying it to the Bill of Student Rights. Also, the SRC's powers to refuse to approve the constitutions of these bodies has been limited to two grounds, and such refusal will now be subject to appeal to the Student Court.

**Elections (chapter 11)** Certain core aspects of the SRC election are determined under this chapter, while more detailed provisions concerning the SRC election are contained in a schedule. This makes the constitution itself shorter and easier to read.

**Alternative amendment process (section 97)** The new Constitution makes provision for an alternative process whereby the Constitution can be amended without the SRC having to approve the amendment first.

**Compulsory referendum (section 99)** Every five years, students will vote in a referendum whether the Constitution is to be revised or not.

**Omissions** The following are the most important provisions that have been omitted. These omissions were made for various reasons, but on the whole the provisions were unnecessary or irrelevant, or have been covered by other provisions the new Constitution.

- The duty on the SRC to actively seek the opinion of certain bodies under section 9(1)(d)-(h) of the old constitution. Firstly, it is unclear to what situations these provisions refer, and secondly the *ex officio* members of the SRC are there to make sure that the opinion of their respective bodies reach the SRC.
- The allocation of portfolios under section 9(3) of the old Constitution. The SRC will now have to compile a document at the start of their term to indicate which SRC members are responsible for which functions.
- There will no longer be an SRC Policy Unit. The consensus was that the SRC will be able to handle policy issues easier and more efficiently by delegating specific issues to specific

groups or task teams. Ample provision (probably more than in the old Constitution) is still made for policy and the SRC's responsibilities regarding policy.

- The detailed provisions regarding the Prim Committee. This brings the chapter in line with the other chapters regarding the *ex officio* bodies, and to give the Prim Committee the freedom to determine its own internal rules and procedures. One of the provisions that remains is that one of the Prim Committee representatives on the SRC must represent private student organisations (PSOs) while the other must represent residences.
- The internal disciplinary committee of the SRC. It was not clear from the previous Constitution who should serve on this committee, and its powers, for example to remove an SRC member from office, were too extensive. The new Constitution places the onus on the SRC to determine its own disciplinary procedure in an SRC regulation.
- The chapter regarding student media. The provisions regarding the oversight of Die Matie have been moved to a separate regulation, and the other provisions did not serve any obvious purpose. Furthermore, it was unclear why only the specific publications that were listed in the previous Constitution, were mentioned.