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# **The Constitution of the Academic Affairs Council of Stellenbosch University**

*Drafted by the Academic Affairs Council Constitutional Review Committee of 2022.*

*Confirmed by the Academic Affairs Council on the 10<sup>th</sup> of May 2022.*

*Ratified by the Students' Representative Council on the 20<sup>th</sup> of July 2022.*

*Approved by the Student Court on the 7<sup>th</sup> of September 2022.*

*Enacted on the 12<sup>th</sup> of September 2022*

*Academic Affairs Council Constitutional Review Committee 2022:*

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## ***Preamble***

We, the Academic Affairs Council of Stellenbosch University, commit ourselves to actively promoting the rights of students as contained in Chapter 2 of the Student Constitution, to quality education, academic support, and transparent and justifiable assessment procedures.

We devote ourselves to serve as a forum of Faculty Student Committee and Academic Affairs Council leaders that strives to protect and further the academic interests of all students, by promoting a transformative teaching and learning experience, enabling academic success, and developing graduate attributes, with the aim towards establishing a thriving academic project which facilitates student retention. We dedicate ourselves to achieving this mandate, whilst setting an example of professional conduct in the pursuit of academic excellence for all students.

Subject to the provisions of the Constitution of the Republic of South Africa, the Higher Education Act, the Statute of Stellenbosch University, University regulations, and the Student Constitution, we accept this as our binding Constitution.

## ***Chapter 1: Basic Provisions***

### **1 Definitions**

In this Constitution, unless the context indicates otherwise –

- (1) **“Accept”, “Decide”, or “Elect”** means a resolution taken by means of a simple majority vote, unless stated otherwise.
- (2) **“Constitutional Amendment”** means any change, alteration, or amendment to this Constitution, a Faculty Student Committee’s Constitution, or the Tygerberg Academic Affairs Council Constitution.
- (3) **“Co-curricular Development”** means the curricular development which Faculty Student Committee and Academic Affairs Council leaders take alongside their academic curricular, in accordance with the module built for the purposes of the Academic Affairs Council co-curricular, assisted by the Centre for Student Leadership, Experiential Education and Citizenship, or its equivalent.
- (4) **“Day”** means a calendar day.
- (5) **“Executive Committee”** means the Executive Committee of the Academic Affairs Council.
- (6) **“Executive Committee Member”** means a member of the Executive Committee of the Academic Affairs Council as stipulated in section 11(1).
- (7) **“Faculty Mentor”** means a member of staff of Stellenbosch University who voluntarily agrees to act as a mentor or role model for a Faculty Student Committee or Academic Affairs Council leader.
- (8) **“Faculty Student Committee”** means the body of student leaders elected in terms of the relevant Faculty Student Committee Constitution mandated to represent the academic interests of their respective faculties’ students.
- (9) **“Faculty Student Committee Constitution”** means the Constitution which binds only a specific Faculty Student Committee.
- (10) **“Internal Communication”** is given the meaning provided in the Language Policy of Stellenbosch University.
- (11) **“In Writing”** means either by way of an email or written document.
- (12) **“Leadership Bursary”** means a monetary contribution made by the institution as a credit against the student leader’s student account.
- (13) **“Ordinary Member”** means any member of the Academic Affairs Council who is not a member of the Executive Committee of the Academic Affairs Council.
- (14) **“Policy Officer”** means the position held by a member of the Students’ Representative Council, as detailed in the Student Constitution.
- (15) **“Positive Vote”** (in the context of an election) means the following process:

- (a) When one candidate receives a simple majority of the vote, they are elected.
- (b) If no candidate receives a simple majority of the vote, the following steps are followed:
  - (i) A new election takes place.
  - (ii) For this election, the candidates who received the least number of votes in the previous election are removed, but the sum of the removed candidate's votes may not exceed 50% of the total number of votes in the previous election.
  - (iii) This process is repeated until one candidate receives a simple majority of the votes.
- (16) **"Simple Majority Vote"** means a 50% plus one (1) vote.
- (17) **"Special Meeting"** means a meeting that allows the Academic Affairs Council to meet when necessary to discuss immediate or pertinent issues without delay.
- (18) **"Student"** means a student registered at the University, or a student who was accepted into an academic programme at the University and intends to register in the current academic year.
- (19) **"Student Body"** means an organised group of students formally associated with the University.
- (20) **"Student Leader"** means any positional and/or non-positional leader that is a student.
- (21) **"Task Team"** means a group of students led by at least one appointed member of the Academic Affairs Council to address continuous and/or ad hoc issues.
- (22) **"Tygerberg Academic Affairs Council"** means the representative body that represents the academic interests of all students in the Faculty of Medicine and Health Sciences at the Tygerberg Student Representative Council, subject to the following:
  - (a) The Tygerberg Academic Affairs Council is bound by the Tygerberg Student Constitution and the Academic Affairs Council Constitution.
  - (b) Where there is a discrepancy between the interpretation of these constitutions, the Tygerberg Student Constitution will take preference over the Academic Affairs Council Constitution.
- (23) **"University Day"** means a weekday (Monday to Friday) during the academic year which is not a public holiday.
- (24) **"University"** means Stellenbosch University.

## 2 Status of this Constitution

- (1) All constitutions, regulations, rules, codes, documents, motions, and decisions adopted by Faculty Student Committees and the Tygerberg Academic Affairs Council, are subject to this Constitution and are invalid insofar as there are any discrepancies.

- (2) This Constitution is called the “**Constitution of the Academic Affairs Council of Stellenbosch University**”.

### **3 Interpretation**

- (1) In this Constitution, unless the context clearly indicates otherwise, words shall have their ordinary dictionary meaning.
- (2) Should a dispute arise as to the interpretation of a word or clause used in this Constitution, the Executive Committee of the Academic Affairs Council shall decide on its interpretation.
- (3) The English version of this Constitution shall take preference over the Afrikaans and isiXhosa versions of this Constitution in the event of an interpretation conflict.

### **4 Bodies Constituted by this Constitution**

- (1) This Constitution constitutes Faculty Student Committees for the following faculties:
  - (a) Faculty of AgriSciences
  - (b) Faculty of Arts and Social Sciences
  - (c) Faculty of Economic and Management Sciences
  - (d) Faculty of Education
  - (e) Faculty of Engineering
  - (f) Faculty of Law
  - (g) Faculty of Military Sciences
  - (h) Faculty of Science
  - (i) Faculty of Theology
- (2) This Constitution, in combination with the Tygerberg Students’ Representative Council Constitution, constitutes the Tygerberg Academic Affairs Council, which is based in the Faculty of Medicine and Health Sciences.

### **5 Duties and Powers**

- (1) The Academic Affairs Council represents the academic interests of the students at the Students’ Representative Council and the University management.
- (2) The Academic Affairs Council is an autonomous student representational structure and has the powers necessary for the performance of its duties.
- (3) Decisions of the Academic Affairs Council are binding on all Faculty Student Committees, and on the Tygerberg Academic Affairs Council, subject to the Academic Affairs Council constitution.

## **6 Constitutional Mandate**

- (1) The Academic Affairs Council has a constitutional mandate to:
  - (a) Actively promote the rights of students contained in Chapter 2 of the Student Constitution, and specifically the right, under Section 8(2) of the Student Constitution, to quality education, academic support, and transparent and justifiable assessment procedures, which is achieved by, *inter alia*:
    - i. Serving on the Faculty Board and Programme Committee of each faculty through the relevant Faculty Student Committee leaders, as well as institutional and faculty-specific levels;
    - ii. Promoting and managing the class representative structures to enhance academic participation and representation.
  - (b) Serve as a forum of Faculty Student Committee and Academic Affairs Council leaders that strives to protect and further the interests of all students, which is achieved by, *inter alia*:
    - i. Advising the Students' Representative Council via the Academic Affairs Council Chairperson;
    - ii. Putting academic leadership at the fore of campus leadership;
    - iii. Fulfilling the Academic Affairs Council duty towards the academic interests of students.

## ***Chapter 2: Composition***

### **7 Membership**

- (1) The following people comprise the membership of the Academic Affairs Council:
  - (a) The Chairperson of the Academic Affairs Council;
  - (b) The Vice Chairperson of the Academic Affairs Council;
  - (c) The following Faculty Student Committees each appoint two representatives as members of the Academic Affairs Council:
    - (i) Faculty of AgriSciences
    - (ii) Faculty of Arts and Social Sciences
    - (iii) Faculty of Economic and Management Sciences
    - (iv) Faculty of Education
    - (v) Faculty of Engineering
    - (vi) Faculty of Law
    - (vii) Faculty of Military Sciences
    - (viii) Faculty of Science
    - (ix) Faculty of Theology
  - (d) The Tygerberg Academic Affairs Council appoints two representatives as *ex-officio* members of the Academic Affairs Council.
  - (e) Any further administrative officers who the Executive Committee of the Academic Affairs Council deem necessary to be appointed, of which two (2) must at least be a Treasurer and a Secretary-General.
- (2) The two (2) appointed representatives, as stated in 7(1)(c) and 7(1)(d), will be the Chairperson and Vice-Chairperson of the relevant Faculty Student Committee or Tygerberg Academic Affairs Council, unless the structure in question provides otherwise.

## ***Chapter 3: Duties and Functioning of the Academic Affairs Council***

### **8 Duties and Functions**

- (1) The Chairperson of the Academic Affairs Council –
  - (a) Is responsible for the following administrative arrangements, including:
    - (i) Facilitating Academic Affairs Council meetings, in consultation with the Secretary-General;
    - (ii) All official correspondence to and from the Academic Affairs Council;
    - (iii) Passing on the minutes to the Students' Representative Council Chairperson;
    - (iv) Compiling the annual report of the Academic Affairs Council.
  - (b) Is responsible for representing the Academic Affairs Council, either in their own capacity or by virtue of a representative if the Chairperson is unavailable, on the following committees:
    - (i) Timetable Committee of the Academic Planning Committee;
    - (ii) Academic Planning Committee of Senate;
    - (iii) Committee of Learning and Teaching;
    - (iv) Any other institutional committee which stipulates that the Chairperson of the Academic Affairs Council must act as a representative on said committee, and;  
In fulfilling the duties in section 8(1)(b)(i)-(iv), the Chairperson is required to obtain input from the Academic Affairs Council and report back to the Academic Affairs Council.
  - (c) Must meet with the Deputy Vice-Chancellor: Learning and Teaching on a monthly basis.
  - (d) Must oversee the finances of the Academic Affairs Council, in consultation with the Treasurer.
  - (e) Is an *ex-officio* member of the Students' Representative Council and, as such, is responsible for keeping the Students' Representative Council apprised of activities of the Academic Affairs Council.
  - (f) Must write and submit a satisfactory term report.
  - (g) Is responsible for convening special or emergency meetings where necessary.
  - (h) During their term of office, may not be a member of a Faculty Student Committee or of the Tygerberg Academic Affairs Council.
  - (i) Facilitates the discussion and addressing of academic and other matters of communal interest that fall within the sphere of academia at Stellenbosch University and empowers the members of the respective Faculty Student Committees, and the members of the Tygerberg Academic Affairs Council, to represent and inform students effectively.

(2) The Vice-Chairperson of the Academic Affairs Council –

- (a) Is responsible for the internal functioning of the Academic Affairs Council, which includes:
  - (i) Discipline within the Academic Affairs Council;
  - (ii) Maintaining team morale and well-being;
  - (iii) Co-curricular development of the Academic Affairs Council;
  - (iv) Encouraging all members to obtain faculty mentors.
- (b) During their term of office, may not be a member of a Faculty Student Committee or of the Tygerberg Academic Affairs Council.
- (c) Is responsible for assisting and coordinating the Academic Affairs Council members serving on institutional committees.
- (d) Is responsible for providing guidance and assistance to Academic Affairs Council members in their respective Faculty Student Committees, and in the Tygerberg Academic Affairs Council, as requested by the Chairperson and Vice-Chairperson of said Faculty Student Committees or of the Tygerberg Academic Affairs Council.
- (e) Is responsible for sitting on the disciplinary committees of all Faculty Student Committees, and of the Tygerberg Academic Affairs Council, or appointing a delegate to do so on their behalf if the Vice-Chairperson is unable to do so.
- (f) Must write and submit a satisfactory term report, as well as confirm and hand over all term reports received from the other Academic Affairs Council members.

(3) The Treasurer of the Academic Affairs Council –

- (a) Is responsible for –
  - (i) Financial processing within the Academic Affairs Council;
  - (ii) Compiling the draft budget of the Academic Affairs Council, alongside the Chairperson, subject to confirmation by the Executive Committee of the Academic Affairs Council;
  - (iii) Compiling the financial report and tracking expenditure of the Academic Affairs Council;
  - (iv) Ensuring that the financial resources of the Academic Affairs Council are used in a transparent, responsible, and sustainable manner;
  - (v) Overseeing compliance with the financial policies of the Academic Affairs Council.
- (b) Must write and submit a satisfactory term report.

(4) The Secretary-General of the Academic Affairs Council –

- (a) Is responsible for –
  - (i) Scheduling fortnightly Academic Affairs Council meetings;
  - (ii) Reserving venues for Academic Affairs Council meetings;

- (iii) Drawing up and circulating meeting agendas to Academic Affairs Council members;
  - (iv) Taking minutes during meetings and circulating such minutes to Academic Affairs Council members after a meeting; and
  - (v) Assisting in sending out correspondence from the Academic Affairs Council.
- (b) Must write and submit a satisfactory term report.

## **9 Duties of Ordinary Members of the Academic Affairs Council**

- (1) The ordinary members of the Academic Affairs Council have the following duties:
- (a) Attending and participating in all Academic Affairs Council meetings and events, unless excused by the Chairperson, or Vice-Chairperson where applicable.
  - (b) Reporting on and proposing recommendations for, *inter alia*:
    - (i) Faculty Board, on which the Chairperson and Vice-Chairperson of each relevant Faculty Student Committee and the Chairperson of the Tygerberg Academic Affairs Council in the case of the Faculty of Medicine and Health Sciences, must sit; and
    - (ii) Faculty Programme Committee, which require at least two representatives from the relevant Faculty Student Committee or the Tygerberg Academic Affairs Council; and
    - (iii) The running of their respective Committees.
  - (c) Lead their respective Committees, to a level deemed satisfactory by the Academic Affairs Council Executive Committee, which includes:
    - (i) Adhering to, and ensuring fulfilment of, all the duties and obligations set out in their respective empowering Constitutions; and
    - (ii) Facilitating the election or appointment of class representatives; and
    - (iii) Maintaining an appropriate level of professionalism and discipline on their respective Committees.

## **10 Academic Affairs Council Meetings and Events**

- (1) The functioning of Academic Affairs Council meetings:
- (a) Are to be left to the discretion of the Chairperson, assisted in administration by the Secretary-General, who can make provisions if they are not contradictory to any provisions in this chapter.

- (i) The Chairperson must propose and outline a manner in which meetings, special meetings, executive meetings, and agendas will be organised and held, to the Executive Committee in the first Executive Committee Meeting.
  - (ii) The Executive Committee of the Academic Affairs Council has the power to overrule any of the Chairperson's proposals by simple majority.
- (2) The Academic Affairs Council must meet at least once every two (2) weeks but is not obligated to meet during the official examination and holiday periods.
  - (a) The Chairperson will have the discretion to waive meetings on the conditions of:
    - (i) Academic wellbeing of members;
    - (ii) Lack of agenda and/or meeting material; or
    - (iii) Any further reason deemed acceptable by the Executive Committee in consultation with the Chairperson, following a formal Executive Committee meeting.
- (3) Written notice of an ordinary Academic Affairs Council meeting is given to members at least two (2) University days before the meeting and states at least the date, time, and place of the meeting.
- (4) The complete agenda must be sent to all members one (1) day prior to the commencement of the meeting.
- (5) Regarding quorum and voting during a meeting of the Academic Affairs Council:
  - (a) Twelve (12) Academic Affairs Council members constitute a quorum at Academic Affairs Council meetings.
    - (i) Additionally, one representative from at least seven (7) faculties must be present.
  - (b) No decision of the Academic Affairs Council will be valid if at least twelve (12) members were not present at the meeting where the decision was taken.
    - (i) Additionally, no decision of the Academic Affairs Council will be valid if more than three (3) faculties had no representatives present.
  - (c) If a vote results in a tie, the Academic Affairs Council must vote again, following further deliberation around the issue. If the vote still results in a tie, the vote of the Chairperson will be decisive.
- (6) Regarding transparency of ordinary meetings of the Academic Affairs Council:
  - (a) The agenda, which states at least all the points to be discussed, as well as the date, time, and place of the meeting, must be made available online to all students at least one (1) University Day before each Academic Affairs Council meeting.
  - (b) Any person invited by the Academic Affairs Council may attend Academic Affairs Council meetings.

- (c) The Chairperson can rule the discussion of a specific point on the agenda *in camera* if they believe it to be in the best interests of students, provided that
  - (i) The Chairperson must do so before the agenda is set.
  - (ii) The point must still appear in the agenda and abbreviated agenda.
  - (iii) The discussion of the point still be noted, the record of which need only be made available internally to the Academic Affairs Council.
  - (iv) The Academic Affairs Council can decide to overturn the decision of the Chairperson.
- (7) Regarding transparency of special meetings of the Academic Affairs Council:
  - (a) An abbreviated agenda, which states at least all the points on the agenda, as well as the date, time, and place of the meeting, must be made available to all students at least two (2) hours before the meeting.
  - (b) The special meeting allows the Academic Affairs Council to meet when necessary to discuss immediate or pertinent issues without delay.
  - (c) The Academic Affairs Council Executive Committee can rule that the meeting – where such meeting is of a sensitive nature – be a closed meeting provided that it is necessary for the discussion, in the best interest of students, or necessary for the Academic Affairs Council to agree on an issue.
    - (i) The minutes of the discussion is released within five (5) university days.
    - (ii) If at least two (2) members of the Academic Affairs Council put a request in writing to the Chairperson within two (2) University days after the minutes are made available, the discussion point is tabled at the next possible ordinary Academic Affairs Council meeting.
    - (iii) Application may be made to the Student Court to have the full minutes of the closed meeting released.
- (8) Regarding the minutes of Academic Affairs Council meetings:
  - (a) All decisions of the Academic Affairs Council must be noted.
  - (a) The Secretary-General must ensure that the complete minutes of each Academic Affairs Council meeting are made available to all students electronically, not later than five (5) University days after the meeting
- (9) Regarding Seconds for Academic Affairs Council members:
  - (a) If Academic Affairs Council members cannot attend an Academic Affairs Council meeting, they may appoint a member of their Faculty Student Committee, or a member of the Tygerberg Academic Affairs Council in the case of the relevant representatives, in writing, as a second to attend the meeting.
    - (i) This must be sent to both the Secretary-General and Chairperson of the

Academic Affairs Council.

- (b) Said second may exercise all the rights and powers at the meeting that the person that they represent would have been able to exercise had they been present.
  - (c) The right to appoint a second may not be exercised consecutively for more than two (2) Academic Affairs Council meetings, unless—
    - (i) An Academic Affairs Council member is expected to be off campus for a duration of more than four (4) calendar weeks but will be returning prior to the ending of their term in office; and
    - (ii) Approval by the Academic Affairs Council Executive Committee, by way of simple majority, is granted.
  - (d) Seconds from Academic Affairs Council members count towards quorum.
- (10) Code of Conduct of the Academic Affairs Council:
- (a) The Vice-Chairperson, in collaboration with the Chairperson, must build and propose to the Executive Committee, a Code of Conduct for the functioning of the Academic Affairs Council, which includes, but is not limited to, the governance of: Meetings, Events, Impeachment, and Resignations. Upon approval by the Executive Committee, the Code of Conduct must be approved by a simple majority of the Ordinary Members of the Academic Affairs Council and will be binding on all members of the Academic Affairs Council for their term in office.
  - (i) Amendments to the Code of Conduct must be formulated by the Vice-Chairperson, and first proposed to, and passed by, the Executive Committee. After which, the proposal must be approved by the Ordinary Members by a simple majority vote.
- (11) Events of the Academic Affairs Council:
- (a) The Vice-Chairperson is responsible, in collaboration with the Chairperson, for organising and hosting Academic Affairs Council sessions. These sessions will provide for co-curricular education, student governance training, and general team-building occasions.
  - (b) Proposed sessions must be tabled by the Vice-Chairperson and approved by the Executive Committee.
  - (c) Such sessions are compulsory for all Academic Affairs Council members, unless excused by the Vice-Chairperson and Chairperson.

## ***Chapter 4: The Executive Committee of the Academic Affairs Council***

### **11 Composition**

- (1) The Executive Committee consists of:
  - (a) The Chairperson of the Academic Affairs Council;
  - (b) The Vice-Chairperson of the Academic Affairs Council;
  - (c) The Treasurer of the Academic Affairs Council;
  - (d) The Secretary-General of the Academic Affairs Council; and
  - (e) Three (3) additional members of the Academic Affairs Council.
- (2) The Treasurer and Secretary-General are non-voting members of the Executive Committee of the Academic Affairs Council but do hold speaking rights.

### **12 Mandate**

- (1) It is the mandate of the Executive Committee to ensure that the Academic Affairs Council functions efficiently, transparently, and sustainably in fulfilling its constitutional mandate.

### **13 Duties and Powers**

- (1) The Executive Committee has the duty and power to—
  - (a) Set the agenda for Academic Affairs Council meetings.
  - (b) Manage the day-to-day matters of the Academic Affairs Council,
    - (i) Excluding any power or duty granted to the Academic Affairs Council by this Constitution.
  - (c) Fulfil any duty that the Academic Affairs Council specifically delegates to it.
  - (d) Approve, and amend thereafter, the Academic Affairs Council budget.
  - (e) Make important decisions in urgent cases where it is not practically feasible to convene the Academic Affairs Council.
    - (i) The Academic Affairs Council must be immediately notified of decisions taken in terms of this power; and
    - (ii) Such decisions must be tabled at the next possible Academic Affairs Council Meeting for final determination.
  - (f) Decide on the additional portfolio officers to be appointed, excluding the compulsory portfolios.
  - (g) Appoint the additional portfolio officers.
  - (h) Make interpretation decisions on this Constitution that binds all structures subject to this Constitution.
  - (i) Assist Student Parliament in their composition by—

- (i) Delegating the requisite number of Academic Affairs Council members to the Student Assembly; and
- (ii) Delegating a student to the Student Imbizo as a delegate; and
- (iii) Delegating three (3) Special Delegates from the Faculty Student Committees or the Tygerberg Academic Affairs Council, who are not on the Academic Affairs Council, to the Student Imbizo.
- (j) Must facilitate the election of a member from the ranks of the Academic Affairs Council to serve on each of the following institutional governance structures:
  - (i) The Institutional Forum; and
  - (ii) The Senate.
- (k) Ensure that each Faculty Student Committee and the Tygerberg Academic Affairs Council has representation on their relevant Faculty Board and are able to adequately represent students at that forum.
- (l) Establish a Constitutional Review Committee with the power to approve amendments to this Constitution in accordance with Section 28.
- (2) Decisions taken and powers exercised by the Executive Committee are in full force and effect unless they are set aside by the Academic Affairs Council in a meeting called in terms of Section 16(3).
  - (a) This provision applies to all decisions and powers of the Executive Committee, excluding section 13(1)(h), which may only be overturned by the Student Court.

#### **14 Election of the Additional Academic Affairs Council Members onto the Academic Affairs Council Executive Committee**

- (1) The election of the three (3) additional members of the Executive Committee must take place at a meeting of the incoming Academic Affairs Council.
  - (a) The meeting is chaired by the incoming Academic Affairs Council Chairperson.
  - (b) Only Academic Affairs Council members serving as representatives from Faculty Student Committees or the Tygerberg Academic Affairs Council will have a voting right in this meeting.
- (2) Only Academic Affairs Council members serving as current representatives from Faculty Student Committees or the Tygerberg Academic Affairs Council may stand for these positions.
- (3) The incoming Executive Committee must decide on the following and communicate it to the Academic Affairs Council in a timely manner:
  - (a) The manner in which nominations will take place;
  - (b) How the meeting will be facilitated; and

- (c) How voting will take place.
- (4) The following minimum requirements must be met for a meeting as referred to in Section 14(1) to be valid:
  - (a) The meeting must be advertised to the Academic Affairs Council at least five (5) days before it will take place;
  - (b) Each candidate must make oral representations on their suitability;
  - (c) Academic Affairs Council members must be provided adequate time to ask the candidates questions; and
  - (d) Voting must take place during the meeting itself.
- (5) All members with voting rights in terms of this section will have three (3) votes to cast for the candidates.
  - (a) Where there are only three (3) candidates, each candidate requires at least a two-thirds ( $2/3^{\text{rds}}$ ) majority to be elected.
  - (b) Where there are more than three (3) candidates-
    - (i) Every candidate receiving a simple majority vote will be elected.
- (6) If all three (3) positions are not filled after the first (1<sup>st</sup>) vote, there will be another round where each member will have the number of votes as there are vacant positions to be filled during that round. This will continue until there are three (3) consecutive rounds where no candidates were elected, whereafter the currently formulated Executive Committee must determine a just and equitable way to conduct a new vote with a new process.

## **15 Appointment of Additional Portfolio Officers**

- (1) The outgoing Academic Affairs Council Executive Committee is mandated, after the election of the new Chairperson and Vice-Chairperson, to assist in the appointment of at least a Treasurer and Secretary-General, who will hold office for the incoming Academic Affairs Council term.
- (2) This process must occur after the incoming Chairperson and Vice-Chairperson of the Academic Affairs Council are elected but before the outgoing Academic Affairs Council is dissolved.
- (3) The appointment process is as follows:
  - (a) The incoming Chairperson and Vice-chairperson must advertise the additional portfolio positions for a period of at least one (1) calendar week, through the best sources available to the Academic Affairs Council.
  - (b) After the application period closes, the candidates must be interviewed by a panel of at least three (3) members:

- (i) With the incoming Chairperson and Vice-Chairperson serving as two (2) members; and
  - (ii) At least one (1) member of the outgoing Executive Committee.
    - (aa) Where no members of the outgoing Executive Committee are available, a member/(s) of the outgoing Academic Affairs Council and/or incoming Academic Affairs Council will suffice.
- (c) The panel must submit their recommendations to the incoming Executive Committee in their first sitting, wherein the Executive Committee must approve of the appointment by way of a simple majority.
- (4) The remuneration of appointed Officers is to be decided and proposed by the incoming Chairperson of the Academic Affairs Council, and approved by the incoming Executive Committee, in their first sitting.
- (5) The panel must submit a signed document to the Students' Representative Council, via the Academic Affairs Council Chairperson, outlining the process and outcomes of the appointment.
- (6) The Chairperson of the Academic Affairs Council must conclude an agreement with the Officer stipulating at least:
  - (a) Remuneration, as approved by the Executive Committee of the Academic Affairs Council;
  - (b) Their duties and obligations; and
  - (c) When their appointment commences and conditions of its termination.

## **16 Meetings and Minutes**

- (1) The Executive Committee meets at least once per week before an ordinary Academic Affairs Council meeting but is not obligated to meet during examination and holiday periods.
  - (a) A member must excuse themselves from the Chairperson and Secretary-General if they have an acceptable excuse for being absent at least two (2) days before an Executive Committee meeting.
  - (b) Alternatively, a member must provide a justifiable reason for not having excused themselves in accordance with section 16(1)(a) within two (2) days after the Executive Committee Meeting, in the case of an emergency.
- (2) All decisions of the Executive Committee must be noted, and the minutes of an Executive Committee meeting must be made available to the Academic Affairs Council three (3) University days after the meeting.

- (3) If at least three (3) members of the Academic Affairs Council put a request in writing to the Chairperson within five (5) University days after the minutes are made available, the following must occur—
  - (a) The Chairperson must, within two (2) University days of the submission of the request, convene a special Academic Affairs Council meeting.
  - (b) The only item(s) on the agenda will be the issues in question from the minutes of the Executive Committee meeting.
  - (c) A simple majority of the membership of the Academic Affairs Council is required to set aside the decisions of the Executive Committee.
- (4) Any Academic Affairs Council member may request to attend an Executive Committee meeting as a non-voting member, provided that the request is submitted to the Secretary-General and Chairperson at least two (2) University days prior to the meeting.
  - (a) The request to attend must be approved by a simple majority vote of the Executive Committee.
- (5) The Executive Committee may request the attendance of any person that is relevant to specific agenda points, to attend meetings to simplify discussions.

## **17 Quorum**

- (1) Three (3) voting members of the Executive Committee constitute a quorum at meetings of the Executive Committee.

## ***Chapter 5: Discipline and Conflict***

### **18 Conflict Resolution**

- (1) The Vice-Chairperson of the Academic Affairs Council is responsible for promoting and maintaining healthy relations between members of the Academic Affairs Council and shall therefore—
  - (a) Endeavour to resolve conflict that may arise between members of the Academic Affairs Council by way of mediation, or alternatively appoint a member of the Academic Affairs Council to do so in their stead should the need arise.
  - (b) Ensure an acceptable level of discipline is maintained by members of the Academic Affairs Council.
  - (c) Handle all internal formal and informal complaints against members of the Academic Affairs Council in a manner that is respectful, fair, and just.
    - (i) Should a member disagree with the manner in which a complaint was handled, they may lodge an appeal to the Executive Committee of the Academic Affairs Council.
    - (ii) The Executive Committee of the Academic Affairs Council will decide on a resolution by way of a simple majority vote, excluding the Vice-Chairperson.
  - (d) Members must first attempt, in good faith, to resolve the conflict themselves, prior to lodging a formal or informal complaint with the Vice-Chairperson.

### **19 Disciplinary Procedures**

- (1) Disciplinary procedures must be instituted against any member of the Academic Affairs Council who—
  - (a) Is absent from three (3) meetings without excusing themselves and without a valid and accepted reason; and/or
  - (b) Acts in a manner which—
    - (i) Amounts to a serious dereliction of their duties; and/or
    - (ii) Brings the name of the Academic Affairs Council, Students' Representative Council, and/or Stellenbosch University's name into disrepute; and/or
    - (iii) Contravenes any Code of Conduct which Stellenbosch University or the Academic Affairs Council has implemented; and/or
    - (iv) Is contradictory to this Constitution, the Student Constitution, and/or the Constitution of the Republic of South Africa; and/or
    - (v) Undermines the mandate and functioning of the Academic Affairs Council and its members,

And/or;

- (c) Fails to inform the Academic Affairs Council of pending Central Disciplinary Committee proceedings against them within one (1) calendar week of being informed by the Central Disciplinary Committee.
- (2) Any member of the Academic Affairs Council or Stellenbosch University can bring forward a disciplinary matter to the Vice-Chairperson of the Academic Affairs Council, who is responsible for:
  - (a) Establishing a Disciplinary Committee on an *ad hoc* basis, and;
  - (b) Informing the accused of the formal allegations against them, within five (5) calendar days of the allegation being formally received.
- (3) Each Disciplinary Committee must include:
  - (a) The Vice-Chairperson of the Academic Affairs Council, who will chair the Disciplinary Committee;
  - (b) The Chairperson of the Academic Affairs Council or a member of the Executive Committee;
  - (c) Three (3) additional members, where:
    - (i) One (1) member is a randomly selected Academic Affairs Council member,
      - (aa) The Vice-Chairperson must conduct this draw from a pool of available members.
    - (ii) One (1) member who is a penultimate or final year law student,
      - (aa) Appointed by the Vice-Chairperson.
    - (iii) One (1) Academic Affairs Council member who is elected by a majority vote.
      - (aa) The Vice-Chairperson must conduct this election.
- (4) A Disciplinary Committee must investigate the matter thoroughly and hold a hearing no later than ten (10) university days after a Disciplinary Committee was established.
  - (a) The accused must be invited to this hearing.
  - (b) If the accused does not avail themselves, the hearing may proceed in their absence, after attempts to contact the accused have been made.
  - (c) No members have the right to representation in a Disciplinary Committee hearing.
- (5) In the case of a guilty verdict, a Disciplinary Committee has the power to:
  - (a) Dispose of the matter; and/or
  - (b) Reduce honoraria; and/or
  - (c) Order a formal apology; and/or
  - (d) Suspend the member; or
  - (e) Expel the member

- (i) If a member is expelled, the specific Faculty Student Committee from which that person came, or the Tygerberg Academic Affairs Council if applicable, has a duty to appoint a new member to the Academic Affairs Council,

And/or;

- (f) Any other reasonable and proportionate measure that is deemed appropriate by the Disciplinary Committee.
- (6) Any and all orders of a Disciplinary Committee—
- (a) Must be made within five (5) university days after the final hearing; and
  - (b) May be appealed to the Student Court within fifteen (15) University days.
- (7) All decisions of a Disciplinary Committee must be reported to the Students' Representative Council and made institutionally accessible, except for information deemed to be of an exceptionally private nature by the Disciplinary Committee and/or on the request of the injured/offended party.
- (8) A motion of no confidence—
- (a) May be brought against all members of the Academic Affairs Council where confidence in them is deemed to have been considerably lost, due to any reasons.
  - (b) To remove from the Academic Affairs Council, an ordinary member, an Executive Committee member, or the Chairperson or Vice-Chairperson of the Academic Affairs Council, a motion must be brought by a nominator and two (2) seconders at a special meeting.
    - (i) The nominator and seconders are empowered to call this special meeting.
    - (ii) The nominator must present all members with the facts of the motion at least three (3) days before the meeting.
    - (iii) All members of the Academic Affairs Council must be present, including the member who the motion is being brought against.
    - (iv) If reasonable attempts to compel the member against whom the motion is brought to attend the meeting fail, the Academic Affairs Council shall be entitled to vote in their absence.
    - (iv) The vote must be anonymous, so as to prevent against the pressuring of voters.
    - (v) A special majority vote will remove the member from their position on the Academic Affairs Council.
    - (v) If removed, this member will be removed from their office as Chairperson or Vice-Chairperson of their Faculty Student Committee.
    - (aa) This Faculty Student Committee must elect a new Chairperson and/or Vice-Chairperson within seven (7) University days.

- (c) To remove from the Executive Committee a member of the Executive Committee, a motion must be brought by a nominator and one (1) seconder at a special meeting.
  - (vi) The nominator and seconder are empowered to call this extraordinary meeting.
  - (vii) The nominator must present all members, including the member who the motion is being brought against, with documentation detailing reasons for the motion, as well as any evidence brought against them, at least three (3) days before the meeting.
  - (viii) All members of the Academic Affairs Council Executive Committee must be present, including the member who the motion is being brought against.
  - (vi) If reasonable attempts to compel the member against whom the motion is brought to attend the meeting fail, the Academic Affairs Council shall be entitled to vote in their absence.
  - (ix) The vote will be anonymous, so as to prevent against voter pressuring.
  - (x) A simple majority vote will remove the member from their position on the Academic Affairs Council Executive Committee.
  - (xi) The removed member must be replaced at the next meeting of the Academic Affairs Council.
- (d) Must be tabled in a meeting facilitated by the Vice-Chairperson, provided they are not the member against whom the motion is brought.
- (9) The Vice-Chairperson, in collaboration with the Secretary-General, must draft a report of the motion of no confidence, which must be passed on to the Students' Representative Council.
- (10) The tabling of a motion of no confidence, or the outcome of a motion of no confidence, cannot be appealed to the Student Court, however, may be reviewed by the Student Court on procedural grounds.
- (11) Where disciplinary proceedings are brought against the Vice-Chairperson, the Chairperson will fulfil all the Vice-Chairperson's duties in this section.
- (12) Where disciplinary proceedings are brought against both the Chairperson and the Vice-Chairperson, the Executive Committee will fulfil all the Vice-Chairperson's duties in this section, assisted by a member of Student Court.
- (13) All Faculty Student Committee and Tygerberg Academic Affairs Council disciplinary proceedings must—
  - (a) Be formally brought to the attention of the Vice-Chairperson of the Academic Affairs Council;
  - (b) Have the Vice-Chairperson of the Academic Affairs Council—
    - (i) or a delegated Executive Committee member,

- (ii) or a delegated Ordinary member who is not a member of the Faculty Student Committee in question, or the Tygerberg Academic Affairs Council if applicable, sit on the committee's disciplinary proceedings as an equal member.

(14) All Faculty Student Committee and Tygerberg Academic Affairs Council motions of no confidence must—

- (a) Have their outcome formally brought to the attention of the Academic Affairs Council at the first following meeting; and
- (b) Have a report of the motion of no confidence, inclusive of facts and evidence, presented to the Executive Committee of the Academic Affairs Council by a representative from the Faculty Student Committee, or Tygerberg Academic Affairs Council if applicable.

## ***Chapter 6: Elections***

### **20 Elections for the Ordinary Members of the Academic Affairs Council**

- (1) The representatives from the faculties serving on the Academic Affairs Council are elected to the Academic Affairs Council in terms of their respective Faculty Student Committee Constitutions and, in the case of the Tygerberg Academic Affairs Council, in terms of the Tygerberg Students' Representative Council Constitution and Tygerberg Academic Affairs Council Constitution.
- (2) The outgoing Academic Affairs Council Executive Committee may assist in these elections in an advisory capacity.

### **21 Election of the Academic Affairs Council Chairperson**

- (1) The election of the Academic Affairs Council Chairperson must take place at a meeting of the outgoing Academic Affairs Council.
  - (a) This meeting must occur before the Students' Representative Council General Election commences.
  - (b) The meeting is chaired by the Electoral Commissioner.
  - (c) Only outgoing Academic Affairs Council members with general voting rights may exercise their right to vote in this specific meeting.
  - (d) The meeting shall be open to any student to attend but participation in questions will be limited to the rules established by the Electoral Commissioner.
- (2) Only current Academic Affairs Council members, or students who have previously served on the Academic Affairs Council, may stand for the position of Academic Affairs Council Chairperson.
  - (a) In cases where there are no willing candidates, the Academic Affairs Council must, after consultation with the Electoral Commissioner and the outgoing Students' Representative Council Executive Committee, determine a just and equitable process to nominate other students for the position.
- (3) The outgoing Executive Committee, in consultation with the Electoral Commissioner, must determine at least one (1) month before the meeting referred to in Section 21(1) the following:
  - (a) The manner in which nominations will take place;
  - (b) How the meeting in Section 21(1) will be facilitated;
  - (c) The rules regarding non-Academic Affairs Council members attending the meeting; and
  - (d) How voting will take place.

- (4) The following minimum requirements must be met for a meeting as referred to in Section 21(1) to be valid:
  - (a) The meeting must be advertised to the Academic Affairs Council at least ten (10) days before it will take place;
  - (b) Each candidate must make oral representations on their suitability;
  - (c) Academic Affairs Council members must be provided adequate time to ask the candidates questions; and
  - (d) Voting must take place during the meeting itself.
- (5) A positive vote is required to elect a new chairperson, provided—
  - (a) When only one candidate is standing for the position, a two-thirds (2/3<sup>rd</sup>s) majority is required for that candidate to be elected to the position.
    - (i) If this candidate does not obtain the required votes, the Electoral Commission is empowered and mandated to hold a new election process under any provisions which it deems fit and necessary.
- (6) The following persons will not be eligible to stand for this position:
  - (a) Students that will be serving on a Faculty Student Committee, or on the Tygerberg Academic Affairs Council, in the subsequent leadership term.

## **22 Election of the Academic Affairs Council Vice-Chairperson**

- (1) The election of the Academic Affairs Council Vice-Chairperson must take place at a meeting of the outgoing Academic Affairs Council.
  - (a) This meeting must occur before the Students' Representative Council General election commences.
  - (b) The meeting is chaired by the Electoral Commissioner.
  - (c) Only outgoing Academic Affairs Council members with general voting rights may exercise their right to vote in this specific meeting.
  - (d) The meeting shall be open to any student to attend but participation in questions will be limited to the rules established by the Electoral Commissioner
- (2) Only current Academic Affairs Council members, or students who have previously served on the Academic Affairs Council, may stand for the position of Academic Affairs Council Vice-Chairperson.
  - (a) In cases where there are no willing candidates, the Academic Affairs Council must, after consultation with the Electoral Commissioner and the outgoing Students' Representative Council Executive Committee, determine a just and equitable process to nominate other students for the position

- (3) The outgoing Executive Committee, in consultation with the Electoral Commissioner, must determine at least one (1) month before the meeting referred to in Section 22(1) the following:
  - (a) The manner in which nominations will take place;
  - (b) How the meeting in Subsection (1) will be facilitated;
  - (c) The rules with regards to non-Academic Affairs Council members attending the meeting;
  - (d) How voting will take place.
- (4) The following minimum requirements must be met for a meeting as referred to in Section 22(1) to be valid:
  - (a) The meeting must be advertised to the Academic Affairs Council at least ten (10) days before it will take place; and
  - (b) Each candidate must make oral representations on their suitability; and
  - (c) Academic Affairs Council members must be provided adequate time to ask the candidates questions; and
  - (d) Voting must take place during the meeting itself.
- (5) A positive vote is required to elect a new Vice-Chairperson, provided that—
  - (a) When only one candidate is standing for the position, a two-thirds (2/3<sup>rd</sup>s) majority is required for that candidate to be elected to the position.
    - (i) If this candidate does not obtain the required votes, the Electoral Commission is empowered and mandated to hold a new election process under any provisions which it deems fit and necessary.
- (6) The following persons will not be eligible to stand for this position:
  - (a) Students that will be serving on a Faculty Student Committee, or on the Tygerberg Academic Affairs Council, in the subsequent leadership term.

## ***Chapter 7: Term of Office***

### **23 Term of Office**

- (1) The term of a member of the Academic Affairs Council, including members of the Executive Committee, but excluding the Chairperson and Vice-Chairperson of the Academic Affairs Council—
  - (a) Ends on the successful election of the incoming Chairperson and Vice-Chairperson on their Faculty Student Committee and the Tygerberg Academic Affairs Council, on the conditions that:
    - (i) The outgoing Ordinary Member of the Academic Affairs Council must have included a detailed written account of their duties and obligations on the Academic Affairs Council in their term report, successfully handed over to the incoming successor; and
    - (aa) This written account must be approved by the outgoing Vice-Chairperson of the Academic Affairs Council, or any delegated member(s) of the outgoing Executive Committee.
    - (ii) The passing of the final working day of the third term of the academic calendar has passed.
  - (b) Begins at their successful election into the Office of Chairperson or Vice-Chairperson on their Faculty Student Committee and the Tygerberg Academic Affairs Council, on the conditions that the final working day of the third term of the academic calendar has passed.
- (2) The terms of the Chairperson and Vice-Chairperson of the Academic Affairs Council—
  - (a) Ends—
    - (i) On their successor's valid election; and
    - (ii) Upon passing their approved term report to their successor; and
    - (iii) Upon the passing of the final working day of the third term of the academic calendar; and
    - (iv) With regard to the Chairperson, when the outgoing Students' Representative Council term ends.
  - (b) Begins—
    - (i) On their valid election; and

- (ii) Upon the passing of the final working day of the third term of the academic calendar; and
  - (iii) With regard to the Chairperson, when the incoming Students' Representative Council term begins.
- (3) The term of an appointed Officer of the Academic Affairs Council—
  - (a) Ends—
    - (i) Upon the lapsing of the period detailed in their agreement with the Chairperson of the Academic Affairs Council in accordance with Section 15(6); and
    - (ii) On the satisfactory completion of conditions stipulated in their agreement with the Chairperson of the Academic Affairs Council in accordance with Section 15(6).
  - (b) Begins—
    - (i) On their valid appointment; and
    - (ii) The signing of their agreement with the Chairperson of the Academic Affairs Council, in accordance with Section 15(6).
- (4) Should the term of a member of the Academic Affairs Council come to an end prior to the completion of an allocated project, event and/or institutional obligation, that project, event and/or institutional obligation may remain the duty of the relevant outgoing member to fulfil, unless it is capable of being passed on to an incoming member.
  - (a) This member will automatically obtain the status of an *ad hoc* member of the Academic Affairs Council, with no voting rights, but speaking privileges.
  - (b) This will terminate upon the completion of their project.
- (5) Outgoing Academic Affairs Council members have a reasonable duty to assist and guide incoming Academic Affairs Council members.
- (6) Detailed and thorough term reports of the Academic Affairs Council Chairperson, Vice-Chairperson, and appointed Officers must be passed on by the outgoing Vice-Chairperson to the incoming Chairperson.
- (7) The transition between an outgoing Academic Affairs Council and an incoming Academic Affairs Council must take place at the end of the third (3<sup>rd</sup>) term and the beginning of the fourth (4<sup>th</sup>) term of the academic year.
- (8) The outgoing Academic Affairs Council is mandated to ensure that all Faculty Student Committees, and the Tygerberg Academic Affairs Council, complete their elections prior to the passing of the final working day of the third term of the academic calendar.
- (9) No member of the Academic Affairs Council will be eligible to receive an honorarium if they have failed to submit an acceptable term report timeously.

## Chapter 8: Task Teams

### 24 Task Teams

- (1) This Constitution allows for the creation of any task teams by the Academic Affairs Council.
- (2) The Academic Affairs Council can appoint task teams to address *ad hoc* or continuous issues.
  - (a) The Academic Affairs Council must consent to the establishment of a task team by way of a simple majority vote.
- (3) Any task team established by the Academic Affairs Council must be chaired by a member of the Academic Affairs Council and this member must be elected by the Academic Affairs Council by way of a simple majority vote.
- (4) The elected Chairperson of the task team has full prerogative to decide who serves on the task team, but must ensure that –
  - (a) The process of selecting the members who serve on the task team is fair, just, and non-discriminatory.
  - (b) Any student with the necessary skills has the opportunity to apply to serve on the task team, unless the urgency of the matter demands otherwise.
- (5) Any task team established by the Academic Affairs Council can be requested to provide feedback at Executive Committee meetings, and the Chairperson of the task team, or a delegated representative from the task team, must avail themselves to present feedback in these instances.
- (6) The Academic Affairs Council can delegate the authority to finalise an issue to a task team.
- (7) The Academic Affairs Council reserves the right to make the final decision on any matter investigated by a task team, taking into consideration the recommendations made by the task team.

## ***Chapter 9: Finances***

### **25 Students' Representative Council Subsidy to the Academic Affairs Council**

- (1) The Academic Affairs Council is entitled to a portion of the budget of the Students' Representative Council, as determined by the Executive Committee of the Students' Representative Council and any other relevant financial policy the Students' Representative Council is subject to.
  - (a) The Academic Affairs Council must request these funds in line with the provisions stipulated by the Students' Representative Council.

### **26 Levies to the Academic Affairs Council**

- (1) Further to Section 25(1), membership fees are levied from each Faculty Student Committee and from the Tygerberg Academic Affairs Council, as set out in Sections 7(1)(c) and 7(1)(d).
  - (a) These fees entail a levy per active student in the faculty of the specific Faculty Student Committee, and in the Faculty of Medicine and Health Sciences in the case of the Tygerberg Academic Affairs Council, subject to the following provisions:
    - (i) There is a difference, determined by the Deputy Vice-Chancellor: Learning and Teaching and Chief Operating Officer, between the fee levied on undergraduate students and postgraduate students, that is proportional to the ordinary tuition fees paid by these students.
    - (ii) The monetary value of the fee levied on undergraduate and postgraduate students is equal institutionally and is determined through close deliberation between the Academic Affairs Council Executive Committee, the Deputy Vice- Chancellor: Learning and Teaching, and the Chief Operating Officer.
    - (iii) The Deputy Vice-Chancellor: Learning and Teaching, and the Chief Operating Officer, enjoy absolute power regarding the final determination of this amount.
  - (b) The amount is payable to the Academic Affairs Council as soon as facilities are available for it.
    - (i) This amount must be paid by the end of the first academic semester at the latest.
  - (c) Additional donations or administrative fees may be accepted from Faculty Student Committees, or the Tygerberg Academic Affairs Council, provided these are disclosed to the Academic Affairs Council, the Students' Representative Council, and all students within five (5) University days of the donation or administrative fee transfer.
    - (i) Such donations or administrative fees must be earmarked for a specific use within the functioning of the Academic Affairs Council and its mandate, and the budget of the Academic Affairs Council must be updated accordingly within five (5) University days.

- (1) Every member of the Academic Affairs Council, as set out in Section 7, comes into consideration for a leadership bursary, provided that the Centre for Undergraduate Bursaries and Loans, or its equivalent, enjoys absolute power regarding the awarding of a leadership bursary, subject to Sections 27(1) and 27(2).
- (2) The leadership bursary is a concession, and members who are not actively involved in the activities and the execution of duties of the Academic Affairs Council as per this Constitution, will not come into consideration to receive the bursary, or a portion thereof.
- (3) An evaluation of the amount to which each member of the Academic Affairs Council may be awarded will take place in terms of the following, but is not limited to:
  - (a) Timely and satisfactory response to internal communication;
  - (b) Punctuality and preparation for meetings, as well as meeting attendance;
  - (c) Execution of instructions received from the Chairperson of the Academic Affairs Council and other members of the Academic Affairs Council Executive Committee, in addition to any resolutions adopted at a meeting of the Academic Affairs Council;
  - (d) Execution of other duties assigned to the member by this Constitution, as well as the Constitution of their respective Faculty Student Committee or the Tygerberg Academic Affairs Council Constitution in the case of the Tygerberg Academic Affairs Council.
- (4) The discretion for the awarding of leadership bursaries, on the basis of the criteria stipulated in Section 27(3), lies with the Academic Affairs Council Executive Committee in consultation with the Deputy Vice-Chancellor: Learning and Teaching.

## ***Chapter 10: Constitutional Amendments and Review***

### **28 Constitutional Amendments to this Constitution**

- (1) The Executive Committee of the Academic Affairs Council shall be responsible for appointing a Chairperson of the Constitutional Review/Amendment Committee when the need arises in accordance with this section or Section 29.
  - (a) This Chairperson will be responsible for composing the Constitutional Review/Amendment Committee, which must consist of:
    - (i) The Chairperson of the Constitutional Review/Amendment Committee;
    - (ii) The Chairperson of the Academic Affairs Council (if they are not the Chairperson of the Constitutional Review/Amendment Committee);
    - (iii) At least one (1) other member of the Executive Committee of the Academic Affairs Council;
    - (iv) At least two (2) student leaders who are students from the Faculties of Law, Arts and Social Sciences, or Economic and Management Sciences, and have passed the primary Constitutional Law module;
    - (v) At least one (1) member from the Students' Representative Council, preferably the Policy Officer;
    - (vi) A Secretary-General, who may also be a member listed in Sections 28(1)(a)(iii)-(v).
    - (vii) At least five (5) members.
  - (b) The Constitutional Review/Amendment Committee is responsible for identifying, deliberating on, and proposing amendments to this Constitution.
    - (i) The Chairperson of the Constitutional Review/Amendment Committee must arrange sittings to give effect to this mandate.
    - (ii) The Chairperson must make a request for submissions from the Academic Affairs Council members and the Constitutional Review/Amendment Committee must deliberate on these submissions.
      - (aa) Submissions must be receivable for a period of at least seven (7) university days unless the amendment is urgent in nature.
    - (iii) The Constitutional Review/Amendment Committee must—
      - (aa) Create a document of the active Constitution of the Academic Affairs Council of Stellenbosch University with proposed amendments and reasons for the amendments, and;
      - (bb) Create a proposed amended Constitution of the Academic Affairs Council of Stellenbosch University document.

- (iv) Quorum will be five (5) members of the Constitutional Review/Amendment Committee.
- (c) Upon completion, the Chairperson of the Constitutional Review/Amendment Committee must call a special meeting of the Academic Affairs Council and distribute—
  - (i) The proposed amended Constitution of the Academic Affairs Council of Stellenbosch University document, and
  - (ii) A document of the active Constitution of the Academic Affairs Council of Stellenbosch University, with proposed amendments and the reasons for the amendments,

At least three (3) days before the special meeting of the Academic Affairs Council is to be held.
- (d) At the special meeting of the Academic Affairs Council, the Chairperson of the Constitutional Review/Amendment Committee must—
  - (i) Motivate the Constitutional Review/Amendment Committee's proposals, and;
  - (ii) Call for a ratifying vote to amend the Constitution of the Academic Affairs Council of Stellenbosch University in line with each section of the document presented.
    - (aa) Ratification of amendments to this Constitution require approval by a two thirds ( $2/3^{\text{rds}}$ ) majority vote by the Academic Affairs Council members with voting rights.
- (e) The outcome of any Constitutional amendment must be communicated to the Students' Representative Council, within five (5) university days.
- (f) All amendments to this constitution will only take effect on approval by Student Court, except in cases where ratification is denied in which case it will take effect on approval by the Appeal Court.

## **29 Constitutional Review**

- (1) The Academic Affairs Council must review this Constitution every 5<sup>th</sup> year through the creation of a Constitutional Review Committee.

## **30 Amendments to Faculty Student Committee Constitutions**

- (1) Amendments to a Faculty Student Committee's Constitution must—
  - (a) Be in accordance with the amendment procedures stated in the respective empowering documents, and;

- (i) Where these procedures are insufficient or non-existent, the Faculty Student Committee's Chairperson and Vice-Chairperson must approach the Academic Affairs Council member stipulated in Section 30(1)(b) for a formal procedure, which must be approved by the Academic Affairs Council Executive Committee.
- (b) Include a member of the Executive Committee of the Academic Affairs Council, or a duly authorised delegate chosen from the ranks of the Academic Affairs Council, who will sit on the respective Committee's Constitutional Review/Amendment Committee.
  - (i) This member will have equal rights as the other members.
- (c) Be proposed to the Academic Affairs Council for ratification by the Chairperson of the Faculty Student Committee's Constitutional Review/Amendment Committee—
  - (i) Following approval from the Faculty Student Committee in accordance with their Constitution, and;
  - (ii) At a special Academic Affairs Council meeting.
- (d) Be ratified by the Academic Affairs Council in accordance with Section 31 of this Constitution.
- (e) The special Academic Affairs Council meeting must be called for by the Chairperson of the Faculty Student Committee's Constitutional Review/Amendment Committee—
  - (i) With notice of at least five (5) university days, and;
  - (ii) With the following documents submitted at least five (5) university days prior to the meeting:
    - (aa) The active Faculty Student Committee Constitution;
    - (bb) The current Faculty Student Committee Constitution with comments on proposed amendments and reasons for the proposed amendments, and;
    - (cc) A proposed, amended Constitutional document, intended to be the new Constitution of the Faculty Student Committee.
- (f) Wherein the Chairperson of the Faculty Student Committee's Constitutional Review/Amendment Committee will explain the proposals per section and call for a vote to ratify each section separately.
  - (i) On the request of the Chairperson of the Faculty Student Committee's Constitutional Review/Amendment Committee, the Academic Affairs Council may agree to ratify the proposed amendments all at once, following a detailed presentation of each proposed amendment.
- (g) The Chairperson of the Faculty Student Committee's Constitutional Review/Amendment Committee is mandated to be either the Chairperson or Vice-Chairperson of the Faculty Student Committee.

## 31 Ratification of Faculty Student Committee Constitutions

- (1) With regard to the ratification of Faculty Student Committee Constitutions:
  - (a) The Academic Affairs Council may ratify any Constitutions, rules, or regulations, or amendments thereto, by Faculty Student Committees, after the Faculty Student Committee has approved of the proposed Constitution, rules, or regulations, or amendments thereto, in accordance with their Constitution.
  - (b) The Academic Affairs Council must receive mandatory training facilitated by the Student Court to equip them with the skills necessary for the execution of its duty to ratify such amendments.
    - (i) This training must be arranged by the Vice-Chairperson of the Academic Affairs Council, in collaboration with the Chief Justice of the Student Court, to be held in the fourth (4<sup>th</sup>) term of the academic calendar year, or as soon thereafter as possible.
  - (c) Ratify in this section will be understood to be a two-thirds (2/3<sup>rds</sup>) majority vote in favour of ratification.
  - (d) The Academic Affairs Council may give conditional ratification to a Constitution or such amendments under circumstances they deem just and equitable. In such cases—
    - (i) The failure of the Faculty Student Committee's Constitutional Review/Amendment Committee to enact the condition/s by the set date will render the conditionally ratified section/s invalid from the instance. The previous Constitution's analogous section will then be reinstated.
      - (aa) Where this creates an undue prejudice for the faculty committee, the Chairperson of the Faculty Student Committee's Constitutional Review/Amendment Committee and the Academic Affairs Council Vice-Chairperson must seek resolution from the Student Court.
      - (bb) The date which the Academic Affairs Council sets for compliance with the condition(s) must be a minimum of two (2) months.
    - (ii) Failure of a Faculty Student Committee's Constitutional Review/Amendment Committee to enact the condition/s set out by the Academic Affairs Council by the date specified, constitutes sufficient ground upon which to institute disciplinary proceedings against the Chairperson of the Faculty Student Committee's Constitutional Review/Amendment Committee.
  - (e) Reviews against the decisions of the Academic Affairs Council must be made to the Student Court only on procedural grounds.

## ***Chapter 11: Student Court Jurisdiction***

### **32 Student Court Jurisdiction**

- (1) The Student Court is authorised to adjudicate over—
  - (a) All matters for which this Constitution provides jurisdiction; and
  - (b) An appeal against any decision made by the Academic Affairs Council Executive Committee, for which this Constitution allows.
- (2) The Student Court may refuse to approve new Constitutions, rules, regulations, or amendments submitted by the Academic Affairs Council on the grounds of—
  - (a) Procedural fairness; and
  - (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 Appeal Court against a refusal by the Student Court in terms of Section 32(1).
- (4) The Academic Affairs Council must receive mandatory training by Student Court, prior to approving any constitutions, rules, or regulations, or amendments thereto, by Faculty Student Committees.
  - (a) All Constitutions, rules, or regulations, or amendments of a Faculty Committee Constitution, must be approved by the Academic Affairs Council.
  - (b) Appeals of the decisions of the Academic Affairs Council must be in accordance with the procedure set out in the Academic Affairs Council Constitution.